



PARTNERSHIP FOR
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Session 6

Analytical note on the planning of public procurement contracts

June 3, 2025



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Carolina
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Current policies and regulations on public procurement planning

- Government Decision No. 1419 of December 28, 2016 [HG1419/2016](#) regulates the manner of planning public procurement contracts in the Republic of Moldova
- Draft concept - Regulation on Public procurement planning procedure

It establishes the procedure by which contracting authorities identify, estimate, plan, approve and publish the procurement needs for goods, services and works, with a view to efficient, transparent and predictable use of public funds.



Republica Moldova

GUVERNUL

HOTĂRÂRE Nr. 1419
din 28-12-2016

pentru aprobarea Regulamentului cu privire la
modul de planificare a contractelor de achiziții publice

Publicat : 02-01-2017 în Monitorul Oficial Nr. 1 art. 4

În temeiul art.3 alin.(20) din Legea nr.151 din 3 iulie 2015 privind achizițiile publice (Monitorul Oficial al Republicii Moldova, 2015, nr.197-205, art.402), cu modificările și completările ulterioare, Guvernul HOTĂRĂȘTE:

1. Se aprobă Regulamentul cu privire la modul de planificare a contractelor de achiziție publică, conform anexei nr.1.
2. Se abrogă unele hotărâri de Guvern, conform anexei nr.2.

PRIM-MINISTRU

Pavel FILIP

Contrasemnează:

Viceprim-ministru,
ministru economiei
Ministru finanțelor

Octavian Calmic
Octavian Armașu

Nr. 1419. Chișinău, 28 decembrie 2016.

Anexa nr. 1

la Hotărârea Guvernului nr. 1419
din 28 decembrie 2016

REGULAMENT

cu privire la modul de planificare a contractelor
de achiziții publice

Regulamentul cu privire la modul de planificare a contractelor de achiziții publice (în continuare – *Regulament*) este elaborat în conformitate cu Legea nr. 151 din 3 iulie 2015 privind achizițiile publice (Monitorul Oficial al Republicii Moldova, 2015, nr. 197-205, art. 402), cu modificările și completările ulterioare, și stabilește modul de planificare a contractelor de achiziții publice.

I. DISPOZIȚII GENERALE

1. Pentru satisfacerea necesităților de bunuri, lucrări și servicii, autoritatea contractantă este obligată să planifice contracte de achiziții publice, care urmează a fi încheiate ca

Current procurement planning policies and regulations

- The preparation by the MF of a **new draft law on public procurement**, which aims at fully transposing Directive 2014/24/EU, as well as Directives 89/665/EEC and 92/13/EEC, in order to align with the *acquis communautaire* and to strengthen a transparent, efficient and competitive public procurement system
- National program for the development of the public procurement system ([HG625/2023](#))
- [National Action Plan for Moldova's Accession to the European Union 2024-2027](#)



Republica Moldova

GUVERNUL

HOTĂRÂRE Nr. 45
din 24-01-2024

privind modificarea Hotărârii Guvernului
nr. 829/2023 cu privire la aprobarea Planului
național de acțiuni pentru aderarea Republicii
Moldova la Uniunea Europeană pe anii 2024-2027

Publicat : 13-02-2024 în Monitorul Oficial Nr. 64-69 art. 126

În temeiul art.6 lit.b) și h) din Legea nr. 136/2017 cu privire la Guvern (Monitorul Oficial al Republicii Moldova, 2017, nr.252, art.412), cu modificările ulterioare, Guvernul HOTĂRĂȘTE:

1. Hotărârea Guvernului nr. 829/2023 cu privire la aprobarea Planului național de acțiuni pentru aderarea Republicii Moldova la Uniunea Europeană pe anii 2024-2027 (Monitorul Oficial al Republicii Moldova, 2023, nr. 422-425, art. 1020) se modifică după cum urmează:

1) punctul 1 va avea următorul cuprins:

„1. Se aprobă Planul național de acțiuni pentru aderarea Republicii Moldova la Uniunea Europeană pe anii 2024-2027 (în continuare – Planul național pentru aderare/PNA).”;

2) anexa se substituie cu anexa la prezenta hotărâre.

2. Planul național pentru aderare va fi publicat într-o ediție specială a Monitorului Oficial al Republicii Moldova și pe site-ul oficial al Guvernului și al Ministerului Afacerilor Externe și Integrării Europene.

3. Prezenta hotărâre intră în vigoare la data publicării în Monitorul Oficial al Republicii Moldova.

PRIM-MINISTRU

Dorin RECEAN

Contrasemnează:

Viceprim-ministru,

ministrul afacerilor externe

și integrării europene

Nicolae Popescu

Current procurement planning policies and regulations

Chapter 5: Economic policies and functioning of the internal market, sub-chapter dedicated to public procurement, the plan foresees the following actions relevant for planning:

1. Revision of the regulatory framework on public procurement, including planning procedures, to ensure compliance with European directives and to improve the efficiency and transparency of the procurement process.
2. Implement an integrated public procurement planning and monitoring system, allowing better coordination between contracting authorities and facilitating the analysis of procurement data.
3. Develop the institutional and professional capacities of contracting authorities, through training and capacity building, to ensure adequate and strategic planning of public procurement.

Capitolul 5. Achiziții publice

1.	LT. Proiect de lege privind atribuirea anumitor contracte de executare a lucrărilor, de furnizare a bunurilor și de prestare a serviciilor de către autoritățile sau entitățile contractante în domeniile apărării și securității
2.	LTAA. Proiect de lege pentru modificarea Legii nr. 131/2015 privind achizițiile publice
3.	LT. Proiect de lege privind facturarea electronică în domeniul achizițiilor publice
4.	LTAA. Proiectul de lege privind modificarea Legii nr. 121/2018 cu privire la concesiunile de lucrări și concesiunile de servicii
5.	L. Proiectul de lege privind modificarea Legii nr. 179/2008 cu privire la parteneriatul public-privat, în vederea reglementării parteneriatelor publice-privat care cad sub incidența directivelor privind achizițiile publice (Directiva 2014/24/UE, Directiva 2014/25/UE, Directiva 89/665/CEE, Directiva 92/13/CEE)
6.	I. Elaborarea și aprobarea Conceptului de <i>re-engineering</i> pentru sistemul electronic de achiziții din perspectiva integrării și interoperabilității acestuia la nivel național și european
7.	I. Implementarea Conceptului și ajustarea sistemului electronic de achiziții conform conceptului aprobat

International perspectives on effective procurement planning

[The OECD Legal Instruments](#) document also contains relevant recommendations on public procurement planning.

One of the 12 key components recommended by the OECD is "Balanced, multi-year planning and budgeting". It emphasizes the importance of strategic and sustainable planning with a focus on:

- Efficient allocation of public resources according to real priorities;
- procurement plans that reflect public policy objectives;
- Coordination of procurement with budget cycles and sector strategies;
- use of market data and analysis to correctly estimate contractual needs and values.



OECD Legal Instruments

a anonymous

[Home](#) [About](#) [Full list](#) [Advanced search](#) [Adherences](#) [Key figures](#)

FR



OECD/LEGAL/0411

Adopted on: 18/02/2015

Text

Background information

Unofficial translations

Committee(s)

Date(s)/Reference(s)

Related instrument(s)

Implementation

Adherents

Recommendation of the Council on Public Procurement

In force Recommendation Finance and Investment, Governance

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council for Improving the Quality of Government Regulation [C(95)21/FINAL], the DAC Recommendation on Anti-Corruption Proposals for Bilateral Aid Procurement [DCD/DAC(96)11/FINAL], the Recommendation of the Council on Improving Ethical Conduct in the Public Service including Principles for Managing Ethics in the Public Service [C(98)70], the Recommendation of the Council on Improving the Environmental Performance of Public Procurement [C(2002)3], the Recommendation of the Council on OECD Guidelines for Managing Conflict of Interest in the Public Sector [C(2003)107], the Recommendation of the Council on OECD Guidelines on Corporate Governance of State-

International perspectives on effective procurement planning

[The MAPS report assessing the national public procurement system](#) explicitly mentions the importance and shortcomings related to procurement planning.

In the executive summary, it is emphasized that one of the key components assessed was the improvement of the phases of planning and preparation of procurement, along with the efficiency of tender evaluation and contract management.

Under Pillar II - Institutional and Management Capacity, the evaluation found:

- The lack of a unified methodological framework for procurement planning at contracting authority level;
- The need for planning to be better linked to institutional budgets and the real needs of beneficiaries;
- Lack of a mechanism to monitor and analyze the implementation of the annual procurement plans;
- Need to introduce training and guidelines to improve planning capacity at local and central level.

The report directly recommends 'improving the planning and preparation stages of procurement processes, including through the introduction of tools and standards for needs assessment and procurement forecasting. This document provides a sound and technically validated basis for the revision of HG No 1419/2016, in particular with regard to:

- Formalizing the planning process;
- Publication and justification of changes;
- Linkage with budget and public policies;
- professionalization of the planning function.



MAPS: Metodologia de evaluare a sistemelor de achiziții

Moldova

**Evaluarea sistemului de achiziții
publice**

Volumul II - Anexe

Grupul Băncii Mondiale



Guvernul Republicii Moldova



International perspectives on effective procurement planning

The [2024 Enlargement report](#) published by the European Commission refers to public procurement planning issues, although it does not treat this as a separate or central topic.

Chapter 5 - Public Procurement: The need to align RM legislation and practices with EU standards
Specifically, the report mentions:

- Lack of administrative and institutional capacity in many contracting authorities, which affects including the capacity for rigorous and realistic procurement planning.
- The need for more strategic planning, consistent with budgetary priorities and sectoral policies, to reduce fragmentation and unplanned procurement.
- Insufficient use of market data and analysis in the planning process, leading to inaccurate estimates and launching procedures with increased risk of failure.

EC recommendation - strengthening procurement planning and programming processes, including through digitalization and professionalization, which reinforces the justification for amending Government Decision 1419/2016.



Brussels, 30.10.2024
SWD(2024) 698 final

COMMISSION STAFF WORKING DOCUMENT

Republic of Moldova 2024 Report

Accompanying the document

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF REGIONS

2024 Communication on EU enlargement policy

{COM(2024) 690 final} - {SWD(2024) 690 final} - {SWD(2024) 691 final} -
{SWD(2024) 692 final} - {SWD(2024) 693 final} - {SWD(2024) 694 final} -
{SWD(2024) 695 final} - {SWD(2024) 696 final} - {SWD(2024) 697 final} -
{SWD(2024) 699 final}

Shortcomings identified in public procurement planning

The report of the compliance audit on public procurement within the system of the Ministry of Justice in the years 2019-2020, published by the Court of Accounts in 2021 ([3_hcc_nr_40_from_23.07.2021.docx](#)) emphasizes that procurement procedures were affected by irregularities and deficiencies, depending on the way they were planned. This indicates a direct link between inadequate planning and subsequent problems in the conduct of procurement.

Aprobat prin
Hotărârea Curții de Conturi
nr.40 din 23 iulie 2021



CURTEA DE CONTURI A REPUBLICII MOLDOVA

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RAPORTUL

auditului conformității asupra achizițiilor publice
în cadrul sistemului Ministerului Justiției în anii 2019-2020

Shortcomings identified in public procurement planning

In the study [Risk Indicators in Public Procurement in the Republic of Moldova](#), the authors state that risk indicators can be identified at each stage of the procedure: from planning, to contract award and even implementation stage.

The following risk indicators were identified at the pre-tender and planning stages:

1. Circumvention of the application of legal provisions in the procurement process in the planning process
2. Incorrect selection of the type of procedure
3. Incorrect application of rules on calculation of estimated value
4. Incorrect description of the subject matter of the procurement procedure
5. The qualification criteria do not respect the principles of equal treatment, proportionality and ensuring competition
6. Incorrect setting of evaluation criteria
7. Initiation of procurement procedures in the absence of resources or lack of certainty of allocation resources



**Indicatori de risc în
achizițiile publice în
Republica Moldova**

Shortcomings identified in public procurement planning

In the framework of the [Monitoring Report: Public Procurement carried out in under the Program](#)

["European Village / European Village Express"](#)

it is stated that out of the 65 monitored contracting authorities (the findings of the report are based on the collected data, until June 15, 2024), 46 - do not have web pages. Out of 46 contracting authorities that do not have web pages, in the case of 2 contracting authorities - the annual procurement plans were published on the web pages of the District Council.



Shortcomings identified in public procurement planning

During several monitoring missions carried out by AGER and IDIS "Viitorul" in the period 2022-2024, it was found that a significant number of contracting authorities - including municipalities in the districts of Cimislia, Cahul, Ocnita, but also municipal enterprises or educational institutions - either *did not publish the annual plan at all, or only partially, in a short term, in a format difficult to consult*. In some cases, the plans did not contain the minimum data required by HG no. 1419/2016 (e.g. estimated value, CPV code, source of funding), making it impossible to assess the subsequent consistency and legality of awarded contracts.



Shortcomings identified in public procurement planning

Monitoring report: public procurement by the Chisinau City Hall, its subdivisions and municipal enterprises, realized in within project

"Public Procurement in the Chisinau City Hall under the Transparency Magnifying Glass" highlights significant shortcomings in the public procurement planning process, including *the lack of a clear strategy and proper needs assessment*, leading to inefficiencies and risks in the use of public funds.



Raport de monitorizare: achiziții publice efectuate de către Primăria Chișinău, subdiviziunile acesteia și întreprinderile municipale

Acest raport este realizat în cadrul proiectului „Achizițiile publice din Primăria municipiului Chișinău sub lupa transparenței”, desfășurat de către Transparency International – Moldova, în calitate de beneficiar de sub-grant al proiectului „Consolidarea integrității în achizițiile publice”. Proiectul este implementat de către Institutul pentru Dezvoltare și Inițative Sociale (IDIS) „Viitorul”, în colaborare cu Parteneriatul pentru Transparență (SUA).

Shortcomings identified in public procurement planning

Another issue noted by civil society is the *frequent and often unjustified modification of annual procurement plans*. According to an [API](#) report under the "European Village" program, several municipalities have changed their plans several times in one fiscal year, in some cases completely replacing the original targets or drastically changing the estimated values. These changes were not accompanied by clear explanations and the updated documents were not published within reasonable deadlines. This practice fosters a lack of predictability and creates suspicions of 'tailor-made' procurement adaptations for certain SOs.



Shortcomings identified in public procurement planning

Among the problems consistently reported by the CSOs are:

- *lack of professional capacity of those responsible for drawing up procurement plans*
- *absence of a functioning post-factum reporting mechanism on plan implementation*
- *lack of regulations related to training and certification of staff responsible for procurement planning. Currently, this responsibility is often assigned to staff who lack adequate training in public procurement.*



RECOMMENDATIONS

1. *Clarify the difference between the Annual Procurement Plan and the Quarterly Procurement Plans, which is currently not applied in practice.*
2. *Full digitization of the planning process.*
3. *Increased transparency and accountability.*
4. *Professionalization of staff involved.*
5. *Rigorous monitoring and evaluation.*





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