



tie Limited

Minute of the CEC/tie Legal Affairs Group Meeting

Date: Monday 27 October 2008

Time: 16.30 – 18.00

Venue: CityPoint II

In attendance	Willie Gallagher	tie	WG	Duncan Fraser	CEC	DF
	Graeme Bissett	tie	GB	Steve Sladdin	CEC	SS
	Steven Bell	tie	SB	Andy Conway	CEC	AC
	Susan Clark	tie	SC	Alan Coyle	CEC	AIC
	Alasdair Sim	tie	AS	Colin McKenzie	CEC	CM
	Stewart McGarrity	tie	SM	Julie Smith (mins)	tie	JS
Apologies	Dave Anderson	CEC	DA			
	Rebecca Andrew	CEC	RA			
	Gill Lindsay	CEC	GL			
	Nick Smith	CEC	NS			

		ACTION By	Target Date
1.	<p>General Update – presented by SB</p> <p>SB went through a general update of the project detailing; HSQE, MUDFA, Infraco, Traffic Management, the CAF mock up and the Transport Scotland discussions on the Gogar Interchange.</p>		
2.	<p>Contract Legal Aspects – presented by SB</p> <p>SB outlined the various contracts and the outstanding issues relating to each. He noted that there were no formal disputes with any of the contracts, however there are a number of areas under debate with Infraco as the contract management and implementation gets up to speed which carry the potential for a dispute to arise.</p> <p><u>Infraco</u> SB commented that there was a “point of principle” relating to the base date design information. Correspondence has been exchange between tie and BSC and SB expects that this will be concluded in tie’s favour, based on our team’s analysis and supporting opinion from our lawyers (DLA) and independent contract consulting advisors. There are also ongoing discussions concerning the IFC</p>		



	<p>drawings and “normal design development”. SB believes that BSC may have a point within some areas and each will be taken on a case by case basis.</p> <p>The final Infraco issue outlines another point of principle concerning the Hilton Hotel Car park. tie believes that this is included within the sum of works and BSC disagrees.</p> <p><u>MUDFA</u></p> <p>SB reported that he was concluding a framework agreement to deal with the Carillion issues and delays. This will include a formalised incentivised payments plan, which is to be agreed by the TPB and the tie Board. SB indicated that this will be completed in November.</p> <p><u>SDS – Residual works prior to novation</u></p> <p>SB stated that there were some concerns with as built drawings that were being addressed.</p> <p>SB noted that it has come to his attention that there were utility and design clashes within SDS drawings. Solutions have been found to some and the rest are currently being robustly discussed with SDS.</p>		
<p>3.</p>	<p>Third Party Agreements Update – presented by AS</p> <p>The EAL Intellectual Rights Licence has been with CEC for comment for some time. AS emphasised that this is a minor change to the agreement and should be signed by G Lindsay at her earliest convenience. SB and GB agreement and asked that CM take this forward with G Lindsay.</p> <p>AS confirmed that TEL had sent CEC the letter they requested in order that the EAL Operating Agreement could be signed. This was the final requirement and AS proposed that CM could push this forward within CEC.</p> <p>The final outstanding issue with Forth Ports relates to the finishing at Ocean Terminal. Forth Ports have proposed that they take responsibility for the pavement sections and tie/CEC will take care of the road sections. AS requested that a meeting be held with tie, CEC and Forth Ports to agree and conclude.</p> <p>AS highlighted the problem with The Gyle wayleaves issues which has been outstanding for nearly six months. This poses a programme problem as Infraco cannot gain access until MUDFA have left the site and MUDFA are still to go on site. AS explained that communication with the owners representatives (Colliers) was one sided. GB and SB agreed that this needed to</p>	<p>CM</p> <p>CM</p>	



	<p>be escalated and suggested contacting the owners directly or using their contacts within Colliers to progress this. This will be discussed further offline.</p> <p>WG asked that AS prioritised the critical third party agreements; EAL Licence EAL Lease MUDFA Collateral Warranty The Gyle Forth Ports</p>		
<p>4.</p>	<p>Building Fixings – presented by AS</p> <p>AS gave a brief breakdown of the building fixing figures: Total 122 fixing identified; there are currently 21 fixing which do not have consent from the building occupier. Within this 21 AS expects that he can have 5 resolved over the next 10 days. Residents at Dublin St have requested a vibration mat; AS has passed this onto Infraco to consider whether the area would require this and if so the proposed cost. AS believe the remaining 12 non-consents would take their objection to the next step of a hearing at the Sheriff Court. This could prove to be time consuming and costly to the project.</p> <p>It was agreed that although the responsibility sits with G Lindsay DF will project manage this. DF confirmed that the letters would be prepared and sent to the remaining non- consents explaining that the next stage would be the Sheriff Court, it was also stressed by WG that they are made aware in the letter of the costs involved in this, both on their side and the Council's.</p> <p>GB also noted that the Building Fixings Agreements which had been circulated and in some cases signed (approx 50) did not correctly have CAF stated as a member of the Consortium. Legal advice on this had been taken and it was agreed that this would be remedied with a letter explaining the members of the Consortium.</p>	<p>AS</p> <p>DF</p> <p>AS</p>	
<p>5.</p>	<p>tie/ TEL Operating Agreements – presented by GB</p> <p>GB confirmed that so far all matters that required reporting by tie to the Council through the Tram Monitoring Officer (TMO) had been reported appropriately, and that the same applied to TEL except that the TEL Board papers had not been passed directly to the TMO, although Donald Mc Gougan as a TEL Board member had received the papers. A schedule of reporting would be prepared and circulated to facilitate future reporting.</p>	<p>GB</p>	



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6.	tie/ TEL Compliance with Grant Award Letter – presented by SM SM verified that tie has conformed with Transport Scotland's requests within the Grant Award Letter. He stated that the consolidated accounts would be sent to Transport Scotland on the 7 November.		
7.	AOB WG suggested that the next Legal Affairs Committee be held in the next 2-3 weeks to keep on top of the building fixings and third party issues.		
8.	Next Meeting It is proposed that the next meeting will take place Monday 17 November at 16.30.		