

**REVISION OF THE SUSTAINABLE PUBLIC PROCUREMENT (SPP)
MONITORING SYSTEM IN THE REPUBLIC OF MOLDOVA,
MONITORING AND ANALYSIS OF PILOT – TENDERS' RESULTS**
(February 2024)

Action implemented by:

Disclaimer

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Table of contents

Table of Abbreviation.....	4
1. Introduction.....	5
2. Sustainable Public Procurement monitoring system in the Republic of Moldova.....	6
2.1. The stages of defining and establishing a SPP monitoring system.	6
2.2. The legal regulatory framework of SPP in the Republic of Moldova	7
2.3. Indicators that measure policy objectives and show progress in the field of SPP implementation.....	8
2.4. Tracking systems and reporting mechanisms for the collection of SPP data	9
2.5. Integration of SPP monitoring into existing electronic procurement platform	11
3. Monitoring and analysis of the SPP pilot - tenders results	15
3.1. The general aspects of monitoring and analysis of the SPP tenders	15
3.2. SPP pilot tender for the procurement of organic vegetables and fruits.....	16
3.3. SPP pilot tender for the procurement of energy-efficient PVC windows and doors	18
3.4. SPP pilot tender for the procurement of computers	19
3.5. SPP pilot tender for the procurement of A4 paper for printing.....	22
3.6. SPP pilot tender for the procurement of cars	24
4. Conclusion	26

Table of Abbreviation

CA	Contracting authority
CPV	Common Procurement Vocabulary
EO	Economical operator
EU	European Union
EU4Environment	European Union for Environmen
FSC	Forest Stewardship Council
OECD	Organisation for Economic Cooperation and Development
PPA	Public Procurement Agency
PPL	Public Procurement Law
SDG	Sustainable Development Goal
SPP	Sustainable Public Procurement
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNIDO	United Nations Industrial Development Organization
VAT	Value Added Tax

1. Introduction

In June 2016, the Republic of Moldova ratified the Public Procurement Agreement of the World Trade Organization, and this, together with the Moldova - European Union Association Agreement, previously signed in 2014. These agreements require Republic of Moldova to take all measures for the liberalization of trade and the development of the public procurement system in accordance with international best practices.

Since 2015, the national normative framework and practices in the area of public procurement have evolved considerably, and Moldova started its collaboration with UNEP to implement sustainable public procurement. Within the framework of the EU4Environment project, the activity of identifying prioritized products, that could be selected in the future for the implementation of the Sustainable Public Procurement (SPP) in Moldova, was carried out. Thus, 5 groups of products were prioritized (organic vegetables and fruits, energy-efficient windows and doors, computers, cars and printing paper) for which technical specifications with sustainability criteria were developed.

Monitoring and evaluating sustainable public procurement enables decision makers to make informed decisions. In addition, monitoring and evaluation demonstrate political commitment, contribute to the accountability of each contracting authority and increase transparency when results are communicated.

It is important to establish a Monitoring and Evaluation System to track the progress and results of a SPP Program. The aim is not only to track the progress of SPP implementation, but also to measure sustainability impact and market transformation effects.

This document is based on the analysis of the current public procurement monitoring system in the Republic of Moldova and aims to revise and improve it.

For this purpose, the stages of defining and establishing a SPP monitoring system were analyzed, for which the SPP Index Methodology developed by UNEP was used. The indicators used in this methodology were also analyzed.

An important component of the public procurement system, the legal regulatory framework of SPP in the Republic of Moldova, was also briefly analyzed.

The next step was the description and analysis of indicators that measure policy objectives and show progress in the field of SPP implementation. The improved system will monitor the quantity, share, volume, product categories, etc. of the contracts awarded by public procurement tenders that contain sustainability criteria.

Tracking systems and reporting mechanisms for the collection of SPP data were analyzed, as well as the possibilities of integrating SPP monitoring into existing electronic procurement platform.

At the same time, SPP pilot tender results for the selected products, were monitored and analyzed, successes and failures were highlighted, and conclusions and recommendations for the future were prepared.

The proposed recommendations for the implementation of a SPP Monitoring and Evaluation System refer to the improvement of the SPP data collection mechanism, proposals for the integration of the SPP monitoring tools in the existing electronic procurement system, proposals regarding the calculation of the statistical indicators that characterize the SSP.

The provisions provided in this document are of a recommendation nature and can be (partially or totally) integrated into the monitoring system of the SPP.

2. Sustainable Public Procurement monitoring system in the Republic of Moldova

2.1. The stages of defining and establishing a SPP monitoring system.

Monitoring and measuring the performance of the SPP is essential to know whether a country is meeting its policy commitments and objectives. At the same time, such measurement can be challenging given the variety of activities that SPP can include and the extent to which data is accessible and accurate.

A methodology for measuring the implementation of SPP and Sustainable Development Goal (SDG) Indicator 12.7.1, i.e. "Number of countries implementing SPP policies and action plans", SPP Index Methodology¹, has been developed by UNEP.

The methodology proposes a guide for measuring the level of implementation of SPP in a single country covering the following four groups of indicators:

- the existence of SPP policies and/or SPP legislation;
- efforts and means dedicated by countries to implement SPP policies (process indicators);
- the outputs developed through these policies (output indicators); and
- the results obtained through these policies (result indicators).

The methodology can be used by all countries, regardless of their status regarding the implementation and integration of the SPP.

The indicators used in this methodology correspond to UNEP's SPP approach:

- **The existence of an SPP Action Plan/Policy Statement and/or SPP regulatory requirements.** This sub-indicator aims to assess whether a country has developed an SPP action plan, SPP policy, or has enacted pro-SPP legislation;
- **The SPP regulatory framework is conducive to Sustainable Public Procurement.** This sub-indicator aims at assessing whether, in addition to political measures, specific provisions have been adopted in the legal and regulatory framework (applying to public procurement) to facilitate, or, in the most advanced case, to mandate the implementation of SPP;
- **Practical support offered to public procurement practitioners for the implementation of SPP;**
- **SPP procurement criteria/procurement standards/identified requirements.** Environmental purchasing criteria have been defined, or specific sustainability standards or ecolabels have been recommended for use by the applicable government(s) for up to 20 categories of products (hereto referred as "priority" product categories). Criteria and/or sustainability standards/ecolabel criteria are periodically revised based on comprehensive review, and recommendations are updated (at least every five years).;
- **The existence of a SPP monitoring system.** This sub-indicator aims to assess whether the SPP action plan implementation progress, and the practical results of SPP implementation itself, are monitored; and
- **The percentage of sustainable procurement of priority products/services.** This section aims at assessing the actual percentage of "sustainable" purchasing in the total value of the considered government's procurement spend.

¹ https://www.oneplanetnetwork.org/sites/default/files/spp_index_methodology_-_sdg_indicator_12.7.1.pdf

The assessment of the degree of implementation of the SPP at the government level is based on 6 specific parameters listed above, which lead to the calculation of an *SPP Implementation Score*.

2.2. The legal regulatory framework of SPP in the Republic of Moldova

The public procurement system in the Republic of Moldova is based on the Directive 24/2014/EC of the European Parliament and of the Council of the European Union that was rigorously transposed in the Public Procurement Law (PPL) No 131 of 03/07/2015². This law sets the use of sustainable considerations in the selection and award criteria, including technical specifications, and clauses of environmental contract performance, in particular:

- PPL 131/2015 gives the contracting authority (CA) the right to establish technical specifications with special conditions, aimed at achieving social effects, environmental protection and sustainable development promotion;
- Sustainability standards are one of the qualification requirements;
- If the CA has included environmental protection in the award documentation, the economical operator (EO) has the obligation to justify certain environmental protection standards;
- Violation of obligations in the field of environment constitutes grounds for exclusion of the tenderer from the award procedure.

In addition, the Ministry of Finance has approved standard tender documents that help CAs to conduct public procurement procedures with the indication of sustainability criteria^{3 4}. Secondary normative acts and tender documents can be accessed on the official website of the Public Procurement Agency⁵ (PPA).

On 17.11.2022 by Law no. 315 The Parliament of the Republic of Moldova adopted the National Development Strategy "European Moldova 2030", which is a national document of long-term strategic vision, which indicates the directions of the country's development and adapts the priorities, objectives, indicators, but also the targets of the international commitments undertaken by The Republic of Moldova with the national context, including the Agenda for Sustainable Development 2030⁶.

By Government Decision no. 625 of 30.08.2023 was approved for the National Program for the Development of the Public Procurement System for the years 2023-2026⁷, which aligns with the objectives of the 2030 Sustainable Development Agenda that the Republic of Moldova, in 2015, undertook to implement. The Action Plan regarding the implementation of this Program includes several measures aimed at implementing sustainable public procurement.

In order to implement the Public Procurement Law no. 131 of 03.07.2015, in cooperation with the United Nations Environment Program (UNEP), within the EU-funded "European Union for the Environment (EU4Environment)" Action, the Public Procurement Agency developed a draft concept of a Government Decision on SPP, which would facilitate the development of this field in the Republic of Moldova. The project concept was exposed for public consultations with involved/interested public authorities, as well as civil society organizations involved in the field of environment and public procurement. After which the

² https://www.legis.md/cautare/getResults?doc_id=135662&lang=ro#

³ https://www.legis.md/cautare/getResults?doc_id=127989&lang=ro

⁴ https://www.legis.md/cautare/getResults?doc_id=126683&lang=ro

⁵ <https://tender.gov.md/ro/con%C8%9Binut/legisla%C5%A3ie>

⁶ https://www.legis.md/cautare/getResults?doc_id=134582&lang=ro

⁷ https://www.legis.md/cautare/getResults?doc_id=139302&lang=ro

concept together with the opinions / comments regarding the appropriateness of the regulation of SPP were sent to the Ministry of Finance of the Republic of Moldova for promotion and further steps.

The Ministry of the Environment of the Republic of Moldova developed the Program for the Promotion of the Green and Circular Economy in the Republic of Moldova for the period 2024-2028. The Action Plan for the implementation of this program also includes a specific objective on accelerating the promotion of green and sustainable public procurement. As of February 2024, the Program for the promotion of the green and circular economy in the Republic of Moldova for the period 2024-2028 is exposed for public consultation and will soon be approved by the Government.

Thus, we can observe that the public procurement legislation of the Republic of Moldova allows (facilitates) CAs to apply sustainability criteria in the procurement procedures carried out, but does not require (mandate) the implementation of SPP.

2.3. Indicators that measure policy objectives and show progress in the field of SPP implementation

SPP Index Methodology⁸, developed by UNEP and partners, points out that the *real percentage of "sustainable" procurement in the total value of public procurement expenditures* is the basic indicator that must be considered, when monitoring the implementation of the SPP at the country level.

- **SPP's share in the total volume of public procurement = Total amount of SPP / The total amount of public procurement X 100%**

SPP's share in the total volume of public procurement is represented as a percentage.

As a rule, at the state level, a specific objective is established for the implementation of the SPP (a certain percentage of the SPP in the total volume of public procurement). Monitoring progress in the implementation of the SPP is considered the achievement of this specific objective for the sustainable implementation of procurement.

For general analysis of SPP the following indicators can be used:

- **The total volume of the SPP**, represents the total value of the SPP expressed in currency equivalent,
- **Total number of SPP contracts**,
- **Share of SPP contracts = Total number of SPP contracts / Total number of public procurement contracts X 100%.**

To see the *structure of the purchase items of the SPP contracts*, the following indicators can be analyzed:

- **Total number of SPP contracts for products procurement**,
- **Share of SPP contracts for products procurement = Total number of SPP contracts for products procurement / Total number of SPP contracts X 100%,**
- **The total number of SPP contracts for the procurement of works**,
- **Share of SPP contracts for the procurement of works = Total number of SPP contracts for the procurement of works / Total number of SPP contracts X 100%,**

⁸ https://www.oneplanetnetwork.org/sites/default/files/spp_index_methodology_-_sdg_indicator_12.7.1.pdf

- **Total number of SPP contracts for services procurement,**
- **Share of SPP contracts for services procurement = Total number of SPP contracts for services procurement / Total number of SPP contracts X 100%,**
- **The number of SPP contracts by certain categories of products / services / works,**
- **Share of SPP contracts by certain categories of products (or services, or works) = Number of SPP contracts by certain categories of products (or services, or works) / Total number of SPP contracts X 100%.**

For the *analysis of public procurement procedures with SPP criteria*, the following indicators should be analyzed:

- **The number of public procurement procedures with SPP criteria,**
- **Share of public procurement procedures with SPP criteria = Number of public procurement procedures with SPP criteria / Total number of public procurement procedures X 100%.**

In addition, these two indicators (the number and share of procurement procedures with SPP criteria) can be analyzed according to **the type of purchase item - products, services or works**.

Public procurement procedures with SPP criteria can also be analyzed according to the award criterion - the number and share of public procurement procedures with SPP criteria according to **the applied award criterion** (lowest price, lowest cost, best quality / price, the best quality / cost ratio).

They are a series of indicators that contribute to *the analysis of the SPP market*:

- **The number of cancelled public procurement procedures with SPP criteria,**
- **The share of public procurement procedures with SPP criteria canceled = Number of public procurement procedures with SPP criteria canceled / Number of public procurement procedures with SPP criteria X 100%,**
- **The number of procurement procedures with SPP criteria for which 0 bids were submitted,**
- **Share of public procurement procedures with SPP criteria for which 0 bids were submitted = Number of public procurement procedures with SPP criteria for which 0 bids were submitted / Number of public procurement procedures with SPP criteria X 100%,**
- **The number of procurement procedures with SPP criteria for which 1 bid was submitted,**
- **Share of public procurement procedures with SPP criteria for which 1 bid was submitted = Number of public procurement procedures with SPP criteria for which 1 bid was submitted / Number of public procurement procedures with SPP criteria X 100%,**
- **The average number of bids submitted to public procurement procedures with SPP criteria.**

All these indicators that analyze the market (competition) within public procurement procedures with SPP criteria can also be divided according to the type of public procurement item (products, services or works).

These indicators contribute to a better understanding of the SPP market and can serve to take some decisions and certain measures to stimulate the participation of EOs that can offer products, services or work with specific SPP criteria.

2.4. Tracking systems and reporting mechanisms for the collection of SPP data

The basis of an effective monitoring of the SPP is the accuracy of data collection on public procurement with sustainable criteria.

Reporting public procurement procedures with SPP criteria

Obviously, in an ideal situation, all these data should be collected in an e-procurement system. But at the moment, the e-procurement system of the Republic of Moldova does not offer such an opportunity to the actors involved. For this reason, all reporting on the conduct of public procurement procedures with the publication of a notice of participation (over the national thresholds) is done by the CAs by presenting the procedural reports in PDF format to the PPA.

At the moment, a procedural report drawn up as a result of the public procurement procedure is a document in which the CA indicates all the information on how it was carried out. Thus, at least such data are indicated:

- the type of public procurement procedure,
- the number and date of the public procurement procedure,
- general data on the CA that carried out the public procurement procedure,
- the description of the object of public procurement and the CPV code,
- specifications and technical specifications of the purchased item,
- the estimated value of the purchase,
- the award criterion applied,
- minimum qualification requirements for EOs,
- contractual clauses,
- data on the participants in the procurement procedure,
- the value of the bids submitted,
- how to evaluate offers,
- the award decision taken by the CA,
- concluded public procurement contracts.

According to the legal provisions set forth in art. 78 of PPL no. 131/2015⁹, the CA has the obligation to submit the procedure report to the PPA no later than the date of conclusion of the contract or the date of issuing the decision to cancel the public procurement procedure.

PPA collects various data from the procedural reports submitted by the CAs, which it later uses to prepare various statistics and reports.

Thus, until the development of SPP reporting functionalities in the e-procurement system, it is necessary for CAs to present the information regarding the application of the SPP criteria integrated in the procedural reports.

In addition to the basic information indicated by CAs, if SPP criteria were applied during the procurement procedure, the procedure reports will also indicate at least the data listed in Table 1:

Table 1. Data required to be collected for the calculation of SPP statistical indicators.

Indicator	Information on SPP presented by CAs
Were criteria for SPP applied?	(Yes / No) _____
Purchase value from the contract/contracts of the lot/lots for which SPP criteria was applied (MD lei):	_____ (indicate the amount including VAT)
CPV code of the lot/lots for which SPP criteria were applied:	

⁹ https://www.legis.md/cautare/getResults?doc_id=113104&lang=ro

Name of the lot/lots for which SPP criteria were applied:	
The award criterion for the lot/lots for which SPP criteria were applied:	<i>The lowest price</i> <input type="checkbox"/> <i>The lowest cost</i> <input type="checkbox"/> <i>The best quality-price ratio</i> <input type="checkbox"/> <i>The best quality-cost ratio</i> <input type="checkbox"/>
The number of bids submitted for the lot/lots for which SPP criteria were applied:	

Reporting of low value purchases with SPP criteria

For low-value public procurements (procurements below the national thresholds, which is approximately for public procurement contracts of goods and services – 16700 US Dollars, for public works procurement contracts – 20900 US Dollars, for public procurement contracts whose object is social services and other specific services – 33400 US Dollars), the national legislation provides their implementation/reporting¹⁰ in the e-procurement system of the Republic of Moldova (Automated Information System State Register of Public Procurements MTender). Accordingly, CAs do not present any document to PPA, unlike the public procurement procedures carried out with the publication of a notice of participation. This actually represents a challenge at the moment, because in the MTender system there is no functionality to indicate that the procurement was carried out with the application of the SPP criteria. For this reason, low-value public procurements with SPP criteria risk remaining unreflected in the SPP statistics for a while.

In order to avoid this phenomenon, it is necessary for CAs to be obliged to draw up and submit annually, by February 1 of the following year, including in the electronic version, to the PPA a report on low-value public procurement contracts with SPP criteria, concluded in the reference period.

The information to be indicated in this report will refer to:

- the number and date of the purchase contract,
- the type of purchase object (goods /services / works),
- name of the lot/lots for which SPP criteria were applied,
- CPV Code,
- the purchase value with VAT from the contract/contracts of the lot/lots for which SPP criteria have been applied,
- the award criterion for the lot/lots for which SPP criteria were applied (the lowest price / the lowest cost / the best quality price ratio / the best quality-cost ratio).

2.5. Integration of SPP monitoring into existing electronic procurement platform

As it was mentioned above, at the moment the e-procurement system of the Republic of Moldova MTender¹¹ does not contain functions of indication, respectively of data collection regarding the application of the SPP criteria in the public procurement procedures. Integration of the SPP monitoring system into existing electronic tools and platforms is a vital condition for the good implementation of the SPP.

¹⁰ <https://mtender.gov.md/en/tenders?types=directAward>

¹¹ <https://mtender.gov.md/>

Previously, it was mentioned that, if SPP criteria were applied in the procurement procedure, to determine the indicators that measure the degree of SPP implementation, it is necessary to indicate/collect at least the data listed in Table 1.

Below will be presented proposals for the integration of this SPP data into the MTender system ¹².

Part of the data regarding the application of the SPP criteria must be indicated in the compartment related to the **Contract Notice**. The indication of this information from the very beginning will alert the actors involved in the procurement procedure that SPP criteria will be applied within it.

1. Whether or not SPP criteria were applied in the public procurement procedure

In the compartment where general data regarding the procurement procedure are indicated, such as the CA name, short description of the procurement object, the type and number of the procedure, etc., a new field should be indicated: **SPP criteria are applied**, and the CA will indicate **YES / NO** (Figure 1).

Figure 1. General data on the procurement procedure.

The screenshot shows the MTender website interface. At the top, there is a header with the logo of the Ministry of Finance and the text 'Dezvoltat cu sprijinul Ministerului Finanelor'. Below the header, there is a navigation bar with links to 'Open Data', 'About MTender', 'Legal framework', 'For Civil Society', 'FAQ', 'Documents', 'Black List', 'Contracts', and 'Terms of Use'. The main content area is titled 'Produce alimentare' and displays the estimated value excluding VAT as 235,100.00 MDL. A timeline shows the stages: Clarifications (12 Jan 2024), Tendering (18 Jan 2024), Auction period (22 Jan 2024), and Awarding (23 Jan 2024). The procedure type is 'Request for quotation' and the status is 'Qualification of bidders'. The buyer's name is 'LT Olimp' and the region is 'mun. Chişinău'. The number of notice is 'OCDS-B3WDP1-MD-1705052414822'. A red box highlights the field 'SPP criteria are applied. Yes / No'.

2. The data regarding the SPP criteria in the description of the lots to be purchased

In the compartment where the **lots** to be procured in the procurement procedure and their description are presented, the data that will answer the following 3 questions for each lot must be indicated:

- The name of the lot for which SPP criteria are applied,
- The CPV code of the lot for which SPP criteria are applied,
- The award criterion for the lot for which the SPP criteria are applied.


¹² <https://mtender.gov.md/en/tenders/ocds-b3wdp1-MD-1705052414822?tab=contract-notice>

As we see in Figure 2, the information regarding the lot name and its CPV code is indicated in the MTender electronic system. Accordingly, an additional field needs to be added to this compartment where it will be indicated that **SPP criteria are applied**, and the CA will check **YES or NO**.

Regarding the **award criteria**, it should be noted that the general data of the procedure indicate which criteria will be applied, but not for each individual lot.

Thus, it is necessary that the award criterion be indicated for each individual lot as indicated in Figure 2.

Figure 2. Data on the application of SPP criteria for each lot.

Description		
Title Oua de gaina	Lot identifier 798cdd26-ec02-45db-a8de-54c6787f31d0	Status Active
Place of delivery MD-5400, MOLDOVA, mun.Chişinău, mun.Chişinău, str.Eminescu 4		
Description of the procurement: Oua de gaina 15800000-6 Diverse produse alimentare		
Quantity/ Unit of measure 7000 Bucata	Unit price (excluding VAT) MDL	
Estimated value excluding VAT 17 500.00 MDL	Total price (including VAT) MDL	
Duration of the contract, framework agreement or dynamic purchasing system Start: 29.01.2024 / End: 31.12.2024 This contract is not a subject to renewal	SPP criteria are applied <input type="checkbox"/> Yes / No <input type="checkbox"/>	
Information about variants Variants will not be accepted	Award Criteria: - the lowest price <input type="checkbox"/> - the lowest cost <input type="checkbox"/> - the best quality-price ratio <input type="checkbox"/> - the best quality-cost ratio <input type="checkbox"/>	
Information about options No options		
 Contract Notice anunt de part. pr al olimp.signed.pdf ID: aa739f99-e0d0-4f1f-ab21-a521edd9bfa1-1705058751192 Published: 12.01.2024 / 14:03		

3. The data regarding the SPP criteria for the assigned lots

When information on public procurement contracts for which SPP criteria have been applied must be obtained, it is necessary to clearly indicate in the electronic system whether the lot was awarded to a bidder who met the SPP requirements requested by the CA.

In Figure 3 we can see the bids presented for a certain lot and the winning bid. Respectively, fields must be added to this compartment in which it will be indicated whether the economic operator has met the requested SPP requirements. Adding these fields will collect information about:

- **The purchase value of the lot/lots for which SPP criteria were applied,**
- **The number of bids submitted for the lot/lots for which SPP criteria were applied.**

Figure 3. Data regarding the presentation by bidders of the SPP criteria for each lot.

Evaluation of the winning bid

Lot

Lotul nr. 1 Săpun lichid (500 ml)

Lot identifier

ce202f8c-df38-4086-ba51-dda97091a47a

Tenderer

Final offer

Self-declaration

EOs docs

Evaluation report
of the Tender Committee**Chimexpert**

IDNO Code: MD-IDNO-1015611001028

1 479.33

MDL value excluding VAT

MTender ESPD

Self-declaration

Winner

27.12.2023 / 12:21

SPP Criteria prezented Yes/No

Rodital Lux SRL

IDNO Code: MD-IDNO-1002600050071

1 494.00

MDL value excluding VAT

MTender ESPD

Self-declaration



Pending

SRL DENIADI

IDNO Code: MD-IDNO-1003600022839

1 600.00

MDL value excluding VAT

MTender ESPD

Self-declaration



Pending

3. Monitoring and analysis of the SPP pilot - tenders results

3.1. The general aspects of monitoring and analysis of the SPP tenders

One of the basic duties of the PPA is to monitor the compliance of public procurement procedures (art. 10, c) of PPL 131/2015).

With the implementation of the SPP, the PPA has the task of monitoring the application of the sustainability criteria.

In the context of exercising the attribution of monitoring the compliance of public procurement procedures, the PPA performs monitoring at 2 stages of the procedure:

- at the stage of publication of the contract notice,
- at the stage of awarding public procurement contracts.

Also here it is necessary to emphasize that bidding documents are the primary tool for attracting tenders in public procurement procedures and their quality directly results in obtaining the best value for public money and to meeting the expected needs of CAs.

So, it is necessary to analyse the key points of application of the SPP criteria formulated by the CA in the award documentation.

The award documentation includes all formal requirements, technical requirements and financial requirements, which allow an objective description of the item of the contract, and on the basis of which the EO will draw up his bid.

Information, which may include SPP criteria is indicated in 4 key points of the award documentation:

- **Technical specifications** - Minimum requirements for goods, services or works reflecting SPP criteria (Ecolabels, energy efficiency requirements),
- **Award criteria** - Evaluation criteria which generate benefits for tenderers who submit technical proposals complying with SPP criteria set by the CA in technical specifications,
- **Qualification requirements for potential tenderers** - Technical and professional capacities which demonstrate that the EOs have sufficient skills to perform the contract (environmental management systems etc.),
- **Contract** - Contractual clauses (on transportation, packaging, etc.).

Accordingly, when the PPA monitors the procurement procedure at **the stage of publication of the contract notice**, it will be checked whether the CA has correctly applied the SPP criteria to the 4 key points exposed above (resulting from the context of the procurement object).

And in the case of monitoring the procurement procedure at **the stage of awarding contracts**, the PPA will verify how the EOs met the SPP requirements formulated by the CA in the award documentation, as well as the CA's compliance with the SPP requirements when awarding the contract.

Next, from the point of view of the aspects exposed above, the results of pilot- tenders carried out within the EU4Environment project for those 5 prioritized procurement objects will be analyzed:

- organic vegetables and fruits,
- energy efficient windows and doors,
- cars

- computers,
- A4 office paper.

These 5 products were prioritized according to the UNEP methodology within the EU4environment project prioritization exercise. As a result, several CAs were identified, which were proposed to hold pilot tenders for the procurement of the 5 prioritized products with SPP criteria. For this purpose, CAs employees, responsible for carrying out public procurement procedures, were trained on the SPP, and were consulted by the project experts in the development of the award documentation indicating the SPP criteria. The pilot tenders were conducted between April 2023 and February 2024, the duration of each tender being 2-3 months (without exceeding the usual duration of a tender in the Republic of Moldova).

3.2. SPP pilot tender for the procurement of organic vegetables and fruits

1. Vegetables, fruits for early education institutions	
Contracting authority	Directorate of Education, Youth and Sports of Balti municipality
The estimated value of the purchase	Approximately 34000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1700485324517?tab=contract-notice
The result of the procedure	The contract has been awarded
SPP criteria applied in the award documentation	
Technical specifications	CA requested 20 lots of different vegetables and fruits in the specifications. For potatoes, cabbage, onions, carrots, beets and apples, SPP requirements (internal eco-certification or any other eco-certification recognized in the Republic of Moldova) were applied.
Award criteria	For the 6 interested lots (potatoes, cabbage, veal, carrot, beetroot and apples) the award criterion the best quality-price ratio was applied. 2 evaluation factors were indicated: <ul style="list-style-type: none"> - offer price - 80%, - eco-certification - 20%.
Qualification requirements for potential tenderers	EOs were requested to present an Eco Certificate (internal eco-certification or any other eco-certification recognized in the Republic of Moldova) – optional.
Contractual clauses	Off-peak delivery was requested as SPP contractual clauses.
Evaluation of the submitted offers	
Technical specifications	Offers were submitted for the indicated lots as follows: <ul style="list-style-type: none"> - cabbage, potatoes, onion, carrot, beetroot - 3 offers each, - apples - 4 offers. The requested eco-certification was not presented for any of the lots.
Award criteria	When evaluating the offers, for the evaluation factor Eco Certification, all EOs received 0 points.
Qualification requirements for potential tenderers	No EOs presented the Eco certificate for the lots indicated above. As this document was optional for submission, no EOs were disqualified.
The public procurement contract	The contract has been concluded, but without applying the SPP criteria, respectively the pilot tender was completed with a negative result from the SPP point of view, because the expected result was not achieved.

2. Vegetables and fruits needed for early childhood education institutions in the municipality of Chisinau, for the period January-March 2024

Contracting authority	General Directorate of Youth Education and Sport, Chisinau municipality
The estimated value of the purchase	Approximately 160000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1698918151945?tab=contract-notice
The result of the procedure	The contract has been awarded
SPP criteria applied in the award documentation	
Technical specifications	CA indicated 22 lots (vegetables and fruits). Apart from the usual description of the technical specifications, for 6 lots (potatoes, cabbage, onion, carrot, beetroot and apple) CA requested: <ul style="list-style-type: none"> - It will create an advantage if the products will be packaged in recyclable packaging that will later be returned to the EO. - It would be an advantage to have the product's Eco-certificate and the ISO 14001 Certificate.
Award criteria	For the 6 interested lots (potatoes, cabbage, veal, carrot, beetroot and apples) the award criterion the best quality-price ratio was applied. 4 evaluation factors were indicated: <ul style="list-style-type: none"> - 1. Reference standard: ECO – internal product certification or any other eco-certification recognized by the Republic of Moldova (Ecological Certificate Organic Agriculture - Republic of Moldova or equivalent) - 20%, - ISO 14001 certificate – 10%, - Packaging with recyclable materials or without hazardous materials in the packaging. The packaging can be returned to be recycled. – 10%, - Price – 60%.
Qualification requirements for potential tenderers	For 6 lots (potatoes, cabbage, onion, carrot, beetroot and apple) CA requested: <ul style="list-style-type: none"> - Certificate confirming that the products are ecological (organic) ECO certificate of the product (Ecological Certificate of Organic Agriculture - Republic of Moldova or equivalent), - Possession of the ISO 14001 certificate, - Having a collaboration contract with one of the companies that recycle packaging, The presentation of the indicated documents is optional.
Contractual clauses	The packaging will be returned for recycling, optionally.
Evaluation of the submitted offers	
Technical specifications	Offers were submitted for the indicated lots as follows: <ul style="list-style-type: none"> - potatoes - 5 offers, - cabbage, onion, carrot, beetroot - 6 offers each, - apples - 8 offers. The requested SPP documents were not presented for any of the lots.
Award criteria	When evaluating bids, for all SPP evaluation factors, all EOs received 0 points.
Qualification requirements for potential tenderers	No EOs submitted the documents with SPP criteria requested for the lots indicated above. As these documents were optional for submission, no EOs were disqualified.
The public procurement contract	The contract has been concluded, but without applying the SPP criteria, respectively the pilot tender was completed with a negative result from the SPP point of view, because the expected result was not achieved.

Conclusions:

In both pilot- tenders for the purchase of organic fruits and vegetables, CAs indicated SPP criteria for all 4 key points of the award documentation.

In order not to put the purchase of the 6 lots at risk, the CA indicated the SPP criteria as optional, as the evaluation criterion it used the best quality-price ratio, and the SPP criteria were used as evaluation factors.

As expected, no tenderer has fulfilled the requested SPP requirements. This demonstrated once again that the market is not ready to offer organic vegetables and fruits for public procurement procedures.

3.3. SPP pilot tender for the procurement of energy-efficient PVC windows and doors

3. Windows disassembly and installation works	
Contracting authority	National Bank of Moldova
The estimated value of the purchase	Approximately 55000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1694760715632?tab=contract-notice
The result of the procedure	The contract has been awarded
SPP criteria applied in the award documentation	
Technical specifications	Class A profile , European certificate, according to EN 12608, width - 70mm, 5 chambers , wall thickness - 3mm with EPDM sealing gaskets, reinforcement profile thickness according to window dimensions 1.25*1.93m high, thermal insulation with 2 4s bottles and class 3 hardware certified by IFT Rosenheim according to EN 1191 and EN12400)
Award criteria	The lowest price (with the fulfillment of all requirements)
Qualification requirements for potential tenderers	<ul style="list-style-type: none"> - ISO 9001 certificate (held by the Contractor or Profile Manufacturer) or other certificate certifying the implementation of a quality management system, - ISO 14001 certificate (held by the Contractor or Profile Manufacturer) or other certificate certifying the implementation of an environmental management system.
Contractual clauses	Recycling of dismantled windows, shutters and windowsills. Reduction and rational management of waste. The transport of goods or workers for the execution of works will be carried out outside peak hours (traffic jams).
Evaluation of the submitted offers	
Technical specifications	Only one offer was presented. EO met the technical SPP requirements requested by CA.
Award criteria	The offer that met all the requirements at the lowest price was determined to be the winner.
Qualification requirements for potential tenderers	The EO presented all the documents requested by the CA that demonstrate the fulfillment of the SPP qualification requirements.
The public procurement contract	The contract has been concluded

Conclusions:

The purchase of installation works of energy-efficient windows and doors is a procedure that takes a long time due to the lengthy coordination of the permissive documents for the execution of these works.

For this reason, it was possible to carry out a single procurement procedure with SPP criteria for energy-efficient windows and doors.

But even so, within this pilot-procedure, the requested SPP criteria were met and the purchase contract was concluded.

CA requested SPP criteria for 3 compartments of the award documentation (technical specifications, qualification requirements for EOs and contractual clauses) and all were met.

3.4. SPP pilot tender for the procurement of computers

4. Portable computers (laptops)	
Contracting authority	Central Electoral Commission
The estimated value of the purchase	Approximately 1550000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1678460798678?tab=contract-notice
The result of the procedure	The contract has been awarded
SPP criteria applied in the award documentation	
Technical specifications	In addition to the technical specifications that describe the need for CA, Energy Star certification and CE mark were requested for laptops.
Award criteria	The best quality-price ratio: <ul style="list-style-type: none"> - Offer price - 70%, - Energy Star certificate - 10%, - CE marking - 10%, - Delivery time 10%.
Qualification requirements for potential tenderers	<ul style="list-style-type: none"> - Certificate/registration number in the List of manufacturers of electrical and electronic equipment, issued by the National Environment Agency (according to point 45 of the Regulation on electrical and electronic equipment waste, approved by Government decision no. 2012/2018), - Authorized Service Center on the territory of the Republic of Moldova or have a collaboration agreement with a service center, - Energy Star certificate or equivalent, - CE marking (European conformity).
Contractual clauses	<ul style="list-style-type: none"> - Permanent availability of spare parts (for the life of the laptop), - Warranty period: minimum 24 months.
Evaluation of the submitted offers	
Technical specifications	2 offers were submitted, both met the SPP technical requirements requested by the CA.
Award criteria	For the evaluation factors that correspond to the SPP criteria, both bidders obtained the maximum score.
Qualification requirements for potential tenderers	The EOs presented all the documents requested by the CA that demonstrate the fulfillment of the SPP qualification requirements.
The public procurement contract	The contract has been concluded

5. Integrated desktop workstation for the biometric data collection process

Contracting authority	Ministry of Foreign Affairs and European Integration
The estimated value of the purchase	Approximately 84000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1700665011495?tab=contract-notice
The result of the procedure	The procurement procedure was cancelled, the economic operator did not qualify.
SPP criteria applied in the award documentation	
Technical specifications	In addition to the technical specifications that describe the need for CA, Energy Star certification was requested.
Award criteria	The best quality-price ratio: <ul style="list-style-type: none"> - Offer price - 70%, - ISO 14001 certificate - 10%, - The warranty period for goods greater than 1 year 20%.
Qualification requirements for potential tenderers	<ul style="list-style-type: none"> - Certificate/registration number in the List of manufacturers of electrical and electronic equipment, issued by the National Environment Agency (according to point 45 of the Regulation on electrical and electronic equipment waste, approved by Government decision no. 2012/2018), - Authorized Service Center on the territory of the Republic of Moldova or have a collaboration agreement with a service center, - Energy Star certificate or equivalent, - ISO 14001 certificate (held by the Contractor or the manufacturer of the goods) or other document certifying the implementation of an environmental management system.
Contractual clauses	The minimum warranty period of 1 year was requested.
Evaluation of the submitted offers	
Technical specifications	Only one offer was submitted that met all the technical requirements requested by the CA.
Award criteria	For the evaluation factors that correspond to the SPP criteria, the bidder obtained the maximum score.
Qualification requirements for potential tenderers	EO did not present a qualification document - Certificate/registration number in the List of manufacturers of electrical and electronic equipment, issued by the National Environment Agency (according to point 45 of the Regulation on electrical and electronic equipment waste, approved by GD no. 2012/2018). This document, according to national legislation, is mandatory to be presented in the case of the purchase of electrical equipment, at the same time this document is also a SPP requirement. Thus this EO was disqualified. As for the other qualification documents with SPP criteria, they have been presented.
The public procurement contract	The procurement procedure was cancelled, the economic operator did not qualify.

6. The acquisition of computing technology, according to the needs of the DÎTS of the City Hall of Bălți: 24 Notebooks, 32+2 Monobloc computers	
Contracting authority	Balti City Hall
The estimated value of the purchase	Approximately 32500 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1699519861706?tab=contract-notice
The result of the procedure	The contract has been awarded, one lot was canceled due to non-presentation of offers.
SPP criteria applied in the award documentation	

Technical specifications	In addition to the technical specifications that describe the need for CA, Energy Star certification was requested.
Award criteria	The best quality-price ratio: <ul style="list-style-type: none"> - Offer price - 60%, - Energy Star certificate - 20%, - ISO 14001 certificate - 10%, - The warranty period for goods greater than 2 year 10%.
Qualification requirements for potential tenderers	<ul style="list-style-type: none"> - Certificate/registration number in the List of manufacturers of electrical and electronic equipment, issued by the National Environment Agency (according to point 45 of the Regulation on electrical and electronic equipment waste, approved by GD no. 2012/2018), - Authorized Service Center on the territory of the Republic of Moldova or have a collaboration agreement with a service center, - Energy Star certificate or equivalent, - ISO 14001 certificate or equivalent.
Contractual clauses	<ul style="list-style-type: none"> - Permanent availability of spare parts for minimum 2 years , - Warranty period: minimum 24 months.
Evaluation of the submitted offers	
Technical specifications	One offer was submitted for 24 laptops and 32 monoblocs. No bids were submitted for 2 monoblocs. The submitted offers met the required technical requirements (Energy Star certificate) only for 24 laptops.
Award criteria	Considering that only one offer was presented, it received the maximum score for the evaluation factors.
Qualification requirements for potential tenderers	The Energy Star certificate was not presented for the lot of 32 monoblocs, the other qualification documents with SPP criteria were presented.
The public procurement contract	For 2 lots (24 laptops and 32 monoblocs) a public procurement contract was concluded, but for the lot of 32 monoblocs only part of the SPP criteria were met (Energy Star certificate was not presented). One lot was canceled due to non-presentation of offers.

7. Lot1: Portable computer, Lot 2: All-in-One Workstations	
Contracting authority	National Bank of Moldova
The estimated value of the purchase	Approximately 224000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1681127565714?tab=contract-notice
The result of the procedure	The contract has been awarded
SPP criteria applied in the award documentation	
Technical specifications	In addition to the technical specifications that describe the need for CA, Energy Star certification was requested.
Award criteria	The lowest price (with the fulfillment of all requirements)
Qualification requirements for potential tenderers	<ul style="list-style-type: none"> - Certificate/registration number in the List of manufacturers of electrical and electronic equipment, issued by the National Environment Agency (according to point 45 of the Regulation on electrical and electronic equipment waste, approved by Government decision no. 2012/2018), - Authorized Service Center on the territory of the Republic of Moldova or have a collaboration agreement with a service center, - Energy Star certificate or equivalent.
Contractual clauses	<ul style="list-style-type: none"> - Warranty period: minimum 36 months.

Evaluation of the submitted offers	
Technical specifications	3 offers were submitted, all met the SPP technical requirements requested by the CA.
Award criteria	The offer that met all the requirements at the lowest price was determined to be the winner.
Qualification requirements for potential tenderers	The EOs presented all the documents requested by the CA that demonstrate the fulfillment of the SPP qualification requirements.
The public procurement contract	The contract has been concluded

Conclusions:

4 pilot procedures with SPP criteria were carried out for the purchase of computers. Within these procedures, all CAs indicated the basic technical requirement of Energy Star certification (energy efficiency requirement), which, with the exception of one lot, was fulfilled for all pilot procedures.

Regarding the qualification of EOs, CAs indicated practically all types of recommended SPP requirements, which were also fulfilled by EOs, with few exceptions.

If SPP criteria were met, the lowest price criterion was applied.

We can say that the purchase of computers with SPP criteria under the conditions of the Republic of Moldova must be a rule.

Regarding the canceled procedure, it was canceled due to the non-presentation of a qualification document, which would lead to cancellation even if the procedure had not been carried out with SPP criteria. Thus, the cancellation in the given case was not presented by the application of the SPP criteria.

3.5. SPP pilot tender for the procurement of A4 paper for printing

8. A4 office paper	
Contracting authority	Public Services Agency
The estimated value of the purchase	Approximately 240000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1698670640265?tab=contract-notice
The result of the procedure	The contract has been awarded
SPP criteria applied in the award documentation	
Technical specifications	In addition to the technical specifications, CA requested Reference Standards: FSC (Forest Stewardship Council®), Blue Angel label, European Ecolabel, Nordic Swan label or any other equivalent standard.
Award criteria	The lowest price (with the fulfillment of all requirements)
Qualification requirements for potential tenderers	- Reference Standards: FSC (Forest Stewardship Council®), Blue Angel label, European Ecolabel, Nordic Swan label or any other equivalent standard
Contractual clauses	- Products will be delivered between 10:00 a.m. and 12:00 p.m. or 1:00 p.m. and 3:00 p.m. (outside peak hours).
Evaluation of the submitted offers	
Technical specifications	2 offers were submitted, all met the SPP technical requirements requested by the CA.

Award criteria	The offer that met all the requirements at the lowest price was determined to be the winner.
Qualification requirements for potential tenderers	The EOs presented all the documents requested by the CA that demonstrate the fulfillment of the SPP qualification requirements.
The public procurement contract	The contract has been concluded

9. A4 office paper	
Contracting authority	National Bank of Moldova
The estimated value of the purchase	Approximately 2200 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1680776536949?tab=contract-notice
The result of the procedure	The contract has been awarded
SPP criteria applied in the award documentation	
Technical specifications	In addition to the technical specifications, CA requested: <ul style="list-style-type: none"> - FSC certificate or the equivalent, - Paper bleaching process without chlorine.
Award criteria	The best quality-price ratio: <ul style="list-style-type: none"> - Price – 80%, - FSC certified paper or the equivalent – 5%, - Paper bleaching process without chlorine – 5%, - The manufacturer holds ISO 14001 certification or the equivalent – 5%, - The manufacturer holds ISO 9001 certification or the equivalent – 5%.
Qualification requirements for potential tenderers	<ul style="list-style-type: none"> - Possession of certificates or other documents certifying compliance/fulfillment of quality assurance standards and/or environmental protection standards, - FSC certified paper or the equivalent, - Certificate/Document from the Manufacturer regarding the parameters, characteristics, quality of the paper, - ISO 14001 certification, - ISO 9001 certification.
Contractual clauses	-
Evaluation of the submitted offers	
Technical specifications	3 offers were submitted, all met the SPP technical requirements requested by the CA.
Award criteria	As a result of the thorough examination and evaluation of the submitted offers, it was found that the winning EO offer meets all the mandatory technical and qualification requirements, and has accumulated maximum points for all evaluation factors.
Qualification requirements for potential tenderers	The EOs presented all the documents requested by the CA that demonstrate the fulfillment of the SPP qualification requirements.
The public procurement contract	The contract has been concluded

Conclusions:

The pilot procedures for the purchase of A4 office paper demonstrated that the SPP criteria requested by CAs do not present difficulties for EOs and the sustainable purchase of this product in the Republic of Moldova should be mandatory, or that SPP criteria can be made more stringent in this field.

3.6. SPP pilot tender for the procurement of cars

10. 3 Cars with automatic gearbox, standard Euro 6	
Contracting authority	Public Services Agency
The estimated value of the purchase	Approximately 78000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1686047636159?tab=contract-notice
The result of the procedure	The contract has been awarded
SPP criteria applied in the award documentation	
Technical specifications	In addition to the technical specifications, CA requested: <ul style="list-style-type: none"> - Pollution level EURO 6.
Award criteria	The lowest price
Qualification requirements for potential tenderers	Product data sheet.
Contractual clauses	Warranty period at least 3 years or 100,000 km.
Evaluation of the submitted offers	
Technical specifications	1 offer was submitted, it met the SPP technical requirements requested by the CA.
Award criteria	As a result of the evaluation of the submitted offer, it was found that the winning EO offer meets all the mandatory technical and qualification requirements.
Qualification requirements for potential tenderers	The EO presented all the documents requested by the CA.
The public procurement contract	The contract has been concluded

11. Trucks and trailers	
Contracting authority	Public Services Agency
The estimated value of the purchase	Approximately 740000 \$
Link to the procedure	https://mtender.gov.md/tenders/ocds-b3wdp1-MD-1702304898102?tab=contract-notice
The result of the procedure	In progress
SPP criteria applied in the award documentation	
Technical specifications	In addition to the technical specifications, CA requested: <ul style="list-style-type: none"> - Pollution level EURO 6. - Vehicle tires – rolling resistance: Tires <ol style="list-style-type: none"> 1. which meet the criterion of belonging to the highest class of energy efficiency of fuel consumption for rolling resistance 2. that meet the criterion of belonging to either class "A" or class "B" for wet grip (tyres with the highest grip class), - Tire pressure monitoring systems - heavy vehicles must be equipped with tire pressure monitoring systems, i.e. systems that can measure tire pressure or pressure variation over time and communicate that information to the user while the vehicle is in operation.
Award criteria	The lowest price
Qualification requirements for potential tenderers	Product data sheet and tire label.
Contractual clauses	Warranty period at least 2 years or 100,000 km.
Evaluation of the submitted offers	
Technical specifications	-
Award criteria	-
Qualification requirements for potential tenderers	-
The public procurement contract	In progress

Conclusions:

For cars, a procurement procedure was carried out with SPP criteria. CA opted for the minimum requirement of SPP criteria, the EURO 6 pollution level. The given procedure demonstrates that the purchase of cars with SPP criteria (even minimum) can be successful.

The second procurement procedure was announced for the procurement of trucks with SPP criteria. Trucks are not part of prioritized products, but at the CA's request, consultation was offered for the elaboration of the SPP criteria for this product.

At the time of writing this document, the results of this procedure are not yet known.

4. Conclusion

The Republic of Moldova took the path towards shifting to Green economy, including introducing tools such as SPP.

The monitoring and analysis of the pilot procedures with the application of the SSP criteria demonstrated that sustainable procurement can, in some cases, already be carried out successfully in the Republic of Moldova. Of the 5 prioritized products, deficiencies were encountered only in the procurement of organic vegetables and fruits, the market not being prepared to face such requirements. But this was also known before the pilot procedures were carried out, and they proved this once again. In this context, it is necessary to mention that, from a legal point of view, there are all the conditions for the sustainable purchase of organic vegetables and fruits. But the Government of the Republic of Moldova will have to take some measures to stimulate and encourage EOs to cultivate organic vegetables and fruits in order to be able to face the CAs requirements.

As a recommendation for CAs, when procuring vegetables and fruits, even if they are not organic, for the tender to be an SPP, is recommended the use of SPP criteria for example in contractual clauses, such as the application of SSP requirements to the packaging and to the delivery of the products (the package shall be recyclable, delivery of small quantities shall be avoided, there shall be foreseen the possibility to return the package to the economic operator after the products are consumed, minimal packaging, frequent delivery of small quantities shall be avoided, delivery shall be realised outside the rush hours, delivery shall be realised by vehicles having the reduced impact on the environment: Euro 6 Standard as a minimum, by electric or hybrid vehicles etc.)

For the other products (computers, cars, energy-efficient windows and doors and A4 office paper) there is no relevant impediment for making their sustainable purchases.

For the integration throughout the country of tenders with SPP criteria for the procurement of computers, cars, energy-efficient windows and doors and A4 office paper, it is recommended that the obligation to procure these products with SPP criteria by the CAs be established at the legislative level (a normative act that establishes the list of prioritized products for which the application of the SPP criteria is mandatory).

As for the SPP monitoring system, for its proper implementation it is necessary to apply certain measures, some at the administrative level, and others at the level of the electronic procurement system.

At the administrative level, it is necessary to integrate the information regarding the application of the SPP criteria into the procedural reports forms and oblige CAs at the legislative level to present this information to the PPA.

At the level of the electronic procurement system, in order to later collect statistical data on tenders with SPP criteria, it is necessary to add to the system a series of fields regarding the application of SPP criteria, which will later be completed by the CAS and EOs participating in the tenders .

These last measures are actually the most complicated, because they require essential changes in the electronic system, being time and financial resources consuming. But they are actually the most important and necessary, and the success of SPP monitoring actually depends on them. Integration of the SPP monitoring system into existing electronic tools and platforms is a vital condition for the good implementation of the SSP at national level.



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