

PRESS RELEASE

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CMS Advises Winning Consortium on PPP Project for Zwettl Bypass Road

A consortium of construction firms Swietelsky and Leyrer+Graf won the bid for the public-private partnership (PPP) project for the Zwettl bypass road. CMS advised the successful consortium on all legal aspects up until the successful financing in late October.

A few days ago, the EUR 158 million PPP project for the Zwettl bypass road was concluded. The newly established private contractor *Umfahrung Zwettl Errichtungs- und Betriebsgesellschaft*, formed by the construction companies Swietelsky and Leyrer+Graf, won the contract for project planning, construction and financing of the bypass road as well as for partial maintenance of the road for a contract period of 28 years. The construction services will be provided by *ARGE Bau Umfahrung Zwettl*, in which Swietelsky, Leyrer+Graf as well as Strabag hold stakes.

CMS advised the consortium on all aspects of public procurement law, building contract law and merger control law (partners Bernt Elsner and Thomas Hamerl) as well as on financing matters (partner Günther Hanslik, attorney-at-law Anna Konopka). The European Investment Bank could be won for co-funding of the project.

Public procurement law expert Bernt Elsner was in charge of the project and commented on its success, saying, “As one single consortium won the tender for planning, construction, financing and operation, cost-intensive interface management between planning and construction on the one hand and construction and operation on the other hand could be avoided. This entails a higher expenditure for the project, but overall allows for cost and quality optimisation for the entire life cycle. It would certainly make sense to use this concept, which has successfully been applied by the provincial government of Lower Austria already for the third bypass road project, more frequently in Austria in the future.”

A picture of Bernt Elsner is available for free download at http://sites.cms-rrh.com/downloads/elsner_bernt.zip

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