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**Project "Cutting edge improvements in the public
procurement system in Moldova through
inclusiveness, creativity and
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IDIS „Viitorul”

Stages of public procurement process



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1. Planning public procurement procedures

- **Planning public procurement contracts** – identifying public procurement contracts targeted to meet the needs for goods, works or services for the entire budget year, reflected in the procurement of contracting authority.
- **Notice of intended procurement** – a notice to be published in the Public Procurement Bulletin within 30 days from the approval of the contracting authority's budget, including all the procurement contracts expected to be awarded by the end of the budget year, the estimated value of which for goods and services is equal to or more than 400, 000 MDL, and for works is equal to or more than 1,500,000 lei;
- **Procurement plan** – a set of needs for goods, works or services for the entire budget year, the needs to be met by concluding one or more public procurement contracts, depending on the mode they are planned.



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- When planning public procurement procedures, the contracting authority **is not entitled to divide** the procurement by concluding separate public procurement contracts with a view to apply a procurement procedure other than the procedure that would have been used under the Law on Public Procurement in case if the procurement hadn't been divided.
- For the **additional financial resources** (modification of financing plan, allocation of subsidies) **not known** while delivering the procurement plan, a **new procurement procedure** shall be carried out according to the thresholds set by the law on application of the public procurement procedures.



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The following things may be purchased under separate (periodic) contracts, which are required to be concluded for a definite period of time:

➤ **Seasonal goods and services:**

- Foodstuff;
- Supply services;
- Passenger air transport services.

➤ **New goods and services that have recently entered the market the existence of which was not known at the moment of delivering a plan of public procurement procedure, or if newly identified needs for the goods, works and services have arisen due to unforeseen situations.**

New needs for goods, works and services shall be contracted by applying the appropriate procedure of public procurement, based on the estimated value of contract(s) to be awarded.



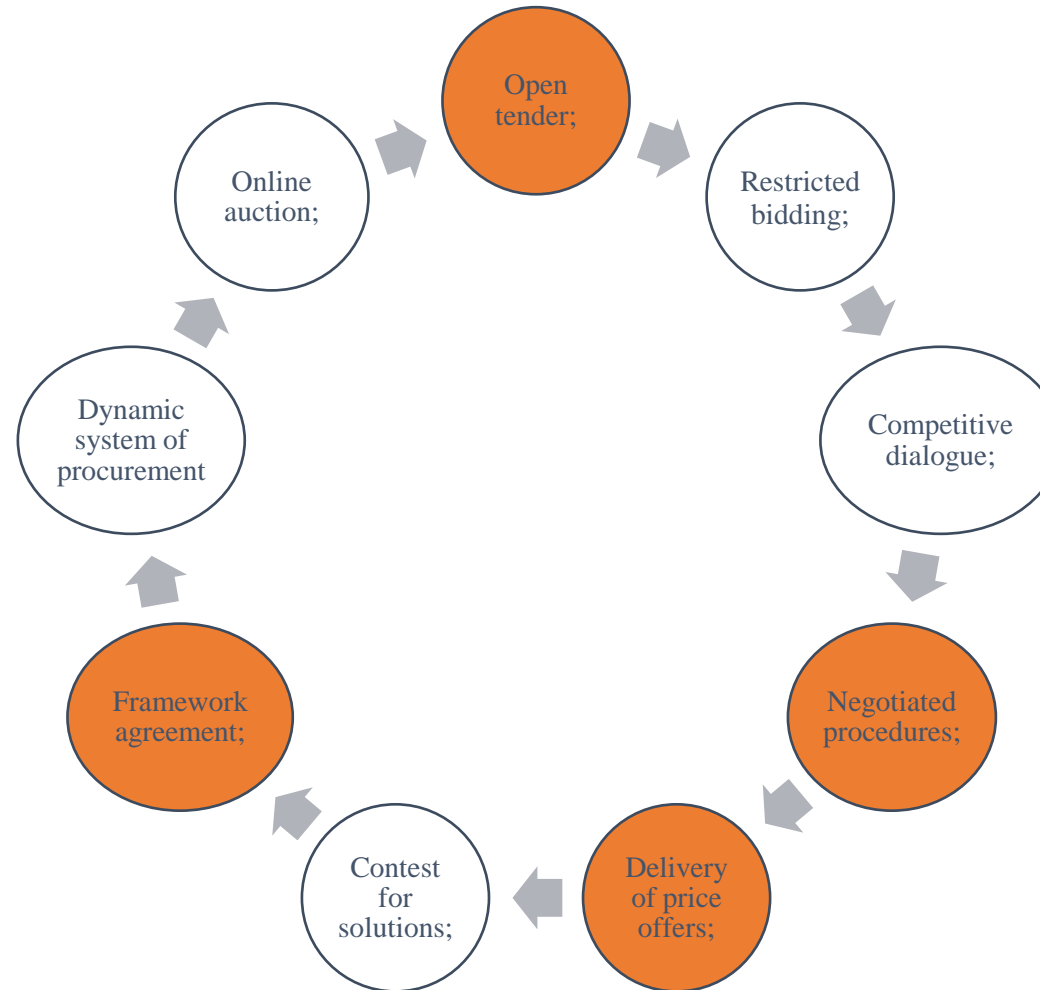
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2. Types of procedures for the award of public procurement contract





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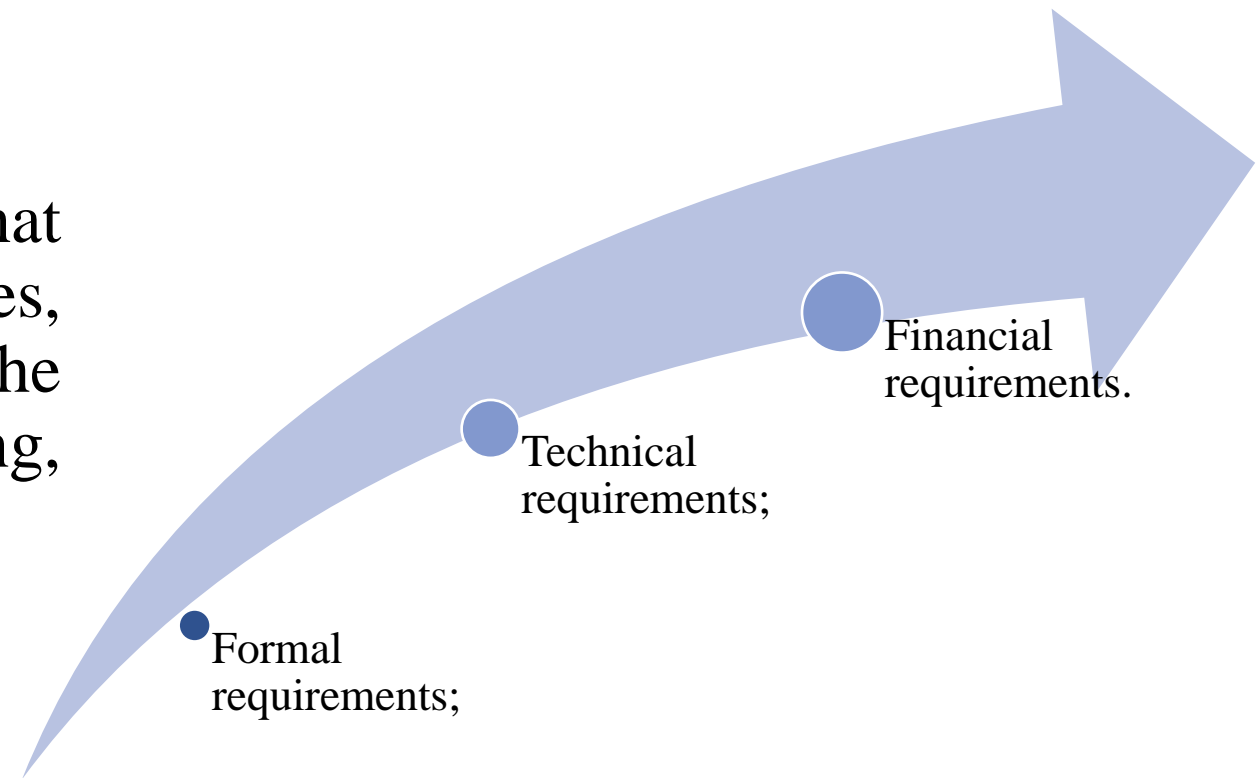
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3. Elaboration of award documentation

Award documentation is documentation that embraces all the requirements, rules, information related to the subject of the contract and the procedure of its awarding, including task book.





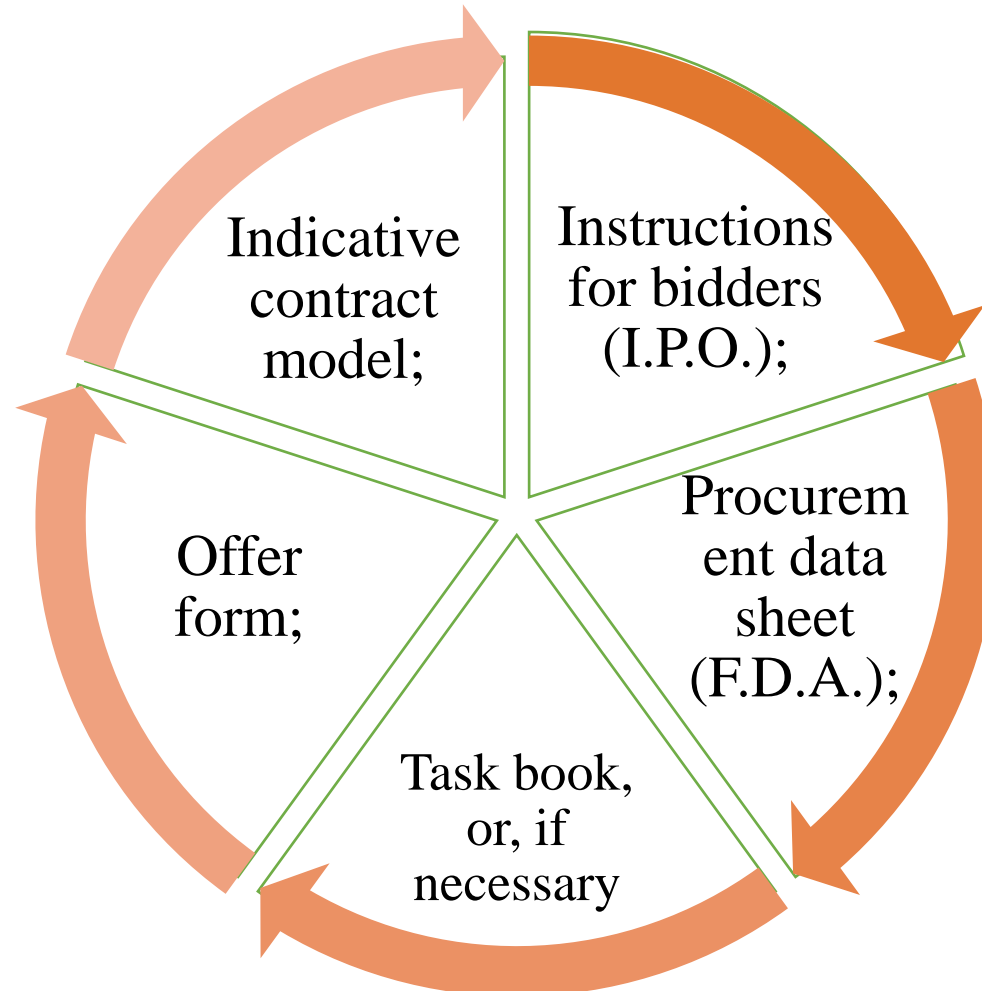
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The structure of award documentation





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4. Elaboration of the task book (technical specification)

The task book is the most important document in the bidding process. It should describe the services/goods/works to be delivered, the levels, standards and resources along with the achievements and results required.

The task book includes:

- The list and volume of goods/services/works;
- Full technical specification.



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Technical specification

Technical specification of goods, works and services requested by contracting authority shall represent an exact and complete description of the procurement object so that each requirement and criterion set out by the contracting authority is met.

They shall not refer to:

1. A particular trademark;
2. A particular patent;
3. A sketch;
4. A certain type of goods, works, services;
5. A specific origin, a certain producer or economic operator.



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Indicative contract model

- The clauses of the contract are mostly set forth by contracting authority.
- The indicative model of public procurement contract shall be structured in the following way:
 - **Recitals;**
 - **Mandatory contractual clauses;**
 - **Specific contractual clauses.**



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5. Tender participation announcement

In order to provide transparency of awarding a public procurement contract the contracting authority whenever it wishes to award a public procurement contract or to conclude a framework agreement is obliged to publish a tender participation announcement or a notice of invitation to tender depending on the procedure applied.

Tender participation announcement shall be published in Public Procurement Bulletin and on the official website of Public Procurement Agency.



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Minimal term for submitting bids

➤ Deadline for submitting bids minimum **7 days**:

Bunuri <400 000 MDL without VAT

➤ Deadline for submitting bids minimum **12 days**:

Services <400 000 MDL without VAT

Works <1 500 000 MDL without VAT

➤ Deadline for submitting bids minimum **20 days**:

Goods and services \geq 400 000 MDL without VAT

Works \geq 1 500 000 MDL without VAT



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6. Communication rules. Clarification

Any communication shall be performed in written form.

Any written document shall be registered when it is transferred and received.

Any interested economic operator has the right to make a request for clarification on awarding documentation.

The contracting authority is obliged to respond to any request for clarification (LP-max.3 working days, COP-max.1 day).



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Answers to requests for clarification

AC answers to requests shall be provided to economic operators no later than:

- $\geq 2,3$ mln/90 mln - **6 days** before the deadline set for submission of bids;
- $< 2,3$ mln/90 mln - **3 days** before the deadline set for submission of bids;
- COP – **a day** before the deadline set for submission of bids.



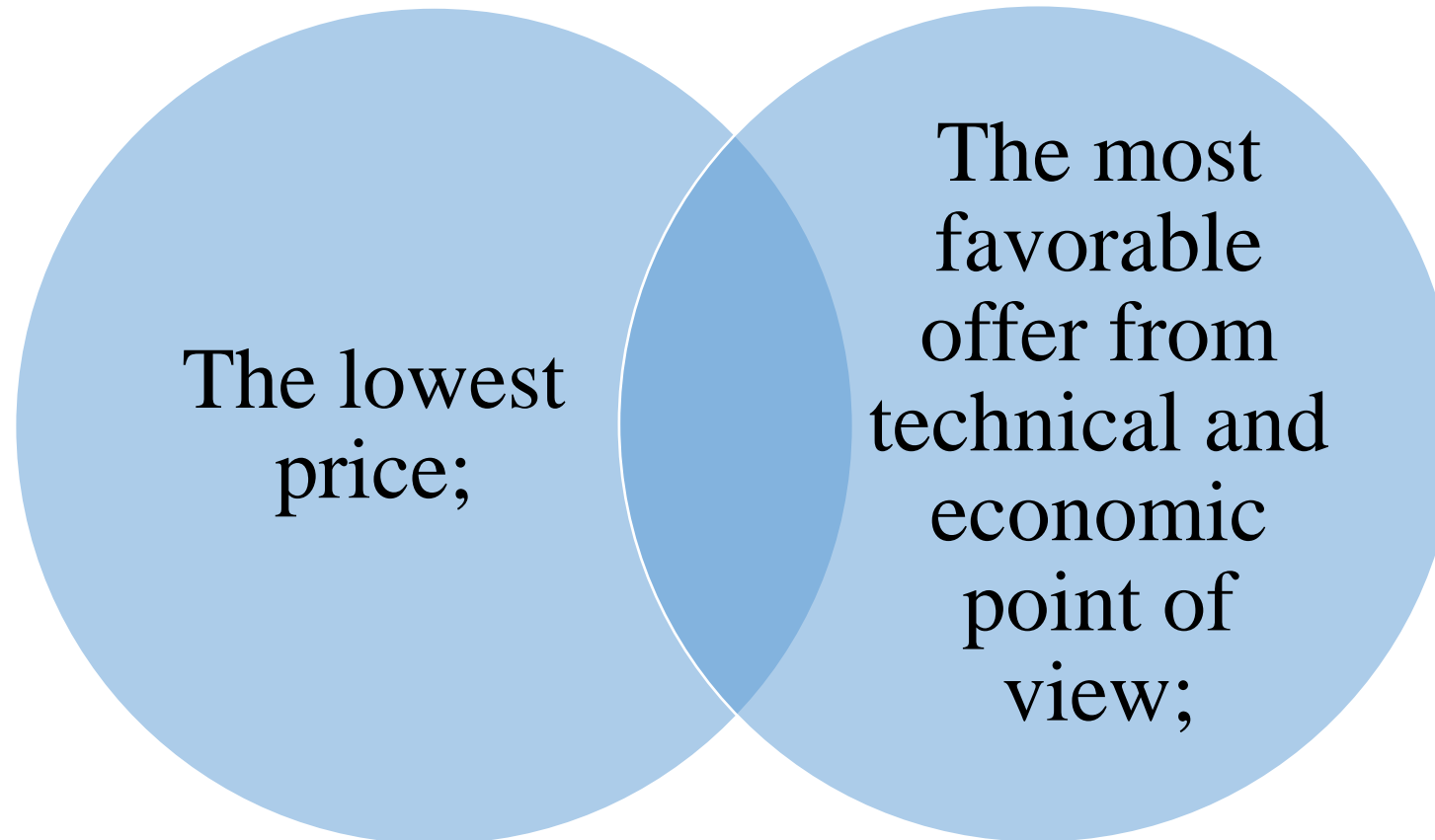
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7. Awarding criteria





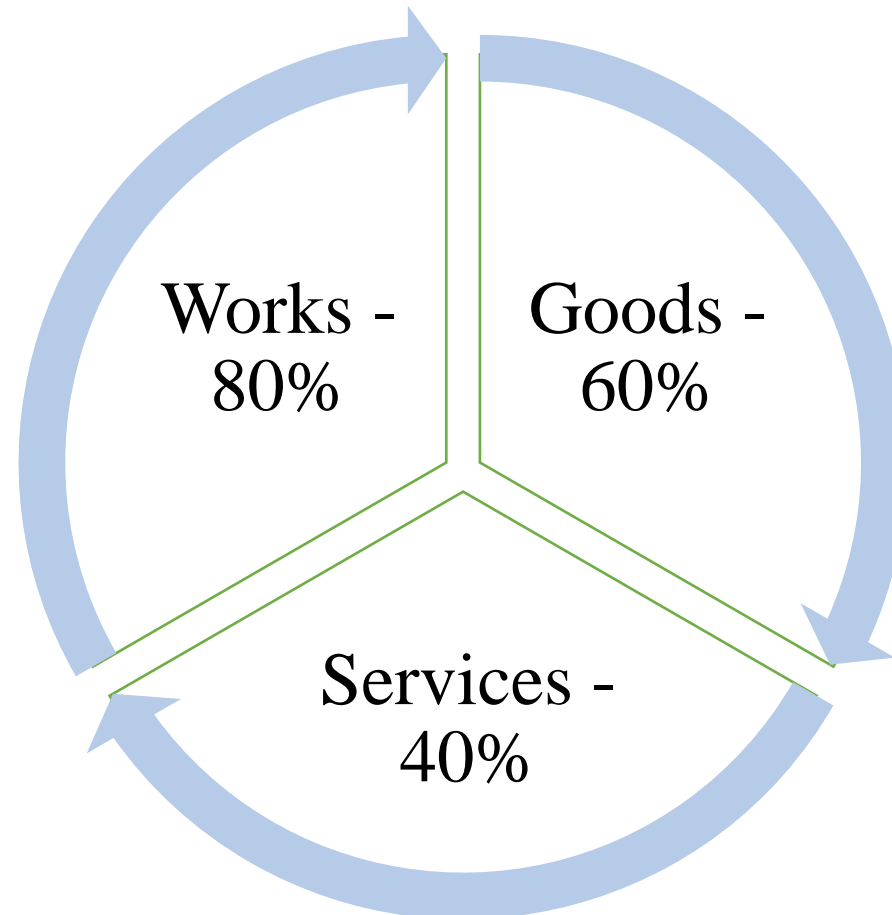
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The share of the price in the total bid evaluation:





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8. Offer submission

- Offer presentation implies submission of **2 separate envelopes** that contain “technical proposal” and “financial proposal”.
- An offer in written form signed and, if applicable, stamped, shall be presented in compliance with the requirements set out in awarding documentation. The contracting authority shall obligatorily issue to economic operator a **notice** specifying the date and the time of offer receipt, or confirming its receipt in cases when the offer has been submitted by use of electronic means.
- The offer submitted/sent to the address other than that specified in the announcement/notice of invitation to tender, or received by the contracting authority **after expiration of deadline** for offer submission **shall not be opened and shall be returned** to the economic operator who has submitted it.



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9. Opening bids

- Opening bids takes place on the date, time and location specified in the announcement/notice of invitation to tender, published in BAP, in the presence of working group members that are empowered for the concerned award procedure.
- Everyone is authorized to attend opening bids.
- The bidder has no right to withdraw or amend the offer after expiration of the deadline for submission under the sanction of being excluded from the procedure for the award a public procurement contract.
- The name and contact details of each bidder whose offer is opened, qualification documents and the cost of offer shall be communicated as to those who attended the opening, so and to those who were absent and were not represented by anyone at the opening upon their request.



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Tender opening session

- ✓ The offers shall be obligatorily signed by all the members of working group, including representatives of civil society and external advisers.
- ✓ Tender opening session is considered to be completed upon delivery of a tender opening minutes.
- ✓ All mandatory qualification documents and prices of the offers shall be specified in the tender opening minutes in an obligatory manner.
- ✓ It shall contain notes regarding mandatory qualification documents which have not been presented.
- ✓ The minutes shall be also signed by all members of working group and then forwarded to the representatives of economic operators for countersigning upon their request.