



Mark McLoughlin  
Early Train Operator Protest Official  
California High-Speed Rail Authority  
770 L Street, Suite 620, MS 2  
Sacramento, CA 95814

October 30, 2017

**Re: Early Train Operator (RFP 16-13) Protest concerning Notice of Proposed Award.**

Reference: DB Engineering and Consulting letter to CHSRA dated on October 20, 2017.

Dear Mr. McLoughlin,

On October 26<sup>th</sup> 2017, pursuant to section 7.6 of RFP 16-13, RENFE has been notified of the communication dated 20<sup>th</sup> of October 2017 sent by Mr. Carsten Puls on behalf of DBI Engineering & Consulting USA, Inc (hereinafter, DBI) to Ms. Rachel Taylor, Procurement Manager of the California High-Speed Rail Authority (hereinafter, the Authority).

The abovementioned communication of DBI neither refers nor opposes to any of the grounds for protest and factual basis contained in the Protest filed by RENFE-Operadora. DBI's missive takes the opportunity to upraise again its own Technical Proposal, even though, as further explained in this letter, the formality of the current Protest Procedure does not consider it.

In any case, in the light of the content of the reference communication of DBI, by means of the present letter, we would like to respectfully bring to the notice of the Authority the following issues:

1. - DBI does not respond nor opposes to any of the points and arguments claimed by Renfe for the Discussion Phase, as set forth in Section 7.6 of RFP 16-13. DBI has reviewed all the documentation provided by Renfe during the discussion (Presentation, Term Sheets and Q&A) and they didn't raise any point of weakness against our answers. If they, as railway high speed operator, didn't outline that Renfe's answers during the discussions were wrong or weak, it is probably because Renfe has been underscored during the discussion, given the papers and information provided by Renfe and having had DBI the opportunity to compare with their own documentation.

2. - DBI's communication asserts that they have been innovating High-Speed Rail operations, transferring and exporting high speed know-how abroad to several countries.



From our knowledge, the said affirmation is not accurate, at least in the case of Spain. The approach of Renfe for the procurement of manufactures and equipment is totally different from other railway companies and countries where the technology is mainly provided by manufacturers from their same country. In Renfe's case, we have managed and integrated a lot of different technologies coming from the main rail technology manufacturers from all over the world. In that sense, Renfe has engaged with the main world rail technology manufacturers from many countries; Canada, Italy, France, Spain, Germany and Japan (Siemens, Alstom, Bombardier, Talgo, CAF, Ansaldo and many others).

To design, build, implement, operate and maintain High Speed Systems, in Spain's first HS line Madrid-Seville (1992), Renfe engaged to a Spanish-German consortium led by Siemens plus ABB and AEG companies. In addition, Renfe has engaged Siemens HS technology systems and rolling stock.

In accordance to this, if DBI, in such a statement:

- Is referring to the technology of Siemens Track & Systems and Rolling Stock, and/or
- was gained by its proposed Key Personnel, Commercial and Operations,

it would entail a potential conflict of interest for the purpose of this tender process, as there is a risk that DBI's future counseling regarding the acquisition of rolling stock and Track & Systems could be biased.

The Authority may want to confirm with other countries mentioned on the statement, if or how they have engaged DBI for the development of the High Speed on their countries.

Sincerely,

A handwritten signature in blue ink, appearing to read "Juan Matías Archilla".



Juan Matías Archilla  
RENFE-Operadora