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# MONITORING MOLDOVA'S PUBLIC PROCUREMENT

Newsletter no. 12 (August 2024)

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## SECTORAL PROCUREMENT

### A MONITORING REPORT HAS HIGHLIGHTED SEVERAL RISK INDICATORS THAT ARE PREVALENT IN SECTORAL PROCUREMENT



- » Poor planning of sectoral procurement; avoidance of the application of the legal framework in the field of sectoral procurement; low transparency of sectoral procurement, including low-value procurement, carried out by some contracting entities, are risk indicators in sectoral procurement detected by the Agency for Efficient and Accountable Governance, which has conducted a monitoring report on sectoral procurement carried out in the period from September 2023 to May 2024.

According to the monitoring report, other risk indicators found in sectoral procurements relate to:

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## THE TOPIC OF UNFOUNDED COMPLAINTS ADDRESSED AT THE SECOND MEETING OF THE NATIONAL PLATFORM FOR PUBLIC PROCUREMENT

» The members of the National Platform for Public Procurement (NPPP), launched within the project "[Increasing the Integrity of Public Procurement](#)", met on Thursday, May 16, 2024 for their second working meeting. The meeting addressed the subject of challenges to procurement procedures that are frivolous or withdrawn by the complainants.

The members of the NPPP outlined the problems generated by frivolous complaints and their impact on the process of awarding a public or sectoral procurement contract, while coming up with solutions and recommendations to overcome them.

**CAROLINA UNGUREANU**, project manager and deputy director of IDIS "Viitorul", said at the beginning of the meeting that it is important for the Republic of Moldova to monitor public procurement for the efficient use of public money. Ungureanu emphasized the importance of analyzing the difficulties and problems in the public procurement sector to create recommendations that can be acted on by decision-makers.

**VLADIMIR ARACHELOV**, State Secretary at the Ministry of Finance, said that the NPPP is a platform to facilitate the work of the Ministry of Finance, but also a forum for the process of analysis and discussions with stakeholders in the field of public procurement. According to Vladimir Arachelov, it was agreed within the ministry that the analyses and studies, which are



presented and discussed within the NPPP, will be further studied, so that when interventions are made in the regulatory framework, some proposals and recommendations will be taken up, especially since the authorities are currently in the process of implementing the National Program on Developing Public Procurement for 2023-2026.

"We have been interested in the subject of frivolous challenges for a long time. For several years we have been trying to intervene so that the complaints process is streamlined and so the National Agency for Settlement of Complaints (ANSC) carries handles complaints in an effective manner. There have been some attempts to change the regulatory framework, including in Parliament. We will also look at the results of today's study and see what elements can be introduced immediately or in the medium term in this process. We want this process not to jeopardize the right of economic operators to appeal. We want the number of participants per procedure to increase, but under conditions of efficiency and transparency. This work of yours

relieves the Ministry of Finance of pressure and we thank IDIS "Viitorul" for undertaking this effort so that we have time to take action on the work already completed", said Vladimir Arachelov.

**DIANA ENACHI**, procurement monitoring coordinator at IDIS "Viitorul", presented a study of the evolution of procurement challenges in the last three years, in particular the challenges rejected as frivolous, the challenges withdrawn and the reasons for withdrawal in order to identify possible abusive challenges that have a negative impact on the procurement process. Enachi discussed how, based on the analysis carried out, conclusions have been drawn and some scenarios have been presented with solutions to help discourage the formulation of ill-intentioned contestations and make the process of contestation, and consequently the award of procurement contracts in compliance with the law, more efficient.

According to the study, in the Republic of Moldova, the body responsible for examining and resolving appeals is ANSC, which since 2016, when it was established and became operational, and until now, has adopted 5179 decisions following the examination and resolution of about 6276 appeals.

Diana Enachi also said that statistical data on appeals submitted show that in 2023, of the total number of appeals examined in substance by ANSC (654 decisions issued), half were rejected as frivolous (323). Thus, there was a downward trend for appeals admitted in full/partial (22%), and an upward trend for appeals rejected as frivolous (9.1%). Comparing the share of appeals admitted in part/full with those rejected as frivolous, there was a higher share of appeals admitted in part/full in 2021 (41%) and in 2022 (46%). However, in 2023 there was a higher proportion of appeals rejected as frivolous (50%).

Having analyzed the results of the appeals filed by the top 5 contestants, it was observed that

every 4th appeal was withdrawn (25%), every 5th (20%) was rejected as frivolous, and more than half (55%) were admitted or partially admitted.

Regarding the identification of solutions, the study presented 4 possible scenarios with an outline of the advantages but also possible disadvantages and risks for each, as well as examples from the practice of some European countries: setting a deposit/guarantee when lodging a complaint; setting a mandatory fixed fee when lodging a complaint; setting a bank guarantee only for public tenders; or keeping the current policy which needs some improvements.

In order to improve the situation, the procurement monitoring coordinator proposed the full digitization of the process of submission and settlement of tenders, including those withdrawn; the development of the evaluation module in the MTender electronic system, the establishment of training programs for contracting authorities and economic operators to reduce procedures initiated with deviations from the legal framework. These solutions would contribute to reducing the number of challenges submitted in bad faith, which are subsequently rejected as unfounded, and would streamline the public and sectoral procurement process.

According to **ANGELA NANI**, Director General, Appeals Counsellor at ANSC, the fact that an appeal has been rejected as frivolous does not necessarily mean that it was filed with malicious intent. There have been cases where, in the course of the dispute resolution process, contracting authorities have remedied the admitted shortcomings cited by the finder. In other cases, the tender is rejected because it does not correspond to the tender documentation, the administrative act is not well-reasoned or an appeal is lodged. It is important to describe in detail the reasons for the rejection of tenders in order to reduce the number of appeals.

*Read more by following the link [viitorul.org](https://viitorul.org)*



## MEMBERS OF THE COALITION FOR MONITORING PUBLIC PROCUREMENT DISCUSSED THE CONCEPT AND CONTENT OF A WEB PLATFORM DEDICATED TO PUBLIC PROCUREMENT IN THE REPUBLIC OF MOLDOVA

» The concept and content of a digital platform dedicated to public procurement in the Republic of Moldova was presented on Wednesday, June 26, 2024 during the fifth working session of the Public Procurement Monitoring Coalition. The website was created within the project [Increasing the Integrity of Public Procurement](#), implemented by the [Institute for Development and Social Initiatives \(IDIS\) "Viitorul"](#) in collaboration with [Partnership for Transparency](#).

**CAROLINA UNGUREANU**, project coordinator and deputy director of IDIS "Viitorul", said that the need for a digital platform to monitor public procurement was evident based on several discussions with civil society actors. "We want it to be a resource both for civil society representatives interested in the field of public procurement and for citizens willing to find out how public money is used. We want this online platform to be a useful tool for those involved in public procurement monitoring, who keep their finger on the pulse of public procurement

in the Republic of Moldova. The platform will also include useful information for contracting authorities, economic operators, decision-makers and any other interested parties. It will serve as a centralized and trusted source of information and advocacy tool to enable the coordination and cooperation of stakeholders carrying out procurement monitoring activities."

According to **PAVEL NOVAC**, the representative of SensMedia, who built the website, the purpose of the online platform is to present

to the public the situation in the field of public procurement, both what is happening in this market and to explain to ordinary people why public procurement should be in the public eye.

**MARIANA KALUGHIN**, representative of the Public Association "Transparency International Moldova", said that the website will have a significant impact because such a resource does not exist anymore ever since the Ministry of Finance took down the MTender platform.

**ION CORNEA**, manager at a business consulting company, said about the interactive platform, "you can see that there is a great desire for such a resource in public procurement. Gathering so much information is an enormous amount of work. The website will be successfully if it is maintained and updated constantly."

**ALA REVENCO**, president of the public organization "Parents in Solidarity", says that the website will respond to the needs of civil society in monitoring public procurement. "Unfortunately, what is being done at the government level leaves much to be desired, which is why we need to have our own monitoring tools to be more efficient."

**VALERIU RUSU**, executive director of the RDA "Habitat", said that as long as public procurement will be monitored and talked

about on several online platforms, public money is bound to be spent more efficiently.

During the meeting of the Public Procurement Monitoring Coalition, **SILVIU PLOPA**, public procurement monitor and member of the coalition, presented a dynamic analysis of the state of affairs in the public procurement sector in the Republic of Moldova, as well as red flags identified during the monitoring of the procurement procedure carried out by S.A. "Apă-Canal Chisinau" and RED-Nord for the purchase of photovoltaic system.

[The Public Procurement Monitoring Coalition](#) was created at the initiative of the [Institute for Development and Social Initiatives \(IDIS\) "Viitorul"](#), within the project [Increasing the Integrity of Public Procurement in Moldova](#), implemented in collaboration with [Partnership for Transparency](#). The coalition aims to support public procurement reforms in the Republic of Moldova. Over 20 civil society organizations, investigative journalists, experts and independent monitors from the Republic of Moldova are members of the Coalition.

So far, the [Public Procurement Monitoring Coalition](#) has held four meetings, where several topical issues in the field of public procurement have been discussed.

*Read more by following the link [viitorul.org](http://viitorul.org)*



## IN 2023, 1,012 COMPLAINTS WERE FILED ON 760 PUBLIC PROCUREMENT PROCEDURES — A DECREASE COMPARED TO PREVIOUS YEARS

» In 2023, the National Agency for Settlement of Complaints (ANSC) received 1,012 complaints on 760 public procurement procedures. Of these, 927 appeals were resolved and 846 decisions were rendered. The information is contained in ANSC's Performance Report for 2023, which was presented to the Parliament of the Republic of Moldova at the plenary session of May 14, 2024, by ANSC Director General Angela Nani.



Image: Parliament of the Republic of Moldova

Regarding the challenging of ANSC's decisions in the courts, Angela Nani reported that during the reference period, 36 requests for legal action were filed in the national courts, where ANSC is either a defendant or a third party.

According to Angela Nani, in 2023, no final and irrevocable judgment annulling the ANSC's decision has been rendered. On the basis of only a motion for a writ of summons, the plaintiff's claims were partially admitted by the court of cassation, and a decision of the

Agency was annulled. However, the judgment of the court of first instance, not being final and irrevocable, was appealed to the higher court.

Angela Nani also said that since the beginning of the institution's work, the courts have largely aligned themselves with the Agency's assessments and that out of the 5,179 decisions adopted by the panels for settling appeals, 5,171 decisions are in force, which represents 99.8% of the total number of decisions.

The ANSC Director General also mentioned that one of the performance indicators pursued by the institution he heads was the optimization of the deadline for settling appeals. Thus, during the reporting period, 14%, or 73 appeals examined on the merits, were resolved within 18 working days. The average time taken to settle appeals on the merits is 18.63 working days.

Another performance for the Agency's activity in 2023 year, was also the assessment with maximum score of the quality of the decisions issued by the ANSC. Evaluation was carried out by SIGMA experts, who they measured performance for the first time of the Republic of Moldova in the public administration in relation to the "Principles of Public Administration" of SIGMA.

Read more by following the link [ansc.md](https://ansc.md)

## REPUBLIC OF MOLDOVA KICKED OFF THE SECOND STAGE OF EU ACCESSION NEGOTIATIONS – BILATERAL SCREENING – WITH CHAPTER 5: PUBLIC PROCUREMENT



Image: Ministry of Finance

» The Republic of Moldova has conducted the second stage of the European Union (EU) accession negotiations - bilateral screening. On July 10-11, 2024, a delegation of the European Commission was on a working visit to the Republic of Moldova.

During the two days, civil servants from Chisinau presented and analyzed, together with the European Commission team, Chapter 5 - Public Procurement, managed by the Ministry of Finance. This area is essential for the proper functioning of any democratic state, as it concerns the efficient use of public money.

The Ministry of Finance was represented by the State Secretary and Chairman of the working group, Vladimir Arachelov, and the team responsible for the transposition of Chapter 5 acts, which includes representatives of the Ministry of Finance, the Ministry of Economic Development and Digitalization, the National Bank of Moldova, and the Public Procurement Agency.

Deputy Prime Minister for European Integration, Cristina Gherasimov, welcomed the presence of European officials, emphasizing the importance of this event for our country. For his part,

European Commissioner for Neighborhood and Enlargement, Oliver Varhelyi, underlined that public procurement, covered by Chapter 5, is fundamental to the success of accession negotiations.

The official opening of accession negotiations took place on June 25 in Luxembourg, when the first Republic of Moldova - European Union intergovernmental conference was held.

In the bilateral screening process, which will last for almost 18 months, the Republic of Moldova will state whether or not it accepts the *acquis communautaire* for each of the 35 chapters and outline plans for implementing any differences identified. In total, more than 1,200 experts will be involved in analyzing the transposition of our legislation with European legislation.

Read more at [mf.gov.md](https://mf.gov.md)

## RED FLAGS IN TERMoeLECTRICA'S PROCUREMENT MONITORING PROCESS

» S.A. "Termoelectrica" is a contracting entity that carries out a large number of procurement procedures in the MTender system, pursuant to Law 74/2020 on procurement in the energy, water, transportation, and postal services sectors. The analysis of several procurement procedures, based on the information available in the MTender system, highlights some risk indicators in the procurements carried out by S.A. "Termoelectrica".

Among them, the most frequent are requirements in the tender documentation referring to outdated Russian standards, restrictive specifications, acceptance of irrelevant quality confirmation documents, acceptance of non-conforming offers, as well as unjustified cancellation of procurement procedures.

### REQUIREMENT FOR GOODS TO COMPLY WITH CANCELED STANDARDS

S.A. "Termoelectrica" continues to use canceled GOST standards as reference standards in the RM. In the procurement procedure for chemical reagents for water treatment, No. [ocds-b3wdp1-MD-1701842666292](#), reference is made to GOST standards or equivalent. Checking the [shop.standard.md](#) page reveals these GOST standards are canceled. Although the phrase "or equivalent" is usually added to the requirement, this does not guarantee the existence of equivalent national or European/international standards. Thus, the goods offered usually come from post-Soviet countries and



Image: Termoelectrica S.A./Facebook

less often from EU countries. Goods that comply with current EU or international standards might be more expensive and, although of higher quality, may not fit within the financial limits set by the contracting entity. The situation is similar in the procurement of chemical reagents No. [ocds-b3wdp1-MD-1708352879206](#) and the procurement of filtration materials for 2024, No. [ocds-b3wdp1-MD-1707392059259](#).



In the procurement of pipeline elements No. [ocds-b3wdp1-MD-1709013652676](#), an economic operator expressed dissatisfaction with the use of canceled standards in the "clarifications"



section. The contracting entity's response did not provide any clarification but merely acknowledged the request for clarification.

## APPLICATION / ADMISSION OF MODEL QUALITY CERTIFICATES

One erroneous requirement in the tender documentation used by S.A. Termoelectrica concerns quality certificates. In the invitation to tender for the procurement of steel pipes for 2023 (repeated), No. [ocds-b3wdp1-MD-1676453884151](#), there is the requirement "Quality certificate/ Certificate of conformity/Test report (or the document confirming the quality of the goods put up for tender)," indicating that the entity equates two documents with different roles and values. The economic operator is free to choose between either document when submitting a tender. There has been a practice of submitting 'model' quality certificates or certificates for previously delivered batches as proof that the tenderer will submit similar certificates for other batches to be produced. In the aforementioned tender procedure, 'Metalica Zuev' Ltd. protested the winning bid submitted by "MIRZAGHITOV & Co" Ltd., which included such a certificate labeled "ОБРАЗЕЦ" (translation: pattern). The protest filed by "Metalica Zuev" Ltd. was rejected by ANSC because the winning bidder also submitted certificates of conformity for the proposed goods. However, we do not consider it good practice for the contracting entity to equate certificates that do not serve the same purpose.

**Quality certificates are required when submitting bids, as they are issued only upon production of the goods.** In this case, the winning bidder also submitted certificates of conformity in addition to quality certificates. The requirement was indicated by a slash in the tender notice, so the challenge was rejected. However, we admit that in other similar situations, economic operators could submit only quality certificates for previous lots, which the contracting entity might accept, creating risks for the contracting entity.

## RESTRICTIVE SPECIFICATIONS

A procurement procedure of S.A. "Termoelectrica", in which we noticed several restrictive specifications, refers to the procurement of chemical reagents necessary for the stabilization and maintenance of the chemical regime of water and steam in medium pressure power equipment, No. [ocds-b3wdp1-MD-1708352879206](#).

The contracting entity aimed to purchase 7,000 kg of an amine-based corrosion process inhibitor with an estimated value of 2 million lei (~113,339 USD), excluding VAT, according to the indicated parameters.

bunuri/servicii:					
Nr. d/o	Cod CPV	Denumirea bunurilor/serviciilor/lucrărilor	Cantitate/Unitate de măsură	Descrierea achiziției	Valoarea estimată, fără TVA (pentru fiecare lot în parte)
<b>Achiziționarea reagenților chimici necesari pentru stabilizarea și menținerea regimului chimic al apei și aburului la utilajul energetic de presiune medie</b>					
Lot 1	24962000-5	Inhibitor al procesului de coroziune pe bază de amine	7000 kg	<p><b>Conform cerințelor Caietului de Sarcini</b></p> <p>Aspectul exterior - Soluție incoloră sau galben deschisă</p> <p>Densitatea (20°C), g/cm<sup>3</sup> - 0,96 - 1,10</p> <p>Solubilitatea în apă - Solubil în orice proporții</p> <p>pH-ul, nu mai puțin de - 13,0</p> <p>pH-ul soluției de 1 %, nu mai puțin de - 11,0</p> <p>Conținutul sumar al aminei/-lor cu rol de neutralizare, % - 25,0 - 30,0</p> <p>Conținutul aminei peluculogene, %</p> <p>(Z) N 9 octadecilpropan 1,3 diamină - 2,5 - 5,0</p>	2 000 000
Valoarea estimativă totală, lei fără TVA					2 000 000

From point 16 of the contract notice, it appears that the contracting entity reserves the right not to purchase the entire quantity but only on an as-needed, pre-order basis. Additionally, out of the total quantity, 2,000 kg of reagents will be used in the testing process on the Beneficiary's energy equipment for a minimum of 4 weeks after the contract is signed. The testing procedure shall conclude with a quality control report executed by the laboratory of the Purchaser's Chemical Service. If the report finds that the delivered goods are not provided with the required documents, do not pass the quality and quantity control - chemical analysis in the laboratory - then the product is returned, and the contract is terminated. The forms do not sufficiently clarify whether the mentioned conditions are cumulative or if it is enough for any one of them to be fulfilled.

Read more by following the link [revizia.md](#)

## A MONITORING REPORT HAS HIGHLIGHTED SEVERAL RISK INDICATORS PREVALENT IN SECTORAL PROCUREMENT



### ««« [CONTINUED FROM PAG. 1](#)

- RESTRICTIVE TECHNICAL REQUIREMENTS and specifications;
- INCORRECT SELECTION of procedures/ tenders with ambiguous requirements and evaluation criteria;
- PARTICIPATION IN SECTORAL PROCUREMENTS with concerted bids/distortion of competition;
- UNCLEAR REQUIREMENTS on compliance and quality standards set by contracting entities.

Other risk indicators include:

- PROCUREMENT OF GOODS NOT CERTIFIED according to the legal rules in sectoral procurement;
- AVOIDANCE OF LOTTERY in procurement by some contracting entities;
- WINNING OF NON-COMPLIANT TENDERS or favoring economic operators that submitted non-compliant tenders;

- IMPROPER EVALUATION of tenders or unfounded rejection of a tender;
- ADDITIONAL AGREEMENTS to amend non-compliant contracts;
- FREQUENT CANCELLATION of procurement procedures after the opening of tenders/ announcement of results due to errors in the tender documentation.

The report also reveals that, in contrast to the legal framework regulating public procurement, regulatory gaps persist in sectoral procurement. Although methodological rules on the application of the provisions of Law 74/2020 have been adopted, a number of shortcomings have been identified, such as: late adoption of methodological rules; legal inflation; provisions that negatively affect sectoral procurement; aspects that remain unregulated and put the actors involved in the processes related to sectoral procurement in difficulty.

Read more at [ager.md](http://ager.md)



Elena Covalenco/Sănătate INFO

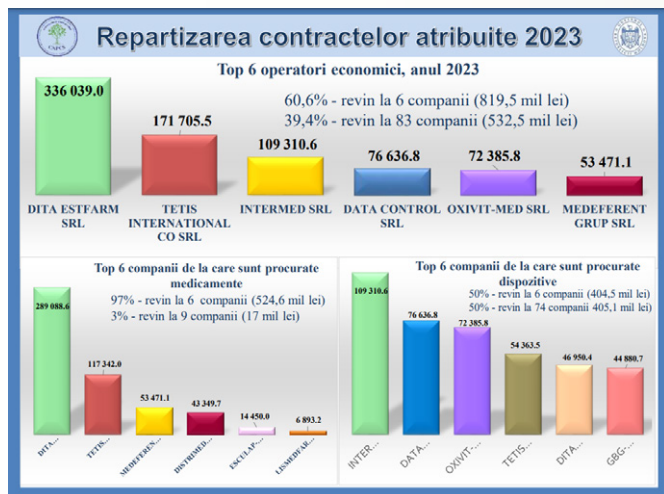
## PUBLIC PROCUREMENT OF MEDICINES: 6 COMPANIES SHARE 97% OF PUBLIC PROCUREMENT BUDGET

» In the Republic of Moldova, the budget allocated for public procurement of medicines and medical devices has been steadily increasing over the last five years. In 2023, the state purchased medicines and medical devices in the amount of 1.5 billion lei (~85,004,702 USD). The drug market has long been dependent on just a few large importers, with six companies winning more than 97% of all contracts for the import and delivery of medicines.

In 2023, the budget allocated for public procurement of medicines and medical devices amounted to 1,596,762,000 lei (over 83 million Euros or approximately 90,488,185 USD). The state, through the Centralized Public Procurement Center for Health (CAPCS), purchased medicines for public institutions worth over 700 million lei (~39,668,861 USD), and medical devices worth over 879 million lei (~49,812,755 USD).

According to CAPCS data, the budgets allocated for medicines have fluctuated over the last five years. Although increasing, the amount allocated for medicines is slightly below the 2021 level, i.e., 717 million lei (~40,632,247 USD). For medical devices, however, the increase has been steady, and from 2019 to 2023, the budget allocated for the procurement of medical devices almost doubled, reaching 879 million lei (~49,812,755 USD) in 2023.

## WHO GETS THE BULK OF THE DRUG MONEY



Unsurprisingly, *Dita Est Farm SRL* remains the company that has won the most contracts for the purchase of medicines—worth **289 million lei** (~16,377,572 USD).

In second place, as in previous years, is *Tetis International CO SRL*, which concluded contracts with the state worth **117 million lei** (~6,630,366 USD).

In third place is *Medeferent Grup SRL*, which concluded contracts for the import and delivery of medicines amounting to **53 million lei** (~3,003,500 million USD).

In fourth place is *Distrimed SRL*, which was to deliver medicines worth **43 million lei** (~2,436,801 USD) to public institutions.

*Esculap Farm SRL* is still among the top six companies winning the largest contracts, although the figure has dropped considerably compared to 2022—from 60 million lei (~3,400,188 USD) to **16 million lei** (~906,716 USD) in 2023.

*Lismed Farm SRL* entered the top six in 2023, importing medicines worth more than **6 million lei** (~340,018 USD).

The remaining contracts, with much smaller amounts, were divided among nine other companies.

As for medical devices, the awarding of contracts is similarly unbalanced. Half of the contracts awarded, worth more than 400 million lei (~22,667,920 USD), go to six companies. The remaining 400 million lei will be divided among 74 other importing firms.

This year, *Dita Est Farm SRL* did not take the biggest contracts. The first place was taken by *Intermed SRL*, which won tenders worth **109 million lei**.

*Data Control SRL* is in second place, having signed contracts worth over **76 million lei** (~4,306,904 USD).

*Oxivit Med SRL* won contracts to supply medical equipment worth **72 million lei** (~895,382 USD).

*Tetis International CO SRL* is also among the top six most influential companies in the medical devices market, having signed contracts worth over **54 million lei** (~3,060,169 USD).

*Dita Est Farm SRL* has been awarded contracts worth over **46 million lei** (~2,606,810 USD), and *GBG MLD SRL* has won public tenders for the import and delivery of medical equipment worth **44 million lei** (~2,493,471 USD).

Over the last ten years, *Dita Est Farm* has been among the importers with the largest contracts with the state. *Tetis International CO SRL*, *Esculap Farm SRL*, and *Intermed SRL* have also obtained substantial contracts from public tenders in recent years.

According to CAPCS, the biggest threats to the public health procurement system remain Moldova's small and unattractive market, high risks of supply chain disruptions, dependence on certain suppliers, and risks of corruption and nepotism.

Read more by following the link [sanatateinfo.md](https://sanatateinfo.md)

# PROCUREMENT OF MAINTENANCE SERVICES FOR THE CNAS FINANCIAL SYSTEM FOR 2024: RESTRICTIVE SELECTION CRITERIA AND QUESTIONABLE EVALUATION DECISIONS

» The monitoring activities described in this article took place in March-April 2024, focusing on the procurement procedure for the corrective and adaptive maintenance services of the application system related to the financial system (FMS) for the year 2024—procedure carried out by the National Social Insurance House (CNAS) of the Republic of Moldova as the contracting authority.



Image: Designed by [Freepik](#)

The monitoring team followed this public procurement procedure at different stages, with particular attention to the stage of elaboration of the tender documentation, due to signals from economic operators, including a challenge filed by "Esempla Systems" SRL, regarding rigid, outdated, and restrictive selection criteria.

Special attention was also paid to the monitoring of the tender evaluation stage. This procurement procedure was challenged by the economic operator "Esempla Systems" SRL, whose arguments raise several valid questions.

## 1 PLANNING & LAUNCHING THE PROCUREMENT

Regarding the planning of the targeted procurement procedure, it is included in the Procurement Plan of CNAS for the procurement of goods, works, and services in 2024 (link [here](#)).

As for the publication stage of the procurement, on November 30, 2023, the CNAS of the Republic of Moldova published in the MTender authorized system the [notice of participation](#) in the open tender for the corrective and adaptive

maintenance services of the application system related to the financial system (FMS) for the year 2024.

CNAS estimated the value of this purchase as 132,436.00 USD excluding VAT.



According to the tender notice, the contracted services were to be provided throughout the year 2024, from January 1, 2024, until December 31, 2024, fulfilling the requirements of the tender specifications, with the validity of the contract being until December 31, 2024.

- 12. Termenii și condițiile de prestare solicitate *pe parcursul anului 2024, începând cu 01.01.2024 până la 31.12.2024, îndeplinind cerințele din caietul de sarcini.*
- 13. Termenul de valabilitate a contractului: *31.12.2024*

The same call for proposals sets out a number of qualification and selection criteria, which are summarized below:

- ☑ Prezentarea Declarației privind valabilitatea ofertei conform Anexei nr:8 din Ordinul MF 115/2021.
- ☑ Prezentarea Cererii de participare 1. conform Anexei nr:7 din Ordinul MF 115/2021.
- ☑ Prezentarea Specificațiilor de preț conform Anexei nr:23 din Ordinul MF 115/2021.
- ☑ Prezentarea Specificațiilor tehnice conform Anexei nr:22 din Ordinul MF 115/2021.
- ☑ Garanția pentru oferta 1% conform Anexei nr:9 din Ordinul MF 115/2021.
- ☑ Prezentarea Formularul standard al Documentului Unic de Achiziții European completat.
- ☑ Vor fi excluși operatorii economici care nu și-au îndeplinit obligațiile de plată a impozitelor, taxelor și contribuțiilor de asigurări sociale în conformitate cu prevederile legale în vigoare în Republica Moldova sau în țara în care este stabilit.
- ☑ Vor fi excluși operatorii economici care nu dispun de capacitatea economică și financiară ofertantului – minimum 3 ani de experiență similară; Cifra de afaceri în activitatea similară în ultimii 3 ani minimum 2 000 000,00 lei pentru fiecare an.
- ☑ Vor fi excluși operatorii economici care nu dispun de capacitatea tehnică și profesională, două cum urmează:
  - existența grupului de proiect calificat asigurat pentru îndeplinirea serviciilor relevante conform Anexei 2 din Anunțul de participare și specificației tehnice depline.
  - minimum 3 ani de experiență similară.
  - minimum 3 contracte existente la momentul în domeniul aferent obiectului achiziției.

## 2 STAGE OF SUBMISSION AND OPENING OF TENDERS & CONTESTATIONS ON THE AWARD DOCUMENTATION AWARD

Three economic operators commented on this procurement procedure.

Titlu Caiet de sarcini - Dezvoltator 1C: Întreprindere 8.3 (2 persoane)	Întrebare primită 04.12.2023 / 11:14
Descriere Experiința de lucru în calitate de dezvoltator relevante soluțiilor sistemului aplicativ aferent sistemului financiar (FMS) și pentru alte soluții specializate pe platforma „1C: Întreprindere” (pentru fiecare componenta specialist dedicat). Buna ziua, vă rugăm să concretizați pentru care componente exact se așteaptă specialiști dedicați.	
↳ Caiet de sarcini - Dezvoltator 1C: Întreprindere 8.3 (2 persoane)	06.12.2023 / 13:01
Pentru următoarele componente: FMS (soluții de tip ERP) - Salariu și Cadru - Managementul documentelor și Arhiva.	

In the first case (see above), clarification was sought on the components for which dedicated specialists were expected. The problem raised was the initial lack of clarity on the components for which specialists were needed, which could have led to interpretations or inconsistencies in the service proposals.

Titlu Administrator a sistemelor informaționale 1C Întreprindere 8.3 -Experiință profesională specifică	Întrebare primită 05.12.2023 / 09:59
Descriere Buna ziua, va rugam respectuos la cerința "Experiință de administrare a platformei „1C” în spațiul tehnologic MCloud” sa fie adaugata " sau în alte medii virtuale".	
↳ Administrator a sistemelor informaționale 1C Întreprindere 8.3 -Experiință profesională specifică	06.12.2023 / 13:08
Conform Hotărârii Guvernului nr 128/2014, toate instituțiile publice sunt obligate să găzduiască sistemele informaționale existente pe platforma tehnologică guvernamentală comună M-Cloud. Astfel nu se acceptă propunerea DVS.	

In the second case (see above), the economic operator requested the contracting authority to change the requirement of experience in administering the „1C” platform from the MCloud environment to any virtual environment. The contracting authority did not grant the economic operator’s request, citing Government Decision No. 128/2014.

Titlu Expert / Consultant (Management contractelor și arhiva)	Întrebare primită 05.12.2023 / 15:49
Descriere Compartimentul Managementul contractelor si arhiva este un modul separat, si business logica modului nu se schimba in dependenta de genul/tipul institutiei sau companiei care o implementeaza. Va rugam sa excludeti sau sa modificati cerinta "Experiință de participare, cel puțin în 1 (un) proiect asemănătoare în domeniul asigurărilor financiar-sociale în calitate de analist."	
↳ Expert / Consultant (Management contractelor și arhiva)	08.12.2023 / 10:38
Bună ziua, Documentația de atragere a ofertelor a fost modificată conform cerințelor solicitate.	

In the third case (see above), a request was made to modify the requirement related to the experience of participation in similar projects in the field of financial and social insurance. This comment raised the issue of an unclear or potentially restrictive requirement in the tender documentation, which required modification to facilitate the participation of economic operators in the procurement process. In this case, the CA modified the selection criterion in question as recommended by the economic operator.

## SUSPECTED BIAS IN THE TENDER FOR THE PURCHASE OF A TRUCK FOR WASTE DISPOSAL IN VADUL LUI VODA

» The Vadul lui Voda Municipal-Land Management, an enterprise founded by the local council and responsible for sanitation and landscaping, chose as the winner of the tender for the purchase of a waste disposal truck, with an estimated value of 1 million lei (~56,670 USD) excluding VAT, an economic operator created on the same day the tender announcement was published and whose offer was missing some mandatory components. The head of the Regie denies any collusion between this firm and the contracting authority. After the tender was challenged by three of the five participating economic operators, the National Agency for Solving Complaints (ANSC) annulled the contract award decision, noting that the Regia had evaluated the bids with bias. The contract was awarded to another firm.



On February 16, 2024, the City Hall of Vadul lui Voda adopted [a decision](#) to increase the share capital of the "Regia locativ-comunală a orașului Vadul lui Voda" by 600 thousand lei (~34,001 USD). This amount was to be added to the contribution of 700 thousand (~39,668 USD) lei provided by the National Office for the Implementation of Environmental Projects for the purchase of a waste disposal truck. The estimated value of the project supported

by the Office, called "Efficiency of solid waste transportation in the city of Vadul lui Voda", was 285,307.10 USD.

Based on this decision, the Regia started the procurement process and on March 11 published the [announcement](#) of the tender. According to the specifications and [the technical specification](#), the truck was to have a body capacity of 10-12 m<sup>2</sup>, to be manufactured no earlier than 2023,

to have an all-metal loading bunker, etc. It was also specified that the warranty period must be a minimum of 2 years and the delivery period - 30 days.

One of the local councillors, Eugen Cebotari, told Moldova Curată that the Council had previously discussed the need to buy a truck with a larger capacity, which could transport a larger amount of waste and thus save fuel and effort:

*"Garbage is now transported with two machines that have a capacity of 8 m<sup>2</sup>. That is why it was discussed to buy a modern machine with a larger capacity - that the dumpster in the back where the garbage is collected and pressed should be at least 16-20 m<sup>2</sup>, so that it can transport, in one trip, the volume of at least two of the machines that are used now. That is, the two existing, old GAZ model ones should be taken out of use, as they consume more fuel and parts, and a new one should be purchased, which can work longer distances and haul double the amount. But I understand that again a small capacity car has been bought. That, unfortunately, is not cost-effective at all for the locality."*

The head of the Regia, Fiodor Conoval, confirms that such discussions did indeed take place, but claims that neither the Regia nor the local public authority would have the money to buy a bigger and more expensive truck: "Maybe someone would have wanted us to buy a Ford. But it costs three or four million lei (~170,000 USD- 226,675 USD). The car we are buying costs one million lei (~56,668 USD). Is there a difference? For the money we have, this car suits us".

### OUT OF FIVE PARTICIPATING ECONOMIC OPERATORS, THREE CHALLENGED THE TENDER

Five economic operators submitted their bids to the tender: "Eximotor" SA, "Tehnolider" SRL, "Reliacentre" SRL, "Promo Soluții" SRL and

"Ravitan" SRL. All except "Ravitan" SRL proposed trucks at a price of less than 1 million lei (~56,668 USD) excluding VAT.

Camion pentru evacuare de deșeur (NOU)				1,000,000.00 MDL	
EXIMOTOR SA	documente ofertă	02/04/2024 09:31	915,000.00 MDL	Oferta respinsă	Decizie
Tehnolider	documente ofertă	01/04/2024 11:52	947,777.00 MDL	Oferta respinsă	Decizie
Reliacentre	documente ofertă	27/03/2024 12:14	958,233.33 MDL	Oferta respinsă	Decizie
S.C. PROMO SOLUȚII SRL	documente ofertă	01/04/2024 14:24	996,700.00 MDL	Oferta respinsă	Decizie
RAVITAN SRL	documente ofertă	29/03/2024 19:35	1,130,000.00 MDL	Oferta acceptată	Decizie

Source: e-licitatie.md

The winner was declared the company "Reliacentre", registered in Comrat on the day when the Communal-Housing Authority of Vadul lui Vodă published the announcement about the auction - March 11, 2024, as it appears from the data published on the Idno.md portal. The company proposed a truck with a capacity of 12m<sup>2</sup>, but did not indicate the delivery term, and the guarantee it could offer for the operation of the truck was one year, while the contracting authority requested 2 years. "Reliacentre" is the only participant that offered a truck with a capacity of 12m<sup>2</sup>, in the rest of the offers the proposed capacity was 10m<sup>2</sup>. However, Fiodor Conoval claims that there was no agreement between the working group and the economic agent, and that the selection was guided by the "lowest price" principle.

After being informed of the working group's decision regarding the winner, "Eximotor" SA, "Ravitan" SRL and "Tehnolider" SRL submitted appeals. The first was rejected, without being examined on the merits, invoking the late submission, and the following two were combined for examination. Both appeals were admitted, the final decision of the National Authority for the Resolution of Appeals was to annul the decision to award the contract and oblige the Directorate to re-evaluate the offers. At the same time, the contracting authority is required to report to ANSC within 3 days about the remedial measures carried out with the attachment of confirmatory documents.

Read more at [moldovacurată.md](http://moldovacurată.md)





## MULTIPLE DEFICIENCIES IDENTIFIED IN CHISINAU CITY HALL'S PROCUREMENT PROCESSES: LACK OF PUBLIC ACCESS TO INFORMATION

» Transparency International-Moldova (TI-Moldova) monitored public procurement carried out in the years 2023-2024 by the City Hall of Chisinau, some of its subordinate entities (Department of Education, Youth and Sport, Botanica and Ciocana sectors; General Department of Culture and Cultural Heritage; General Department of Architecture, Urban Planning and Land Relations) and municipal enterprises (M.M. "Autosalubritate", M.M. "Urban Bus Park", M.M. Regia "EXDRUPO"). The results of the monitoring were made public [at a press conference](#).

Procurement related to areas with increased vulnerability factors/risks of corruption; procurement related to controversial and problematic issues, which have previously been the subject of public/media debate; significant value of procurement were analyzed. In the monitoring process, different stages of procurement were followed: planning and preparation of tender documentation; launching

of the procurement procedure; evaluation of bids and award of the contract; where appropriate, depending on the availability of information — contract implementation and monitoring.

The monitoring results reveal that there are multiple irregularities/deficiencies in the activity of contracting authorities in providing access to

information on public procurement, in proactive information (through websites) and in the conduct of public procurement procedures.

The contracting authorities did not fully comply with the relevant legal framework during the monitoring period. Some requests for information addressed to the City Hall of Chisinau and municipal enterprises were ignored, and the answers received were superficial and evasive, sent after the deadline established by the legislation. Although the City Hall of Chisinau provides users, through its website, with multiple information on planned and carried out public procurements, as well as redirects to the MTender SIA, the multitude of headings and portals dedicated to this subject may create confusion in searching and selecting information, as some of them duplicate, others are incomplete and outdated.

Procurement information on the websites of the monitored municipal enterprises was generally sketchy. In the area of procurement planning, the failure to prepare and publish notices of intent in the Public Procurement Bulletin, failure to indicate CPV codes in the procurement plans are noteworthy. Some contracting authorities have excessively updated procurement plans, which implies that there are problems in the planning process, leading to increased manpower and wasted working time of the members of the Procurement Working Group.

Although, for the most part, procurements were launched according to the annual plans, there are cases of discrepancies, when the procurement was not foreseen in the plan or procedures were cumulated, delayed, announced in a different amount.

There have been cases of overestimation of the value of the purchase, such as the purchase of image promotion services by ÎM "Self-Sanitation", the initial value was reduced by about 4 times during 2023. The same company, after initiating the procedure for the procurement of these

services, subsequently canceled it "due to the disappearance of the need."

The contracting authorities did not always maintain fairness at the clarification stage, and questions from potential operators were not always properly dealt with. There were frequent cases where contracting authorities did not make clear and concrete references to the reason for the cancellation of procurement procedures. There have been cases of unfounded cancellations of procedures, with the indication of formal reasons, which the ANSC considered as a lack of diligence of the working group in relation to the obligations provided for by the legislation.

Some contracting authorities did not place in the MTender EIS the information on low-value procurement made on the basis of direct contracts and invoices, as required by GD 870/2022. There were cases when contracting authorities ignored the provisions of HG 10/2021 and did not publish on their website the monitoring reports on procurement contracts, which leads to uncertainty as to whether the contracting authorities comply with the requirements for monitoring and ensuring the execution of procurement contracts within the prescribed time and conditions.

Although SIA MTender has been continuously improved, including through the introduction of new reporting modules, the information in this system is not always comprehensive and up-to-date, also because the contracting authorities are not sufficiently diligent in providing the information and are not held accountable for not publishing/updating the information. Searching for information in SIA MTender remains quite difficult, there are confusions between the data regarding the cancellation of some procurement procedures from this system and the information regarding the contracts concluded during the respective procedures from tender.gov.md.

Read more at [transparency.md](https://transparency.md)

## MONITORING THE PROCUREMENT OF THE PHOTOVOLTAIC SYSTEM BY S.A. "RED-NORD" AND THE IDENTIFICATION OF RED FLAGS

» S.A. "Rețelele Electrice de Distribuție Nord" (RED-Nord) is a contracting entity that carries out a large number of procurement procedures in the online electronic procurement system SIA RSAP Mtender, based on Law 74/2020 on procurement in the energy, water, transport, and postal services sectors. Analyzing the procurement procedure for the purchase of the photovoltaic system by RED-Nord, based on the information available in the Mtender system, several red flags can be highlighted.

These include unclear conditions and even divergences between the tender specifications and the tender notice, which mislead economic operators wishing to participate in the public procurement procedure.

On January 16, 2023, RED-Nord carried out a procedure for the purchase of a photovoltaic system consisting of two photovoltaic power plants, with the purpose of fulfilling the function of supplying electricity from alternative sources and reducing the costs for own consumption at the headquarters in Balti, str. Șt. Cel Mare, 180 "A" (<https://mtender.md/Home/TenderInfo/ocds-b3wdp1-MD-1673886942648>), with the estimated value of 327,700.00 USD excluding VAT. The type of the procurement procedure is an open tender, which was conducted through the application of electronic tender. The award criterion used is "Lowest Price".

During the procedure, economic operators raised several questions for clarification. One of the clarifications concerned the time limit for carrying out the works. In the contract notice, point 16, a maximum of 2 months is mentioned, and in the specifications, point 9, sub-point 9.2, under the terms and conditions of delivery, it is specified that „Delivery, installation, and commissioning (including putting into service): maximum 3 months from the date of signing the purchase contract.” This point misled an economic

operator who on January 20, 2023, requested clarification on the subject. In the reply received, the entity stated that the execution period is 3 months (90 days), excluding from the calculation the receipt by the beneficiary of the construction authorization (20 days).

The economic operator, in the clarification given, specified that the contracting entity must take into account that subpoint 4.1.1 of the tender specifications specifies that the winning economic operator must obtain a technical expert's opinion on the resistance of the buildings on which the photovoltaic panels will be installed and an urban planning certificate. They must also take into account point 10.1, which concerns the commissioning of the photovoltaic system at the National Agency for Energy Regulation and its putting into operation. Although the urban planning certificate will be obtained by the contracting entity, a certain period is required for the requested requirements to be carried out, and the economic operator specifies that the 3 months deadline is difficult to fit in.

Subiectul clarificării:	Termenul de execuție
Clarificarea solicitată:	Termenul de execuție solicitat e 2 luni sau 3 luni? In Anuntul de participare e indicat 2 luni, in caiet ul de sarcini 3? care e termenul solicitat. Tineti cont rugam ca se ia in considerare Expertiza acope risului, executie proiect, obtinere certificat urbanis, darea in exploatare, inclusiv cu ANRE, etc. Deci termenul de 3 luni inca eu un termen cam dificil de incadrat
25.01.2023 16:59	Răspuns la clarificare: Termenul de execuție este de 3 luni (90 zile), cu excluderea din calcul primirii de catre beneficiar a autorizatiei de constructie (20 zile).

Read more at [pulsachizitii.md](https://pulsachizitii.md)