

From: Pheasant, Andrew [GRO]
Sent: Wed 01/10/2014 7:39:41 PM (UTC)
To: Jarnail Singh [GRO]
Cc: Martin Smith [GRO]; Parsons, Andrew [GRO]; Jessica Madron [GRO]
Subject: RE: CK Draft Instructions to Expert [BD-4A.FID20472253]
Attachment: Quotation CO06784 - Phase 2.pdf
Attachment: _DOC_29475248(1)_Instructions to Expert (Draft).DOC

Hi Jarnail,

My apologies I have actually been on paternity leave for the past week – which arrived slightly sooner than I anticipated!.

Attached are the draft Instructions with some minor amendments. Of course you and Martin will be best placed and have the expertise to determine the scope etc so I have primarily considered the Instructions from a contractual perspective.

The main changes are to incorporate the entire Agreement; reference to the quote provided and fix this quote; and dealing with the proposed undertakings relating to the Non-Disclosure Agreement (see below).

In relation to the quote, have any procurement requirements been considered? I am not a procurement lawyer but it is a large amount of money so it may be worth checking any requirements. I have seen the quote itself (copy attached) but have not seen what they are quoting on or whether this price is adequate etc. What I am seeking to do is add certainty for us within the Instructions by making reference to the cost itself. In addition, I assume the internal budget has also been covered.

As I have highlighted within the Agreement we may want to add greater definition to the payment terms. ICL have sought to incorporate their standard terms and conditions, which I have not seen but suspect we will not want to agree to. We may want to expand on payment terms and also ensure that they do not restrict liability in a way that may contradict the Agreement itself.

In relation to the Confidentiality Agreement ICL are resisting the individual agreements on the basis that the consultants would not have the benefit of ICL's indemnity cover. This is a valid point. As a compromise, and to preserve the significance of each individual entering or signing a document, they have suggested the below undertaking:

Undertaking by Professor Kramer/ Dr Dulay

I have read the above terms and conditions of Non-Disclosure Agreement between IC Consultants Limited and the Post Office Limited and understand that they apply to me in my undertaking of the Non-Disclosure Agreement. I therefore undertake to comply fully with all those obligations which relate to IC Consultants and/or which involve me in my undertaking of the discussions, and shall use all reasonable endeavours to enable IC Consultants to fulfil its obligations under this Agreement.

Signature.....

Name

Date

This seem a reasonable compromise and would again allow us to control who has access and also ultimately rely on the continuing indemnity cover from ICL.

Please let me know if you would like to discuss this further.

Best regards

Andy

Andrew Pheasant

Associate

for and on behalf of Bond Dickinson LLP

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From: Jarnail Singh **GRO**
Sent: 29 September 2014 15:52
To: Pheasant, Andrew
Cc: Martin Smith; Parsons, Andrew
Subject: RE: CK Draft Instructions to Expert [BD-4A.FID20472253]

Hi Andrew

I refer to my email below and our subsequent telephone conversations . When you said you will arrange for the experts to have the confidential agreement signed and was in the process of finalising your observations and comments on the draft instructions prepared by CK some two weeks ago. Where are you with these please?

Regards

Jarnail

Jarnail Singh | Criminal Lawyer



148 Old Street, LONDON, EC1V 9HQ



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From: Jarnail Singh
Sent: 16 September 2014 15:41
To: 'Pheasant, Andrew'
Cc: Martin Smith; Parsons, Andrew
Subject: RE: CK Draft Instructions to Expert [BD-4A.FID20472253]

Hi Andy

Please can you make arrangements with ICL to sign the agreement personally by the experts.

So far as costs and time scales are concerned this is somewhat more difficult issue. At the roundtable Andy Holt expressed his concerns that experts may not have allowed sufficient time to carry out the work necessary to prepare the report. Experts commented that they have made initial assessment on the information provided by Andy Holt and stated that if he felt that there was more to look at and insufficient time had been allowed for, then he was most probably correct.

In these circumstances it is most difficult to determine time scales and costs. It may be that experts may decide to look at additional material as work progresses.

However you will see CK have built in a provision to require the experts to report monthly. It may will be POL may wish to receive invoices on monthly basis too.

No doubt you will let me have your views.

As you know the experts are proposing to attend counter training on 22nd of September 2014. I would like to resolve this issue in good time so this meeting can go ahead on POLs terms and conditions rather than proceed on without terms and conditions being provided or worse scenario experts pull out.

Kind regards

Jarnail.

Jarnail Singh | Criminal Lawyer



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From: Pheasant, Andrew **GRO**

Sent: 16 September 2014 11:27
To: Jarnail Singh
Cc: Martin Smith; Parsons, Andrew
Subject: RE: CK Draft Instructions to Expert [BD-4A.FID20472253]

Morning Jarnail,

Attached is a non-disclosure agreement which is in the same form that was agreed with ICL in November 2013 and has been incorporated within the Agreement. Since we last spoke I have been discussing this with Susanne at ICL (who negotiated contracts) and she is happy with Professor Kramer, Dr Dulay and any other persons who work with the data to sign the agreement. The Agreement is wide reaching and would capture Professor Kramer and Dr Dulay already but I see no harm in asking them to sign ones personally.

I am finalising my comments in relation to the draft instructions but cannot see any reference to either cost or timings. Did you want to incorporate either of these into the instructions just to set these out?

Many thanks
Andy

Andrew Pheasant
Associate
for and on behalf of Bond Dickinson LLP

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From: Jarnail Singh 
Sent: 15 September 2014 12:57
To: Pheasant, Andrew
Cc: Martin Smith; Parsons, Andrew
Subject: RE: CK Draft Instructions to Expert

Andrew

I am concerned nothing appear to have happen with regards the confidentiality agreements and approval of the draft instructions for the experts. Please note the experts are due to attend a meeting with POL on the 22nd September 2014 for branch counter training/systems familiarisation. And meeting with Fujitsu on 15th October 2014 to cover high level design/architecture, change and support processes, audit system, process and standards.

This should be given priority please.

Thanks.

Jarnail

Jarnail Singh | Criminal Lawyer



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From: Jarnail Singh
Sent: 08 September 2014 15:19
To: 'Pheasant, Andrew'
Cc: 'Martin Smith'
Subject: FW: CK Draft Instructions to Expert

Andrew
Please Andy Holt email with regards to engaging ATOS our new Systems Integrator in this work.
Any progress the preparation of the confidentiality agreement ?
Regards
Jarnail

Jarnail Singh | Criminal Lawyer



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From: Andy Holt
Sent: 08 September 2014 09:36
To: Jarnail Singh
Subject: RE: CK Draft Instructions to Expert

Jarnail
I am not sure if this is important but I thought you should know that I am also engaging ATOS our new Systems Integrator in this work.
Regards
Andy

From: Jarnail Singh
Sent: 05 September 2014 16:30
To: Pheasant, Andrew [GRO]; Jessica Madron
Cc: Parsons, Andrew; Rodric Williams; Andy Holt; Lesley J Sewell; Julie George; Chris Aujard
Subject: FW: CK Draft Instructions to Expert

Andrew and Jessica
Following the round table meeting with the experts last month, Jessica indicated that she wanted all individuals engaged on the expert report process (whether employed by POL or ICON) to sign individual confidentiality agreement.
At the present time there is confidentiality agreement in force, but I think it has been signed on behalf ICON. Accordingly I would be grateful if you could review the position with regards to the confidentiality agreement and draft such individual agreements as are necessary to fully protect POLs interests.
During the meeting itself a way forward was agreed which would entail experts receiving POL counter training towards end of September at old street and high level lectures at fujitsu offices in October .It is therefore essential that these matters are dealt with as soon as possible.
CK have drafted instructions and protocol for the request and provision of information, discussed during the round table meeting. However they have not send it to the experts and will not do so until the content has been approved and they have been given OK to go forward or OK to press send.
Can you indicate whether you are happy with these draft instructions. If you have any comments and proposals let others on CC list know so they may be considered by everyone.
Given there are numerous people CC into the e mail . I should make it clear that under no circumstances should this email nor the draft instructions and protocol be send to or shared with fujitsu.
Regards
Jarnail.

Jarnail Singh | Criminal Lawyer



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