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BOMBARDIER
the evolution of mobility

Timothy Sawa
Producer
CBC News
Investigative Unit
timothy.sawa@cbc.ca

TRANSPORTATION
Bombardier Transport France S.A.S.
26 Rue Laffitte
75009 Paris, France
Tel +33 1 48 01 46 46
Fax +33 1 40 07 04 86
www.bombardier.com

Registered Office: Place des Ateliers – BP 1
59154 Crespin, France
Capital de 18 000 000 Euros
698 800 935, RCS Valenciennes
TVA : FR 17 698800935

Dear Timothy,

Thank you for your letter and the additional details. Please find our position to the four elements of your research below:

1) Public Protector Investigation

The Public Protector is neither a law-enforcement agency nor a prosecution service. Consequently, Bombardier Transportation South Africa has not been served any writ, summons, or other judicial document informing us of any investigation and its object. Please note also that according to your information the report of the Public Protector focusses on Bombela, not Bombardier and Bombardier was only a minority participant in the Bombela Joint Venture, not the leader. As we have no knowledge of the Public Protector's investigation, we cannot respond to it nor comment in any other fashion.

Should we be invited to collaborate with the Public Protector's investigation, we will fully collaborate. Bombardier has always maintained and will continue to maintain the highest standards of ethical behaviour in all of our business operations worldwide.

2) Payments to "agents"

Some of the documents appended to your letter were the subject of the media reports in 2012. You will recall, that it was widely reported in the media what Bombardier paid as commission fees and that it was not 6% of the value of the BT portion of the Gautrain contract. As we explained in response to media queries in 2012, the agreement of which you seem to have a copy is not the correct agreement and was replaced by another agreement providing for a lower remuneration. As is standard practice in the industry, representative agreements are confidential.

Furthermore, as we also already stated at the time, it is common business practice in many industries for companies to hire representatives and agents in countries in which they wish to develop business.

The selection and retention of agents and representatives is done in accordance with international standards and regulations and follows a rigorous process including due diligence that complies with all local and international laws and regulations. In addition, under the relevant agreement the Representative does undertake to comply with all applicable laws and regulations.

Finally, Bombardier enforces a strict code of conduct. We have robust internal and external processes, standards, and procedures. As we said at the time, we do not condone making any payments to win contracts. Such initiatives are totally against our ethics and we condemn any such behaviour.

3) Peter-Paul Ngwenya claims.

As we have stated several times before, Bombardier has never had any agreement for services with Mr. Ngwenya. Bombardier therefore continues to view his claims against Bombardier as baseless and without any merit whatsoever.

4) \$5.3-million “confidential” deal

Bombardier never undertook nor agreed to pay any sums to Mr Ngwenya

As the agreement you refer to is the subject of court proceedings in South Africa which are still before the court, Bombardier cannot comment further on this matter.

As you can see, the matters you raise have either been addressed already by Bombardier spokesperson in the past or cannot be commented further. We therefore regret having to decline your request for an interview.

Best regards,
Sandy Roth



Head of Communications
Western Europe, Middle East and Africa
Bombardier Transportation]