

Decision of the European Ombudsman in the above case on the Translation Centre's decision to reject the complainant's bid in the context of a public procurement procedure for translations from English into Estonian

Decision

Case 836/2019/JN - **Opened on** 19/07/2019 - **Decision on** 19/07/2019 - **Institution concerned** Translation Centre for the Bodies of the European Union (No maladministration found) |

Dear Ms X,

On 10 May 2019, you submitted a complaint to the European Ombudsman against the Translation Centre concerning the above issue. On 11 June 2019, you sent further evidence. The Ombudsman has asked me to deal with your complaint and reply to you on her behalf.

After a careful analysis of all the information you provided with your complaint, we have decided to close the inquiry with the following conclusion:

The evidence and information provided in the complaint appear not to give reason for concluding that the Translation Centre acted with maladministration.

We have examined the evidence that you provided to the Translation Centre with your bid and that you forwarded to us and consider that the replies and explanations the Translation Centre sent you appear reasonable.

In fact, the Translation Centre told you that it could not take the order forms issued by the European Commission into account because (i) they did not demonstrate that the work was actually performed and because (ii) they did not clearly demonstrate that the translations were in the legal field, as required by the Tender Specifications.

We consider that the order forms in fact do not clearly demonstrate that the work was actually performed. On the other hand, we understand that your contracts with the Commission could have constituted evidence of the work done if the Commission does not provide certificates similar to the one from the Translation Centre, which was recognised. However, it emerges from the file you sent us that you did not submit with your bid such contracts.



Moreover, although it might be considered probable that most of the translations for DG Justice, OLAF and the Legal Service were in all likelihood “in the legal field”, the wording of the order forms you forwarded to us does not clearly demonstrate that this was in fact the case.

In this regard, we note that the wording of the Tender Specifications **made it clear** that “some acceptable form of proof, such as reference letters or certificates; all of which must clearly indicate ... the field concerned” had to be provided.

For all these reasons, we consider that the evidence does not show that the Translation Centre may have acted with maladministration.

While you may be disappointed with this outcome of the case, we hope that you will find these explanations helpful [1] .

You are welcome to turn to the Ombudsman again should you encounter problems with an EU institution, body, office or agency.

Yours sincerely,

Marta Hirsch-Ziemińska

Head of Inquiries and ICT ▫ Unit 1

Strasbourg, 19/07/2019

[1] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> [Link] .