

GUIDELINES FOR THE DRAFTING OF IT-TENDERS' TECHNICAL SPECIFICATIONS IN THE FIELD OF EXTERNAL ACTIONS

EuropeAid has been facing recurrent problems concerning tender procedures for IT equipment because of problems with a) non-neutrality of technical specifications and b) items with ineligible country of origin, which have led to complaints and cancellations of tenders with considerable delays in the implementation of projects as a result.

Neutrality

The problem encountered is how to avoid references to trade-marks in technical specifications. One solution has been to add “or equivalent” in order to leave the door open to equivalent products from other trademarks. However, this has proven to be insufficient in the cases where exact equivalents do not exist. Furthermore, there is a risk that “or equivalent” is systematically used without even making an effort to describe the functionality of the equipment.

Recommendations

There is a legal obligation for the Commission to take the necessary measures to guarantee as wide participation as possible, on equal terms, in competitive tendering for the award of contracts financed by the EU. To that end, particular care shall be taken to eliminate any discriminatory practice or technical specifications liable to hamper wide participation on equal terms by all eligible persons.

This has to be taken into due consideration by the staff/external experts charged with the drafting of technical specifications. The below list of “best practice” and what to avoid could be useful to that end.

Instead of giving very detailed technical specifications of the required equipment,

- Define the service (applications) the equipment should perform; in other words, what the equipment is supposed to do.
- Define e.g. the capacity of the hard disk, the size of the RAM, graphic card, audio card and number of USB ports.
- Describe the equipment from a functional perspective, e.g. it should take a maximum of 5 seconds to open a document.
- Define the earliest release date of the equipment, e.g. released after 2005.
- Specify the environment in which the equipment should run; what existing equipment it must comply with.

Regarding hardware, one solution could be to use benchmarks¹, but since there is a cost involved (some hundreds of euros) for purchasing the benchmark, it is not recommended to resort to this solution for small amounts of equipment/lower value contracts or for contracts in markets where such a requirement is likely to solicit fewer offers than normally to the call for tender. If benchmarks are to be used, then the tender dossier should define how the performance of the equipment will be checked, e.g. either that the evaluation committee will carry out the testing of the equipment offered by the proposed Contractor or that the proposed Contractor submits the documented test results (possibly by a third party).

An alternative for high value contracts is that the contracting authority defines its own benchmarks and performs the tests during the evaluation.

As these benchmarks are applied on PCs with an overall configuration and not only on microprocessors, it would be useful to get standard specifications per configuration for PCs and servers with the relevant benchmarks. Be aware that some benchmarks are too narrow and might not cover all required aspects and it could therefore be envisaged to apply several benchmarks in parallel to ensure the principle of neutrality.

Avoid the following discriminatory practices

➤ Too narrow requirements in the technical specifications, such as :

- microprocessors using a specific clock rate
- “an Intel microprocessor or equivalent”
- indication of a minimum level of cache (L1, L2 or total)
- indication of a minimum Front Side Bus (FSB) speed

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Rules of Origin

The rules of origin are stipulated in the regulation governing the programme from which the contract is financed.

The problem is twofold; firstly many IT-components required are not manufactured in eligible countries (and a prior derogation in accordance with the regulation in question is therefore required before the tender is launched), secondly it can be difficult to establish whether a certain item is produced in an eligible country or not in view of the changing markets.

See annexes [A2a](#), A2b and A2c for complete information and cases of extended eligibility/origin.

Recommendations

It is the responsibility of the staff/external experts charged with the drafting of technical specifications to verify that the required equipment is available in eligible countries and to report this at the latest when the final specifications are submitted to the contracting authority.

¹ e.g. Bapco Sysmark 2004 (Business Applications Performance Corporation (Bapco) is a non-profit member organisation of companies in the computing industry that has developed a set of objective performance benchmarks based on popular computer applications and industry standard operating systems), Business Winstone 2004, TPC, Passmark, Worldbench 5 etc.