



#COVID19

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Open call of civil society organisations to the authorities on critical deterioration of transparency in public procurement by the Center for Centralized Public Procurement in Health care

09 April 2020

Civil society expresses its deep concern about the fact that the Center for Centralized Public Procurement in Healthcare (CAPCS) has decided to receive offers for tenders by e-mail. This applies to procurements in the field of health care, which have nothing to do with the fight against COVID-19. Prior to this, offers were accepted in sealed envelopes. The corresponding letter number Rg02-1416, April 7, 2020, was sent to suppliers by acting CAPCS Director Alina Russu.

Even though the submission of offers in envelopes has a high level of corruption risks and is clearly a relic of the Stone Age, this procedure still contained at least some minimal guarantees of transparency and impartiality: suppliers could attend the opening of envelopes and, thus, minimize the control of the procurement process.

When submitting offers by e-mail, the minimum guarantees of transparency of procurements and impartiality to suppliers are actually compromised. Email submissions actually blindfold the public, taking medical purchases into the shadows. As a result, the risks of inefficient use of public funds and deterioration of the protection of public health are increased: for more money - less supplies and medical equipment can be purchased. This is unacceptable in a modern democratic society, and particularly in a state of emergency caused by the spread of COVID-19.

Given the increased risk of corruption in the Republic of Moldova, [1] e-mail offers are easy to manipulate and abuse:

- the e-mail is easy to delete or it can get “accidentally” in the spam folder;
- important information from the offers can be reported to competitors;
- one can advise “privileged” suppliers to make changes and invisibly send an offer with updated data, etc.

We are concerned that for more than a year now no decisions have been made to finalize the functionality of the electronic procurement system (today it is SIA RSAP MTender) for medical purchases. In this regard, in the current emergency situation, CAPCS does not use this transparent system.

In connection with the foregoing, **we urge** that:

- **CAPCS** immediately refuses to the practice of accepting offers by e-mail;
- **The Government and the Commission for Emergency Situations** ensure a transparent use of public funds in the field of medical procurement, particularly by:
 1. Publishing detailed lists, specifications, the number of planned purchases and concluded contracts for the purchase of medicines, medical devices and medical equipment, specifying specifications, quantities and prices, data on supplies;
 2. Obliging the Ministry of Finance to urgently finalize the necessary functionality of the electronic procurement system (currently SIA RSAP MTender) for medical purchases.

It is important to note that since the beginning of 2019, there has been a tendency in Moldova to reduce the transparency of the use of public funds in the health sector:

1. **On March 7, 2019**, the Government of the Republic of Moldova adopted, on its own responsibility, Law No. 23 on amending Article 89 of Law No. 131/2015 on public procurement. [2] These changes allow not using AIS “GRGZ” MTender [3] until January 1, 2021 - for public procurement of medicines and products, which in 2018 were estimated at about 1.74 billion Moldovan lei (these amounts include funds from CNAM and national medical programs).

2. **On March 17, 2020**, by decision No. 55 of 03.17.2020, the Parliament approved the declaration of a state of emergency throughout the Republic of Moldova from March 17 to May 15, 2020. Thus, during this period, the Commission for Emergency Situations of the Republic of Moldova (Commission) issues orders to implement the necessary measures to prevent, reduce and eliminate the consequences of the coronavirus pandemic (COVID-19). [4] Particularly, the procedures of public procurement of goods strictly necessary to prevent, reduce and eliminate the consequences of the coronavirus pandemic were temporarily changed: the Commission, derogating from the provisions of Law No. 131/2015 on public procurement, has made changes to allow purchases in a simplified form. The measures taken are intended to accelerate urgent purchases, but along with a positive effect, there is a significant decrease in the transparency of the use of public funds.

3. **On April 7, 2020**, by letter Rg02-1416, the Center for State Centralized Procurement in Healthcare (CAPCS) sent potential suppliers a request to submit offers by e-mail. The previously used mechanism for submitting offers in envelopes, despite the high level of corruption risks, is clearly outdated, but even so, it was possible for suppliers to attend the opening of envelopes.

The Coalition of public organizations for observing the principles of transparency and efficiency in the use of public money in a pandemic and the projected consequences of COVID-19 in the Republic of Moldova

<https://bit.ly/2USAznE>

[1] <https://www.transparency.org/cpi2019>

[2] https://www.legis.md/cautare/getResults?doc_id=113085&lang=ro

https://www.legis.md/cautare/getResults?doc_id=113085&lang=ru

[3] M-Tender - an electronic public procurement system (e-procurement) is one of the most efficient tools to increase the transparency and efficiency of procurement procedures.

[4] The decision also provides that the provisions of the Commission are binding and enforceable for the heads of central and local public administration authorities, economic agents, state institutions, as well as for citizens and other persons in the territory of the Republic of Moldova. The regulations issued by the Commission shall enter into force upon their adoption.