ETN Project Trackwork design

With respect to this trackform information, the Infraco has commenced dialogue with CEC so that any initial CEC comments and expectations can be fully understood and addressed. The Infraco is planning to make a presentation to CEC with specialists if required and/or visits to established Rheda installations if required. The plan set out below provides details of the follow-up actions intended.

Necessarily, the designs referred to in 3.4, 3.5, 3.6 and 3.7 of this Plan need to be resolved and completed before these can be submitted to CEC for approval and, as indicated in the plans in each of these sections, these are also dependent on action from tie.

In order to complete this exercise, the following steps represent the Infraco's plan. Each step is logically a prerequisite to the next step:

Item	Action	Who	When
1	Arrange informal meeting to understand CEC	infra∞	CEC to advise
	expectations and arrange date for presentation	CEC	1
	relating to trackforms and trackform integration		1
2	Provide further information resulting from meeting	Infraco	Plus 10 Business
	with CEC		Days
3	Presentation to CEC (with specialist attendance)	Infraco	Plus 5 Business
	relating to trackform integration	CEC	Days
		Experts	1
4	Visits to existing installations if required	Infraco	CEC to advise
		CEC	1
5	Designs as listed in the above referenced sections	Tie	See relevant sub-
	3.4, 3.5, 3.6 and 3.7	Infraco	section
6	Further submissions to CEC to close out	CEC	Plus 10 Days from
	Informatives		request
7	Issue for construction	Infraco	Plus 10 Business
			Days

3.9 Design Assurance Statements

In order to avoid the proliferation of incomplete DASs, the Infraco, as documented in its Management Plan, elected to adopt a two step approach to DAS submission. More particularly, Infraco elected firstly to produce the individual DAS for each "design package", being understood as a systems discipline (for SDS, these will be by geographical section, rather than discipline) and secondly, an overall DAS per geographical section and including full evidence of the integration between all its design elements. This was made clear in the Design Assurance Plan, submitted by the Infraco and endorsed by tie with levels as indicated in Appendix C.

In order to complete this exercise, the following steps represent the Infraco's plan. Each step is logically a prerequisite to the next step:

Item	Action	Who	When
1	Individual discipline (Lots) DAS by system (Mostly complete)	Siemens Lots	15 November 2010
2	SDS DAS by geographical section (Mostly complete)	SDS	In line with IDC Schedule and close-outs
3	CEC close out of informatives and any subsequent design submissions required	CEC	30 Business Days from last submission
4	Combined DAS	Infraco SDS	Following completion of all designs described in the above sub- sections

It is noted that certain of the steps to be "assured", such as the documented close out of IDR/IDC comments, close out of RoR comments, or CEC close out of Informatives are a logical prerequisite for the closure of each DAS unless reported by exception.

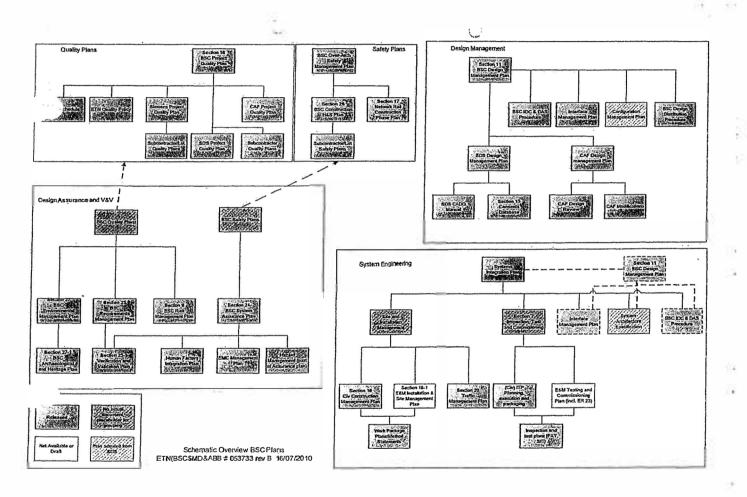
APPENDICES

Appendix	Content
A	Project Management Plan Overview graphic
В	Design Integration Processes – Requirement and validity
С	Design Assurance Processes – Requirement and validity
D	Case for Safety Processes – Requirement and validity
E	Schedule of trackwork design submissions and RoR status
F	Schedule of MUDFA utilities that have not been relocated
	below the 1.2m utility-free zone
G	Plan indicating areas affected where the design is subject to
	formal change by tie due to obstruction within the 1.2m utility-
	free zone

APPENDIX A

Project Management Plan Overview of Processes





APPENIDIX B

Design Integration Processes

DESIGN INTEGRATION PROCESSES

Background

The basis for system integration originated with the Employer's Requirements Section 3.5 'Summary of Deliverables'. Included within the Deliverables are:

- Interface Control Documents;
- Interface Schedules;
- System Interface Management Plan;
- System Interface Register;
- System Integration Plan.

The Infraco Proposals included a response to these Employer's Requirements. The approach to system integration is explained in Chapter 2 of Section 1 of the Infraco Proposals 'Overall PM Concept, Design Management', which refers to Section 2, Overall Technical Concept, Chapter 1 – System Engineering.

Interface schematics were provided at Annex 3 to Section 1 of the Infraco Proposals, identifying the interfaces anticipated during the design process.

Current Plans

The Project Management Plan (PMP) is the over-arching plan, which embodies all the management plans used to deliver the ETN. A chart explaining the hierarchy and relationship of the various plans within the Project Management Plan is contained within the Project Management Plan document; the same is reproduced for ease of reference at Appendix A.

Of relevance to integration are the Design Management and System Engineering family of processes, containing the following plans:

System Integration Plan;

ETN Project Trackwork design

- Interface Management Plan;
- IDC Procedure.

Within the Interface Management Plan a template for the Interface Register is included. This identifies all interfaces and is used as a tracker for controlling and monitoring the process.

During the design stage, interfaces between the major design elements are identified, clarified and signed-off between the respective parties. The agreed interfaces identified on Interface Control Forms (ICFs) and supporting documentation thus become design requirements that are to be satisfied within the respective designs. Through the established Interdisciplinary Design Review process (IDR), incorporation and or implementation of these requirements is confirmed or commented upon if requirements are not met fully. Final confirmation on the integration of all design elements is made through the validation process of Interdisciplinary Design Check (IDC) and corresponding certificate.

The above processes were submitted to tie in accordance with Schedule Part 14 of the Infraco Contract and endorsed by tie as follows:

Plan	Date of issue	Endorsement
System Integration Plan	19 March 2010	Level B
		on 8 April 2010
		INF CORR 4711
Interface Management Plan	19 May 2009 and	Level A
	15 July 2009	on 12 November 2009
		INF CORR 2796
IDC Procedure	2 September 2009	Level A
		on 1 October 2009
		INF CORR 2545

APPENDIX C

DESIGN ASSURANCE PROCESSES

DESIGN ASSURANCE PROCESSES

Background

Infraco's obligations in respect of DAS are set out at Clause 2.8 of Schedule Part 14 of the Infraco Contract (Design Review Procedure). The DAS is the culmination of the design assurance process and details how the design complies with statutory, stated and best-practice requirements.

The DAS refers to processes that are ongoing throughout the entire process of design. The DAS only constitutes a retrospective proof of the processes having been carried out, in order to provide a verifiable audit trail.

When sub-packages of design are submitted for review, the Review Procedure recognises that a full DAS may not be available, <u>in which case a written statement of conformance containing the maximum possible inclusion of review criteria is submitted in lieu.</u>

In addition, paragraph 3.6.1 of the Employer's Requirements states that the Infraco shall approach the design and technical services in a structured manner using a recognized "V" life cycle model with regards to the integration of design engineering, systems engineering and safety engineering activities.

Current Plans

The Project Management Plan (PMP) is the over-arching plan, which embodies all the management plans used to deliver the ETN. Each constituent Plan has been submitted to tie in accordance with Schedule 14 (Design Review Procedure and Design Management Plan) to the Infraco Contract Schedule Part 14 and endorsed as indicated in the Appendices.

ETN Project Trackwork design

The hierarchy and relationship of the various plans within the Project Management Plan is contained within the Project Management Plan document, but the same is reproduced for ease of reference at Appendix A.

Of relevance to this section of the Plan are the plans within the "Design Assurance and V&V" family of processes. In particular, the detailed Design Assurance Plan and Verification and Validation Plans apply. These were submitted through the Infraco Contract Schedule Part 14 (Design Review Procedure and Design Management Plan) and endorsed by tie as follows:

Plan	Date of issue	Endorsement
Detailed Design Assurance Plan	8 October 2009	Level A
		13 November 2009
		INF CORR 2800/TG
Verification and Validation Plan	16 February 2010	Level B
		16 June 2010
		INF CORR 5096

APPENDIX D

CASE FOR SAFETY PROCESSES

ETN Project
Trackwork design

CASE FOR SAFETY

Production of a 'Case for Safety' is included in the processes being implemented by the Infraco. These processes have been and will continue to be implemented until final completion and issue of the Case for Safety.

The following information is provided to explain the context of the documents and processes and to demonstrate that they are current and have tie's endorsement for implementation on the ETN project.

Background

The Infraco's obligations in respect of the Case for Safety arise from the requirement to satisfy the Railways and other Guided Transport Systems (Safety) Regulations 2006 in order to obtain safety certification from the Office of Rail Regulation.

Current Plans

Development of the Case for Safety is currently being pursued through the System Integration Plan and the Hazard Log. The Preliminary Case for Safety – Track was updated and submitted to tie for review on 21 September 2010. tie's Record of Review was returned on 11 October 2010 with a Level B endorsement. The Infraco expects to close out all comments by the end of October 2010.

The Hazard Log will continue to be actively managed by the Infraco in full consultation with the ICP and tie until all hazards are closed out and that safety assurance and the Case for Safety are achieved at the date of issue of a Certificate of Sectional Completion for the Sections of the Infraco Works.

APPENDIX E

Schedule of trackwork design submissions and RoR status



S	mdui	ilssion-	Number							
e sy	ste	Part	Phase-	Runni ng-No		Main Title	Submission Title	Document Number	planned Submission Date BSC -> TIE	Current tie Endorsement Level
	A	S&C	03	01	1	Detailed Design	rack Switches & Crossings Plans (V/ Ellumouts) - Preliminary Drawings	132737-000-00 130837-000-01 130843-000-01 130843-000-00 132118-000-00 132119-000-00	15/07/09	INF CORR 3073 D4 /61/2010
TR	w	S&C	01	02	2	Basic Design	IMMU - Review of ETN S&C Flangeway Study	81/10	01/07/09	IUF OCHR 5823 (MAT/2010)
TR	N S	S&C	01	02	3	BasicDesign	MMU- Review of ETN S&C Flangsway Studay- Final Report	61/11	21/07/10	Awaiting TIE endorsement
TRI	N	3EN	01	18	E	Basic Design	Trackform Overview	057156	15/07/10	Awaiting TIE endorsement
TRV	N G	3EN	01	01		Basis of Design	Basis of Design: Sub System Trackwork	Q55620	06/05/09	INF CORR 4508 23/03/2010
TRV	V R	SHC	01	Q1 (3	Basic Design	Rheda City C Track Report	055621	19/01/09	INF CORR 4658 05/04/10
TRV	v R	HC	01	01 0	2	BasicDesign	Rheda City C Track Report	085621	01/05/09	INF CORR 4655 08/04/10
TRM	/ RI	HD	01	01 A		Basic Design	Rheda City D Track Report	055622	19/01/09	NF CORR 4857, 05/04/2010
	R	HD	01	01 8		Basic Design	Rheda City D Track Report	055622	19/05/09	NF CORR 4657 05/04/2010
TRW	ı sa	\$C	01	01 B		BasicDesign :	Track Switches and Crossings Report	055626	28/04/09	Awaiting TIE endorsement

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Trackwork drawings Schedule of submissions

27/9/10

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-	Sub- evste	Part	Phase-	Runn ng-No	i Rev.	Main Title	Submission Title	Document Number	planne Submission Date BSC -> TIE	Current tie Endorsement Level		
	.«W	GEN	01	14	A	Basic Design	Longitudinal Calculations and Expansion Joints Trackwork	055631	04/07/03	NF CORR 1945 11(08/2009)		
	TRW	GEN	01	04	A	Basic Design	Trackwork Specification Ralls, Raīl welds, and Raīl joints	055640	16/02/09	INF CORR 4764: 14/04/2010		
	TRW	GEN	01	04	8	Basic Design	Trackwork Specification Rails, Rall welds, and Rail joints	055840	16/03/10	Awaiting TIE endorsement		
	TRW	GEN	01	05	В	Basic Design	Trackwork Specification Concrete	055648	02/03/09	NE CORP. ANT 19/04/10		
	TRW	GEN	01	05	С	Basic Design	Trackwork Specification Concrete	055848	21/09/09	NE CORRESE DE 19/04/10		
	TRW (RHC	01	02	A I	Basic Design	Rheda City C Track Typical Sections	055716	16/02/09	NFCORR 1034 30/03/03 +		
•		RHC	01	02	0 6	Basic Design	Rheda City C Track Typical Sections (with Minor Changes)	055716	23/03/2010	NE CORR 4651 09/04/10		
-	TRW	3&C	03	01		Detailed Design	Track Switches & Crossings Plans (VAE Turnouts)	058001 '058042 '058043 '058045	04/02/10	F CORR 5523 05/07/2010		

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Trackwork drawings Schedule of submissions

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sc- irtne	Sub- syste	Part	Phase-	ng-No	Rev.	Main Title	Submission Title	Document Number	planned Submission Date BSC > TIE	Current tie Endorsement Level
	w.	GEN	01	17	В	BasicDesign	Basic Design (DRAFT) Floating Slab	055632	01/02/10	INF CORR 6101 23/09/2010
М	TRW	GEN	01	14	В	Basic Design	Longitudinal Calculations; Expansion Joints and Rail Stressing	055631	23/11/09	INF CORR 4878 06/04/ 2010
vi	TRW	GEN	01	08	8 (Basic Design	Alignment Definition Drawing	055710	25/03/10	INFOORR2001.
1	TRW	GEN	01	08	C E	Basic Dasign	Alignment Definition Drawing	055710	01/04/10	RECOGNISH (SOLEM)
	TRW	GEN	03	08		Detailed Design	Overview Typical Trackforms	055712	11/02/10	PERSONAL PROPERTY OF THE PERSONAL PROPERTY OF
1	TRW	GEN	01	10	0 8	Baxic Design	Transition Welds Alumino Thermic Welds	055713	22/07/09	TIR-480a 1 19 Apr 2010
	TRW	RHD	01	02 A	A 8	Basic Design	Rheda City D Track Typical Sections	055717	16/02/09	INF CORR 1034 SU/03/03
	TRW	RHO	01	02 0	3 8	asic Design	Rheda City D Track Typical Sections	055717	23/03/10	RIF CORR CANCER OF THE CORRECTION OF THE CORRECT

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Trackwork drawings Schedule of submissions

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N. 75a		RHS 01 02	07	8	Detailed Design	Basic Design: Rheda City Floating Slab Track (drawing)	055722	09/06/10				
F	₹W	RHS	01	02		Basic Design	Rheda City SLC Typical Sections	055723	02/06/2010	INF CORR 5844 22/07/2010		
TI	₹W	GEN	01	09	Α.	Basic Design	DraInage Box Details	055766	25/06/09	INF CORR 1742 D9 JUE 2009		
TF	RW	GEN	01	11		Detailed Design	Tolerances Rheda Track - Hortzontal/Vertical	055789	21/09/09	NF CORR 6251 22/09/2010		
TR	w	GEN	01	16		Detailed Design	Wheel-Rail Interface Proposed CAF wheel profile - x 06.00323	055770	12/03/10	NF CORA 1759 09/07/2009		
TR	w	SEN	03	04		Detailed Design	System Wide - Generic Track Type Transitions Ballast to Rheda City/Direct Fixation Track	055771	17/12/09	NF COPR 6115 21,09/2010		
TR	W R	НС	01	03	В	Basic Design	Rheda City C Track at Tramstops Details & Location of Drainage Boxes	055775	30/06/09	NF GORR 4001. 03/02/2010		

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Trackwork drawings Schedule of submissions

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	Sub	unssion	-Number							
-	syste	Part	Phase-	Runni ng-No		Main Title	Submission Title	Document Number	planned Submission Date BSC -> TIE	Current tie Endorsement Level
	I'RW	RHO	01	02	A	Detailed Design	Rheda City Open Formation Sections on Guided Busway Drawing	055778	15/07/09	INF CORR 4571 30/03/2010
M	TRW	W S1A 03 01 A Detailed Design		Detailed Design	Track Layout km100.000 - km110.000 New Haven - Ocean Terminal Ocean Terminal - Ocean Drive Ocean Drive - Constitution Street Constitution Street - Foot of Walk	055781 '055783 '055791 - '055793		Awaiting TIE endorsement		
Л	TRW	S1B	03	01	A	Detailed Design	Re-submission to tie only Track Layout k m110.000 - km120 000 Foot of Walk - Balfour Street Constitution Street -McDonald Road	'055822 '055831 '055832	11/11/09	
1	TRW	S18	03	01		Detailed Design	Track layout km110.000-km 120.000 Foot of the Walk - Balfour Street Balfour Street - McDonald Road	055821 '055822 '055831 '055832	28/08/09	
	TRW	SIC	03	01		Detailed Design	Track Layout km120.00 - km122.000 McDonald Road - Picardy Place Picardy Place - Andews Square	055841 '055842 '055851 '055852	28/07/09	Awaited TIE endorsement
	TRW	S1C	03	03 [8		Detailed Design	Track layout km 121.300 - km 130.000 St Andrews Square - Princes St	055881 '055862	18/05/09	Awaited TIE endorsement
	TRW	S1C	03	03 0		Detailed Design		055861 '055862	29/07/09	Awaited TIE endorsement
	TRW	SID	03	04		Detailed Design	Track Layout km 130.000-km 130.300 Princes Street - Shandwick Place	055871	30/07/09	Awaiting TIE endorsement
,	t	91D	03	04 8		Detalled To		0.55871 '055872	18/05/09	Awaiting TIE endorsement
t	TRW :	510	03	04 D		Detailed Design	Frack Layout km 130.300 -km130.600 Princes Street - Shandwick Place	055872	30/07,09	waiting TE endorsement

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Trackwork drawings Schedule of submissions

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	آد.	SID	03	05	В	Detailed Design	Track Layout km 130.800 - km131,150 Shandwick Place - Haymarket	055881 '055882	19/03/10	В
1	TRW	S2A	03	02	В	Detailed Design	Track Layout km 131.150 - km 200.250 Shandwick Place - Haymarket	055883	30/07/09	Awaiting TIE endorsement
	RW	S2A	03	02		Detailed Design	Track Layout km 131.150 - km 200.250 Shandwick Place - Haymarket	055883	30/06/10	Awaiting TIE endorsement
ŀ	RW	GBW	03	03		Detailed Design	Tram Section on Guided Busway Gully Sump Grating Cover Fixing Details	057117	11/12/09	8
Ī	'RW	GEN	03	05		Detailed Design	Set Transition rall straight 49E1/60R2 twist 49E1 1:40 in the transition area	058057 '058058	04/02/10	INF CORR 4805 08/08/2010 EX
T	RW	S&C	03	03 1		Design	sb0929796-60 Layout C/C 59R2-R50-1:30. 15-1435 Left hand crossover Shandwick Place assembly drawing sb0929798-70 Layout C/C 59R2-R50-1:5.96-1435 Left hand crossover York Place assembly drawing	058081 '058062	19/03/10	NECORN ESSE (00/07/2010)
-	w	GEN	01	15 1		Basic Design	Wheel-Rail Interface Study Report	Rail Technology Unit 61/07	1 1/03/10	NF CORR 3218 21/01/10

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APPENDIX F

Schedule of MUDFA utilities that have not been relocated below the 1.2m utility-free zone



Shallow depth utilities above 1.2m

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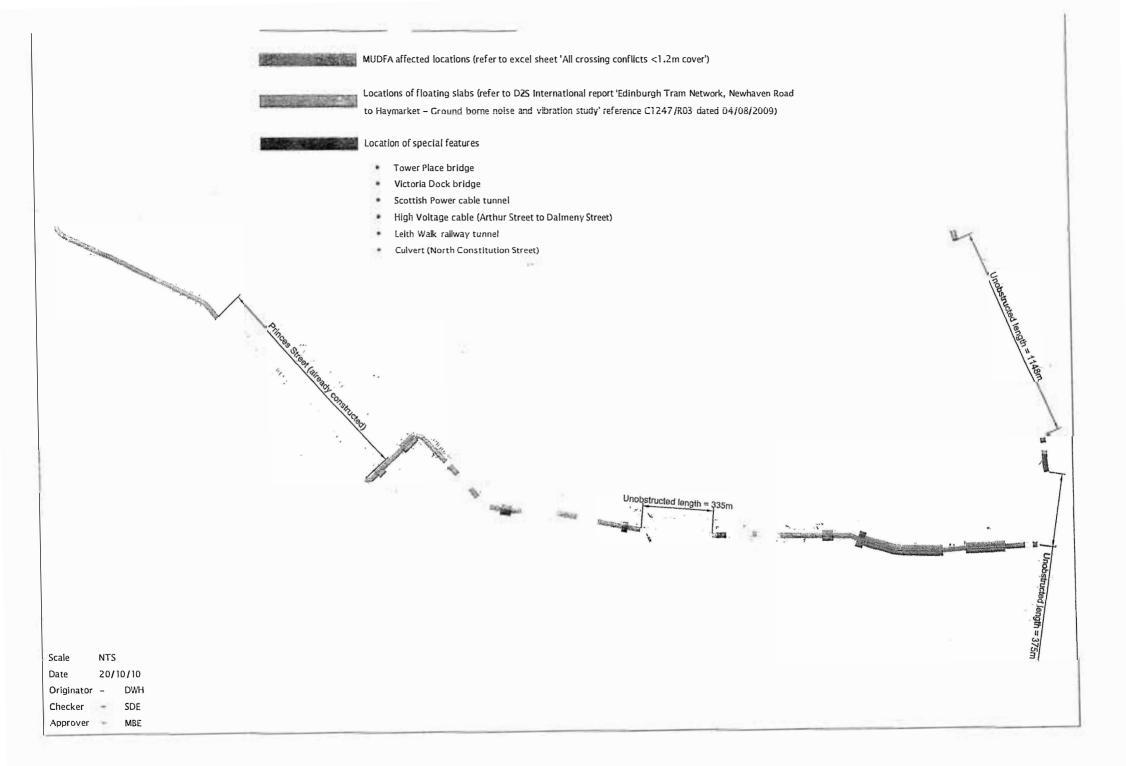
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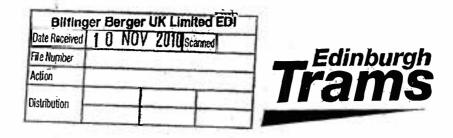
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-	ULESCHOOL-CHG-00H4 & ULESCHOOL-CHG-00H7	SCHAPTERS		T alamas (Abgin Mada)		x	2	*	×	Aury Gran Sector	value over largels at dual	730	1.33 sering reports along themp great death within edity fungheises pass and alon services with servicey death bank. Appear 730mm series from FRL, grandward from series forth FRL, progrand from series progrand from series	*		-			*			Processing dark book (damed) aprocessing and of dark under processing and
	IASSENTANTONO COM?	Киметена		إدافسافا بخوطرم ومسمادة	,	x	x	x	x	Any green	yadan may bangin af dan	BOS-1208	LDI pursay rates the glove throy green daying exhibit stilly exchange parts and also excluding with Jamesoy shall have. Appear 200 mm arous from FRI. & shallowed print on word jobs, and date 1.3m rates layer FRI.		-		مه سم دسه					34
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-		mene		-			1		×	3-cy 27 date.	31.80-4	-	An early councils above once divery \$1' districts under programmed hards readingment, logsware (COC) and source from FEL, on (early dight). An early required phone have along \$1' district to along programmed for the ready dight hards, loggram \$2' from above from \$750.	10	-	+	they IT date	Proposed Statements See Seet	н		-	Promise review of Statementy data hand
-	-	104000						+	x	Juny & Falents	31.23=	#	As that request place and her, \$1 dusts purposed framery dust hards Appear (Flores many from FR); or much side	ie	-	-	Samp III dada	Aud land			-	-
-		-		300	1			3	*	(Truey ET dass		-	back, Appear (Floris since Yong Fil.) As had respect there nor Yong God confidency with progresses Younce park, Appear SCOTTON come Younce park, Appear SCOTTON come Younce File, or park) with, Appear 1955-respect up to park, Appear 1955-respect up to park, Sto	***	100.100		17-ag \$7 dad	Ambut			المستخدم المستخدم ما طبطه الموضوط	Promobile review of Sections and Section 1
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For the attention of Martin Foerder - Project Director Bilfinger Berger - Siemens - CAF Consortium 9 Lochside Avenue Edinburgh Park Edinburgh EH12 9DJ Our Ref: INF CORR 6664

Date: 9th November 2010

Dear Sirs,

EDINBURGH TRAM NETWORK - INFRACO CONTRACT
REMEDIAL TERMINATION NOTICE: INFRACO DEFAULT (a): DESIGN:TRACKWORKS
RECTIFICATION PLAN

We refer to your letter dated 26 October 2010 (reference ETN(BSC)TIE=T&ABC#052170) which you submit as your rectification plan in response to a Remediable Termination Notice issued on 8 September 2010 – *Infraco Default (a): Design: Trackworks* (reference INF CORR 5995). We are also in receipt of your letter of 26 October 2010 (reference ETN(BSC)TIE=T&ABC#052171) which <u>de facto</u> asserts that as you are not in breach of your obligations there is no requirement for you to issue a rectification plan.

Both of your letters contain your reasoning for asserting that you are not in breach of your obligations and that an Infraco Default (a) has not occurred. We do not respond to your arguments here – we will do so in due course.

This letter is our response to your rectification plan pursuant to Clause 90.2, whereby we are required to determine whether your rectification plan is acceptable to us. We regret to inform you that it is not.

If you decide to submit a rectification plan in accordance with Clause 90.2, it has to be comprehensive and set out how you intend to remedy the Infraco Default. In considering your plan we are obliged to act in accordance with Clause 118 to the extent that it applies to our right to use our absolute discretion in this matter.

We note that your rectification plan does not include a complete, fully integrated, approved and assured design for the on-street trackworks. We do not accept that your rectification plan comprehensively describes how you intend to complete a fully integrated, approved and assured design for the on-street trackworks. Some of the reasons for refusal are:

there is insufficient explanation detailing a coordinated programme and the resources required and which will be utilised to deliver a fully integrated, approved and assured design;

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e-mail:steven.bell@tie.ltd.uk

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- > there is no specific "timescale" as to when the individual deliverables will be provided and the durations required for activities appear to be excessive;
- > the proposals do not provide straightforward staged completion plans inter alia addressing such issues as:
 - · Specification requirements;
 - Consolidated drawings showing ducts and transitional slabs etc.;
 - QA requirements and provisions; and
 - Residual Risk Assessment;
- there is lack of demonstrable understanding or integration with the requirements of DMRB;
- > the proposals do not integrate the foundation layer and surface layer with the track design;
- the proposal for integration of the on-street tramway with a road junction contravenes guidance in the Office of Rail Regulation's "Guidance on Tramways";
- > lessons learnt from Princes Street are not visible;
- > there is no evidence that "best value" has been considered or will be considered; and
- the proposals lack a Statement of Compliance showing how the design meets the general case and any special cases.

We would remind you that pursuant to Clause 90.4 we may at our discretion give notice of termination as a result of your failure to submit an acceptable rectification plan and that in accordance with Clause 90.5 you are not relieved in any way from the due and proper performance to all of your obligations under the Infraco Contract.

Yours faithfully.



Steven Bell

Project Director - Edinburgh Tram



SIEMENS



Our ref:

ETN(BSC)TIE=TD&ABC#058098

Your ref:

INF CORR 6664

14 January 2011

Silfinger Berger Civil ECI

Bilfinger Berger-Siemens- CAF Consortium

BSC Consortium Office 9 Lochside Avenue Edinburgh Park Edinburah EH12 9DJ United Kingdom

Phone:

Fax:

+44 (0) 131 452 2990

tie limited CityPoint 65 Haymarket Terrace Edinburgh **EH12 5HD**

For the attention of Mr. Steven Bell, Tram Project Director

Dear Sirs.

Edinburgh Tram Network Infraco

Infraco Contract: Remediable Termination Notice: Alleged Infraco Default (a) Design: Trackworks Rectification Plan

Reference is made to:

- tie letter reference INF CORR 5995 'Remediable Termination Notice', dated 08 September 2010
- Infraco letter reference ETN(BSC)TIE=T&ABC#052171 'Alleged Remediable Termination Notice (Design-Trackworks)', dated 26 October 2010
- Infraco letter reference ETN(BSC)TIE=T&ABC#052170 'Alleged Remediable Termination Notice (Design-Trackworks) Rectification Plan', dated 26 October 2010
- tie letter reference INF CORR 6664 'Remedial Termination Notice: Infraco Default (a): Design: Trackworks Recitification Plan', dated 09 November 2010

Without prejudice to our position as set out in our letters above we again advise that we do not accept that an Infraco Default has occurred and that a rectification plan is required.

We are disappointed that you have rejected our Rectification Plan without taking the opportunity to discuss the issues raised in your letter INF CORR 6664 with us first. Our request that you engage with us to finalise and implement the Plan still stands. Finalisation of the trackwork design requires input from a number of parties including tie and CEC. As such the Plan recognises that Infraco will have to work in mutual co-operation with tie to finalise the design and that tie will have to comply with its obligations under the Infraco Contract. The actions we identified in the Plan are necessary, including actions by tie.

Your rejection of the Plan appears to have been based on the strategy you were pursuing of using Remediable Termination Notices in relation to every grievance you had on this Project. Despite indications we received from you that you would engage with us in relation to the Plan you have, in our view, taken an unreasonable approach in rejecting this plan. We note that you believe you have absolute discretion in relation to this matter and are therefore not required to act reasonably. This approach, however, conflicts with the successful delivery of the Edinburgh Tram Network and your public law duties.

Whilst we do not accept your allegation that an Infraco Default exists in relation to Trackwork Design, our Plan set out how this design will be completed including elements dependent on awaited tie

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SIEMENS



this is provided by tie. For the avoidance of doubt, it was not the intention to deal with issues such as this within the Plan. CEC Approval is, however, addressed in the Plan.

7. Lesson Learnt from Princes Street

Section 3.1 of the Plan deals specifically with lessons learnt from Princes Street. The discussions with CEC, which are indicated in the Plan at item 3 of Section 3.1 have now commenced and a presentation was made to CEC and tie on 02 December 2010, which explained in detail the lessons learnt from Princes Street.

Best Value

The design elements yet to be completed are listed in the Plan. There is very little scope for the design to affect Best Value, as this is now detailed design. Best Value decisions are generally made at concept or preliminary design stages. Infraco will assist tie in any of its Best Value initiatives, as required under Clause 73.2 of the Infraco Contract.

9. Statement of Compliance

The Design Assurance Statements (DAS) are part of the Plan. As required by Paragraph 2.8.1 of Schedule Part 14 of the Infraco Contract, the DAS's will detail how the design complies with statutory, stated and best-practice requirements. How the DAS's are achieved is covered in the individual sections of Section 3 of the Plan. Additionally, Appendix 3 explains the process for producing the DAS.

We would remind tie that, notwithstanding tie's rejection of this Plan, the elements of the Plan still have to be completed and, where dependencies are identified, in particular on tie actions, these must also be carried out. Failure by tie to address and carry out its necessary actions will jeopardize the successful completion of the Plan and may amount to a breach of tie's obligations under the Infraco Contract.

Yours faithfully,



Martin Förder
Project Director
Bilfinger Berger Siemens CAF Consortium
MFO/ABR/KDI/SDE

cc: Klaus Dieker Michael Wilken Damian Wheeler Thomas Schwanse Stefan Rotthaus Simon Nesbitt

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