

15 March 2021

## Luther advises the German State of Lower Saxony on the sustainable modernisation of local rail transport

**Hanover – A team from Luther Rechtsanwaltsgesellschaft mbH advised Landesnahverkehrsgesellschaft Niedersachsen ("LNVG"), the Lower Saxony public transport company, in an EU contract award procedure for the procurement of new trains for regional transport with a total volume of approximately EUR 760 million. The contract additionally includes the long-term, value-preserving maintenance of the trains, as well as the construction and operation of a service centre required for this purpose.**

With the new trains, LNVG, a subsidiary of the State of Lower Saxony, is taking an important step in the expansion of the Bremen/Lower Saxony express lines that constitute what is known as the "*Expresskreuz*": the double-decker multiple-unit trains are energy-efficient, meet the increasing passenger demand and thus make an important contribution to climate protection and the mobility transition. The contract was awarded to the bidder Alstom Transport Deutschland GmbH.

The focus of the contract award procedure was on selecting an economical offer for a double-decker multiple-unit train which, in addition to low energy costs, also meets the highest technical standards. In addition to barrier-free equipment and optimised space, the continuous WLAN connection is another factor that ensures a comfortable ride. Furthermore, the low noise levels of the vehicles set new standards. The service centre to be built for maintenance will be a state-of-the-art facility, especially with regard to environmental protection and energy efficiency.

Luther advised LNVG throughout the procurement project. A particular challenge was linking the complex technical requirements with a transparent and fair evaluation matrix and mapping them in the long-term contracts.

Carmen Schwabl, LNVG management spokeswoman, emphasised the smooth collaboration with Luther: "Our collaboration with Luther helped us complete this complex procedure in a timely and secure manner. The law firm has once again proven its excellent expertise in the implementation of EU contract award procedures in the field of mobility".

"The demands on the design of the contract award procedure were enormous. To bring such a complex award procedure to a successful conclusion without any complaint or review procedure is a tremendous success in this highly competitive market," said Ulf-Dieter Pape, Partner and Certified Specialist in Public Procurement Law at Luther. Jens Heuer-James, Partner at Luther, added: "In the course of intensive negotiations, we succeeded in implementing the forward-looking targets in the best possible way, also with a view to modern mobility and climate protection."

#### **About Landesnahverkehrsgesellschaft Niedersachsen:**

LNVG is a wholly-owned subsidiary of the State of Lower Saxony and provides demand-oriented public transport services on behalf of the state. To this end, it has been maintaining a state-owned vehicle pool for local rail transport comprising a total of 385 vehicles since 1997, making the State of Lower Saxony the federal state with the largest vehicle pool. With a view to ensuring a passenger-oriented and optimised range of services in the field of local public rail transport, LNVG attaches particular importance to technically sophisticated, comfortably equipped and environmentally friendly trains.

#### **About Alstom:**

The Alstom Group, headquartered in France, is the world's second largest railway technology company and is active on the German market with its subsidiary Alstom Transport Deutschland GmbH. Alstom has eight production sites in Germany; its major site is located in Salzgitter in Lower Saxony.

In Germany, Alstom offers innovative solutions for sustainable mobility and is one of the leading suppliers of railway technology for metros, suburban trains, trams, regional trains, locomotives and signalling.

**On behalf of Landesnahverkehrsgesellschaft Niedersachsen:**

Luther, Public Procurement Law: Ulf-Dieter Pape (Lead Partner), Dr Henning Holz, LL.M. (Counsel), Dr Franziska Kläß-Dingeldey, MLE (Senior Associate)

Luther, Contract Drafting: Jens-Uwe Heuer-James (Partner)

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**Brief Profile Luther Rechtsanwaltsgesellschaft mbH**

Luther is a leading German commercial law firm that offers comprehensive legal and tax advice. The full-service law firm employs over 420 lawyers and tax advisors and is represented in ten German economic hubs as well as with ten of its own international offices in key investment locations and financial centres in Europe and Asia. Its clients include 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. 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. All of Luther's lawyers and tax advisers have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. Luther was named "Law Firm of the Year 2019" by the German legal published JUVE. Further information is available at: [www.luther-lawfirm.com](http://www.luther-lawfirm.com)

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