

01 April 2020

Success in Review Proceedings: BVG Allowed to Award Billion-Euro Contract for Underground Trains

Hanover - On 20 March 2020 the Public Procurement Senate of the Berlin Appellate Court rejected the immediate appeal in the proceedings against Berliner Verkehrsbetriebe (BVG) concerning the ordering of new underground trains (Case No. Verg 7/19).

BVG can thus trigger the order of up to 1,500 underground trains from the manufacturer Stadler. This is one of the largest orders in European transport history. As part of the "Future-proof vehicle procurement" programme, BVG invited tenders at the end of 2016 for the supply of vehicles and the associated spare parts for the lifetime of the vehicles.

The French train manufacturer ALSTOM objected to the intended award of the contract to Stadler, and in May 2019 submitted a review proceeding to the Berlin Chamber of Public Procurement. After rejection, ALSTOM continued to pursue the request before the Berlin Court of Appeal. Following the oral hearing on 20 March 2020, the court rejected the application for review in the last instance.

Luther Rechtsanwaltsgesellschaft has already advised BVG during the entire procurement process. Due to the importance of the transaction for local public transport in Berlin, the lawfirm Müller-Wrede, Berlin, was additionally mandated by the Supervisory Board shortly before the award decision. The law firms conducted the review proceedings jointly for BVG.

Luther (Public procurement Law):

Ulf-Dieter Pape, Lawyer, Certified Specialist in Public procurement Law, Diplom-Verwaltungswirt and Partner (Federführung)

Dr. Rut Herten-Koch, Lawyer, Certified Specialist in Public procurement Law and Partner

Dr. Henning Holz, Lawyer, Certified Specialist in Public procurement Law, Counsel

Dr. Franziska Klaß-Dingeldey, Certified Specialist in Public procurement Law, Senior Associate

Luther (Industries Mobility & Logistics)

Jens-Uwe Heuer-James, Lawyer and Partner

Müller, Wrede & Partner

Malte Müller-Wrede, Lawyer, Certified Specialist in Public procurement Law, Partner

Dr. Melanie Plauth, Lawyer, Associate

Frederic Delcuvé, Lawyer, Associate

For Berliner Verkehrsbetriebe

Ute Bonde, Head of Legal & Compliance

Brief Profile Luther

Luther is a leading German commercial law firm that offers comprehensive legal and tax services. The full-service law firm, which has been awarded by JUVE as “Law Firm of the Year 2019”, employs more than 420 lawyers and tax advisors and is represented at 10 German economic centres and at 10 important investment locations and financial centres* in Europe and Asia. Our clients are medium-sized enterprises and large corporations, as well as the public sector.

Luther works closely with other commercial law firms in all the prevailing jurisdictions worldwide. On the Continent, Luther is part of a group of independent leading law firms who have worked together for many years on joint cross-border projects.

Luther Rechtsanwaltsgesellschaft mbH is a law firm with a business approach: our innovative awareness aspires us to provide our clients with customised legal advice that addresses individual needs and delivers the greatest possible economic benefit.

Our lawyers and tax advisors have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. Further information is available at: www.luther-lawfirm.com

* including corporate services

Press contact Luther Rechtsanwaltsgesellschaft mbH

Katrin Schumacher

katrin.schumacher@luther-lawfirm.com

Phone +49 40 18067 24995

Saskia Leininger

saskia.leininger@luther-lawfirm.com

Phone +49 221 9937 24679