

## **SCOTTISH MINISTERS' REQUIREMENTS**

### **SCHEDULE 3 PART 4**

#### **OTHER CONTRACTS WITHIN THE UNIT**

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### **SCHEDULE 3 PART 4**

#### **OTHER CONTRACTS WITHIN THE UNIT**

##### **1. WORKS IN PROGRESS**

###### **1.1 Contracts in Progress on the Unit**

1.1.1 Other road or bridge construction or maintenance contracts for which the Scottish Ministers are the employer may be in progress on the Unit at Commencement of Service Date 1. They will be either:

(i) Works Contracts where the previous operating company or FETA was acting as Contract Administrator, or

(ii) Other Contracts.

1.1.2 The Forth Replacement Crossing contracts which are the Forth Replacement Crossing Principal Contract, the Fife Intelligent Transport System Contract and the M9 Junction 1a Contract will be in progress at Commencement of Service Date 1 and these are Other Contracts.

1.1.3 Other Contracts may commence during the term of this Contract.

###### **1.2 Developers' Schemes**

1.2.1 Improvement work in connection with development projects, led or funded by developers or others, may be in progress on the Unit at Commencement of Service Date 1 or may commence during the term of this Contract.

1.2.2 Subject to an Order, the Operating Company shall assist the Director with other matters relating to developers' schemes.

##### **2. REQUIREMENTS**

###### **2.1 Contract Administrator for Works Contracts in Progress**

2.1.1 Table 1.A in Annex 3.4/A of this Part lists Works Contracts under preparation or in progress at Commencement of Service Date 1.

2.1.2 The Director will provide an updated Table 1.A in Annex 3.4/A of this Part during Mobilisation Period 1.

2.1.3 For Works Contracts where the previous operating company or FETA was acting as Contract Administrator, the Director will issue an Order requiring the Operating Company to take over the role and responsibilities of the Contract Administrator with effect from Commencement of Service Date 1. These Works Contracts shall include those where Works have been substantially completed but either the defects correction or maintenance period has not expired or where there is a service period extending beyond the defects correction or maintenance period.

2.1.4 The Director will forward all relevant documentation received by the Director from the previous operating company or FETA in relation to these Works Contracts. Within 30 days of receipt of the documentation the Operating Company shall review such

documentation, identify documentation which it considers is incomplete or missing and provide proposals for rectification where practical for consent of the Director.

2.1.5 The Operating Company shall undertake all outstanding obligations of the Contract Administrator for these continuing Works Contracts, as detailed in Schedule 6 Part 1.

2.1.6 For Works Contracts where the Operating Company takes over the role and responsibilities of the Contract Administrator, the Operating Company shall also assume the roles required by the CDM Regulations that were undertaken by the previous operating company or the role assigned to the Operating Company in Schedule 6 Part 2 where FETA was the client.

## **2.2 Other Contracts**

2.2.1 The Director will provide the details and starting dates of Other Contracts to the Operating Company:

- (i) in Table 1.B in Annex 3.4/A of this Part for contracts known to be in progress at Commencement of Service Date 1,
- (ii) during Mobilisation Period 1 for all Other Contracts that are then in progress, and
- (iii) no later than two weeks after appointment of a contractor for all Other Contracts that commence after Commencement of Service Date 1.

2.2.2 For any Other Contract, subject to an Order the Director may require the Operating Company to transfer or suspend Operating Company related responsibilities during the construction phase or the maintenance period. In particular, the Director may, unless the cause of a Defect is fair wear and tear or Incident, within that Order instruct the Operating Company to suspend the carrying out of Defects Correction Operations under Clause 5.8.1 of Schedule 1 within the length of road notified, other than making safe and executing temporary repair of Category 1 Defects, for the advised duration.

2.2.3 The Operating Company shall provide access and allow the relevant contractors for Other Contracts to undertake all their obligations excluding the repair of any Defect. Subject to an Order, the Operating Company shall provide access and allow the relevant contractors for Other Contracts to undertake the repair of any Defect.

2.2.4 The Operating Company shall not undertake the maintenance of any component which would impact on any warranty or licence agreement of the component in Other Contracts unless instructed by the Director.

2.2.5 Annex 3.4/B of this Part contains local requirements in relation to transfer and suspension of Operating Company responsibilities on the Unit with which the Operating Company shall comply and that shall be subject to an Order.

2.2.6 Upon completion of the construction phase or maintenance period of an Other Contract, the Director will issue an Order requiring the Operating Company to recommence all Operations that have may have been transferred or suspended.

2.2.7 Upon completion of the construction phase of an Other Contract, the Director will provide the Operating Company with the health and safety file for that Other Contract prior to the Works becoming part of the Operating Company's obligations under this Contract.

- 2.2.8 Subject to an Order, the Operating Company shall assist the Director with other matters relating to Other Contracts.



This is Annex 3.4/A to Schedule 3 Part 4 referred to in the foregoing Agreement between Scottish Ministers and Amey LG Limited.

**SCOTTISH MINISTERS' REQUIREMENTS**

**SCHEDULE 3 PART 4**

**OTHER CONTRACTS WITHIN THE UNIT**

**ANNEX 3.4/A – Details of Existing and Proposed Contracts**





**SCOTTISH MINISTERS' REQUIREMENTS****SCHEDULE 3 PART 4****OTHER CONTRACTS WITHIN THE UNIT****ANNEX 3.4/A – Details of Existing and Proposed Contracts**

Table 1.A – Works Contracts

<b>Contract</b>	<b>Commenced</b>	<b>Status at April 2014</b>
Main Cable Internal Inspection 3		Construction completed and defects notification period continues until October 2015
Acoustic Monitoring Upgrade	April 2014	Site work to commence June 2014. Five year maintenance and reporting period, including one year defect notification period, following completion of construction.
Improvements to Suspended Span Underdeck Access	April 2014	Site work to commence June 2014.
Pier Protection Painting		Contract being prepared for award by FETA
Suspended span gantry upgrade		Contract being prepared for award by FETA
Viaduct Painting		Contract being prepared
Deck Expansion Joint Replacement		Contract being prepared

Table 1.B – Other Contracts

<b>Contract</b>	<b>Commenced</b>	<b>Status at April 2014</b>
Forth Replacement Crossing – Principal Contract	Jun 2011	Programmed completion date 2016 followed by five years defects notification period
Forth Replacement Crossing – Fife Intelligent Transport System Contract	Jun 2011	Construction completed and defects notification period continues until December 2017
Forth Replacement Crossing – M9 Junction 1a Contract	Jul 2011	Construction completed and defects notification period continues until April 2018
M9 Spur Extension / A90 Upgrading	2005	Construction completed and defects notification period continues



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**OTHER CONTRACTS WITHIN THE UNIT**

**ANNEX 3.4/B – Local Requirements in Relation to Transfer or Suspension of Operating Company Responsibilities**



## **SCOTTISH MINISTERS' REQUIREMENTS**

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#### **OTHER CONTRACTS WITHIN THE UNIT**

#### **ANNEX 3.4/B – Local Requirements in Relation to Transfer or Suspension of Operating Company Responsibilities**

##### **Ferrytoll Junction**

The Director will issue an Order to suspend stated Operating Company responsibilities for parts of the Unit including Ferrytoll Junction and stated sections of the A90 at Commencement of Service Date 1 or a stated later date.

##### **Scotstoun Junction to Echline Junction**

The Director will issue an Order to suspend stated Operating Company responsibilities for parts of the Unit including stated sections of the A90 between Scotstoun Junction and Echline Junction at Commencement of Service Date 1 or a stated later date.

