


REQUIREMENTS FOR ABSOLUTE PRICE CERTAINTY

- Immediate sign up by both parties to Operation Phoenix and the new Governance Structure / Project Forum (as referred to in yesterday's papers).
- Material change in personnel and management by both parties.
- The revised Consortium to be directly controlled by Bilfinger Berger Ingenieurbau GmbH and Siemens AG.
- The Project Director will be given full authority to act on behalf of both Consortium Members.
- Tie Ltd will be directly controlled by CEC.
- The Senior Forum Representative for the Consortium will be Dr. Jochen Keysberg with Dr. Jorg Scheppendhal as the Alternative.
- The Senior Forum Representative for CEC will be Mrs Sue Bruce with Mr Dave Anderson as the Alternative.
- Disputes will be resolved by the Senior Forum Representative failing which in the first instance Adjudication.
- Subject to the next bullet point and other than agreeing a price and programme impact for the Enabling Works to the Edinburgh Gateway there will be no Exclusions or Clarifications or other terms and conditions which can cause the GMP to increase from the agreed price.
- Siemens AG will explain their purported costs of Equipment and Materials and in the event that it is agreed that the cost included in the Contract Works Price is less than the cost claimed now the GMP will be adjusted accordingly.
- Full re-mobilisation to an agreed Programme on the Project from 4 April 2011.
- The Consortium to be responsible for integration with CAF.
- No revisions to the Maintenance Agreements which will increase the cost to the operator.

10/3/11.

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- Agreement that the Consortium will carry out the works to the St Andrews Square on a Target Cost basis – using the Infraco's submission in Carlisle 1 as a method of calculating that Target Cost.
 - Agreement of the Programme and an Incentive to the Consortium for early completion.
 - The GMP will be in full and final settlement of all claims, either notified or yet to be notified.
 - Agreement of sensible milestones against which the achievement of key dates for design and completion of key activities and payment can be monitored.