
From: Foerder, Martin (Bilfinger Construction UK) [martin.foerder@bilfinger.com]
Sent: 10 December 2013 12:38
To: Colin Smith
Cc: 'info@hg-group.co.uk'
Subject: Re: % Uplift Template

Colin

I am heavily disappointed with the statements in your mail since you are reversing agreements and payments made earlier on the same approach for uplifts and did not advised T+T on the indices item. Following what Mike identified in regards to the uplift is reversing what have been paid and agreed on that principle so far. Not allowing for these uplifts on the four items is against what we agreed previously and would trigger a dispute.

I have been patient all this year following our discussion in January when returning from the year end break. You promised we would not get into the same mess again and you would finalise any issues within a period of applications. This is obviously not the case and even our latest discussion confirmed that this will be sorted within this current application. To skip this agreement and reverse previous agreed approach in this application and postpone further discussion into January is unacceptable.

We will not invoice according to a wrong certified application instead will use the correct amounts based on the principle agreed and would declare a dispute if amounts are not paid accordingly.

Please give me a call urgently to discuss the situation

Best regards / Mit freundlichen Grüßen

Martin Foerder
Managing Director / Project Director

Construction

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Bilfinger Construction UK Limited

Executive Board: Martin Foerder, Martin Koehler
Registered Office: 100 Barbirolli Square, Manchester, M2 3AB
Company Registration No. 2418086
Registered in England and Wales

From: Colin Smith [mailto:colin.smith@edinburghtrams.com]
Sent: Tuesday, December 10, 2013 01:13 PM

To: Foerder, Martin (Bilfinger Construction UK)

Subject: Fw: % Uplift Template

Please find attached for your information. I am in city chambers today giving confidential briefings to Cllr re full Council report for this Thursdays Council meeting.

Payment to be made tomorrow as noted below .

Will review all applications and directions to give one complete IC opinion in January application .

This approach , to ensure one full and final review on difference between TT and infarct

Regards

Colin

Sent from Windows Mail

From: Colin Smith

Sent: Tuesday, 10 December 2013 11:34

To: Mike Mackenzie

Cc: Gary Easton

Thanks Mike ,

I reported this morning to Tram SMT.

I agree with your recommendations can you advise Mark of CEC position .

Further please allow meantime £220, 000- for Lagan which includes a ten % uplift

Regards

Colin

Sent from Windows Mail

From: Mike Mackenzie

Sent: Friday, 6 December 2013 16:51

To: Colin Smith

Cc: Gary Easton

Colin

We agree that the way Mark has presented these numbers accurately reflects the current position of the parties. We would, however, make the following comments, recognising that your original decision required each instance to be reviewed on a case by case basis:

PMC 77a (setts) - although the spreadsheet indicates that this PMC has a net negative value, when combined with PMC 77b, the overall value of setts on the project has increased, resulting in an increase to Bilfinger's prelim and overhead contribution (overall £175k add, £159k omission). We therefore consider applying the contract markups on the entire change to be fair.

PMC 206/224 (Cathedral Lane) - as with PMC 77a, the overall result of the Cathedral Lane change is an increase to the contract sum and therefore an increase to Bilfinger's prelim and overhead contribution. We therefore consider that applying the contract markups to the entire change to be fair.

PMC 225 (Hope Street) - we would accept a markup of only 10% on the net (negative) value of the change as a reasonable position but do not see why the adds should be marked up at a different rate than the omissions.

PMC 295 (Additional 22m of track) - as with PMC 77a, this is part of a much larger, positive change (the York Place turnback), which will result in an increase to Bilfinger's prelim and overhead contribution. We therefore consider that applying the contract markups is fair.

We would be keen to discuss this with you on Monday before you issue your position.

Mike

Mike Mackenzie

Associate Director

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From: "Miller, Mark (Bilfinger Construction UK)"

<mark.miller@bilfinger.com>

To: "colin.smith@edinburghtrams.com"

<colin.smith@edinburghtrams.com>, "Gary.Easton@turntown.co.uk"

<Gary.Easton@turntown.co.uk>, "Mike.Mackenzie@turntown.co.uk"

<Mike.Mackenzie@turntown.co.uk>, "Foerder, Martin (Bilfinger Construction UK)" <martin.foerder@bilfinger.com>,

Date: 06/12/2013 16:02

Subject: % Uplift Template

Dear All,

Further to Colin's email I attach our calculation of the Uplift Percentages per the agreed format.

Please note that I have addressed Cathedral Lane in its entirety, the OSW element is Investigation works and Retaining Walls which is agreed Bilfinger/T & T

The CI 80 part only and using the current valuation assessment from T & T is:

CI 80 works
£371,427.11

Uplift 34.9%
£203,440.03

Total Addition
£574,867.14

Provisional Sum adjustment
-£149,671.00

Uplift 10%
-14,967.00

Total Deduction
-£164,638.10

Net Increase for CI 80
£410,229.04

Mark Miller
Managing Quantity Surveyor

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From: Foerder, Martin (Bilfinger Construction UK)
Sent: 06 December 2013 15:41
To: Miller, Mark (Bilfinger Construction UK)
Subject: Fw: % Uplift Template

Best regards / Mit freundlichen Grüßen

Martin Foerder
Managing Director / Project Director

Construction

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From: Colin Smith [mailto:colin.smith@edinburghtrams.com]
Sent: Friday, December 06, 2013 04:15 PM
To: Foerder, Martin (Bilfinger Construction UK); Gary Easton
<gary.easton@turntown.co.uk>; Mike Mackenzie
<mike.mackenzie@turntown.co.uk>

Subject: Fw: % Uplift Template

For my use and file can I ask that you complete the blank template from Infraco's interpretation and TT interpretation on the following ;

Setts specification

Works at Hope street

Trackform saving at York Place

Cathedral lane substation and wall

I will shortly expand and clarify IC opinion on surfacing indices

Regards

Colin

Sent from Windows Mail

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