

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 executie
Clarificarea solicitată:	Termenul de executie 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 acoperisului, 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 executare este de 3 luni (90 zile), cu excluderea din calcul primirii de catre beneficiar a autorizatiei de constructie (20 zile).

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The project [*Increasing the Integrity of Public Procurement*](#) is implemented by the Institute for Development and Social Initiatives (IDIS) Viitorul, in partnership with the American organization Partnership for Transparency. The project aims to support public procurement reforms in Moldova that will increase transparency and fairness in public procurement by empowering citizens to hold relevant institutions accountable.

[*IDIS Viitorul*](#) is an independent think tank established in 1993 that combines social, political and economic research with strong advocacy components. The institution conducts applied monitoring research in several areas: economics, social policy, EU policies, regional development, and security and foreign policy risks.

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