

Diana ENACHI • Viorel PÎRVAN



2025

GUIDE

MONITORING OF PUBLIC PROCUREMENT: practical tool for civil society and investigative journalists

Updated edition: April 2025

The guide is a product of the project "[Strengthening integrity in public procurement](#)". The project is implemented by the Institute for Development and Social Initiatives (IDIS) "Viitorul", in collaboration with the Partnership for Transparency (PTF). 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.

The views reflected in this Guide are those of the authors and do not necessarily reflect the views of the Partnership for Transparency (PTF).



www.viitorul.org

The Institute for Development and Social Initiatives (IDIS) "Viitorul" is an independent think tank established in 1993 that combines social, political and economic research with strong advocacy components. The institute 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 Fund (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 developing countries. Since 2000, PTF has supported more than 250 projects aimed at promoting NGO involvement in decisions, processes and laws that require transparency and accountability in public procurement.

Any use of excerpts or opinions of the authors of this study must include reference to IDIS "Viitorul".

For more information on this publication or on subscription to receive IDIS publications, please contact IDIS "Viitorul".

Contact address:

Chişinău, Iacob Hâncu 10/1, MD-2005, Republic of Moldova Phone:
(373-22) 21 09 32

Fax: (373-22) 24 57 14

www.viitorul.org

Contents

ACRONYMS	4
1. INTRODUCTION	5
2. REGULATORY AND INSTITUTIONAL FRAMEWORK FOR PUBLIC PROCUREMENT	7
2.1. The regulatory framework	7
2.2. Institutional framework	8
3. CIVIC MONITORING OF PUBLIC PROCUREMENT	10
3.1. Role of monitors	10
3.2. Selecting procurement for monitoring	11
4. THE 'RED FLAGS' TOOL IN PROCUREMENT MONITORING PUBLIC/SECTOR	14
4.1. The planning and tender documentation phase	15
4.2. Stage of launching the procurement procedure, submission and opening of tenders	24
4.3. Tender evaluation and contract award stage	32
4.4. Contract implementation and monitoring phase	37
5. DATA SOURCES AND MONITORING TOOLS	42
5.1. The electronic procurement system SIA RSAP MTender and its platforms	42
5.2. Public Procurement Agency website - www.tender.gov.md	44
5.3. National Agency for the Settlement of Disputes website	45
5.4. Pulsachachizitii.md platform	46
5.5. Revizia.md platform	47
5.6. Open Money Platform	48
5.7. Integrity Pacts	49

Acronyms

AAP	Public Procurement Agency
AC	Contracting Authority
APL	Local Public Authority
ANI	National Integrity Authority
ANSC	National Agency for the Settlement of Complaints
AVM	Low Value Procurement
BAP	Public Procurement Bulletin
CAPCS	Centre for Centralized Public Procurement in Health
CNA	National Anti-Corruption Center
COP	Request for Quotation
CPV	Common Procurement Vocabulary
DUAE	Single European Procurement Document
HG	Government Decision
IDNO	State Identification Number
SME	Small and Medium Enterprises
OJEU	Official Journal of the European Union
OECD	Organization for Economic Cooperation and Development
EO	Economic Operator
CSO	Civil Society Organizations
GDP	Gross Domestic Product
SIA AMPS	Automated Information System "State Public Procurement Register"
SIGMA	Project implemented by OECD "Support for Governance and Management Improvement in Central and Eastern European Countries"
EU	European Union

1. Introduction

The efficient use of public money, transparency, competition and the fight against anti-competitive practices, the protection of the environment and the promotion of sustainable development are the principles underpinning the public procurement process. Monitoring the transparency and legality of public procurement makes public authorities accountable and thus contributes to the efficient use of public money.

A public procurement is the procurement, through a public procurement contract, of goods, works or services by one or more contracting authorities from economic operators selected by them, regardless of whether or not the goods, works or services are intended for a public purpose (Art. 1 of Law No 131/2015 on public procurement). The contracting authority is any public authority (at central or local level) or legal person under public law and association of such authorities or persons.

A significant volume of public budgetary resources flows annually through the public procurement system in the Republic of Moldova. According to the statistical data, **in 2023, public authorities procured goods, services and services worth about 12.36 billion lei**, which represents **4.1% of GDP**¹. In total, during 2023, the country's public authorities concluded **32,165 procurement contracts as a result of 6,499 public procurement procedures** (the data exclude contracts for small variations below the thresholds regulated by Law no. 131/2015). Compared to the national public budget expenditure, the share of public procurement constitutes about 12%. For comparison, in OECD member countries, public procurement accounts for about 12% of GDP and 29% of public expenditure.² At the EU level, public procurement accounts on average for 16% of EU GDP, varying from country to country.

In the Republic of Moldova, public procurement remains an area vulnerable to fraud and corruption, which complicates the role of civil society in overseeing the procurement process. Limited transparency, inconsistent legal framework, lack of control and lack of qualified specialists in the field are major problems in the public procurement system. All these have a negative impact on the development of social and economic infrastructure, the quality of public services, as well as on the confidence of citizens and business in state institutions.

Although progress has been made in transparency in recent years, with easier access to procurement documents, tenders and challenges, the contract execution phase remains the most non-transparent. The introduction of the new electronic MTender system has been an important component of the public procurement sector reform and has certainly contributed to increased transparency and more active involvement of civil society in monitoring. However, the system does not ensure a fully electronic procurement process, does not allow all applicable procedures to be carried out in accordance with the law, does not ensure the secure submission of bids (encryption) and also has inconsistencies with the provisions of the legal framework.³

Civil society has an essential role in monitoring public procurement and ensuring transparency in the award and execution of procurement contracts. In cases where public authorities do not comply with the principles of transparency, integrity and efficiency in the procurement process, or are even part of corruption schemes, civil society organizations can use the findings and identified corruption risks both to bring the matter to the attention of the control/law enforcement bodies and to mobilize citizens to hold the government more accountable.

1 [Public Procurement Activity Report 2023, Public Procurement Agency](#)

2 [OECD: The value of public procurement](#)

3 [POLICY ANALYSIS: Constraints in the use of MTender e-procurement system](#)

Therefore, it is civil society that can make an important contribution to consolidating good governance and developing bridges between society and government at all levels by surpassing how public money is used.

This guide has been designed and continuously updated to assist civil society organizations, civic advocates and journalists in monitoring public procurement at any level and in any sector. The guide is based on the Transparency International US - Civil Society Procurement Monitoring Tool⁴. This is a widely used international monitoring tool based on the identification of 'red flags' at each stage of the procurement process. Red flags are signals or indicators of possible irregularities, fraud or corruption. However, a red flag does not necessarily indicate an illegality or corruption, but rather a possibility that it may exist. Sometimes a red flag may indicate a human or technical error without malicious intent.

The logical structure of the guide first allows an understanding of how the system works

procurement (legal and institutional framework, stages of the procurement process, accessing and analyzing available data, etc.) and then to select the procurements for monitoring together with the monitoring tools. Finally, the guide provides step-by-step instructions for the process of identifying risk indicators (red flags) at each stage of the procurement process. The authors also formulate post-monitoring recommendations, including advocacy actions, referrals to competent bodies, cooperation with other civil society actors, media, etc. These actions are intended to contribute to increasing transparency, ensuring efficiency in the use of public money, sanctioning those responsible for illegalities, and making public authorities accountable.

This guide is developed in the framework of the project "Strengthening integrity in public procurement". The project is implemented by the Institute for Development and Social Initiatives (IDIS) "Viitorul", in collaboration with the Partnership for Transparency (PTF). The project aims to support public procurement reforms in Moldova that will increase the transparency and fairness of public procurement by empowering citizens to hold relevant institutions accountable.

⁴ [Coalition for Integrity: Publications](#)

2. Regulatory and institutional framework in public procurement

2.1 Regulatory framework

The system of public procurement in the Republic of Moldova is regulated by laws, Government Decisions, orders of the Ministry of Finance and the Public Procurement Agency. The basic normative act regulating the public procurement system in the Republic of Moldova is [the Law no.131 of 03.07.2015](#) which regulates procurement above the thresholds of 300,000 lei, for goods/services and 375,000 lei, for works. In order to implement the provisions of the public procurement legislation, there are a number of secondary regulations, included in Government Decisions, Orders of the Ministry of Finance and Orders of the Public Procurement Agency, which can be found on the website www.tender.gov.md

Mode of Procurement	Applicable regulations	Subject of the procurement	Threshold excluding VAT
AVM, by payment invoice	HG No 870/2022	Goods	< 50 000 lei
		Services	
		Works	
AVM, by direct contracting	HG no 870/2022	Goods	< 150 000 lei
		Services	
		Works	< 200 000 lei
AVM, through publication in SIA "RSAP"	GD no 870/2022	Goods/services	< 300 000 lei
		Works	< 375 000 lei
Classical public procurement	Law no. 131/2015	Goods, services	> 300 000 lei
		Works	> 375 000 lei

And, procurement contracts in the energy, water, transport and postal services sectors are regulated by [Law no. 74/2020](#). The application of this law is carried out according to the Methodological Norms approved by [GD no. 464/2022](#), which establish the manner of awarding sectoral procurement contracts and framework agreements in these areas.

In the period 2022-2025, the regulatory framework in the field of public procurement was supplemented by [Government Decision No. 870/2022](#) on low-value procurement. This regulation brought clarity on the verbal thresholds and procedures applicable to smaller procurements, a segment often marked by a lack of transparency and increased risks of fraud. As a consequence, monitoring low-value procurement is becoming an important priority for civil society organizations, journalists and concerned citizens.

The public procurement system is also regulated by other laws and regulations subordinated to the law, in particular we note the regulations for public procurement of works, including regulations and codes of practice in construction. All laws, normative acts and legislative novelties in the field of public and sectoral procurement are available on tender.gov.md.

22 Institutional framework

The institutional system includes all the institutions designed to ensure the implementation of the regulatory framework in the field of public procurement, monitoring and increasing the efficiency of public procurement procedures. In this respect, we list the institutions with direct tasks in the field of public procurement and institutions with tasks related to public procurement.

Institutions directly responsible for procurement	Institutions with procurement-related tasks
Ministry of Finance	Competition Council
Public Procurement Agency	Court of Accounts
National Agency for Dispute Settlement	State Financial Control Inspectorate
Regional Treasuries	National Integrity Authority
	National Anti-Corruption Center

MINISTRY OF FINANCE

Specialized body of the central public administration, which ensures the regulation of the state policy in the field of public procurement by elaborating and promoting the legislative and normative framework. Tasks of the Ministry of Finance in the field of public procurement:

- drafting procurement regulations;
- monitoring the implementation of procurement regulations;
- monitoring the activity of the subordinated public authorities and services, which are responsible for public procurement (Public Procurement Agency, Regional Treasuries, State Financial Control Inspectorate).

PROCUREMENT AGENCY PUBLIC

an administrative authority subordinated to the Ministry of Finance, established for the purpose of strengthening the capacities of contracting authorities and developing the business environment's skills in the field of public procurement, monitoring the compliance of public procurement procedures, as well as analyzing the public procurement system.

The basic tasks of the Public Procurement Agency according to art. 10 of [Law no.131/2015](#) (detailed in [Government Decision no.67/2024](#) for the approval of the Regulation on the organization and functioning of the Public Procurement Agency):

- Drafts and submits to the Ministry of Finance proposals for amendments and additions to the public procurement legislation;
- draws up, updates and maintains the Prohibition List of small economic operators;
- monitors the compliance of public procurement procedures and carries out analysis of the public procurement system;
- c¹) exercises control over the compliance with the incompatibilities regime of economic operators set out in Art. 16 para. (6);

- d) provides methodological assistance and advice and organizes training seminars in the field of public procurement;
- e) design, develop and implement mechanisms for the certification of persons within contracting authorities and procurement service providers responsible for the organization and conduct of public procurement procedures and the award of public procurement contracts;
- f) publishes the Procurement Bulletin;
- g) maintains the official website on public procurement of the Republic of Moldova;
- h) elaborates quarterly and annual statistical analysis on public procurement;
- i) requests and obtains from the competent bodies any information necessary for the exercise of its tasks;
- j) organize awareness-raising campaigns on public procurement;
- k) issues annual reports based on the analysis of the economy, efficiency and effectiveness of the public procurement system;
- l) cooperates with international institutions and similar agencies in other countries in the field of public procurement.

**NATIONAL AGENCY FOR
THE SETTLEMENT OF
COMPLAINTS (ANSC)**

An autonomous public authority, independent of other public authorities and of natural and legal persons, which examines appeals lodged in public and sectoral procurement procedures.

**REGIONAL
TREASURIES**

subdivisions of the State Treasury Directorate within the central apparatus of the Ministry of Finance, which ensure the record of the cash execution of the national public budget and its components and the registration of public procurement contracts.

**COMPETITION
COUNCIL**

an autonomous public authority, accountable to the Parliament, which ensures compliance with competition legislation by preventing anti-competitive practices, eliminating infringements of competition, promoting and enhancing competition culture.

THE COURT OF AUDITORS

The supreme audit institution of the Republic of Moldova, which exercises control over the formation, administration and use of public financial resources and public assets by carrying out external public audits.

**INSPECTORATE OF
STATE FINANCIAL
CONTROL (ICFS)**

an administrative authority subordinated to the Ministry of Finance, whose mission is to ensure the efficiency of public finances by exercising, in accordance with the basic principles, budgetary supervision and control over the processes of management of national public budget resources and public assets, acting as national controller of European funds, and providing assistance and cooperation in order to protect the financial interests of the European Union against fraud and other misconduct.

**NATIONAL ANTI-
CORRUPTION CENTER
(CNA)**

body specialized in preventing and combating corruption, acts related to corruption and acts of corrupt behaviour (including those in the public procurement process)

**NATIONAL
INTEGRITY
AUTHORITY (ANI)**

independent public authority that ensures integrity in the exercise of public office or public dignity and the prevention of corruption by carrying out checks on assets and personal interests and on compliance with the legal regime of conflicts of interest, incompatibilities and restrictions.

3. Civic monitoring of public procurement

3.1. Role of monitors

Monitoring the use of public money, including the use of public procurement by civil society, involves a number of challenges. The procurement process has become more transparent in recent years, which has facilitated the work of monitors. However, the limited transparency at certain stages of the procurement process (in particular contracting), the lack of a single source of data on the procurement process and the lack of compliance with legal transparency requirements by some authorities are the main barriers for monitors. Even in these circumstances, the impact that monitoring findings and results can have can be considerable.

"Red flags' are not always an indication of corruption, but are they can be signs of mismanagement, lack of knowledge and skills of working group members, etc.

Investigative monitors/journalists are neither auditors nor auditors, nor do they have the competence or power to enforce and apply the law, but they have an important role to play in increasing the efficiency of public procurement and sanctioning corrupt actors. First, public procurement monitoring has a major effect on raising awareness in society about the irresponsibility of authorities in the use of public money, as well as alerting the public to concrete cases of **c o r r u p t i o n** and embezzlement of public funds. Secondly, the monitors have an important role in holding public authorities accountable and improving their procurement processes through their findings and recommendations to eliminate shortcomings. And thirdly, monitors can contribute to the sanctioning of corrupt actors by bringing the matter to the attention of control, audit, and law enforcement bodies for investigation and holding accountable those responsible for corruption and fraud.

Efforts by civil society to monitor public procurement and for journalists to investigate cases of fraud and corruption can contribute to:

- Increase transparency and reduce/prevent corruption risks;
- making public authorities accountable by ensuring compliance with the law in the procurement of goods, services and works with public money;

- generating trust and ownership of reforms by public sector managers/governments committed to transparent procurement and efficient use of public money;
- Publicizing cases of corruption, conflicts of interest, illegalities and fraud detected in the monitoring process, which generates social pressure against corruption;
- Identification and sanctioning of corrupt actors, those who have committed illegalities and damaged the public budget by corrupting the procurement process, as well as deterring and preventing corruption and fraud in the future;
- raising awareness and encouraging citizens to be more involved in the decision-making process, in the permanent monitoring of public authorities and how they spend public money;
- providing opportunities for civil society, including citizens, to become actively involved in the development of programs and initiatives that contribute to increasing the transparency and efficiency of the public sector, including the budget process, public procurement, etc.
- building bridges between government, civil society and the private sector to strengthen good governance.

In conclusion

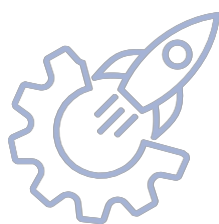
It will obviously not be possible to eliminate corruption once and for all, but reducing it and preventing the risks of corruption is a goal that should be pursued by those who monitor public procurement.

3.2. Selecting procurement for monitoring

The selection of procurement for monitoring is important in view of the fact that it is impossible to monitor all procurement, which is very large in volume and number. Annually, the more than 3000 contracting authorities and entities carry out thousands of procurement procedures (6,499 procurement procedures in 2023) and award thousands of procurement contracts (32,165 procurement contracts in 2023). Therefore, monitoring the quality and efficiency of all public procurement is a practically impossible task. It is important for monitors to be aware of the need to select specific procurement procedures, contracting authorities, regions or sectors for monitoring procurement.

Monitoring can take different forms, depending on the priorities and capacities of the monitors. The simplest and most accessible method is observation, so that any citizen can observe whether a good has been procured, whether a public work has been performed qualitatively or qualitatively poorly, fully or partially. For example, citizens/beneficiaries of procurement can observe whether furniture has been procured for a school in the quantity foreseen, whether food has been provided in pre-schools, whether medicines are available according to patients' needs or whether a stretch of local road has been built.





To be effective and successful, procurement monitoring needs to be systematic (not one-time) and focused on the long term, as follows:

- **Organization.** It is essential to decide in advance which sectors and procurement to monitor. Some may even decide to specialize on a particular stage of the procurement rather than the whole process.
- **Preparation.** Monitors cannot improvise, they need to know what to do, where, when, what to look for, what to expect and what to do with the results.
- **Accountability and impartiality.** Not every problem is an act of corruption; sometimes it is just a case of inexperience on the part of the contracting authorities.
- **Adequate resources.** Make sure the organization has the right number of people, skills, knowledge, time and funding. If you are an investigative journalist, you will need access to a team that has these resources.
- **Meet ethical standards.** Monitors must behave fairly, impartially and responsibly at all stages of their work, ensuring the integrity of the monitoring process and avoiding conflicts of interest.

Also

In the monitoring process, it is recommended that monitors set objectives and appropriate procedures to ensure that the time and resources allocated are maximized and that the results, including data, analysis and monitoring reports are credible. Similarly, assumptions, blaming individuals and/or blanket statements which are not based on data and facts.

Effective monitoring, with visible results, involves following the procurement process from planning through to contract execution, interacting with contracting authorities, and taking action to rectify identified problems. Thus, among the most common methods applied in the monitoring process are: in-depth analysis of information and documents at each stage of the procurement process and their compliance with the legal framework; analysis of various data sources; comparison of the quality/quantity of goods/services/works performed with the contractual provisions. And, throughout the monitoring process, red flag tools will be used.

To streamline monitoring activities, the following **criteria** may be used to **select the procurement procedure, authority or sector to be monitored**:

- focus on high-value procurement and contracts;
- complexity of the procurement process;
- the transparency of certain procurement procedures (e.g. low-value procurement, which in some cases can account for as much as 70% of an authority's total procurement, especially in the case of local public authorities);
- sectors of the economy which are vulnerable to illegality and corruption schemes;
- sectors with the highest procurement volumes (health, education, infrastructure, etc.);

- contracting authorities with the largest procurement volumes, which have been found to be the least transparent in the procurement process or which have previously admitted to violations, either according to Court of Auditors audit reports, previous civil society monitoring reports or journalistic investigations);
- the goods, services or works with the highest share in the total volume of public procurement (construction works, road repair works, medicines and medical devices, etc.);
- according to the field of activity and expertise capacities of the civil society organization/journalist (e.g. organizations with expertise in education may monitor procurement in educational institutions or organizations with expertise in health may monitor procurement in health, such as procurement by CAPCS);
- by regions or administrative-territorial units (local organizations are closer to the realities at the local level and can monitor all or part of the contracting authorities in the locality/region in which they operate - city hall, local councils, district hospitals, other educational institutions, other public institutions).

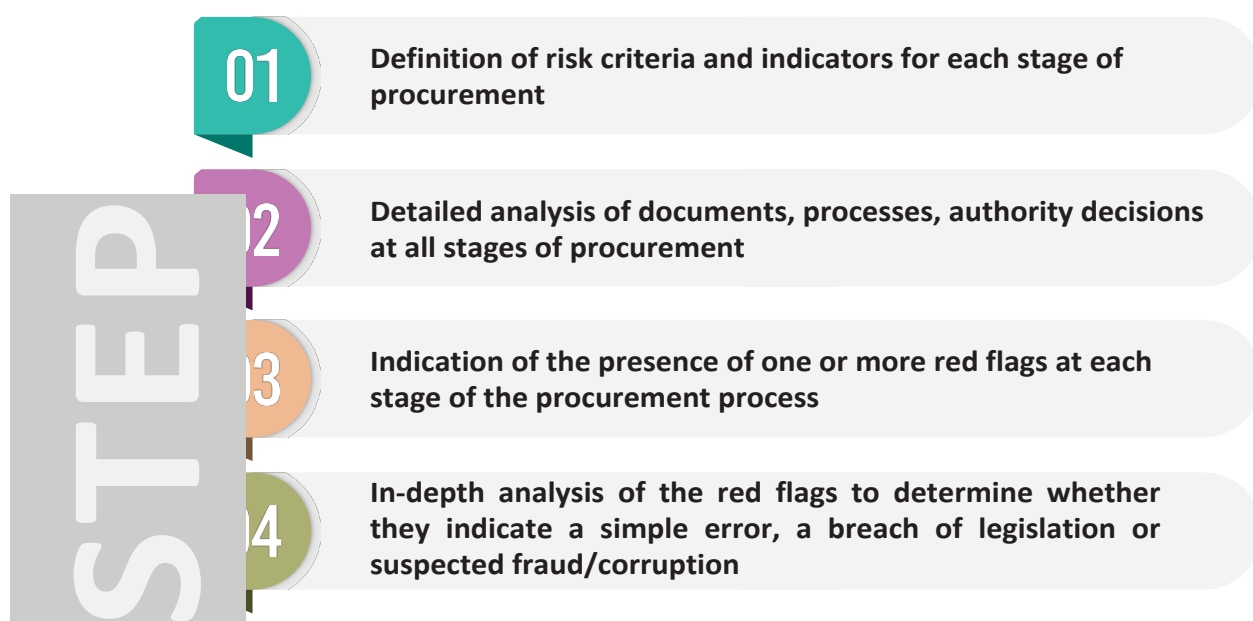
Practical checklist for selecting purchases:

Criteria	Yes / No	Comments
Is the value of the procurement significant?		
Does the procurement concern an area of major public interest?		
Does the procedure involve several stages or complex issues?		
Does the contracting authority have a history of problems, corruption/fraud cases/investigations?		
Is there a lack of transparency in the procurement process?		
Is it a high-risk procurement?		
Was the procedure carried out on an emergency or exception basis?		

4. The 'Red Flags' tool in monitoring public/sectoral procurement

The monitoring methodology is based on a tool developed by Transparency International USA - Civil Society Procurement Monitoring Tool. It is a widely used international monitoring tool based on the identification of "red flags" at each stage of the procurement process. Red flags are signals or indicators of possible irregularities, fraud or corruption.

How does the Red Flags tool work?

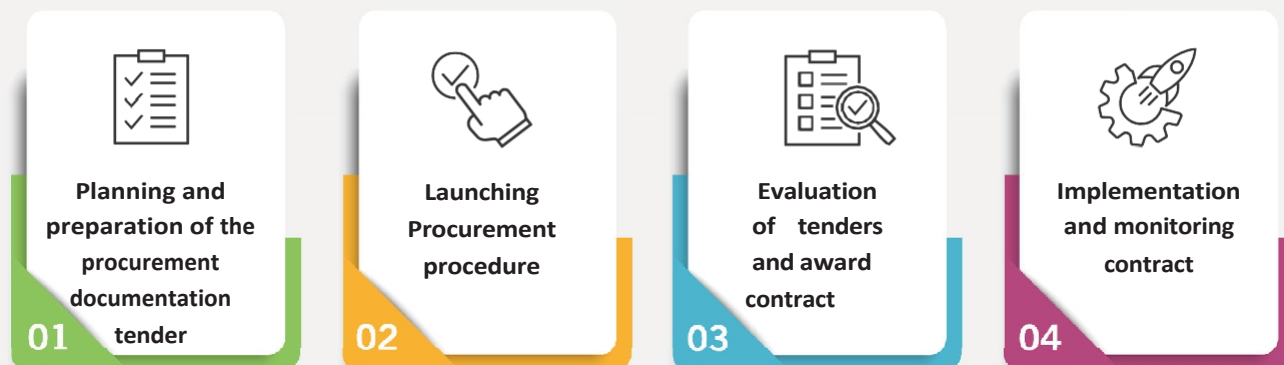


In addition, it is important to emphasize that the identification of a red flag does not necessarily indicate the existence of a non-rule or corrupt act, but rather a possibility that it may exist. Sometimes a red flag may be the result of human or technical error without malicious intent and not a signal of corruption. It is therefore important for monitors to be aware not only of the methods for identifying red flags, but also of the steps they can take to analyze them thoroughly, including notifying the bodies responsible for supervision and control in the field of public procurement, those responsible for investigating anti-competitive practices, conflicts of interest, corruption, etc.

The public procurement process is a complex one and is carried out through a succession of stages and sub-stages, as a result of which a public authority obtains the goods, services or works required following the award of a procurement contract to an economic operator. A detailed knowledge of each stage, from the identification of needs to the delivery of the goods, services and works, is essential for an effective monitoring process.

"Red flags" are not always indications of corruption, but can be signs of poor management, lack of knowledge and skills of the members of the working group etc.

For monitoring, the procurement process includes four main steps:



41 PLANNING AND TENDER DOCUMENTATION PHASE

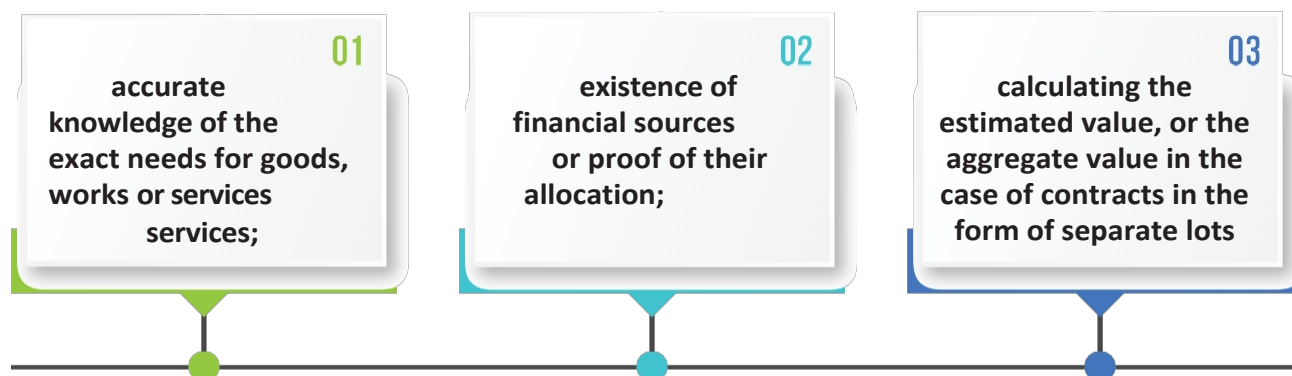


The planning and tender documentation stage is the foundation of every public or sectoral procurement procedure. Incorrect planning or poor documentation can create premises for manipulation of the procedure, favoring certain operators or inefficient use of public funds. For this reason, monitoring this stage is essential for early detection of risks and irregularities.

► Identification of needs

The procurement process starts with the contracting authority identifying needs, estimating costs and prioritizing them according to the financial resources available. The process continues with the preparation and publication of notices of intent and the annual procurement plan.

Procurement planning rules:



An illustrative example of seasonal goods is food and an example of seasonal services is air passenger transportation services.

The **planning of public supply contracts** is carried out taking into account: average market price indicators; the place of delivery of the goods; the complexity of the goods; the purpose of the purchase of the goods; the period of performance of the contracts (continuous performance contracts or contracts with instantaneous performance, which satisfy a concrete requirement at the time, not continuous performance - not involving the maintenance of guarantees).

The **planning of service procurement contracts** shall be carried out taking into account: the place of service provision; the purpose of service procurement and the period of service provision.

The **planning of public works contracts** is carried out for the whole object (construction) or by aggregation of several objects in lots, with the winner for each object/lot (for each construction) being designated.

In the case of the procurement of seasonal goods and services, the planning of procurement contracts shall be carried out in accordance with the above criteria, for each period during which the goods or services are to be delivered or pre-supplied. Seasonal goods and services may be procured through separate (periodic) contracts, which require contracts to be concluded for a specific period of time.

NOTE!

The contracting authority is not entitled to split the procurement by concluding separate procurement contracts in order to apply a different public procurement procedure than the procedure which would have been used in accordance with the law if the procurement had not been split. The exception is the procurement of seasonal goods and services. In the case of purchases of goods, works and services to be performed over a period of more than one year, the contract may be concluded for the entire purchase, but its performance shall be subject to the annual allocations provided for these purposes and specified annually in the contract.

If it does not award the contract by lots, the contracting authority must justify its decision not to award the contract by lots.

Division into lots

The contracting authority is entitled to award public contracts and framework agreements by lots and, in that case, to determine the size and subject-matter of the lots, provided that this information is included in the tender documents.

The contracting authority shall determine the subject-matter of each lot:

1. **on a quantitative basis**, adapting the size of individual contracts to better match the capacity of the SME, or
2. **on a qualitative basis**, in accordance with the different trades and specializations involved, to adapt the content of individual contracts more closely to the specialized sectors of small and medium-sized enterprises, or in accordance with the subsequent phases of the project.

► Notice of Intent

The notice of intent covers all public procurement contracts expected to be awarded by the end of the budget year, whose estimated value for goods and services is equal to or greater than 800,000 lei, and for works equal to or greater than 2.000.000 lei. It shall be published in the BAP no later than 30 days from the date of approval of the contracting authority's own budget. The publication of the notice of intent for purchases below the above-mentioned amounts is not mandatory.

Publication of the notice of intent shall not contracting authority to carry out the public procurement in question.

⚠ NOTE!

In the case of public procurement with a value ≥ 2.3 million lei for goods/services and ≥ 90 million lei for works, the notice of intention must also be published in the Official Journal of the European Union (OJEU).

► Annual Procurement Plan

The procurement plan covers all goods, works or services for the entire budget year, which are to be realized by concluding one or more procurement contracts, depending on the way they are planned.

The public procurement plan shall obligatorily:

- coordinates with the public entity's budget and the Authority's development strategy;
- prepare, in a first draft before the drafting of the budget proposal;
- finalize after approval of the contracting authority's own budget;
- it is amended or supplemented if changes occur in the budget and new financial resources are identified.

For additional allocated financial sources (amendment of the financing plan, award of grants), which were not known at the time of drawing up the procurement plan, a new procurement procedure is carried out in accordance with the thresholds set by law for the application of public procurement procedures.

The contracting authority is obliged to publish on its website the provisional/annual procurement plan, within 15 days of approval or within 5 days of its amendment.

Low-value procurement is also carried out on the basis of annual procurement plans. The annual procurement plan will therefore also include planned low-value contracts.

If the public procurement contract is terminated and the contracting authority needs the goods, works or services provided for in this contract, a new procurement procedure shall be carried out by re-outputting the balance (the undelivered, undelivered or unfulfilled volume) of the original contract and framing this procedure according to the thresholds provided by law for the application of public procurement procedures.



WARNING!

Penalties provided for by the Contravention Code (art. 327⁽¹⁾ "Violation of the rules for initiating and conducting public procurement procedures"): Failure to plan the public procurement or planning it in violation of the provisions of the normative acts, failure to publish the invitation to tender and the notice of intent, splitting the public procurement by concluding separate contracts for the purpose of applying a procurement procedure other than the one that would have been used in accordance with the normative acts shall be punishable by a fine of from 15 to 60 conventional units imposed on the person in a position of responsibility.

PROCUREMENT PLANNING STAGE	
Red flags	Identification methods and actions recommended to monitors
Inadequate planning of public procurement without taking into account average market indicators, place of delivery of goods/services, complexity of goods, purpose of procurement, period of performance of contracts, etc.	• Analysis of market prices of the goods, services or works planned to be procured (market prices, purchase prices of similar goods, services, works procured by other authorities, etc.). • Requesting explanations from the contracting authority as to how the procurement has been planned (aspects taken into consideration).
Manipulation of need by including in the Procurement Plan goods, services or works which do not correspond to the real needs of the authority and its beneficiaries, and possibly are carried out simply to 'secure' contracts with certain economic operators (<i>e.g. a school purchasing video surveillance cameras when the school does not have the appropriate furniture, heating system, sanitary blocks</i>).	• Analysis of ongoing and planned purchases for the current budget year. • Analysis of historical procurement contracts and the positive links between the contracting authority and the contracting companies. • Requesting explanations from the contracting authority on the need for the procurement in question and whether public opinion/beneficiaries were consulted.

Overestimating the value of the procurement (goods, services or works) with a view to favoring a particular economic operator and/or obtaining personal benefits later at the award stage.	• Analysis of market prices of goods, services or works planned to be procured. • Analysis of purchase prices of goods, services or works recently procured by other contracting authorities. • Request explanations from the contracting authority.
Failure to publish the notice of intention in the BAP and in the MTender electronic system within the set deadline of 30 days from the date of approval of the contracting authority's budget.	• Verification of the data published in the BAP/MTender electronic system. • Requesting explanations from the contracting authority, including for notices which have not been published.
Planned purchases (included in the Annual Procurement Plan) that are not within the authority's budget or do not correspond to the development strategy of the authority/community (in the case of LPAs). Unnecessary goods, services or works are included in the Procurement Plan, which do not correspond to the real needs of the community (<i>these often 'settle' in low-value contracts, which are more difficult to monitor because of their limited transparency</i>).	• Analysis of the contracting authority's approved budget. • Analysis of the development strategy of the authority/ community, from the perspective of fitting the purchase(s) into the real priorities and needs of the authority/ community (in the case of LPAs). • Request for explanations from the contracting authority on the need for the purchase in question and whether public opinion/beneficiaries have been consulted.
Non-planning of low-value procurement/non-inclusion of low-value contracts in the contracting authority's Annual Procurement Plan.	• Analysis of the contracting authority's Annual Procurement Plan (if not public, request it from the contracting authority). • Require the contracting authority to comply with the legal provisions on low-value procurement planning and include all planned contracts in the Annual Procurement Plan.
Failure to publish the Annual Procurement Plan on the contracting authority's website within 15 days of its approval or within 5 days of its modification during the year.	• Requesting explanations from the contracting authority at the same time as requesting the publication of the Annual Procurement Plan in compliance with the legal requirements. • Referral to GPA for monitoring.

Planning procurement according to the interests of individuals or groups of people (<i>construction/rehabilitation of a section of road that will pass in front of the house of a politician or a person in a leading position in the community, when other roads are in the same condition and require construction/rehabilitation</i>).	• Analysis of procurement contracts included in the annual Procurement Plan of the contracting authority. • Analysis of previous procurement contracts and contracted companies, including their founders/managers. • Requesting explanations from the contracting authority on the need for the respective procurement, whether it is included in the development strategy, whether public opinion/beneficiaries have been consulted.
Split procurement by applying a different procurement procedure than the procedure that would have been used in accordance with the Public Procurement Act if the procurement had not been split.	• Analysis of previous procurements conducted during the current budget year as well as those planned for the entire budget year. • Request from the contracting authority for information on low value purchases and contracts concluded during the budget year. • Referral to GPA for monitoring.

► Award documentation

The award documentation shall contain all the requirements, criteria, rules and other information necessary to provide economic operators with complete, correct and explicit information on the requirements or elements of the procurement, the subject matter of the contract and the procedure to be followed for the award procedure, including the technical specifications or descriptive document, the contractual terms and conditions proposed, the formats for the submission of documents by tenderers/applicants, information on the general obligations applicable. The preparation of the tender documentation is the responsibility of the Procurement Working Group within the contracting authority.

The contracting authority is obliged to set out in the award documentation any requirements, criteria, rules and other information necessary to ensure that the tenderer/applicant is complete, correct and explicit information.

When awarding a procurement contract, the contracting authority is obliged to draw up the award documentation on the basis of the standard documentation as follows:

- **Goods, services** - Standard documentation for the realization of public procurement of goods and services, approved by Order of the Minister of Finance No. 115 of 15.09.2021.
- **Works and procedures for public procurement of design services and works** - Standard documentation for the realization of public procurement of works, approved by Order of the Minister of Finance No. 69 of 07.05.2021.

The standard documentation for the procurement of goods and services (Annex No. 1 of the Order of the Ministry of Finance No. 115/2021) contains annexes designed for the initiation, publication, award and amendment of public procurement procedures, as well as to facilitate the preparation and submission of bids, and documents to enable the working group to examine and evaluate all submitted bids.

Technical specifications in the case of public procurement of goods or services - a specification in a document to define the characteristics that a good or service must have, such as:

- quality levels;
- environmental performance levels;
- design for all types of use (including access for disabled people) and conformity assessment;
- performance;
- use of the good;
- safety;
- its dimensions;
- terminology, symbols;
- tests and test methods;
- packaging, marking and labeling;
- instructions for use;
- production processes and methods at all stages of the life cycle of the good/service;
- conformity assessment procedures.



The standard documentation for works procurements or procedures for the procurement of production services and works shall contain annexes intended for the initiation, publication, award and amendment of public procurement procedures, as well as to facilitate the preparation and submission of tenders, and documents to enable the working group to examine and evaluate all tenders submitted.

Technical specifications in the case of public works contracts - the totality of the technical requirements, set out in particular in the tender documents, defining the characteristics required of a material or a good to be supplied so that it can be used for the purpose intended by the contracting authority:

- environmental performance levels;
- design for all types of use (including access for disabled persons) and conformity assessment;
- performance, safety or dimensions;
- quality assurance procedures;
- terminology, symbols;
- testing and test methods;
- packaging, marking and labeling, instructions for use;

- production methods and processes at all stages of the life cycle of the works;
- design and costing rules;
- conditions for testing, inspection and acceptance of works;
- construction techniques or methods;
- all other conditions of a technical nature which the contracting authority is in a position to lay down, under general or specific regulations, in respect of the works completed and the materials or parts thereof.

When drafting the technical specifications, designs, technical drawings, sketches and descriptions, the contracting authority shall carry out the physical description of the goods, works or services required only in cases where where it is not possible to describe performance and/or functional requirements.

When analyzing the tender documentation, including the tender specifications, the monitors will analyze and assess whether the technical specifications of the goods, services, works:

- ❖ contain a clear and full description of the subject of the procurement;
- ❖ meet the requirements of the contracting authority as to quality, efficiency, testing, safety, dimensions, symbols, terminology, packaging, transport, marking, labeling, marking, labeling, production processes and methods, and procedures for determining whether it conforms to the requirements of the tender documentation;
- ❖ shall not make reference to a specific trademark or to a specific economic operator, patent, design or type of goods, works and services, or to a specific origin, manufacturer or economic operator. Where there is no sufficiently precise way of stating the requirements vis-à-vis the purchase, and such reference is unavoidable, the characteristics shall include the words 'or equivalent';
- ❖ be based on national and international standards, technical regulations and national regulations, as appropriate;
- ❖ are defined in such a way as to meet, where possible, the needs/requirements of any user, including people with disabilities;
- ❖ allow any tenderer equal access to the tender procedure and must not have the effect of introducing unjustified obstacles liable to restrict competition between economic operators.

PREPARATION OF THE TENDER DOCUMENTATION

Red flags	Identification methods and actions recommended to monitors
Discriminatory technical specifications which make reference: • a specific trademark; • a specific patent; • a design; • a specific type of goods, works or services; • a specific origin, manufacturer or economic operator.	• Detailed analysis of the tender documentation, tender specifications with technical specifications. • Request for clarifications from the contracting authority in parallel with the request for modification of the technical specifications and republication of the tender documentation in the MTender system. • Examination of whether a challenge has been lodged on the tender documentation and analysis of the ANSC's decision, including the economic operators' claims, argumentation of the contracting authority, if a challenge has been lodged. • Referral to GPA to initiate monitoring.
Technical specifications are complex, vague, too narrow or "tailored" to a particular economic operator. Economic operators complain because they feel their right to participate in procurement is being infringed. There is only one tenderer in several procurement procedures of the monitored authority.	• Analysis of previous procurements of the monitored contracting authority in order to rule out the possibility of error or lack of capacity of the contracting authority. • Consultation of an expert in the field in which the procurement will be made. • Request to the contracting authority to review and revise the tender documentation accordingly and, if necessary, contract an independent expert to draw up specifications.
Not dividing the procurement into lots (including without justification), in particular in the case of bulk purchases containing different categories of goods, services, works, with the aim of limiting the participation of certain economic operators and favoring a particular economic operator.	• Analysis of the subject matter of the procurement in detail, each category of goods, services and works and the appropriateness of division into lots (including on the basis of the analysis of other similar procurements); • Analysis of ANSC's possible decisions (admitted, rejected, etc.) on appeals lodged in the run-up to the opening of tenders, i.e. on the non-division by lots and the arguments of the challenger • Requests for explanations from the contracting authority concerning the non-division of the procurement into lots, without justification, even though this would correspond to the market, certain sectors, the needs of the enterprises, etc.

Complaints lodged by one or more economic operators at the stage prior to the opening of tenders/ on the award documentation, including: restrictive requirements; award criteria and evaluation factors with subjective/ non-transparent calculation algorithms; mention of names of technologies/products/brands/manufacturers; lack of clear response to requests for clarification; non-separation of lots for similar goods/works; form of tender guarantee etc.

- Attendance at the hearing organized by ANSC for the examination of the contestation.
- Analysis of ANSC's decisions (contestation partially/entirely admitted, rejected, remedial measures, annulled proposal, etc.) regarding the contestation/petitions submitted by economic operators and the alleged infringements;
- Analysis of the actions taken by the contracting authority (modification of the award documentation, including by division into lots, annulment of the proposal, etc.) after the ANSC's decision.



4.2. STAGE OF LAUNCHING THE PROCUREMENT PROCEDURE, SUBMISSION AND OPENING OF TENDERS

► Launching the procurement procedure

For launching the procurement procedure in the electronic system, the CA will draw up the contract notice, the DUAE form and the standard documentation with all the forms applicable to the procurement in question.

Once the planning stage, including the preparation of the award documentation, is completed, the procurement procedure can be launched. For open and COP procedures, the contracting authority is obliged to publish the notice in the MTender electronic system.

Contract notice

In drawing up and finalizing the contract notice, standard forms, approved for this purpose, shall be used, which allow publicity of public procurement. All information included in the notice must be presented in a clear, precise and unambiguous manner. The contracting authority has the obligation to include in the notice at least the information contained in Annex no. 3 of Law no. 131 of 03.07.2015 on public procurement.

In order to ensure maximum transparency, the contracting authority has the right to publish the contract notice also in other national or international media, but only after the publication of the contract notice in the BAP and on the website of the GPA. The procurement notice will be sent in electronic form for publication also in the OJEU, if the value of the contract to be awarded is equal to or greater than: *RON 2,3 million, goods/services and RON 90,0 million, works.*

⚠ ATTENTION!

The procurement notice shall be published in time-limits that offer all interested economic operators, without any discrimination, real opportunities to participate in the procedures for the award of the public procurement contract.

Single European Procurement Document (SEPD)

The EUEED form is an Affidavit, as preliminary evidence in lieu of certificates issued by public authorities or third parties, confirming that the EO in question fulfills the following conditions:

- it is not in any of the exclusion situations referred to in Law No. 131 of 03.07.2015 on Public Procurement.
- It fulfills the capacity criteria as requested by the Authority;
- if applicable, meets the selection criteria as set by the Authority;

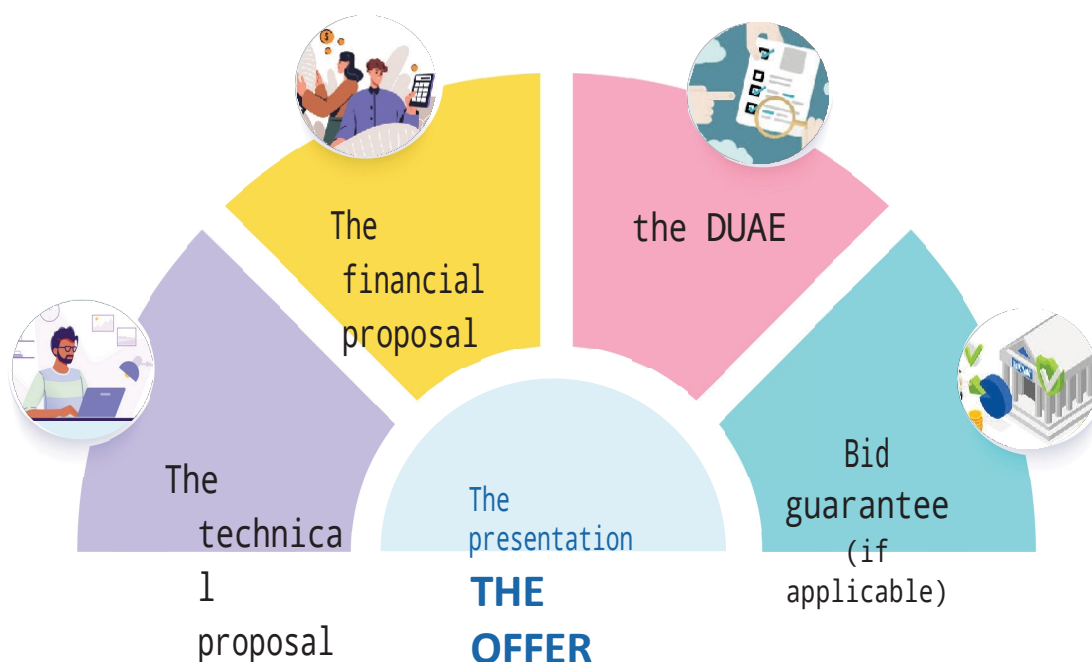
► Period for clarifications and submission of tenders

Any economic operator interested in a procurement procedure is entitled to request clarification of the tender documentation. In the MTender electronic system, the tender submission period has two distinct stages: the *clarification period* and the *tender submission period*.

According to the way the MTender system works, the contracting authority is obliged to reply to all questions of clarification submitted by economic operators. Otherwise, when the deadline for clarifications expires, the procurement procedure is automatically suspended and the submission of tenders is blocked until the answers to all clarification questions are published. Respectively, the submission period will be extended by the number of days of delay in providing the reply after the deadline for clarification. During the submission period, tenders shall be submitted exclusively in electronic form via the MTender electronic system.

The contracting authority must reply clearly, completely and unambiguously as quickly as possible to any clarification requested

According to the Law no. 131 of 03.07.2015 on Public Procurement, the submission of the tender implies the submission in a common set of:



MTender electronic system does not accept bids after the deadline for submission of bids. Until the deadline for the submission of tenders has expired, the contracting authority is entitled to modify the tender dossier either on its own initiative or in response to a request for clarification from an economic operator, where appropriate by extending the deadline for the submission of tenders, so that at least 50% of the original deadline remains from the date of notification of the modification to the new deadline for the submission of tenders.

► **Participation of civil society in the contracting authority's Procurement Working Group**

The civil society representatives included in the working group shall have the right to vote consultative vote or the right to a separate opinion, which shall be set out in the deliberative act of that group.

According to Article 14(5) of Law No. 131/2015, the CA shall obligatorily include civil society representatives in the composition of the working group if a written request to this effect has been submitted two days before the deadline for submission of bids, but they may not constitute more than one third of the total composition of the group.

The CA shall keep a strict record of the applications received from civil society and, if more than one application is submitted, shall organize the drawing of lots to be included in the composition of the working group. The working group shall inform the representatives of civil society, from whom such requests have been received, of their inclusion/non-inclusion in the working group and of the date, place and time of the drawing of lots, at the latest one day before the deadline for submission of tenders.

The inclusion of civil society representatives in the composition of the working group shall be effected for each individual procurement procedure by means of a decision (order) or provision, which shall be published on the official website of the contracting authority and/or publicly displayed within the contracting authority at least one day before the deadline for submission of tenders.

The members of the working group must take all necessary steps to avoid situations liable to give rise to a conflict of interest and/or an anti-competitive practice and must sign the declaration of confidentiality and non-disclosure under their own responsibility (this obligation also applies to civil society representatives included in the working group).

BY THE DECLARATION OF CONFIDENTIALITY AND IMPARTIALITY, THE SUBJECTS UNDERTAKE TO COMPLY UNCONDITIONALLY WITH THE PROVISIONS OF LAW NO. 131/2015 AND ALSO CONFIRM THAT:

He/she is not a spouse, relative or relative in-law, up to the third degree inclusive, with one or more persons employed by the bidder(s) or with one or more of their founders;

has not been employed by one of the tenderers for the last three years on the basis of an individual employment contract or any other document proving the employment relationship with one of the tenderers or has not been a member of the board of directors or any other governing or administrative body of one of the tenderers

does not hold any shares or interests in the subscribed share capital of the bidders.

CAUTION!

Failure to sign the declarations of confidentiality and impartiality by the members of the working group shall be penalized in accordance with the provisions of Art. 327¹, para. (5) of the Contravention Code of the Republic of Moldova with a fine from 15 to 90 conventional units imposed on the person in a position of responsibility.

At this stage, the monitors recommend evaluating and analyzing the following aspects:

- Whether the tender notice is drafted in compliance with the legal provisions and includes all the information necessary to correctly inform potential bidders and the public;
- Whether the information in the contract notice, the tender documentation and the DUAE form correspond completely and there are no contradictions.
- Whether the contracting authority ensures an adequate degree of transparency and complies with the legal provisions on the publicity of the contract notice, both in the electronic system and in other sources, including its official website;
- Whether the authority is responsive to requests from civil society representatives to be included in the composition of the working group and informs them of the decision taken.

Opening of tenders

Tenders shall be opened at the time specified in the tender documentation as the deadline for the submission of tenders or at the time specified as the deadline for the extended deadline, regardless of the number of tenderers, in accordance with the procedures set out in the tender documentation. The tender is valid for the period specified in the tender documentation.

Until the expiry of the period of validity of the tender, **the** contracting authority may propose to the tenderer to extend the deadline. In such a case, the tenderer is entitled

- a) reject the proposal, without forfeiting the right to withdraw the security for his tender;
- b) to accept the proposal, either by extending the period of validity of the tender security or by offering new tender securities for the extended period of validity. If the tenderer has not extended the period of validity of the tender security or has not provided a new tender security, he shall be deemed to have refused to extend the period of validity of his tender.

Electronic auction

An electronic auction is a repetitive process involving electronic means of presenting, in descending order, new prices and new values for certain elements of tenders, after an initial full evaluation of the tenders, enabling them to be ranked using automatic evaluation methods.

Tenders shall be posted on the MTender portal and electronic platforms after the deadline for submission has expired and, in the case of procedures with the electronic auction option, after the electronic auction has been completed. If only one participant is registered in the e-auction procedure, the opening of the tender takes place automatically after the submission deadline.

Currently, in the MTender e-procurement system, contracting authorities apply the e-auction, which is conducted:

- according to the principle of competitive tendering;
- bidders can decrease the price of the initial bid over three rounds (according to the minimum step set by the authority, set either in absolute value or in percentage).
- The system ranks the bids in ascending order after each round of the auction, with the bidder with the lowest price having priority;
- at the end of the electronic auction the bids are automatically ranked and the Authority will proceed to the evaluation of the bids on the basis of this ranking.

Verification of the electronic signature is carried out through the [Government Electronic Signature Service "MSign"](#).

Pursuant to Article 33, paragraph (1) of Law No 131/2015, all communications and exchanges of information under this Law shall be transmitted in writing, by electronic means of communication or, as an exception, by other means of communication. And, according to the same article, para. (14, letter i) **electronic signature shall be affixed to electronic tenders.**

In accordance with p. 25 of GD no. 987 of 10.10.2018, the economic operator is obliged to prepare the offer in accordance with the provisions of the tender documentation. The offer, written and electronically signed, shall be submitted using the electronic system by the - deadline for submission, set by the contracting authority in the invitation or tender notice.

LAUNCHING THE PROCUREMENT, SUBMISSION AND OPENING OF TENDERS

Red flags	Identification methods and recommended actions for monitors
The contract notice was published in terms too narrow for the type and complexity of the procurement. Inconsistencies in the requirements included in the contract notice, documentation and the DUAE form.	• Detailed analysis of all procurement documents. • Analysis of data on the authority's previous contracts for similar goods, services, works and contractors. • Notifying the contracting authority of the content of the notice and requesting compliance with applicable legislation.
Evasive and unclear responses from the contracting authority to requests for clarification submitted by economic operators.	• Analysis of the published questions for clarification and the contracting authority's replies published in the electronic system. • Check whether a challenge has been lodged and analyze ANSC's decision (challenge partially/entirely admitted, rejected) on challenges concerning the lack of a clear, complete reply from the contracting authority to requests for clarification from economic operators.

Unjustified refusal by the contracting authority to the civil society's request to be part of the Procurement Working Group. Inclusion of the representative of civil society in the working group but not being invited to all meetings of the working group, not being provided with all documents, etc.	• The GPA's complaint that the contracting authority is in breach of the legal provisions giving civil society the right to participate in the Procurement Working Group. • Request for information from the contracting authority, including explanations of the reason for refusal. • Sensitization of public opinion, media.
Complaints lodged by one or more economic operators at the stage prior to the opening of tenders, concerning evasive, unclear replies to requests for clarification submitted by economic operators.	• Analysis of the ANSC's decisions (contestation partially/entirely admitted, rejected) concerning the contestation(s) submitted by the economic operators and the alleged infringements. • Analysis of the actions taken by the contracting authority after ANSC decision.
Non-signing of the Declaration of Confidentiality and Impartiality by the members of the Contracting Authority's Procurement Working Group.	• If the monitor has been accepted in the working group, immediately refer the matter to the chair of the working group at the opening of the tenders and request replacement by another person/alternate member. • Sensitization of public opinion, media.
A conflict of interest between a member of the working group and one of the bidders (founders/administrators) which did not result in a request for exclusion from the working group and replacement by another person/alternate member.	• Analysis of the connections between the members of the working group and the founders/directors of the companies that submitted bids; • Refer the matter to the contracting authority of interest. • Submission of a complaint to ANI.

► Anti-competitive practices in public procurement

Competition is vital because it ensures the necessary conditions for the efficient use of public money and provides incentives for companies to work more efficiently, innovate and grow. Anti-competitive practices, on the other hand, threaten good governance and economic development. And the phenomenon of collusion results in the "reallocation" of public funds to individuals and companies, and not for their use in the public interest.

According to Law No. 131/2015 on public procurement, technical specifications must allow any bidder equal access to the procedure for awarding a procurement contract and must not have the effect of introducing unjustified obstacles that restrict competition between economic operators. And, contracting authorities are obliged to exclude from the procedure for awarding public procurement contracts any tenderer or candidate who has concluded agreements with other economic operators aimed at distorting competition.

At the same time, according to the Competition Act No. 183/2012, an anticompetitive practice is an anti-competitive agreement, decision of the association of undertakings, concerted practice, abuse of dominant position, action or inaction of public authorities to restrict competition prohibited by law. Bid-rigging is the realization, by means of tenders or other forms of competitive bidding, of anti-competitive agreements between competing undertakings concerning prices, market sharing, sources of supply or product quality.

Collusion is a secret agreement between two or more participants in public procurement procedures to restrict free competition by deceiving or depriving others of their legal rights in order to influence the process of selecting the winner. Collusion and corruption are two distinct problems in auctions, although they can often occur together and have a mutually "reinforcing" effect. If corruption, in general, is a vertical agreement between a bidder and the contracting authority (official, civil servant), then collusion is a horizontal agreement between bidders.

Forms of collusion (according to OECD)

Bid suppression

an understanding whereby economic operators agree to refrain from submitting bids in order to ensure that one of them wins

Bid rotation

an arrangement whereby operators agree to win procurement contracts in rotation, while bidding on all procedures to 'ensure competition'

Market sharing

agreement whereby operators divide the procurement market by geographical regions, contracting authorities and agree not to bid for procedures other than those they have been "allocated" under the agreement

Complementary tender

agreement whereby the operators agree to submit bids either higher than that of the one awarded to win, or too high to be accepted, or tenders that do not meet the requirements of the authority and the tender documentation

DETECTION OF ANTI-COMPETITIVE PRACTICES

Red flags (actions by economic operators)

Some companies regularly win authority procurement contracts in the same regions of the country - a sign of market division along geographical lines.

The same bidder often has the lowest bid, although the monitored CA procedures usually involve several companies.

A particular company wins a contracting authority's procurement in a particular area/object (e.g. road reconstruction/rehabilitation works; food delivery, etc.).

Withdrawal of tenders or intentional failure to provide additional information requested by the contracting authority during the clarification period, with the purpose of exclusion from the procedure by the contracting authority.

Identification methods and actions recommended to monitors

- Analysis of procurement procedures and data on previous procurement contracts concluded by the contracting authority/ authorities monitored to assess competition and the extent to which the same company/companies regularly win procurement contracts with the same contracting authority/ authorities.
- Consulting economic operators who have participated in the monitored contracting authority's procurement procedures and who can provide more detailed information.

The winning tenderer regularly subcontracts to tenderers who participate in the procedure, but are not usually named as winners. Two or more companies that have submitted bids are founded and/or managed by the same natural persons (<i>data about the founders and managers of each bidder can be checked on the OpneMoney portal (connected to the MTender system) or portals that retrieve data from the State Register of Law Units: www.companii.md; www.idno.md; www.bizzer.md.</i> Very high price difference between the lowest and other bids submitted. The price differences between the bidders are very small, and if each position is analyzed, it can be determined that there is a fixed cost difference between the positions in bid 1 and bid 2 (e.g. 10 lei or 1%). Some bidders participate in several tenders, contracting authorities always together or, on the contrary, never participate against each other.	• Notifying the contracting authority of possible anti-competitive practices that may exist in order to analyze the situation and decide whether to continue or cancel the procedure on the basis of the legal grounds. • Referral to the Competition Council on signs of anti-competitive practices in the public procurement market. • Awareness-raising of public opinion, of the media.
Some economic operators participated with rigged bids/as members of the group of dependent companies with several bids/created unfair competition between the participants, as demonstrated by the control body or other evidence exists.	• Analysis of information on founders and managers of the bidders (OpenMoney, idno.md, etc.). • Notification of the contracting authority about rigged bids submitted in the procedure and their obligation to exclude the operators from the procurement procedure. • Notification of GPA and request to include the economic operator in the Prohibited List.
Indicators specific to tenders and documents submitted by economic operators: ➤ Identical misspellings, mistakes in spelling, wording, same format/ font in the submitted tender documents; ➤ tenders contain contact details, telephone, address, which also identify another tenderer; ➤ tenders contain identical mistakes, identical estimates cost estimates for certain products.	• Notification to the contracting authority of possible anti-competitive practices that may exist in order to analyze the situation and decide whether to continue or cancel the procedure. • Referral to the Competition Council. • Sensitization of public opinion, media the media.



4.3. PHASE OF EVALUATION OF TENDERS AND AWARD OF THE CONTRACT

The CA will not accept any changes to the tender, including the price, which would make the tender correspond to requirements to which it did not originally correspond.

The examination, evaluation and comparison of tenders is the competence and responsibility of the contracting authority. After the tenders have been opened, the working group is to examine and evaluate the tenders in accordance with the functioning of the MTender electronic system. If the award criterion is 'lowest price', the system automatically ranks the submitted tenders in ascending order of price and the contracting authority will examine the first tender. If the first tender meets all the selection and qualification criteria, the contracting authority will award the contract to the successful tenderer. Otherwise, the contracting authority will disqualify the tenderer on the legal grounds and evaluate the next tender. In cases where a non-price award criterion has been set, the contracting authority will open all the tenders submitted in order to evaluate them and determine the successful tenderer on the basis of the evaluation factors included in the documentation.

The examination and evaluation of the bids shall be carried out without the participation of the bidders or other persons who are not members of the working group. The civil society representative, as a member of the group, will be informed by the contracting authority of the date, time and place of the tender evaluation meeting(s).

At the stage of the examination, evaluation and comparison of tenders, the authority has the right to ask the tenderer only for written explanations of its tender if the documents submitted are incomplete or, where appropriate, for supporting documents relating to the tender dossier.

At the tender evaluation stage, explanations, clarifications of tenders, reconfirmation of certain elements of the tender or of the commitments made in the tender may be requested, and the Authority shall allow a reasonable time for reply. The additional information submitted by tenderers must not lead to changes to the tenders which would distort competition or create a superior advantage over the other tenderers.

If the information/documents submitted by the tenderer are incomplete/ erroneous, the contracting authority shall request the tenderer to supplement, clarify or complete the information/documents, respecting the principles of transparency and equal treatment. The tenderer is disqualified if it fails to supplement, clarify or complete the information/documents requested by the authority within the time limits set by the authority (minimum three working days or, minimum one working day - at COP). The CA may require tenderers to submit all or part of the supporting documents as proof of the information in the SAD.

The Working Group shall examine the bids confidentially and shall not disclose information relating to the examination, evaluation and comparison of bids to bidders or persons not formally involved in these procedures or in the determination of the winning bid.

Insignificant deviations should not serve as grounds for rejection.

The CA has the right to consider a tender as compliant if it contains minor deviations from the provisions of the tender documentation, errors or omissions that can be removed without affecting the substance of the tender. Any such deviations shall be expressed quantitatively, as far as possible, and taken into account in the evaluation and comparison of tenders. Monitors should carefully monitor how and when the CA excludes tenderers from the tender procedure, whether justified or not.

The CA is obliged to exclude from the procurement procedure any tenderer who is in any of the following situations:

- a) is insolvent as a result of a court judgment;
- b) has not fulfilled its obligations for payment of taxes, duties and social security contributions in accordance with the legal provisions in force in the Republic of Moldova or in the country in which it is established (not applicable if the tenderer benefits, under the terms of the law, from the payment of taxes, duties and social security contributions by installments or other facilities for their payment, including late payment surcharges (penalties) and/or fines).
- c) has been convicted within the last 3 years by a final judgment of a court of law of an act concerning professional ethics or professional misconduct;
- d) has provided false information or has failed to provide information requested by the contracting authority for the purpose of demonstrating that he meets the qualification and selection criteria;
- e) has failed to comply with applicable obligations relating to the environment, employment and social security, if the contracting authority proves by any appropriate means that he has failed to comply with those obligations;
- f) has been guilty of professional misconduct of such a kind as to cast doubt on his integrity where this is proved by any appropriate means, if the contracting authority proves this by any appropriate means;
- g) has entered into agreements with other economic operators which are aimed at distorting competition, where this is established by decision of the body empowered to do so;
- h) is in a situation of conflict of interest which cannot be effectively remedied by the measures provided for in Article 79.
- i) is included in the Prohibited List of economic operators;
- j) does not comply with the incompatibilities regime provided for in Article 16 paragraph. (6).

The CA finalizes the tender evaluation process with the award of the public procurement contract by adopting the Decision awarding the public procurement contract (or, where appropriate, canceling the tender procedure). The CA will award the procurement contract using the award criteria specified in the tender documentation and on the basis of the information included in the tender.

The CA will take into account the following aspects at the contract award stage:

- The contract shall be awarded within the period of validity of the tenders.
- The Authority is obliged to inform the tenderers about the decisions on the result of the selection, the outcome of the award procedure or the annulment of the award procedure and the possible subsequent initiation of a new procedure, in writing no later than three working days after their issuance.

Cancellation of the procurement procedure

According to the provisions of Law no. 131/2015, the CA has the right to cancel the procurement procedure in the following situations:

1. No offer has been submitted.
2. The number of qualified bidders is lower than the number stipulated in the legal framework.
3. None of the tenderers met the qualification conditions set out in the tender documentation.

After the date of transmission of the communication on the result of the public procurement procedure, the cancellation of the procedure shall be carried out only by ANSC.

4. All bids meet one or more of the conditions specified below:
 - *are inappropriate, unacceptable or non-compliant;*
 - *have not been drawn up in accordance with the requirements of the award documentation;*
 - *contain prices which are not the result of free competition and cannot be justified;*
 - *contain proposals for contractual clauses which are clearly disadvantageous for the contracting authority.*
 - *exceed the estimated value of the procurement by 30%;*
 - *exceed the amount of funds allocated;*
5. Corruption or related acts established by a final court judgment;
6. The tenders cannot be compared because of an uneven approach to technical and/or financial solutions;
7. There are serious departures from the legal provisions which affect the outcome of the tender procedure or make it impossible to conclude the contract.

EVALUATION OF TENDERS AND AWARD OF CONTRACT	
Red flags	Methods of identification and recommended actions for monitors
Situation of conflict of interest where members of the Procurement Working Group of the contracting authority: • <i>Is a spouse, relative or affinity up to and including the third degree with one or more persons employed by the tenderer(s) or with one or more of the founders of the tenderer(s);</i> • has not, within the last three years, been employed on the basis of an individual employment contract or any other document proving employment relationship with one of the tenderers or been a member of the board of directors or any other governing or administrative body of one of the tenderers; • <i>holds shares or interests in the subscribed share capital of the offerors (founder, shareholder).</i>	• Checking for potential conflicts of interest that may exist (checking the data in the State Register of Legal Entities; declarations of assets and personal interests, etc.). • Notify the chairperson of the contracting authority's procurement working group. • Referral to ANI, CNA. • Sensitize public opinion, media.
Presentation of false documents in the public procurement procedure (<i>e.g. falsification of the form concerning the absence of debts to the state budget</i>).	• Notification to the contracting authority of false information/document submitted by a tenderer in the procurement procedure. • Referral to GPA and request to include the economic operator in the Prohibited List.

Exclusion of a tenderer(s)/bidder(s) without legal grounds (e.g. disqualification of a tenderer for insignificant deviations/without clarification).	• Analysis of any appeals lodged, and if lodged, analysis of ANSC's decisions (partially/fully admitted, rejected, re-mediation measures - re-evaluation of bids, cancellation of the proposal, etc.). • Request explanations from the contracting authority as to the reasons for the exclusion of the bidder(s). • Sensitization of public opinion, media.
Acceptance of unsuitable bids (which do not correspond to the qualification and selection criteria in the tender documents; which contain prices in the financial proposal that are not a result of free competition; etc.) or of bidders who are/were involved in corruption.	• Analysis of any appeals lodged, and if lodged, analysis of ANSC decisions (partially/fully admitted, rejected, remedial measures - re-evaluation of bids, annulment of the procedure, etc.). • Request explanations from the contracting authority. • Referral to GPA for follow-up.
Deviations, in the evaluation process, from the evaluation criteria and factors set out in the tender documentation.	• Analysis of any appeals lodged, and if lodged, analysis of ANSC's decisions (partially/fully admitted, rejected, remedial measures - re-evaluation of bids, annulment of the procedure, etc.). • Request explanations from the contracting authority on how the bids were evaluated. • Referral to GPA for monitoring.
Unjustified annulment of the procurement procedure (e.g. in order to favor a particular bidder in the repeated procedure).	• Analysis of any appeals lodged with a view to the annulment of the procurement procedure, and if they have been lodged, analysis of ANSC's decisions (partially/integral admission, rejection, re-mediation measures - re-evaluation of bids, annulment of the proposal, etc.). • Request explanations from the contracting authority. • Referral to GPA for monitoring.

Signing of the procurement contract when: - the tenderer has not lodged the performance guarantee; - the performance guarantee is presented for a shorter period than the contract performance period.	- Request explanations from the contracting authority as to why the contract was signed without complying with the legal provisions. - Refer the matter to the GPA for monitoring. - sensitize public opinion, media.
The contracting authority does not publish the award decision in the MTender system, although the system has functionalities for this purpose. The contracting authority does not provide access to the Procurement Procedure Report, which is a public document by law.	- Requesting the Debriefing from the contracting authority through a request for access to information (<i>refusal to provide access to information can be challenged in court by the requesting organization</i>). - Referral to GPA to initiate monitoring. - Sensitization of public opinion, media.
The tenderer awarded the procurement contract has previously won most or even all of the contracting authority's procurement contracts for similar goods/services or works.	- Analysis of the contracting authority's previous procurements and procurement contracts in recent years. - Analysis of the activity of the winning company and previous procurement contracts. - Referral to GPA for monitoring. - Referral to other competent bodies (Ministry of Finance, CNA, Competition Council).
The results of the procedure were contested by one or several bidders in the procurement procedure.	- Consultation of the opinion of the economic operators who challenged the results of the procurement procedure. - Attending the meeting organized by ANSC to examine the contestation. - Analyze the ANSC's decision (partially/fully admitted, rejected, remedial measures) and the authority's actions accordingly.



Although the award of the contract marks the end of the procurement process itself, the real risks of loss of public money occur most frequently at the contract execution stage. Monitoring implementation is essential to verify that the goods, services or works purchased are delivered as agreed. This stage is often less transparent than the procurement procedure itself, making the role of monitors even more important.

The economic operator must fulfill, in good faith, the obligations undertaken in terms of quantity, quality, time and budget.

established. The economic operator shall unconditionally execute the terms of the public procurement contract concluded, respecting the quality requirements and the price set. Failure to perform or improper performance of the contractual obligations shall render the economic operator liable in accordance with the law and the terms of the public procurement contract.

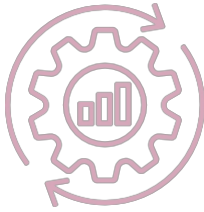
The contracting authority shall be responsible for the proper monitoring of public procurement contracts and for taking action in accordance with the legislation in force in cases of non-performance or improper performance of procurement contracts.

The CA will not tolerate the following situations at the contract execution stage:

- ☐ delays/refusals in the delivery of goods, provision of services or completion of works;
- ☐ increased costs;
- ☐ non-compliance with quality standards;
- ☐ non-compliance (partial or total) with the contractual provisions, both in terms of quality and quantity;
- ☐ deviations from the objectives of the contract;
- ☐ occurrence of unforeseeable situations preventing the successful completion of the procurement contract, etc.

In the event of non-performance or inadequate performance of the contractual obligations by the economic operator, the **CA takes the following actions:**

- ☐ Resolve the problem by identifying a solution jointly with the economic operator; notify
- ☐ the operator of the permissible deviations in the performance of the contract;
- ☐ suspend the performance of the correlative obligation (payment);
- ☐ to claim compensation for damages; to apply penalties in
- ☐ accordance with the contract;
- ☐ retain the performance guarantee;
- ☐ terminate the contract;
- ☐ to apply to the GPA for the operator to be included on the
- ☐ Prohibited List; to refer the matter to the competent law
- ☐ enforcement bodies.



In the process of implementing a public procurement contract, situations may arise in which the terms of the contract may be amended or part of the contract may be subcontracted to other economic operators. Public procurement contracts may be amended by concluding additional agreements. The decision of the Working Group, the report and the notice of amendment of the Procurement Contract/Framework Agreement will be forwarded to the GPA and the Additional Agreement will be submitted for registration to the regional treasury of the Ministry of Finance.

Contractual clauses may be amended in cases when it is necessary to change the name of the parties or their identification data, when the need arises to extend the duration of the contract, other cases. Most often contract terms may be amended when the need arises to decrease/increase the quantity of goods, works or services in duly justified cases, which leads to a decrease/increase in the value of the contract.

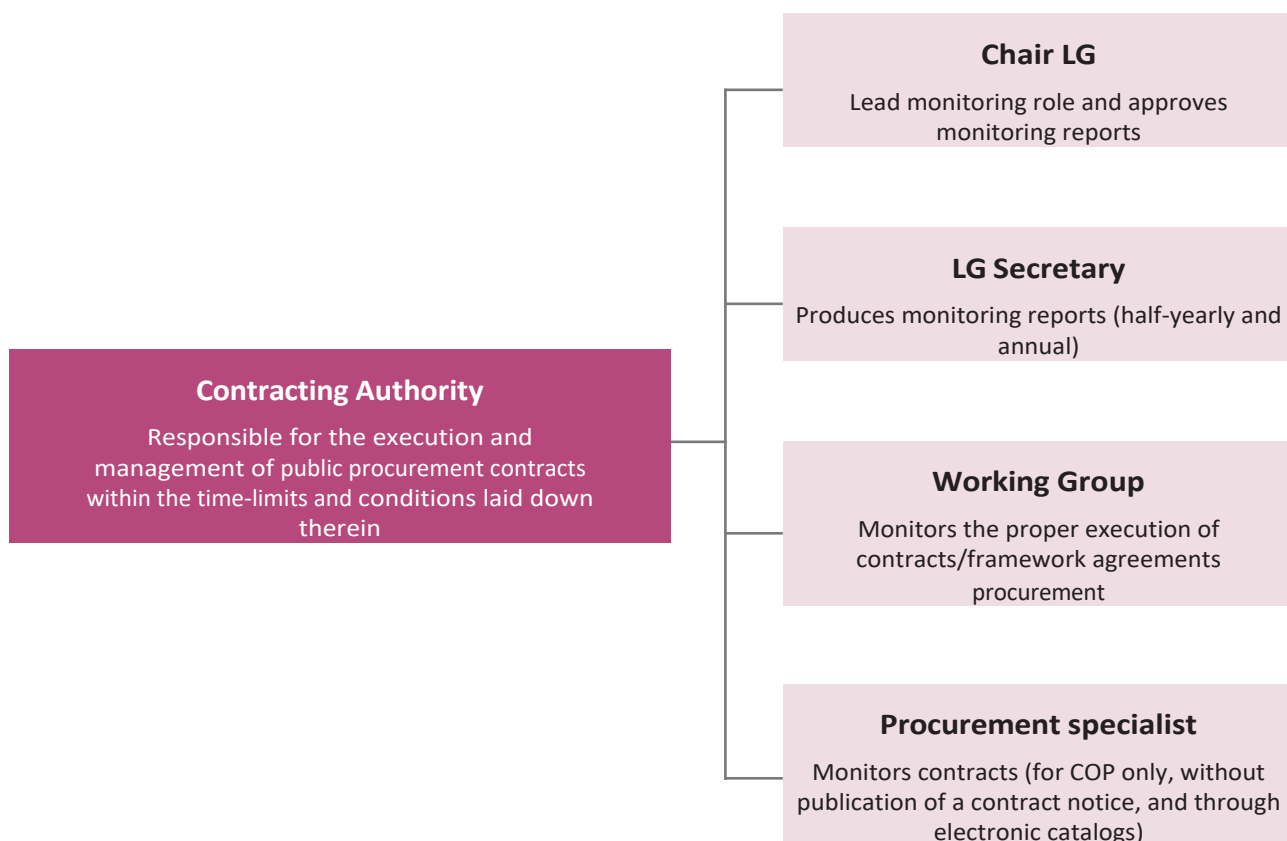
For the monitors it is important to monitor whether the modification of the contract conditions takes place in accordance with the legal provisions, is not aimed at avoiding the application of tender procedures, and additional agreements are not used as a tool to unjustifiably increase the initial contract price.

The Working Group may decrease or increase the quantity of goods and/or services initially contracted in duly justified cases, without changing the unit price or other terms and conditions of the tender and tender documents. The CA may additionally procure goods, provided that the initial price set, the requirements regarding the quality of the goods, other requirements pre-determined in the initial contract, and the value of the additionally contracted goods does not exceed 15% of the value of the initially contracted goods (also refers to the cumulative value of successive changes).

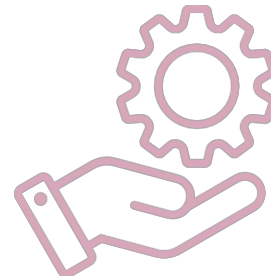
The situations when public procurement contracts can be *amended without organizing a new public procurement procedure* are exactly described in the Law No. 131 of 03.07.2015 on Public Procurement. If the conditions provided by the law are not met, the contracting authority is obliged to *organize new public procurement procedures*, not to amend the existing contract. Sub-contracting a part of the procurement contract may take place at the tender stage, after the contract has been awarded, after the start of its execution or even during the implementation process.

The mandatory conditions to be fulfilled in the case of subcontracting are the following:

- ☐ the system of incompatibilities, restrictions and grounds for exclusion of subcontractors as laid down by law for tenderers;
- ☐ the tenderer is obliged to notify the contracting authority of any subcontractors involved (names, contact details and legal representatives of the subcontractors);
- ☐ the contracts concluded between the tenderer and the subcontractor/subcontractors must be consistent with the tender;
- ☐ the contracts concluded between the tenderer and the subcontractor/subcontractors shall be submitted to the contracting authority and shall constitute annexes to the public procurement contract.



The CA through the working group will ensure monitoring of the compliant execution of public procurement contracts, monitoring reports, semi-annually and annually. These reports will necessarily include information on the stage of performance of the contractual obligations, the causes of non-performance, complaints lodged and sanctions applied, information on the quality of contract performance, etc. The monitoring reports will be placed on the website of the contracting authority, and in its absence on the official website of the central authority to which it is subordinated or of the second level local public administration authorities.



The PAA is also responsible for monitoring the public procurement procedures regulated by Law No. 131/2015, including those of small value, which, as of July 1, 2023, are carried out or reported directly in the MTender electronic system. Thus, the GPA monitors the compliance of the conduct of public procurement procedures and, in this regard, prepares Monitoring Reports in which it finds the violations admitted by the contracting authority in the process of awarding the public procurement contract and makes recommendations for their remedy.

CONTRACT IMPLEMENTATION AND MONITORING

Red flags	Identification methods and recommended actions for monitors
In the process of contract execution, the contracting authority does not request the inclusion of economic operators in the Prohibited List , although they do not fulfill or improperly fulfill their contractual obligations.	• Analysis of the contractor's fulfillment of the contractual obligations (through discussions with the beneficiaries; verification at the site of delivery of goods, execution of works; request for information from the contracting authority through access to information request). • Referral of admitted infringements to the GPA (but also to the Ministry of Finance, CNA). • sensitize public opinion, the media.
The contractor requests an increase in the value of the contract (independently of the contracting authority) within a very short time after signing the contract (<i>the tenderer initially proposed a much lower price in order to win the contract and then immediately afterwards requests an increase in the value of the contract</i>). The contracting authority accepts the contractor's request to increase the value of the contract without valid reasons (an illegal agreement between the CA and the EO).	• Remind the contracting authority to be vigilant and not to accept unjustified increases in the contract value. • Refer to GPA to initiate monitoring. • Sensitize public opinion, media.
The contracting authority admits infringements in terms of quantity/quality of goods delivered or works carried out which deviate from what is stipulated in the contract. The contracting authority admits breaches of terms of delivery of goods, execution of works.	• Analysis of the contractor's fulfillment of the contractual obligations (through discussions with the beneficiaries; verification on site of delivery of goods, execution of works; request for information from the contracting authority). • Where appropriate (particularly in the case of works), consulting a technical specialist in the field to analyze the situation and identify irregularities. • Request explanations from the contracting authority and request the application of sanctions, inclusion on the Prohibited List if the situation is not remedied. • Refer the matter to the GPA for inclusion on the Prohibited List. • Sensitize public opinion, media.

The contracting authority does not apply sanctions con- form the contract against the economic operator who has not fulfilled or has inadequately fulfilled the contractual clauses and accepts goods which are not delivered in full, of the appropriate quality; works partially executed or executed poorly (may be an illegal agreement between the CA and the SO). The Contracting Authority does not request the PAA to include the Contractor on the Contractor's Prohibition List for non-performance or inadequate performance of the contract.	• Request explanations from the contracting authority and request sanctions, inclusion on the Prohibited List, if not remedied. • Refer the matter to the GPA for inclusion on the Prohibited List. • Referral to other competent control, law enforcement, anti-corruption bodies (Ministry of Finance, NAC, Financial Inspectorate, etc.). • Sensitize public opinion, media.
The working group does not monitor the execution of procurement contracts and does not prepare and publish (on the contracting authority's website) half-yearly and annual reports on this subject.	• Requesting explanations from the contracting authority on the breach of the legal obligation to monitor the execution of public procurement contracts. • Refer the matter to GPA for monitoring. • Sensitization of public opinion, media.
The monitoring reports are prepared and published on the contracting authority's website, but they are of a formal nature and do not contain information on the stage of execution of the contractual obligations, the causes of non-execution, the complaints submitted and the penalties applied, information on the quality of the execution of the contract, etc.	• Request to the contracting authority the legal obligation to publish the monitoring reports in accordance with the provisions on the content of the monitoring reports, which must include information on the stage of performance of the contractual obligations, the causes of non-performance, the complaints submitted and the sanctions applied, information on the quality of the contract performance, etc. • Sensitization of public opinion, media.

5. Data sources and tools and monitoring tools

5.1 THE SIA RSAP MTENDER ELECTRONIC PROCUREMENT SYSTEM AND ITS PLATFORMS

Currently, the main data source in the field of public procurement is the portal of the electronic procurement system MTender.gov.md. In the [MTender electronic procurement system](#), there are data on all public procurements of high value (regulated by Law No. 131 of 03.07.2015 on public procurement) and partially on low-value procurements, sometimes published at the discretion of the contracting authority. The MTender electronic system and its platforms provide access to the following types of data and documents in the process of a public procurement, as shown in the table below:

DOCUMENTS, DATA	DESCRIPTION
Contract notice and amendments as appropriate,	Full details of the procurement procedure, including estimated value, subject, lots, lots, deadlines, qualification and selection requirements, all required documents and forms
Technical specifications/ specifications and amendments, if any	All technical characteristics (performance and functional requirements) of the goods, services or works procured
Form DUAE and amendments, where appropriate	The standard form consisting of an affidavit to be filled in by the economic operator confirming that the economic operator meets all the conditions relating to the situations of exclusion, the capacity criteria and the selection criteria
Clarifications	All clarification questions submitted by the EO and all replies of the CA are publicly available
Tender documents⁵: ✓ Technical proposal; ✓ financial proposal; ✓ documents of qualification (guarantee, other certificates); ✓ completed DUAE form	The documents are publicly accessible in full for the lowest-priced, first-ranked bidder and the eligibility and qualification documents are available for the other bidders

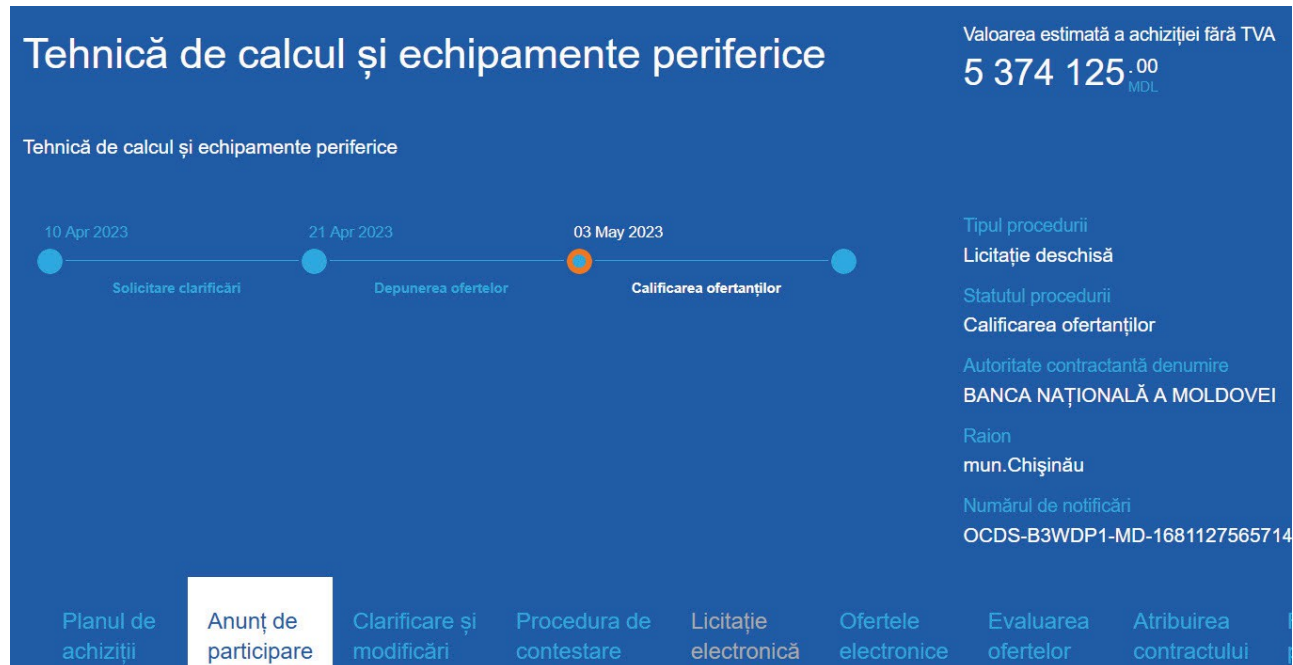
⁵ This is valid if bidders have arranged each document in the appropriate folder. Otherwise, the documents will be publicly accessible in whole or in part, depending on the folder in which they have been filed.

Challenges submitted and ANSC decision	In the MTender, the data from the ANSC's page, concerning the appeals submitted and the decisions publicly available in full, are taken and published
Award decision, if published by the CA	In MTender, the CA has the option to publish the decision, but few CAs publish it.
Cancel the award procedure	The system only displays details of the status of the procedure, including whether a procurement has been canceled.
AVM data	As of July 2023, AVM data, invoice data and awarded AVM contracts (if published by CAs) are available in MTender

In addition, MTender and its platforms ([e-li-citation](#), [achiziții.md](#) and [mtender](#)) have available search engines with filters that allow the identification and monitoring of a specific procurement or authority, according to the following criteria:

- **Information about the contracting authority** (denom, IDNO, region, type of activity).
- **Procurement procedure** (type of procedure, unique procedure identification number, status, range for the estimated value of the procurement, CPV code).
- **Periods** (period for publication, clarifications, e-tendering, submission of tenders, award of contract).

Example of a procurement procedure using the **MTender** electronic system



Source: www.mtender.gov.md

5.2. WEBSITE OF THE PUBLIC PROCUREMENT AGENCY - WWW.TENDER.GOV.GOV.MD

The following data and information can be publicly accessed on the tender.gov.md portal:

- Data on [awarded procurement contracts](#) (contract number and date, value, economic operator, object of procurement).
- Data on the additional agreements to the awarded contracts (to reduce/cancel the contract, to increase the value, to extend the term of the contract;
- [Prohibition list of economic operators](#) (name and legal address of the economic operator, data on the founders and managers of the economic operator, the applicant, the grounds for
- inclusion in the list, the date of inclusion in the list, the deadline for inclusion in the list and, where applicable, indications concerning the suspension of the execution of the GPA's decision to include in the list following the court decision).
- [Reports with quarterly statistical data](#) on developments in public procurement at national level (number and value of procedures, contracts awarded, etc.).
- **Legislative and regulatory acts** in the field of procurement; **instructions and models of documents** (notices, standard documentation, standard documentation, DUAE, explanatory memoranda, declarations, etc.).



Ministerul Finanțelor al Republicii Moldova
Agencia Achiziții Publice



AGENȚIA INSTRUIRI TRANSPARENTA CPV E-ACHIZITII LEGISLAȚIE DOCUMENTE COMUNICATE ACHIZITII DURABILE ÎNTREBĂRI FRECVENTE CONTACTE

Pentru consultații privind modul de utilizare a funcționalităților noului SIA „RSAP” (MTender) apelați: 022 822 038

Pentru consultații privind aplicarea legislației din domeniul achizițiilor publice apelați: 022 820 729, email: helpdesk@tender.gov.md

Pentru informații privind statutul documentelor în examinare consultați: <https://tender.gov.md/ro/documente-in-curs-de-examinare>

CONTRACTE ATRIBUITE

Tipul Contractului	Data documentului	Tipul documentului	Autoritatea Contractantă	Operator Economic	Obiectul Achiziției	Suma
Contract de achiziție	11.03.2024	LP MTender	IMSP SPITALUL RAIONAL COMRAT ISAAC GURFINCHEL	DITA ESTFARM SRL	Achiziționarea Dispozitivelor medicale conform necesităților IMSP beneficiare (paturi multifuncționale pentru adulți (6-8 poziții) caracteristici avansate)	150.738,37
Contract de achiziție	16.04.2024	COP MTender	IMSP SCM Sf Treime Chisinau	Eleamag SRL	Utilaj pentru blocul alimentar (utilaj, ustensile) pentru anul 2024	17.235,60

DESCARCĂ ÎN FIȘIER

DOC	XLS	CSV
DESCARCĂ	DESCARCĂ	DESCARCĂ

FILTRE

Numărul procedurii

Operator Economic

Autoritatea Contractantă

Source: www.tender.gov.md

5.3. WEBSITE OF THE NATIONAL COMPLAINTS HANDLING AGENCY

The following data and information can be accessed on [the ANSC website](http://www.ansc.md):

- data on the appeals lodged (CA, appellant, date of registration of the appeal, subject of the appeal, procurement procedure contested, panel examining the appeal, reporting details).
- ANSC decisions on submitted contestations (main dates and full decision document);
- ANSC decisions on the suspension of procurement procedures (main data and full decision document).

02/501/25	17/04/2025	25/3	FIRMA POLIMER GAZ COMPLET SRL	PRIMĂRIA COMUNEI CEPELEUȚI	Rezultatele procedurii	ocds-b3wdp1-MD-1737739279085	LP	Proiect de amenajare a satei Cepeleuți, Ringaci și Vancicauți, com. Cepeleuți, r-nul Edineț	În examinare	COMPLET2
02/500/25	17/04/2025	1	SUD-TERRA SRL	PRIMĂRIA COMUNEI PELINEI	Rezultatele procedurii	ocds-b3wdp1-MD-1742302369388	LP	Termoizolarea fațadelor și amenajarea teritoriului aferent gimnaziului „Ștefan cel Mare” din c. Pelinei r. Cahul	În examinare	COMPLET2
02/499/25	16/04/2025		ATAR INTER SRL	PRIMĂRIA SATULUI BALASINEȘTI	Rezultatele procedurii	ocds-b3wdp1-MD-1742378273905	LP	Construcția rețelelor pentru alimentare cu apă potabilă	În examinare	COMPLET2
02/498/25	16/04/2025	02-2025	SERANA GRUP SRL	CENTRUL PENTRU ACHIZIȚII PUBLICE CENTRALIZATE ÎN SĂNĂTATE	Rezultatele procedurii	ocds-b3wdp1-MD-1733751006533	LP	Achiziționarea Dispozitivelor medicale, conform necesităților IMSP Spitalul Clinic Municipal „Sfânta Treime”	În examinare	COMPLET3
02/497/25	16/04/2025	3	DAMICOM UTILAJE SRL	AGENȚIA ASIGURARE RESURSE ȘI ADMINISTRARE PATRIMONIUL A MINISTERULUI APĂRĂRII	Documentația de atribuire	ocds-b3wdp1-MD-1743056717845	LP	Utilaj medical pentru operații în cadrul Spitalului Clinic Militar Central	Decizie adoptată	COMPLET1
02/496/25	16/04/2025	03/25	DANLEVITA SRL	PRIMĂRIA ORAȘULUI BIRUINȚA	Rezultatele procedurii	ocds-b3wdp1-MD-1740579829186	LP	Construcția Complexului sportiv din or. Biruința, raionul Singerei	În examinare	COMPLET3
02/495/25	16/04/2025	1	CEGOLTAR SRL	Universitatea de Stat din Moldova	Rezultatele procedurii	ocds-b3wdp1-MD-1741185609565	LP	Materiale electrotehnice și accesorii	În examinare	COMPLET3

Source: www.ansc.md

5.4. PULSACHIZITII.MD PLATFORM

Puls achizitii is designed to be a one-stop shop for anyone interested in monitoring public procurement in the Republic of Moldova. Its objective is to provide a single source of information and a tool to facilitate the exchange of information between grantees and other potential monitors, while providing essential resources for effective public procurement monitoring and information on procurement processes, including relevant online functionalities and tools.

Puls achizitii also includes useful information for economic operators (EOs), contracting authorities (CAs), decision-makers and other stakeholders. It functions as a centralized and trusted source of information and as an advocacy tool to support coordination and cooperation between actors involved in public procurement monitoring activities.

The platform aims to increase transparency in the field of public procurement in the Republic of Moldova, as it makes various monitoring tools, guides, brochures, newsletters, analytical notes, reports, investigations and breaking news available to all interested parties.

ACCESEAZĂ
#PulsAchizitii.md
și fii INFORMAT!

AICI găsești
Peste **140 de noutăți** și comunicate de presă
40 de rapoarte analitice
Aproape **30 de infografice** atractive
Peste **20 de investigații** și video explicative

PULS ACHIZITII
PARTNERSHIP FOR TRANSPARENCY

www.pulsachizitii.md

Proiectul „Consolidarea integrității în achizițiile publice” este implementat de către Institutul pentru Dezvoltare și Inițiativa Sociale (IDIS) „Viitorul”, în colaborare cu Parteneriatul pentru Transparență (PTT).

PULS ACHIZITII
Portalul PulsAchizitii

Noutăți Resurse Coaliția de monitorizare PNAP Achiziții publice durabile Despre About

Calendarul achizițiilor publice
Instrumente de monitorizare
Întreabă un expert

Studii, rapoarte
Monitori în achiziții

Pagina web **pulsachizitii.md** este o platformă online despre achizițiile publice din Republica Moldova, creată în cadrul proiectului „Consolidarea integrității în achizițiile publice”, implementat de către Institutul pentru Dezvoltare și Inițiativa Sociale (IDIS) „Viitorul”, în colaborare cu Parteneriatul pentru Transparență (PTT).

5.5. REVIZIA.MD PLATFORM

The [Revizia.md portal](#), developed by AGER on the basis of data available in the MTender electronic system, is a civic platform that facilitates the monitoring of public procurement by identifying errors, reporting them and remedying them by addressing the competent authorities. Thus, the following information can be accessed on the portal:

- reviews/materials developed as a result of public procurement monitoring and red flags identified in concrete public procurement procedures;
- profile of contracting authorities and economic operators, with the most significant information about them (no. of procedures carried out, contracts won, etc.);
- statistics on procurement-specific risk indicators;
- a list of the most frequent infringements detected in public procurement procedures (explained by reference to legislative provisions and with concrete examples, where appropriate, from material previously published on the portal).



5.6. OPEN MONEY PLATFORM

The [OpenMoney.md](https://openmoney.md) platform uses open data sources and government electronic data registries to provide civil society and journalists with access to open data in a structured and accessible format. Launched in 2016, the first version of the platform aimed to publish data on the beneficiaries of public procurement contracts and was connected with the old Electronic Public Procurement Register (SIA RSAP - etender.gov.md) and the State Register of Legal Entities (currently, the State Register of Legal Entities). The new version of the platform, launched in December 2020, is connected to the MTender e-procurement system and therefore provides data on:

- procurement procedures carried out through MTender;
- beneficiaries of public procurement contracts (identification and contact details of the economic operator, administrators and founders, procurement contracts won, top economic operators with the largest procurement contracts);
- contracting authorities (identification, contact details, top authorities with the largest procurement contracts);
- links between the beneficiaries of procurement contracts and those responsible within contracting authorities;
- the interactive map showing data on contracting authorities, public procurement and economic operators by regions/regions of the country.

The Open Money platform also has a [market analysis tool](#) available, which presents data on public procurement disaggregated by lots, quantities procured, procurement costs per lot and procurement costs per piece. The tool allows the analysis of the market and, directly, of the procurement prices of different categories of goods, services and works.



Source: www.openmoney.md

5.7. INTEGRITY PACTS

Integrity Pacts are agreements between contracting authorities responsible for executing procurement processes, economic operators and usually civil society organizations. Under such an agreement, the companies bidding commit to refrain from bribery, collusion and other corrupt practices for the duration of the contract/project. To ensure accountability, integrity pacts also include an independent monitoring system. The Integrity Pact could be concluded for a single, usually large, procurement transaction, or for several transactions, or even for all procurements in a particular sector or by a particular government buyer.

The integrity pact should cover all stages of the procurement process, including contract implementation. See figure below for the potential scope of an integrity pact. This means that for civil works in particular, the implementation/construction period could be very long and therefore the integrity pact could extend over a long period of time.



Monitors are committed to maximum transparency and all monitoring reports and results are made publicly available on an ongoing basis.

Integrity Pacts offer the following advantages:

- They help ensure due process on the part of contractors and public officials during the execution of a project.
- Ensuring access to information, increasing transparency in public contracts.
- Increasing confidence in public decision-making.
- Reduce disputes related to procurement processes.
- Increase the number of bidders competing for contracts.

Romania has implemented Integrity Pacts in the context of four projects within the EU project "Integrity Pact - EU Funds Rescue Program". These are:

- Electronic Catalog (National Electronic e-Education Platform) by the Ministry of Education.
- Increasing the Coverage and Inclusion of the Property Registration System in Rural Romania by the National Agency for Cadastre and Real Estate Publicity.
- Digital Library of Romania by the Ministry of Culture and National Identity.
- Service contracts financed under Priority Axis 3 "Technical Assistance" of the Administrative Capacity Operational Program, by the Ministry of Regional Development and Public Administration.

Find more information on Integrity Pacts in the European Union at: www.transparency.org/integrity_pacts