

**Call on the urgent need to ensure the sustainability and continued development of the MTender  
electronic procurement system**

18 December 2018

The signatory organizations welcome the launch of the MTender Electronic Procurement System, developed and promoted by the Ministry of Finance of the Republic of Moldova, with the support of the European Bank for Reconstruction and Development, as well as that of the civil society organizations.

MTender is basically a revolution in the national procurement system. Like any other electronic system, it is not perfect and needs to be perfected and updated in a continuous manner. However, it offers access to information about the entire procurement cycle one click away. We recall how, in the past, in order to obtain information from the public procurement dossiers we had to wait at best for months and send several letters to the same contracting authority, and in some cases, the only way we could obtain that kind of public information was through court proceedings.

We are aware that the recently launched MTender system is not the key to eliminating the corruption deeply rooted in the public procurement system, but it certainly represents an excellent opportunity for the public procurement to become transparent and to emerge from out the "trade secret" logo. At the same time, the system offers significant opportunities for business. Thus, economic operators are no longer required to invest time, effort and resources to submit bids on papers to the contracting authority, to participate in the opening session of the tenders, or for obtaining the necessary clarifications which have also become public. Currently, through MTender, economic agents have the possibility to participate simultaneously in several procurement procedures that take place in different corners of the country, in a manner that does not require physical contact with the authorities, which in its turn, significantly reduces the risks of corruption.

At the same time, the system contributes to the efficient use of public resources by offering the opportunity of real competition through electronic auction, which has already been proved to save up to 50% of the estimated purchase value and up to 20% of the value of the first offer received. But also outside the electronic auction procedure, the system provides for an open and competitive environment.

Any complex system such as MTender may contain certain technical deficiencies which are to be adjusted, corrected and adapted to the needs of contracting authorities, those of the business environment and of the citizens. But we have to realize that any major change, all the more one that involves the accumulation of new knowledge and skills is usually encountered with resistance from

those faced with this task. Moreover, the system was launched on a national scale almost by the end of the fiscal year, a period during which contracting authorities are trying to make the most of available funds. We believe that these are temporary difficulties that will be overcome shortly.

Lately, a wave of dissatisfaction from some contracting authorities has generated talks on a possible revert to either the old SIA RSAP - an electronic registry that does not offer the possibility of conducting electronic auctions, as well as very limited access to purchase data, or to the option of gradually including contracting authorities in the system (as was the case with the first SIA RSAP, when by 2017 there were just over 300 contracting authorities who used the system in a mandatory manner). Another concern is the circumvention of transparent procedures through the recent increase in thresholds for small value purchases. We insist that these procedures must be carried out only through the MTender system, starting with a reasonable threshold of about 50,000 lei.

We believe that it is essential to keep the MTender system, through which all contracting authorities should carry out their procurement procedures. We reiterate the importance of fully respecting the basic philosophy of the system "everyone sees everything", the launch as soon as possible of other types of procedures through MTender, the development and launch of other useful tools, such as business intelligence, risk indicators with automatic notification of control agencies, and more.

**Signatories:**

Association for Efficient and Responsible Governance

Institute for Public Policies

Expert-Grup Independent Analytical Center

Institute for Development and Social Initiatives (IDIS) "Viitorul"

Center for Policies and Reforms

Human Rights Association Lex XXI

Institute for European Policies and Reforms

Transparency International Moldova

East European Foundation

Center for Legal Resources in Moldova

AO "Solidarity Parents"

AmCham Moldova

Association for Participatory Democracy ADEPT

Promo-LEX

Agency for Regional Development "Habitat"

Association of Foreign Investors