
From: Cassels, Alan
Sent: 19 May 2005 11:26
To: 'Ian Kendall'; 'gerry.henderson@tie.ltd.uk'
Cc: Davis, Claire; Fitzgerald, Sharon
Subject: SDS Bids: Reservations Regarding Legal, Financial and Technical Submissions

Ian/Gerry

Following our review of the SDS Bids received from PB, Scott Wilson, Motts and Atkins, I attach a note of the explicit reservations and caveats contained within these bids. This is not a full compliance check as regards the requirements of the ITT, rather it is designed to give a view as to which of the bidders have sought to reserve their position and to what extent they have sought to do so. We recommend that the formal process of checking the bids against the full requirements of the ITT should be carried out following this initial exercise.

You will see that the Motts bid in particular has extensive carve-outs (including fairly bold statements that they do not accept some of the terms and conditions as drafted), whereas the Scott Wilson bid appears on the face of it to have fully priced the terms and conditions as contained in the ITT, with an additional Optional Variant tender showing relevant price reductions for particular changes to the terms and conditions. The other two bids fall somewhere between these two, but importantly, neither have included within their formal offer the required statement that there will be no negotiation of the terms and conditions of appointment.

Claire and I will be over shortly in order to commence the same procedure with regard to the TSS tenders, so we can answer any questions you have on the note when we arrive.

Kind Regards

Alan Cassels
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DLA Piper Rudnick Gray Cary Scotland LLP
T: [REDACTED]
M: [REDACTED]
F: [REDACTED]



Minutes of Meeting
- 18 May ...