J086: Key Document References for Section 5A Priority Structures **APPENDIX 07**

Section	Item	Page	Document Reference	Hard Copy in Folder	Summary of Content
Main Body Report	1	3	INF CORR 5819	N	On 16 August 2010 **tie** issued a Remediable Termination Notice (RTN) to the Infraco in respect of an [alleged/apparent] Infraco default relating to Clause 60
	2	3	25.1.201.KDR.6791	N	The Infraco responded to that RTN on 24 September 2010 disputing the validity of same and inviting tie to withdraw the RTN
	3	3	25.1.201/KDR/6805	N	The Infraco submitted a Rectification Plan on 24 September 2010 (expressly stated as being without prejudice to its position that the RTN was invalid
	4	3	INF CORR 6386	N	That Rectification Plan was rejected by **tie** on 7 October 2009
	5	3	INF CORR 6316	N	On 29 September 2010, tie issued a separate RTN to the Infraco in respect of an [alleged] Infraco default relating to Clause 79
	6	4	25.1.201.KDR.7390	N	The Infraco responded to that RTN on 9 November 2010 disputing the validity of same and inviting tie to withdraw the RTN
	7	5	Period Report No 3-10 & 3-11, to 29 January 2011	N	Infraco Period Report
	8	5	Programme Revision 1 tracked for V66 Design Programme and Progress to 21 January 2011" and the Infraco's "Update Programme updated for V66 Design Programme and Progress to 21 January 2011	N	Programmes from Infraco Period Report 3-10 & 3-11 dated 29 January 2011
	9	8	INF CORR - ??	N	tie letter rejecting the Infraco Rev 03 Programme. Do not have letter.
	10	8	25.1.201/KDR/6791	N	The Infraco letter states that this is the programme on which they are recording progress.
	11	11	25.1.201/KDR/6694	N	MUDFA 2 (INTC 536) Infraco submission dated 17/09/2010 re DWA's.
	12	12	25.1.201.KDR.6791	N	The Infraco letter ref 25.1.201.KDR.6791 disputed the validity of the RTN and invited tie to withdraw same.
	13	12	25.1.201/KDR/6805	N	Notwithstanding that position, the Infraco also submitted a Rectification Plan on 24 September 2010 (expressly stated as being without prejudice to its position that the RTN was invalid) under cover of its letter ref 25.1.201/KDR/6805
	14	18	NR/L3/INI/CP0044 Work Package Planning Process	N	Work Package Planning Process
	15	18	RT/LS/P/043 Health & Safety Management of Third Party Works.	N	Health & Safety Management of Third Party Works.
	16	19	Gary Walker of NR email on 13 December 2010.	N	That email stated the following:- "Further to our discussions at the last Network Rail / Tie progress meeting I would like to confirm that no heavy civils works should take place on or directly adjacent to Network Rail assets until the Construction Phase Health and Safety Plan has been reviewed and updated to show the current set-up."
	17	19	INF CORR 6927/WB	N	tie concluded that letter (ref. INF CORR 6927) by stating that by stating that "Any delay in commencement of the Heavy Civils works along the Rail Corridor on NWR assets caused by the re-submission and approval of the Network Rail Construction Phase Health and Safety Plan will be the responsibility of BSC".
	18	19	Asset Protection Agreement	N	Asset Protection Agreement Schedule Part 27
	19	19	25.1.201/BCW/7792	N	The Infraco responded to the above correspondence on 6 January 2011 (25.1.201/BCW/7792). Within that letter the Infraco noted:- "We confirm the accepted Network Rail Construction Phase Plan is currently being revised and no "Heavy Civil works" will be undertaken without the plan being fully updated and approved by the relevant parties".
	20	20	INF CORR 7239.1	N	tie confirmed "Prior approval from NWR is required before any change is undertaken by BSC. Failure to do so is in contravention of the Asset Protection Agreement sections 7.2.2.2, 7.2.2.4 and 9.4 which is contained in Schedule part 27 of the Infraco Contract.
	21	20	INF CORR 7442	N	tie wrote again to the Infraco on 2 March 2011 (under cover CORR INF 7442) confirming that they had yet to receive the updated Construction Phase Plan from the Infraco
	22	21	INF CORR 7443	N	tie has yet to receive a up dated Track Monitoring Action Plan from the Infraco showing how it will demonstrate compliance with Schedule 27 (and Clause 3 of same in particular)
	23	22	NR/SP/MTC/088 Management of Changed Assets	N	Management of Changed Assets
	24	23	NR/SP/CIV/003	N	Design of Temporary Works (NWR Standard NR/SP/CIV/003 Technical Approval of Design – Construction and maintenance of Civil Engineering Infrastructure
	25	23	NR/L3/INI/CP0044	N	NWR Standard NR/L3/INI/CP0044 regarding Work Package Planning Process
	26	23	NR/PRC/MPI/C10058	N	Controlling the Risk of Earthworks Instability during Earth Works
	27	24	INF CORR 6432	N	tie confirmed to the Infraco that in effect its submission was non-compliant with Network Rail's requirements (specifically in relation to Section 5A Roseburn to Balgreen Road) and detailed the specific NR concerns which required close-out.
	28	25	INF CORR 6717	N	On 17 November 2010 (INF CORR 6717) tie reiterated those comments and concerns
	29	25	INF CORR 6814	N	A further similar letter was issued by tie to the Infraco on 3 December 2010
	30	25	25.1.201/BCW/7717	N	On 16 December 2010 Infraco acknowledged receipt of same within its letter ref. 25.1.201/BCW/7717 and requested a meeting to discuss same.
	31	25	INF CORR 7047	N	tie letter arranging a meeting for 11 January 2011.
	32	27	WPP & Form C Tracker	N	WWP and Form C Tracker dated 10/01/2011
	33	27	INF CORR 671	N	tie's letter to the Infraco dated 17 November 2010 (INF CORR 671) clearly stated that " *As noted in the status report* [attached to that letter] *NWR will only sign off qualified WPPs which state that no works can commence until the Track Monitoring Action Plan has been agreed and signed off by NWR* ".
	34	29	Dispute 13 regarding Clause 80.13	N	Dispute Resolution Procedures Nr 13 Decision
	35	30	Acutus email of 28/01/11	N	Legal/contractual questions to McGrigors
	36	31	25.1.201/MRH/1134	N	This shows that instead of aiming to comply with the contractual timescale of 18 Business Days (3 weeks and 3 days), the Infraco expects to provide Estimates on average within 17 to 21/22 weeks.
	37	36	25.1.201/GA/7085	N	Refer to Appendix 05 below.
	38	36	INF CORR 6571	N	Refer to Appendix 05 below.
	39	36	25.1.201/DG/7300	N	Refer to Appendix 05 below.
	40	37	25.1.201/GA/7529	N	Refer to Appendix 05 below.
	41	37	INF CORR 6900	N	Refer to Appendix 05 below.
	42	40	Acutus Email Dated 14/01/2011	N	Email to tie management explaining categorisation of INTC's. (Refer to Appendix 01 below)
Appendix 01	1	1	ULE 90130-05-REP-00146	Y	CEC: AIP for S21C.
S21C	2	3	Contract Programme Updated for V31 & Mitigation dated 14/08/2008	N	Original Contract Programme
	3	4	INF CORR - ??	N	tie letter rejecting the Infraco Rev 03 Programme. Do not have letter.
	4	4	25.1.201/KDR/6791	N	The Infraco letter states that this is the programme on which they are recording progress.
	5	5	Period Report No 3-10 & 3-11, to 29 January 2011	N	Period Report
	6	5	Drawing Numbers: ULE90130-05-BRG-00683 rev4 / 00684 rev5 / 00685 rev4 / 00686 rev3 & ULE90130-05-FOR-002119 rev1 / 00220 rev1 / 000243 rev1.	N	Original IFC Drawing Release
	7	6	**tie** Drawing Register (as at 25 January 2011)	N	tie Drawing Register
	8	6	ULE90130-05-RTW-00682 rev2	N	Further 1 nr IFC drawing was issued against Murrayfield Underpass (S21C) on the 20/01/2009
	9	7	WWP and Form C Tracker	N	WWP and Form C Tracker dated 10/01/2011
	10	8	INF CORR 671	N	tie letter informing the Infraco that NWR will only sign off qualified WPP's.
	11	9	Acutus Email Dated 14/01/2011	Y	Email to tie management explaining categorisation of INTC's
	12	11	25.1.201/IO/495	N	INTC 109 issued by the Infraco
	13	11	25.1.201.IO.3651	Y	The Infraco finally submit its Estimate for INTC 109 on 30/09/2009
	14	12	INF CORR 2850/SJ	N	tie respond to the Infraco Estimate
	15	12	INF CORR 4487	Y	tie instructed the Infraco to carry out the works pursuant to clause 80.13
	16	12	25.1.201/KDR/5763	Y	The Infraco's subsequently responded and reaffirmed its position with regard to the 80.13 instruction as detailed in its letter dated 21/05/2010
	17	12	25.1.201/KDR/5867	Y	Consistent with the Dispute Resolution Procedure, a meeting was held between **tie** and the Infraco senior management (Messrs Steven Bell and Martin Foerder) on the 25/05/2010. (INTC109 refers)
	18	13	INF CORR 5322	Y	tie issued a tie Change Order (Nr. 120), instructing the Infraco to proceed with the works in connection with the Murrayfield Stadium Underpass (S21C) (INTC 109 refers)
	19	13	25.1.201/RJW/6100	Y	Pursuant to paragraph 9.3 of Schedule Part 9, a CEO meeting was subsequently held between the Parties on the 21/06/2010 to discuss the Position Papers provided. A summary of this meeting was detailed in the Infraco's letter dated 22/06/2010
	20	13	INF CORR 6003/SJ	Y	**tie** submitted its assessment of the Estimate for INTC 109 in its letter dated 20/10/2010 at **£25,930.38**
	21	14	INF CORR 7183	Y	In its most recent correspondence to the Infraco, **tie** summarised its position with regard to INTC 109 in its letter dated 27/01/2011
	22	15	25.1.201/JMD/C/02/7256	Y	It would appear that the Infraco has raised INTC 667 for changes (it avers) have arisen due to a requirement for soil nailing works at the Murrayfield Underpass (S21C). This is confirmed in the Infraco letter dated 29/10/2010. Estimate attached
	23	15	25.1.201/CF/2833	Y	The Infraco first notified tie in its letter dated 16/06/2009, that (in its opinion) the IFC drawings for the Murrayfield Underpass (S21C) required "the installation of permanent sheet piling which would necessitate an anchoring system which can be satisfied by nailing".

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	24	16	INF CORR 2138/DC	Y	With regard to INTC 414, tie responded above stating that it "does not consider that both circumstances (i.e. trial soil nailing at RRB and MU) constitute tie changes and would therefore ask you to provide appropriate evidence to support your case" and that "for tracking and clarity purposes we would request that you split your responses for each location in the future".
	25	16	25.1.201/CF/3418	Y	On 03/09/2009 the Infraco responded by submitting separate Estimates for both the Russell Road Underbridge (S21A) and the Murrayfield Underpass (S21C).
	26	16	INF CORR 2606/MP	Y	**tie** responded to this Estimate in its letter dated 09/10/2009 and stated that "the requirement to soil nail in this location is associated with BSC's temporary works we do not accept that this work is a change" (emphasis added).
	27	16	25.1.201/JMD/C/02/7256	Y	The Infraco submitted a revised Estimate for the 'test' soiling nailing works under cover of its letter dated 29/10/2010 in the sum of £42,892.64. This was submitted under INTC 667a (Part Estimate – S21C Murrayfield Underpass Test Soil Nailing).
Appendix 02	1	1	ULE 90130-05-REP-00146	Y	CEC: AIP for S21B
S21B	2	3	Contract Programme Updated for V31 & Mitigation dated 14/08/2008	N	Original Contract Programme
	3	4	INF CORR - ??	N	tie letter rejecting the Infraco Rev 03 Programme. Do not have letter.
	4	4	25.1.201/KDR/6791	N	The Infraco letter states that this is the programme on which they are recording progress.
	5	6	Period Report No 3-10 & 3-11, to 29 January 2011	N	Period Report
	6	7	ULE90130-05-RTW-00440 to 00452	N	IFC Drawings: the actual issue date was 25/07/2008
	7	7	**tie** Drawing Register (as at 25 January 2011)	N	tie Drawing Register
	8	7	ULE90130-05-RTW-00444rev7, 00443rev6, 00446rev4	N	A further 3 nr IFC drawings were issued against Murrayfield Retaining Walls (S21B) on the 20/03/2009.
	9	9	WWP and Form C Tracker	N	WWP and Form C Tracker dated 10/01/2011
	10	10	INF CORR 671	N	tie letter informing the Infraco that NWR will only sign off qualified WPP's.
	11	12	Acutus Email Dated 14/01/2011	N	See item 11 in Appendix 1 (duplicate)
	12	13	25.1.201.IO.497	Y	INTC 106 was issued by the Infraco on the 15/09/2008 (circa **53** calendar days after IFC issue)
	13	14	25.1.201.IO.5928	Y	The Infraco revised its date for submission **7 times** (defaulting each time) before finally submitting an estimate totalling **£546,492.22** on 08/06/2010
	14	14	INF CORR 5493	Y	In response to the Infraco's letter dated 07/07/2010 tie stated that it did not consider that these works constituted a change.
	15	14	25.1.201.IO.6505	Y	Infraco submit updated Estimate
	16	15	INF CORR 6441/SC	N	Subject to its opinion that the above noted changes (cited by the Infraco) did not constitute a Notified Departure **tie** issued the following letter to the Infraco dated 13/10/2010
	17	15	INF CORR 6969/SBa	Y	Subject to its opinion that the above noted changes (cited by the Infraco) did not constitute a Notified Departure **tie** issued the following letter to the Infraco dated 21/12/2010
	18	15	25.1.201/GA/7847	Y	the Infraco reasserted that these changes did constitute a Notified Departure and clarified its position with regard to clause 34.1 in its letter dated 18/01/2011
	19	15	INF CORR 7524	N	In its letter dated 10/03/11 tie reaffirmed its position that the works attaching to INTC 106 are not (in its opinion) a Notified Departure.
	20	16	25.1.201.80c.6329	N	INTC 625 was issued on the 28/07/2010 and titled 'Murrayfield Corridor Retaining Walls Ground Improvement'
	21	17	25.1.201/SN/6630	N	INTC 625 was subsequently the subject of discussion between the Parties at a meeting held on the 13/08/2010. In the Infraco's letter dated 03/09/2010 specific reference was made to a proposed solution for same to be discussed with tie's Colin Neil during week commencing 13/09/2010
	22	17	INF CORR 6969/SBa	N	See item 16 above (duplicate)
	23	17	25.1.201/GA/7871	N	The Infraco finally submitted its Estimate (which proposed three potential solutions) within its letter dated the 20/01/2011
	24	18	INF CORR 7457	N	The letter also authorised the Infraco to proceed with the site investigation works, as detailed within the original Estimate, in the sum of **£19,538.93**
Appendix 03	1	1	ULE 90130-05-REP-00146	Y	CEC: AIP for S21D
S21D	2	3	Contract Programme Updated for V31 & Mitigation dated 14/08/2008	N	Original Contract Programme
	3	4	INF CORR - ??	N	tie letter rejecting the Infraco Rev 03 Programme. Do not have letter.
	4	4	25.1.201/KDR/6791	N	The Infraco letter states that this is the programme on which they are recording progress.
	5	5	Period Report No 3-10 & 3-11, to 29 January 2011	N	Period Report
	6	6	ULE90130-05-RTW-0483rev3 / 0484rev4 / 0485rev4 / 0486rev4 / 0487rev4 / 0488rev4 / 0490rev3 / 0491rev3 / 0492rev3 / 0493rev3 & ULE90130-05-FOR-00015rev1 /00016rev1.	N	The Rev 1 programme identifies the planned date for the issue of the IFC against Murrayfield Retaining Walls (S21D) as being 05/08/2008; the actual release date was 01/08/2008
	7	6	**tie** Drawing Register (as at 25 January 2011)	N	tie Drawing Register
	8	8	WWP and Form C Tracker	N	WWP and Form C Tracker dated 10/01/2011
	9	10	Acutus Email Dated 14/01/2011	N	See item 11 in Appendix 1 (duplicate)
	10	11	25.1.201.IO.683	Y	INTC 147 was issued by the Infraco on 14/10/2008 (circa 75 calendar days after IFC issue)
	11	12	25.1.201.IO.3273	Y	The Infraco did not submit its Estimate of **£1,342,200.42** until 13/08/2009
	12	12	INF CORR 2524/TC	Y	**tie's** letter of 16/10/2009 clarified the matters discussed at that meeting and requested that the current Estimate be amended / revised.
	13	12	25.201/IO/5249	Y	The Infraco revised its Estimate on 06/04/2010 to £454,039.00
	14	12	INF CORR 4865/Sba	Y	**tie** responded to the revised Estimate on 23/04/2010 and assessed INTC 147 at £13,945.73
	15	12	INF CORR 7496	Y	To further illustrate the Parties difference of opinion on this matter, **tie** in its most recent correspondence on INTC 147 in its letter dated 10/03/2011 enclosed another revised assessment of INTC 147 in the sum of -£70,846
Appendix 04	1	1	ULE 90130-05-REP-00146	Y	CEC: AIP for W8
W8	2	2	Contract Programme Updated for V31 & Mitigation dated 14/08/2008	N	Original Contract Programme
	3	3	INF CORR - ??	N	tie letter rejecting the Infraco Rev 03 Programme. Do not have letter.
	4	4	25.1.201/KDR/6791	N	The Infraco letter states that this is the programme on which they are recording progress.
	5	4	Period Report No 3-10 & 3-11, to 29 January 2011	N	Period Report
	6	5	ULE90130-05-RTW-00200 rev5 / 00201 rev7 / 00202 rev6 / 00203 rev6 / 00204 rev5 / 00205 rev4 / 00206 rev4 / 00207 rev4 / 00208 rev3 / 00209 rev3 / 002010 rev3 / 002011 rev3 / 002012 rev3	N	IFC Drawings: The Rev 1 programme identifies the planned date for the issue of the IFC against Baird Drive Retaining Wall (W8) as being 28/07/2008; the actual issue date was 25/07/2008
	7	5	**tie** Drawing Register (as at 25 January 2011)	N	tie Drawing Register
	8	6	WWP and Form C Tracker	N	WWP and Form C Tracker dated 10/01/2011
	9	7	INF CORR 671	N	The inextricable link between the approval process associated with the WPP / 'Form C' processes and the Track Monitoring Action Plan was articulated in **tie's** letter to the Infraco dated 17 /11/10
	10	9	Acutus Email Dated 14/01/2011	N	See item 11 in Appendix 1 (duplicate)
	11	10	25.1.201/GA/5424	Y	INTC 613 was issued by the Infraco on the 16/04/2010 (circa **631** calendar days after IFC issue)
	12	10	25.1.201/GA/6570	Y	On the 30/08/2010 (**16 weeks** after the Estimate due date) the Infraco, in its letter titled 'Removal and disposal of contaminated soil W8 Baird Drive Retaining Wall' stated that:- "Currently, we are unable to accurately quantify the amount of contaminated material at the above location"
	13	10	INF CORR 6329/SBa	Y	On receipt of this 'Rate Only' Estimate **tie** responded in its letter dated 01/10/2010 which referred the Infraco to tie letter INF CORR 6265 and dated 22/09/2010.
	14	10	INF CORR 6265	Y	This letter entitled 'INTC 414 – Site Wide Contaminated Land and Materials' instructed the Infraco under tie Change Order Nr 183 to:- Undertake Additional Testing.
	15	11	25.1.201/GA/7129	Y	The Infraco responded in its letter dated 19/10/2010 stating that a copy of its test results had been provided to tie on the 16/04/2010.
	16	11	INF CORR 7053/IC	Y	In response to the aforementioned, tie in its letter dated 22/12/2010 referred the Infraco to a meeting between the Parties on the 21/12/2010, where discussions centred on the contaminated land at Baird Drive Retaining Walls (W8) and Sections 5B.
	17	11	21623/FR	N	**tie** made reference to the content of the letter received from Raeburn Drilling and Geotechnical ltd
	18	11	25.1.201/GA/7846	Y	The Infraco duly submitted a 'Rate Only' Estimate for the removal and disposal of contaminated soil at Baird Drive Retaining Walls (W8) on the 18/01/2011
Appendix 05	1	1	ULE 90130-05-REP-00146	Y	CEC: AIP for S21E
S21E	2	1	ULE90130-05-BRG-00742	N	Drawing of Water of Leith Bridge.
	3	3	Contract Programme Updated for V31 & Mitigation dated 14/08/2008	N	Original Contract Programme
	4	4	INF CORR - ??	N	tie letter rejecting the Infraco Rev 03 Programme. Do not have letter.
	5	4	25.1.201/KDR/6791	N	The Infraco letter states that this is the programme on which they are recording progress.
	6	4	Period Report No 3-10 & 3-11, to 29 January 2011	N	Period Report
	7	6	**tie** Drawing Register (as at 25 January 2011)	N	tie Drawing Register
	8	6	ULE90130-05-RRR-00036/ ULE90130-05-BRG-00752/ ULE90130-05-BRG-00754/ ULE90130-05-BRG-00752 / ULE90130-05-BRG-00754/ ULE90130-05-BRG-00753/ ULE90130-05-BRG-00761/ ULE90130-05-BRG-00751	N	Analysis of tie's drawing register as at 25/01/10 appears to indicate that a further 40 no. IFC drawings were issued against Water of Leith Bridge (S21E). These drawings were issued in 4 no. Packages - 1st release date 02/07/09

Section	Item	Page	Document Reference	Hard Copy In Folder	Summary of Content
	9	6	ULE90130-05-BRG-00766/ ULE90130-05-BRG-00768/ ULE90130-05-REP-00248_rev1.pdf/ ULE90130-05-REP-00271_rev1.pdf/ ULE90130-05-BRG-00766 Schedules_rev1.pdf/ ULE90130-05-BRG-00765/ULE90130-05-BRG-00767/ ULE90130-05-RRR-00036 rev2.pdf/ ULE90130-05-FOR-00017_rev2.pdf/ ULE90130-05-FOR-00018_rev2.pdf/ ULE90130-05-REP-00146_rev3.pdf/ ULE90130-05-BRG-00756 Schedules_rev3.pdf/ ULE90130-05-BRG-00758 Schedules rev3.pdf/ ULE90130-05-BRG-00757/ ULE90130-05-BRG-00758/ ULE90130-05-BRG-00752 Schedules_rev4.pdf/ ULE90130-05-BRG-00750/ ULE90130-05-BRG-00755/ ULE90130-05-BRG-00763/ ULE90130-05-BRG-00764/ ULE90130-05-BRG-00754 Schedules_rev5.pdf/ ULE90130-05-BRG-00752/ ULE90130-05-BRG-00754/ ULE90130-05-BRG-00759/ ULE90130-05-BRG-00760/ ULE90130-05-BRG-00762/ ULE90130-05-BRG-00763 Schedules_rev6.pdf/ ULE90130-05-BRG-00753/ ULE90130-05-BRG-00751/ ULE90130-05-BRG-00761	N	Analysis of tie's drawing register as at 25/01/10 appears to indicate that a further 40 no. IFC drawings were issued against Water of Leith Bridge (S21E). These drawings were issued in 4 no. Packages - 2nd release date 13/08/10
	10	6	ULE90130-05-DRG-00624-SCHEDULE rev 2	N	Analysis of tie's drawing register as at 25/01/10 appears to indicate that a further 40 no. IFC drawings were issued against Water of Leith Bridge (S21E). These drawings were issued in 4 no. Packages - 3rd release date 19/10/10
	11	6	ULE90130-05-RRR-00047	N	Analysis of tie's drawing register as at 25/01/10 appears to indicate that a further 40 no. IFC drawings were issued against Water of Leith Bridge (S21E). These drawings were issued in 4 no. Packages - 4th release date 31/08/10
	12	9	WWP and Form C Tracker	N	WWP and Form C Tracker dated 10/01/2011
	13	10	INF CORR 671	N	**tie's** letter to the Infraco dated 17 November 2010 (INF CORR 671) clearly stated that *" As noted in the status report* [attached to that letter] *NWR will only sign off qualified WPPs which state that no works can commence until the Track Monitoring Action Plan has been agreed and signed off by NWR ".*
	14	11	Acutus Email Dated 14/01/2011	N	See Item 11 in Appendix 1 (duplicate)
	15	13	INF CORR 067	N	**tie** instructed the Infraco to redesign the piled foundation to the Water of Leith Bridge to avoid the egg shaped sewer.
	16	13	25.1.201/BoC/882	Y	The Infraco responded on 10/11/2008 stating that it requested an extension of time to meet with tie's request in regard to the above.
	17	13	25.1.201/BOc/1565	Y	The Infraco apologised for the delay in responding and confirmed that it was proceeding with the design.
	18	13	INF CORR 794	Y	**tie** responded to the aforementioned in its letter dated 27/02/2009 and stated that it required clarification on a number of questions before it could fully review and subsequently respond to the SDS Estimate provided.
	19	13	INF CORR 1606/DC	Y	**tie** in its letter dated the 05/06/2009 stated that:- "..we hereby authorise you to proceed with the design works detailed in the validated SDS design Change Estimate (SDS ref DCR078 dated 18/11/08, updated 09/02/09, issue 3), with the exception of the SDS Estimate Preparation costs which are unsubstantiated and not allowed." (emphasis added)
	20	14	INF CORR 2151	N	On 31/08/2009 **tie** issued TNC061 instructing the Infraco to submit an Estimate for sewer protection / lining works at Water of Leith Bridge
	21	14	25.1.201/?/4038	N	the Infraco under cover of its letter dated 08/09/09 stated that it had requested an extension of time to prepare an Estimate.
	22	14	25.1.201/DAT/4442	N	the Infraco finally submitted an Estimate (INTC 479) against TNC061 on 20/01/2010
	23	14	INF CORR 4078	N	**tie** responded to that Estimate by stating that the Infraco had failed to provide competitive quotes for the works.
	24	15	25.1.201/GA/4731	N	The Infraco responded to this request, in its letter dated 19/02/2010 where it confirmed that it had sought quotations from four sub-contractors, however only three had priced the works.
	25	15	INF CORR 4439	N	In its letter dated 17/03/2010 tie stated there had only been one compliant quotation. That being a company called McAllisters.
	26	15	INF CORR 5194	N	On 04/06/10 tie enclosed tie Change Order 153 for the above
	27	15	25.1.201/MRH/6076	N	Under cover of its letter dated 22/06/2010 the Infraco enclosed / returned its signed Change Order.
	28	15	25.1.201/DAT/4442	N	With reference to **tie's** assertion in its letter dated 17/03/2010 the Infraco qualified its disagreement with the second paragraph and referred tie to its letter dated 20/01/2010.
	29	15	INF CORR 5498	N	On 07/07/2010 tie responded to the Infraco's assertions and with reference to its earlier letter dated 17/03/2010 it reiterated its position that the second alternative quotation submitted by the Infraco for the works was not compliant as it did not include the full workscope.
	30	16	tie proforma for INTC 479	N	Tie Proforma (historical listing of relevant correspondence)
	31	16	25.1.201/?7083	N	In its letter dated 15/10/2010 the Infraco made reference to INTC 479a and the previously issued tie Change Order 153.
	32	16	INF CORR 6570	N	On 04/06/2010 tie responded to the Infraco's position and confirmed that this issue had been discussed at a site meeting between tie and Scottish Water on 25/10/10. At that meeting it had been agreed that the proposal to build a new manhole 15m downstream and rebuild manhole 3502 was acceptable to Scottish Water
	33	16	25.1.201/GA/7700	N	The Infraco responded on 15/12/2010 averring that currently there was no agreement between Scottish Water and tie.
	34	16	INF CORR 7016	N	**tie** responded to the above on 04/01/2011. It verified that at the time of its letter dated 04/06/10 there was an agreement in place between SW and tie. However this had since been withdrawn following input from SW technical representation.
	35	17	25.1.201/GA/7084	N	In its letter dated 10/10/2010 with reference to tie Change Order 153 (in relation to INTC 479) the Infraco made the further observation that the CCTV survey undertaken had identified intrusions in the sewer that would require removal prior to undertaking the lining works required under INTC 479.
	36	17	INF CORR 6566	N	On 27/10/10 tie responded confirming that it had not received the Infraco's CCTV survey detailing the alleged intrusions. It noted that any works required by the Infraco in this regard should be undertaken in accordance with Clause 22.5 / 65 of the Infraco Contract.
	37	17	25.1.201/GA/7276	N	The Infraco responded on the 05/01/2011, noting that this additional work had been specifically excluded from its original Estimate under cover of its letter dated 02/11/2010
	38	18	25.1.201/GA/7085	Y	INTC 694 was issued by the Infraco on 15/10/2010 (circa 813 calendar days after the first IFC issue date)
	39	18	ULE-90130-05-BRG-00751	Y	This INTC was raised by the Infraco, on the grounds that the existing high pressure gas main was not located to the east of the footpath as had been previously detailed in the BDDI drawings.
	40	18	INF CORR 6571/IC	Y	On 29/10/2010 tie responded stating that pursuant to clause 22.5 of the Infraco Contract the protection measures to the gas main should be the subject of a Compensation Event in accordance with clause 65
	41	18	25.1.201/DG/7300	Y	The Infraco in its letter dated 04/11/2010 challenged tie interpretation of the Contract.
	42	18	25.201/GA/7293	Y	On the same day the Infraco submitted a second letter headed *' Differing facts/circumstances to Base Case Assumptions and attached its Estimate to protect the existing gas main in the sum of £27,179.65.*
	43	19	INF CORR 6723/ES	Y	In response to the Infraco Estimate, **tie** reaffirmed its position in its letter dated 29/10/2010 where it stated that the Infraco are obliged to carry out the protection measures to the existing gas man at Water of Leith Bridge (S21E) pursuant to the procedures set out in Clause 22.5.
	44	19	25.1.201/GA/7529	Y	The Infraco subsequently responded in its letter dated 23/11/2010 referring to page 4 of Mr Howie's Decision on the MUDFA Adjudication where it is stated that:- *"Clause 80 and clause 65 are mutually exclusive routes to a remedy for the JV, and so a Notified Departure claim, being directed by sub-clause 80.24 to proceed under clause 80, cannot be the subject of procedure under clause 65."*
	45	19	INF CORR 6900/ES	Y	In its letter dated 19/01/2011 tie responded that it considered it inappropriate for the Infraco to "cherry pick" paragraphs of the findings of the Adjudication and averred that the extract of the Decision selected by the Infraco (paragraph xx refers) has been taken out of context
	46	19	BSC-PCW-139	N	As a sidenote **tie** reminded the Infraco that although its Permit to Commence Works indicated a start date of 09/08/2010, tie was not notified of these matters until the 15/10/2010.