

## Consortium successful in German car toll collection tender with help of BLOMSTEIN

20 December 2018

A consortium consisting of Kapsch TrafficCom AG and CTS EVENTIM AG & Co. KGaA is to be commissioned to collect the German car toll. A team of BLOMSTEIN lawyers has advised the consortium on all aspects of public procurement law.

The German Federal Ministry of Transport and Digital Infrastructure as the responsible contracting authority has informed Kapsch TrafficCom AG and CTS EVENTIM AG & Co. KGaA about its intention to award the contract regarding the collection of the German infrastructure charge (“passenger car toll”) to a joint consortium of both companies. Kapsch TrafficCom and CTS EVENTIM have taken part in the EU-wide tender for this project. The operating company shall be a joint venture in which both companies hold an equal stake of 50%.

According to the regular time frames of German procurement law for the required notification of the losing bidders, the award of the contract is not possible before December 30, 2018. Should a losing bidder make use of their legal protection rights and, thus cause a prohibition of the award, the outcome of the legal proceedings under public procurement law would need to be further waited for.

The contract between the Federal Republic of Germany and the operating company commences with the binding statement of award and has a base term of twelve years starting with the first collection of the infrastructure charge. The principal can extend the contract once for three years or three times by one year (hence, up to a total term of 15 years). For the operating company (i.e. the joint venture), the total volume throughout the minimum term of the contract amounts to EUR 2 billion including VAT.

The BLOMSTEIN team, led by Pascal Friton and Roland Stein and including BLOMSTEIN Associates Florian Wolf, Leonard von Rummel and Rita Zuppke, advised the consortium in all aspects related to public procurement law. Noerr advised the consortium with regard to all other legal aspects.