

Telefax



Ministry of Transport, Public Works and Water Management  
Directorate-General Passenger Transport

To  
NS/KLM  
Stagecoach  
SJ/CGEA/Connexion

Telefax number

From  
Bas van Os  
Date  
5 February 2001  
Reference  
HSL/190535  
Subject  
Tender procedure HSL-Zuid Transport

Telephone  
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Number of pages (including cover page)  
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Dear Sir,

I hereby inform you that the consortium Deutsche Bahn/Arriva has been temporarily suspended from the tender Transport HSL-Zuid, because of certain statements in the Volkskrant Newspaper of Saturday, 3 February 2001. This means that until a final decision is taken Deutsche Bahn/Arriva will not receive any further clarifications or addenda regarding the ITT.

Deutsche Bahn/Arriva has been asked for a full explanation. The State will decide next week if further measures are necessary.

Yours sincerely,

Bas van Os

Project Manager HSL-Zuid Transport

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Telefax



Ministry of Transport, Public Works and Water Management  
Directorate-General Passenger Transport

To  
Deutsche Bahn  
Mr H. Koch - DB Marketing  
Mr W.J. Lübberink - DB International  
Mr I. Plass, bidmanager HSL-Zuid for  
DB/Arriva

Telefax number  
00 - 49 69 26 51 43 14

From  
Bas van Os  
Date  
5 February 2001  
Reference  
HSL/190536  
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Dear Sirs,

The State has taken notice of your statements in the Volkskrant newspaper of Saturday, 3 February 2001. The State is of the opinion that by various statements made in the interview, you have acted in serious conflict with the HSL-Zuid tender procedures.

As an example, your statement "*Wij hopen dat de andere combinaties net als wij zullen zeggen: deze prijs is te gek. En dat wij zo de som omlaag kunnen brengen*" seems a clear and irreversible infringement on your obligations deriving from article 2 of the Process Agreement, signed by you on 17 November 2000.

In order to safeguard the competitive characteristics of the tender, such infringements can not be tolerated. Article 7.1 of the Process Agreement HSL-Zuid Transport Contracts states: '*Any breach of the provisions of this agreement by the Tenderer may lead to exclusion of the Tenderer from the Tender Process or any other remedy as deemed adequate and appropriate by the State with a view to restore the competitive characteristics of the said Tender.*' Until a final decision is taken, the consortium Deutsche Bahn/Arriva is suspended from the tender and will not receive any clarifications or addenda regarding the ITT.

The State hereby requests your forthright response, regarding the interview and the considered exclusion, in person on Wednesday 7 February 2001, 14.00 hours, at our office in Utrecht, the Netherlands.

Yours sincerely,

Bas van Os  
Project Manager HSL-Zuid Transport

Attachment: Fax to NS/KLM, Stagecoach, SJ/CGEA/Connexxion

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The Netherlands

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