

SCHEDULE 20

Confidential Information

This is Schedule 20 comprising the Confidential Information

between

CUMBRIA COUNTY COUNCIL

and

LANCASHIRE COMBINED FIRE AUTHORITY

and

MERSEYSIDE FIRE AND RESCUE AUTHORITY

and

BALFOUR BEATTY FIRE AND RESCUE NW LIMITED



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The following information has been agreed by the parties as being Commercially Sensitive Information for the purposes of clause 62.1.2 of the Project Agreement:

Part 1 – Commercially Sensitive Contractual Provisions

Column 1 Commercially Sensitive Contractual Provisions	Column 2 For period ending on date below
1. Any information included in the following provisions that is not set out in the August 2009 Fire and Rescue Services and Police Standard Form PFI Project Agreement available as at the Commencement Date from the Local Partnerships website:	The earlier of the Expiry Date and the Termination Date.
1.1 Definition of “Longstop Date”	The earlier of the Expiry Date and the Termination Date.
1.2 Threshold Equity IRR	The earlier of the Expiry Date and the Termination Date.
1.3 Clause 8.2.1 (Compliance with Title Deeds)	The earlier of the Expiry Date and the Termination Date.
1.4 Clause 21 (Delay and Supervening Unavailability)	The earlier of the Expiry Date and the Termination Date.
1.5 Clause 30 (TUPE)	The earlier of the Expiry Date and the Termination Date.
1.6 Clause 31 (Pensions)	The earlier of the Expiry Date and the Termination Date.
1.7 Clause 71 (Change in Ownership)	The earlier of the Expiry Date and the Termination Date.
1.8 Schedule 2 (Contractor’s Proposals) (save to the extent that information is also included in Schedule 1 – Authorities’ Requirements)	The earlier of the Expiry Date and the Termination Date.
1.9 Schedule 3 (Change in Law – Contractor’s Share)	The earlier of the Expiry Date and the Termination Date.
1.10 Schedule 6 (Payment Mechanism)	The earlier of the Expiry Date and the Termination Date.
1.11 Schedule 7 (Collateral Warranty)	The earlier of the Expiry Date and the Termination Date.
1.12 Schedule 11 (Employee Information and	The earlier of the Expiry Date and the Termination Date.

Column 1 Commercially Sensitive Contractual Provisions	Column 2 For period ending on date below
Warranted Data)	
1.13 Schedule 13 (Title Deeds)	The earlier of the Expiry Date and the Termination Date.
1.14 Schedule 16 (Financing Agreements)	The earlier of the Expiry Date and the Termination Date.
1.15 Schedule 20 (Confidential Information)	The earlier of the Expiry Date and the Termination Date.
1.16 Schedule 23 (Change Protocol) (Appendices only)	The earlier of the Expiry Date and the Termination Date.
1.17 Schedule 26 (Replies to Enquiries, Questionnaires and Clarifications)	The earlier of the Expiry Date and the Termination Date.
1.18 Schedule 30 (Party Wall Agreements)	The earlier of the Expiry Date and the Termination Date.

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Part 2 – Commercially Sensitive Material

The categories of Commercially Sensitive Material are as follows:

Column 1 Commercially Sensitive Material	Column 2 For period ending on date below
1. Any reference to a monetary or financial amount (including indemnity limits provided for under policies of insurance), pricing information, ratios, limit of liability or exclusions from liability, profit margins, overheads, preliminaries, payment terms or details of any bank account (to the extent not set out in the August 2009 Fire and Rescue Services and Police Standard Form PFI Project Agreement available as at the Commencement Date from the Local Partnerships website).	The earlier of the Expiry Date and the Termination Date.
2. Any reference in the definitions and clauses referred to in Part 1 to any time period, percentage or financial share (to the extent not set out in the August 2009 Fire and Rescue Services and Police Standard Form PFI Project Agreement available as at the Commencement Date from the Local Partnerships website).	The earlier of the Expiry Date and the Termination Date.
3. Any indemnity insurance policy taken out by the Contractor or any of its sub-contractors in connection with this Agreement.	The earlier of the Expiry Date and the Termination Date.
4. The equivalent provisions of the Building Contract and FM Agreement to those set out in 1 above.	The earlier of the Expiry Date and the Termination Date.
5. The limitations on liability and level of and nature of claims which are subject to a cap on liability contained in the Building Contract and the FM Agreement.	The earlier of the Expiry Date and the Termination Date.
6. The level of liquidated and ascertained damages, specified in the Building Contract.	The earlier of the Expiry Date and the Termination Date.
7. The duration of and sums covered by any bond.	The earlier of the Expiry Date and the Termination Date.
8. The Base Case.	The earlier of the Expiry Date and the Termination Date.

<p style="text-align: center;">Column 1 Commercially Sensitive Material</p>	<p style="text-align: center;">Column 2 For period ending on date below</p>
<p>9. The Financing Agreements</p>	<p>The earlier of the Expiry Date and the Termination Date.</p>
<p>10. Details relating to the Enforcement Procedure in the Building Contract and the FM Agreement.</p>	<p>The earlier of the Expiry Date and the Termination Date.</p>
<p>11. Any performance reports in respect of the provision of the Services but only to the extent that they contain information falling under paragraphs 1 to 10 above or limb (a) of the definition of Confidential Information.</p>	<p>The earlier of the Expiry Date and the Termination Date.</p>
<p>12. The parent companies guarantees in favour of the Contractor in respect of the Building Contract and FM Agreement.</p>	<p>The earlier of the Expiry Date and the Termination Date.</p>
<p>13. The parallel loan agreements in relation to each of the Building Contract and FM Agreement.</p>	<p>The earlier of the Expiry Date and the Termination Date</p>
<p>14. Any information provided by or on behalf of the Contractor in confidence as part of its bid submission relating to the Contractor's pricing arrangements, financing arrangements, construction programme and designs and subcontract arrangements together with such other information that refers to or directly relates to matters otherwise stated as being of a commercially sensitive nature.</p>	<p>The earlier of the Expiry Date and the Termination Date.</p>