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MONITORING MOLDOVA'S PUBLIC PROCUREMENT

Newsletter no. 6 (September 2022)

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EDITORIAL

LARGE INVESTMENTS MAKE THE PUBLIC PROCUREMENT SYSTEM A BREEDING GROUND FOR CORRUPTION



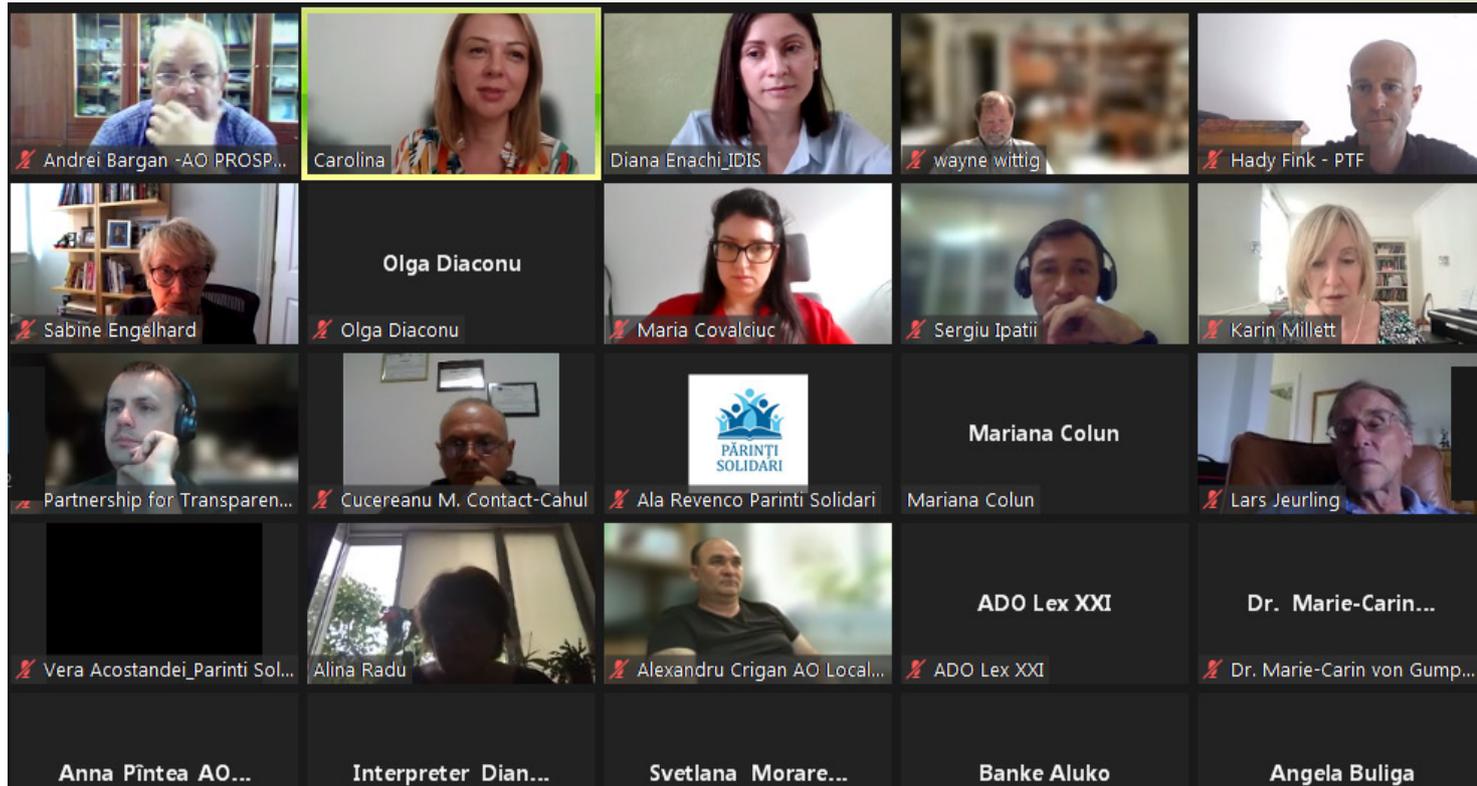
Hady Fink,
*Project Director,
Partnership for
Transparency Fund*

Public procurement is the tool through which governments spend their money. The large amounts of investment that link public and private interests make the public procurement system a breeding ground for corruption around the world and Moldova is no exception.

In theory, governments are responsible for spending public money efficiently in the interests of citizens. In practice, however, citizens benefit from public procurement services and works, regardless of the quality, efficiency, and fairness of the process. Complex and

lengthy procedures, lack of available information, and powerful interests challenge citizens to get actively involved without necessarily needing a mandate.





CIVIL SOCIETY ORGANIZATIONS MONITOR THE TRANSPARENCY OF PUBLIC PROCUREMENT IN MOLDOVA. *RESULTS INCLUDE JOURNALISTIC INVESTIGATIONS, ANALYTICAL REPORTS, AND PUBLIC DISCUSSIONS.*

» Journalistic investigations, TV shows, training, information materials, and infographics on the public procurement process - these are some of the results of the civil society organizations awarded grants under the project "Increasing the Integrity of Public Procurement", implemented by the Institute for Development and Social Initiatives (IDIS) "Viitorul" in collaboration with the U.S.-based Partnership for Transparency Fund (PTF). On August 17, 2022, the civil society representatives and the project implementation team met online to exchange experiences and share the progress of their achievements during the first three months of implementation.

The public associations Localinvest, Prospect, Media Guard (in partnership with Ziarul de Gardă), LEX XXI, Centrul Contact Cahul (in partnership with Cahul 2030), AGER, Părinți Solidari, and the media project "CU SENS" are the civil society organizations in Moldova that benefit from public procurement monitoring

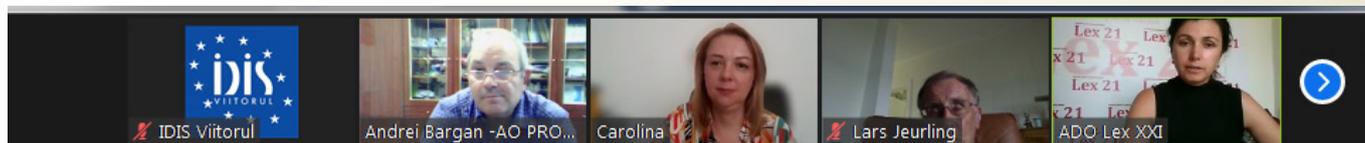
grants totaling over 185,000 dollars. The grant program implemented by IDIS "Viitorul" aims to make recommendations to improve the level of communication with relevant authorities, the integrity and efficiency of public procurement, public budgets, and the capacity for good governance.

"We are committed, in the framework of this project, to support public procurement reforms that will increase transparency, efficiency, and fairness of procurement through the involvement of civil society and investigative journalists. Our primary objectives are improving the situation in the area of transparency to make recommendations for improving the legal framework and strengthening the capacities of civil society, contracting authorities, and economic operators. Thanks so much to the organizations that are part of the sub-granting program for their openness, involvement, and hard work. I am very pleased with the unique activities that have been carried out." - Carolina Ungureanu, Deputy Director of IDIS "Viitorul" and manager of the project "Increasing the Integrity of Public Procurement".

For his part, Hady Fink, PTF Project Director, stated that "this exchange of information is very welcome and it is great to learn about each other's achievements, learn from one another's experiences, and use different methodologies".

The organizations, which were selected based on a competitive process, receive financial support from \$17 to \$25 thousand, as well as assistance and expertise in the procurement monitoring process. Grant recipients implement procurement monitoring projects carried out by public authorities, such as municipalities and district councils, publicly-owned enterprises, and other state entities. Monitoring results are reflected in reports, analytical materials, journalistic investigations, infographics, training materials, and public events.

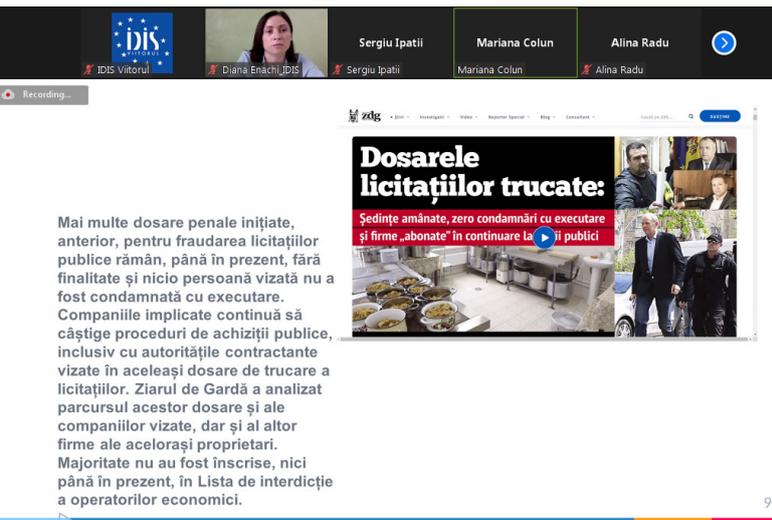
From the journalists of the media project CU SENS, who monitored more than 50 public procurement procedures, through video material published in the investigation "Clean and Dirty", we were able to find out [who can challenge public tenders and how](#) and why [a cleaning company continues to receive about 60% of contracts for cleaning services paid with public money](#). "We want to put pressure on the authorities and certain interest groups behind the corruption and increase the level of intolerance to corruption in our society", stressed journalist Sergiu Ipatii.



Descrieți activitățile implementate / desfășurate în perioada Aprilie – Iulie 2022:



At the same time, the Media Guard Association has monitored 67 public procurement procedures in recent months and has conducted a number of journalistic investigations in the field, such as [The dependence on Russian anti-hail systems](#) and the [Rigged Tender Files: adjourned meetings, zero enforced convictions, and firms still "subscribed" to public money](#).



The Parents in Solidarity Association has set the task of keeping an eye on public procurement carried out by the Ministry of Education and Research and nine other institutions under the Ministry between April 2022 and January 2023. To this end, in recent months, the organization has monitored seven procurement procedures carried out by the Ministry, the National Agency for Quality Assurance in Education and Research (ANACEC), the National Agency for Curriculum and Evaluation (ANCE), and the Centre for Information and Communication Technologies in Education (CTICE).

The public can learn more about sectoral public procurement, such as the National Agency for Settlement of Claims ([NACS](#)) [practice in cases related to the application of Law 74/2020 on procurement in the energy, water, transport, and postal services sectors](#), from the materials developed by the Association for Efficient and Responsible Governance (AGER). *"We have chosen the sectoral procurement field because it is a newer one and there are*

many gaps that we want to better understand and come up with recommendations," stated Olga Diaconu, AGER Project Coordinator.

At the regional level, the Association for Human Rights "LEX XXI" from Bălți Municipality is proud of its [information campaign](#) for citizens on public procurement procedures, as well as a [public dialogue](#) on the transparency of public procurement procedures in the municipality, which was organized in July. *"We want citizens to know more about public procurement procedures and to get involved because public money is our money,"* stated Diana Grosu, President of the association.

Several [reports and press articles](#) on public procurement in Cimișlia District have been prepared by the public association "Prospect" and public procurement carried out by the District Council and the District Hospital in Riscani are being monitored within the project implemented by [A.O. "Localinvest"](#).

In the Cahul District, [public procurement is monitored by citizens and local media with the support of the A.O. Centrul "Contact-Cahul"](#). Two public procurement procedures of the Cahul City Hall were analyzed and a working group of citizens was established to monitor four public procurement procedures carried out by local authorities at the stage of contract execution.

After the procurement monitoring process, the investigations, findings, and recommendations made by civil society representatives will be forwarded to decision makers for consideration and action to improve the situation, thus making the relevant authorities accountable. The expected result will be increased efficiency in the use of public money; minimization of the risks for public authorities; and qualitative goods, works, and services for the citizens of the Republic of Moldova.

IDIS "VIITORUL" LAUNCHED

THE GOOD PRACTICE GUIDE ON SUSTAINABLE PUBLIC PROCUREMENT

» [The Good Practices Guide on Sustainable Public Procurement](#) aims to present and analyze European practices on the application of sustainability criteria in public procurement and has been launched to promote sustainable public procurement practices in line with national policies and priorities. The guide was produced by the Institute for Development and Social Initiatives (IDIS) "Viitorul" in the framework of the project "Strengthening Sustainable Public Procurement in the Republic of Moldova" - Project 20.80009.7007.15, funded from the state budget under the State Programme (2020-2023) No. 81-PS of 03.01.2020.

The guide states that sustainable/environmental/green public procurement (GPP) is defined as "procurement for a better environment" and as "a process whereby public authorities procure goods, services, and works with a reduced environmental impact throughout their life cycle, compared to goods, services, and works procured in the normal way". Similarly, the implementation of sustainable/green procurement is also said to help stimulate greater demand for more sustainable goods and services that would otherwise be difficult to bring to market. In addition, "sustainable public procurement is a tool to boost the economy through innovation".

It is also specified that many countries are implementing sustainable public procurement policies that have already been included by the international community in the Sustainable Development Goals (SDGs) adopted in 2015. Goal 12 of the SDGs "Responsible consumption and production" stipulates "the promotion of sustainable public procurement practices in line with national policies and priorities". At the EU level, sustainable public procurement is a voluntary instrument, which means that the Member States and public authorities have the right to decide the extent to which they implement it.



The guide also states that, since 2010, the European Commission has been promoting best practices to highlight how public authorities in Europe are managing to implement sustainable/green procurement in various areas.

According to the guide, the [Law on Public Procurement](#), which applies in the Republic of

Moldova, gives contracting authorities the right to impose special conditions for the performance of the contract in the tender documentation, which are intended to achieve social or environmental effects and promote sustainable development.

"Best practices are presented from the perspective of benefits they have for contracting authorities, the environment, the economy, and society at large. Practical aspects of the public procurement process, examples of technical specifications, evaluation factors, award and selection criteria, results, and environmental impact are presented," says the guide's introductory note.

At the same time, the guide aims to encourage public authorities in the Republic of Moldova to apply sustainability/environmental criteria in public procurement. The guide presents good practices of sustainable public procurement in seven areas, which have been selected to be as relevant and applicable as possible in the context of public procurement in the Republic of Moldova. These are: information and communication technologies sector; office paper sector; furniture procurement, food and catering procurement; construction, renovation, and repair works; procurement of stormwater management solutions; and cleaning services.

Based on the practices analyzed and presented, the authors of the guide formulated a series of recommendations for contracting authorities in the implementation of sustainable public procurement when:

- drafting technical specifications and selection criteria,
- initiating a sustainable procurement,
- drafting the tender documentation,
- verifying the conformity of economic operators' tenders, and
- determining the winning tender.

Source: www.viitorul.org

Obiectul contractului

Dezvoltarea, testarea și implementarea soluțiilor de management al apelor

Criterii de selecție

Pentru a asigura capacitatea tehnică și profesională a ofertanților, acestora li s-a solicitat să depună între una și patru referințe care demonstrează executarea integrală a unor proiecte similare în ultimii trei ani. Un proiect de cercetare și inovare a fost considerat relevant dacă a avut drept rezultat lansarea pe piață de către ofertant a unui produs/unei soluții inovatoare. Astfel de proiecte pot fi atât finanțate din resursele proprii ale ofertantului, cât și finanțate integral sau parțial de către o parte terță. Adicional, ofertanților li s-a solicitat cel puțin o referință pentru lucrări de construcție executate.

- Soluții care corespund normelor tehnice, cerințelor de mediu și reglementărilor;
- Soluțiile propuse nu trebuie să depășească costul de 8500 DKK (echivalent a 1140 euro) pentru 0,5 m³ de apă gestionat. Acest preț a fost stabilit împreună cu întreprinderea responsabilă de managementul sistemului de canalizare.

Criterii de atribuire

Potențial de eficacitate - 50%

- Măsura în care soluția va corespunde cerințelor, rezolvând problema descrisă

Capacitatea de implementare, inclusiv flexibilitate și modularitate - 20%

- Măsura în care soluția poate fi implementată în zone dense, într-un interval de timp scurt, fără întreruperi semnificative, precum și scalabilitate și întreținere

Robustețe în executarea proiectului - 20%

- Măsura în care ofertantul a demonstrat capacitatea de a dezvolta soluția inovatoare în intervalul de timp prevăzut, luând în considerare nevoile autorității contractante, implicarea părților interesate, aplicarea competenței angajaților și considerentele de siguranță în executarea proiectului

Prețul soluției tehnice - 10%

67 PUBLIC PROCUREMENTS WORTH OVER A BILLION LEI (\$51,569,518), INCLUDED IN THE PLAN OF THE MINISTRY OF EDUCATION AND RESEARCH FOR 2022

» For 2022, in its procurement plan, the Ministry of Education and Research of the Republic of Moldova has included 67 items with a total value of 1,637,614,071 lei (\$84,450,968): <https://bit.ly/3PGNLFf>. Most of the money is earmarked for:

- ✓ **PROCUREMENT OF EDUCATIONAL SERVICES** for the implementation of the plan (state order) for the training of specialists in higher education institutions: 667,320,000 lei (\$34,413,370)- 40.75% of the total value of planned purchases;
- ✓ **PROCUREMENT OF EDUCATIONAL SERVICES** for the implementation of the plan (state order) for the training of specialists in vocational-technical educational institutions: 872,746,600 lei (\$45,007,121) - 53.29% of the total value of planned purchases;
- ✓ **PURCHASE OF SCHOOL TEXTBOOKS:** 60,000,000 lei (\$3,094,171) – 3.66 % of the total value of planned purchases;
- ✓ **RECONSTRUCTION AND MODERNIZATION WORK** of the building of the Center of Excellence in Constructions on Gheorghe. Asachi 71 Street, Municipal Chişinău: 14,550,000 lei (\$750,336) – 0.89 % of the total value of planned purchases; and
- ✓ **RECONSTRUCTION AND MODERNIZATION** of the buildings of the Center of Excellence in Energetics and Electronics, Melestiu Street, no. 12, Municipal Chişinău: 12,800,000 lei (\$660,089) - 0.78% of the total value of planned purchases.

The project "Enhancing Transparency and Efficiency of Public Procurement by the Ministry of Education and Research" is implemented by the Association "Părinți Solidari" with financial support from IDIS "Viitorul", in collaboration with Partnership for Transparency Fund (PTF), within the larger project "Increasing the Integrity of Public Procurement".

Source: Facebook page @[parintisolidari](https://www.facebook.com/parintisolidari)



HADY FINK: THE ROLE OF CIVIL SOCIETY IN FIGHTING CORRUPTION IN PUBLIC PROCUREMENT

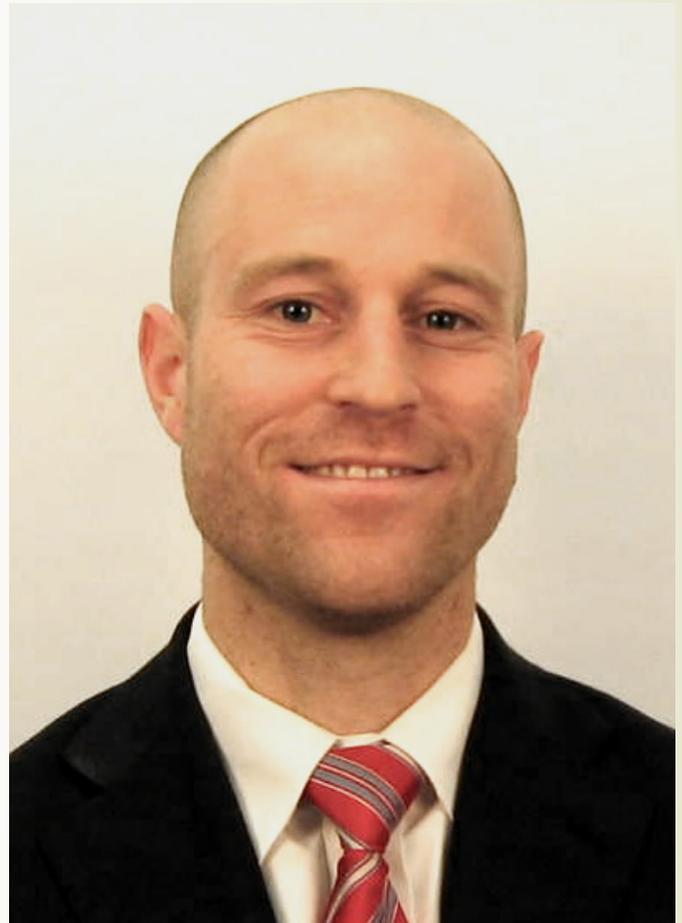
» **Public procurement is the tool through which governments spend their money. The large amount of investment that links public and private interests makes the public procurement system a breeding ground for corruption around the world and Moldova is no exception.**

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At Partnership for Transparency Fund (PTF), **we see civil society as a key player in the fight against inefficiency and corruption in public procurement.** We strive to support civil society organizations (CSOs) around the world to take an effective active role in three ways:

1. PREVENTION: Vigilant and concerned citizens, CSOs, and media outlets asking questions and requesting information are natural sources of upward pressure for increased integrity and transparency.

2. IDENTIFICATION: Monitoring public procurement and implementation and delivery of results by CSOs and investigative journalists helps identify irregularities, effectively contributing to holding those responsible accountable.



Hady Fink,
*Project Director,
Partnership for Transparency Fund*

3. IMPROVING THE SYSTEM: An organized civil society can make the voice of citizens and stakeholders heard and demand changes for more transparent procurement systems (e.g. e-procurement, rights to information, right to request certain actions from oversight and control institutions, etc.) and effective enforcement of sanctions against perpetrators of corruption.

In the Republic of Moldova, we are starting the third year of a five-year project to support civil society to promote these three issues.

In 2021, together with our national partner, IDIS "Viitorul", [35 journalists, representatives of civil society organizations, and economic operators strengthened their capacities in monitoring public procurement](#) by participating in a comprehensive training program.

Since April 2022, we have been working with eight organizations in Moldova (namely AO Localinvest, AO Prospect, AO Media Guard (partner: Ziarul de Gardă), AO LEX XXI, AO Centrul Contact Cahul (partner: Cahul 2030), AO AGER, AO Parinti Solidari and the media project CU SENS, supporting their monitoring efforts financially and through expert advice. Up to four additional CSOs will be included in 2023.

Starting in 2023, we will work to strengthen the interests of those engaged in public procurement in Moldova through various measures, such as creating a digital platform to facilitate communication and interaction between entities involved in monitoring public procurement; building a coalition of monitors; and launching a multi-stakeholder initiative to facilitate the formulation of policy, legal, regulatory, and procedural recommendations to improve the national procurement system.

We hope that, by the end of our project in June 2025, these activities will have contributed to strengthening civil society in the Republic of Moldova to effectively play its role in the fight against corruption in public procurement.



HOW SECTORAL PROCUREMENT HAS NOT BECOME MORE TRANSPARENT TWO YEARS AFTER THE ADOPTION OF LAW 74/2020

» Two years after the adoption of Law 74/2020 on procurement in the energy, water, transport, and postal services sectors and more than a year after its entry into force, the field of sectoral procurement is rudimentary and insufficiently regulated. It is an area that the authorities have ended up manipulating and trying to renounce.

To begin with, the legal framework does not contain sufficient mechanisms to ensure the proper application of Law 74/2020. To date, no regulations have been adopted that would provide for the procedures for conducting certain types of public procurement, such as negotiations without prior publication of a contract notice or framework agreements. Currently, some contracting entities use the procedures laid down in the special regulations adopted for the implementation of Law 131/2015, indicating this in the tender documentation. Other contracting entities carry out procurement procedures through the negotiated procedure without prior publication of a contract notice and without pre-established procedures or regulations, as in the case of Termoelectrica in the procurement procedure for the capital repair works of turbine ПТ-80/100-130/13 No. 3. The lack of special provisions leaves room for abuse and fraud. To ensure transparency and efficient use of public money, we consider it advisable for contracting entities to make use of the procedures provided for in Law 131/2015, as far as they can be applied, specifying this in the tender documentation. On the other hand, there is no competent authority that could compel contracting entities to comply with the provisions governing sectoral procurement.

Descriere	CVM	An
LUCRARI		2022
45232151-5		2022
Licitatie deschisa		2022
BUNURI		2022
14300000-4	CVM	2022
14211000-3	CVM	2022
14712000-5	CVM	2022
14212320-9	CVM	2022
44333000-3	CVM	2022
31711140-6	CVM	2022
24111900-4	CVM	2022
44411000-4	CVM	2022
34300000-0	CVM	2022
09200000-1	CVM	2022
30124000-4	CVM	2022
30192700-8	CVM	2022
30197644-2	CVM	2022
31521000-4	CVM	2022
38421100-3	CVM	2022
40000000-0	CVM	2022
09800000-3	CVM	2022
79212100-4	CVM	2022
33690000-3	CVM	2022
09111100-1	CVM	2022
30199310-6	CVM	2022
31700000-4	CVM	2022

Although Article 84 of Law 74/2020 stipulates that contracting entities should submit reports to the Public Procurement Agency (PAA), this authority does not acknowledge its competence concerning Law 70/2020. We have drawn this conclusion from the response of the Director of the Public Procurement Agency to AGER's request for a list of contracting entities. Ruslan Malai, the PAA Director, told us that the institution does not have competencies under Law 74/2020.

After receiving this reply, we requested the same list of contracting authorities from the Ministry of Finance. As a result of this request, the Ministry of Finance provided us with a [list of 112 contracting entities](#), which are required to carry out public procurement procedures following the provisions of Law No 74/2020 in the energy, water, transport,

and postal services sectors. The regulations in this area do not contain a list of contracting entities, therefore there is a risk that some entities, which fall under the related legal framework, will avoid carrying out procurement procedures according to the provisions of Law 74/2020.

To understand more fully the current state of sectoral procurement and the extent to which the provisions of Law 74/2020 are applied, we analyzed the Public Procurement Bulletins published by the Public Procurement Agency between January and June 2022. In this context, we would like to mention that the analysis of the Procurement Bulletins published by the Public Procurement Agency is in itself a very difficult and time-consuming task due to the very unfriendly way of presenting the information. Each Public Procurement Bulletin contains a PDF file with the notices of intent, participation, award, amendment, and one or more PDF documents with the reports for procurement procedures carried out under Law 131/2015 and Law 74/2020. The first file is published in a more accessible format, containing a table of contents and allowing keyword searches. However, the report files contain documents scanned by the contracting authorities, sometimes in poor quality, and haphazardly assembled by the PPA in volumes sometimes exceeding 400-500 pages, without a table of contents and without the possibility of searching for the necessary information by keywords. Thus, in order to identify a particular procurement procedure for which we know the identifying information, it is often necessary to go through thousands of pages of documents scanned and assembled around the time of the conclusion of the contract or of the cancellation of the procurement procedure .

An analysis of the Public Procurement Bulletins published between January and June 2022 revealed that only 15 contracting entities submitted notices and statements for publication

in the Public Procurement Bulletin during the first six months of this year. These are:

- » ÎM "Regia Transport Electric"
- » SA "Termoelectrica"
- » SA "CET-NORD"
- » ÎS "Moldelectrica"
- » ÎCS. "Premier Energy Distribution"
- » SA "RED-NORD"
- » Railway of Moldova
- » Ltd. "Chişinău-GAZ"
- » "MOLDOVATRANSGAZ" SRL
- » ÎS "Ungheni River Port"
- » "Balti-Gaz" SRL
- » SA "Water-Canal"
- » "Edinet-Gaz" SRL
- » "Posta Moldovei" S.S.
- » "Floreşti-Gaz" SRL

There is a clear contrast between the number of contracting entities according to data from the Ministry of Finance and the number of contracting entities that submitted notices and reports to the Public Procurement Agency. However, it is hard to believe that the contracting entities that did not submit notices and reports to the PPA did not in fact carry out public procurement, especially since some of these entities published procurement plans on their websites.

Please read the rest [HERE](#)

This article is a product of the project "Monitoring Sectoral Procurement in the Republic of Moldova", carried out by A.O. Association for Efficient and Accountable Governance "AGER", as a sub-grantee of the project "Increasing the Integrity of Public Procurement".

Source: www.revizia.md



RECORD 40% GROWTH IN PUBLIC PROCUREMENT IN THE FIRST HALF OF 2022

» [Public Procurement Agency \(PPA\) data](#) on the evolution of public procurement in the first half of 2022 shows a record 40% increase in procurement volume. Specifically, public authorities purchased goods, services, and works worth 5.4 billion lei (\$278,475,398) (excluding low-value purchases), which was 1.5 billion lei (\$77,354,277) more than in the same period in 2021. This represents an unprecedented increase and is mainly driven by the rise in public expenditure. However, there was also a weak basis of comparison, given that in 2021 there was a reduction in the volume of purchases of about 6.5%. Therefore, during the reference period, contracting authorities concluded 7,242 procurement contracts as a result of 2,852 procedures.

In parallel, in order to assess the availability and quality of data in procurement, we also analyzed the [data analysis tool in procurement \(BI module\)](#). According to the data available, the value of public procurement contracts in the first half of 2022 amounts to 5.43 billion lei (\$278,475,398), which corresponds to the PPA report. According to the report, those procurements were carried out by

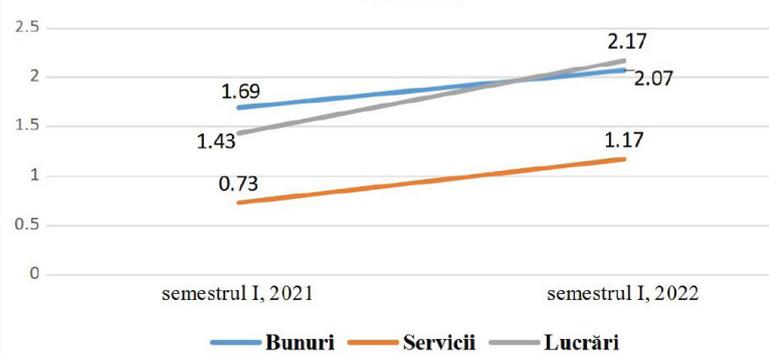
approximately 1,000 contracting authorities. The public authorities with the highest volume of procurement are the Chişinău City Hall (911 million lei - \$46,979,831), ÎS. State Road Administration (276 million lei - \$14,233,187), RDA Centre (259 million lei - \$13,356,505), Ministry of Health (232 million lei - \$11,964,128), General Directorate of Public Transport and Communications of the Chişinău City Council

(220 million lei - \$-11,345,294), Public Services Agency (206 million lei - \$10.623.320), and Customs Service (191 million lei - \$9,849,777).

Another novelty is the increase in the volume and share of works procured by public authorities. Traditionally, purchases of goods have had the largest share, followed by works and services. In the first half of the current year, the share of purchased works was 40%, exceeding that of goods (38%). If in the first half of 2021, works worth 1.4 billion lei (\$72,197,325) were purchased, then in the current year, public authorities purchased works worth about 2.2 billion lei (\$113,452,940), which is an increase of more than 50%. The increase in the volume of purchased works is a positive indicator that the authorities have paid special attention to capital investments at the expense of current expenditure, which contributes to socio-economic development.

accountability of contracting authorities remains low. This is demonstrated by data on the results of monitoring of public procurement by the PPA, but also by civil society, which continues to identify violations in the public procurement process. According to the PPA findings, *"for only 56% of the procurement procedures carried out with various deviations from the legislation, the detected shortcomings have been fully removed. The remaining procurement procedures were completed with deviations from the legal provisions, correspondingly affecting the entire process of conducting the procurement procedure and violating the principles of public procurement"*. It should be stressed that the lack of accountability of the authorities and the perpetuation of violations and illegalities in procurement is mainly due to the lack of controls and sanctions, while, the monitoring reports of the PPA are only recommendatory.

Evoluția achizițiilor publice după obiectul de achiziție, miliarde lei



Another positive indicator is the significant reduction in purchases canceled for various reasons (lack of bids/competition, lack of funding, etc.). The percentage of canceled procurement procedures in 2021 was 28.2%, whereas it was 12.5% in the first half of 2022. Most procurements were canceled due to a lack of bids, indicating a low level of competition in the procurement market.

However, since December 2021, the PPA is acting as a verifying agent for procurement contraventions under the Contravention Code (following the approval of the draft law on the amendment of the Contravention Code of the Republic of Moldova No. 218/2008). Nevertheless, the PPA has not applied sanctions to those responsible or, at least, there is no public data in this respect.

Finally, although there is improvement in the level of transparency of the procurement sector and data access, the information remains fragmented and not available in a single data source. Another problem is the lack of data and indicators through which we could analyze the evolution of the sector (share of tenders submitted by SMEs, sustainability/green procurement, the share of non-price award criteria, the average duration of a contract award, etc.).

In terms of violations admitted by authorities with regard to procurement, the data show that there have not been improvements and the

**Author: Diana Enachi,
 Project Coordinator and
 public procurement expert at IDIS "Viitorul"**



"CLEAN AND DIRTY"

» Millions of lei are spent by the state annually on cleaning services provided by several cleaning companies. Among them, we came across a company affiliated to a figure in the entourage of the fugitive oligarch Vladimir Plahotniuc during the period when the Democratic Party was in government. It seems that the affiliation played a role in the company winning tenders announced by several state institutions, in particular the Public Services Agency (PSA). In the meantime, governments have changed, but the company has continued to win several six-figure sum public money contracts. How did it manage this? Find out in the investigation that follows.

The PSA is one of the largest institutions in the country. This is where we go to get identity papers and land registry extracts and register our car or our business. The agency has more than 180 offices and service centers across the country. There are tens of thousands of square meters on which the institution spends millions of lei on cleaning services alone. In 2022, for example, for approximately 79,000 square meters of office and counter space and over 100,000 square meters of courtyards, the PSA spent over ten million lei (\$515,017).

MARIA VÎRLAN,
employee, Proterra Grup SRL:

"I was also asked: where does all this money go if it does not reach us? Where does all this money go?"

I met Maria Vîrlan at the headquarters of the Public Services Agency in the capital when she was cleaning the offices of the employees. She was dusting, vacuuming the floor, and making sure the trash bins were empty. Both Maria and another colleague, who I met in the halls of the

institution, complain that they are paid less than the minimum wage for their hard work.

TAMARA GAVRILIȚA,
employee, Proterra Grup SRL:

"The salary is miserable. We receive 1,900 [lei] (\$97) at the moment. They raised the prices for gas, the light, everything. Every time we go to them to get a wage raise, we receive nothing."

Although they clean the offices of civil servants, the women are not employed by the state, but by the cleaning company that cleans the offices of PSA for public money. The company is Proterra Grup SRL, which has signed similar contracts with PSA since 2018. In 2021, the quality of the services was questionable at times, says Victor Verejanu, Head of the Household Services Section of the PSA's Infrastructure and Logistics Insurance Directorate. Furthermore, it seems that the situation will be repeated in 2022.



VICTOR VEREJANU,
Head of the PSA Household Services Section:

"As a result of our collaboration under the contract, concluded for 2021, we also had some reserves, as some areas were not serviced on time. It was determined that it was not serviced properly, so for that surface no payment was made. In 2022, we had such a situation in February and, now, in March, we probably have to complete the assessment procedure. They have three days and 36 hours to correct the situation and if they do not comply a penalty will be applied."

The Public Services Agency was established in July 2017 as a result of the reorganization of the State Enterprise "REGISTRU". Proterra Grup SRL has been providing cleaning services at PSA almost since its foundation. In 2018, the company had three contracts with PSA worth a total of almost 15 million lei (\$566,519). In the following years, the amounts ranged from about seven (\$360,512) to 15 million lei (\$566,519).

VICTOR VEREJANU,
Head of Section, PSA:

"We have always aimed to obtain a lower price from an economic point of view, from an efficiency point of view, and a quality point of view, because we pay for these services with public money. Unfortunately, the lowest price does not always meet our expectations. We can see this in every sphere, not only in cleaning services."

DIANA ENACHI,
Procurement Expert, IDIS "Viitorul":

"I see a clear red flag here or a clear indicator of corruption. This would apply to any case where we see a company working for several years in a row or for a very long period with the contracting authority or rather an authority working with the same company, even though there are several companies on the market. So, in this case, if this red flag is identified, I would refer it to the competent bodies to investigate. A red flag is not, from the outset, an act of corruption or even a violation of the law, it is more of an indicator that something is not right"

Diana Enachi, is a public procurement expert at the Institute for Development and Social Initiatives "Viitorul". She analyzed the tender documents and identified several risk factors.

DIANA ENACHI,
Procurement Expert, IDIS "Viitorul":

"What I see is that we have a very large tender by reference to the budgets of Moldovan institutions and procurement

budgets; it is a tender of 11 million lei (\$566,519), and what I see first and foremost is that it is not a tender divided into lots. This is a red flag or an indicator, a risk, but at the same time the decision to allocate a procurement procedure belongs to the authority and the law does not compel it to divide the acquisition."

VICTOR VEREJANU,
Head of Section, PSA:

"We assume that if we do it by batches, by districts, first of all, we run the risk of not covering all the districts. We have to make 33 evaluations to bring everyone to a common denominator, to establish that this is the way it should be and no other way. We have to take into consideration that we serve a large number of people who come to our offices who must be treated in the same way and we should not create conditions through which the services are better in one district provided by some companies, but in the next district, the neighboring district is treated differently – by another company"

The outcome of the 2022 tender was contested by one of the six companies participating in the procurement. This was Palimira-Com Service SRL, which, in the text of the appeal, submitted to the National Agency for Settlement of Claims (NACS), mentioned, among other things, that "One can notice the favoring of [the company „Proterra Grup”] in flagrant violation of the principles of public procurement." Contacted by telephone, the company's Founder and Administrator describes the organization of the tender in the following way:

ALINA PÎNZARU,
Administrator, Palimira-Com Service SRL:

"It is very bad. I do not want to comment over the phone, but we have stated our position on it! Unfortunately, back then a tragedy occurred, and we could not be there and we could not appear during the debates, so we left it at that."

TOP 5 COMPANII DE CLEANING
CARE CĂȘTIGĂ CONTRACTE CU STATUL
(2017-2022)



Proterra Grup SRL - 108 mil. lei
Servicii Curățenie SRL - 24,8 mil. lei
Igiena Company SRL - 13,4 mil. lei
Elina Service SRL - 12,2 mil. lei
Euroservice SRL - 8,2 mil. lei

Sursa: Tender.gov.md

VICTOR VEREJANU,
Head of Section, PSA:

"These are empty statements that are not backed up by specific facts, it is all based on assumptions."

Proterra Grup SRL was created in 2011. Seven months after its establishment, the sole shareholder became Terra Grup & Co SRL, a sister company, which retains its share until today. Terra Grup & Co SRL has been the subject of several transactions and, over the years, has had, several associates. Finally, in February 2016, for the sum of two million lei (\$103,003), it was taken over by Acvilin-Grup SR, company in which Iurii Luncașu held a 60% share at that time. Luncașu was in the entourage of fugitive oligarch Vladimir Plahotniuc, being a neighbor of Plahotniuc in France, where they both owned villas in a neighborhood on the shores of Lake Geneva. In addition, Luncașu represented by proxy a Cypriot company, connected to Plahotniuc, which took over the 2,000-metre building in Chișinău known as "Casa Alba".

The rest of this article can be read [HERE](#).

This story was produced in the framework of the project "Follow the Public Money", carried out by A.O. Media project "CU SENS", as a sub-grantee of the "Increasing the Integrity of Procurement" project. The project is implemented by the Institute for Development and Social Initiatives (IDIS) "Viitorul", in partnership with Partnership for Transparency Fund. Responsibility for the content of this recording rests solely with A.O. Media Project "CU SENS" and does not necessarily reflect the opinion of IDIS "Viitorul" and the donor.

Source: www.cusens.md

YOUNG ACTIVISTS ON PUBLIC PROCUREMENT MONITORING:

"INFORMATION ON LOCAL BUDGETS AVAILABLE ON PUBLIC ADMINISTRATION WEBSITES IS NOT PRESENTED IN AN ACCESSIBLE FORMAT"

» From August 4 to 6, 2022, a summer camp "Public Procurement Through the Eyes of Young People" was held in Vadul-lui-Vodă. Young men and women were trained and encouraged to promote transparency in public procurement. They learned how the procurement system is established; how citizens in any part of the country can analyze tenders, identify corruption risks, and check data; and how they can communicate these issues to the media, authorities, and civil society.

Training and professional guidance were provided by transparency experts from AGER and Institute for European Policies and Reforms (IPRE), officials from the Public Procurement Agency and the e-Government Agency, and Ziarul de Gardă (ZGD) investigative journalists with experience in documenting and writing about the public procurement system.

In this context, we asked the young people about the opportunity of monitoring public procurement and the usefulness of what they learned at the summer camp.

GLORIA CHEPTEA: "I am glad I had the



opportunity to participate in this summer school. We were trained in a useful and important field. Moreover, I will apply the gained knowledge in my future profession. It is important

for young people to be interested in public procurement and know the portals where they can get information safely. Unfortunately, the Local Public Authorities LPA still has some work to do on transparency. I liked the originality, the non-formal way of teaching, the friendly atmosphere, and the professionalism shown by the mentors. I thank the organizers and wish the participants good luck in activities to come."

PAULA ARABADJI: "The summer camp was one



of the best choices I have made so far. Not only did it give me new knowledge, but it ignited in me the desire to become an investigative journalist. Thank you very much to the organizers, MEDIA-GUARD

Association and ZdG, for this opportunity and all the knowledge gained."

SIMONA LUCA: "As an actively involved young



person, I promote the participation of civil society in observing and monitoring the process of public budget distribution. By participating in the summer camp, I gained experience and knowledge,

and learned best practices that I will implement further. By analyzing the information on local budgets and their execution, available on the websites of public administrations, it is clear that this information is not presented in an accessible and easy-to-understand format for the general public. To mitigate this problem, experts from the Association „Media-Guard”, Ziarul de Gardă, IDIS Viitorul, AGER, and IPRE trained and guided us in the complex universe of investigative journalism, presenting the databases open in Moldova and the tools for documenting and viewing information. As a result of this training,

my colleagues and I have a solid foundation that we will put into practice by analyzing trends, monitoring, and identifying solutions to change and improve the transparency of LPAs."

MARIA NISTOR: "The „Media-Guard” Association launched a challenge for young people in Moldova, which I accepted. "What you don't know is more important than what you do know" was the thought we applied to this summer camp. In three days, I reinforced three ideas:

1. Public procurement is an endless source of inspiration for journalists;
2. Where there is money, the investigation grows; and
3. Come cold, rain, or sunshine, until March 31st every year, civil servants are obliged to submit a declaration of assets and personal interests and journalists should check this. This summer school was truly an invitation to analysis, awareness, and involvement."

ANASTASIA ROBULEȚ: "At the summer camp, we learned not only about what public procurement means, but also how it can be monitored and what the sources of information about budget changes are, without which a full press investigation cannot take place. Although there is a multitude of websites for information, people do not know about them and, because of that, they cannot monitor public procurement properly. I think all public procedures must be transparent."

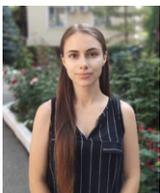
DIANA CIORBĂ: "Everything about the summer camp was superb, from the information to the teaching, the attitude of the mentors, and the way we felt. We gained knowledge that is also related to journalism. If I had the opportunity to attend again, I would do it. It was a unique and new experience for me and I plan to apply for more opportunities like this in the future. Ziarul de

Gardă, Media-Guard Association, and IDIS Viitorul, thank you for all your efforts and for this exchange of information. You are the best!"

DUMITRU LITOVSCI: "I had the pleasure to attend the summer camp and deepen my knowledge in the field of public procurement. Thanks to my mentors, I learned the methods of detecting fraud and falsifications related to public budgets. On top of that, I learned how to present topics of interest to civil society. I will apply this experience in my future activities. I believe that if young people were more informed in the area of public procurement, it would increase the transparency of budgets and the accountability of institutions."

MIHAIL SÎRBU: "At the summer camp, for the first time, I was introduced to public procurement and learned how it is managed. I found out about websites with extremely useful information where open databases are stored, with which you can carry out a tailor-made investigation. The experience gained will help me in the future, as I will be able to analyze the problems in the country. I would like to thank all the organizers and coordinators, as well as my colleagues, and I will keep in touch with them."

SANDA BODIU: "The summer camp was an enjoyable experience for me. I met ambitious young people who care about the prosperity of the country and are ready to fight for a better future. Now, I can say with certainty that any citizen of Moldova has the right to monitor the work of public authorities and I learned what the role and mission of journalists are. Last, but not least, we had qualified mentors who do their job with dedication and who shared some professional and useful secrets in our training as young specialists. My primary purpose for participating was to learn about the field of



public procurement. I can say without a doubt that I have achieved this goal thanks to the summer camp. I am delighted to have been part of this team."

CORINA BOȚICO: "I was delighted to participate in



this project, which could open up horizons and prospects. The ZdG team, with its friendly atmosphere and exciting programs, offered me an ideal opportunity for development. I was pleasantly

surprised to experience the theoretical notions through exercises. I met people from different fields who expanded my knowledge and shared life and professional experiences. I experienced a high level of organization, learned many new things, and improved my soft skills. It was also useful that in less than three days I managed not only to learn new things that are not taught at university, but also to meet great people from different corners of the country. The ZdG team has a wealth of experience, which helped me to see things in a different way than I have seen them before. Thank you to the organizers for the opportunity!"

AURICA APARECI: "This camp is an investment



in a future with young people more responsible about our country's budget and transparent public procurement. I enjoyed discovering all the tools and platforms that investigative

journalists use to identify fraud. I understand the importance of displaying information of public interest in an attractive format. Last, but not least, I became aware of the need to take an interest in public procurement when it is so vulnerable to corruption."

TATIANA SÎRBU: "From August 4 to 6, 2022, I



was part of a great project with professional and dedicated people. Discovering a plethora of sources of information was significant. Any project is about

people, experiences, and last, but not least, development. The summer camp is one piece of the puzzle that will enrich my career. Thank you for the opportunity and I urge young people to get involved, especially those who do not know what their profession will be; this will give them a chance to understand where their vocation lies. People getting involved is productive."

ADELINA GÎRNU: "I believe that well-informed



young people are the present and the future of a prosperous society. The summer camp invests in the education of young people, promotes transparency in public procurement, explains

the procurement system, and provides a range of tools to identify corruption risks and verify data. At the same time, this camp gave me the opportunity to strengthen my knowledge about political clientelism and corruption in Moldova."

MĂDĂLINA DUDNIC: "Public procurement is



a field that has aroused my curiosity and, thanks to some exceptional mentors, I have had the pleasure to understand the importance of why young people should know about it. I want a

transparent society; that is why I chose to be part of the summer camp project and to apply the knowledge I gained in my locality. In addition to the knowledge with which I return home, my new friends remain in my heart and together we were able to create beautiful and memorable moments."

GEORGETA CAZACU: "The summer camp



helped me to develop a different vision of public procurement, spending of public money, and journalistic investigations on public procurement. I gained new experience on interesting topics,

which I will definitely put into practice and use."

OVER 10 MILLION LEI (\$515,017) WORTH OF ROAD REPAIR WORKS IN CAHUL - FIND OUT WHO IS UNDERTAKING THEM



» At the beginning of May, a public tender was announced for [road repair works in Municipal Cahul](#). The estimated value of the works (without VAT) was about 9.76 million lei (\$502,670). We reviewed the procurement procedure, the tender documents, and the tenders that were submitted to the local authority. To learn about how the procurement took place and who was awarded the contract to repair the municipal building in Cahul, please read on.

According to www.achizitii.md, a specialized portal where the [public tender announcement](#) was published, the tender was announced in two batches. There were two road segments to be repaired: 1) M. Frunze Street with the estimated value of works of about 6.68 million lei (\$344,040), without VAT and 2) L. Tolstoy Street with the estimated value of works of 3.08 million lei (\$158,629). without VAT.

For the segment of [M. Frunze Street in Cahul](#) (I.I. Caragiale Street to 31 August Street), the main projects that are foreseen in the technical specifications are earthworks and demolition of the existing sidewalks, curbs, and road surfaces. Demolition of the road surface involves cutting the worn asphalt concrete layer with a drum width of 2000 mm, layer depth of 5 cm - 947 square meters, 7 cm - 2,001 square meters, and

10 cm - 3,067 square meters. In total, the road surface to be demolished is over an area of six thousand square meters.

The work on the M. Frunze Street segment also provides for the adjustment of the covers of nine fountains and reinforcement of the pavement with topsoil, for which about 157 cubic meters of soil will be needed, including the planting of grass. Two layers of asphalt concrete of 7 and 5 cm are to be poured for the road system on a total area of 3,845 square meters.

The same work will be carried out on side roads and entrances to courtyards. An important part of these tender is the construction work on sidewalks, bike lanes, and parking lots. An area of 1,690 square meters will be paved and the bike lanes will be marked with red brick. At the same time, 777 meters of sidewalk curbs will be installed and there will be 1,500 square meters of car parking, 476 square meters of asphalt parking, and 1,084 square meters of 7 cm paving. The final component of the work will be installation of 25 road signs and road markings.

[Lot 2 L. Tolstoy Street](#) (segment B.P. Hasdeu Street to White Willow Street) also includes earthworks, demolition of the existing sidewalks, and demolition of curbs and road surfaces. The demolition of the road surfaces involves cutting the worn asphalt concrete layer with a drum width of 2000 mm and a layer depth of 4 cm over an area of 947 square meters,

The work on this segment also provides for the adjustment of the covers on two fountains and reinforcement of the pavement with topsoil, for which about 119 cubic meters of soil will be needed, including the planting of grass. Two layers of asphalt concrete of 8.5 and 5 cm are to be poured on a total area of 2,189 square meters. The same main projects will be carried out on side roads and entrances to courtyards.

An important part of these tender is the sidewalk construction work. This will provide 958 square

REPUBLICA MOLDOVA
PRIMĂRIA MUNICIPIULUI CAHUL

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 e-mail: primariacahul@gmail.com

SRL Masterdrum
 IM CRDSL Cahul

Nr. 041-141/92 din 24.06.2022
 La nr. _____ din _____

Prin prezenta, Primăria municipiului Cahul, Vă mulțumește pentru participare în cadrul procedurii de achiziții publice și Vă informează că în urma reevaluării ofertelor depuse în cadrul Licitației Publice Deschise nr. 21056175 din 30.05.2022 **privind achiziționarea lucrărilor de reparație a drumurilor din mun. Cahul**, au fost desemnate câștigătoare ofertele care au acumulat cel mai mare punctaj:

Lotul nr. 1

Nr. d/o	Denumirea ofertantului	Criterii de evaluare								Total punctaj acumulat	
		Valoarea ofertei, TVA	Întră	puncte	Experiența similară	puncte	Deținerea certificatelor ISO	puncte	Garanția lucrărilor		puncte
1.	SRL Masterdrum	2 827,60	771	72,32	da	10	da	5	24 luni	5	92,32
2.	IM CRDSL Cahul	2 505 599,99		80,00	Contract realizat la suma de 68 76953,21 lei	9,82	nu	0	24 luni	5	94,82

Lotul nr. 2

Nr. d/o	Denumirea ofertantului	Criterii de evaluare								Total punctaj acumulat	
		Valoarea ofertei, TVA	Întră	puncte	Experiența similară	puncte	Deținerea certificatelor ISO	puncte	Garanția lucrărilor		puncte
1.	SRL Masterdrum	6 161 173,29		79,12	da	10	da	5	24 luni	5	99,12
2.	IM CRDSL Cahul	6 093 984,75		80,00	Contract realizat la suma de 68 76953,21 lei	9,82	nu	0	24 luni	5	94,82

În acest context, conform art. 32 alin. (1) lit. b) din Legea nr. 131/2015 privind achizițiile publice, contractul cu ofertantul desemnat câștigător urmează a fi încheiat după expirarea termenului de așteptare.

Primarul municipiului Cahul  Nicolae DANDIȘ



Întocmit: Colera Natalia
 Tel.: 0299 219 49

meters of pavement and the bike lanes will be adorned in red brick. At the same time, 515 meters of sidewalk curbs will be installed. The final component of the work is the installation of 17 road signs and road markings. Bids were due by May 30, 2022. The contract execution period goes through November 2022. The winning bidder was selected based on the best value for money.

You can read the full story [HERE](#).

This material is a product of the project "Transparent Public Procurement", carried out by A.O. Centre CONTACT-Cahul, as a sub-grantee of the project "Increasing the Integrity of Public Procurement". The project is implemented by the Institute for Development and Social Initiatives (IDIS) "Viitorul" in partnership with Partnership for Transparency Fund. The objective is to support public procurement reforms in Moldova that will increase transparency and fairness in public procurement by empowering citizens to hold relevant institutions accountable.



RIGGED BIDDING FILES: POSTPONED HEARINGS, ZERO ENFORCED CONVICTIONS, AND FIRMS STILL "SUBSCRIBED" TO PUBLIC MONEY

» Several criminal cases for fraudulent public tenders that were filed previously remain open and no people have been sentenced. The companies involved continue to win public procurement tenders, including with contracting authorities targeted in the same bid rigging cases. The "Ziarul de Gardă" has analyzed these cases and the companies concerned, as well as other companies with the same owners. Most of them have not yet been included in the economic operators' interdiction list.

PROCUREMENT PROBLEMS WITH PURCHASES FOR EDUCATIONAL INSTITUTIONS IN CHIȘINĂU

Education procurement in Chișinău Municipality has major vulnerabilities. In 2016, the biggest education procurement scandal took place when several decision makers from education directorates and economic agents were targeted, [according to National Anticorruption Center](#)

(NAC). Some of the companies concerned continue to win tenders organized by the General Directorate for Education, Youth, and Sport and sector directorates.

Among them is Lovis Angro SRL, owned by Lilian Sofrone. The company continues to win numerous public procurement tenders for the purchase of food products organized by state

institutions, including the [Chişinău General Directorate for Education, Youth, and Sport](#). The [sectoral education directorates](#) also purchased food products from Lovis Anglo SRL in 2022.

Another company allegedly linked to the owner of Lovis Anglo SRL is Artprest-Grup LLC. According to a 2016 study by the National Anti-Corruption Centre on the procurement of the General Directorate of Education, Youth, and Sport of Chişinău Municipality in 2015, the company was placed on the banned list from November 2015 to November 2018, but the persons representing the economic agent bought Lovis Agro LLC, with which they continued to participate in tenders and conclude contracts.



MANY COURT HEARINGS ADJOURNED

Among the companies targeted by NAC controls in 2016, suspected of participating in rigged tenders, are Crinic Grup LLC and Cordacom LLC, owned by Ghenadie Nicorici. In 2016, Crinic Grup LLC signed several contracts with the Directorates for Education, Youth, and Sport of Buiucani and Rîşcani. Since then, [it has not been listed as a winner](#) in public tenders. From 2106 to 2018, Cordacom LLC [won more public tenders](#), exclusively from the Directorate for Education, Youth, and Sport of Buiucani.

Their owner, Ghenadie Nicorici, is under criminal investigation for exceeding his authority or

exceeding his official duties. The case against him has been under examination [at the Chişinău Court of Appeals](#) since February 2019. The first hearing took place in June 2020 and since then the hearings have been postponed or interrupted several times.

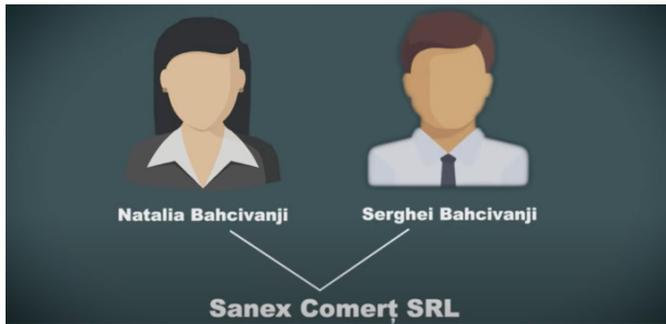
In the same NAC study, it was also found that Ghenadie Nicorici's wife was a senior inspector in the Main State Tax Inspectorate. In addition, a former associate of Crinic Grup SRL was an employee of General Direction of Education, Youth and Sport of Rîşcani from 2011 to 2013.

[Ziarul de Gardă revealed in an investigation](#) carried out in 2019 that Ghenadie Nicorici was, in fact, the final beneficiary of the company Lovis Anglo SRL and that he was the author of the criminal scheme of bid rigging, according to the indictment drawn up by prosecutors.

The head of the food group of the Directorate for Education, Youth, and Sport in Buiucani, Natalia Braga-Bajora, fully admitted the accusations against her and the illegalities, describing the schemes through which the companies managed by Ghenadie Nicorici obtained contracts with the state. She admitted favoring the two firms by allowing the delivery of products that did not meet the requirements of the procurement contracts. On December 20, 2017, Natalia Braga-Bajora was sentenced to a criminal fine of 28 thousand lei (\$1,442) and deprived of the right to hold public office for three years by [the Chişinău Court](#). The [Chişinău Court of Appeal](#) slightly increased her sentence, increasing the period of disqualification from holding public office to four years. Natalia Braga-Bajora appealed to the Supreme Court of Justice, but the appeal was declared [inadmissible](#).

CRIMINALLY CONVICTED, SUSPENDED, BUT STILL WINNING TENDERS

One of the companies targeted by the NAC in the rigged education procurement case ended up on the banned list, but its beneficiaries continued to win tenders through other companies. The actual



beneficiaries of Sanex Commerce LLC are Natalia and Serghei Bahcivanji, daughter and son-in-law of Tatiana Cebotari, then advisor to Corina Fusu, the Minister of Education at the time.

On January 2, 2017, Sanex Commerce [was included in the banned list of](#) the PPA, thus not having the right to participate in public tenders until 2020. The company changed its name on August 23, 2021 to Bravissimo Group Ltd. The founder is currently Serghei Bahcivanji and the administrator is Cristina Falinciuc.

Natalia and Serghei Bahcivanji were convicted of rigging tenders for the purchase of food products for the Hincesti District Hospital. On July 10, 2017, they were sentenced to two years and six months imprisonment, in addition to being suspended from bidding for tenders for one year. However, another company run by Serghei Bahcivanji and Cristina Falinciuc, Alim-Total SRL, continues to win [numerous public tenders](#), including in 2022, for the supply of food products to several hospitals, schools, kindergartens, daycare centers, and other public institutions.



VADIM TURCAN,
associate expert
IDIS "Viitorul":

"The referral for placing a company on the interdiction list may come from the contracting authority which has suffered damage as a result of the economic operator's submission of false documents or failure to perform its duties or execute its contractual clauses. This referral is sent to the Public Procurement Agency, which, after assessing the documents submitted, decides on the case. The PPA's decision on whether or not to include an economic operator on the debarment list is an administrative one and, therefore, can be challenged in court.

The most common problem faced by contracting authorities is that they do not lodge complaints with the PPA. For lack of knowledge or out of bad faith, contracting authorities do not make use of the possibility to include bad faith economic operators in the debarment list. These are cases that I have personally witnessed. However, some authorities do this and this is where the courts come in, which can nullify the inclusion of economic operators on the list. So, we do not have very many economic operators on the banned list. In total there are 39 and for some, the decision is suspended by the courts."

The full article can be read [HERE](#).

This material was produced in the framework of the project "Strengthening Public Procurement Monitoring Capacity for Journalists and Activists" carried out by the Public Association "Media-Guard", as a sub-grantee of the project "Increasing the integrity of Public Procurement".

Source: www.zdg.md

