
From: Martin Foerder - Bilfinger Construction UK
Sent: 02 November 2012 11:12
To: Kevin Russell - Bilfinger Construction UK
Subject: FW: SDS Contra Charges

fyi

Best regards / Mit freundlichen Grüßen

Martin Foerder
Project Director

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Registered in England and Wales

From: Reynolds, Steve [mailto:ReynoldsS@pbworld.com]
Sent: 02 November 2012 11:00
To: Simon Nesbitt - Bilfinger Construction UK
Cc: Brady, Martin; axel.eickhorn@siemens.com; Alfred Brandenburger; Mark Miller - Bilfinger Construction UK; Martin Foerder - Bilfinger Construction UK
Subject: RE: SDS Contra Charges

Simon

Further to my email yesterday, as promised I have now reviewed the position and am content to confirm that the requests set out in our letter reference ULE90130-SW-LET-02486 stand.

I note your point that this represents a different approach to that agreed. However, I would suggest that the thrust of some of the discussions to date cannot be reconciled with the spirit of the earlier Phoenix Agreement. We are very concerned that, having provided BBS with unstinting support to facilitate the Phoenix settlement, we are now becoming embroiled in a lengthy debate on matters for which little supporting evidence has been provided. We are also concerned that the exercise to address contra charges appears not to have taken account of the very real savings which BBS has secured in other areas as a direct result of the work carried out by PB. By way of example, we

are all familiar with the trackform topic and the reputational risk to BBS which has now been mitigated in large part, it can be argued, by the effort which PB put in well beyond its own contractual obligations.

In light of these comments can I suggest that the most constructive approach would be to convene the meeting which I offered with Jason Chandler and myself with your team in Edinburgh? I can confirm our intent that we reach an amicable resolution of this matter and I can also confirm that any reasonable case for contra charges will, of course, be considered in good faith.

If you would like to discuss this matter by phone please let me know. With regard to a meeting, Jason and I can be available on 13 November at a time to suit you. Please let me know your preference.

On the subject of the next Commercial meeting I can be available any day during w/c 21 November with the exception of Tuesday 22nd, or, alternatively, on Monday 26th.

Thank-you & regards – Steve

From: Simon Nesbitt - Bilfinger Construction UK [<mailto:Simon.Nesbitt@bilfinger.co.uk>]
Sent: 01 November 2012 13:31
To: Reynolds, Steve
Cc: Brady, Martin; 'Eickhorn, Axel (axel.eickhorn@siemens.com)'; Alfred Brandenburger; Mark Miller - Bilfinger Construction UK; Martin Foerder - Bilfinger Construction UK
Subject: SDS Contra Charges

Steve

I refer to the most recent meeting with SDS regarding the current list of Contra Charges and your letter ULE90130-SW-LET-02486 requesting formal submissions of estimates and substantiation of each Contra Charge by BBS. We note that this is a different approach to that agreed at our previous Commercial meetings. We would request confirmation from yourself that this is the approach that SDS wish to adopt.

We had understood from previous discussions that there was an agreement between us that we were to discuss each of the contra charges in an informal manner and agree the principle or otherwise for each item, with any communications via email. This would then allow for a discussion between yourself and Martin Foerder with the aim to come to an agreement on the overall list at the next Commercial meeting (originally due to be held end October 2012).

We would appreciate your confirmation on the above and also for you to advise your availability w/c 19 Nov and 26 Nov 12 for the next Commercial meeting.

Regards,

Simon Nesbitt
Design Manager

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