

# P2GreenEST

SECOND WEBINAR ON PUBLIC PRFOCUREMENT IN MOLDOVA

Moldova: a country of opportunities in the field of renewable energies, water management and waste management

27 April 2023

## Participation of foreign companies in tenders in Moldova



- 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.

# MTender public portal







Open Data<sup>new</sup> | About MTender | Legal framework<sup>new</sup> | For Civil Society | FAQ<sup>new</sup> | Documents<sup>new</sup> |

Black List<sup>new</sup> | Contracts<sup>new</sup> | Terms of Use<sup>new</sup>

Info Line: 022 822 038

**Procurement Planning** 

Public Procurement Bulletin

Contract Register



## Subcontracting (art. 75, PPL)



- (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 sumission. Association. Subcontracting. Third parties





#### 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 untill 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





#### **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 sumission. Association. Subcontracting. Third parties



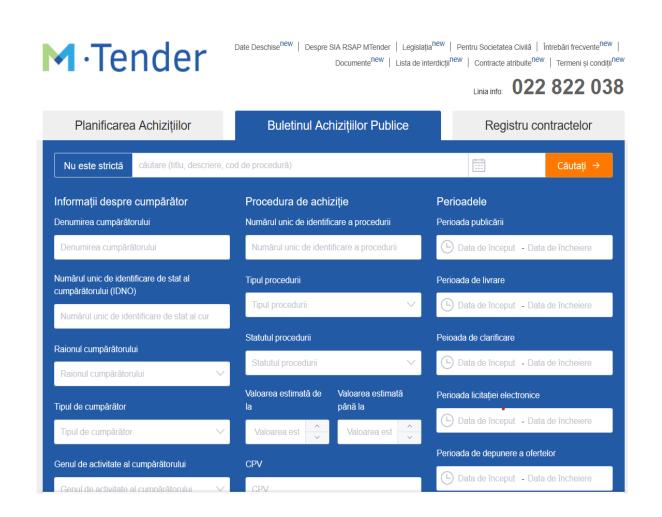
	AS1	AS2	SUBCONTR.	THIRD PARTY
1. Personal condition	<b>√</b>	<b>√</b>	<b>√</b>	<b>√</b>
2. Capacity of exercising professional activities	<b>√</b>	<b>√</b>	<b>✓</b>	<b>√</b>
3. Economic and financial standing	+	+	X	+
4. Technical and/or professional capacity	+	+	+	+
5. Standards	<b>√</b>	<b>✓</b>	<b>✓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

## How to find opportunities to bid in public tenders in Moldova



# use MTender filters in order to find opportunities in the sector of your interest:

- by contracting entity (including IDNO)
- by procuring object (selecting CPV codes);
- by procurement value
- by procurement process stage;
- etc.



# Opportunities to bid in Moldova: energy sector



# **Examples of procurement procedures organized:**

- Procurement of services regarding the development of the Feasibility Study related to Street Lighting projects
- External thermal insulation works
- Consultancy services on energy eficiency, engineering and construction (energy efficiency), clean technology innovation programmes for SMEs, etc.
- etc.



# Contracting authorities: energy sector







Main contracting authorities conducting procurement in the energy sector on e-procurement system MTender:

- Energy Eficiency Agency;
- The Moldova Energy Projects Implementation Unit (MEPIU)
- ÎS Moldelectrica
- SA Termoelectrica
- SA Cet Nord
- SA Moldovagaz
- SA Moldovatransgaz
- SA Energocom
- SA Red Nord



# Opportunities to bid in Moldova: water and sewerage system sector



# **Examples of procurement procedures organized through the e-procurement system:**

- Procurement of water supply and sewerage services
- Construction of water supply networks
- Modernization of the wastewater treatment plant
- Work for aqueduct construction
- Replacement services of cold water meters for private customers
- Reconstruction of the flood protection dike
- etc.



# Contracting authorities: water, sewage and sewerage







Main contracting authorities conducting procurement in the water, sewage and sewerage sector on e-procurement system MTender:

- Agency "Apele Moldovei"
- Municipal Enterprise "Apa-Canal Chisinau"
- Regional Development Agencies (Center, South, North)
- other municipalities



# Opportunities to bid in Moldova: waste management sector



### **Examples of procurement procedures organized:**

- Waste collection, transport and treatment services;
- Waste sorting services;
- Waste storage services;
- Liquid waste collection and transportation services from economic agents;



# Contracting authorities: waste management sector



Main contracting authorities conducting procurement in the waste sector on e-procurement system MTender:

- Municipal Enterprise "Regia Autosalubritate"
- Municipal Enterprise "Apa-Canal Chisinau"
- Municipal Enterprise "Balti Directorate of Constructions"
- Regional Development Agencies (Center, South, North)
- other municipalities



# Study case: water and sewerage sector







### **Procurement object:**

Modernization of the wastewater treatment plant in the city. Căușeni, stage II and the construction of the sewage system in the "Căușenii Vechi" sector

**Procuring entity:** Regional Development Agency South

**Procurement value**: 60 millions MDL (3 millions EUR)

#### **Bidders:**

- 1. Consortia "Atractiv Invest & SC Casrep SRL Romania"
- 2. Polimer Gaz Conducte (MD)

Winner: Consortia "Atractiv Invest & SC Casrep SRL Romania"

https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1647592663757?tab=awards



Date Deschise<sup>new</sup> | Despre SIA RSAP MTender | Legislația<sup>new</sup> | Pentru Societatea Civilă | întrebări frecvente<sup>new</sup> |

Documente<sup>new</sup> | Lista de interdictii<sup>new</sup> | Contracte atribuite<sup>new</sup> | Termeni si conditii<sup>new</sup>

Linia info: 022 822 038



# Study case: waste management



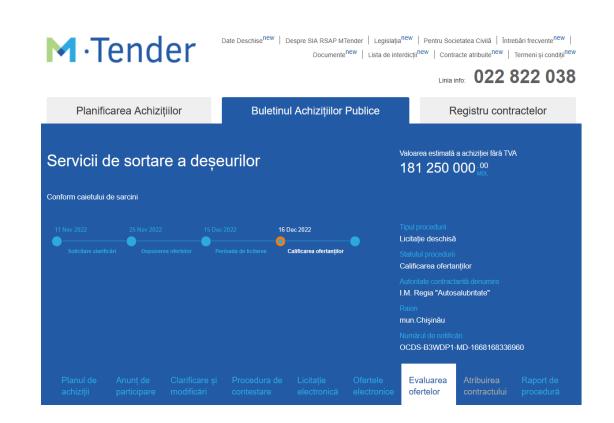
**Procurement object:** waste sorting services

**Procuring entity:** Municipal Enterprise "Regia Autosalubritate"

**Procurement value**: 181 millions MDL (9 millions EUR)

The only bidder (and winner): ABS SRL (Moldova)

https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1668168336960?tab=awards





## Data sources on procurement in Moldova

- ☐ E-procurement system MTender mtender.gov.md
- ☐ MTender platforms for registretion and bidding (achizitii.md; e-licitatie.md; mtender.md)
- ☐ PPA portal tender.gov.md (data on awarded contracts and amendments; legislation, guides, etc.)
- □ NACS portal ansc.md (submitting appeals and decissions on appeals submitted)
- ☐ Data on companies in Moldova (idno.md; openmoney.md, bizzer.md)



### **Conclusions**



- There are legal provisions that allow foreign companies to bid in Moldova at any public 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

## **Recommendations for foreign companies**



- 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 MTender paltform the CPV codes according to your interests so that you will get an email notification 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.

# Thank you for your attention! 💮 💥





