

**Sandra Elgin**

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**From:** Dave Anderson  
**Sent:** 12 May 2011 08:52  
**To:** Kevin.Russell@civil.bilfinger.co.uk; Martin.Foerder@civil.bilfinger.co.uk; ACampos; Alfred Brandenburger  
**Cc:** Alastair Maclean; Donald McGougan; Sue Bruce (Chief Executive)  
**Subject:** Mediation: Confidentiality Agreement  
**Attachments:** Edinburgh Tram Update - v10 tracked changes may11 2030hrs.doc; Edinburgh Tram Update Appendix 1A v3 tracked 11 May2035hrs.doc; Edinburgh Tram Update Appendix 1 v4 CLEAN SB.doc; Edinburgh Tram Update Appendix 2 v2 SB.doc

Gentlemen The Council is due to consider the initial outcome of the mediation and the provisions of MoV4 on Monday. The attached drafts are the latest iterations of the Council report. These have been taken as items for noting at this stage as our elected members wish to see the full details of MOV5 before holding a formal debate on the issues.

We are planning to put this information into the public domain today and as this will represent a breach of the confidentiality agreements that we signed at Mar Hall. I would like therefore to seek your formal consent to break the agreement for this purpose. Kind Regards. Dave Anderson

Dave Anderson | Director of City Development | The City of Edinburgh Council | G1 Waverley Court | 4 East Market Street | Edinburgh EH8 8BG [REDACTED] | [dave.anderson@edinburgh.gov.uk](mailto:dave.anderson@edinburgh.gov.uk)

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**Sandra Elgin**

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**From:** Kevin.Russell@civil.bilfinger.co.uk  
**Sent:** 12 May 2011 11:35  
**To:** Dave Anderson  
**Cc:** ACampos; Alastair Maclean; Alfred Brandenburger; Donald McGougan; Martin.Foerder@civil.bilfinger.co.uk; Sue Bruce (Chief Executive); Scully, Patrick (STS)  
**Subject:** Fw: \*Confidential: Re: Mediation: Confidentiality Agreement

Dave,

Antonio has just contacted me and has the following comment:

Appendix 1, paragraph 4  
We would suggest that the heading be altered to read "Suspension of Disputes / Claims"  
Also, in the text delete "ceasefire in respect" and replace with "suspension",  
therefore it should read as follows: "There is a suspension of existing disputes and  
claims under the Infraco Contract during the currency of the Priority Works Minute of  
Variation.

Regards,

Kevin Russell  
P.Eng.  
Contract Manager

Bilfinger Berger Civil UK Limited  
9 Lochside Avenue  
Edinburgh  
EH12 9DJ  
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----- Forwarded by Kevin Russell/Contract Management/Civil/Bberger on  
12/05/2011 11:27 -----

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| From: |  
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|Kevin Russell/Contract Management/Civil/Bberger  
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| To: |



## Sandra Elgin

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**From:** Kevin.Russell@civil.bilfinger.co.uk  
**Sent:** 12 May 2011 11:13  
**To:** Dave Anderson  
**Cc:** ACampos; Alastair Maclean; Alfred Brandenburger; Donald McGougan; Martin.Foerder@civil.bilfinger.co.uk; Sue Bruce (Chief Executive); Scully, Patrick (STS)  
**Subject:** \*Confidential: Re: Mediation: Confidentiality Agreement

**Importance:** High

**Attachments:** Edinburgh Tram Update - v10 tracked changes may11 2030hrs BSC Comments.doc; Edinburgh Tram Update Appendix 2 v2 SB BSC Comments.doc; Edinburgh Tram Update Appendix 1 v4 CLEAN SB BSC Comments.doc; Edinburgh Tram Update Appendix 1A v3 tracked 11 May2035hrs BSC Comments.doc



Edinburgh Tram Update - v10 tr...



Edinburgh Tram Update Appendix...



Edinburgh Tram Update Appendix...



Edinburgh Tram Update Appendix...

Dave,

We respectfully advise that we remain bound by the provisions of the Mar Hall Confidentiality Agreement and the confidentiality undertakings in the Infraco Contract.

In providing our approval for release of the 'Edinburgh Tram Update' dated 16 May 2011 in the attached form we do so on the express understanding that all parties remain bound by the confidentiality undertakings referred to above and that the Edinburgh Tram Network Update will be treated as confidential.

Further, please note that due to the quick turnaround time requested, we have not been able to contact Antonio Campos, but note that we have not made any alterations to the report in respect of the Surplus Tram Vehicles.

We trust that this will be acceptable to all concerned.

Should you have any particular concerns to our amendments or comments noted, please do not hesitate to call me directly on any of the numbers below for clarification.

(See attached file: Edinburgh Tram Update - v10 tracked changes may11 2030hrs BSC Comments.doc) (See attached file: Edinburgh Tram Update Appendix 2 v2 SB BSC Comments.doc) (See attached file: Edinburgh Tram Update Appendix 1 v4 CLEAN SB BSC Comments.doc) (See attached file: Edinburgh Tram Update Appendix 1A v3 tracked 11 May2035hrs BSC Comments.doc) Regards,

Kevin Russell  
P.Eng.  
Contract Manager

Bilfinger Berger Civil UK Limited  
9 Lochside Avenue  
Edinburgh  
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United Kingdom

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Direct: [REDACTED]  
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| From: |  
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>----->  
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| "Dave Anderson" <Dave.Anderson@edinburgh.gov.uk>  
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| To: |  
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|<Kevin.Russell@civil.bilfinger.co.uk>, <Martin.Foerder@civil.bilfinger.co.uk>,  
"ACampos" <ACampos@caf.net>, "Alfred Brandenburger" |  
|<Alfred.Brandenburger@siemens.com>  
|

>----->  
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|----->  
| Cc: |  
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>----->  
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| "Alastair Maclean" <Alastair.Maclean@edinburgh.gov.uk>, "Donald McGougan"  
<Donald.McGougan@edinburgh.gov.uk>, "Sue Bruce (Chief |  
|Executive)" <Sue.Bruce@edinburgh.gov.uk>  
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| Date: |  
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|12/05/2011 08:51  
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|Mediation: Confidentiality Agreement  
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Dave Anderson | Director of City Development | The City of Edinburgh Council | G1 Waverley Court | 4 East Market Street | Edinburgh EH8 8BG | 0131 529 3524 | dave.anderson@edinburgh.gov.uk

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**Sandra Elgin**

**From:** Dave Anderson  
**Sent:** 12 May 2011 16:12  
**To:** Dave Anderson; Kevin.Russell@civil.bilfinger.co.uk; Martin.Foerder@civil.bilfinger.co.uk; ACampos; Alfred Brandenburger  
**Cc:** Alastair Maclean; Donald McGougan; Sue Bruce (Chief Executive)  
**Subject:** RE: Mediation: Confidentiality Agreement

Gentlemen I would like to offer my sincere apologies that the comments provided by Kevin on the Council report were not included before the final draft went to our committee services team for publishing on the Council's web site this morning.

Unfortunately, it seems that when I was in communication with you about this, the Chief Executive's office was sending the report out because the Council Leader had been keen to ensure that politicians received it as early as they could, in advance of briefings with each of our political groups today. Our committee services team then uploaded it to the Council's web site following their standard procedure.

I am sorry that this glitch has occurred and hope that you will accept it has happened as a result of the crossing of two separate communications and not because we had decided not to incorporate your comments.

Now that the report has gone into the public domain, it would be unwise to make any changes.

I assure you that we shall endeavour to avoid any such communications glitches as we move forward with you. Best regards. Dave Anderson

Dave Anderson | Director of City Development | The City of Edinburgh Council | G1 Waverley Court | 4 East Market Street | Edinburgh EH8 8BG | [REDACTED] | [dave.anderson@edinburgh.gov.uk](mailto:dave.anderson@edinburgh.gov.uk)

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12/05/2011

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