

Memo



To Project Director

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Subject HSL Transport Contracts: Assessment of Bids,
Recommendation of Review Team

Assessment procedure

The RT has received the reports of both AT. The findings of the Assessment Teams were as follows:

- The Bid of Nile has not been further assessed into detail because of its non binding character.
- Mississippi submitted a complete Bid that fulfilled all criteria and was only on minimal aspects non compliant.
- Amazon submitted a complete Bid, but did not meet the minimal of 100 mio Euro.

The conclusions of the Assessment Teams are that the Bids of Mississippi and Amazon differ mostly on the contribution to the State: the 100 mio Euro was met by Mississippi but not by Amazon. On the other aspects, mainly quality, these Bids differed only on small margins.

Negotiations phase

After analyses of the bids, the potentials of the Bids of Mississippi and Amazon are considered to be reasonable. The impressions of the Review Team were as follows:

- The bid of Nile is non-compliant.
- The bid of Amazon is only potentially compliant.
- The bid of Mississippi is sufficiently compliant. The non-compliance items as pointed out by the AT are of minor importance and could not justify a non compliant decision.

For the negotiations to be carried out in the next phase of the tender procedure, the Review Team requested the Assessment Teams to screen the bids of Mississippi and Amazon on possible upward and downward potentials. The Assessment Teams compared the bids amongst each other (refer to the comparability aspects in the reports of the AT) and identified the ranges of the financial Bids. These analyses were carried out by the Assessment Teams *apart from and in addition to* their assessment activities as described in the Internal Protocol.

The Assessment Teams concluded that the bids of Mississippi and Amazon contained sufficient potential:

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8 June 2001

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- 1- Mississippi could still meet the financial barrier of 100 mio, even with possible downward effects.
- 2- The bid of Amazon contained major upward potentials that could result in meeting the financial barrier.

After the analyses of the potentials of the Bids, the conclusion was that the differences between the values decreased significantly, but of course the financial Bid of Mississippi will remain of more value.

As the bids will remain valid until 1 March 2002, the Review Team recommends to enter into direct negotiations with Mississippi and to keep the bid of Amazon on hold to keep market tension on Mississippi during the negotiations. From the legal point of view this is possible and recommended (note the legal advice of the State Advocate).

Conclusion

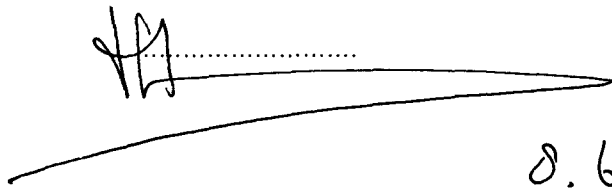
From the procedural point of view, Mississippi is the only compliant Bid.

From the negotiations point of view, the ranges of the financial potentials of the Bids of Mississippi and Amazon could decrease significantly. However, the bid of Mississippi has still the most potentials in it, and it is the only party that did fix their Bid.

The Review Team recommends to:

- 1- invite Mississippi as a compliant Bidder for the negotiations phase and to start direct negotiations,
- 2- invite Amazon as a potentially compliant Bidder and to stay 'on hold'.

Signature (chairman Review Team) and date



8.6.01.

Date

8 June 2001

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