

**Subject :** Brief for Forensic Planning Exercise in relation to the Edinburgh Tram Project  
**Date :** 8<sup>th</sup> April 2009  
**Client :** Dennis Murray, Commercial Director, Edinburgh Trams

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## **Background**

The Edinburgh Trams Infraco contract was awarded to the consortium Bilfinger Berger Siemens (now BSC) on 8<sup>th</sup> May 2008 and this included as Schedule Part 15 to the contract, a contract programme. An immediate change to this programme was expected due to the movement in the design programme from finalisation of the programme and the signing of the contract (this is notified departure 001 and relates to the V26 and V31 design programme movements). The time for this has been agreed between **tie** and BSC.

However, a number of delays have been experienced subsequently – both due to **tie** and to BSC and this is indicating a delay to the overall programme duration. **tie** has recorded the reasons for these delays but now needs to prepare for the discussions on liability for those delays with a view to agreeing responsibility for those delays, potential extensions of time, or relief and liability for costs.

## **Scope of Brief**

To support and challenge the internal work completed to date, **tie** requires an independent forensic planning exercise to :

- Review the contract to understand the mechanics of the programme within this bespoke contract ;
- Review planned v's actual progress and verify both the **tie** and BSC view of the programme progress and projections;
- Review the history of programme analysis to date and relevant contractual correspondence;
- Analyse and quantify any delay, disruption and prolongation in the context of specific contractual requirements, including a cause and effect analysis, concurrency of delays and identify responsibility for addressing same;
- Challenge programme and commercial approach to date and identify strengths and weaknesses in process and evidence/actions to date;
- Provide view on opportunities for improving confidence in **tie's** ability to negotiate a successful conclusion to programme delay and mitigate costs; and
- Identify/recommend opportunities for recovery or acceleration if evidenced.

## **Timescales**

**tie** expects that this exercise will last for a period of 4 – 5 weeks and needs to report back on key milestones. The timescale will be reviewed and agreed based on initial review of the scope, programme and contract.

## **Deliverables**

**tie** would expect to receive as deliverables the following:

- 1) Initial response to the scope including confirmation/proposals of timescales, deliverables and costs. This should include an assessment of access required to **tie** personnel.
- 2) Weekly interim reports to identify strengths and weaknesses identified so that immediate corrective action can be taken
- 3) Final report to include:
  - Executive summary
  - Explanation of the process used and analysis conducted
  - Detailed outputs from the analysis
  - Conclusions on strengths/weaknesses of the **tie** position including validation of the arguments used to date
  - Recommendations for any changes in processor actions which can be implemented to immediately strengthen the **tie** position but also identify longer term areas for improvement.