

RSPA - RfL General Communication (RLC)



**To: Bombardier Transportation UK Ltd,
Litchurch Lane, Derby
DE24 AD**

For the attention of: SP Contract Manager

RLC Reference: Q234-RLC-02791

Subject: Train Works - RfL Option Notice for 5 x Option Units (Full Length Units) - RfL Change Confirmation Notice (response to SP ICA received under Q234-SPC-02690)

Details

Rolling Stock and Depot Service Provision Agreement dated 18 February 2014 and made between Bombardier Transportation UK Ltd and Rail for London Limited (the "RSPA")

Words and expressions defined in RSPA shall have the same meanings when used in this notice and the provisions of the RSPA (including clause 64.13 (Governing Law)) shall, as applicable, apply to this notice.

FAO [REDACTED]

Further to your Initial Change Appraisal received under cover of your communication Q234-SPC-02690 dated 22/03/18, this communication constitutes an RfL Option Unit Change Confirmation Notice in accordance with the provisions of the RSPA, including but not limited to clause 16.7 Options for supply of further Units and Equipment, Part 3 - Options for supply of further Units and Equipment, to Schedule E11 (Milestones and Security) and Part 1 - RfL Changes to Schedule A8 (Change Procedure).

This communication, together with the following documents and eB communications constitutes a Change Confirmation Notice as required by paragraph 3.2 to Part 1 - RfL Changes of Schedule A8 (Change Procedure) of the RSPA;

1. RfL Option Notice eB ref Q234-RLC-02789 issued 19/03/18;
2. Bombardier's Initial Change Appraisal received under eB communication Q234 SPC 02690 dated 22/03/18

RfL hereby instructs Bombardier to proceed with this RfL Change immediately following issue of this Change Confirmation Notice in accordance with paragraph 8.1(b)(i) of Part 1 to Schedule A8 of the RSPA.

In instructing this Change Confirmation Notice RfL accepts both the Fixed Price Quotation and the SP's proposed Schedule of Payments as detailed in Appendices 1 and 2 of your Initial Change Appraisal and as provided for by paragraph 8.1(a)(i) of Part 1 to Schedule A8 of the RSPA.

RfL does not fully accept the proposed impact on the Base Case Maintenance Model included in Appendix 3 of your Initial Change Appraisal and as more fully described therein. As agreed between the Parties, the impact of this Change on the Base Case Maintenance Model shall be resolved as provided for by paragraph 8.4 of Part 1 to Schedule A8 of the RSPA and as referenced in Appendix 3 to your Initial Change Appraisal and these discussions have commenced.

RfL further accepts the proposed amendments to the RSPA as detailed in Appendix 5 of the Initial Change Appraisal save for the proposed revised changes to Parts 1 and 2 of Appendix 5 to Schedule E2 (Payment Mechanism).

The Parties have agreed in accordance with para 3.2(a)(ii) of Part 1 (RfL Changes) to Schedule A8 (Change Procedure) of the RSPA, that a Change Appraisal is not required for this RfL Change.

RfL reserve its rights and entitlements to apply liquidated damages for delay under the RSPA and acknowledges Bombardier's statement in paragraph 13 of your Initial Change Appraisal covering letter referenced Q234-BMB-R1-COL-CR001-50245 revision 4.0.

RfL reserves its rights in relation to other commercial discussions which are ongoing as at the date of this Change Confirmation Notice.

The Parties have agreed that the down payment as stated in Appendix 2 of the Initial Change Appraisal (£[REDACTED] exc VAT) is made in direct response to Bombardier's commitment to the dates for Provisional Acceptance of the Option Units stated in RfL's Option Notice of 19 March 18 issued under cover of RfL communication Q234-RLC-02789 and Bombardier's Initial Change Appraisal of 22 March 18 issued under cover of Q234-SPC-02690 as referenced above.

As required by the RSPA, this Change Confirmation Notice is signed electronically in eB by [REDACTED] as the RfL Contract Manager and counter-signed by [REDACTED] as the RfL Contracts Manager.

Kind regards.

[REDACTED]
RfL Contract Manager

[REDACTED]
RfL Contracts Manager

Applicable Clause(s):

Project-Area

- ROS - Rolling Stock

Issued for: Information

Response Required? : No

Related (Primary) Communications

Number	Title	Start Date	End Date
Q234-SPC-02690	Train Works - BT ICA Response to Q234-RLC-02789 RfL Option Notice for 5 x Class 345 FLU Option Units (Further to Q234-SPC-02677, Q234-SPC-02685 and Q234-SPC-02689)	22/03/2018	22/03/2018

Reference (Secondary) Communications

Number	Title	Start Date	End Date
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Supporting Document(s)

None

Supporting File(s)

None

Signed on behalf of **Rail for London Limited**

[REDACTED] - RfL Contract Manager

[REDACTED]
(Issued by)

Date: 22/03/2018