

**Question for written answer P-000564/2014  
to the Commission**  
Rule 117  
**Giuseppe Gargani (PPE)**

Subject: Clarifications concerning tender procedures for EuropeAID

By way of notice No 2012/S 223-366462 of 20 November 2012, the Commission, acting in the name and on behalf of the People's Republic of China, which is the beneficiary, issued a restricted invitation to tender for technical assistance for a project entitled 'Sustainable urbanisation. Europe-China eco-cities link'.

After an initial assessment of the tenderers in the light of the technical and financial requirements, the Commission drew up a first shortlist of eight consortiums which it considered suitable.

At a second stage, the contracting authority decided not to award the contract, because none of the projects was of sufficient quality, and announced this decision formally on the website for the tender procedure, indicating that the only way in which the contract could be awarded was by publishing a new invitation to tender.

However, contrary to the above, the Commission then awarded the contract by private treaty to a consortium which had figured on the shortlist, but whose composition had been substantially modified by co-opting into it a fourth operator who had previously been a member of a different shortlisted consortium.

Thus the consortium to which the contract was awarded was modified by the contracting authority by adding a party which was already a member of a different consortium, thus effectively creating a new candidate for the tender procedure, which is a breach of the rules laid down in the Practical Guide (section 2.4.13).

1. Why did the Commission consider it appropriate to award the technical assistance contract, worth more than €9 000 000, by private treaty?
2. Did the procedure which was adopted comply with the principles of transparency, equal opportunities and free competition with which all EU-financed procedures must comply?
3. Were the legitimate interests of all participants in the tender procedure respected?