

Procurement planning mechanism in Moldova discussed by NPAAP members

The concept on how to plan public procurement contracts in the Republic of Moldova was discussed on Tuesday, June 03, 2025, by the members of the National Platform for Public Procurement (PNAP) and the Coalition for Monitoring Public Procurement in a new working session. At the event, the Ministry of Finance presented the concept of a new regulation on public procurement planning in the Republic of Moldova. IDIS "Viitorul" experts presented an analytical note with the analysis of current policies; legislative shortcomings; violations identified at the planning stage by non-governmental organizations, members of the monitoring coalition.

The authors of the note made recommendations for planning that is simple and efficient for public authorities on the one hand, and transparent and open for civil society and the general public on the other. NAPAP and Coalition members presented their vision of the current state of the planning stage in public procurement and offered recommendations for improving the vision proposed by the Ministry of Finance.

The event was organized by the Institute for Development and Social Initiatives (IDIS) "Viitorul", in partnership with the Ministry of Finance and in collaboration with the US Partnership for Transparency (PTF). The need and importance of addressing the planning stage of public procurement has emerged in the context of the increasingly frequent gaps and inconsistencies in the planning rules and mechanisms provided in the legislation versus the planning process within the authorities and the electronic procurement system.

Ana Luca, deputy secretary-general of the Ministry of Finance, said at the opening of the meeting that procurement planning is the first step in the conduct of public procurement, but it is treated superficially. According to Ms. Luca, the new concept is intended to ensure a higher degree of transparency in public procurement procedures, proposes a limit on the number of possibilities to amend procurement plans, makes it obligatory to report on the implementation of plans, sets a set of criteria for when procurement plans can be amended, and which criteria should be taken into account when drawing up procurement plans.

"Inefficient or superficial planning leads to the postponement or even cancellation of a public procurement procedure. We considered it appropriate to revise the 2016 regulation on public procurement, both in order to align with the best practices of the European Union (EU) and to remove those shortcomings identified at national level following the examination of reports by state institutions and civil society," said Ana Luca.

Emilia Stiharu, consultant at the Public Procurement Department of the Ministry of Finance, presented the concept of the new regulation on the planning of public procurement, as well as the analysis of the most common deviations encountered at the planning stage of procurement contracts. The consultant noted that the new regulation comes to bring more clarity, coherence and efficiency in the process of planning public procurement in the Republic of Moldova, in order to ensure the efficient use of public money and meet the needs of citizens, as well as to ensure the proper functionality of the authorities, no matter what is being procured: goods, services or works and no matter in what areas.

According to Emilia Stiharu, among the most frequent deviations from the legal provisions are: non-planning of public procurement, unjustified division, which affects the equal treatment of economic operators. Also, it was mentioned the non-correlation of procurement plans with the entity's budget. Procedures are planned without financial coverage, which creates major risks in guaranteeing payment for goods, services or contracted works.

Another constant misconduct is the failure to publish the procurement plan on the contracting authority's website, which limits access to information for economic operators. Consequently, competition is reduced and the procurement process becomes less competitive. The failure to follow the procurement plan also leads to delays in the implementation of contracts. Thus, procurement procedures are launched either late, in haste or with errors, due to unskilled staff, incorrect estimates or lack of a real needs assessment. Procurement is often launched at the last moment, just to spend the allocated funds before the end of the budget year.

"Poor implementation affects the whole procurement process and generates major risks. The new regulation reinforces the importance of rigorous planning based on clear objectives aligned with institutional goals. Although the regulatory framework sets clear conditions for the planning of procurement procedures, in practice there are still semi-definitive problems at this stage. The current provisions are too general and their application becomes impossible to monitor," said Emilia Stiharu.

Carolina Ungureanu, deputy director of IDIS "Viitorul", project manager, noted that the institution she represents keeps the pulse of all changes at the national level, including the reports of control institutions and international organizations on public procurement, including with reference to the Republic of Moldova. According to Ms. Ungureanu, the stage of planning public procurement contracts is treated superficially, often neglected, so new rules are needed to avoid shortcomings, vulnerabilities and risks in the future, but also to have transparent, efficient and competitive procurement.

"Some reports by civil society show that there is a need for more strategic, coherent and rigorous planning of public procurement in line with budgetary priorities. Insufficient use of data and market analysis in the procurement planning process leads to inaccurate estimates and the launching of procedures with an increased risk of failure. Other reports have concluded that the frequent modification of procurement plans with unclear explanations leads to inefficient use of public money and creates suspicions that procurement is being conducted in favor of certain economic operators. There is a need to transform the planning process into a participatory, digitized and professional process", said Carolina Ungureanu.

Diana Enachi, public procurement expert at IDIS "Viitorul", presented the recommendations of IDIS "Viitorul" experts for the concept of the new regulation on the planning of public procurement contracts. According to Diana Enachi, over the years, in collaboration with contracting authorities, several shortcomings have been identified, both legislative and technical, administrative, transparency, etc. Although, says Diana Enachi, most people realize that rigorous, correct and adequate planning prevents a number of risks in the procurement process, such as the splitting of procurement procedures, lack of bids, cancellation of procurement procedures, procuring contracts, disputes, etc., yet it is not given the necessary attention and importance.

"The note includes a series of recommendations that we have structured into three categories: legislative, technical/administrative and, last but not least, digitization and access to open data in procurement. In the legislative chapter, it is necessary to eliminate inconsistencies between the primary and secondary legal framework, as well as unnecessary rules that do not add any value to the planning and award of the procurement contract. On the technical aspects, we have advocated and continue to advocate clear and simple processes for public authorities to eliminate unnecessary or duplicative bureaucratic procedures. And on digitization and access to open data, it is essential that planning is fully digitized and part of the e-procurement system. We recommend excluding procurement plans published on the thousands of public authorities' websites and in formats that do not provide access to open data. And digitization of the process is the solution that will help to exclude these shortcomings," said Diana Enachi.

The members of PNAP and of the Coalition came up with a series of recommendations, which will be integrated in the note with proposals and will be sent, together with those of IDIS "Viitorul" experts, to the Ministry of Finance to be discussed at the stage of drafting the new regulation on the planning of public procurement procedures.

Natalia Postolache, representative of the Public Procurement Agency, mentioned the importance of a single electronic system that could solve many of the problems mentioned. She recommended that the authorities carry out market analysis. In her opinion, inadequate market analysis generates losses.

Alexandru Crigan, president of AO Localinvest, said that the procurement plans are practically the only instruments of transparency of the authorities towards the citizens, because on their pages there is no information about public procurement and there is no liability or sanctions for not publishing them on the website.

Olga Pisarenco, head of the Public Procurement Directorate of the National Bank of Moldova, said that the current legislation is not perfect, but not so bad either and expressed hope that things will not be complicated, but simplified.

The new regulation would be put into practice from January 1, 2026, and all procurement plans would have to be made on the basis of the new public procurement regulation.

The Institute for Development and Social Initiatives (IDIS) "Viitorul", in collaboration with the US-based Partnership for Transparency (PTF), launched in December 2023 the National Public Procurement Platform (NPPP), within the framework of the project "Strengthening Integrity in Public Procurement". PNAP is a national discussion forum, a permanent communication and dialog mechanism for all actors in the public procurement sector - policy, oversight, regulatory, contracting authorities/entities, economic operators and civil society representatives. Members PNAP members represent authorities and organizations interested in the functioning and sustainability of the national public procurement system.

The project "Strengthening Integrity in Public Procurement" was implemented by the Institute for Development and Social Initiatives (IDIS) "Viitorul", in partnership with the Partnership for Transparency (USA). The project aimed 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 founded in 1993 that combines social, political and economic research with strong advocacy components. The institution conducts applied monitoring research on several areas: economics, social policy, EU policies, regional development, as well as security and foreign policy risks.

The Partnership for Transparency 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 developing countries. Since 2000, PTF has supported over 250 projects aimed at promoting NGO involvement in decisions, processes and laws that require transparency and accountability in public procurement.