



FOISA EXEMPT UNDER SECTIONS 30 (B) AND 33

MINUTES OF tie BOARD MEETING
Kingdom Brunel, Citypoint, Edinburgh
at 09.00 am on Wednesday 11th February 2009

In Attendance:

Directors:

David Mackay
Kenneth Hogg
Brian Cox
Peter Strachan
Cllr Phil Wheeler
Cllr Allan Jackson

DJM
KH
BC
PS
PW
AJ

Other Attendees:

Marshall Poulton, CEC
Dave Anderson, CEC (part)
Donald McGougan, CEC (part)
Andrew Fitchie, DLA Piper (part)
Stewart McGarrity, tie
Steven Bell, tie
Graeme Bissett, tie
Colin McLauchlan, tie
Julie Thompson, tie

MP
DA
DMcG
AF
SMcG
SB
GB
CMcL
JT

Apologies:

Neil Scales
Cllr Gordon Mackenzie
Cllr Ian Perry

NS
GMc
IP

Circulation:

As above

Item

Action by

1. MINUTES OF THE MEETING OF 22nd JANUARY 2009 AND MATTERS ARISING

The minutes of the meeting were approved by the Board and all outstanding matters were concluded.



2. The tie Board was updated on the issues arising from a meeting with senior representatives of InfraCo.

The Board expressed its extreme concern over the performance of the consortium and delivery against the contract, noting that the current behaviour of InfraCo and the number of breaches of Contract continue to frustrate tie's ability to manage the Contract and to act responsibly as Client.

The Board directed tie management to prepare, with immediate effect, a confidential paper setting out the options to deliver the project going forward.


The Board directed that the principals of the InfraCo Consortium be requested to attend a meeting with the tie executive team on Tuesday 17 February to discuss the above concerns and to be given the opportunity at that meeting to set out a remediation plan for tie's consideration. The Board further directed that a letter from the Chair to Dr Keysberg be issued prior to the meeting of 17th February to outline the Board's position and tie's requirements of the remediation plan. The letter would be copied to the principals of Siemens and CAF, stressing that all consortium members were required to attend.

The Board agreed that it was vital to convey to the consortium that each of the stakeholders was resolved and unanimous in their view of the seriousness of the current position.

The Board resolved to call an emergency meeting of the tie Board on Thursday 19th February at 9.00 am to discuss the outcome of the Consortium meeting, the options paper and to decide on the next course of action.

The need to respect and maintain the absolute confidentiality of the Board's deliberations at this time was stressed by the Chairman.

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

David Mackay (Chairman) 

Date..... 11.11.09.....

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.*