



MS Westfalia GmbH | Junkersring 54 | D - 53844 Troisdorf

In advance by mail:

5.1.2c @minvws.nl

Ministry of Health, Welfare and Sport  
DG Curative Care  
Curative Care Department

5.1.2e

P.O. Bx 20350  
2500 EJ The Hague

10.08.2020

**Subject: Your letter dated 29.07.2020 r. "Reimbursement of the down payment for 84 ICU Ventilators"**

Dear 5.1.2e  
dear 5.1.2e

we received your letter dated 29.07.2020 on the 04.08.2020.

We are sorry to hear you intend not to continue providing our life-saving intensive care devices to your people.

We would like to have a customer friendly solution, because these are Covid-19 critical devices and we would like to help the Dutch government with this. We don't want any clarification about the 100% cancellation fees as it is regulated in the contract in clause 5.7. deadline set in the last letter for the final delivery by July 29th, where the letter was.

We would like to remind you of the provisions of section 3.1 of the contract. Thereafter, after a written declaration of termination from you, we are allowed a delivery time of four weeks after receipt of the written termination.

According to Section 6.5 of the contract, German law applies. Paragraph 126 BGB stipulates that a written declaration is only available if it is personally signed by the person authorized to sign. We leave it open at this point whether the letter from you dated July 29<sup>th</sup> is signed by someone authorized to sign.

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Sitz der Gesellschaft:

Amtsgericht:  
Siegburg - HRB 6251

5.1.2e  
5.1.2e

Anschrift:

MS Westfalia GmbH  
Junkersring 54 D-53844 Troisdorf  
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info@mswestfalia.de  
Web: www.mswestfalia.com

Bankverbindung:

Deutsche Bank Privat-  
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Kto. 590038600 BLZ 37070024  
SWIFT: DEUT DEBKOE  
IBAN: DE75370700240590038600

Steuerinformation:

UST-Identnummer:  
DE217710747  
Steuernummer:  
220/5836/0259



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In any case, your email dated July 1<sup>st</sup>, 2020 does not meet this contractual requirement. However, from receipt of the letter from you dated July 29, 2020 on August 4, 2020 within a period of four weeks, we are entitled to deliver the 84 ICU ventilators that are still missing by September 1, 2020.

In accordance with the contract, with reference to Clause 3.1 of the contract, we therefore expressly offer you to deliver the missing 84 ICU ventilators by September 25th, 2020.

We ask for your binding declaration by

**08/20/20,**

that you will be accepting the 84 ICU ventilators.

Please expressly confirm your obligation to take delivery and readiness for acceptance of the 84 devices.

Keeping in mind, that the patients need ventilators right now and not in 2-3 years, we are running absolutely different "Fire- brigade" approach with simultaneously fighting with sub-suppliers for the prompt shipment of parts, increasing the staff for assembling, doubling of production area in our facility, implementing of quick automatic testing for significant raising of production outcome.

Our approach has a lot of great difficulties, which are: speeding up deliveries from our suppliers for extra fee, that means increasing our purchase prices up to **5.1.1c** a lot of defect parts, with bring us to incoming inspection of every one, anyway delivery delays. We have implemented 2 working shifts and work on the week-ends and holidays, spending a lot of money for it as well. All these with simultaneous expanding of stuff, equipping production area and implementing of new production tools.

Besides of that, we are paying a huge attention to our comprehensive test procedures, including 3 steps of electronic boards testing, Main tests for every unit, safety, high voltage, shock-and vibration test, burn-in test by 40° and final inspection.

We can assure you that nobody in the world run such effort to be sure for supplying reliable equipment, that is dedicated to save lives.

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Our policy is not to cheat the customers and not to provide them with non-functionable and useless equipment and we stand for it.

Best regards,

5.1.2e  
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MS Westfalia GmbH

5.1.2e



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