
From: Richard Jeffrey
Sent: 23 November 2009 16:26
To: Steven Bell; Stewart McGarrity; Susan Clark; Dennis Murray; Graeme Bissett (external contact); david_mackay@[REDACTED] Alastair Richards
Subject: Follow-up from today

All, thanks for your input today.

I have deliberately kept this e-mail internal as I just wanted to check everyone was agreed on the way forward.

If anyone disagrees, or would like to add anything please do so ASAP, as I will be using the output from today to start briefing stakeholders (starting with Gordon McKenzie tomorrow) on our agreed way forward.

- We will prepare a letter to send to/discuss with David Darcy explaining where we think the adjudicator's decision is flawed. This will need to cover 5 or 6 key points (assuming a paragraph or two on each) with our reasoning, in lay terms, as to why or where we think the adjudicator got it wrong. I think the points I picked up were
 - If we extrapolate the bat box issue then all of the systems work would be deemed to be a notified departure
 - In determining what is 'Normal Design Development' there is no reference made to the Employer's requirements
 - There is no reference to clause 3.1 etc

This letter is to be in final form for this Friday please

- On Monday I will explain to DD that we are not accepting the adjudicator's findings for the above reasons, so, as far as we are concerned we are no closer to certainty. We therefore intend to launch 5 or 6 more BDDI to IFC DRP's just to get them into the formal process. We hope that we could reach agreement on these through the process laid out in the DRP, but ultimately it was better to put them into the system for formal adjudication than wait.
- We will prepare a flow chart which shows all the connections (and disconnections) in the contract (by Friday please as I think it will be useful in the next FCL)
- We will prepare the next batch of DRP's for launch next week, after discussion at Tuesday's FCL
- DLA will prepare 6 questions that we might consider asking of a judge which would be designed to try to clarify the responsibilities under the contract

Have I forgotten anything?

Regards

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