

This publication was prepared as part of the Increasing Integrity of Public Procurement in Moldova project implemented by the Institute for Development and Social Initiatives (IDIS) Viitorul in collaboration with Partnership for Transparency (PTF).



The newsletter was prepared by IDIS with financial assistance from PTF. The content is the sole responsibility of IDIS and the opinions of individual contributors do not necessarily reflect the views and policies of IDIS and PTF.

MONITORING MOLDOVA'S PUBLIC PROCUREMENT

Newsletter no. 14 (April 2025)

»»» CONTENTS »»»

6 | TRAINING

The particularities of public procurement of works addressed at a Public Procurement Monitoring Coalition training session

7 | STUDY

Identifying abnormally low bids based solely on the absolute method is not always the most accurate method, according to the study

8 | SECTORAL PROCUREMENT

New rules for more efficient and transparent sectoral public procurement

9 | PARTNERSHIPS

Intensifying collaboration between civil society and NACS, is essential for a transparent and integrated appeals system

11 | MONITORING

Economic agents avoid the prohibition list through trickery

13 | COMPLAINTS

The number of complaints filed with NACS in 2024 increased by 23%, with procurements worth over 6 billion lei being contested

EDITORIAL

DIANA ENACHI, IDIS "VIITORUL"
PUBLIC PROCUREMENT EXPERT:

PUBLIC CONSULTATIONS CAN IMPROVE PUBLIC POLICY



The new public procurement law draft, developed and published by the Ministry of Finance in December 2024, contains a series of legislative innovations that bring more clarity, predictability, and efficiency to the public procurement process. The project was discussed publicly and extensively during several consultations, ensuring a participatory process with the involvement of all stakeholders.

Together with the Ministry of Finance, IDIS organized the consultation of the project and the collection of recommendations formulated by institutions, contracting authorities, and civil society, both on the National Public Procurement Platform (PNAP) and in the regions, with the participation of local authorities. The results of the public consultation process on the draft new public procurement law reiterate that the real involvement of all actors and authentic public consultations are essential elements in the decision-making process and can significantly improve public policy.

MORE DETAILS

ON [THE LAST PAGE OF THE NEWSLETTER](#) »»»

ADDRESSING THE SYSTEM OF PROFESSIONALIZATION AND CERTIFICATION OF PUBLIC PROCUREMENT SPECIALISTS AT THE FIFTH MEETING OF THE NATIONAL PLATFORM FOR PUBLIC PROCUREMENT



» On April 10, 2025, the members of the National Platform for Public Procurement (NPPP) met for the fifth working session, where they discussed the draft regulation on the certification of specialists in public procurement. The event was held in partnership with the Ministry of Finance of the Republic of Moldova, in the framework of the project "Increasing the Integrity of Public Procurement", implemented by IDIS "Viitorul", in collaboration with the US-based Partnership for Transparency (PTF).

ANA LUCA, Deputy Secretary General of the Ministry of Finance, said at the opening of the meeting that the regulation on the certification of specialists in the field of public procurement has been eagerly anticipated by civil society. To meet these expectations, she added, it was advocated that the draft law should be presented to civil society before being approved by the government. The idea was to let all actors in the

field of public procurement receive and present constructive and qualitative feedback to improve the regulation.

CAROLINA UNGUREANU, deputy director of IDIS "Viitorul", project manager, thanked the Ministry of Finance for its openness in cooperating with civil society to discuss important reforms in the field of public procurement. Carolina Ungureanu

recalled that even before the start of the NPPP sessions, IDIS "Viitorul" had collected data on a number of challenges faced by the procurement system, among which was the issue of professionalization and certification of specialists in the field.

HADY FINK, Project Director of the Partnership for Transparency (PTF), on a working visit to the Republic of Moldova, emphasized that the idea of creating the NPPP was not part of the project from the beginning, but emerged along the way. In his opinion, the current stage of the platform demonstrates important achievements of the project and the implementation team. "The contribution of the Ministry of Finance is essential for the platform's success and public procurement reforms in the Republic of Moldova," said Hady Fink.

During the event, **LILIA RADUL**, senior consultant of the Public Procurement Directorate of the Ministry of Finance, presented the draft regulation on professionalization and certification in procurement, which aims to make the use of public funds more efficient through a well-trained network of specialists in the field, by: organizing the certification mechanism, the certification procedure, the work of the certification committee, the criteria for admission to the program, the evaluation, the issuance and withdrawal of certificates, etc.

IDIS "Viitorul" experts **DIANA ENACHI** and **VIOREL PÎRVAN** presented an analytical note that assesses the need for a professionalization and certification system in public procurement, the existing policies at the national and international level, the analysis of practices in Croatia, Austria, and Malta, the solutions for the certification system to be implemented in the Republic of Moldova to meet the needs of qualified specialists and professional expertise in procurement, as well as best European practices.

During the meeting, the members of the NPPP came up with a number of recommendations, which are to be integrated into a note with proposals.

For more details, visit [Pulsachizitii.md](https://pulsachizitii.md)



THE DRAFT OF THE NEW PUBLIC PROCUREMENT LAW WAS DISCUSSED WITH MEMBERS OF NPPP AND THE PUBLIC PROCUREMENT MONITORING COALITION

» Members of the [National Platform for Public Procurement \(PNAP\)](#) and [the Public Procurement Monitoring Coalition](#) discussed at the end of January 2025 the provisions of the draft new public procurement law, which was published for public consultations by the Ministry of Finance in December 2024. The need to develop the new law emerged together with the status of a candidate country for accession to the European Union (EU), as the Republic of Moldova undertook to align the national legislation with the *acquis Communautaire*, which implies the gradual integration of European norms.



During the meetings, the Ministry of Finance presented the provisions of the draft new law and the main amendments to the current legal framework. Also, IDIS "Viitorul" experts, Diana Enachi and Viorel Pîrvan, presented an analytical note on the provisions of the draft new law, which included comments and recommendations for improvement, and Olga Pisarenco, head of the procurement and contract management department at the National Bank of Moldova, also made a presentation on the new law. Then, members of NPPP and the Coalition spoke about their experience in applying the current legislation, the challenges they face in the process of enforcing the law, and also made recommendations.

Carolina Ungureanu, Deputy Director of IDIS "Viitorul", said during the discussions that the field of public procurement has been in the sights of IDIS "Viitorul" for several years, especially the training and capacity building of civil society to monitor public procurement procedures. IDIS is also focused on the creation of procurement monitoring tools, such as the Red Flags Guide in Public Procurement, to facilitate the activity of organizations monitoring procurement procedures, of contracting authorities, to be able to spot potential illegalities. Carolina Ungureanu also emphasized that IDIS has launched communication platforms between different actors in the public procurement sector.

Ana Luca, deputy general secretary of the Ministry of Finance, mentioned that for the institution she represents, any feedback is important for

improving the draft of the new law. "Through this draft law, we aimed to ensure the transposition of several normative acts to the EU acquis. This project, which is currently subject to public consultations, is proposed to be adopted by the Parliament in June-July 2025. The law should enter into force on January 1, 2027, as we are in discussions with the World Bank to develop a single e-procurement system, which would ensure the full application of the draft of the new law. The currently existing e-procurement platform will no longer be functional", said Ana Luca.

Members of NPPP and the Public Procurement Monitoring Coalition formulated a series of recommendations on the draft of the new law, mainly intended to support transparency, the responsibility of the authorities in the public procurement process, and a public procurement process that ensures adequate value for public money. All recommendations were integrated into a Note with proposals and submitted to the Ministry of Finance in the public consultation process.

After the meetings of the NPPP members and the Public Procurement Monitoring Coalition, the Ministry of Finance held a series of public consultations at the national level on the draft of the new law to receive proposals from all interested parties to improve the document.

Press releases regarding the meeting of [the National Platform for Public Procurement](#) and [the Public Procurement Monitoring Coalition](#) were placed on [Pulsachizitii.md](#)



THE PARTICULARITIES OF PUBLIC PROCUREMENT OF WORKS ADDRESSED AT A PUBLIC PROCUREMENT MONITORING COALITION TRAINING SESSION

» The particularities of public procurement of works were addressed at the first training of the Public Procurement Monitoring Coalition, which took place on Friday, December 6, 2024. The trainer, Vadim Țurcan, university lecturer, Ph.D. engineer, and expert in public procurement, spoke to the participants about the provisions of the Urban Planning and Construction Code No. 434 of December 28, 2023, which will come into force on January 1, 2025.

He also presented to the audience the online system reflecting the normative framework in construction, www.ednc.gov.md, as well as Moldovan construction regulations, practical codes of works, rules of calculating cost estimates for works (WinCmeta), rules for determining quality standards in construction, as well as common errors in the realization of construction works.

"Such training is essential in itself to improve the efficiency of the procurement process. Public procurement of works is a complex area, with detailed legislation and formal procedures to follow. Together we learn how to correctly apply the legal and administrative procedures to organize and manage public works procurement, ensuring that it is efficient, transparent, and in line with national legislation," said Vadim Țurcan.

Alexandru Crigan, director of the LocalInvest Public Association from the Riscani district,



said that he came to participate in the training to learn more about the field of public works procurement. "We have experience in monitoring public procurement. I participate in the meetings of the working group on public procurement and yet sometimes I have the impression that I don't know all the ins and outs of this field," said Alexandru Crigan.

A good part of the training seminar was centered on interactive sessions and working group activities. A number of case studies have been discussed. Simulations have taken place of processes of evaluating tenders for works procurement, of checking the minutes of works execution, and of procedures to identify the most frequent mistakes. Even participants who are experienced in the field related to the procurement of works mentioned that these practical exercises were very useful and that in the future it will be much easier for them to monitor such procedures.

Continue on Pulsachiziitii.md

IDENTIFYING ABNORMALLY LOW BIDS BASED SOLELY ON THE ABSOLUTE METHOD IS NOT ALWAYS THE MOST ACCURATE METHOD, ACCORDING TO THE STUDY

» Identifying abnormally low bids based solely on the absolute method (when the bid price represents less than 85% of the value of the works calculated by the contracting authority in the established manner) is not always the most accurate. The study "[Abnormally low bids in works procurement procedures. Current approaches and improvement technologies](#)" (Romanian version), developed by Vadim Țurcan, expert, PhD in engineering, shows that in most cases of works procurement procedures, the lowest price is used as the award criterion, which generates certain risks for the contracting authority if abnormally low bids were proposed.



The expert argues that to allow contracting authorities to select an economic operator with sufficient capabilities, it is necessary to use another award criterion, such as the best price-quality ratio or the best cost-quality.

"In the case of many works contracts, it is considered that the project and estimate documentation is of low quality, a fact found following the analysis of the reports submitted by the contracting authorities to the Public Procurement Agency regarding the modification of the contract, in which the most frequent reasons for modification are mistakes or omissions in the project and estimate documentation. In this case, the design organizations do not exercise the necessary diligence in the detailed preparation of the offers

to minimize the risks of unforeseen additional works during the execution of the contracts", the expert notes.

Vadim Țurcan mentions that Moldovan construction regulations, codes of practice, and estimating standards in the "Construction Economics" field are outdated and need to be updated. This results from the discrepancy between the amounts recommended by contracting authorities and the bid estimates of economic operators when preparing the estimate documentation.

"Thus, in some cases, the values used differ by approximately 50% more in the estimated quotes than in the offer quotes. The economic operator's discretion is quite high, and the risks generated may lead to non-fulfillment of contractual commitments. At the same time, a series of estimate norms contain consumption norms, either are not current due to constantly developing technologies or because some standards for manufacturing construction materials have been modified by their transition from Soviet norms to European ones," the engineer doctor mentioned.

Vadim Țurcan's recommendations regarding improvement technologies, as well as the study, can be consulted on [Pulsachizitii.md](https://pulsachizitii.md)



NEW RULES FOR MORE EFFICIENT AND TRANSPARENT SECTORAL PUBLIC PROCUREMENT

» The Government of the Republic of Moldova has amended the Methodological Norms on awarding sectoral procurement contracts and framework agreements in the energy, water, transport, and postal services sectors, regulated by Government Decision No. 464/2022.

During the Cabinet of Ministers meeting on January 15, 2025, Finance Minister Victoria Belous presented the draft Decision, noting that these amendments aim to strengthen an efficient and transparent mechanism for conducting procurement in the targeted sectors and to encourage the active participation of economic operators, strengthening public trust in government procedures.

AMONG THE NEW PROVISIONS ARE:

- THE OBLIGATION of contracting entities to take remedial measures following the

receipt of monitoring reports issued by the Public Procurement Agency;

- INTRODUCTION of a new chapter, "Sectoral procurement file," which details how to prepare and keep it;
- AMENDING some essential annexes, such as annex no. 3, to supplement the information included in the notices of intent and annex no. 15 regarding the establishment of the waiting period for the conclusion of contracts.

According to the minister, the adjustment of the document is a commitment of the Ministry of Finance to support contracting entities in organizing and managing procurement in a fair, competitive, and adapted manner to current requirements., and the project was developed to align the provisions of Government Decision No. 464/2022 with the new regulations of Law No. 74/2020 on procurement in the energy, water, transport, and postal services sectors, amended by Law No. 291/2023.

Source: [Ministry of Finance](#)

INTENSIFYING COLLABORATION BETWEEN CIVIL SOCIETY AND NACS, IS ESSENTIAL FOR A TRANSPARENT AND INTEGRATED APPEALS SYSTEM

» The National Agency for Complaints Settlement (NACS) organized in February 2025 a working meeting with representatives of civil society, including the Institute for Development and Social Initiatives (IDIS) "Viitorul" and the Association for Efficient and Responsible Governance (AERG). The main goals of the meeting were to strengthen the dialogue between NACS and non-governmental organizations, increase the transparency and accessibility of the appeals resolution process, and establish common priorities for improving the public procurement system.



The discussions were opened by the Director General of NACS, Angela Munteanu. She stressed the importance of constant dialogue between public authorities and civil society and highlighted three priority directions for streamlining the agency's activities. This involves monitoring the appeals resolution process to ensure transparency and continuous evaluation of decisions to improve them. Constant training and education strengthen institutional capacities and optimize the appeals resolution process to respond quickly and correctly to the requests of economic operators. It also improves the applicable legislation through active collaboration with civil society to adapt the legal framework to the current needs of the public procurement sector.

During the meeting, the advisors for resolving complaints presented some of the challenges encountered in the process of examining complaints, mentioning the lack of a mechanism

for evaluating the impact of NACS's activity and the need for a methodology that would allow measuring the effects of the decisions issued; the absence of a straightforward procedure for monitoring the implementation of decisions by contracting authorities to ensure compliance with NACS decisions and increase their efficiency.

Another important topic discussed was the possibility of establishing a state fee for submitting appeals by economic operators. This measure could reduce the number of unjustified appeals filed to delay public procurement procedures, thus ensuring greater efficiency of the process.

THE COMMITMENTS OF THE NEW NACS LEADERSHIP CAN ALSO BE CONSULTED [HERE](#)

Source: [The National Agency for Solving of Complaints \(NACS\)](#)

METHODOLOGICAL ADVICE HOTLINE,

TO SUPPORT CONTRACTING AUTHORITIES AND ENTITIES INVOLVED IN THE PUBLIC PROCUREMENT PROCESS

THE PUBLIC PROCUREMENT AGENCY INFORMS THAT TO STRENGTHEN THE CAPACITIES OF CONTRACTING AUTHORITIES/ENTITIES AND TO PROFESSIONALIZE OFFICIALS INVOLVED IN THE PUBLIC PROCUREMENT PROCESS, THE FUNCTIONING OF THE METHODOLOGICAL ADVICE TELEPHONE LINE – HELPDESK, WILL BE ENSURED, WHICH WILL OPERATE ACCORDING TO THE FOLLOWING SCHEDULE:

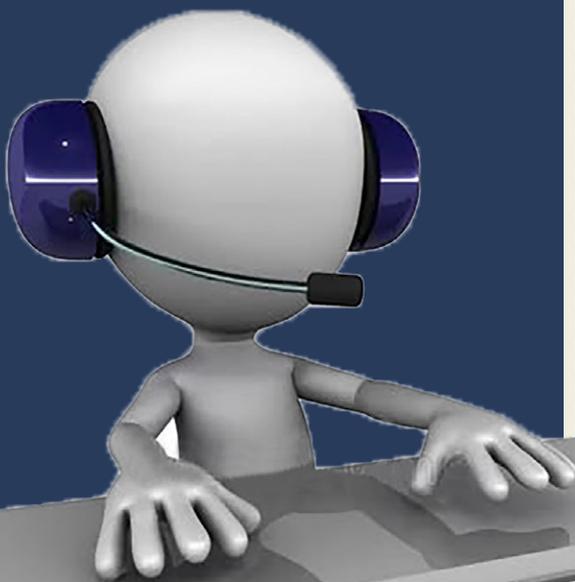
Starting on February 25, 2025.

**CONTACT NUMBER:
067-201-080**

Schedule:

**TUESDAY AND THURSDAY,
BETWEEN 08:00 and 16:00.**

THROUGH THIS SERVICE, the Agency's representatives will provide support and clarification regarding the correct application of public/sectoral procurement regulations, thus facilitating transparency and efficiency in contract award procedures.



HELP DESK

ECONOMIC AGENTS AVOID THE PROHIBITION LIST THROUGH TRICKERY

» The Public Procurement Agency (PPA) is the institution that has the right to include economic agents in the prohibition list for 3 years if they do not honor their contractual obligations or perform them improperly in connection with the execution of public procurement contracts. The presentation of false documents is also a reason for inclusion in this list.

In order not to suffer the unfavorable consequences related to the ban list, some economic agents have managed to find, over time, various ways to avoid it, either by obtaining, with the help of the courts, orders suspending the decisions to include them in the ban list, or by participating in public procurement procedures with other companies, usually affiliated.

This is also the case of the company Damicom SRL, which was included in the prohibition list on December 9, 2021, for presenting false documents in public procurement procedures. „Damicom” SRL presented false certificates regarding the lack of debts to the public budget within several tender procedures conducted by DGLCA, as mentioned in the article [How some bidders cheat in DGLCA's playground and fitness equipment procurement procedures](#). Even while the Public Procurement Agency was already examining a request for inclusion in the prohibition list regarding „Damicom” SRL, the dishonest practices continued. The company presented several letters of bank guarantee with apparent signs of forgery in the public procurement procedures of the General Directorate of Public Transport and Communication of Chisinau municipality (currently DGMU), as mentioned in the article [Red flags in the public procurements of the Transport Directorate](#).



image: Freepik.com

After the company was included in the prohibition list, meaning it could no longer obtain public procurement contracts, the affiliated company „Tehnolider” SRL stepped in. It took over the public procurement contracts of some municipal departments, which previously went to „Damicom” SRL.

For example, according to tender procedure no. [ocds-b3wdp1-MD-1722514318811](#) of the DGLCA for the purchase of sanitation and snow removal equipment from 2024, the technical parameters for the equipment appear to be adjusted to the Avant brand equipment, which could only be offered by an authorized dealer. The DGLCA has established parameters describing the dimensions of the equipment, such as width, length, height, weight, etc., which are irrelevant in terms of the performance of this equipment and increasing competition. In the „clarifications” section, we note several requirements to broaden the parameters to allow the offering of technically superior equipment. However, the DGLCA ignored these requirements. A potential bidder accused the contracting authority of favoring a single bidder, namely the Moldovan dealer of the Avant brand, through the restricted technical specifications.

Continue on [Revizia.md](#)

THE RENOVATION WORKS OF THE MACAREUCA MANSION ARE BECOMING HISTORIC DUE TO FAULTY PLANNING IN THE PROCUREMENT PROCEDURE

» The rehabilitation of the historical monument "Russo" Manor in the village of Macareuca, Drochia district, which was supposed to be completed in 2023, has stalled due to poor planning. So far, two public procurement competitions have been organized, and the execution deadline has been postponed twice.

In 2022, the media in the north of the country announced that the remains of the Măcăreuca mansion and the wooden church would be rehabilitated and become the center of a historical architectural complex with a recreation area and a craft workshop.



The cost of the restoration was estimated at 4.5 million lei. The money was to be allocated from the National Regional and Local Development Fund through the national "Satul European" program.

At the beginning of September 2022, the Cotova City Hall, of which the village of Măcăreuca is part, published a public competition on the

Mtender.md platform that never took place. On September 28, the contracting authority organized another public competition, but the tender was canceled. The third tender [was launched](#) on November 3, 2022. The estimated value of the restoration works of the mansion and the church was 4.09 million lei, the contract award criterion being the lowest price.

In the second competition, three companies presented offers: "Maxcosm Prim" SRL, "Danigasing" SRL, and "Aldincosn" SRL. The company that presented the lowest price was "Maxcosm Prim," with 3.71 million lei. One of the participants, the company "Danigasing" SRL, contested the working group's decision at the National Agency for Solving of Complaints (NACS), citing several irregularities, including presenting falsified documents from the winning bid. In response, the Cotova City Hall briefly argued that when examining the "Maxcosm Prim" offer, it downloaded the submitted documents from the electronic system, including the criminal record and the certificate of lack of debts, "relying on the fact that we do not have the right to request the originals, on the responsibility and correctness of each participant in the procurement procedure."

THE ECONOMIC AGENT REFUSED TO CONCLUDE THE CONTRACT AFTER INSPECTING THE OBJECT

In the same response to NACS, the City Hall announced that "Maxcosm Prim" inspected the object and discovered another type of work to be performed, but which had not been included in the specifications (mark C repair work), and, for this reason, refused to conclude the contract.

Read the full investigation on
[Moldovacurata.md](https://moldovacurata.md)

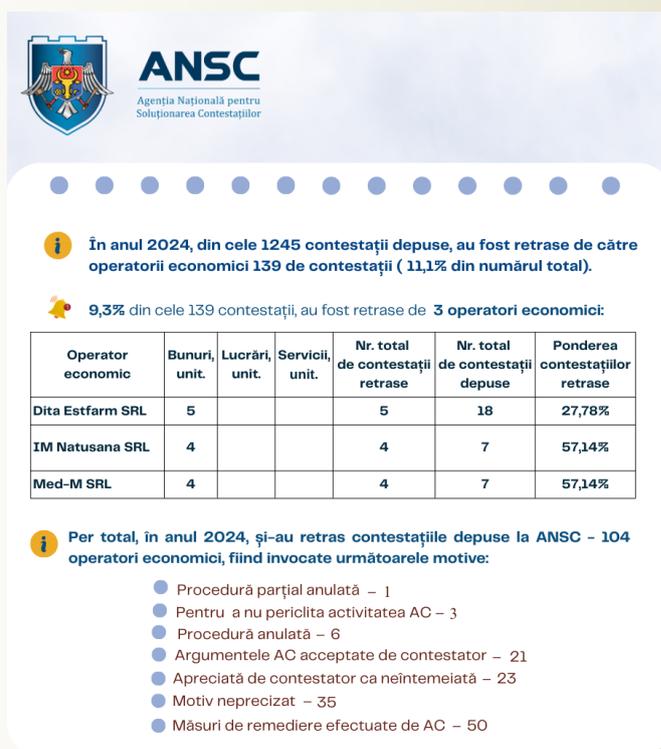
THE NUMBER OF COMPLAINTS FILED WITH NACS IN 2024 INCREASED BY 23%, WITH PROCUREMENTS WORTH OVER 6 BILLION LEI BEING CONTESTED

» The number of complaints filed with the National Agency for Complaints Settlement (NACS) in 2024 increased by 23% compared to 2023. These are the findings of the [NACS Performance Report 2024](#), which says that in 2024, the institution registered 1,245 appeals filed within 933 procurement procedures. 1,126, or 90.4% of complaints concerned public procurement procedures, and 119, or 9.6% – sectoral procurement procedures. The estimated value of contested procedures in 2024 was 6,007,362,819.57 lei (excluding VAT), 1,203,774,025.74 lei higher than in 2023.

According to the report, in 2024, the NACS's decision-making panels issued 962 decisions on 1,100 appeals. Of the 962 decisions issued, 761 complaints (79%) were examined on the merits, and 201 appeals (21%) were rejected/returned without examination on the merits. There was also a 27.6% increase in complaints based on the outcome of procurement procedures.

Of the 1,245 complaints filed, 1,137 (91%) were filed against the outcome of the public procurement procedure, with an estimated value of 4,601,843,418.70 lei, and 108 (9%) were filed against the award documentation, with an estimated value of 1,405,519,400.87 lei. In 2024, the number of complaints filed on the award documentation decreased by 10.7% compared to 2023, and the outcome of the procurement procedures increased by 27.6%.

The report also says that in 2024, the number of complaints regarding the procurement of works increased by 40.3% compared to 2023, and one factor that would have influenced this increase was the procedures initiated and appealed within the framework of the "Satul European" National Program. Of the 516 procedures initiated in 2024 by local public administrations within the "European Village" National Program framework, 124 were contested at the NACS.



At the same time, the number of contracting authorities whose procedures were contested increased by 10.7% in 2024 compared to 2023, and economic operators from Chisinau were also leaders in the number of contested cases in 2024. Also, over 11% of the appeals filed in 2024 were withdrawn for various reasons. Economic operators invoked various reasons when filing complaints.

Source: [NACS Performance Report 2024](#)



PUBLIC MONEY "CANCELLED" BY THE CHISINAU ELECTRIC TRANSPORT AUTHORITY

» The Regia Transport Electric enterprise from Chisinau canceled a public tender for the purchase of "assorted paint" because the specifications did not correctly indicate the criteria and conditions imposed on bidders. The cancellation decision was appealed to the National Agency for Solving of Complaints (NACS), which ordered the reevaluation of the initially submitted offers as a remedial solution.

On February 15, 2024, the Municipal Enterprise "Regia Transport Electric" published [an open tender notice](#) on the Mtender.gov.md platform requesting offers for paint in assortment. The estimated value of the future contract was 1.8

million lei, excluding VAT. The evaluation criterion was the lowest price.

The procurement procedure was divided into two lots: the first for "car paint" (1.02 million

lei) and the second for "paint" (over 778 thousand lei), both excluding VAT. Between February 15 and 26, 2024, potential bidders requested seven clarifications. Some asked whether the thinners must be compatible with the paint to be procured. Others asked questions about the need for a certificate ensuring that the products are anti-corrosive, questions related to quality/conformity certificates, and others.

20.02.2024 12:39
 Răspuns la clarificare: Bună ziua! Vedeti specificația tehnică și Anunțul de participare actualizat. Mulțumesc.

Data publicării: 22.02.2024 11:50
 Subiectul clarificării: Caiet de sarcini referitor la Diluanți
 Clarificarea solicitată: Vă solicităm să concretizați dacă diluanții trebuie să fie compatibili cu emailurile oferite?

23.02.2024 15:11
 Răspuns la clarificare: Bună ziua! Diluanțul propus trebuie să fie compatibil cu vopseaua.

Data publicării: 23.02.2024 15:45
 Subiectul clarificării: Caiet de sarcini referitor la Diluanți
 Clarificarea solicitată: Cum va fi verificată compatibilitatea diluanțului propus cu emailurile oferite? Diluanțul trebuie să fie de la același producător ca și vopsele? Trebuie să fie compatibil și cu grund?

23.02.2024 16:42
 Răspuns la clarificare: Compatibilitatea diluanțului propus trebuie să fie confirmată prin declarație sau alt document oficial din partea producătorului emailului și grundului oferit (de dorit același producător).

The contracting authority provided answers regarding the necessary paints and thinners certificates and clarified some provisions in the specifications.

The procedure was carried out online. According to the [Achiziții.md](https://achizitii.md) portal, the electronic auction is published in the Central Database, with identical information displayed on all platforms accredited in the M-Tender system. Any interested person can follow the auction. This type of auction is organized in three rounds, during which the value of the bid initially submitted by the bidder can be changed in accordance with the minimum bid reduction step established by the buyer.

Three economic agents participated in the competition for the first lot: "Torconst" SRL, with an offer of about 413 thousand lei; "Deniadi" SRL, with over 825 thousand lei; and "Manticora" SRL, with about 911 lei. However, the contracting authority canceled the procedure for the first lot.

Licitație inversă			
Rundă 1	Oferta actuală	Rata declinului	Este completat
Participant 1	910 500,00	0%	Programa
Participant 2	825 387,50	0%	Programa
Participant 3	412 994,17	0%	Programa
Rundă 2	Oferta actuală	Rata declinului	Este completat
Participant 1	910 500,00	0%	Programa
Participant 2	825 387,50	0%	Programa
Participant 3	412 994,17	0%	Programa
Rundă 3	Oferta actuală	Rata declinului	Este completat
Participant 1	910 500,00	0%	Programa
Participant 2	825 387,50	0%	Programa
Participant 3	412 994,17	0%	Programa
Rezultatul licitației			
	Oferta actuală	Rata declinului	Status
Participant 1	910 500,00	0%	Participant
Participant 2	825 387,50	0%	Participant
Participant 3	412 994,17	0%	Câștigător

Five bidders participated in the second lot: "Nanu Market" SRL presented the lowest offer, over 446 thousand lei. "Torconst" proposed the highest offer, about 903 thousand lei. The selected offer was that of the company "Deniadi" SRL.

COMPLAINTS, ONE AFTER ANOTHER

Two economic agents filed complaints with the NACS following these two competitions. "Nanu Market" SRL filed a complaint that it was unfairly disqualified. The company argued that it had made all the details regarding the characteristics of the paint available to the contracting authority. NACS members rejected the appeal as unfounded.

Another company, "Manticora" SRL, which participated in the competition for both lots, did not agree with the contracting party's decision to cancel the procedure for the first lot and to disqualify its bid for the second lot, considering that "the actions of the contracting authority, by disqualifying its bid on the grounds of failure to present certificates according to the tender notice and awarding the contract for lot no. 2 to the company "Deniadi" SRL, violate the provisions of the legislation in force (...)"

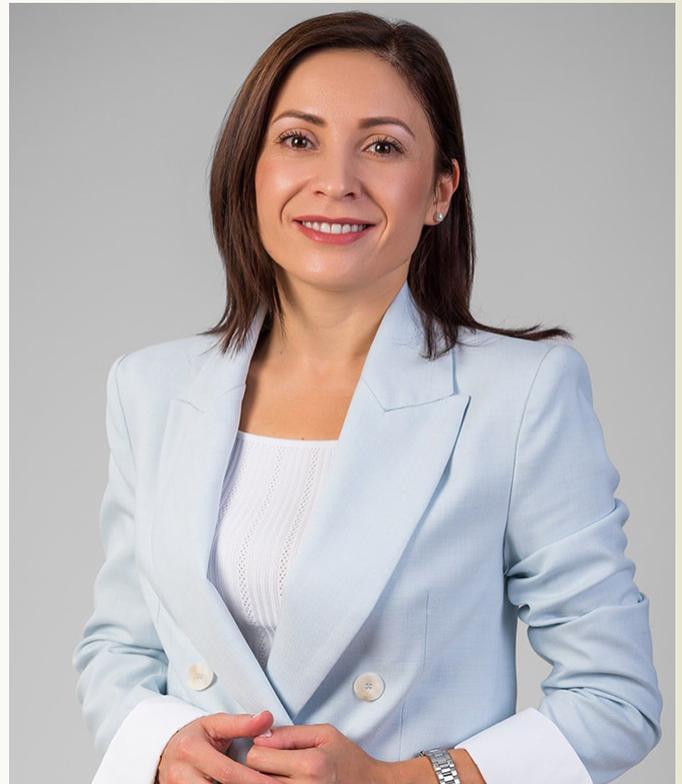
DIANA ENACHI, IDIS "VIITORUL" PUBLIC PROCUREMENT EXPERT: **PUBLIC CONSULTATIONS CAN IMPROVE PUBLIC POLICY**

In the context of the European integration process, the Republic of Moldova has aligned its public procurement legislation with the community acquis to ensure coherence with European legislation. The National Program for the Development of the Public Procurement System for 2023 - 2026 provides for developing a new public procurement law. The new public procurement law draft, developed and published by the Ministry of Finance in December 2024, contains a series of legislative innovations that improve transparency, predictability, and efficiency in the public procurement process.

IDIS "Viitorul" analyzed the provisions of the draft law and formulated a series of recommendations (42 conceptual recommendations and eight general recommendations) that, on the one hand, ensure the faithful transposition of the EU directive and, on the other hand, reflect the national context, the needs of public authorities, and the risks characteristic of the procurement process.

It is important to emphasize that the project was discussed publicly and extensively within several consultations, ensuring a participatory process with the involvement of all stakeholders. Together with the Ministry of Finance, IDIS organized the project consultation and the collection of recommendations formulated by institutions, contracting authorities, and civil society, both on the National Platform of Public Procurement and in the regions, with the participation of local authorities.

Among the recommendations made, I mention establishing clear rules for informing bidders; the right of authorities to involve certified specialists in any procurement according to needs; clear rules for avoiding conflicts of interest; reducing



the minimum weight of the price element for public works procurement contracts from 80% to 60%, to give greater weight to evaluation factors that include quality criteria; reducing the maximum limit for increasing the initial value of the contract from 50% to 25% to reduce the risks of abuses and fraud in procurement, and others.

Some of the recommendations and arguments were taken into account, partially or entirely, and integrated into the draft law's text. Other recommendations were not considered or will be found in the secondary regulatory framework documents. The results of the public consultation process of the new draft law on public procurement reiterate that the real involvement of all stakeholders and authentic public consultations are essential elements in the decision-making process and can significantly improve public policy.