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# POLICY PAPER

## Best Practices in preventing corruption in the Public Procurement Sector

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## SUMMARY

Public procurement represents an essential pillar in the process of service delivery by government to citizens. Taking into account the volume of activity and of the contract representing the results of public procurement, correct implementation of the latter plays a primary role in promoting an efficient activity at public sector level, as well as at the level of citizens' trust in Government.

A well-organized public procurement process has a direct contribution to accomplishing the objectives of the country, such as improving road infrastructure, increasing energy efficiency, increasing the number of jobs, developing businesses, etc.

According to statistics, in 2016, contracting authorities carried out public procurement procedures in total value of 7.52 billion MDL, i.e. by 1.06 billion MDL more than during 2015. The risk of corruption at such a large volume is high. Therefore, fighting this phenomenon is to become a top priority task for public authorities and law enforcement bodies.

At legislative level, the public procurement system in the Republic of Moldova, including the legal framework for preventing corruption in public procurement area, reflects several good international practices, particularly after the approval of the new Law on Public Procurement.

However, isolated combatting of corruption in the public procurement sector without an integral approach to procurement system, public administration system, and fighting corruption procedure will have minimum effects. Corruption in public procurement area is part of the general corruption phenomenon in the Republic of Moldova, which covers practically all the sectors, both horizontally, and vertically.

This document provides a number of analyses and recommendations that could help improve the procurement system in the Republic of Moldova, such as:

- to insure a full functionality of the National Agency for Settling Contestations and cross-sector involvement of all institutions directly or indirectly contributing to toleration and promotion of corruption in public procurement area;
- to insure application of the legislation on public procurement by both public authorities, and private entities where the state is a major shareholder;
- to adopt a Code of Conduct in public procurement area and introduce the practice of signing integrity pacts;
- to mandatorily include subcontractors in the bid and transfer payments directly to subcontractors;
- to reduce the number of documents required for applying to a procurement process by substituting them with documents provided at own risk (statements at own responsibility);
- to evaluate the management and the performance of employees involved in the public procurement process, including based on quality; etc.

In 2016, contracting authorities carried out public procurement procedures in total value of 7.52 billion MDL.

## INTRODUCTION

Taking into account the financial volume and the volume of works that the state annually contracts, the correct implementation of the public procurements play an important role in the sustainable growth of the country and building of confidence in Government.

Harmonization of the legislation of the Republic of Moldova to the European Union legislation and institutional reform in procurement area are elements provided for in Chapter 8, Title V, and Annexes XXIX-B, XXIX-C - XXIX-F, XXIX-H, XXIX-I, and XXIX-K to the Association Agreement between the Republic of Moldova and European Union<sup>i</sup>. The key elements implemented by Moldovan authorities as a result of signing the Association Agreement include the new Law on Public Procurement<sup>ii</sup> and the establishment of the National Agency for Settling Contestations, implicitly.

According to the statistics in 2016 contracting authorities carried out public procurement procedures in total value of 7.52 billion lei. Also, according to statistic the average bribe value in public procurement contracts constitutes approximately 10%. If compare the two above-mentioned data, we can deduce that the state loses approximately 750 million lei annually due to acts of corruption committed in the public procurement process. Therefore, counteracting this phenomenon should become a top priority task for the public authorities and law enforcement authorities.

This document intends to analyze vulnerabilities of the public procurement system in the Republic of Moldova due to corruption phenomenon persisting in this sector, and to come up with a number of recommendations for increasing transparency and fighting corruption in public procurement in the Republic of Moldova, based on the experience of several states and international organization, particularly on Estonian experience.

## LEGAL AND INSTITUTIONAL FRAMEWORKS

Following the signing of the Association Agreement and the commitment to align the legal and institutional frameworks in public procurement area, a new Law on Public Procurement was adopted in 2015. This law transposes the provisions of Directive No.18/2004/CE on Coordinating the Procedures of Awarding Public Procurement, Works, Goods and Service Provision Contracts, and the provisions of Directive No. 66/2007/CE on Amending Directives 89/665/CEE and 92/13/CEE of the Council with regard to improving the effectiveness of appeal procedures concerning the awarding of public procurement contracts, pending adjustment to the final provisions of Directive 2014/24/EU of the European Parliament and Council of 26 February 2014 on Public Procurement<sup>iii</sup>.

Another two EU directives<sup>iv</sup> on public procurement area pending transposition in the national legislation to insure transparency, exhaustiveness, and competition according to European model. The new Law comes with several amendments, such as changing the threshold and timeframe for submission and examination of documentation and contracts, introducing the „value for money” principle, duties of working groups on procurement, criteria for awarding public procurement contracts, aspects related to increasing the initial contract value, provisions on transparency and publicity (including in the Official Journal of the European Union) etc.

The most important novelty brought by the new law is the establishment of the National Agency for Settling Contestations, which takes over the role of settling contestations in public procurement area from the Public Procurement Agency.

The new Law on Public Procurement introduces the „value for money” principle,

The National Agency for Settling Contestations takes over from the Public Procurement Agency the role of settling contestations in public procurement area.

Essential **legal provisions** of the new Public Procurement Law in the area of fighting corruption in the public procurement process include the following:

- Obligation of the contracting authority to exclude from the public procurement contract awarding procedure any bidder or candidate who has been convicted over the last 5 years by the final judgement of a court institution for participation in activities of a criminal organization or group, for corruption, fraud and/or money laundering<sup>v</sup>;
- Obligation of the contracting authority to reject the bid in cases when the latter finds out that the economic entity who has submitted such offer suggests or agrees to suggest, directly or indirectly, to any person holding an accountable position or to any employee of the contracting authority a favor in any form, an employment offer or any other service as a reward for certain actions, decisions or for applying a public procurement procedure to his/her advantage. At the same time, such situation shall be mandatorily fixed in the statement and reported to competent bodies<sup>vi</sup>;
- Obligation of the contracting authorities to reject the bids when the latter are abnormally low, and the bidders fail to provide a conclusive justification of the prices included in the bids (in the sense of Article 66 of the Law) or when stating that some acts of corruption have been committed<sup>vii</sup>;
- Obligation of the contracting authority to cancel the public procurement procedure if stating the commitment of an act of corruption, confirmed by final judgement of a court institution<sup>viii</sup>.

An important aspect at legislative level, which works in the majority of EU member states, including in Estonia, is the application of general public procurement rules to both public authorities, and private institutions where the state is the majority shareholder. Civil society organizations and development partners reiterated this recommendation several times<sup>ix</sup>, but these subjects are still outside the scope of the national legislation on public procurement, which fact leads to lack of transparency, corruption, and inefficient use of public money.

Legislative interventions at **institutional framework** level are significant, first by decentralizing the procurement function from the Public Procurement Agency to contracting authorities. Pursuant to the new Law, the Public Procurement Agency shall remain only with the regulatory, surveillance, control, and interinstitutional coordination role in procurement area.

The second significant change in the public procurement area is the establishment of the National Agency for Settling Contestations. Although pursuant to the initial draft this institution was intended to be under the subordination of the Ministry of Finance, as a result of amending the law, the latter is an independent agency and cannot be subordinated to any other public authority or institution, having the obligation to protect the legitimate rights and obligations of all the parties involved in the contestations filed for settlement, without any privilege or discrimination.

Although, pursuant to the new Law, this institution was to become operational on 1 May 2016, currently, it is not operational yet, while according to the law, the Public Procurement Agency has no right any longer to settle contestations. In this sense, pursuant to the law, the court remains the only institution with such competences, which fact creates a major impediment in conditions when, by the time of announcing the court hearing, the contracts are already signed or even implemented most oftentimes.

Although the major stake of establishing the National Agency for Settling Contestations as an independent and unsubordinated institution to any authority is on reducing corruption and conflict of interest factors, having studied the experience of Estonia (22<sup>nd</sup> position in the world for the perception of corruption index, the Republic

Public procurement legislation is not applied to private institutions where the state is the majority shareholder.

After more than a year from its establishment, the National Agency for Settling Contestations is not operational.



Isolated treatment of corruption phenomenon in the public procurement sector without integrally addressing it is wrong.

of Moldova being placed on position 123 123<sup>x</sup>), we can state that without a high level of integrity on behalf of actors involved, without transparency and rule of law, the separation of the role of settling contestations from the Public Procurement Agency and establishment of a new independent body that would deal with this process risks to have a minimum impact. If analyze the operational model in place in Estonia, it can be easy to note that the body for settling contestations is part of the Ministry of Finance, the latter being the central authority coordinating the public procurement process as well, which clearly shows that the key to success is not only the separation of duties, but rather the cross-cutting involvement of all bodies with duties of fighting frauds in public procurement sector.

Corruption in public procurement sector is part of the general corruption phenomenon in the Republic of Moldova, covering practically all the sectors both horizontally and vertically. Therefore, taking an isolated approach to corruption in public procurement sector without addressing the phenomenon of corruption integrally would be wrong. Thus, in addition to Public Procurement Agency and the new National Agency for Settling Contestations, it is necessary to involve institutions, such as Prosecutor's Office, National Anti-Corruption Center, Court of Accounts, National Integrity Authority, and Ministry of Finance in the public procurement process, as all these bodies have direct duties in public procurement area, set forth in the regulatory acts underlying their activity.

## GUIDING PRINCIPLES FOR A CORRUPTION-FREE PUBLIC PROCUREMENT SYSTEM

Throughout the entire public procurement process there is a risk of integrity of the actors involved in the process, and managing to prevent this phenomenon requires a holistic approach to reduce the risks and prevent corruption, for example, focusing on integrity at a certain stage only may increase the risk at other stages.

Proceeding from the complexity of activities to be carried out in a public procurement process, the Organization for Economic Cooperation and Development (OECD) provided a number of principles that can directly and indirectly prevent corruption and stimulate good governance and responsibility in the public procurement process<sup>xi</sup>. These are the principles of:

- Integrity;
- Transparency;
- E-Procurement;
- Accessibility;
- Participation;
- Surveillance and control.

Thus, proceeding from Estonian experience and other good practices from the region, a number of recommendations will be provided below from the view point of OECD principles.

### Integrity

The integrity level of actors involved in the public procurement process can have a direct influence on the results of public procurement and on the quality of delivered product, implicitly. In this sense, OECD recommends instituting a Code of Conduct including integrity standards for the officers involved in public procurement to guide their activity.

At the same time, taking into account the fact that the majority of large companies have their own codes of conduct, it is relevant, particularly in the case of high value

contracts, that the relations between the contracting authority and the economic entity be not limited to the object of procurement only, but rather be accompanied by a pact of integrity<sup>xii</sup>, by which the parties would commit not to unfold illegal actions or have recourse to leaks of information, etc.

Taking into consideration the level of corruption in the Republic of Moldova according to the corruption index developed by Transparency International, we consider it timely to analyze the possibility to adopt and implement such a Code.

An element present in both, the Moldovan and Estonian legislation is the definition in the regulatory framework of the term *conflict of interest in public procurement sector*. According to the latter, in addition to provisions instituting a number of restrictions in the procurement process, all the working group members are obligated to sign, at their own responsibility, a confidentiality and impartiality statement. Respective provision is not a novelty for Moldova, being included in the old version of the law as well. The major problems resides in the observance of this provision, which is not always taken into account.

According to the Audit Report on the performance of public procurement system<sup>xiii</sup> developed by the Court of Accounts in 2015, in 10 out of 12 contracting authorities subject to auditing, in 56 out of 399 cases, the working group member did not file statements, which causes an increase of the risk of conflict of interest, and lack of insurance that the procurement contracts have been awarded in an independent and unbiased manner.

#### **Transparency and E-Procurement.**

Transparency in public procurement not only promotes responsibility and insures access to information, also playing an important role in setting equal and correct rules for enterprises and allowing smaller enterprises to participate on a more fare basis. The easiest method for insuring transparency is to use electronic tools and the e-public procurement system, specifically.

Using electronic systems in the procurement sector can be easily qualified as the most important tool for fighting corruption in the procurement process.

Looking through the Estonian experience, we can mention that the Estonian government undertook back in the beginning of 90s as a target to eliminate the human factor in administrative processes, and the public procurement system was not an exception.

The current e-public procurement system in Estonia is highly advanced, with a number of innovative elements insuring the transparency of public procurement. It was launched at the beginning of 2011, being subject to a number of improvements over the time.

As regards Moldovan experience with e-procurement systems, we can mention the Automated Information System “State Registry of Public Procurement” (AIS SRPP) used over the last 5 years, and currently piloted in a new form for low value procurements (mtender.gov.md).

The new AIS SRPP is developed on basis of public procurement system ProZorro<sup>xiv</sup> developed by Transparency International – Ukraine on basis of the principle „Everybody sees everything”.

Thus, taking into account the Estonian experience and electronic system, as well as proceeding from the fact that a new MTender system is currently being implemented in Moldova, we will try to identify similarities and differenced between the two systems from the point of view of elements, which contribute to fighting corruption.

Along with this, we will try to shape an optimal system for the Republic of Moldova,

In 56 out of 399 cases, working group members did not file confidentiality and impartiality statements.

The e-procurement system MTender is based on the principle „Everybody sees everything”.

taking into account the two elements mentioned above (Estonian experience and the system developed by Transparency International - Ukraine).

<b>Estonian E-Procurement System versus ProZorro (MTender) System</b>				
No.	<i>Transparency criteria</i>	<i>Estonian E-Procurement System<sup>xv</sup></i>	<i>ProZorro (MTender) System</i>	<i>System recommended for the RoM</i>
1.	Publishing of annual public procurement plans		✓	✓
2.	Publishing of contracts		✓	✓
3.	Presentation of all bids from all candidates	✓	✓	✓
4.	Platform presentation of all financial amendments to the main contract	✓	✓	✓
5.	Establishing a certain minimum procurement ceiling from which the platform use becomes mandatory	✓	✓	✓
6.	Exceptions to using the electronic system	✓	✓	✓
7.	Using the electronic system in all procurement processes	✓	✓	✓
8.	Presentation by the system of the difference between contracted amount, and de facto spent amount	✓		✓
9.	Providing the possibility for communication/feedback between the bidders and contracting authority	✓	✓	✓
	Communication visible for all parties participating in the procurement process	✓	✓	✓
	Communication visible for those who did not participate in the procurement process	✓	✓	✓
10.	Analytical capacity of the platform to identify split consignments	✓		✓
11.	Inclusion of economic entities from the blacklist in the electronic system			✓
12.	Direct link between the e-procurement system and the Treasury			✓
13.	Free access of the e-procurement system to other electronic system/data bases	✓		✓
14.	The platform has performance indicators for economic entities			✓
15.	Possibility to search and easily identify all the contracts signed by an economic entity or a contracting authority.	✓		✓
16.	Monitoring procurements and carrying out post-monitoring analyses			✓

**Source:** Ministry of Finance of Estonia and Transparency International - Ukraine

We can state from the above table that both, the Estonian system and the system developed by Transparency International – Ukraine for the Republic of Moldova (MTender) are more advanced in insuring transparency than the one used before the end of 2016 by Moldova.

While the Estonian system does not public the final contracts signed between the contracting authority and economic entity, publishing only information about dates and amount, the TI - Ukraine system, which publishes the final contracts can be



Due to the lack of transparency, the amount is most often increased in contracts by 30%, and sometimes even by 100%.

considered a positive element with the view to fighting corruption in the public procurement system, where each citizen has the right to view any procurement contract signed by public authorities.

Nevertheless, the system developed by TI Ukraine (MTender), which is currently being piloted in the Republic of Moldova, would be possible to consolidate by taking over several essential elements from the Estonian system.

We are referring here particularly about direct calculation and direct publishing of the difference between the contracted cost and the effectively spent one. This issue is highlighted in conditions, in which economic entities, together with the contracting authorities many times play around the maximum increase ceiling, the latter previously being 30%, while now constituting 15%.

Due to the lack of transparency, sometimes these amounts are increased by 100%<sup>xvi</sup>. Another important element present in the Estonian system, but missing in the system piloted in Moldova is an efficient search mechanism, the platform providing the possibility to identify through several cycles all the contracts signed by an economic entity or a contracting authority, including contracts signed by the same contracting authority with the same economic entity.

In addition, an element that would allow increasing the value of our electronic system by taking over the Estonian good practice is insuring interconnection between the public procurement system and other databases and information systems in possession of the state. A primary necessity would be to insure interconnection with the databases of Customs Service and Tax Inspectorate. By this means, it will be much easier to identify economic entities acting in bad faith.

Along with this, taking into account the recommendations of the Court of Accounts<sup>xvii</sup>, it would be useful to insure interconnection of the e-procurement system with the information system of the State Treasury. This is because after the registration of procurement contracts with the Public Procurement Agency contracting authorities submit the contracts for registration to the State Treasury.

An eventual interconnection with the treasury system would minimize the costs and time resources for registering the contracts directly in the treasury system, as well as exclude the human factor from the money circulation process.

Another utility that is missing in the system piloted in the Republic of Moldova and would be useful to take over from the Estonian experience is the introduction of a module for analyzing the split consignments, which will allow the control bodies to more easily identify the bad faith of the contracting authorities.

In addition to those mentioned above from one experience or another, it would be advisable to add several innovative elements for both the Estonian system, and the system developed by TI-Ukraine, and namely to introduce the capacity for carrying out analyses and showing the trends in public procurement sector for both economic entities and contracting authorities.

Along with this, based on the analysis carried out by the system, there should exist performance indicators for economic entities, which will minimize the risks of contracting non-performing suppliers or suppliers who have infringed the procedures or contractual conditions. To all these, the e-procurement system is to also incorporate the "black list" of economic entities. In the long term, the electronic system would be useful to include in itself all the procurement procedures to minimize the human factor to the minimum.

The legislation on public procurement provides a possibility for the contracting authority to request that the bidder indicate in their bid the part of the contract they intend to subcontract to third parties. However, a useful practice for strengthening



Reducing bureaucracy in accessing public procurement contracts through the introduction of statements at

transparency in the public procurement process would be not only to include the possibility to request information about partners and the part which is to be subcontracted, but rather stipulate that the information about subcontractors and the part to be subcontracted shall be included in the bid. Moreover, the payments should go directly to the subcontractor, and not to the main economic entity.

### Accessibility

To be able to obtain the best value for money through a loyal competition, and minimized the risk of corruption, the access of as many companies of different size as possible to public procurement contracts plays an important role.

The participation of small and medium enterprises (SMEs) in public procurement can be facilitated by improving the efficiency of tendering procedures and reducing bureaucracy, which may balance the operational conditions between enterprises and, at the same time, reduce corruption opportunities.

To insure a loyal competition and sanction corruption practices, economic entities with proved experience in infringing integrity rules should have restricted access to public procurement contracts. Although the Report of the Court of Accounts on the performance of public procurement system reveals serious infringements in the process of implementing procurement contracts, currently we have only 24 economic entities included in the blacklist of economic entities<sup>xviii</sup>.

It should be mentioned that by adopting the new Regulation on the procedure for filing the black list of economic entities<sup>xix</sup>, a gap of the old Regulation stipulating the right of the Public Procurement Agency to take own initiative to include economic entities committing infringements in the blacklist.

A tool which would allow increasing the access of SMEs to public procurements would be reducing the number of documents required upon applying to the procurement process by substituting the latter with a declaration at own responsibility, which would increase the willingness of economic entities to participate in public procurements. In the event of winning the procurement tender, the economic entity would have the obligation to submit the necessary documents within a certain timeframe to be able to sign the contract.

### Participation, surveillance and control.

Although these two principles are listed separately by the OECD, they are closely linked to each other, and both occur practically in the same moment. Participation includes different collective action methods and interaction with stakeholders, such as public authorities (e.g. Financial Inspection, Court of Accounts, NAC, NIC, etc.), private sector, civil society, mass-media, final beneficiaries, etc. Broader participation of stakeholders at different stages of the public procurement process insures a high level of integrity of decision makers and reduces corruption, implicitly.

Currently, there are institutional deficiencies in insuring public procurement control at different stages of the process. In the preliminary procurement stage and during the contract implementation process the Public Procurement Agency has an insignificant role of carrying out an ex-ante analysis of future procurement, while diligence and good faith are left at the expense of contracting authority.

Until recently, the ex-post monitoring of the execution of underway contracts used to be a taboo both *de facto* and *de jure*. While with the approval of the new Law on Public Procurement, the Public Procurement Agency was attributed the competence of carrying out ex-post controls.

This element is extremely important for fighting illegalities in the public procurement process, taking into account the fact that, according to the audit of the Court of

With the approval of the new law, the concept of ex-post control emerges, however with very limited competencies for the PPA.

Accounts performed in 2015, in 7 out of 12 contracting authorities subject to audit there were found cases of delayed supply of goods, works or services, without taking measures for failure to deliver within the deadline and calculating penalties according to contractual clauses.

Thus, a new subunit was established within the Public Procurement Agency, responsible for the ex-post control of procurements, while in March of this year, a methodology for carrying out ex-post control was approved<sup>xx</sup>.

Despite of the step taken towards approving this methodology, the competencies of the Agency remain extremely limited, as the latter can check more of the procedural part of a procurement, and less of the result of procurements, having no right to express their opinion on the opportunity of procurements, prices, quality of works, etc.

Along with this, there is another problem closely linked to corruption and remaining unsolved by the new regulations in the ex-post evaluation, and namely the lack of management and performance assessment. This is a significant deficiency perpetuating from one piece of legislation to another.

The reports of the Court of Accounts reveal a larger number of deficiencies in the activity of contracting authorities, the latter committing deviations and frauds. Although the Court makes statements of facts found, as mentioned above, there is no institution to carry out an exhaustive analysis of the appropriate contract execution, including through quality.

## CONCLUSIONS AND RECOMMENDATIONS

In conclusion, we can mention that, at legislative level, the public procurement system, including the legal framework for preventing corruption in public procurement area in the Republic of Moldova reflects some of the best international practices, particularly after the approval of the new Law on Public Procurement.

However, isolated combating of corruption phenomenon in the public procurement sector without an integral approach to the procurement system, to public administration system, and to the way of fighting corruption will have minimum effects. Corruption in the public procurement sector is part of the general corruption phenomenon in the Republic of Moldova, which covers practically all the sectors horizontally and vertically.

Therefore, with the view to strengthen the procurement system and fight corruption in this sector, we recommend the following:

- To insure full functionality of the National Agency for Settling Contestations and cross-sector involvement of all institutions contributing directly or indirectly to toleration and promotion of corruption in public procurement;
- To insure application of the legislation regulating public procurement by both public authorities, and private entities where the state is a majority shareholder;
- To adopt a Code of Conduct in public procurement area and introduce the practice of signing pacts of integrity;
- For the electronic public procurement system:
  - To insure direct presentation by the system of the difference between contracted amount and actually spent amount, without manually studying the contracts;
  - To introduce an analytical capacity for the platform to identify split consignments;
  - To include the blacklist of economic entities in the electronic system;
  - To insure a direct link between the e-procurement system and treasury system;
  - To insure direct access of the e-procurement system to other electronic system/databases;
  - To create a module with performance indicators for the economic entities on the platform;
  - To provide the possibility for easy search and identification of all contracts signed by an economic entity or contracting authority;
  - To create a module for monitoring the procurements and carrying out post-monitoring analyses.
- To mandatorily include subcontractors in the bid and transfer payments directly to the latter;
- To reduce the number of documents required upon applying to procurement process by substituting them with statements at own responsibility;
- To assess the management and the performance of employee involved in public procurements, including by quality aspect.

NOTES:

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<sup>i</sup> Association Agreement between the Republic of Moldova and European Union, <http://www.mfa.gov.md/img/docs/Acordul-de-Asociere-RM-UE.pdf>

<sup>ii</sup> Law on Public Procurement No. 131 of 03.07.2015, <http://lex.justice.md/md/360122/>.

<sup>iii</sup> Directive 2014/24/ of EU Parliament and Council of 26 February 2014 on Public Procurement and Abrogation of Directive 2004/18/CE, <http://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A32014L0024>

<sup>iv</sup> Directive 2014/23/of EU Parliament and Council of 26 February 2014 on Awarding Concession Contracts, <http://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A32014L0023>

Directive 2014/25/of the EU Parliament and Council of 26 February 2014 on Procurements Carried Out by Entities Operating in the Water, Energy, Transport, and Mail Service Sectors and Abrogation of Directive 2004/17/CE, <http://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A32014L0025>

<sup>v</sup> Article 18, par. (1) of the Law on Public Procurement No. 131 of 03.07.2015;

<sup>vi</sup> Art. 40 of the Law on Public Procurement No. 131 of 03.07.2015;

<sup>vii</sup> Art. 65, par. (3), items e) and f) of the Law on Public Procurement No. 131 of 03.07.2015;

<sup>viii</sup> Art. 67 of the Law on Public Procurement No. 131 of 03.07.2015;

<sup>ix</sup> IDIS „Viitorul”, United Nations Development Program, etc.

<sup>x</sup> [http://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](http://www.transparency.org/news/feature/corruption_perceptions_index_2016)

<sup>xi</sup> Preventing Corruption in Public Procurement, <http://www.oecd.org/gov/ethics/Corruption-in-Public-Procurement-Brochure.pdf>

<sup>xii</sup> [https://www.transparency.org/whatwedo/tools/integrity\\_pacts/4/](https://www.transparency.org/whatwedo/tools/integrity_pacts/4/)

<sup>xiii</sup> Government Resolution on Public Procurement System Performance Report, No.37of 1 October 2015, <http://www.ccrm.md/hotarireview.php?idh=767&l=ro>

<sup>xiv</sup> Currently, ProZorro system is considered as one of the most highly performing e-public procurement systems in the world, being awarded several distinctions in this sense, <https://en.wikipedia.org/wiki/Prozorro>

<sup>xv</sup> E-Public Procurement System of Estonia,

<https://riiqihanked.riik.ee/lr1/web/quest;jsessionid=HnTkZGwHJnGKYp2cvmLy2M7q0VX0pMdKYCd8cBv43G2t2v674vgR!1595989413!-1980967308!1493577927376>.

<sup>xvi</sup> Expert-Group Analysis: Public Procurement in the Republic of Moldova: Problems and Solutions, page 42. [http://www.expert-grup.org/ro/biblioteca/item/download/1178\\_4a7fd2d319a93ecd88d49edbd4de1514](http://www.expert-grup.org/ro/biblioteca/item/download/1178_4a7fd2d319a93ecd88d49edbd4de1514)

<sup>xvii</sup> Resolution of the Court of Accounts on Public Procurement System Performance Audit, No. 37 of 01.10.2015, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=361812>

<sup>xviii</sup> Blacklist of economic entities, <http://tender.gov.md/ro/lista-de-interdictie>

<sup>xix</sup> Resolution No. 1418 of 28.12.2016 on Approving the Regulation on the Procedure for Filing the Blacklist of Economic Entities, <http://lex.justice.md/md/368202/>.

<sup>xx</sup> PPA Order No. 17 of 30 March 2017 on Approving the „Methodology for Ex-Post Control”, [http://tender.gov.md/sites/default/files/metodologie\\_control\\_ex\\_post.pdf](http://tender.gov.md/sites/default/files/metodologie_control_ex_post.pdf)