

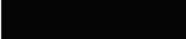



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**From:** Fitchie, Andrew  
**Sent:** 07 July 2010 08:34  
**To:** 'rush\_aj@  
**Subject:** Re: Carlisle

Even handed. Like the" have then on my desk" bit.

A  
Andrew Fitchie  
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----- Original Message -----

**From:** Anthony Rush <rush\_aj@cqm.co.uk>  
**To:** Edward.Kitzman@civil.bilfinger.co.uk <Edward.Kitzman@civil.bilfinger.co.uk>  
**Cc:** Jim Molyneux <jim.molyneux@gordonharris.co.uk>  
**Sent:** Wed Jul 07 06:30:28 2010  
**Subject:** RE: Carlisle

Thanks Ed,

We chatted yesterday about me trying to stick to a strict timetable in my "retirement" - for future reference - Wednesday's is my day for looking after my grandchildren and I play golf on Friday mornings. But I am of course flexible. It just happens that today I have arranged (more like been told) to collect my granddaughter (she has charm) at 8 am to let her mother off to attend to an appointment. I also have an encounter myself with the NHS later in the day - of a nature which would be unwise for me not to attend. But, if it suits you, you would be welcome to come over to Bridge of Weir late afternoon. Otherwise I shall be in Edinburgh tomorrow. I have a meeting at 4.30 in the City, but any time between 10 and 4 to suit you is OK. Let me know.

I am aware that I have the easier task. "My lot" are engaged and are spending real money trying to find a solution. Those that matter are supportive.

Frankly I find the idea that you have somehow fallen under my influence infantile. The truth is that I respect both you and Michael Flynn because you both try to be constructive. The meeting we had the other Saturday in lots of ways mirrored the meetings I had with Michael and we made progress. I am not daft enough not to realise that there will be "anger" from certain quarters - the psychology of what we are doing almost demands it - it may even be cathartic. That's why I think it imperative (more than important) that Joacim Enenkel sees that we are working constructively together - it is logistically easier for me to demonstrate that to tie. For me the significant difference between you and Michael is that you being parachuted in shows that BB is not systemically incapable of working in a collaborative spirit. The Chairman remembers Joacim and from what I understand they will empathise.

Unless it helps you there is no need to "bargain" on preliminaries. At the request of David Darcy to the Chairman I have undertaken to take an independent look at the matter and I intend to do so for the next certificate on 25 July. In the meantime BSC should respond to tie's request for compliance under Clause 41.3. It is going too far to say "I know" that Clause 41.3 doesn't apply. If BSC say that that is their position then I will consider it - frankly I haven't given it much thought, having until 25 July to come to a decision. What I don't want is for these sort of matters to be resolved by you and I on an ad-hoc basis - you have enough to do in any case. Maybe you can get somebody to

confirm BSC's position (with reasons) to me - they may already have done so to tie, but it will save me time (As Bill and I have de facto been appointed formally by both parties to look at this matter and costs on Princes Street, BSC may take this as a formal position on behalf of tie)

On the question of bonds and PG's - I have, as you would expect, considered them, (they sit here on my desk). But please be assured that I have no agenda on calling them.

I am not aware of Alastair Richards "demand" for three trams at the depot I am aware of his letter 5847 (attached) which frankly I do not read in the way you describe it. He seems to me to be open to criticism for doing CAF's job. But I thought this is what you told me you had sorted out with CAF. Again I see this has being something you and I should not get dragged into - but if you think it would help let's talk about it when we meet.

Ours is a mutual relationship - so I will tell you what is concerning me. The passage of emails between Steven Bell, Miquel Berrozpe and Kevin Russell over the week-end have the hall marks of warning that the design will not be delivered by mid July. Please give me transparency on this.

Arising from your comments to Jim about tie bringing a lawyer to a design meeting I am now required to consider a long and mainly gratuitous letter from Martin Foerder 51041 dated 5 July (is it drafted by Masons?) and a shorter letter 6175 (which we coincidentally received yesterday after our conversation). You will find that it was BSC who had previously involved Masons in these meetings. A lot of my time in the next 48 hours will be spent on this matter - which could easily have been avoided by BSC. No matter, that's what I am paid to do and it won't impact on our working together. But, there is one issue that you may address because it will be required post Carlisle and that's the provision of the "extranet". I have recently been involved in installing such a system (it should take about 8 weeks) and I can, if required, recommend a provider which satisfied a public authority and is flexible enough to meet the needs here. Frankly 26 months into a 32 month contract not to have an extranet in this day and age beggars belief.

But I believe in you Ed - so again sorry about today - even if you had asked me earlier I cannot put off my appointment with the NHS. But tell them at BSC I will be around to see Project Carlisle through. You may reflect that I have out lasted Michael.

Regards.

Tony

-----Original Message-----

From: Edward.Kitzman@civil.bilfinger.co.uk [mailto:Edward.Kitzman@civil.bilfinger.co.uk]  
Sent: 06 July 2010 22:32  
To: rush\_aj  
Subject: Re: Carlisle

Yes

Sent from my Bilfinger Berger Civil BlackBerry wireless device. . . .

----- Original Message -----

From: "Anthony Rush" [REDACTED]  
Sent: 06/07/2010 21:36 GMT  
To: Edward Kitman  
Subject: Re: Carlisle

Sorry Ed - I am not available on Wednesdays - OK for Thursday morning.

Sent using my BlackBerry® from Orange

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BoW Tel [REDACTED]  
Mobile [REDACTED]  
email rush\_aj@cqm.co.uk

-----Original Message-----

From: Edward.Kitzman@civil.bilfinger.co.uk  
Date: Tue, 6 Jul 2010 21:57:03  
To: Anthony Rush [REDACTED]  
Subject: Re: Carlisle

I am convinced that of the two of us you have the easier task. I had a thorough go at BB and Siemens staff this afternoon regarding conduct towards tie and each other. I have asked Joachim Enenkel to make contact with David MacKay to arrange a meeting, or at least to discuss by telephone. It is my belief that the two have met at the time of tender/award.

A particular member of our team has levelled an accusation in my direction that I have fallen under your charming spell, albeit not in such fond terms. As such, we will be making some changes in the next days in an effort to demonstrate our seriousness towards changing the attitude towards Project Carlisle. I need to be somewhat elusive about this at the moment, but you will recognise the change shortly. It may be presented in a pretty wrapper, but you will know the real reason.

This has added considerable pressure on me to demonstrate that you and I have built some reasonable relationship and a very large challenge to demonstrate it by finding a way to get the prelims paid. I have no doubt that you are aware that the prelim payment request requires no certified application and that they are not considered construction milestones. I do not believe in asking for something without being able to reciprocate, as such, I am asking that you facilitate payment of at least two of the four months owed, and in return I can and will keep the wolves away from a call on the bonds, which is imminent.

With regard to terminus, we discussed with Siemens while jim was here. It requires more discussion to flesh out. Another issue looming is Alister Richards demand for three trams at depot in 8 weeks.

Lets discuss face to face tomorrow if you are available. And, let's keep this between the two of us to keep others from getting excited.

Sent from my Bilfinger Berger Civil BlackBerry wireless device. . . .

----- Original Message -----

From: "Anthony Rush" [REDACTED]  
Sent: 06/07/2010 21:07 CET  
To: Edward Kitman  
Cc: "Jim Molyneux" <jim.molyneux@gordonharris.co.uk>  
Subject: Carlisle

Ed

Good to see you at lunch.

One issue we didn't talk about is how are Siemens getting on with finding out if they can get an additional power supply to Haymarket? Moreover, will it allow us to place the Terminus at St Andrews Square?

Until I get this answer we have to plan the Terminus being at York Place - which will add cost to the first phase of course.

Tony

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BoW Tel [redacted]  
Mobile 0 [redacted]  
email ru [redacted]

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