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Zentrale
Stephensonstraße 1
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Ministry of Transport, Public Work
and Water Management
Directorate-General Passenger Transport
Project Manager HSL-Zuid Transport
Mr. Bas van Os
Postbus 43

NL-3500 AA Utrecht

12 February 2001

Ref: HSL-Zuid Project

Dear Mr. van Os:

We would like to thank you for the meeting held with the Arriva/DB project team on Wednesday last to discuss and clarify our position on the issues arising from the interview with DB that was published in the Volkskrant newspaper of Saturday 3rd February 2001, and your letter dated 5 February 2001.

Both DB and Arriva are continually considering the opportunities of bidding for such projects throughout Europe and therefore sought registration and pre-qualification for the HSL-Zuid Project accepting and understanding the fairness of the process. Indeed we are delighted to be given the opportunity to participate in the tender and we fully appreciate the Minister of Transport's determination that the bids will be analysed independently and transparently. We have hitherto enjoyed a good, professional relationship with the HSL-Zuid Project Team. Whilst acknowledging the different roles of our respective organisations we remain confident that such a good working relationship would continue.

With a view to some recent negative information in the Dutch press regarding Deutsche Bahn it seemed appropriate to communicate with the press to inform about the actual situation within Deutsche Bahn and its future strategy and objectives and to demonstrate their undoubted experience in operating high-speed rail passenger services and delivering the highest of quality products. Our respective companies recognised how seriously the Volkskrant newspaper comments were viewed by your goodselves, as was evidenced by your decision to temporarily suspend the consortium from the process.

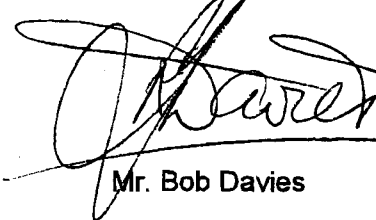
We understand the aforementioned article could have – however not intended by us – an effect which could not be in keeping with the competitive characteristics of the tender. We would unreservedly apologise for any misunderstanding and embarrassment that may have been caused. Furthermore we would confirm that a thorough review of the consortiums media strategy is being undertaken to ensure that such things do not happen again.

We would confirm that both the corporate bodies of our consortium partners Arriva and DB are firmly committed to developing a bid for the operation of HSL-Zuid which will be based exclusively upon economic criteria. Accordingly, the significant internal and external resources so far expended has been done so with their knowledge and support. We understand that the Volkskrant article was also interpreted as us having a preferred rolling stock solution but we can assure that the business case modelling currently includes a wide range of options in order to achieve the best economic mix, whilst endeavouring to meet the aspirations of the future HSL-Zuid passengers.

We highly appreciate the opportunity for our consortium to participate in the ITT tender and you can be assured of our firm commitment to participate in full compliance with the rules and procedures as set out for this project. We trust that following our explanation, assurances and sincere apologies, you will seriously consider and allow the consortium back into the process.

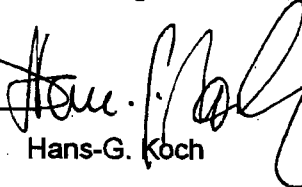
Sincerely yours

Arriva Plc.
Chief Executive



Mr. Bob Davies

DB Reise&Touristik AG
Member of the Board
Marketing & Sales



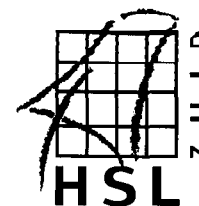
Hans-G. Koch

Bidmanager
HSL-Zuid Project for
DB/ARRIVA



Ingolf Plass

Notulen



Datum vergadering 6 februari 2001

Betreft Gedragingen consortium Deutsche Bahn/Arriva

Aanwezig De heer Scheepbouwer, de heer Van Miert
(Adviesraad i.o.)
De heer Janssen, de heer Huis in 't Veld (afvaardiging
Tenderboard Vervoer)
De heer Korf, de heer Van Os en de heer Gideonse
(HSL-Zuid)

Doel van deze vergadering is om aan de Adviesraad in oprichting te vragen of de analyses van de aanbestedende dienst inzake de gedragingen van het consortium Deutsche Bahn/Arriva en de voorgenomen schorsing van het consortium juist zijn.

De heer Scheepbouwer en de heer Van Miert bevestigen in de vergadering dat de gedragingen van het consortium Deutsche Bahn/Arriva, weergegeven in het interview in de Volkskrant, op met name de volgende punten niet te tolereren zijn:

- ~~de schending van de integriteit en goede naam van de aanbestedende dienst;~~ *oprechtheid & integriteit vol redelijk overheid*
- het aanzetten tot/uitlokken van onderling afgestemd gedrag inzake de prijs van de bieding.

Het consortium moet zich nadrukkelijk, en eventueel publiekelijk, distantiëren van beide schendingen. Wanneer zij hiertoe niet bereid is, zou dit tot uitsluiting van het consortium moeten leiden. Ten aanzien van de overige schendingen zou het consortium excuses moeten aanbieden.

Tevens geven de heren Scheepbouwer en Van Miert desgevraagd aan dat een beslissing over opheffen van de schorsing dan wel uitsluiting van deelname aan de tender uiterlijk volgende week genomen moet worden.

Voor gezien,

A. Scheepbouwer

K. van Miert

Datum
7 februari 2001

Ons kenmerk
HSL-Z/AR-01

Uw kenmerk
-

Contactpersoon
Wim Gideonse

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 *** TX RAPPORT ***

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 RESULTAAT OK

Fax



Aan TNT Postgroep, per telefax: 020-5007524
 t.a.v. de heer A. Scheepbouwer

Universiteit Nyenrode, per telefax: 0346-291518
 t.a.v. de heer K. van Miert

Onderwerp DB/Arriva

Aantal pagina's 2
 (incl. voorblad)

Datum
 7 februari 2001

Ons kenmerk

-

Uw kenmerk

-

Contactpersoon
 Floor Orlemans

Doorkiesnummer
 030 - 27 28 751

E-mail
 floor.oremans@
 hslzuid.com

Geachte heren Scheepbouwer en Van Miert,

Namens Wim Gideonse stuur ik u bijgaand concept betreft Gedragingen
 Consortium Deutsche Bahn/Arriva.

Het vriendelijke verzoek luidt of u in de loop van vandaag uw akkoord of
 eventuele aanpassingen wilt doorgeven met betrekking tot het concept, zodat
 het stuk daarna ter ondertekening naar u kan worden opgestuurd.

Met vriendelijke groet,

HSL-Zuid


 Floor Orlemans

secretaresse Bas van Os