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Interim Committee on Government Procurement

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QUESTIONNAIRE ON INFORMATION TECHNOLOGY
IN GOVERNMENT PROCUREMENT

Response by Switzerland

The attached communication contains the replies from the delegation of Switzerland to the questionnaire on Information Technology in Government Procurement contained in document GPA/IC/W/4/Rev.1, dated 16 September 1994.

INFORMATION TECHNOLOGY IN GOVERNMENT PROCUREMENT

Replies Received from Switzerland

Present system of tender publication in force up to 31 December 1995 (Tokyo Round Agreement on Government Procurement).

The federal awarding entities publish all their proposed purchases and the results of government procurement in the "Feuille officielle suisse de commerce" (FOSC).

Moreover, under an agreement between the Federal Office of External Economic Affairs and the Official Publications Office of the European Communities, the Swiss tender notices and contract award notices required by the Tokyo Round Agreement on Government Procurement are published in the Supplement to the Official Journal of the EC devoted to government procurement; this information is also available from an EC electronic data bank (TED: Tender Electronic Daily).

The Confederation's Purchasing Commission coordinates the invitations to tender of the various awarding entities and checks them for form and content, in consultation with the Federal Office of External Economic Affairs (GATT division).

In 1992, 422 notices of contract awards, with a value of more than 130,000 SDR, were published. The total value of these contracts amounted to about 202 million SDR.

Preparatory work in Switzerland concerning the future tender publication system to enter into force from 1 January 1996 (Uruguay Round Agreement on Government Procurement).

Considering its extended coverage (increase in the number of federal awarding entities, extension to the cantonal and, in part, communal awarding entities), the Uruguay Round Agreement on Government Procurement should considerably increase the number of tender notices to be published. Switzerland attaches great importance to the transparency of the invitations to tender and to information technology. The latter is essential to the smooth functioning of the GATT Agreement, since it enables national and foreign suppliers to obtain the information they must have in order to tender within the time-limits allowed.

Immediately following the conclusion of the negotiations on 15 December 1993, the Swiss Government began the legislative work necessary to implement the obligations stemming from the Uruguay Round agreements and, in particular, the Agreement on Government Procurement. Thus, a draft federal law on government procurement will regulate the contracts for goods, services and construction awarded by the federal entities which are subject to the Uruguay Round Agreement on Government Procurement. This law will be examined by the Federal Assembly in December 1994 and will enter into force on 1 January 1996, supported by specific ordinances.

Under the Swiss constitutional system, the cantons have freedom of action as regards the transposition of the GATT agreement. Nevertheless, the federal experts responsible for the federal law advise them on the preparation of their respective cantonal laws, which must enter into force on 1 January 1996.

Means of publication from 1 January 1996

At this stage, the draft federal law does not yet specify a publication medium in which invitations to tender will be published. This will be specified in the ordinances which give concrete expression to the federal law. At this point, only preliminary information can be supplied; Switzerland will return to this matter as soon as the relevant decisions have been taken.

A group of experts (Federal Purchasing Commission of the Confederation, representatives of the awarding entities, Integration Office ("Bureau d'intégration") and GATT division) will draw up a proposal concerning means of publication. In particular, the establishment of a central data bank is envisaged. This data bank would bring together all the invitations to tender issued by the awarding entities of the Confederation and would also be responsible for transmission to the TED in Luxembourg. The questions of access to the available information for national and foreign suppliers, the possible fees payable for such access and the possibility of transmitting additional information (for example, tender documentation) by electronic means would be discussed within this group. In addition to the electronic data bank, it is intended to publish the procurement notices.

The cantons will be free to join the Confederation's system or to set up one or more individual systems. Discussions with the competent cantonal authorities will take place shortly.

At European level, Switzerland is also participating actively in the meetings of the EDIFACT message group MD 12 presided over by the Commission of the European Communities. The aim is to draw up EDIFACT messages, on the one hand, between the awarding authorities and the suppliers and, on the other hand, between the awarding authorities and the Official Publications Office of the EC and the Commission of the EC.