

By email:
STRICTLY PRIVATE & CONFIDENTIAL
Mr Marcus Sutcliffe
Elite Systems (GB) Ltd
Bedford Street
Westgate
Cleckheaton
West Yorkshire
BD19 5EA

Sandra Stewart
Director for Governance & Pensions
Borough Solicitor & Statutory Monitoring officer
Tameside MBC
Dukinfield Town Hall, King Street, Dukinfield,
Tameside, SK16 4LA.

www.tameside.gov.uk
E-mail: sandra.stewart@tameside.gov.uk
Direct Line **0161 342 3028**
Date: 15 July 2019

Dear Mr Sutcliffe,

Re: Alder High School Hyde – Letter of Intent
Design & Install 4nr Classroom Extension with circulation areas and stores

Further to recent discussions and correspondence I understand you have had with the Project Manager Prosiect Consult Ltd Working on behalf of Albany SPCS Ltd, please accept this letter as confirmation of our intention to underwrite the costs for the above project for delivery by Elite Systems (GB) Ltd as the preferred Principal Contractor and Principal Designer for the above Project more particular details of which are set out below up to the sum of £451,671.17 (+Vat) on a Quantum Meruit basis.

| | |
|---|--|
| Tender Sum | £451,671.17 (+Vat) |
| Payment Terms | Whilst the above costs are included within the overall scheme costs these only become due, should the main scheme not progress in line with the agreed programme of delivery, when the panels are delivered on site. The payment terms would be 28 days from the end of the month in which the invoice is submitted. |
| Design Freeze | 15.07.19 |
| Proposed Start Date: | 23 July 2019 |
| Contract Period: | Handover 1 September 2019 |
| Retention: | Nil |
| Defects Liability Period: | As noted in draft JCT Contract |
| The Works: | Design & Install 4nr Classroom Extension with circulation areas and stores |
| Liquidated Damages | As noted in draft JCT Contract. |
| Form of Contract: | JCT with contractor's Design JCT Contract). This is to be issued and entered into by Pyramid Schools (Tameside) Ltd and/ Albany SPC Services Limited and/or Prosiect Consult Ltd Working on behalf of Albany SPCS Ltd. However if the JCT Contract is not entered into the commitment to pay up to the Tender Sum is formed on the issue of this letter of intent for costs to date to be paid directly by Tameside MBC Ltd for costs set out by the clients agent at the time and detailed within the Draft JCT contract. |
| Principal Contractor | Elite Systems (GB) Ltd |
| CDM Regulations & Principle Designer Role | TBC |
| VAT | Standard |

I write to confirm on behalf of Tameside Metropolitan Borough Council our commitment to meet the design costs of Elite Systems (GB) Ltd as the preferred lead designer and as an instruction to proceed with design implementation and coordination together with procuring the necessary materials and plant, which full instruction will follow up to a the tender sum of £451,671.17 (+Vat) as outlined in the tender submission.

This commitment to pay this £451,671.17 is included within the overall Scheme Costs.

As and when the contract documents in respect of the works are executed their terms and conditions shall supersede this commitment and shall govern retrospectively the work carried out under this instruction.

Any money paid to you in respect of such work shall form part of the contract sum under the contract.

The terms of this agreement are to reflect the terms of the contract where possible and to include adsorbing any risk items, except in the unlikely event of the contract not proceeding for any reason, then you would be paid on a Quantum Meruit basis for any costs that you incurred as accepted and agreed by Albany SPCS Ltd but subject approval of Prosiect Consult Ltd.

The formal Contract Documents will be prepared for your execution.

Please acknowledge receipt of this letter and confirm your agreement to be bound by the foregoing by countersigning and returning it to the undersigned as soon as possible.

I trust the enclosed is sufficient for your purpose. However, should you require any supplementary information or clarification, please do not hesitate to contact me.

Clearly, it is very disappointing that we find ourselves in this position and I am trusting that all parties will work together to make this project successful and deliver in the best interests of the children who are due to attend their first year of high school in September 2019.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Stewart', with a stylized flourish at the end.

Sandra Stewart
Director for Governance & Pensions
Borough Solicitor & Statutory Monitoring officer