



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.

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due to signals from economic operators, including a challenge filed by "Esempla Systems" SRL, regarding rigid, outdated, and restrictive selection criteria.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.

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 <u>notice of participation</u> 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 solicitați pe parcursul anului 2024, începînd cu 01.01.2024 până la 31.12.2024, îndeplinind cerintele 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 pret 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 excluşi operatorii economici care nu şi-au îndeplinit obligațiile de plată aimpozitelor, taxelor şi contribuțiilor de asigurări sociale în conformitate cu prevederile legale în vigoare în Republica Moldova sau în țara în care este stabilit.
- ☑ Vor fi excluşi operatorii economici care nu dispun de capacitatea economică şi financiară ofertantului minimum 3 ani de experienţa similară; Cifra de afaceri în activitatea similară în ultimii 3 ani minimum 2 000 000,00 lei pentru fiecare an.
- Vor fi excluşi operatorii economici care nu dispun de capacitatea tehnică şi profesională,duă cum urmează:
 - existența grupului de proiect calificat asigurat pentru îndeplinirea serviciilor relevante conform Anexei 2 din Anunțul de participare și specificației tehnice depline.
 - o minimum 3 ani de experiența similară.
 - minimum 3 contracte existente la moment în domeniul aferent obiectul achiziției.

Stage of submission and opening of tenders & contestations on the award documentation award

Three economic operators commented on this procurement procedure.

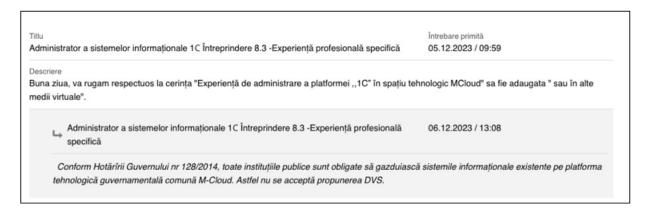
Titlu	Întrebare primită
Caiet de sarcini - Dezvoltator 1C: Întreprindere 8.3 (2 persoane)	04.12.2023 / 11:14
Descriere	
Experiența de lucru în calitate de dezvoltator relevante soluțiilor sistemului aplicativ afei	rent sistemului financiar (FMS) și pentru alte soluții specializate
pe platforma "1C: Întreprindere" (pentru fiecare componenta specialist dedicat). Buna z	riua, vă rugăm sa concretizați pentru care componente exact se
asteaptă specialisti dedicati.	
51 5 1 5 5 5 1 5 5 5 5 5 5 5 5 5 5 5 5	
	00.40.0000.40.04
Caiet de sarcini - Dezvoltator 1C: Întreprindere 8.3 (2 persoane)	06.12.2023 / 13:01
→ Caiet de sarcini - Dezvoltator 1C: Intreprindere 8.3 (2 persoane) Pentru următoare componente: FMS (solutii de tip ERP) , Salariu si Cadre , Man.	

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

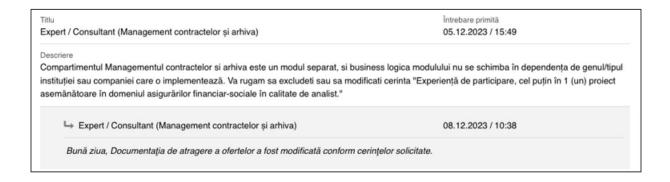




which specialists were needed, which could have led to interpretations or inconsistencies in the service proposals.



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.



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.

Read more at lex.21.md

The project <u>Increasing the Integrity of Public Procurement</u> 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.





<u>IDIS Viitorul</u> 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.

<u>Partnership for Transparency</u> (PTF) is based in Washington, DC and its mission is to promote innovative civil society-led approaches to improving governance, increasing transparency, promoting the rule of law, and reducing corruption in developing and emerging countries. Since 2000, PTF has supported over 250 projects aimed at promoting NGO involvement in decisions, processes, and laws that enforce transparency and accountability in public procurement.