

Belgium-Brussels: DIGIT/A3/PN/2021/001 Microsoft Licenses
OJ S 80/2021 26/04/2021
Contract award notice
Supplies

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: European Commission, Directorate-General for Informatics, Directorate A: Strategy and Resources, Unit A3: ICT Procurement and Contracts

Postal address: Rue de la loi 107, L-107 013/DCS

Town: Brussels

NUTS code: BE100 Arr. de Bruxelles-Capitale/Arr. Brussel-Hoofdstad

Postal code: 1049

Country: Belgium

Contact person: Digit Contracts Info Centre

E-mail: DIGIT-CONTRACTS-INFO-CENTRE@ec.europa.eu

Telephone: +322 2960762

Internet address(es):

Main address: https://ec.europa.eu/info/departments/informatics_en#related

Address of the buyer profile: https://ec.europa.eu/info/funding-tenders/tender-opportunities-department/informatics-tenders-and-contracts_en

I.4. Type of the contracting authority

European institution/agency or international organisation

I.5. Main activity

General public services

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

DIGIT/A3/PN/2021/001 Microsoft Licenses

II.1.2. Main CPV code

48000000 Software package and information systems

II.1.3. Type of contract

Supplies

II.1.4. Short description

Acquisition of Microsoft product licenses through inter-institutional licensing agreement (procedure DIGIT/A3/PN/2021/001)

II.1.6. Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 1,00 EUR

II.2. Description

II.2.3. Place of performance

NUTS code: BE100 Arr. de Bruxelles-Capitale/Arr. Brussel-Hoofdstad

Main site or place of performance: Delivery happens via electronic software delivery (ESD). In case physical delivery is necessary, the places of delivery include all the premises of all EUIs worldwide.

II.2.4. Description of the procurement

Acquisition of Microsoft product licenses through inter-institutional licensing agreement (procedure DIGIT/A3/PN/2021/001).

II.2.5. Award criteria

Price

II.2.11. Information about options

Options: no

II.2.13. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds: no

II.2.14. Additional information

The value of this particular agreement is indicated as 'EUR 1', since the actual purchases are being effectuated via a license reseller that won a reopening of competition of a separate framework contract, which is awarded following a call for tenders.

Apart from the European Commission, 68 other institutions, agencies or other bodies have joined the resulting agreement.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
 - protection of exclusive rights, including intellectual property rights

Explanation:

Microsoft is the sole holder of exclusive rights regarding Microsoft software. For this reason, effective competition regarding Microsoft software does not exist. Business continuity and uninterrupted functioning of the IT systems of the contracting authorities require continued contracting with Microsoft.

IV.1.3. Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

IV.1.8.

Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

IV.2. Administrative information

IV.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a prior information notice

Section V: Award of contract

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

20/04/2021

V.2.2. Information about tenders

Number of tenders received: 1

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: Microsoft Ireland Operations Ltd

National registration number: IE 256796U

Postal address: 70 Sir John Rogerson's Quay

Town: Dublin 2

NUTS code: IE Éire / Ireland

Country: Ireland

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

Total value of the contract/lot: 1,00 EUR

V.2.5. Information about subcontracting

Section VI: Complementary information

VI.3. Additional information

The date indicated in Section V.2.1) is the date of the award decision, not that of the conclusion of the contract. The awarded contract volume (see Sections II.1.7, V.2.4) is at value zero, since the actual licence purchases are being effectuated via a licence reseller that won a reopening of competition of a separate framework contract, which is awarded following a call for tenders. Apart from the European Commission the following EUIs are parties under the resulting agreement:

- ACER,
- BBI JU,
- BEREC,
- CDT,
- CEDEFOP,
- CEPOL,
- CFSP Entities,

- CINEA,
- CJEU,
- CONSILIUM,
- CoR,
- CPVO,
- CSJU,
- EACEA,
- EASA,
- EASO,
- EBA,
- ECA,
- ECB,
- ECDC,
- ECHA,
- ECSEL JU,
- EDA,
- EDPS,
- EEA,
- EEAS,
- EESC,
- EFCA,
- EFSA,
- EIB,
- EIGE,
- EIOPA,
- EISMEA,
- EIT,
- ELA,
- EMA,
- EMCDDA,
- EMSA,
- ENISA,
- EP,
- EPPO,
- ERA,
- ERCEA,
- ESA,
- ESM,
- ESMA,
- ETF,
- EUI,
- EUIPO,
- EUISS,
- Eu-LISA,
- EU-OSHA,
- EUROFOUND,
- EuroHPC JU,
- Eurojust,
- EUROPOL,
- F4E,

- FCH 2 JU,
- FRA,
- FRONTEX,
- GSA,
- HaDEA,
- IMI 2 JU,
- Ombudsman,
- REA,
- S2R,
- SATCEN,
- SRB.

VI.4. Procedures for review

VI.4.1. Review body

Official name: General Court of the European Union
Postal address: rue du Fort Niedergrünewald
Town: Luxembourg
Postal code: L-2925
Country: Luxembourg
E-mail: generalcourt.registry@curia.europa.eu
Telephone: +352 4303-1
Fax: +352 4303-2100
Internet address: <http://curia.europa.eu/>

VI.4.4. Service from which information about the review procedure may be obtained

Official name: European Commission, Directorate-General for Informatics, Directorate A:
Strategy and Resources, Unit A3: ICT Procurement and Contracts
Postal address: Rue de la loi 107, L-107 013/DCS
Town: Brussels
Postal code: 1049
Country: Belgium
E-mail: digit-contracts-info-centre@ec.europa.eu
Telephone: +32 22960762
Fax: +32 22957702
Internet address: https://ec.europa.eu/info/departments/informatics_en#related

VI.5. Date of dispatch of this notice

20/04/2021