

Decision of the European Ombudsman in the case 2285/2019/KT on how the European Parliament evaluated a tender for translation services

Decision

Case 2285/2019/KT - Opened on 24/09/2020 - Decision on 24/09/2020 - Institution concerned European Parliament (No maladministration found) |

Dear Mr X,

In December 2019, you complained to the European Ombudsman on behalf of a company that provides translation services. Your complaint was about how the European Parliament evaluated a tender made in reply to the call for tenders TRA/EU19/2019 for the supply of translation services into Slovenian [\[1\] \[Link\]](#) ('the procurement procedure'). In particular, you were concerned about how Parliament evaluated the "translation project management test" ('translation test'), which was part of the award criteria.

In your complaint, you contended that the corrections made by Parliament on the translation test were highly subjective. In your view, much of what Parliament identified as errors were simply alternative, yet equally valid, solutions.

You also contended that the procurement procedure lacked transparency. In your view, the feedback you received from Parliament was very generic and unclear, as it merely referred to the type of error (clarity, grammar etc.) without setting out the correct translation. Based on the errors that Parliament identified in the test, you are also concerned that some tenderers might have had access to instructions and guidelines that Parliament had not shared with all tenderers. You believe that Parliament wanted to favour a particular tenderer.

After a careful analysis of all the information you provided with your complaint, **we find no indication of maladministration by the European Parliament** .

The contracting authority - the European Parliament in this case - has a wide margin of discretion in assessing tenders. The Ombudsman's role in this regard is limited to verifying that there has been no manifest error of assessment and that the EU institution in question has complied with the rules governing the procurement procedure, as well as with the principles of good administration in general.



It is not for the Ombudsman to reassess the translation test. Having examined Parliament's comments on the translation test, we find them to be in line with the applicable methodology and, in particular, with the error typology described in the Specifications of the procurement procedure [2] [Link]. Although you do not agree with Parliament's corrections, there is nothing to suggest a manifest error by Parliament.

Regarding the transparency aspect of your complaint, we note that Parliament provided you, without delay, with all information that it was allowed to share on the procedure, including its evaluation methodology, the annotated test, as well as information about the successful tenderers. Parliament was not required to provide corrections of the errors identified in the translation test.

We also note that, according to the Specifications referred to above, the translation test would “*consist in delivering a translation of a multilingual source document*, in accordance with the workflow guidelines and other instructions provided” [3] [Link] (emphasis added). There is nothing in your complaint to suggest that Parliament gave some tenderers different instructions.

We thus find no reason to question the transparency of the procedure, nor do we find anything to suggest unequal treatment of tenderers.

For the above reasons, the Ombudsman has closed the case. [4] [Link]

While you may be disappointed with the outcome of the case, we hope that you will find the above explanations helpful. We apologise for the length of time it has taken to complete this inquiry.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 24/09/2020

[1] [Link] Call for tenders TRA/EU19/2019 - Lot 18: *Supply of translation services of monolingual and multilingual source language documents from English, French, German, Italian and Spanish into Slovenian* , available at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=4570> [Link].

[2] [Link] See Point 15 (“Award Criteria”) of the *Specifications of the Open procedure TRA/EU19/2019* , available at



<https://etendering.ted.europa.eu/cft/cft-document.html?docId=50830> [Link] ('Specifications').

[3] [Link] See Point 15 of the Specifications.

[4] [Link] Full information on the procedure and rights pertaining to complaints can be found at

<https://www.ombudsman.europa.eu/en/document/70707> [Link].