

Subject

Tender HSL-Zuid / Volkskrant article

Deutsche Bahn

Mr. H. Koch - DB Reise & Touristik AG, Marketing & Sales

Mr. I Plaß, bidmanager HSL-Zuid for DB/Arriva

Arriva Plc.

Mr. B. Davies, Chief Executive

Dear Sirs,

Following your letter, dated 12 February 2001, I hereby inform you of the State's decision.

On Tuesday 6 February 2001, following the interview with Deutsche Bahn in *de Volkskrant* of Saturday 3 February 2001, the State started a formal investigation because of the potential influence of the article on the competitive characteristics of the tender. For the duration of this investigation the consortium DB/Arriva was suspended from the tender.

After careful consideration by the State and its advisors of the responses offered by DB and Arriva in the hearing of 7 February 2001 and the subsequent letter of 12 February 2001, the Minister of Transport, Public Works and Water Management and the Minister of Finance have decided as follows:

- 1) The interview printed in *de Volkskrant* may, without proper measures, well have an influence on the competitive characteristics of the tender.
- 2) The consortium of DB/Arriva, like any other tenderer, is responsible for its media activities, even if the article in *de Volkskrant* does not correctly reflect DB's statements or the context in which they were made.
- 3) Deutsche Bahn and Arriva have offered apologies for the possible and unintended effect that the article might have had on the tender process. They have offered a correction of some of the statements as they appeared in *de Volkskrant*. The consortium acknowledges its responsibility for its media activities and has also taken measures to avoid repetition. Furthermore the consortium has reconfirmed its commitment to participate in the tender in full compliance with the rules and procedures as set out for this tender.
- 4) The State believes that the commitments offered by DB/Arriva, in combination with the corrective effects of the suspension, provide the best

Date

14 February 2001

Our reference

HSL-Zuid 200587

Your reference

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Contact person

Roel Testroote

Extension

0031 30 2728 751

E-mail

roel.testroote@hslzuid.com

Projectorganisatie

Hogesnelheidslijn-Zuid

Postal address:

PO Box 43

3500 AA Utrecht

The Netherlands

Visiting address:

Catharijnesingel 33

3511 GC Utrecht

Tel +31 30 - 2728 400

Fax +31 30 - 2728 577

remedy to restore the competitive characteristics of the tender (see Article 7.1 of the Process Agreement HSL-Zuid).

The consortium of Deutsche Bahn and Arriva is therefore invited to fully resume its role as a participant in the tender

Yours sincerely,

Bas van Os
Project Manager HSL-Zuid Transport

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