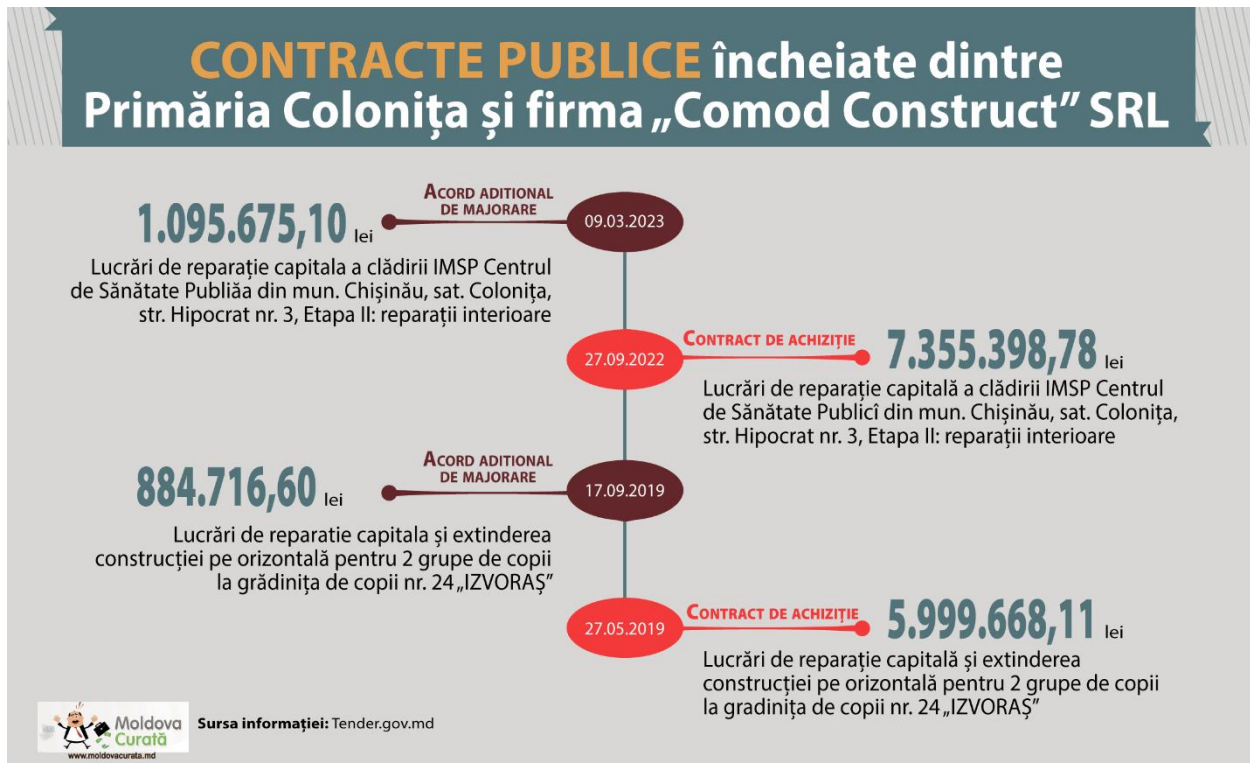


Additional contracts at the limit of legality in Colonița Town Hall











For the repair of the Public Health Center building, the Municipality of Colonița selected a contractor in 2022 who offered the lowest price, but later concluded an additional agreement for more than one million lei (~USD 56,393). A local councillor claims that this is in fact a scheme whereby a company deliberately bids a low price to win the tender and then enters into additional agreements.

Both the prime contractor and its subcontractor deny that they had a deal on the contract and claim that the need for additional work arose along the way. But procurement experts say that bidding too low is a risk factor. The repair of the public health centre is being carried out with money from the state budget under the European Village Program.

In August 2022, the Town Hall of Colonița published [a call for tenders](#) requesting tenders to purchase capital repair works for the Public Health Center building (phase II: interior repairs). Eight contractors participated in the tender and after evaluation of the bids, the contract was awarded to the company "Comod Construct" SRL, which submitted the lowest price. The bid proposed by this company was about **6.13 million lei (~USD 6,130,000)**, **which** was only 58.99% of the estimated value of the future contract, of more than 10 million lei (~USD 563,930) excluding VAT. Therefore, the company "Comod Construct" initially submitted a bid **more than 40% lower than the estimated value of the works.**

Supplementary agreement at the limit of legality

More than a year later, the Municipality of Colonița and the company "Comod Construct" SRL decided to conclude an additional agreement to increase the contract value by more than one million lei (~USD 56,393), including VAT, the amount constituting **14.89% of the original contract value**, at the maximum limit of 15% allowed by the Public Procurement Law. According to the Guide for Monitoring Public Procurement, produced by the Institute for Development and Social Initiatives (IDIS), this last stage of the procurement process concerns the implementation of the procurement contract, the amendment of contracts through additional agreements, and the monitoring of contract performance.

Ofertantul	Oferta finală	Declarație pe proprie răspundere	Documentele OE	Statutul și decizia Grupului de lucru
SRL COMOD CONSTRUCT IDNO Codul: MD-IDNO-1017600015458	6 129 498.98 MDL achiziției fără TVA	MTender ESPD Declarație pe proprie răspundere		Câștigătorul 04.10.2022 / 15:03
MAXCOSM PRIM IDNO Codul: MD-IDNO-1009600028556	6 503 253.01 MDL achiziției fără TVA	MTender ESPD Declarație pe proprie răspundere		Refuzat 14.09.2022 / 20:15
Valdcongrup SRL IDNO Codul: MD-IDNO-1009600000374	6 986 727.95 MDL achiziției fără TVA	MTender ESPD Declarație pe proprie răspundere		Refuzat 14.09.2022 / 20:16
Conscity SRL IDNO Codul: MD-IDNO-1015600043202,	7 185 657.19 MDL achiziției fără TVA	MTender ESPD Declarație pe proprie răspundere		Refuzat 14.09.2022 / 20:18
ACAR-CONSTRUCT IDNO Codul: MD-IDNO-1007600058348	8 755 595.42 MDL achiziției fără TVA	MTender ESPD Declarație pe proprie răspundere		În așteptare
Hiperteh IDNO Codul: MD-IDNO-1003600080897	8 990 897.48 MDL achiziției fără TVA	MTender ESPD Declarație pe proprie răspundere		În așteptare
5AQ INVEST SRL IDNO Codul: MD-IDNO-1008600004663	9 394 280.00 MDL achiziției fără TVA	MTender ESPD Declarație pe proprie răspundere		În așteptare
Cons Art Engineering IDNO Codul: MD-IDNO-1014600032805	10 201 873.04 MDL achiziției fără TVA	MTender ESPD Declarație pe proprie răspundere		În așteptare

Local councillors **Mircea Brenici** told MoldovaCurată.md that, in fact, this would be a scheme used by the mayor Angela Zaporozjan – the contractor who proposes a bid with low, therefore underestimated expenses is declared the winner, and then, at the limit of legality, additional agreements are concluded.

"It is already a practice at the Town Hall of Colonița that there are such agreements with contractors. It's clear that there are hidden interests at stake," says councillor Mircea Brenici, who ran for mayor of Chisinau municipality on behalf of the Liberal Party of Moldova.

For her part, mayor **Angela Zaporozjan**, who ran on the list of the National Alternative Movement Party, denies that she had an agreement with the "Comod Construct" company. She says the contractor offered arguments for the additional expenses.

"Open the website Achiziții.md and see that the lowest price has been offered. And in our country, in the Republic of Moldova, the one who gives the lowest price wins. In addition to Comod Construct, every year we work with dozens of different companies. There is no "Comod

Construct" with a star in the lead and I have no business with it. It won the tender legally. The law allows me to make additional agreement, which does not exceed 15 percent. Where is the violation?" asks the mayor.

She said that in this procedure, the three lowest bidders were asked to explain the value of their bid and Comod Construct offered the lowest price. [The mayor](#) accused some local councillors of looking for pretexts to bring her unfounded criticism. Angela Zaporojan concluded that the low price and the quality of the previous works had been taken into account when selecting the offer proposed by Comod Construct.

The mayor of Colonița: "The company does its work well, qualitatively. What is my whim, that I don't like that he's stuck in the woods?"

It's the old buildings

In turn, **Ion Ciobanu**, chief engineer of the company "Comod Construct" explained to MoldovaCurata.md that an additional agreement was needed because the building is old and during the course of the project there was a need for more works.

"I don't know what studies you have, but when planning costs for works, you can't initially predict exactly all the amounts. At Colonița, the building is 30 years old and works have been carried out that were not visible to the naked eye at the beginning", explained Ion Ciobanu.

AGER expert: "Offering such a low price may signal an illicit agreement with the contracting authority"

According to **Olga Diaconu**, public procurement monitor and project coordinator at the Association for Efficient and Responsible Governance AGER, the initial underestimated prices should be assessed much more carefully by the contracting authority, as they would be the first indications that the work could be done with materials that will not correspond to the quality.

"No contractor is interested in running a loss-making contractor contract. When the price offered is much lower than the estimated value, in this case only 58.99% of the estimated value, this is a risk indicator. The risk is that the contractor will either exclude some works or use inferior materials, inferior technologies to execute the works for which it has been contracted. In many cases, offering such a low price signals an illicit agreement with the contracting authority to increase the contract after its conclusion under the pretext of additional works. In this case, we note that the contract value was increased by an amount just below the limit set by the Public Procurement Act", explains Olga Diaconu.

The expert added that this contractor had done similar in previous years, when it offered a lower price and then signed an additional agreement with the Colonița municipality.

Indeed, according to the portal Tender.gov.md, in 2019, the company "Comod Construct" concluded a procurement contract with the town hall of Colonița worth about 6 million lei (~USD 1303500), and four months later an additional agreement was signed for 885 thousand lei (~USD 192,266) for capital repair works and extension of the horizontal construction for two groups in the kindergarten "Izvoraș" in the locality, which constitutes almost 15 percent, at the limit of legality. According to the above-mentioned Guide, the contracting authority may additionally purchase goods, provided that the original price set, their quality requirements, other requirements laid down in the original contract are met, and the value of the goods additionally contracted for does not exceed 15% of the value of the goods originally contracted for.

After the publication of the investigation, the portal MoldovaCurata.md will ask local councillors from Colonița to follow up whether the modification of the contract conditions took place in accordance with the legal provisions and the additional agreements concluded in 2019 and 2023 with the company "Comod Construct" and whether they are not used as a tool for an unjustified increase of the initial contract price.

Author: Independent Press Association (API)