
From: Susan Clark
Sent: 09 March 2010 18:28
To: Graeme Bissett (external contact)
Subject: RE: Pitchfork - 20 questions

Graeme

I have attempted to outline where I think we have answered these questions – see below. I think we have answered everything albeit there are a couple of areas which I think could do with some amplifications and I'll do this as I'm finalising the full report this week.

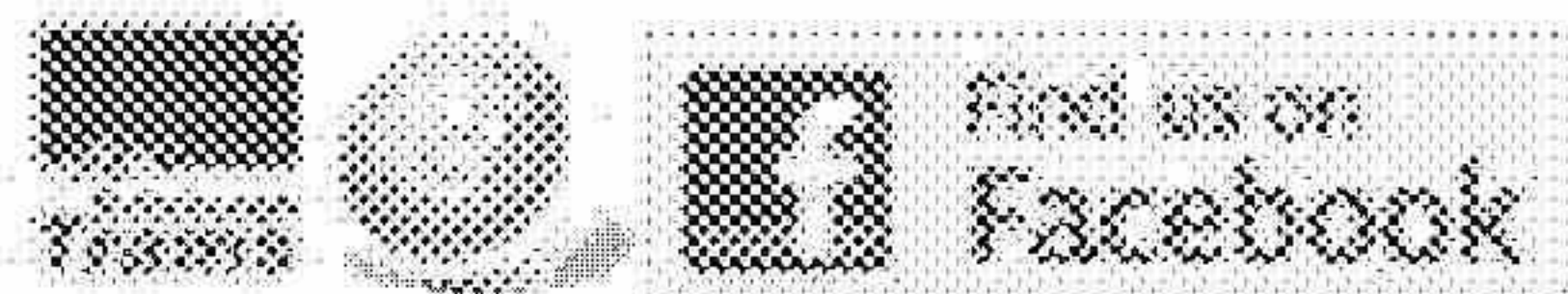
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From: Graeme Bissett [mailto:[graeme.bissett@\[REDACTED\]](mailto:graeme.bissett@[REDACTED])]
Sent: 03 March 2010 20:58
To: 'David_Mackay'; Richard Jeffrey; Steven Bell; Stewart McGarrity; Alastair Richards; Dennis Murray; 'Fitchie, Andrew'; 'Brandon Nolan'
Cc: Susan Clark
Subject: Pitchfork - 20 questions

Colleagues, to help the finalisation of the Pitchfork Report, Susan and I have compiled a list of “20 big questions” which the report needs to answer if it is to be an effective basis for a reasoned recommendation. Bear in mind that the report, or at least the Executive Summary, will be read by people with varying degrees of background knowledge and that the questions are framed as being from readers of the report, mainly our key stakeholders.

Can you review the list and let us have a note of any further big questions you believe need to be added.

1. What is the current status of the project relative to the Business Case – cost, programme and scope ?

Section 4.6 for cost and programme.
Scope is not as well outlined in report.

2. Looking back, what have been the main factors which have led to the current situation – and what is the objective assessment of their underlying causes ?

Section 2 – background the dispute

3. What has tie / CEC done to resolve the issues as they have arisen over the period since Close ?

Digest, section 2, section 4.6

4. What are the main matters under dispute, what are the legal arguments in each direction and how strong is tie's position relative to Infracore / BB ?

Section 4.5 Contractual mechanisms

5. In particular, what is the extent of tie's exposure for utility diversion delay ?

Section 4.3 – at least 9 months relief from LD's and 6 months cost but could be greater dependent on concurrency and mitigation/access arguments – section 4.3

6. What are tie's options in relation to the performance of SDS and how do these link to the proposals for resolving the overall dispute ?

Sections 4.1 and 4.5 and 6

7. What in summary were the benefits and downsides of pursuing the DRP programme and is there a need to use this mechanism for any other matters in dispute ?

Section 2 and section 6 – could probable do with some amplification

8. What are the arguments around the BSC proposal that new contractual arrangements are agreed for the on-street works ?

Section 4.4

9. How has BB / BSc reacted to the more commercially assertive approach adopted by tie since early 2010 ?

Badly – Section 4.5

10. What have the audits identified ?

Section 4.1

11. What is the current status of revised programme negotiations ?

Section 4.3

12. Termination – based on what we know today, can tie terminate the contract, if not why not, if so what would be the implications for cost and the future of the project ; do BSC have grounds to terminate the contract and what would the consequences be ? What is the scope for a negotiated termination and what are the implications ?

Section 4.5 and Section 5

13. If termination is not possible without unacceptable risk or is undesirable for other reasons, what are the implications of continuing under the present difficult arrangements ?

Section 5

14. How can BB's involvement be minimised or eliminated, is this desirable, is it achievable, what are the cost and programme implications, how could it be executed and how would the contract operate once executed ?

Section 5

15. If it is not possible to reduce or eliminate BB's involvement, what levers can tie pull to enforce compliance by BB with their contractual responsibilities and to get the best deal in resolving the range of current disputes ; and what would be the programme to achieve this outcome ?

Section 4.5 & 4.6,

16. What is the cost and programme profile of continuing with BB within Infracore but with disputes resolved ?

Section 4.5

17. How would we be sure that further material disputes will not arise ?

We cannot – see risk in section 5

18. Are relationships capable of working properly in the future ?

Ongoing risk

19. What re-phasing of project delivery might be necessary and what are the cost, programme and operational viability implications ?

To be reviewed in the next phase.

20. What is tie's recommendation to the TPB ?

Section 7

Thanks. Discuss at the session tomorrow.

Regards
Graeme

Graeme Bissett

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