

The mechanism for planning public procurement contracts in Moldova, discussed by PNAP members

The concept of planning public procurement contracts in the Republic of Moldova was discussed on Tuesday, June 3, 2025, by members of the National Platform for Public Procurement (NPPP) and the Public Procurement Monitoring Coalition at a new working meeting. 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 a note with an analysis of current policies, legislative deficiencies, and violations identified at the planning stage by non-governmental organizations and members of the monitoring coalition.

The authors of the note formulated recommendations for planning that, on the one hand, are efficient and straightforward for public authorities and, on the other hand, are transparent and utilize open data for civil society and the general public. Members of NPPP and the Coalition presented their vision on the current state of the planning stage in public procurement in a public forum. They 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 Transparency Partnership (TPF) from the USA. The need and importance of approaching the planning stage of public procurement have arisen in the context of gaps and inconsistencies in the planning rules and mechanisms provided for in the legislation versus the planning process within the authorities and those in the electronic procurement system, which are increasingly being observed.

Ana Luca, Deputy Secretary General of the Ministry of Finance, mentioned at the meeting's opening that procurement planning is the first step in conducting public procurement, but it is often treated superficially. According to Ana Luca, the new concept aims to ensure a higher degree of transparency in public procurement procedures, proposes a limited number of possibilities to modify procurement plans, establishes the obligation to report on the implementation of plans, sets a set of criteria for cases when procurement plans can be modified, as well as which criteria are to be taken into account at the stage of developing procurement plans.

"Inefficient or superficial planning leads to the postponement or even cancellation of a public procurement procedure. We considered it necessary to revise the 2016 regulation on public procurement, both to align ourselves with the best practices of the European Union (EU) and to eliminate those deficiencies identified at the national level following the examination of reports from state institutions and civil society," Ana Luca mentioned.

Emilia Stiharu, a consultant within the Public Procurement Directorate of the Ministry of Finance, presented the concept of the new regulation on planning public procurement, as well as an analysis of the most frequently encountered deviations at the planning stage of procurement contracts. The consultant mentioned that the new regulation aims to bring more clarity, coherence, and efficiency to the public procurement planning process in the Republic of Moldova to ensure the efficient use of public money and meet the needs of citizens, as well as ensure the proper functionality of the

authorities, regardless of what is being procured: goods, services or works and irrespective of the fields.

According to Emilia Stiharu, among the most frequent deviations from legal provisions are failure to plan public procurement and unjustified division, which affects the equal treatment of economic operators. Likewise, the lack of correlation of procurement plans with the entity's budget was mentioned. Procedures are planned without financial coverage, which creates significant risks in terms of guaranteeing payment for contracted goods, services, or works.

Another constant deviation is the failure to publish the procurement plan on the contracting authority's website, which limits access to information for economic operators. As a result, competition decreases, and the procurement process becomes less competitive. Another deviation is the failure to comply with the procurement plan, resulting in delays in contract implementation. Thus, procurement procedures are often launched late, in a hurry, or with errors due to unspecialized personnel, incorrect estimates, or a lack of a thorough needs assessment. Often, procurements are launched at the last minute, only to spend the allocated funds by the end of the budget year.

"Poor implementation affects the entire process of public procurement and generates significant risks. The new regulation emphasizes the importance of rigorous planning based on clear objectives that are aligned with institutional goals. Although the regulatory framework establishes clear conditions for planning procurement procedures, significant problems persist in practice 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" and project manager, mentioned that the institution she represents stays informed about all national-level changes, including reports from control institutions and international organizations on public procurement, with a particular focus on the Republic of Moldova. În opinia Carolinei Ungureanu, etapa planificării contractelor de achiziții publice este tratată superficial, adesea neglijată, astfel sunt necesare noi reguli pentru a evita carențe, vulnerabilități și riscuri în viitor, dar și a avea achiziții transparente, eficiente și competitive.

"From some reports carried out by civil society, it emerges 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 analyses in the procurement planning process leads to incorrect estimates and the launch of procedures with a high risk of failure. Other reports have concluded that frequent changes to procurement plans, accompanied by unclear explanations, lead to inefficient use of public money, and this practice raises suspicions regarding the conduct of procurement in favor of certain economic operators. There is a need to transform the planning process into a participatory, digitalized, and professional process," said Carolina Ungureanu.

Diana Enachi, public procurement expert at IDIS "Viitorul," presented the recommendations of experts from IDIS "Viitorul" for the concept of the new regulation on the planning method of public procurement contracts. According to Diana Enachi, over the years, following collaboration with contracting authorities, several deficiencies have been identified, including legislative, technical, administrative, and transparency issues. Although, says Diana Enachi, most are aware that rigorous,

correct, and adequate planning prevents a series of risks in the procurement process, such as the division of procurement procedures, lack of offers, cancellation of procurement procedures, delaying procurement contracts, contesting procedures, etc., it is still 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, aimed at digitalization and access to open data in procurement. In terms of legislation, it is necessary to eliminate inconsistencies between the primary and secondary legal frameworks, as well as unnecessary rules that do not add any value to the planning and awarding of the procurement contract. On the technical side, we have advocated and continue to advocate for clear and simple processes for public authorities that eliminate unnecessary or duplicative bureaucratic procedures. Additionally, on the subject of digitalization and access to open data, it is essential that planning is fully digitalized and integrated into the electronic procurement system. We recommend excluding procurement plans published on the several thousand web pages of public authorities and in formats that do not provide access to open data. And digitalizing the process is the solution that will contribute to excluding these deficiencies," said Diana Enachi.

Members of the NPPP and the Coalition came up with a series of recommendations, which, likewise, will be integrated into the note with proposals and will be sent, along with those of the 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, emphasized the importance of a single electronic system that could address many of the issues mentioned. The official recommended that the authorities conduct a market analysis. In her opinion, inadequate market analysis generates losses.

Alexandru Crigan, president of AO Localinvest, stated that procurement plans are practically the only tools of transparency for the authorities towards citizens because information about public procurements is not published on their websites, and there are no liabilities or sanctions for not publishing them on the site.

Olga Pisarenco, head of the Public Procurement Department at the National Bank of Moldova, stated that the current legislation is not perfect but not entirely flawed and expressed hope that things will not be complicated but rather simplified.

The new regulation will be implemented as of January 1, 2026, and all procurement plans must be carried out by the new regulation on public procurement.

IDIS "Viitorul", in collaboration with the Partnership for Transparency - PTF from the USA, launched, in December 2023, the National Platform for Public Procurement (NPPP), within the "Integrity of public procurement in Moldova" project. The NPPP is a national discussion forum, serving as a permanent communication and dialogue mechanism for all actors in the public procurement sector: policy, oversight, regulatory, contracting authorities/entities, economic operators, and civil society

representatives. NPPP members represent public authorities and civil society organizations interested in the functioning and sustainability of the national public procurement system.

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.

[Partnership for Transparency \(PTF\)](#) is based in Washington, DC. 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.