



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary-General

Brussels, 31 January 2014
CD/mp

Amelia Andersdotter
Member of the European Parliament
ASP 6 E 264
Rue Wiertz 60
European Parliament
1047 Brussels

Dear Ms Andersdotter,

Thank you for your letter dated 22 January 2014 and for your interest in the Commission's activities in the area of software procurement.

I share your views as regards the need to award contracts through transparent procurement procedures guaranteeing open and fair competition between economic operators and avoiding vendor lock-in. This is also true in the area of software procurement.

The Commission has already had the opportunity to address most of the issues you raise in reply to several Parliamentary Questions over the last few years. I would refer, in particular, to the Commission's reply to Written Question E-000726/2013 from MEP Willy Meyer (GUE/NGL-ES) on "*Implementing free software in the European institutions*", which contains a summary of previous answers to a number of questions in this area tabled by your fellow MEPs between 2008 and 2012, with complete references to them. I would also like to bring to your attention the Commission's replies to Written Questions E-006780/2013 and E-011228/2013 from MEP Hans-Peter Martin (NI-AU), as they touch upon some of the subjects you raise in your letter in relation with more recent events in the area of data surveillance. Last but not least, on the question of document exchange formats, which you also mention, the Commission has replied very recently to your Written Questions E-012935/2013 and E-012989/2013.

As stated on some of these occasions, I can only reiterate that the Commission always complies with the public procurement legislation, including in the exceptional cases when —subject to the stringent conditions laid down in the Financial Regulation and its Rules of Application— it awards contracts using a negotiated procedure.

More specifically on the current situation of the contractual framework supporting the Commission's (and, for that matter, almost all of the EU Institutions') office automation platform, I would like to inform you that regarding your statement: "*in the summer of 2014, three such contracts are expiring, with a combined value of €283M*":

- You appear to be referring to three contracts linked to the products (and related services) from a particular software editor, on which a substantial part of the Commission's office automation platform is indeed based at the moment.
- However, about 67% of the amount you mention corresponds, in reality, to a 4th contract covering the acquisition of software from a large variety of vendors, but not including the above-mentioned one. This contract was awarded following an open call for tenders.
- The remaining "*combined value*" of about 95 m€ does not correspond to actual expenditure, but to the maximum ceiling which the 58 EU Institutions and Bodies included in one or more of the above-mentioned three contracts had earmarked for their implementation over their entire duration. Out of that amount, the Commission's share was about 30 m€ (and the Parliament's about 7 m€). Actual expenditure must be kept below these figures at all times.
- One of those three contracts, representing about 50 m€ out of the above-mentioned maximum ceiling of 95 m€, was awarded following an open call for tenders concluded in 2012. This contract can be extended until 28 February 2016 without a new procurement procedure.

The Commission's office automation strategy has been reassessed. This exercise has resulted in a 3-track approach which can be summarised as follows:

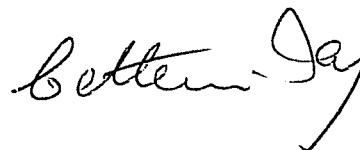
- Track 1 is aimed at guaranteeing business continuity on the basis of the existing office automation platform during the transition to the next contracting period (Track 3), including contractual coverage for the continued use of the licences.
- Track 2 is aimed at introducing, in parallel to Track 1, positive disruption through alternative technologies, solutions and/or delivery models at different levels of the product stack, on a scale to be decided on a case-by-case basis.
- Track 3 is aimed at preparing the ground for the next call for tenders for the office automation platform, which will be carried out in full service mode (and will therefore be product-independent).

Please find enclosed a paper describing in more detail the office automation strategy outlined above.

From the procurement point of view, the Commission is currently taking the necessary steps to implement Track 1, given that part of the underlying contractual framework is due to expire in end May 2014.

In this context, the Commission has received a mandate from more than 60 EU Institutions and Agencies, which include the European Parliament, to associate them to the contractual framework which will result from the ongoing procurement procedure. Indeed, this is an area where there is a long-standing tradition of inter-institutional co-operation which has led to significant economies of scale. The Commission will pursue this path not only in the context of Track 1, but also with those EU Institutions and Agencies willing to join forces with it in the context of Track 2 and Track 3.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Catherine Day". The signature is written in a cursive style with a large, looped "D" at the end.

Catherine Day

Annex: Paper on "Future Office Automation Environment: Next steps"

