



Opportunities in Moldova: technical information to bid



with **Diana ENACHI**
Expert on Public Procurement

Programme

- Presentation of the project
- Moldova: introduction to the country
- The tendering system in Moldova
- Tender opportunities
- Meet the procurers
- Q&A

NEW!

Meet other companies



b2match

#1

**Wednesday 19th
April 2023**



10 – 11:30 AM (CET)

- **This webinar is recorded**
- **Please keep microphones off**
- **Write your questions into the chat**



GREEN ENERGY
Romanian Innovative Biomass
CLUSTER



ÉCO
entreprises
Acteurs de la transition

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P2GreenEST

Supporting EU SMEs in the field of circular economy
to participate in public procurement in Eastern
Countries

No GA: 101034078



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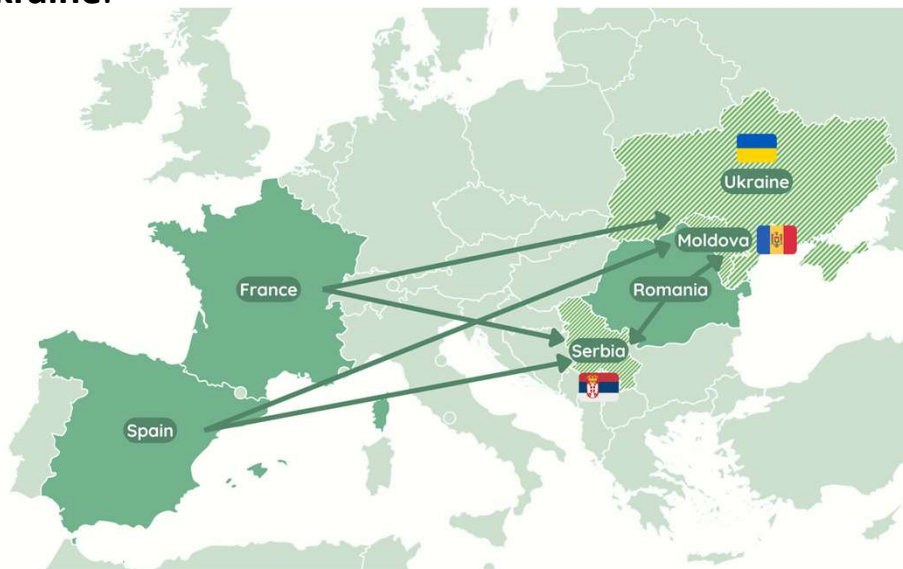
Who we are



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Because great ideas
do not understand borders...

We support **innovative European SMEs** to participate in **circular public procurement** in the Eastern Partnership countries by introducing them as actors in public market opportunities in **Moldova, Serbia and Ukraine**.



waste



water



energy



P2GreenEST support service

Supporting SMEs to participate to public market opportunities.



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01

Market screening



02

SWOT analysis



03

SMEs training& networking

04

**International trade missions to
the targeted countries**



05

**E-watch tool/ monitoring
mechanism of tenders**

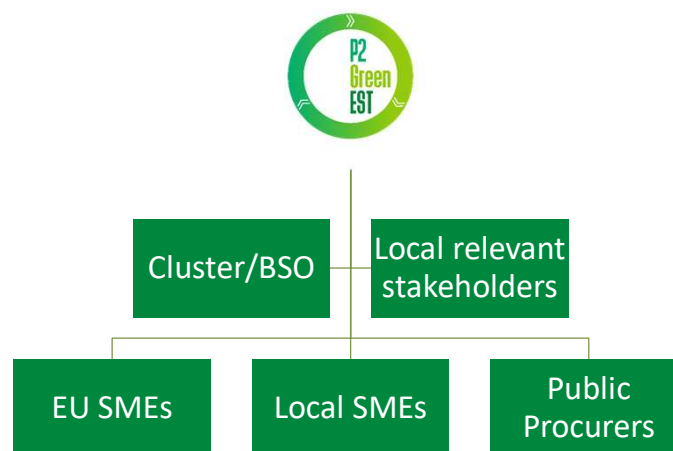
06

**Help-desk support
to submission of
offers**

Project “win-win” approach



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Type of service
BASIC

information,
dissemination

590 SMEs directly
reached,
1690 SMEs indirectly

Type of service
MEDIUM

Trainings, networking with
other SMEs, trade missions,
meet the procurers, trade
missions

75 SMEs

Type of service
PROFESSIONAL

help-desk, advisory services

15 SMEs

Key events of the project





P2GreenEST package of webinars: next steps



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General Concepts
of International Public Procurement



Multilateral tenders
managed by national/regional authorities
particularities and agencies



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19



APR

Technical Webinar on Moldova
Legal framework, main institutions and
tendering process



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MAY

Technical Webinar on Serbia
Legal framework, main institutions and
tendering process



27

APR

Practical webinar on Moldova
Existing opportunities, success stories,
consortia building



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MAY

Practical webinar on Serbia:
Existing opportunities, success stories,
consortia **building**



P2greenEST services on B2MATCH



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unities in Moldova, Serbia and Ukraine

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Supporting European SMEs to access
green public procurement markets in the
Republic of Moldova and in the Republic
of Serbia



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Webinars

Networking



27 April 2023 - 2 May 2023

Webinars and Networking:
access business
opportunities in Moldova,
Serbia and Ukraine

[Info](#) [P2greenEST support service](#) [About Moldova](#) [Matchmaking: how it works?](#) [FAQ](#) [Contact](#)

Welcome to our webinars & networking sessions!

Participate into our webinars and match-making sessions aiming to train and bring together companies (SMEs, mid-caps and public procurers) from European Union, Moldova, Serbia and Ukraine. This is a unique opportunity to generate new business contacts and contracts. The model is time - and cost efficient and results in business and contracts!

Meetings will take place in a dedicated area and will be arranged in advance by means of this website.

Register now

Open until 30 June 2023

ORGANISED BY



Stay updated on opportunities!



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News

NEWSLETTER

[January 2022](#)[January 2023](#)[March 2023](#)[August 2021](#)

Webinar #2 - Multilateral tenders managed by national agencies
Monday 27th March 2023
10 - 11:30 AM (CET)

10/03/2023

Webinar #2 - Multilateral tenders managed by national agencies

Monday 27th March, 10 to 11.30am (CET)

[More info →](#)

Webinar #1 - International Public Procurement
Wednesday 22nd February 2023
10 - 11:30 AM (CET)

27/01/2023

Webinar #1 - International Public Procurement

Wednesday 22nd February, 10 to 11.30am (CET)

[More info →](#)

Package of webinars
26/01/2023

26/01/2023

Package of webinars

Six webinars to know how to bid into Eastern Public Procurement Markets

[More info →](#)

Subscribe
to receive an alert when we publish new tenders
[Subscribe →](#)

Tenders

Category >

Country >

SEARCH

ENERGY MOLDOVA IN PROGRESS

Installation of efficient cogeneration plants based on Gas Engines at HOB West and CHP Source 3 and Installation of power transformers and switchgear facilities (Plant Design, Supply & Installation)

The Republic of Moldova has received financing from the International Bank for Reconstruction and Development toward the cost of the Moldova Second District Heating Efficiency Improvement Project (DHEIP2), and intends to apply part of the proceeds toward payments under the Contract for Installation of efficient cogeneration plants based on Gas Engines at HOB West and CHP Source 3 and Installation of power transformers and switchgear facilities (Plant Design, Supply & Installation)

P2GreenEST (COSME)
Supporting EU SMEs in the field of circular economy to participate in public procurement in Eastern countries
Desarrollo y comercio internacional · 86 seguidores

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COUNTRY PRESENTATION Republic of Moldova



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REPUBLIC OF MOLDOVA: facts & figures

Area: 33,847 km²

Population estimate 2022: 3,27 million people

Capital: Chisinau (780 000 inhabitants)

GDP (2021): 13,68 billion USD

GDP per capita in PPP: 14 233,85 USD

Foreign trade (2022): 599,3 thousand USD

Exports (2022): 219.5 thousand USD

Imports (2022): 379.8 thousand USD

Status of EU candidate country as of June 23,
2022

Direct flights to 21 countries (42 cities)



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a Republicii Moldova



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WHY REPUBLIC OF MOLDOVA?

- Annual public procurement contract awards of app. 420 million USD in 2021 with an increase of 40% in the 1st semester of 2022/1st semester 2021.
- The legal framework on PP is harmonized with EU standards (Law on Public Procurement No. 131 of July 3, 2015).
- Public Procurement Law no. 131 of 03.07.2015 establishes in Art. 23 standards of environmental protection in accordance with European sustainable procurement practices.



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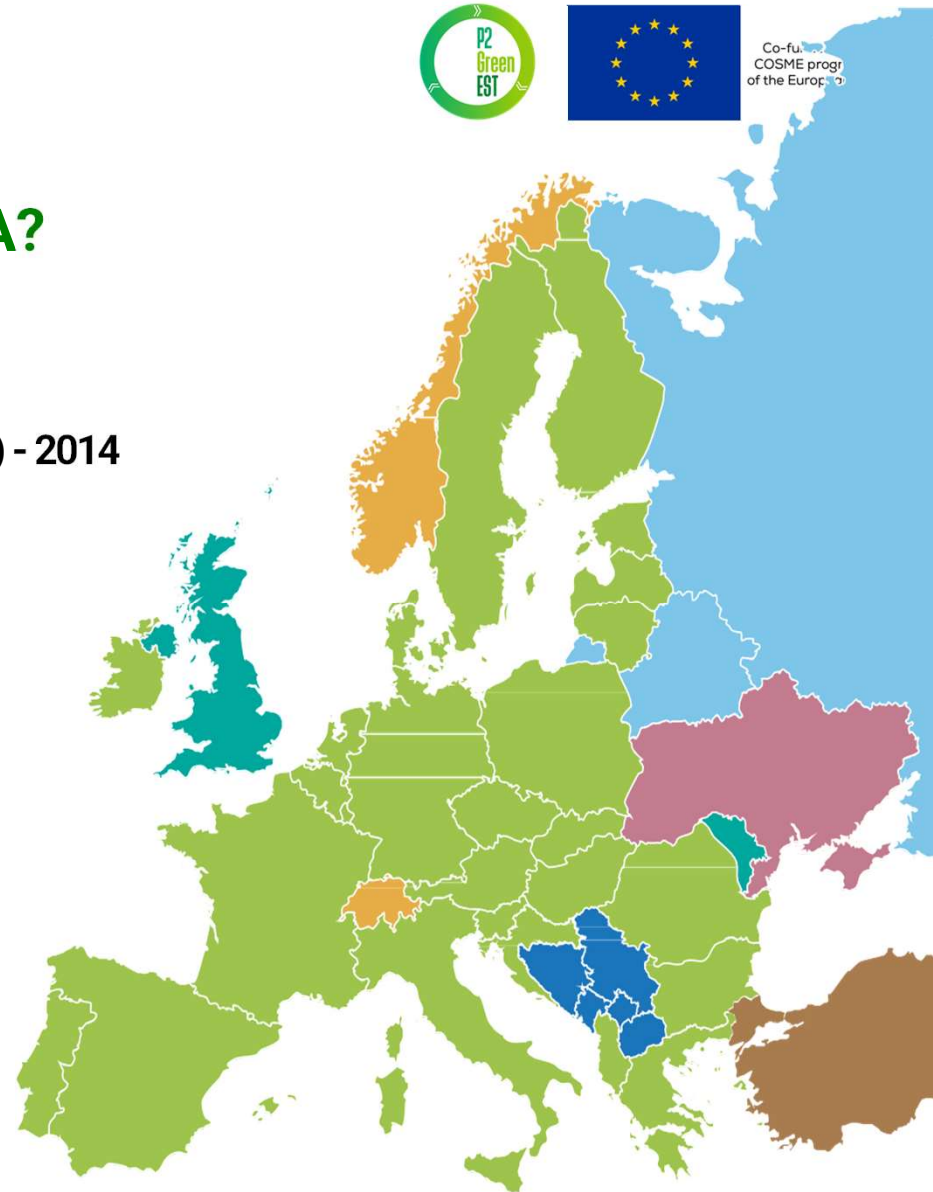


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WHY REPUBLIC OF MOLDOVA?

FREE TRADE AGREEMENTS WITH:

- European Union – Moldova Association Agreement (DCFTA) - 2014
- Community of Independent States
- GUAM countries - 2002
- CEFTA countries - 2007
- Turkey - 2017
- UK-Moldova Strategic Partnership,
Trade and Cooperation Agreement – 2020
- Agreements on mutual promotion and
protection of investments (34 countries)





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TARGET SECTORS: FACTS AND FIGURES

WASTE MANAGEMENT

NATIONAL WASTE MANAGEMENT STRATEGY OF THE REPUBLIC OF MOLDOVA (2013-2027)

In the Republic of Moldova, approximately 1139 waste landfills are operating, occupying a total area of 1224.0 ha. Landfills are organized by local public authorities and, in general, do not comply with environmental protection standards.

According to statistical data, the amount of solid household waste is constantly increasing, from 2172.8 thousand m³ in 2008 to 3043.1 thousand m³ in 2018. About 90% of the amount of municipal waste collected by sanitation services was disposed of through storage, the selective collection being partially organized in the municipality of Chisinau and some district centers. Recycling and waste recovery rates are still very low.

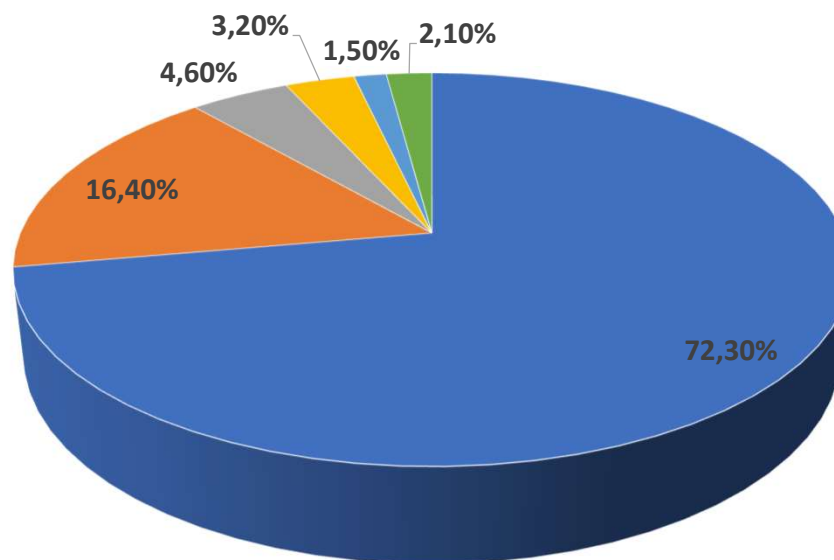


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Structure of waste according to the source of origin, 2021



- Agriculture and food processing waste
- Municipal waste
- Waste coming from waste treatment facilities
- Construction waste
- Package waste and other related waste
- Other sectors



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TARGET SECTORS: FACTS AND FIGURES

WATER MANAGEMENT

- 1) **Harmonization of national legislation on water supply and sanitation in accordance with European Commission standards and international obligations.** Measures will be taken to improve, revise and regulate the legal framework for the operation of public water supply and sewerage services by introducing European management principles and strengthening the responsibility of local and central public authorities in order to ensure quality public services. T

For the period **2019-2021**, were taken steps to develop legal framework to create an enabling environment to improve situation in the areas of water quality, integrated water resources management and water supply and sanitation.

- By the Parliament was adopted **Law on Drinking Water Quality, #182/2019**, harmonized with EU Directives and WHO Guidelines, which entered into force from 2021. This law established the framework for DWQ requirements, monitoring procedures, responsibilities of public authorities and water operators, water safety planning, public information.
- By **Government Decree No. 442 of July 31, 2020**, was amended **National Water and Sanitation Strategy (2014-2030)**, in which the priority goals are:
 - 1) Improving the management of public water supply and sanitation services by establishing regional water supply and sanitation operators.
 - 2) Planning and development of public water supply and sewerage systems in order to increase the access of the population to high quality services. The goal for **2020-2024** is to achieve **80% water and sanitation infrastructure coverage in urban areas** and **75% in rural areas**.



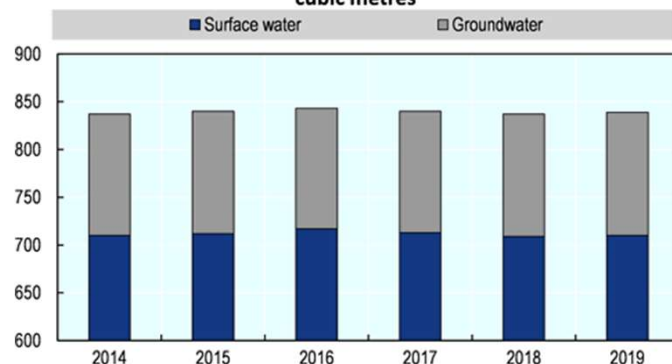
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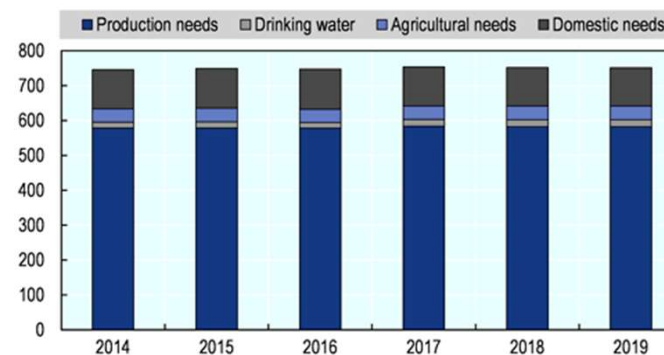
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WATER USE IN MOLDOVA

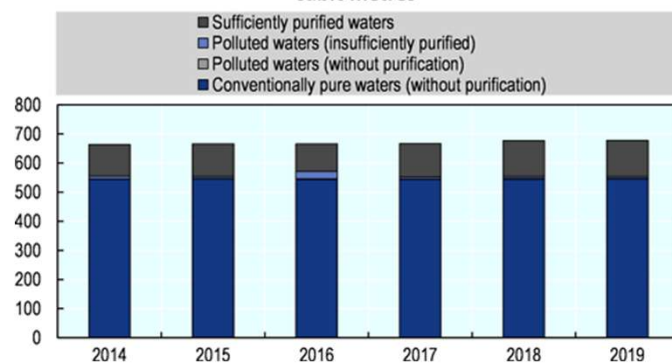
(a) Water abstraction from natural water bodies, million cubic metres



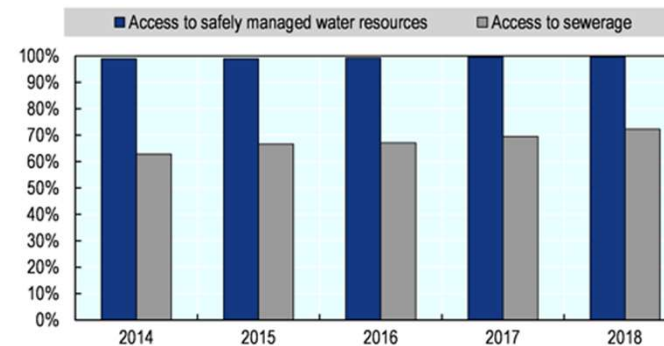
(b) Water use by category, million cubic metres



(c) Volume of wastewater discharges by status, million cubic metres



(d) Access to water supply and sanitation, percentage of the population





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TARGET SECTORS: FACTS AND FIGURES

ENERGY EFFICIENCY

- Moldova consumes around 4 million tonnes of oil equivalent (Mtoe) of energy per year (4.1 Mtoe in 2018), comparable to energy consumption in Luxembourg.
- Moldova's energy self-sufficiency is very low, among the lowest in the world.
- Around 20% of its energy demand is covered by domestic production, consisting almost fully of solid biomass; total domestic energy production was 0.82 Mtoe in 2018, of which 0.79 Mtoe solid biofuels.
- Moldova needs to import most energy commodities to meet the domestic demand.
- All natural gas consumption (2.1 Mtoe, or 2.9 billion cubic metres in 2014) is met through imports, mainly from Russia.
- Imports cover 99% of Moldova's oil consumption (1.0 Mtoe in 2018, of which almost 80% diesel and motor gasoline)
- All coal consumed must be imported as well (0.09 Mtoe in 2018).
- Natural gas accounts for more than half of Moldova's total primary energy supply (53% in 2018), oil roughly a quarter (23% in 2018) and solid biomass one-fifth (19% in 2018). Most natural gas is used for electricity and heat generation, whereas oil is the most important energy source for final consumers.
- Residential sector is the largest energy consuming sector (around 1.4 Mtoe in 2018), solid biofuels covering over 50% of the sectoral consumption.
- Transport sector is the second-largest energy consumer (around 0.7 Mtoe) and the main driver in oil consumption growth.

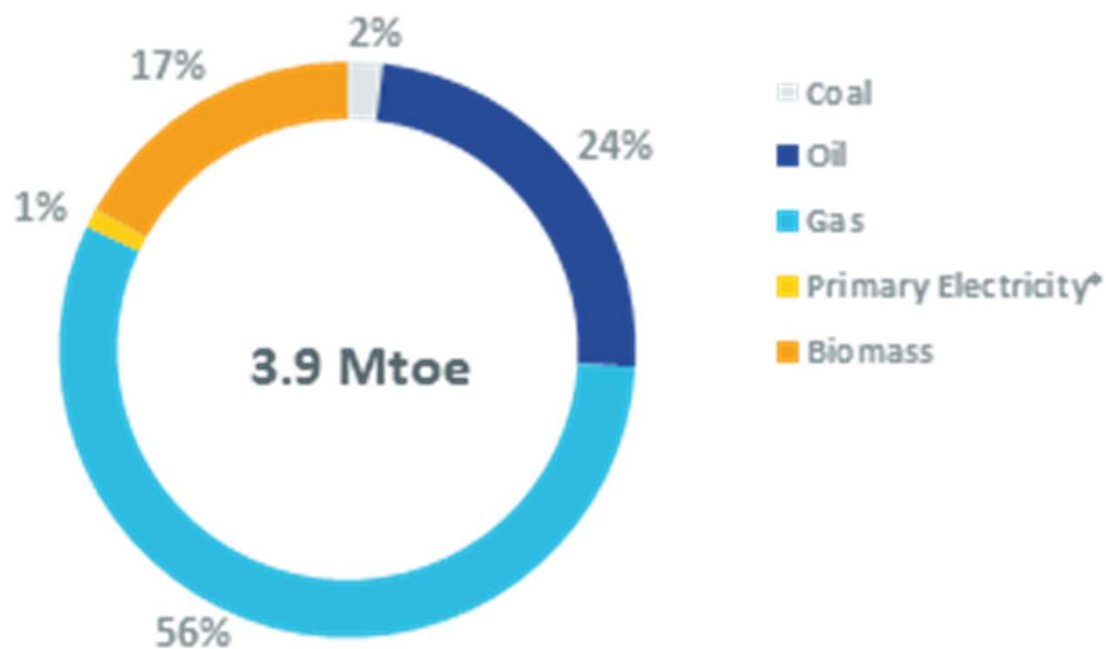


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TOTAL CONSUMPTION MARKET SHARE BY ENERGY (2020, %)



*Including heat ; Nuclear (1TWh = 0.26 Mtoe), Hydroelectricity, wind and solar PV (1 TWh = 0.086 Mtoe), Geothermal (1 TWh = 0.86 Mtoe)



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Cooperation partners (project implementation units and contracting authorities)

- **Moldova Energy Projects Implementation Unit – MEPIU** <https://mepiu.md/eng/>
 - MOLDOVA ENERGY EFFICIENCY PROJECT: 2022-2025
 - SECOND DISTRICT HEATING EFFICIENCY IMPROVEMENT PROJECT IN CHISINAU (DHEIP2): 2020-2025
 - POWER SYSTEM DEVELOPMENT PROJECT (PSDP): 2020-2024
 - **National Office for the Implementation of Projects in the Environmental Field** <https://www.facebook.com/profile.php?id=100067161134175>
 - MOLDOVA SOLID WASTE MANAGEMENT PROJECT
 - **National Office for regional and Local Development** - <https://www.ondrl.gov.md/>
 - National Programme of Local Development "European Village"
- North Regional Development Agency** - <http://adrnord.md/>
Central Regional Development Agency - <http://www.adrcentru.md/>
South Regional Development Agency - <http://adrsud.md/>

Thank you!



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P2GreenEST

FIRST WEBINAR ON PUBLIC PROCUREMENT II MOLDOVA (technical approach)



The tendering system in Moldova

19 April 2023

Diana Enachi
diane.ranga@gmail.com

Indicator	2021	2022
The number of public procurement procedures carried out	3,485	6,758
The number of contracts awarded	13,450	18,096
Total value of procurement	8.45 billions MDL (425 millions EUR)	13.68 billions MDL (689 millions EUR)
The average number of the bids per procedure	3.32 bids	3.34 bids
The average value of a procurement contract	848,642 MDL (42,000 EUR)	975,150 MDL (49,000 EUR)



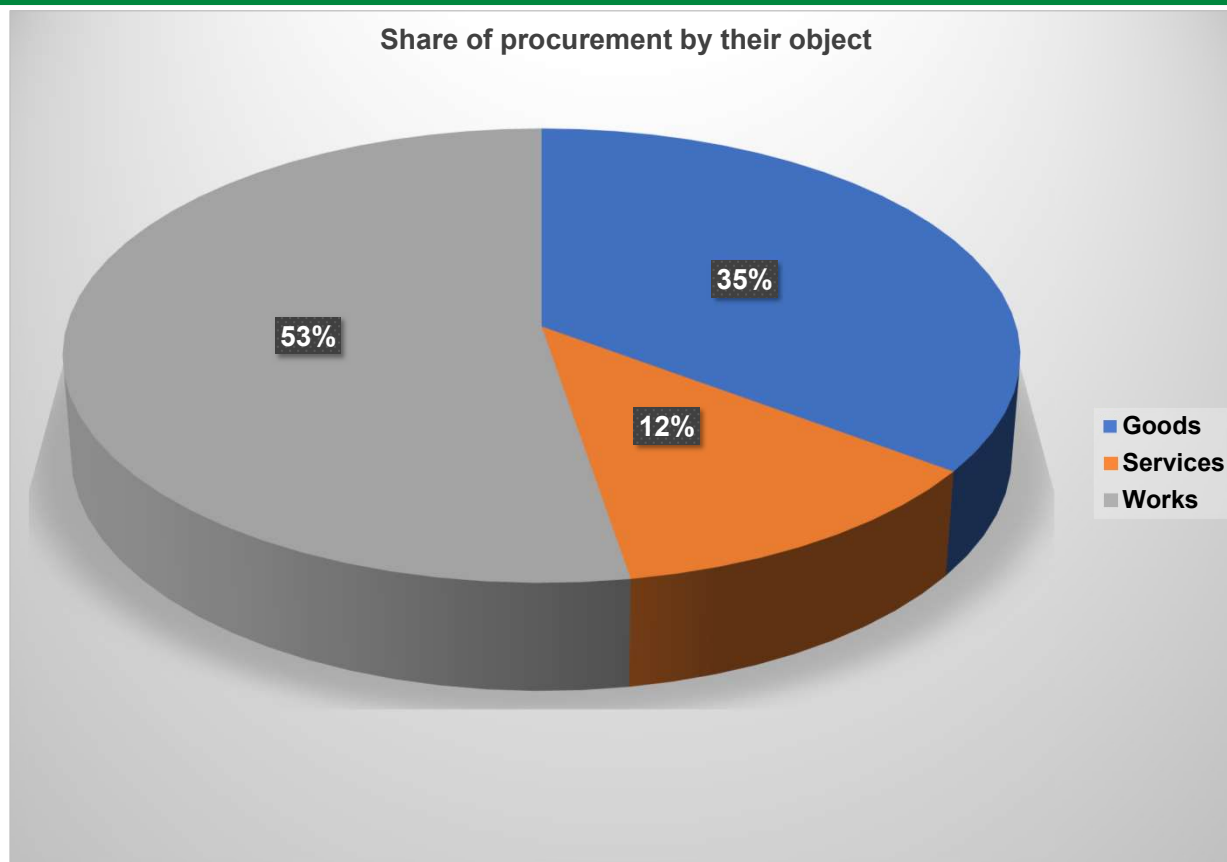
Source: Official
statistic reports
issued by Public
Procurement
Agency:
tender.gov.md

Procurement value distributed by object: goods, services and works



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Share of procurement by their object



Goods	4.82 billions MDL (243 millions EUR)
Services	1.66 billions MDL (84 millions EUR)
Works	7.20 billions MDL (360 millions EUR)

Source: Official statistic reports issued by Public Procurement Agency: tender.gov.md

Participation of foreign companies in tenders in Moldova



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- **The foreign economic operator shall enjoy in the Republic of Moldova the same rights in respect of the participation in the procedures of awarding public procurement contracts as those enjoyed by the economic operators of the Republic of Moldova in the country where the foreign economic operator is a resident.**
- The tenderer who, in accordance with the legislation of the state where it is based, is qualified to perform a certain activity, **cannot be excluded from an award procedure** for the sole reason that, in accordance with the national legislation, this type of activity can be performed only by legal entities or only by individuals.
- **Economic operators may associate for the purpose of submitting tenders and/or appear as associate tenderers.**
- **The association shall be bound to obtain a certain form of legal status when such transformation is necessary for the proper performance of the contract but only after its award.**

Legislation: participation of foreign companies in tenders in Moldova



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Public procurement in Moldova is open and accessible to any foreign company.

“Any economic operator, resident or **non-resident**, natural or legal person under public or private law or association of such persons, **has the right to participate**, under the terms of this law, in the procedure for awarding the public procurement contract.” art. 16 / PPL

„The access to the e-procurement system for all economic operators is free and non discriminatory” art. 16 / PPL

Public Procurement Law no. 131/2015 (hereinafter PPL):

https://www.legis.md/cautare/getResults?doc_id=136277&lang=ro#

**Clasic public
procurement**

Legislation: participation of foreign companies in tenders Moldova



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“Any economic operator, resident or non-resident, natural or legal person under public or private law or association of such persons, **has the right to participate**, under the terms of this law, in the procedure for awarding the sectoral procurement contract.” art. 29 / Law no. 74/2020

Law no. 74/2020 on procurement in the sectors of energy, water, transport and postal services

https://www.legis.md/cautare/getResults?doc_id=136488&lang=ro#

**Sectoral
procurement /
Utilities**

**(energy, water,
transportation
and postal
services)**

Procurement legislation (primary and secondary) as well as:


- instructions and guides,
- templates;
- documents;

are available on the Public Procurement Agency (hereinafter PPA) portal -

<https://tender.gov.md/ro>

- Legislation is only available in Romanian and Russian!

<https://tender.gov.md/ro/content/legea-privind-achizițiile-publice>

 Ministerul Finanțelor al Republicii Moldova
Agencia Achiziții Publice

AGENȚIA INSTRUIRI TRANSPARENȚA CPV E-ACHIZIȚII LEGISLAȚIE DOCUMENTE COMUNICATE ACHIZIȚII DURABILE ÎNT

Pentru consultații privind modul de utilizare a Sistemului de Informații „RSAP” (MTender) contactați Serviciul de Informații la numerele de telefon: 022 820 729 sau helpline: 0800 123 456 sau pe site-ul <https://tender.gov.md/ro/documen>

Pentru consultații privind aplicarea legislației în domeniul achizițiilor publice, contactați Serviciul de Informații la numerele de telefon: 022 820 729 sau helpline: 0800 123 456 sau pe site-ul <https://tender.gov.md/ro/documen>

Pentru informații privind statutul documentelor în procedură de achiziție publică, contactați Serviciul de Informații la numerele de telefon: 022 820 729 sau helpline: 0800 123 456 sau pe site-ul <https://tender.gov.md/ro/documen>

LEGISLAȚIE

Acte normative internaționale

Legea privind Achizițiile Publice

Hotărâri de Guvern

Acte ministeriale și departamentale

LEGEA PRIVIND ACHIZIȚIILE PUBLICE

Legea nr. 131 din 03.07.2015 privind achizițiile publice [📄](#)

Legea nr. 74 din 21.05.2020 privind achizițiile în sectoarele energiei, apei, transporturilor și serviciilor poștale [📄](#)

Legea nr. 262 din 01.11.2013 pentru modificarea și completarea Codului contravențional al Republicii Moldova nr. 218-XVI din 24 octombrie 2008 [📄](#) [📄](#)

Thresholds in procurement



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Contract type	Current thresholds, MDL	Procurement method	New thresholds from July 1st 2023, MDL	Electronic auction
Goods Services	< 200,000	Small value contract	< 300,000 (15,000 EUR)	optional
Works	< 250,000	Small value contract	< 375,000 (19,000 EUR)	optional
Goods Services	≥ 200,000 < 800,000	RfQ	≥ 300,000 < 800,000	mandatory
Works	≥ 250,000 < 2,000,000	RfQ	≥ 375,000 < 2,000,000	optional
Goods Services	≥ 800,000	Open tender	≥ 800,000 (40,000 EUR)	optional
Works	≥ 2,000,000	Open tender	≥ 2,000,000 (100,000 EUR)	optional

How does the tendering system work in Moldova?



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1. Classic procurement:

PPL requires that all procurement procedures regulated by PPL be carried out electronically through the e-procurement system MTender.

Mainly, through the system, CAs are conducting two types of procurement procedures:

- Open tender;
- Request for price quotations (Rfq)

2. Sectoral procurement / utilities:

Law on utilities does not explicitly requires CAs to conduct procurement through the e-procurement system. However, majority of CEs are conducting, especially large procurement electronically.

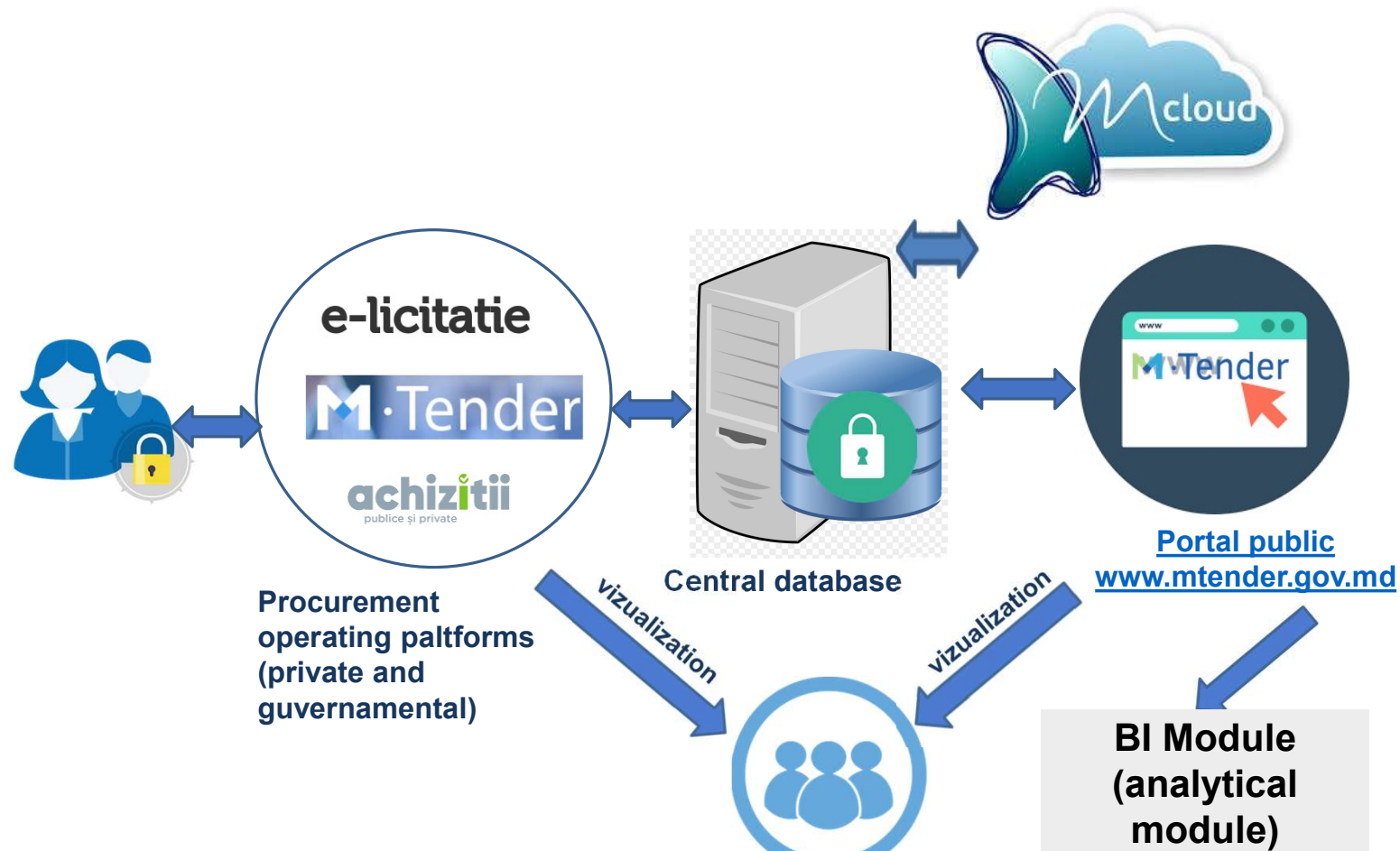
For sectoral procurement, CEs are using the procedure:

- Open tender

E-procurement system in Moldova



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The MTender e-procurement system structure



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Center of Information Technologies in Finance (CTIF) subordinated to Ministry of Finance

- ❑ responsible for the development and maintenance of the online single access portal MTender;
- ❑ ensuring interoperability of the nominated system with the Joint Technology Platform "MCloud";
- ❑ integration with state information resources and relevant governmental electronic services available in the Republic of Moldova.

MTender public portal



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<https://mtender.gov.md/en>



M·Tender

[Open Data^{new}](#) | [About MTender](#) | [Legal framework^{new}](#) | [For Civil Society](#) | [FAQ^{new}](#) | [Documents^{new}](#) | [Black List^{new}](#) | [Contracts^{new}](#) | [Terms of Use^{new}](#)

Info Line: **022 822 038**

[Procurement Planning](#)

[Public Procurement Bulletin](#)

[Contract Register](#)

Leading by example



30'868

Active
Procedures



2'893

Contractin
Entities

Conditions to use the e-procurement system



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1. Free of charge*

2. Mandatory registration at least on one of the platforms (achizitii.md; e-licitatie.md; mtender.md)

* The PPL provides for in a fee for participation in tenders: *“When submitting the offers, the economic operator pays a fee”* PPL, art. 65 “.

However, the appliance of fees is not yet regulated and therefore enforced.

The screenshot displays the e-licitatie.md website. The header includes the site's name, contact information (+373 (22) 870-971, support@e-licitatie.md), and navigation links (ELECTRONIC DUAE, DEVINO EXPERT, REGISTER, My account). The main banner features the text 'Platforma de achiziții publice & private' and a 'BECOME A PARTNER' button. Below this is a navigation bar with 'Acquisitions', 'Plans', 'Budgets', and 'Achiziții comerciale'. A search bar is present with fields for 'Obiectul achiziției' (Search by acquisition object), 'Beneficiary' (Name or beneficiary IDNO), and 'Status' (activ). The Achiziții section is highlighted, showing a search bar and a 'Public and private procurement system' banner with the text 'Place the tenders. Participate in tenders.' and buttons for 'Register' and 'User's Guide'. The footer displays four statistics: 31181 active procurements, 499,321,900 MDL saved, 54980 announced tenders, and 2485 contracting authorities.

Obiectul achiziției	Beneficiary	Status
Search by acquisition object	Name or beneficiary IDNO	activ

Achiziții

Title or number of procurement or organization

+373 22 003 999

Our Call Center is overcharged. Please send your questions by e-mail info@achizitii.md or by chat. Thank you for understanding.

Register · Sign in

Public and private procurement system

Place the tenders. Participate in tenders.

Register User's Guide

31181 active procurements	499,321,900 MDL saved	54980 announced tenders	2485 contracting authorities
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Documents available in MTender for any procurement procedure



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Tender documentation, including technical specifications

Contract notice

ESPD

Tender documentation

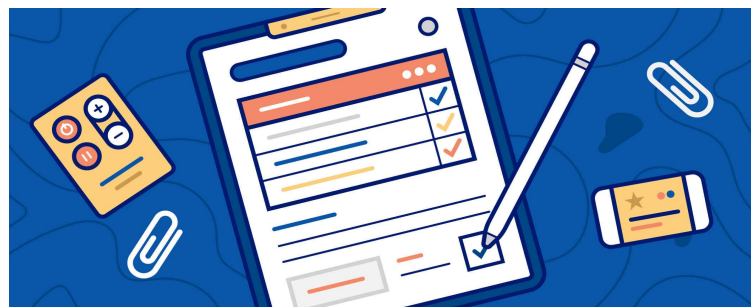


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Tender documentation- the document covering the requirements, criteria, rules and other information necessary to provide the economic operators with full, accurate and explicit information about the procurement requirements or elements, the subject matter of the contract, and the manner the award procedure is organized, including technical specifications or the descriptive document, proposed conditions of contract, etc.

The tender documentation is elaborated based on the Standard documentation approved by the Ministry of Finance

tender.gov.md > Documente > Modele de documente



ESPD form



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Declaration on own responsibility, as preliminary prove instead of certificates issued by public authorities or third parties, that confirm that the economic operator meets the following conditions:

1. Is in none of the grounds for exclusion mentioned in art.19 of Law 131/2015

2. Meets criteria on capacity, as was requested by the contracting authority

3. If the case, meets selection criteria set by the contracting authority

Part from ESPD	Who fills in	
	CA	EO
Part I: information about the procurement procedure and the contracting authority	✓	
Part II: information about the economic operator (name of the company, address, associates, data of the representatives, etc)		✓
Part III: Grounds for exclusion: penal convictions, payment of taxes, blacklisting, etc		✓
Part IV: selection criteria, including capacity of EO to meet the requirements, economic and financial capacity, technical capacity; quality assurance systems, etc.	✓ *	✓
Part V: general statement of EO to confirm that it can furnish all relevant confirmation documents on request of CA.	✓ **	✓
Part VI – is to be filled in only if the CA applies restricted tender, negotiation, competitive dialogue and partnership for innovation.		✓
Part VII – final statements		✓



* Fills in selection criteria, * * indicates term

Aplicability

- SVC and RfPQ – optional
- Mandatory for Open tender and other procedures with EV>800,000 MDL for G/S and > 2,000,000 MDL for works



Form

- Bank guarantee from a licensed bank institution
- Transfer to the contracting authority account
- Other forms: ex. accreditive



Size and period

- $\leq 2\%$ of the bid value net of VAT
- Bid validity according to the award documentation



Reference

- Refers to specific lot/lots. Guarantee document or confirmation of payment is uploaded in the system in respective category of the bid documents.
- Is issued in the name of the bidder or in case of association in the name of the all partners



Bids not supported by a guarantee, if one was required in the bidding document are to be rejected

Bid security



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Contracting authority **will retain** the bid guarantee in case of:

1. The EO withdraws or modifies the bid after the expiration of the term set for submission of the bids
2. The winning EO does not sign the procurement contract
3. After acceptance of the bid is not secured or any condition laid down in the tender documents is not met prior to the signing of the procurement.

Guarantee of the contract's good performance



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of the European Union

- ✓ The contracting authority will ask the bidder to submit, **upon conclusion of the contract**, a guarantee of contract's good performance
- ✓ The guarantee of the contract's good performance **shall be returned** by CA at the moment of the execution of the contract.
- ✓ The amount of the guarantee of contract's good performance **shall not exceed 15% of the quotation value of the public procurement contract** *art. 68, para.. (12) from Law 131/15*
- ✓ In case of a procurement of goods and services $\leq 800,000$ lei and works $\leq 2,000,000$ de lei, net of VAT, contracting authority **has the right not to ask the bidders to submit the guarantee of contract's good performance** *art. 68, para. (11) from Law 131/15*

Eligibility of the bidder or candidate, art.19 from L.131/2015

- Mandatory reasons for exclusion. Part III of ESPD

Capacity to execute a professional activity

- Legal capacity to supply goods, provide services, execute works procured

Economic and financial capacity, art.21 from L.131/2015

- Bank declarations
- Financial reports
- Declarations regarding the total or specific revenue in the last 3 years
- Actual contractual obligations

Technical and/or professional capacity, art.22 from L.131/2015

- Supply of good/services during the last 3 years, works executed in the last 5 years
- Equipment, staff and its training
- Part of the contract that is to be sub-contracted

Quality assurance standards, art.23 from L.131/2015

- Request of certificates issued by independent/EU bodies. Other certificates may be also recognized.

Environment protection standards, art.24 from L.131/2015

- EU system of environment management and audit (EMAS)
- Standards of ecological management based EU and international standards
- Equivalent certificates issued by EU bodies or other certificates.

Award criteria for the public procurement contract



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I. The lowest price

II. The lowest cost

III. The best price
- quality ratio

IV. The best cost -
quality ratio



For award criteria III and IV, the share of the price element must be:
goods $\geq 60\%$, services $\geq 40\%$, works 80% .

Bid preparation



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The offer consists of the following mandatory documents:



- 1. Technical proposal,**
- 2. Financial proposal**
- 3. ESPD**

4. Bid security, as the case may be (*if required in the tender documentation*)

NB! All bid documents must be signed electronically



According to the Article 14 i) /PPL, **the electronic signature is applied to the electronic tenders.**

The tenderer/candidate shall be disqualified if the offer was not signed electronically.

How to apply electronic signature



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of the European Union

MSign | Guvernul Republicii Moldova

Română



Serviciul electronic guvernamental
de semnătură electronică

[Semnează electronic](#) [Verifică semnătura](#) [Media](#)

Semnează sau verifică semnătura documentelor electronice

Semnează

Verifică

CENTRUL DE ASISTENȚĂ

Servicii Publice Electronice

022 820 000

Ce este nou în MSign?

Întrebări frecvente

Termeni și condiții

AGENȚIA DE GUVERNARE ELECTRONICĂ

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How do we get electronic signature



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According to The Economy Digitalization Package (approved on November 2021), the electronic signatures issued by an authority from EU country are recognized in Moldova and therefore accepted in tenders



Thus, the foreign economic operator does not need anymore to get the electronic signature issued by Moldovan authorities



Bid submission and bid opening



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Uploaded Documents Categories:

1. **Eligibility Documents (ESPD),**
2. **Qualification Documents,**
3. **Financial Proposal,**
4. **Technical Proposal**
5. **Other documents (guarantees, insurances, authorizations)**



Note!

It is not possible to modify a submitted bid. The bid can be canceled and replaced with a new one, until the deadline for submitting the bids expires.

The electronic auction



The electronic auction takes place:

- ✓ According to the principle of **bid calling**
- ✓ The bidders can lower the price of the offer during three rounds (according to the minimal step established by the CA);
- ✓ The system prioritizes the offer in an ascending order, the bidder offering the lowest price having priority (in the case of two identical offers in terms of price, priority has the first bidder);
- ✓ At the end of the electronic bid, **the system orders the bids automatically**, listing on the first place the offer **with the lowest price**, and for which all **documents will be opened for evaluation**.

The bids opening without e-auction



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Informație generală

Primaria mun.Comrat

1007601000285

: Ремонт дорог в твёрдом покрытии в мун.
Комрат АТО Гагаузия.

1,247,654.00 MDL

desemnare câștigător

ocds-b3wdp1-MD-1555488604196

licitație deschisă

cel mai mic preț

Licitatie electronica: Nu

limba: Romana

publicată

17/04/2019 11:22

clarificări

27/04/2019 10:00

depunere

30/04/2019 13:00

deschidere oferte

30/04/2019 13:00

analiză

desemnare câștigător

contract

The bids opening without e-auction



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Informație generală						
Direcția Educație Singerei 1007601011098						
Servicii de tabere pentru copii pentru sezonul estival 2019		525,119.00 MDL	depunere oferte		ocds-b3wdp1-MD-1556110585606	
COP	cel mai mic preț	Licitație electronică: Da		limba: Romana		
publicată	clarificări	depunere	deschidere oferte	analiză	desemnare câștigător	contract
24/04/2019 16:04	29/04/2019 12:00	02/05/2019 12:30	03/05/2019 15:00			



The bids are opened on the MTender portal and the electronic platforms after the deadline for submission, and for the procedures with the electronic auction option - after the electronic auction is completed.

If only one participant is registered in the electronic auction procedure, the opening of the tender takes place automatically after the deadline for submission.

Subcontracting (art. 75, PPL)



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- (1) In the award documentation, **the contracting authority may ask the tenderer to indicate in its tender any part of the contract it may intend to subcontract to third parties and any proposed subcontractors.**
- (2) In the case of works contracts and in respect of services to be provided at a facility under the direct oversight of the contracting authority, after the award of the contract and at the latest when the performance of the contract commences, **the contracting authority shall require the tenderer to indicate to the contracting authority the name, contact details and legal representatives of its subcontractors,** involved in such works or services, in so far as known at this point in time.
- (3) **The tenderer shall notify the contracting authority** of any changes to the information referred to in para 2 during the course of the contract and the tenderer shall be obliged to provide information for any new subcontractors which it subsequently involves in such works or services
- (11) **Where a subcontractor expresses the option of being paid directly,** the contracting authority shall have the obligation to establish in the public procurement contract binding contractual clauses requiring the transfer of the payment obligations to the subcontractor/s for the part/ s of the contract

Forms of group bid submission. Association. Subcontracting. Third parties



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GOODS / SERVICES / WORKS

Each associate should fulfill:

- Qualification criteria
- Selection criteria
- Quality assurance standards and environmental

NB! Both associate should fulfill (cumulate):

- Economic and financial standing
- Technical and/or professional capacity

RECOMENDATION: for any questions, there is a possibility to submit (anonymously) clarification questions through the electronic system. In case the CA does not respond, the procedure is suspended until the CA reply to all clarification questions.



In case, the answer does not clarify the issue, the tenderer can submit an appeal to NACS.

Particularities for procurement of works



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NOTE FOR PROCUREMENT OF WORKS:

- The leader of the association will execute **at least 40% of the value of the future contract.**
- Regarding similar experience criteria, for qualification according to established rules, one of the associates will fulfill the criteria, others will fulfill this criteria according to the tasks agreed. For the qualification of the business operators, **the leader of the association fill match 40% of the qualification requirements regarding the annual revenue and similar experience.**

Forms of group bid submission. Association. Subcontracting. Third parties



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	AS1	AS2	SUBCONTR.	THIRD PARTY
1. Personal condition	✓	✓	✓	✓
2. Capacity of exercising professional activities	✓	✓	✓	✓
3. Economic and financial standing	+	+	X	+
4. Technical and/or professional capacity	+	+	+	+
5. Standards	✓	✓	✓	-

The review and remedy system



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According to the Law No. 131/15, **National Agency for Complaints Settlement (ANSC)** – the autonomous public authority which shall settle the complaints lodged under the public procurement contract procedures.



ANSC examines ONLY the complaints submitted during public procurement procedures regulated by the Law 131/15:

(≥200,000 lei – goods and services, ≥250,000 - works)*

From July 1st - (≥300,000 lei – goods and services, ≥375,000 - works)



When the EO can submit a complaint?

- Before the bid opening;
- After the decision of the contract award



Complaining on tender documentation



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An appeal can be submitted on award documentation before the bids opening within:
according to the art. 83 (PPL 131/2015):

- **5 days*** – value of the contract g/s $\leq 2,3$ mln, works ≤ 90 mln;
 - **10 days*** – value of the contract g/s $\geq 2,3$ mln, works ≤ 90 mln;
- * calendaristic days*



NB! Any appeal submitted after the above deadlines will be rejected without examination as being tardive!

Submission of an appeal



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Template for complain submission:

<https://www.ansc.md/ro/content/depunere-contestatii>

The complain will be submitted to ASNC according to following:



post HQ of NACS:MD-2001, mun. Chişinău, bd. Ştefan cel Mare şi Sfânt 124, et.4



fax: 0(22) 82-06-51



email: contestatii@ansc.md

online: www.ansc.md

The reviewing process will be available at:

<https://www.ansc.md/ro/contestatii>

The information on the appeals and ANSC decisions



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← → ↻ https://www.ansc.md/ro/contestatii



Parlamentul Republicii Moldova

Agencia Națională pentru Soluționarea Contestațiilor

AAA



Agencia **Contestații** Transparența Legislație Media Întrebări frecvente Contacte

Depune online

Depunere contestații

Contestații în examinare

Decizii

Contestații în examinare

Autoritatea Contractantă

Caută

Nr. de intrare	Data intrare	Număr de ieșire	Contestatar	Autoritatea Contractantă	Obiectul Contestației	Nr. Procedurii	Tip procedura	Obiectul Achiziției	STATUS	COMPLET
02/293/19	26/04/2019	17/04	FOREMCONS	AGENȚIA ASIGURARE RESURSE ȘI ADMINISTRARE PATRIMONIULUI A MINISTERULUI APĂRĂRII	Rezultatele procedurii	ocds-b3wdp1-MD-1552303600598	LP	Reparația capitală a sediului Orchestrei Prezidențiale, mun. Chișinău, str. Pietrarilor, 1	În examinare	COMPLET3

Grounds to submit an appeal before the bids opening



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- ✓ • **Restrictive requirements on similar experience, qualification criteria, technical specifications;**
- ✓ • **Award criteria and evaluation factors without calculation algorithms, with non-transparent or subjective calculation algorithm;**
- ✓ • **Mentioning in the award documentation the name of technology, products, brands, manufacturers without including the phrase "or equivalent";**
- ✓ • **Lack of a clear/complete answer from CA to clarification requests;**
- ✓ • **Form of the guarantee for the tender;**
- ✓ • **Unfair or excessive contractual clauses;**
- ✓ • **If the CA does not justify the decision not to divide the contracts into lots;**

Grounds to submit an appeal at the contracting awarding stage



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- **Rejecting the contestant's tender as non-compliant/unacceptable;**
- **Accepting tenders from other participants that are inappropriate or unacceptable;**
- **Grading/evaluation of tenderers;**
- **In the notice on the outcome of the procedure, the CA did not specify the reasons for rejecting the tender;**
- **The tender is rejected without CA asking for clarification regarding the technical proposal or the financial proposal;**
- **Others.**



PRACTICAL EXAMPLES

Appeals review and settlement procedure



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Step 1: ANSC shall first rule on the complaint return cases, and when it finds they are grounded, it will no longer proceed to the analysis of the case on the merits

Step 2: ANSC can request the CA point of view on the submitted complain:

- ✓ CA shall have the obligation to inform the other participants in the award procedure thereof within one working day art. 84, para. (5) Law 131/15
- ✓ CA shall have the obligation to send to the ANSC, within <5 working days, its own opinion about such complaint art. 84, para. (9), Law 131/15
- ✓ ANSC shall hold open sessions for the examination of complaints and ensure that the information on the date and venue of the sessions will be published 3 working days before the date on which they will take place.

Step 3: In the process of reviewing the complaint, the ANSC shall:

- A. uphold the complaint, in full or in part
- B. dismiss the complaint

Appeals review and settlement procedure



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ASNC shall be required to settle the complaint on the merits (*art. 85, para. (17), Law 131/15*):

- ✓ **≤ 20 working days** since the receipt of the complaint;
- ✓ **≤ 10 days** in case an exception which prevents the analysis on the merits of the complaint occurs, pursuant to *art. 86 para. (1)*
- ✓ **(+) 10 days** in justified cases, the complaint settlement term may be extended

N.B.! The **CA** shall have no right to conclude the public procurement contract until a final decision on the challenged matter is issued *ANSC art. 85, para. (18), Law 131/15*

- ✓ The decision of ASNC, including its justification, shall be communicated to the parties in writing **≤ 3 days** since pronouncement
- ✓ The decision of ASNC shall be binding on the parties.

Appeals review and settlement procedure



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- ✓ The decisions of ANSC can contain measures **to address the challenges (in tender documentation, in the evaluation process, etc.)**
- ✓ **ANSC can't decide the awarding of the contract to a specified tenderer**
- ✓ The decisions of ANSC are administrative acts, **that may be challenged in the competent court.**

- SA Termoelectrica;
- ÎM Termogaz Bălți;
- ÎM Regia Transport electric
- SA Cet Nord
- SA Moldovagaz
- SA Moldovatrangaz
- SA Energocom
- ÎS Moldelectrica
- SA Red Nord
- ÎCS Premier Energy Distribution SA
- ÎCS Premier Energy SRL

Buletinul Achizițiilor Publice

Total găsit: 174

Pagină 1 din 18 de pagini

Calificarea ofertanților

Data ultimilor modificări: 01.09.2022 / 15:48

Achiziția elementelor conductelor principale de abur a cazanelor TFM-96 B Nr.2 și Nr.3.

Achiziția elementelor conductelor principale de abur a cazanelor TFM-96 B Nr.2 și Nr.3.

Valoarea estimată a achiziției (MDL)

20 500 000

Autoritate contractantă denumire:

TERMOELECTRICA

Raion:

mun. Chișinău

Tipul procedurii:

Licitație deschisă

Numărul de notificări:

ocds-b3wdp1-MD-1662036186385

Calificarea ofertanților

Data ultimilor modificări: 30.08.2022 / 12:20

Achiziționarea economizorului convectiv și a grinzilor de susținere a economizorului cazanului TFM-96B Nr.3

Achiziționarea economizorului convectiv și a grinzilor de susținere a economizorului cazanului TFM-96B Nr.3

Valoarea estimată a achiziției (MDL)

27 750 000

Autoritate contractantă denumire:

TERMOELECTRICA

Raion:

mun. Chișinău

Tipul procedurii:

Licitație deschisă

Numărul de notificări:

ocds-b3wdp1-MD-1661848886462

- SA „Apă Canal Chişinău”
- Ministry of Economy
- Ministry of the Environment
- Ministry of Infrastructure and Regional Development
- Regional development agencies (North, South, Centre and Chisinau)
- Organization for entrepreneurship development (ODA)
- IP „Office of the Management of Foreign Assistance Programs”

Buletinul Achizițiilor Publice

Total găsit: 308

Pagină 1 din 31 de pagini

Calificarea ofertanților

Data ultimilor modificări: 29.03.2022 / 11:07

Reabilitare a rețelelor tehnologice interioare de tratare a apei din mun. Ungheni și Extinderea apeductului magistral Zagarancea – Cornești spre satele Zăulenii Noi, Negurenii Noi, Zăulenii Vechi, Țighira, Coșeni, r-nul Ungheni

Valoarea estimată a achiziției (MDL)

26 250 875

Autoritate contractantă denumire:
Agenția de Dezvoltare Regională Centru
Raion:
Ialoveni
Tipul procedurii:
Licitație deschisă
Numărul de notificări:
ocds-b3wdp1-MD-1648126151438

Pentru implementarea proiectului „Reabilitarea și extinderea apeductului magistral Zagarancea - Cornești”, inclus în DUP 2022-2024

Calificarea ofertanților

Data ultimilor modificări: 08.09.2022 / 10:02

Consolidarea, conservarea și dezvoltarea infrastructurii turistice din cadrul Rezervației Cultural Naturale „Orheiul Vechi”

Valoarea estimată a achiziției (MDL)

23 392 275

Autoritate contractantă denumire:
Agenția de Dezvoltare Regională Centru
Raion:
Ialoveni
Tipul procedurii:
Licitație deschisă
Numărul de notificări:

1. Amenajarea căilor de acces pentru vizitatori, inclusiv pentru persoanele cu nevoi speciale, către obiectivele turistice amplasate pe teritoriul Rezervației „Orheiul Vechi”

Conclusions



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- There are **legal provisions that allow** foreign companies to bid in Moldova at any tender
- The **electronic signatures issued in the EU countries are recognised in Moldova**
- There are **plenty of opportunities** to bid for tenders in Moldova, including in the sectors of water, waste and energy
- All open tenders and RfQ **are being conducted electronically** through the e-procurement system MTender
- **One big challenge** is the language, given that the majority of procurement are being conducted and published in Romanian

1. First of all, **registration on one of the MTender system platforms** - achizitii.md or e-licitatie.md (the platforms offer support the registration process)

2. **Select in your account on the platform the CPV codes** according to your interests so that you will get a notification in the email any time a new procurement is being published in MTender

3. **Find local partners** to bid in association to overcome the language barrier and other challenges

4. **Contract local expertise** in procurement or in the sector targeted, if necessary

5. **Follow the news in the procurement sector in Moldova**, particularly the legal changes, new rules, thresholds, procedures etc.

IDIS Viitorul (viitorul.org) has a **quarterly Newsletter issued in English** on Public Procurement with news in the sector, legislation and other useful information



Thank you for your attention!



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Q&A session



Thank you!



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