

**Question for written answer P-003807/2011
to the Commission
Rule 117
Bart Staes (Verts/ALE)**

Subject: ICT procurement under a negotiated procedure?

According to the International Herald Tribune¹, the Commission is using a procurement method called a negotiated procedure to prolong a contract for 36 000 Windows computers. This procedure excludes all other vendors but Microsoft. Two years ago the Commission said, 'The European Commission should not rely on one software vendor and must not accept closed standards'². One year ago the Commission said, 'authorities [...] locked into proprietary technology for decades [...] is a waste of public money that most public bodies can no longer afford'³ and claimed that 'the Commission of course applies public procurement legislation'⁴ in relation to a question on the risk of vendor lock-in.

1. What process did the Commission use to award the contracts it has now or will in the near future conclude in connection with the migration to Windows 7 and other Microsoft products? Please provide a separate answer per contract concluded.
2. What were the results of the process? Please provide a separate answer per contract concluded.
3. Who submitted offers, what was offered, how were the offers evaluated, and by whom? Please provide copies of the evaluation reports drawn up by evaluation committees (or equivalent) showing the evaluation of the various offers.
4. If no open and transparent process was used, how did the Commission determine which vendors were allowed to participate? Please provide copies of the public notices that were published in order to invite offers.
5. If a negotiated procedure was used, how does the Commission justify the use of such a procedure pursuant to the Financial Regulation? And how does the Commission, as a matter of policy, justify the use of such a procedure in light of its public endorsement of open and transparent ICT procurement processes⁵⁶?

¹ International Herald Tribune, 'E.U. wants to keep using Windows', by Kevin J. O'Brein, 5 April 2011

² OSOR.eu, 'EC: Competition Commissioner: 'EC must not accept closed standards'', <http://www.osor.eu/news/ec-competition-commissioner-ec-must-not-accept-closed-standards-1>

³ eWeekEurope, 'EC Attacks Wasteful Proprietary Technology', <http://www.eweekeuropa.co.uk/news/ec-attacks-wasteful-proprietary-technology-7700>

⁴ Letter from Kroes and Šefčovič to MEP Eva Lichtenberger, 26 April 2010, http://www.erikjosefsson.eu/sites/default/files/neelie_kroes_on_idabc.pdf

⁵ Digital Agenda, Action 23: Provide guidance on ICT standardisation and public procurement, http://ec.europa.eu/information_society/newsroom/cf/fiche-dae.cfm?action_id=181&pillar_id=44&action=Action%2023:%20Provide%20guidance%20on%20ICT%20standardisation%20and%20public%20procurement

⁶ OSOR.eu, 'Guideline on public procurement of Open Source Software' <http://www.osor.eu/studies/expert-guidance/OSS-procurement-guideline%20-final.pdf/view>