



Agenda for tie Board Meeting
 tie offices, Verity House, Edinburgh
 14:00 – 17:00 on Monday 11th December 2006

Item No.	Agenda Item	Resp	Timing
1.	Minutes of Meeting of 30th October, 8th November and 27th November and matters arising *	WG	14:00 hrs
2.	Executive Chairman's Board Report*	WG	
3.	Projects a) Trams * # b) EARL * # c) SAK * d) Portfolio Projects* #	AH BC RH SC/SB	
4.	Functional Reports a) Health & Safety * b) Risk * # c) Organisation * # d) Communications * # e) Finance & Performance * #	SB SB CMcL SW SMcG	
5.	Tram Business Case – Final Approval (1)	GB	
6.	tie Business Plan 2007-08 (2)	GB	
7.	AOB a) Corporate Code Compliance	GB	
8.	End		17:00 hrs
9.	Date of next meeting – Tuesday 23rd January @ 14:00 hrs at tie office, Verity House, Edinburgh		

* = paper enclosed (available under FOISA but subject to review under Section 5b of tie's publication scheme and exceptions in The Act)

= these reports will be taken as read subject to any specific questions from Directors.

- (1) The papers include a note on developments since the 27th November Board, the most up-to-date Executive Summary for the Business Case, TEL Board recommendation letter, tie Board recommendation letter, Communications Briefing and related matters. These will be released on 14th December 2006 subject to approval.
- (2) The full draft FY08 Business Plan has been sent under separate cover and the Executive Summary is included in the papers.



Minutes of tie BOARD MEETING

In the **tie** Boardroom, Verity House, 19 Haymarket Yards
@ 10:00 am on Monday 30th October 2006

Directors: Willie Gallagher (Chairman)
Ricky Henderson
Allan Jackson
Phil Wheeler
Brian Cox
Kenneth Hogg
Neil Scales
Peter Strachan

In attendance: Keith Rimmer, CEC
Neil Renilson, TEL
Bill Reeve, Transport Scotland
Graeme Bissett, **tie**
Barry Cross, **tie** (part)
Andie Harper, **tie** (part)
Susan Clark, **tie** (part)
Stewart McGarrity, **tie**
Steven Bell, **tie**
John Boyle, **tie**
Colin McLauchlan, **tie**
Julie Thompson, **tie** Executive Support

Apologies: Maureen Childs

Circulation: as above

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(C) = minute exempt under Section 5b of tie's publication scheme and The Act.

Item**Action
By****1. MINUTES OF THE MEETING OF 2 OCTOBER FOR APPROVAL AND SIGNING**

The minutes were approved.

The Chairman welcomed Neil Scales to his first meeting.

The question of using local labour for resourcing the various projects was raised. There is no agreement currently in place but this is currently being looked at with the Edinburgh Construction Academy and the universities to encourage the use of local labour and promote the industry as a good career choice. A longer-term strategy needs to be developed and built into the Business Plan.

**CMcL/
SB****2. EXECUTIVE CHAIRMAN'S REPORT**

The report was noted and approved.

John Boyle has recently joined **tie** to lead our public communications efforts in a number of critical areas. John was previously PR Director for Scotrail.

Susan Clark has taken on the management of the Ingliston Park & Ride and Fastlink (WEBS) projects. We are also underway with the second phase of the development at Ingliston.

Management responsibility of FETA, the Cross Forth Ferry and Stirling Waste Management have passed to Steven Bell.

The Business Support Packages developed with the Chamber of Commerce will be announced on 31st October.

3. PROJECT PRESENTATIONS AND CURRENT REPORTS.**a) Tram report**

The report was noted and approved.

Safety – matters noted.

The tender for the infrastructure contract (“Infraco”) was issued on 3 October as planned.

The MUDFA contract was signed on 3rd October.

The Tramco tender return date was moved from 5th to 9th October following bidder requests for extension of time.

Status of Infraco tenders was noted.

Scottish Gateway 2 Review Stage 2 now scheduled for 21st November.

Design process – some issues with SDS but currently work being undertaken to resolve these.

An offer of assistance was made by Neil Scales to assist with any issues regarding Parsons Brinckerhoff.

Capital cost estimate – being scrutinised internally.

Risk Management will be reported each month with reference to project reports.

The JRC Edinburgh Overall Scheme Appraisal Overview was presented to the Board.

Gross figure of employment created in Edinburgh to be advised to the Board.

The Board was taken through the draft TEL Business Plan.

A range of documents needs to be produced in a short period of time for the inclusion in the Business Case.

Endorsement by the Board of the recommendations by the TEL Board and the content of the business case. This should happen in parallel with TEL Board's process, based on the same information.

The relevant dates for the submission of the Business Case are:

Draft submitted to various bodies including CEC and TS	9 th November
Discussion stage by CEC	9 th Nov to 14 th Dec
Considered by Full Council	21 st December

There will be 4 separate briefings for the main political parties on the Business Case on 12 and 13 December prior to the document being circulated.

Board agreed to hold an extra board meeting before the scheduled meeting on 11 December.

b) EARL Report

The report was noted and approved.

The key progress this month was that there were only 34 objections remaining and this was hoped to be reduced to around 30.

PBU (Private Bills Unit) would like meetings between parties to see if the number of objectors can be reduced to assist the Assessor's Hearing process.

Circulate document prepared by tie to support Bill to the Board.

**Action
By**

NS/AH

AH

SMcG

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TS

BC

NS offered to use his contacts to lobby on behalf of EARL. This will be co-ordinated via John Boyle.

JB

The Project Team are working towards BAA withdrawing their objection as otherwise this would add a level of complexity for the Committee. A constructive dialogue with BAA has been developed with the objective of reaching agreement on a number of key issues including the removal of their objection.

There may be a need to prepare further information to be provided to the Parliamentary Committee if requested. We must ensure we have positive input from Network Rail.

The negotiations with BAA and NR were progressing well and there was an increased desire to engage with tie and work towards resolution of their objection.

The South East Pier accommodation works have now been completed.

After an extensive review, the conclusion is that Closed Face Machinery provides the best solution for construction of the bored tunnels.

BAA agreed to rejoin the EARL Project Board and the first meeting of the reconvened board takes place on 8th November. They have also been invited to attend a tunnelling workshop.

TS are developing a rolling-stock procurement strategy and timetabling model.

c) SAK Presentation and Report

The report was noted and approved.

Good progress continued to be made in the last month. The Forth viaduct has now been completed. Commencement of track works progressing as far as the western outskirts of Alloa from the Stirling end and eastwards from Kincardine as far as Kennet, commencement of Alloa Station platform works, AELR road sub-construction, new bridge walls completed and road diverted.

Completion date is still on target for 1st June 2007.

TS advised of planned opening date of 14th July 2007 for passenger services and ScotRail have been notified.

Acceleration measures – no agreement has yet been reached on this but it is hoped it will be finalised before the next tie Board.

d) Portfolio Projects

The reports were noted and approved.

Ingliston P&R – the dispute with Borders Construction is still outstanding. Borders have 4 years to lodge their assessments with the adjudicator but tie fully expect them to do this by the end of 2006.

Ingliston P& R Phase II - **tie** received a letter from CEC on 12 September outlining the scope for Phase II IPR. The first procurement strategy paper has been developed to deliver tender documents by end of financial year.

Fastlink - all contractual issues will be closed out within the next few weeks.

4. FUNCTIONAL REPORTS

a) Health & Safety

The report was noted and approved.

b) Risk

The report were noted and approved.

c) Organisation

No report was submitted to the Board.

d) Communications

The report was noted and approved.

d) Finance & Performance

tie is still running an overdraft facility. A request for TS to fund the projects in advance rather than retrospectively was made. Discussions are currently underway to resolve this matter.

Full funding through to end of March apart from tram is available. Tram funding runs until the end of December but discussions are underway with TS to extend this to end of March are well advanced.

Improving the internal processes is currently underway as part of our internal audit approach.

tie has undertaken to deliver to the Council the business plan by the end of the year. This is subject to further amendment up until early 2007.

tie would like to develop a Corporate Plan and individual discussions with board members will be arranged to discuss **tie**'s role, resources, issues etc.

**Action
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SMcG

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5. ANY OTHER BUSINESS

The Board agreed a resolution to remove the retired directors from the Authorised Signatories list and replace with members of the new Board. A meeting is to be set up within the next week to amend the list.

The timing of future board meetings needs to be considered.

A Senior Non-Executive member a request that future papers submitted to the Board are to be no more than 2-3 pages in length.

The next scheduled meeting will be held on Monday 11th December at 2.00 pm in the Boardroom at Verity House.

Signed and approved on behalf of the Board of **tie** limited by:

Willie Gallagher (Chairman).....

Date.....

Declaration:

*Agenda Items marked * indicate that a report or relevant paper on this subject was attached and will be made available under FOI(S)A but will be subject to review under Section 5b of **tie's** publication scheme and The FOI (Scotland) Act 2002. The contents of these minutes will be reviewed by **tie** prior to release and items marked with a (C) may be deemed exempt according to the provisions of The FOI (Scotland) Act 2002.*

TIE LIMITED

MINUTES of a MEETING of the BOARD of DIRECTORS held at Verity House, 19 Haymarket Yards, EDINBURGH on 8th November 2006

Present:

Willie Gallagher

Maureen Child

Phil Wheeler

Stuart Lockhart (Finance Manager – tie Limited)

It was agreed that Willie Gallagher should act as Chairman of the Meeting. The Chairman established that a quorum was present and declared the Meeting open.

WRITTEN RESOLUTIONS: ALTERATIONS TO ARTICLES OF ASSOCIATION

The Chairman tabled copies of two written resolutions dated 9 and 13 October 2006 by the City of Edinburgh Council as the sole member of the Company altering the articles of association.

Stuart Lockhart was instructed to arrange for copies of the Resolutions to be sent to the Company's auditors in accordance with Section 381B of the Companies Act 1985 and for copies to be filed with the Registrar of Companies together with a certified copy of the updated articles of association.

There being no further business, the Chairman declared the Meeting closed.

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Chairman



Minutes of tie BOARD MEETING

In the **tie** Boardroom, Verity House, 19 Haymarket Yards
@ 10:00 am on Monday 27th November 2006

Directors: Willie Gallagher (Chairman)
Allan Jackson
Brian Cox
Kenneth Hogg
Peter Strachan

In attendance: Keith Rimmer, CEC
Graeme Bissett, **tie**
Steven Bell, **tie**
John Boyle, **tie**
Julie Thompson, **tie** Executive Support

Apologies: Maureen Childs

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Item

1. Final Business Case

After a detailed and productive discussion it was agreed that the **tie** Board fully supported the recommendations of the TEL Business Plan and letter of the Chief Executive and will produce and independent recommendation.

The next scheduled meeting will be held on Monday 11th December at 2.00 pm in the Boardroom at Verity House.

Signed and approved on behalf of the Board of **tie** limited by:

Willie Gallagher (Chairman).....

Date.....

Declaration:

*Agenda Items marked * indicate that a report or relevant paper on this subject was attached and will be made available under FOI(S)A but will be subject to review under Section 5b of **tie's** publication scheme and The FOI (Scotland) Act 2002. The contents of these minutes will be reviewed by **tie** prior to release and items marked with a (C) may be deemed exempt according to the provisions of The FOI (Scotland) Act 2002.*

**Action
By**

Board

EXECUTIVE CHAIRMAN'S REPORT

1. INTRODUCTION

We met on 30 October 2006 with a full normal agenda, and then again on 27 November 2006 to focus specifically on the Tram Business Case. We also held a brief meeting on statutory matters on 8 November. The minutes of these meetings are attached and I have also included the slide presentation on the Tram business Case which we discussed on 27 November, for the benefit of those directors who did not attend that meeting. Progress since that meeting is described below and in the Tram project report.

As a general point, we are pleased to note the renewed commitment to the major projects which tie is leading within the Executive's National Transport Strategy, published today.

2. REVIEW OF PROGRESS AND ACHIEVEMENTS ON MAJOR PROJECTS

Reports on the three major projects are included with the Board papers. Of particular note are :

Tram

- The Tram Business Case is substantially complete and demonstrates a positive case in favour of the project. In addition to the Project Report, you will find the most up to date versions of the following documents in the papers :
 - Tram Business Case Executive Summary
 - Draft TEL Board Recommendation letter
 - Draft tie Board recommendation letter
 - Draft Funding support letters from CEC and Transport Scotland

These documents set out the principal findings from the Business Case. The Business Case Executive Summary and the TEL Board recommendation letter have been circulated previously and the versions in the papers highlight changes suggested to those previous drafts. In connection with the TEL Board Recommendation, the principal change has been to provide greater exposure to the case for construction of the Roseburn / Granton tram line, tempered by explanation of how financial risk attaching to this section will be managed.

The Business Case documentation, which includes the updated STAG Report and the TEL Business Plan, is now very close to finalisation and has been extensively reviewed and debated with officials of CEC and Transport Scotland. We do not anticipate the conclusions changing but there may be further drafting changes. The comments below relate to the approval process needed to finalise the documents.

When finalised, the Business Case and all supporting documents will be signed off by the Tram Project Board – on which representatives of both the Council and Transport Scotland sit. The TPB's views on the Business Case will be considered at their meeting in the morning of 11.12.06.

The TEL Board will submit a letter through its Chairman to the Council which summarises the TEL Board's recommended course of action based on the Business Case. The attached draft of their letter will be considered at their meeting also in the morning of 11.12.06.

The tie Board also requires to present its views to the Council because the Business Case constitutes a funding request for the period from 1 April 2007 onward and also because the Business Case proposes a contract suite to which tie will in due course be a party. The draft letter attached should be considered by the Board at our meeting.

The Boards of TEL and tie should have proper support on file for the funding assumptions embedded in the business case and on which affordability conclusions are based. The draft funding support letters are currently under review by the Council and Transport Scotland. I expect to be able to provide the Board with an update at the meeting.

Finally, we are embarking on a briefing process for key stakeholders including politicians, press & media and the public. By the time of the Board meeting, I will have held briefing sessions with all political parties in the Council, the press and a number of MSPs.

The Council are preparing their own report for submission to the Council on 21 December 2006, when the Business Case will be formally addressed.

As you will appreciate, the content and emphasis in all of these documents must be consistent. The principal issue under debate at the time of preparing this report is the overall balance of available funding and anticipated capital cost. The issue is laid out fully in the attached documentation and I believe the proposals represent a sensible and controlled means of taking the project forward while retaining full control over commitment to capital expenditure.

- We continue to suffer difficulty arising from the performance of the principal design contractor, Parsons Brinckerhoff. Discussions on these concerns have taken place at the highest levels within our contractor's global organisation and recent local management changes in their team offer more optimism. To manage this difficulty, our project team are taking a very active "micro-management" approach to the design activity. This is a serious issue, but with the right resource and pressure brought to bear, we should be able to maintain both quality and programme.
- Preliminary design work on utility diversions continues, with a planned commencement date of Spring 2007.
- Evaluation of the tender returns for the vehicle contract ("Tramco") is now well underway.
- The bidders for the infrastructure contract ("Infraco") are responding to the tender documents and we are in extensive dialogue with each of them.
- A further stage of the gateway review process was executed at the end of November and I am pleased to report that the findings were positive.

EARL

- After weeks of intensive dialogue, we reached agreement with BAA on the terms of an agreement which enabled BAA to withdraw their objection to the Bill.
- Work with other objectors has continued and has resulted in many other objections being removed.

- The political interest in the EARL project has continued and we are working with colleagues in Transport Scotland to ensure that the attributes of the project are clearly set out.
- We continue to seek progress on the linked areas of project governance, stakeholder roles and responsibilities, procurement structure and funding structure. We anticipate preparing an options paper which would be debated with all key stakeholders over the next two months.

SAK

- The works are on programme to achieve the completion date of 1 June 2007 and a planned opening date of 14th July 2007.
- Formal agreement with the contractor to the accelerated programme is being progressed and detailed analysis of respective positions is underway. We intend to seek early agreement to this matter with the contractor.
- There are cost pressures in the forecast outturn, notably a dispute with the contractor over alleged costs of programme acceleration and the means of agreeing gain and pain shares. The project team has a clear focus on cost control/reduction measures to ensure the final outturn costs on the project are contained within the current forecast. Good progress on achieving clarity in this area has been made in the last month.

3. PORTFOLIO PROJECTS - STATUS

Good progress and no significant issues to report.

4. FUNCTIONAL REVIEWS

We have provided reports from our key function leaders which again demonstrate progress in ensuring that tie's central team are delivering fit for purpose services to the company and to the Project Directors, their internal customers.

5. TIE BUSINESS PLAN 2006-07

Tie is required to prepare an annual business plan to the Council in draft by 31 December each year. This is typically refined further early in the following year for approval as part of the Council's budgetary process in February. As tie's projects have developed, the focus of monitoring progress and cost has swung firmly toward the project governance procedures. The detailed documentation on programme and cost budgets is now embedded in project reports and programmes but the annual plan remains an important document, requiring formal council approval.

The Executive Summary of the Plan for 2006-7 is contained in the Board papers and I would welcome your comments. This is really an operational document and we have now commenced a strategic planning exercise which I expect will roll forward through to the period after the May 2007 Elections, which will be geared toward tie's medium and long term planning.

6. CONCLUSION

The tram business case finalisation and development of the relationship with BAA represent important milestones in tie's two main projects. On tram, it is now critical that the strength of the business case is communicated effectively and the briefing programme is in place. On EARL, we must now move swiftly toward an agreed governance, roles and responsibilities structure as well as maintaining progress through Parliament. These activities are again firmly underway.

WG
5.12.06

1. EXECUTIVE SUMMARY

Background

- 1.1 Substantial road traffic growth across the Edinburgh area combined with forecast population and employment increases will lead to significant growth in road congestion and demand for transport solutions. To support the local economy, City of Edinburgh Council (CEC) has identified trams as the preferred way to provide the backbone for a comprehensive, higher quality public transport network to support the local economy and to help to create sustainable development. The Edinburgh Tram Network ("the tram") has been central to transport policy and planning and the wider economic development aspirations of the City for more than six years. The scheme has had in-principle funding support from the Scottish Executive (now represented by Transport Scotland) since 2003.
- 1.2 Early 2006 saw the tram scheme reaching an important milestone as it received Parliamentary approval. Both the Edinburgh Tram (Line One) Act and Edinburgh Tram (Line Two) Act came into force following Royal Assent in May and April 2006 respectively.
- 1.3 Concurrent with the Parliamentary process, a careful review of cost estimates was carried out which concluded that although Line 1 only or Line 2 only had a high degree of deliverability within the constraint of available funding, a complete network of Lines 1 and 2 was unlikely to be affordable in one phase of construction and that a phased approach to procurement and delivery would be implemented.
- 1.4 After consideration of a range of options it was concluded that the core of the network from Leith Waterfront to Edinburgh Airport (Phase 1a), via Haymarket and Princes Street, would give a good balance of costs and benefits, would present a high probability of being financially viable when integrated with Lothian Buses services and that the first phase of the tram development should include the section from Roseburn to Granton Square (Phase 1b) serving the development area in Granton.
- 1.5 The assumed Phase 1 (Phase 1a plus Phase 1b) carries the support of Transport Edinburgh Limited (TEL), which is charged by CEC with the delivery and management of an integrated tram and Lothian Bus network and of Transdev, the future operator of the tram.
- 1.6 This Draft Final Business Case has been prepared to support the implementation of Phase 1 of the tram, comprising Phase 1a and Phase 1b, and examines the three core tests of the viability of the scheme:
- **Economic viability** – The quantified economic benefits and costs of Phase 1 of the tram as well as the wider benefits relating to urban regeneration ; environment ; safety ; transport and land use policy integration ; and accessibility and social inclusion.
 - **Financial viability** – The way in which Phase 1 of tram will be integrated with buses under the umbrella of TEL in a manner which preserves and enhances the public transport service in the City and does so in a profitable manner. This is embodied in the TEL Business Plan.
 - **Affordability** – The prospective deliverability of Phase 1 of the tram within the constraints of available funding.

Sections 2-5 of this document set out the scope, development process and the justification of the proposed scheme. A summary of these aspects is set out below.

Economic viability

- 1.7 The economic benefits and costs of Phase 1 of the tram have been assessed in accordance with Scottish Transport Appraisal Guidance (STAG) by Steer Davis Gleave, building upon the previous work submitted to Parliament in 2004 but updated where appropriate to reflect more recent and extensive transport modelling again led by Steer Davis Gleave. The following are the highlights from the assessment:

Economic regeneration

- 1.8 The tram is integral to the regeneration of the brownfield areas in the North of Edinburgh at Granton Waterfront (served by Phase 1b) and Leith Docks (served by Phase 1a). Some 25,800 new residential units (7,800 at Granton) and nearly 350,000 sq.m. of new office, retail and other commercial development (244,000 sq.m. at Granton) is projected to be built in North Edinburgh progressively between now and 2020, reflecting the growth in Edinburgh's economy and population. Without Phase 1 of the tram it is unlikely this large scale redevelopment would go ahead on the desired scale and timetable.
- 1.9 Significant new development is also envisaged in West Edinburgh with some 250,000 sq.m. of new office space (mostly at Edinburgh Park) and over 200,000 sq.m. of other commercial space again predicted to be progressively built between now and 2020. Phase 1 of the tram will facilitate and encourage this new development and, crucially, provide improved public transport between the new housing in Granton and Leith and the new job opportunities in the West of the City.
- 1.10 The forecasts reflect that by 2015 more than 5,000 residential units and 114,000 sq. m. of employment related development will be not be built in the absence of Phase 1 of the tram. Granton will account for most of the additional residential units and over 50,000 sq.m. of the additional employment related development. Beyond 2015, the predicted level of new development in the absence of tram recovers but ultimately it is predicted that 2,800 residential units (mostly at Granton) and 34,000 sq.m. of new commercial development will not be built without Phase 1 of the tram.
- 1.11 In employment terms it is anticipated that more than 930 full-time permanent jobs in the City will be generated or brought forward by the development impact of Phase 1 of the tram of which 590 can be attributed to Phase 1a. These jobs do not displace jobs elsewhere in Scotland. It should also be noted that a substantial proportion of the capital investment will be spent in Scotland, encompassing utility works, land purchase, civil engineering works and professional services.
- 1.12 The positive relationship between high quality transport capability – and specifically light rail – and enhanced economic development is a well-known phenomenon. There is also now little debate about the reverse scenario, the retarding impact on development of poor transport connections. The Edinburgh tram scheme is based on the need for improved transport connections to vital development areas and is a critical driver of future economic growth in Edinburgh and Scotland as a whole.

Environment

- 1.13 Phase 1 of the tram will make a positive contribution towards objectives of reducing emissions and improving air quality in the City Centre and in the transport corridor to the west of the City and the airport. Vehicles within the City account for up to 88% of emissions of nitrogen oxides and trams will provide a large number of journeys through the City Centre so improving mobility and accessibility but without adding to current levels of pollution. Trams are also a relatively quiet mode of road transport providing a higher quality environment for those living, working and travelling in the area. The tram's contribution to mode shift from private car to

public transport (see below) will further progress towards objectives set in the Air Quality (Scotland) Amendment Regulations 2002 and to national objectives to reduce emissions of greenhouse gases.

- 1.14 The construction and operation of Phase 1 of the tram will address potential impacts on the World Heritage Status of Edinburgh by applying design and mitigation standards set out in the Tram Design Manual approved by CEC planners. Details of mitigation measures to retain, protect and enhance or replace existing plantings and wildlife habitats on the Phase 1 corridor, including badger setts, are prescribed in the Landscape and Habitat Management Plan approved during the Parliamentary process.
- 1.15 To the fullest extent reasonably deliverable, disruption during construction will be minimised. Clear and open communications will ensure that the effects of construction are anticipated and the construction planning will ensure that work is restricted to the shortest time period consistent with safe working practice. Schemes to provide financial assistance to local businesses affected by construction are under active development.

Safety and reliability

- 1.16 Personal security will improve, reflecting tram design elements (CCTV and help points at all stops and vehicles) and designed access arrangements aimed at enhancing security. The planned use of inspectors on vehicles will also assist this objective.
- 1.17 Trams will improve the overall reliability of public transport as they generally benefit from greater segregation from general traffic and priority at junctions and present an opportunity to significantly reduce the variability of dwell time at stops compared to a bus only public transport service. A significantly increased number of bus vehicles would be required on the main Phase 1a corridor on Princes Street and Leith Walk to cope with forecast increased demand in the absence of trams. Despite continuing implementation of a wide range of bus priority measures, buses remain vulnerable to the effects of increasing congestion across the City.

Accessibility and social inclusion

- 1.18 Areas of Granton and Pilton to the North (on Phase 1b) and a zone around Leith Walk, as well as around Saughton and Balgreen in the West (on Phase 1a) are areas where socio economic status is considerably less affluent than surrounding areas and where employment, income levels and car ownership tend to be comparatively low. Opportunities for people living in these areas will be improved by direct connection via tram to the City Centre and other employment areas, including the new development in Granton, Leith and the West of the City at Edinburgh Park and the Airport.
- 1.19 Trams and tramstops will be fully accessible by people with mobility impairments, those travelling with small children and the elderly. These travellers will benefit from the design specification, ride-quality and reliable accessibility of trams. Where the distance between tram stops presents a challenge to accessibility, the service integration patterns with buses have been designed to maximise the continuing and improving accessibility of Lothian Buses for these groups.

Transport and land use integration

- 1.20 The tram will be particularly vital in responding to the expected growth in travel demand arising from the new development in the North of Edinburgh at Granton and Leith. Phase 1 of the tram will help ensure this new development can be delivered without exacerbating city wide congestion by ensuring that land use and transport policies are integrated. Any displacement of new development to greenfield and greenbelt sites would have planning implications and could result in a settlement pattern that would be more difficult to serve by public transport.

- 1.21 Carefully considered bus-tram service integration plans and ticketing arrangements will enhance the opportunity to make journeys on the public transport network. Effective interchange facilities will be provided at the foot of Leith Walk, St Andrews Bus Station, Ocean Terminal, Gyle Shopping Centre and Crewe Toll. The tram route will integrate with Ingliston Park & Ride, already operating successfully and planned for expansion, and with other park and ride sites are under active consideration. Phase 1 of the tram also provides an opportunity to significantly improve integration with other transport modes at Haymarket, Waverley and Edinburgh Park railway stations and Edinburgh Airport. These interlinking services, along with the proposed frequency of the service, means tram will afford easier access to employment, retail and leisure locations.

Patronage and transport mode shift

- 1.22 Extensive work has been undertaken to build new demand forecasting models to predict use of the tram and the impact upon use of other transport: bus, rail and car. The modelling deployed to support the Edinburgh tram scheme is recognised by the professionals involved as among the most sophisticated ever prepared in support of a large-scale transport scheme.
- 1.23 Annual demand for Phase 1 is predicted to be 13m tram passengers in 2011 (11m for Phase 1a only). This reaches 20m once the system is fully established after 3 years from opening and rises further to 32m in 2031 (24m for Phase 1a only). This growth is predicated on a forecast of substantial growth in the total travel market, as well as the additional predicted commercial and housing development as a result of the scheme. Between 2005 and 2031, demand for journeys by public transport is forecast to increase by 61% (1.8% p.a.). The tram will meet a large proportion of this increased demand which could otherwise be met only by cars or buses on increasingly congested roads.
- 1.24 Mode shift from car is a key objective of the Local and Regional Transport Strategies and is fundamental to achieving the environmental, sustainability, health and traffic aspirations of the tram. Phase 1 of the tram is forecast to generate 3m additional public transport trips in 2011 increasing to over 6m additional trips in 2031, mostly in areas directly served by the tram where the change from car to public transport use will be up to 10%.
- 1.25 In 2011, about 17% of tram patronage will be new to public transport rising to 20% in 2031 with the balance being predominantly those who would otherwise travel by bus and other modes of public transport. Congestion is characterised by the disproportionate effect that marginal increases in car use have on the total system. It is therefore very important to maintain downward pressure on additional road use and the proportion of tram patronage new to the public transport market is therefore significant. It is also in keeping with that achieved on successful tram schemes elsewhere in the UK such as Croydon Tramlink and Nottingham.

Benefits and costs to Government

- 1.26 The benefits and costs of Phase 1 of tram calculated in accordance with STAG requirements are summarised in the table below. The appraisal assumes that the Edinburgh Airport Rail Link (EARL) is developed as planned reflecting wider transport planning in Scotland.

<u>£m Present Value, 2002 prices</u>	<u>Phase 1</u>	<u>Phase 1a</u>	<u>Incremental Phase 1b</u>
Value of scheme benefits	709	373	336
Value of scheme costs	436	340	96
Net benefits	273	33	240
Benefit Cost Ratio to Government	1.63	1.10	3.50

Deleted: 2

-
- 1.27 The results demonstrate the positive impact delivered by the tram project. Phase 1 and Phase 1a deliver positive benefits and their benefit: cost ratios exceed the accepted minimum of 1.0. At 1.63 and 1.10 respectively, in the context of large-scale transport schemes, these ratios are regarded as representing good value for money.
- 1.28 The strong incremental benefit of completing the network with the Roseburn to Granton tram line is a striking factor. There is a close relationship between this assessment and the scope and timing of new development at Granton, which carries both risk and opportunity. The financial implications of this are summarised below.

Interaction with EARL

- 1.29 Tram and EARL can serve different market demands, tram serving the local price sensitive and time insensitive market and EARL the national, price non-sensitive and time sensitive market. There may be scope to generate interchange trips at the airport between rail and tram, increasing demand for both and providing inter-urban links via rail with local access on the tram. Attracting patronage to such interchange journeys will depend on effective fares policy and ticketing systems. TEL sees the inclusion of multi modal through ticketing as a key element of adding to the flexibility and usability of the public transport systems.
- 1.30 Sensitivity testing shows that in the absence of EARL, tram would gain market share, particularly in respect of those travelling between the Airport and the City Centre, with additional tram patronage forecast to be 0.5m in 2011 and 1.6m in 2031. In the absence of EARL the Benefit Cost Ratio for Phase 1 of the tram would be increased from 1.63 to 2.31 (from 1.12 to 1.58 for Phase 1a only) reflecting significant increased decongestion benefits to other road users (including cars) as a result of the tram in the absence of EARL.

Financial viability (the TEL Business Plan)

Background to TEL

- 1.31 TEL was established by CEC to build on the success of the current Lothian Bus (LB) services through the delivery and management of an integrated tram and bus business. CEC requires TEL to achieve profitable operations, to meet its investment obligations and to continue payment of dividends at the level currently received by CEC from Lothian Buses.
- 1.32 However TEL, like LB, will also target the delivery of a 'social dividend' by maintaining lower fares and a more comprehensive level of service provision than would normally be the case for a private sector transport operator. TEL's objectives are also aligned to the delivery of the wider economic benefits of the tram. The measure of success for TEL will be the overall performance in commercial, social, customer and financial terms of the integrated bus and tram network. The summary presented here focuses on the drivers of the forecast financial results of TEL.

Section 8 provides a detailed analysis of the financial viability as it is presented in TEL's full Business Plan, a copy of which is included at Appendix I.

Financial forecast highlights

- 1.33 The table below provides a summary of the financial highlights from the forecast of TEL's profitability operating with bus and tram.

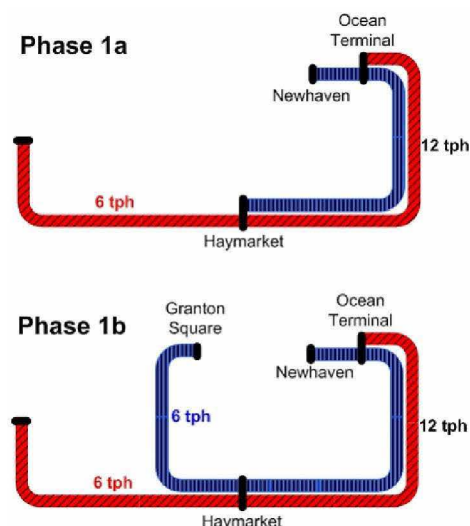
Tram in service	Pre-tram		Ph1a Only	Phase 1a plus 1b				
Tram service pattern (see below for explanation)	n/a	n/a	6/12	6/12	6/12	8/16	8/16	8/16
Year	2006	2010	2011	2011	2012	2016	2021	2031
Patronage (Pax m)								
Bus	108	115	112	110	112	121	128	142
Tram	-	-	11	13	16	23	26	32
Total TEL Patronage	108	115	123	123	128	144	154	174
Revenues and costs (£m)								
TEL Revenues	88	107	119	119	128	168	216	357
TEL operating costs			120	121	127	157	195	312
Pre-tax operating profit/(loss)			(1)	(2)	1	11	21	45
Tram lifecycle costs			-	-	-	1	2	2
Notional taxation			-	-	-	3	6	13
Dividend payment			-	-	-	3	3	5
Net TEL cash surplus/(deficit)			(1)	(2)	1	4	10	25

NB All £ figures inflated

- 1.34 Figures for 2011 are presented on two bases; that Phase 1 of tram will be operating in its entirety in 2011 and separately that Phase 1a of the tram will operate in 2011 with Phase 1b coming into service in 2012. The forecast has been developed using the patronage and revenue forecasts for both tram and bus developed using the transport model described above and validated by TEL, tie and Transdev. The forecast reflects that TEL is prospectively a very viable and profitable business.
- 1.35 The forecasted patronage and revenues for tram in 2011 to 2014 have been conservatively reduced to take account of a ramp-up period as new services take time to be fully adopted by users. The forecast reflects that TEL's operational cash flow profile will be positive once the tram and bus patronage has stabilised after the first year of the ramp-up period in 2012.
- 1.36 It is assumed that the policy of maintaining the current level of LB dividend to CEC will be applied prudently and that the annual dividend might be reduced or foregone for short periods in response to lower profits or short term demands on TEL's cash-flows. In such circumstances, the dividends for future periods would be adjusted upwards to ensure the shareholders receive the target dividend on a cumulative basis.
- 1.37 The operating cost projections provide adequately for the purchase of new buses to renew and/or expand the existing bus fleet. 'Tram lifecycle costs' is the expenditure on the tram infrastructure and vehicles necessary to ensure the tram assets reach the end of their useful lives. Provision is made in the forecast for such expenditure required to achieve the life expectancy of the system over the first 30 years of operation and to ensure the system performs effectively throughout, including the half-life refurbishment of tram vehicles after approximately 15 years.
- 1.38 Taxation is provided at the currently prevailing rate on forecast net profits. TEL will engage in the examination of tax mitigation opportunities in the same way as other commercial entities.

Integrated service patterns

- 1.39 Using the geographical analysis of where forecast demand is likely to originate / terminate, TEL has developed a service integration plan reflecting planned tram services and bus services beyond the introduction of tram. The service patterns for tram must provide sufficient and reliable capacity to meet the demand and ensure overcrowding does not dissuade passengers from using public transport. The planned service patterns for opening of Phase 1 of the tram are depicted below for Phase 1a only and for a complete Phase 1.



tph = trams per hour

- 1.40 The forecast of demand indicates that after the initial five years of growth, the '6/12' trams per hour service depicted above will require to be increased to provide sufficient capacity to serve demand on the Leith to Haymarket section and the TEL Business Plan assumes that from 2016, the service will be increased to an '8/16' trams per hour pattern. A further increase in services is likely to be required after the year 2027 to provide sufficient capacity to serve demand on the Haymarket to Edinburgh Park section of the tram network.
- 1.41 Amendments to bus service patterns are envisaged where the tram runs parallel or close to an existing bus route to prevent unnecessary overlap of services, the principle being that bus service reductions are only applied where the tram offers an acceptable alternative mode of travel. This approach will allow TEL to match the most effective mode of transport to levels of demand while the travelling public will continue to benefit from high quality public transport provision. Feeder buses will be provided linking Crewe Toll with the Western General Hospital and existing services to the area would be maintained.
- 1.42 TEL's service integration plan aims to offer as near seamless a journey through the network as possible. The inconvenience of interchange is minimised by eliminating it where possible. The service integration plan seeks to achieve optimal alignment of service frequencies at interchanges thus making interchanging as simple as possible and minimising the risk of loss of patronage. Key bus and tram interchange locations addressed by the service integration plan are the Foot of Leith Walk, St Andrew Square and Crewe Toll.

3rd party responses

- 1.43 Good relations with 3rd party operators are considered essential, not least due to the opportunities which enhanced integration with those operators may offer and the benefits of

being part of the wider provision of public transport within Scotland. Dialogue is underway to develop appropriate service plans with these operators including common and through ticketing arrangements.

Fares and ticketing strategy

- 1.44 The TEL fare structure will be a single, fully integrated, flat fare for bus and tram regardless of the distance travelled. The only exceptions will be – as now - journeys to and from the Airport and night services. The forecasts also assume that the existing concessionary fare scheme available on bus services will apply equally to tram journeys.
- 1.45 The assumption is that the average fares yield for TEL will be increased at the rate of the Retail Price Index (RPI) +1% growth per annum. This is in line with historical increases in fares by LB, meets political and stakeholder expectations and supports TEL's aim to provide transport services at an affordable price.
- 1.46 Tram tickets are to be purchased off-board and ticket machines will be provided at all trams stops and a number of bus stops. The only tickets to be sold on-tram are to be adult and child single tickets which will be priced at a premium above the price from ticket vending machines. TEL will continue and enhance LB's current strategy to encourage wider use of pre-paid and/or multi-journey types of tickets by offering discounts to the standard fare.

Revenue protection

- 1.47 Fare evasion and fraud on the existing LB bus network has been limited. Trams, with multi-door boarding, require active processes in place to limit the opportunity for fare evasion and fraud in general as well as the particular need to enforce the premium Airport fare. TEL's revenue protection regime for trams is a combination of placing inspectors on each tram and providing ticket machines at all tram stops, with a significant price incentive to buy a ticket off-tram. The presence of inspectors has also been shown to promote a sense of security for passengers and be an effective deterrent to anti-social behaviour.

Other income opportunities

- 1.48 TEL with its combined bus / tram network offers attractive opportunities to generate additional revenues from advertising, small scale commercial development and marketing and tourism driven revenues. The TEL Business Plan includes a prudent assessment of the income which might be earned from these additional sources based primarily upon the existing experience of LB.

Operating costs

- 1.49 TEL's bus operating cost projections are based on the current experience of LB for buses. Tram operating costs are based upon the planned service patterns and required number of tram vehicles, validated by Transdev and subjected to a thorough review and benchmarking process. Effective control over all aspects of operating costs is essential for TEL to achieve its profit objectives. However, the public's perception of the quality of services translates directly to patronage and revenue generation, therefore TEL must balance opportunities for cost savings against the impact this may have on the quality of services provided.
- 1.50 Maintenance of the tram vehicles and infrastructure is being procured separately to cover maintenance services, including lifecycle maintenance, with a significant proportion of the maintenance fees based on a punctuality and availability monitoring regime and high presentational standards. Key Performance Indicators (KPIs) will be adopted with which the success of TEL in realising the benefits expected from the integrated bus and tram business can be measured. These KPIs have or will be incorporated into the relevant contracts and operating agreements with service providers to TEL including the operator of the trams, Transdev, and the maintenance providers for the tram system.

New development and economic growth risk to patronage and revenue forecasts

- 1.51 Phase 1 of the tram will encourage and facilitate the new development planned in North and West Edinburgh and stimulate economic growth in the City. However the forecast future TEL patronage and revenues, both for bus and tram, is in turn highly sensitive to the level and timing of new development and the underlying level of economic growth. Sensitivity tests indicate that with assumed new development at Granton reduced by 75% and new development delayed by 5 years in other areas, overall TEL revenue would be reduced by 3% in 2011 (13% in 2031)
- 1.52 Although not at first sight dramatic, these reductions are significant to forecast levels of profitability and cash flow. In the event of slower than expected development or a general economic downturn, TEL would plan and implement services to match the reduced demand. On the Phase 1a corridor, where there is already a high level of demand, the opportunities to implement revised integrated service patterns for buses and tram, with commensurate savings in operating costs, would significantly mitigate the risk of failure to meet annual operating profit targets. In 2011, approximately 30% of forecast demand between Leith and Haymarket and 50% of demand between Haymarket and the airport will be directly dependent on new development.
- 1.53 On Phase 1b the opportunities to mitigate the impact of lower demand are lower than on Phase 1a since a greater proportion of the patronage will be carried by the tram. Opportunities will however exist to reduce the planned level of tram services to mitigate the negative impact. Although forecast patronage on Phase 1b in 2011 amounts to c30% of total tram passengers, nearly 70% of that demand will be directly dependent on the new development at Granton waterfront. In context however this represents a relatively small proportion of TEL's total revenue.
- 1.54 A key issue arises in the early period of operations, when the development at Granton is building up. This is the period when overall network profitability is most challenging because of the ramp-up period described above. Careful evaluation of the inherent risk is necessary to avoid unacceptable early period losses and the means to do so are addressed in the context of affordability.

Affordability

- 1.55 The summaries above demonstrate that Phase 1 of the tram (and Phase 1a on it own) can deliver significant economic benefits in return for the proposed investment. Phase 1b will make a very positive contribution to the economic case. TEL can operate as a financially viable integrated bus and tram business with Phase 1 of the tram. Here we consider the affordability of Phase 1 of the tram in the context of visible funding, the risks being borne by CEC and Transport Scotland as the principle funders and the rationale for keeping decision making flexible with respect to Phase 1b. Section 9 contains the detailed analysis.

Cost estimates

- 1.56 In November 2006, tie and its advisors completed a detailed review of the cost estimate for the project to reflect the agreed scope of Phase 1 and a programme for delivery of Phase 1 into service by Mid 2011. The updated estimate for Phase 1 is:

Phase 1 in total	£592m	
Phase 1a only	£500m	Deleted: 12
Phase 1b incremental cost	£92m	Deleted: 80

- 1.57 Based on the estimating methodology used, the level of certainty and confidence associated with the updated estimate is considered to be relatively high. Nearly 98% of the costs have

been estimated based on rates and prices from firm bids received, known rates applied to quantities or based on market rates applied to quantities derived from Preliminary Design. The level of confidence is reinforced by benchmarking against other tram schemes and the relatively high allowance for risk included in the estimate as explained below.

- 1.58 The updated estimates comprise base costs and an allowance for risk and uncertainty. A rigorous Quantitative Risk Assessment has applied to identified Project Risks to derive a risk allowance to deliver a very high level of confidence (statistically at a 90% confidence level meaning that there is a 90% chance that costs will come in below the risk-adjusted level). The level of risk allowance so calculated and included in the updated estimate represents 12% of the underlying base cost estimates. This prudent allowance for cost uncertainty reflects the evolution of design and the increasing level of certainty and confidence in the costs of Phase 1 as procurement has progressed through 2006.
- 1.59 **tie** will continue to analyse, quantify and mitigate risks during the period through to final negotiation and award of the tram vehicles (Tramco) and infrastructure (Infraco) contracts and during construction with the objective of reducing or eliminating the impact of individual quantified risks and thereby the element of the allowance for risk which crystallises into actual costs.
- 1.60 The principal elements of the base cost estimates are:
- **Utility Diversions** - The Multi Utility Diversion Framework Agreement (MUDFA) was awarded in October 2006 and rates, prices and allowances in the contract have been reflected in the updated estimate
 - **Tram vehicles** - Tenders were received for Tramco in October 2006 and the updated estimate reflects an appraisal of the prices received
 - **Infrastructure** – Tenders were issued for Infraco in October 2006 and pricing information is due to be returned in early 2007. Quantified estimates for the infrastructure works prepared by SDS and based on design were reviewed and reconciled with independent estimates prepared by Cyril Sweett. The cost estimates have been benchmarked against other comparable tram schemes.
 - **Land compensation costs** - Estimates have been provided by the District Valuer and it is intended to commit to certain of the acquisitions required for Phase 1a using a General Vesting Declaration procedure by March 2007.
 - **Internal costs** – Comprises mainly SDS design costs as contracted plus the costs of project management team and overhead, legal costs related to procurement and support of approval processes and the support of the operator, Transdev, all of which have been estimated using a detailed resourcing plan and known or market rates.
- 1.61 The Tramco contract cost and MUDFA contract rates are fixed price at outturn price levels. The base estimate costs for remaining items were estimated at current (2nd Quarter 2006) price levels and have been inflated over the duration of the works at an annualised rate of 5% with a further 1% allowed for in the calculation of risk allowances given the uncertainty of forecasting future market price levels. This allowance is consistent with the forecasts assessed by the RICS Building Costs Information Services (BCIS).
- 1.62 In summary, the cost estimate reflects substantial external validation and contains a sensible level of risk contingency.

Measuring affordability

- 1.63 In January 2006, CEC made an in-principle commitment to make a contribution of £45m towards the capital cost of Phase 1 and in early February 2006, Scottish Ministers announced an increase, in line with indexation, of the grant of £375m originally offered in March 2003 up to approximately £500m. The final level of the grant will depend upon the actual level of cost inflation in the construction industry and the programme over which Phase 1 of the tram project is built.

1.64 The benchmark total funding package is therefore £545m. The updated cost estimates above reflect that Phase 1a, at a cost of £500m, is affordable within this level of funding with a 9% headroom over and above the 12% risk allowance provided for in the cost estimate. However a complete Phase 1, at a cost of £592m, is £47m or 9% in excess of the benchmark.

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1.65 In considering the affordability equation, there are a number of variables which may change the final picture:

- The receipt and final negotiation of Infraco tender prices. The progression of Detailed Design would serve to further mitigate the pricing of risks by Infraco bidders and to reflect further examination of value engineering opportunities.
- The effectiveness of **tie** and other stakeholders in mitigating the risks which have been quantified in the cost estimates at 12% of base costs.
- The application of Transport Scotland's indexation proposals to the final contracted capital costs.
- Examination and execution of opportunities to secure contributions from property developers over and above the levels of contribution which were assessed by CEC as necessary for the delivery of their existing £45m contribution.
- Updated assessment of the pace and scope of development at the Granton Waterfront.
- Final determination by CEC and Transport Scotland of the level of funding which can be made available by each party for Phase 1 of the tram in the context of the economic and public transport benefits assessed in this Draft Final Business Case.

Deleted: final outcome

1.66 In order to maintain momentum on the project and to realise the benefits forecast for the project, it is critical that construction commences as soon as possible in 2007 with early commitment to mobilisation of the MUDFA contractor and to the procurement of long lead items. It is therefore appropriate to adopt an approach to construction commitment which manages overall affordability risk.

Phased 1a then 1b approach

1.67 One solution to these issues would be to adopt a phased approach to the implementation of Phase 1 such that construction of Phase 1a proceeds with a target opening date of end December 2010 and construction of Phase 1b would commence in mid 2009 with a target opening date for Phase 1b for December 2011.

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1.68 The principal advantages of adopting the phased approach would be:

- Phase 1 is maintained as the preferred first phase of the tram as supported by the tests of economic viability and financial viability. The economic benefits to be derived from Phase 1 are diluted by the adoption of the phased approach but Phase 1a is economically viable in its own right.
- If approved, elements of the construction of Phase 1a as the 'spine' of Phase 1 can commence immediately as it is currently comfortably within the affordability envelope, currently assumed to be £545m.
- Phase 1a could be delivered into operation earlier – potentially by the end of December 2010 – and with greater certainty.
- Detailed design activities could in the short term be more focussed on the challenges of Phase 1a and thereby on the project risks associated with that section.
- It reflects a prudent, risk-controlled approach to managing the financial impact on TEL if the scale of development assumed for Granton in particular does not materialise in the timescales currently envisaged. In addition this approach would provide TEL with an increased focus on the integration of Phase 1a with the bus services in advance of integrating Phase 1b.

Deleted: and carries greater certainty of financial viability

- Decisions regarding the timing of commitment to Phase 1b can be made with the benefit of greater clarity with respect to the variables which still exist as explained above. In addition, there would be significant construction progress on Phase 1a providing greater capital cost certainty for that phase and therefore the whole of Phase 1

- 1.69 A review of the updated cost estimates by tie indicates that, if contracts can be appropriately concluded, adopting the phased approach to implementing Phase 1a and then Phase 1b would not materially increase the overall cost estimate for Phase 1 compared to simultaneous construction.
- 1.70 The tender documents for the Tramco and Infraco contracts have been structured such that separate prices can be derived for the delivery of Phase 1a and Phase 1b subject to clarification and negotiation with the bidders. This would provide CEC with priced and contractually committed options to proceed with Phase 1b when approval is given.
- 1.71 However, any decision to adopt a phased approach must be taken in light of the disadvantages such an approach might bring. The redevelopment at Granton which is facilitated by Phase 1b is very likely to be delayed as a result of a later introduction of the improved transport infrastructure which is required to encourage and serve the new development. The wider economic benefits which can be delivered by Phase 1b as detailed above would be realised later even if they are not materially reduced in total.
- 1.72 It should also be noted that a substantial proportion of the capital investment will be spent in Scotland, encompassing utility works, land purchase, civil engineering works and professional services.

Application of available funding

- 1.73 Payment for capital costs will be made by tie in accordance with principles of the contractual payment mechanisms for each contract. A detailed table showing the profile of planned expenditure is included in Section 9. Funding from Transport Scotland and CEC is for capital expenditure only. All operating and lifecycle costs in relation to the tram will be borne by TEL. This means that CEC in its capacity as sole shareholder of TEL is explicitly bearing the risks in relation to revenues, operating costs and the long term maintenance of the tram insofar as these risks are not wholly or partly passed to the private sector as part of tie's Procurement Strategy.
- 1.74 CEC must balance its desire to support the project with its fiduciary responsibility and limited resources. CEC's contribution, therefore, comprises only such amounts as could reasonably be expected to be funded from future tram related development income and receipts, rather than from general funds or from Council Tax. The anticipated sources of such receipts include land contributions by CEC, anticipated development gains accruing to the Council on Council owned sites, Section 75 planning agreements already negotiated and anticipated future agreements, third party developments around the tram route and anticipated capital receipts from tram related Council owned sites.
- 1.75 It is recognised that the sources of CEC funding may be received after key milestone payments are required, which could cause CEC to suffer cash flow difficulties and, in the event any element of the contribution were borrowed, additional interest payments. In these circumstances, Transport Scotland will consider whether there is scope to relax the strict proportion in the early years, without reducing the binding commitment on CEC to make its overall agreed contribution. Transport Scotland and CEC have agreed to work together to regularly review and revise (as necessary) the contribution schedule, as required by the Grant process.

- 1.76 Certain other aspects of the funding structure remain to be agreed between CEC and SE in the period up to the award of the Tramco and Infraco contracts, most importantly the mechanism by which increases in capital costs would be managed, funded, or shared in the unlikely event that the forecast outturn costs for the project at any time exceeded the funding available.

Procurement strategy and progress

Overview of Procurement Strategy

- 1.77 The objectives of the Procurement Strategy being followed by the project are summarised as follows:
- Transfer design, construction and maintenance performance risks to the private sector
 - Minimise the risk premia (and/or exclusions of liability) that bidders for a design, construct and maintain contract normally include. Usually at tender stage bidders would not have a design with key consents proven to meet the contract performance obligations and hence they would usually add risk premiums for this.
 - Mitigation of utilities diversion risk (i.e. potential impact of delays to utilities diversion programme on Infraco works).
 - Gain the early involvement of the operator to mitigate the risk relating to the future operation of the tram.
- 1.78 The five key contracts that the project has or will enter into are:
- **Development Partnering and Operating Franchise Agreement (DPOFA)**
Awarded to Transdev in 2004
 - **System Design Services (SDS)**
Awarded to Parsons Brinkerhoff in September 2005
 - **Joint Revenue Committee (JRC)**
Awarded to Steer Davis Gleave in September 2005
 - **Multi Utilities Diversion Framework Agreement (MUDFA)**
Awarded to Alfred McAlpine in October 2006
 - **Infrastructure provider and maintenance (Infraco)**
Tender documents issued in October 2006 and due to be returned in early 2007
 - **Vehicle supply and maintenance (Tramco)**
Tenders received in October 2006 and currently being evaluated.
- 1.79 The outcome of the strategy will be two contracts with different private sector entities: an operating contract, the DPOFA, and an infrastructure contract, the Infraco. The Infraco will act as a "holding contract" with the intention that the design and vehicle provision (including maintenance contract) will be novated to the Infraco at the point of award. The entire strategy has been developed to help facilitate the speedy implementation and completion of the construction phase of the project and to remove uncertainty and therefore cost from bidders' proposals i.e. deliver value for money.
- 1.80 In summary the key attributes of the strategy are:
- The separation of system delivery and operations - to focus organisations on their strengths and to minimise mark-ups and risk premiums.
 - Early introduction of the operator – to ensure effectiveness of design, construction and commissioning ready for operation.
 - Early commencement of design by the SDS contractor – to reduce scope and pricing risk in Infraco and Tramco bids and to reduce the overall project programme.
 - Separate procurement of the tram vehicles – to enable the selection of the optimum combination of tram vehicle and infrastructure suppliers.
 - Re-aggregation of the supply chain at the point of award – by novation of the SDS and Tramco contracts to Infraco, thereby creating single point responsibility for

design, construction, commissioning and subsequent maintenance of the tram system, with consequential transfer of performance risk to the private sector.

- Maintenance of the tram vehicles and infrastructure for up to 15 years post commencement of operations by Tramco and Infraco – to incentivise selection of components with 'whole life' costs in mind and to incentivise Infraco to mitigate the risk of latent defects arising during the operational phase.
- Separate procurement of utilities works under MUDFA - to enable completion of the utilities diversions before commencement of infrastructure works thus reducing risk during the construction phase and avoiding the risk premiums that would otherwise be included if this work was included with the Infraco package.
- Validation of the SDS designs by a Technical Support Services (TSS) consultant – to provide comfort that the designs produced will deliver the required performance.
- Incentivise delivery in accordance with programme - by adopting a milestone payment mechanism in the SDS, Tramco and Infraco contracts, with a significant element of the price withheld pending completion of system reliability tests.
- Bonds and Warranties in the SDS, Tramco and Infraco contracts - to provide recourse in the event of failure.

1.81 These arrangements provide early involvement of the tram system operator, risk transfer to the private sector at an affordable level, a shorter overall programme and a single point of responsibility for the delivery of the operating tram system and subsequent maintenance.

1.82 Section 7 provides a detailed analysis of the procurement strategy and Section 10 describes the approach to risk management in all aspects of the project.

Risks retained by the public sector

1.83 The Procurement Strategy when fully implemented will be effective in transferring a very significant number of risks to the private sector. However, as explained above, the strategy is also predicated on delivering value for money and certain risks are retained in the public sector where they can be effectively managed. *tie* maintains a comprehensive register of all identified risks in relation to the project and has an active management and mitigation plan for each risk. Where these risks can be quantified they have been assessed and included in the risk allowance in the capital cost estimates.

1.84 As the project moves towards construction, the following are the most significant risks which could impact on the delivery of the project on time and within the capital cost estimates (including risk allowances):

- **Utility diversions – tie** must manage the interface between utility diversions and the follow on works by Infraco. A significant delay in the hand over of worksites to the Infraco could result in significant financial penalties to the extent these are not met by the MUDFA contractor's liability limits. A prompt start to utility diversions is a key element of the mitigation of this risk.
- **Changes to scope or specification** – A great deal of care has been taken in defining the scope and specification of the tram project throughout the Parliamentary process and during design development with input from TEL and Transdev and extensive consultation with CEC and Transport Scotland. However significant unforeseen changes to scope and specification could have a very significant impact on the deliverability of the project. Effective management of the consideration of any significant changes through the Governance processes implemented for the project will be vital to mitigate this risk.
- **Obtaining consents and approvals** – Responsibility for the preparation and application for most necessary consents and approvals has been passed to the SDS provider and this risk will pass to the Infraco at the point of novation. However *tie* and the other stakeholders must continue to ensure there are clear strategies and

effective processes to deliver all consents and approvals including planning approvals and Traffic Regulation Orders.

Programme

- 1.85 The table below presents the key milestone dates with respect to the continuing procurement and implementation of Phase 1 of the tram in chronological order. The detailed programme from which these dates have been extracted is described in Section 11 and has been prepared on the basis that construction of Phase 1a will commence in December 2007 and Phase 1b will commence in June 2009, with opening dates in December 2010 and December 2011 respectively. The programme for implementation of Phase 1b will require to be kept under review as the resolution of affordability constraints becomes clear.
- 1.86 tie, CEC and Transport Scotland will continue to develop the integrated programme for review, approval and decision making by stakeholders required to meet these milestones in accordance with the agreed Governance structure for the tram project.

Milestones	Date
Approval of Draft Final Business Case by CEC	21 Dec 06
Approval of Draft Final Business Case by Transport Minister – approval and funding for utility diversions	15 Feb 06
TRO process commences	13 March 07
Tramco - complete initial evaluation/negotiation	19 Mar 07
MUDFA - completion of pre-construction period of MUDFA contract	02 Apr 07
MUDFA - commencement of utility diversions	Apr 07
Infraco – return of stage 2 bids	05 April 07
Tramco - appointment of Preferred Bidder	16 Apr 07
Infraco - completion of evaluation/negotiation of bid	10 May 07
Infraco - appointment of Preferred Bidder.	10 May 07
Tramco/Infraco - facilitation of novation negotiation complete	07 Jun 07
Tramco/Infraco - final negotiation and appointment	19 Jul 07
Infraco - negotiation of Phase 1b complete.	13 Sep 07
Approval of Final Business Case by CEC and Transport Scotland – approval and funding for Infraco / Tramco	27 Sep 07
Tramco/Infraco - award following CEC/TS approval & cooling off period.	11 Oct 07
Construction commences on Phase 1a	07 Dec 07
TRO process complete	17 July 08
Construction commences on Phase 1b	29 Jun 09
Construction complete Phase 1a	08 July 10
Operations commence Phase 1a	Dec 10
Construction complete Phase 1b	11 July 11
Operations commence Phase 1b	Dec 11

Funding requirements from April 2007

- 1.87 To date, Transport Scotland and CEC have approved sufficient funding to meet forecast expenditure up to 31st March 2007. This includes funding of payments of compensation under a General Vesting Declaration process to secure land required for the construction of Phase 1a insofar as it is not already owned by CEC or contributed under section 75 agreements.
- 1.88 Upon approval of this Draft Final Business Case, tie will require approval of additional funding amounting to £61m for forecast expenditure in the period from April 2007 to the planned award of Infraco and Tramco in October 2007. This additional funding will provide c£30m for all scheduled utility diversion activities (including those under MUDFA) and certain other

ancillary and advance works required to be undertaken prior to the commencement of Infrastructure works. The balance will be required for continuing design, project management and progression of approvals and consents.

Summary of specific approvals arising from this business case

1. Funding for the period from 1 April 2007 to financial close in October 2007.
2. [Others to be listed]

Conclusion

- 1.89 The Edinburgh tram project has now been under assessment for 6 years. During that period, the underlying rationale for the project, support to the growth of the Edinburgh economy by providing high quality transport connectivity, has been reinforced by events. The city's economy and population continue to grow and the prospects are that this will continue. The Scottish economy as a whole is strongly influenced by the success of Edinburgh.
- 1.90 The business case seeks to set out in an objective and clear manner the advantages and disadvantages of the proposed scheme as a means of providing the enhancement to transport provision which the city will require if its growth ambitions are to be realised. The documentation is detailed and complicated, reflecting the scale of the scheme and the need for rigorous, professional analysis of the proposal. In its entirety, the document should represent a "balanced scorecard" assessing all the key aspects of the proposal. The document also sets out the means by which the project may be implemented in a risk-controlled manner, should the business case be approved.
- 1.91 The responsibility for delivering this document was given to the Tram Project Board by the City of Edinburgh Council through Transport Edinburgh Limited and by Transport Scotland. It is these organisations who now have the responsibility of concluding on the way forward for the project, based on the evidence presented in this business case.



EDINBURGH TRAM PROJECT MONTHLY PROGRESS REPORT – NOVEMBER 2006

1. Safety

HSQE objectives are being developed for the project from which the Key Performance Indicators shall have targets set.

A total of four Non-Conformance Reports (cumulatively) to date have been issued to SDS. Two Non-Conformances remain open as detailed in the summary table below.

Issue date	Number issued	Open/Closed	Action
March 2006	1	Closed	Complete
October 2006	1	Closed	Complete
	2	Open	Response required from SDS for all – Currently being chased by Team
Total	4		

2. Programme and Progress

2.1 Current status of key project milestones planned for November:-

- The Draft Final Business Case was submitted on the 16th of November 2006 to TEL/CEC/TS.
- The Project Estimate Update finalised on the 16th November 2006, reviewed by Stakeholders and noted for inclusion in the DFBC by the Tram Project Board on 20th November.
- Scottish Gateway 2 follow up review was undertaken on the scheduled dates. Although the report has not been formally issued to the Project there are not thought to be any significant issues arising from the review.
- Tramco
 - Tramco Evaluation Panel meeting held on 29th of November 2006 to consider Preliminary Evaluation Report. This concluded that no bidders should be eliminated at this stage.

2.2 Future key project milestones in December to achieve project funding are:-

- 21st December 2006 - CEC full Council meeting to approve DFBC