

# Guidelines for awarding public procurement contracts

## CHAPTER I: THE PUBLIC PROCUREMENT SYSTEM

- 1.1. The regulatory authority
- 1.2. Contracting authorities
- 1.3. Economic operators
- 1.4. System supervisors

## CHAPTER II: PRINCIPLES IN PUBLIC PROCUREMENT

## CHAPTER III: SCOPE OF APPLICABILITY

SUB-CHAPTER I: Exceptions from the applicability scope

SUB-CHAPTER II: Other particular exceptions from the applicability scope

## CHAPTER IV: THE PROCESS OF PUBLIC PROCUREMENT

SUB-CHAPTER I: Annual programme of public procurement (STAGE 1)

### SECTION 1: Identification of requirements

### SECTION 2: Estimation of the public procurement contract value

SUB-SECTION 1: The purpose of estimation of the public procurement contract value

SUBSECTION 2: Methods to obtain the estimated value

- A) Estimating the consideration of the supply contract
- B) Estimation of the service contract value
- C) Estimation of the works contract value
- D) Estimation of the value in case of organization of a competition of solutions
- E) Estimation of the value in case of entering a framework agreement:
- F) Estimation of value in case where a dynamic system of procurement is used:

SUB-SECTION 3: Examples

### SECTION 3: Putting in correspondence with the CPV

### SECTION 4: Hierarchy establishment

### SECTION 5: Election of the procedure

SUB-SECTION 1: Awarding procedures

- (1) Open procedure
- (2) Restricted procedure
- (3) Competitive dialogue

**(4) Negotiation**

**I. Negotiation with the prior publication of a participation notice**

**II. Negotiation without prior publication of a participation notice**

**SUBSECTION 2:** Special methods of awarding the public procurement contracts

**SECTION 6: Funds' identification**

**SECTION 7: Schedule of the awarding procedure**

**SECTION 8: Finalisation of the annual programme**

**SECTION 9: Elaboration and sending the intention notice, if the case may be**

**SUB-CHAPTER II: Awarding documentation (STAGE 2)**

**SECTION 1: Elaboration of the specifications book or of the descriptive documentation**

**SECTION 2: Establishment of contractual terms**

**SECTION 3: Establishment of the minimum requirements of qualification and, if applicable, of the selection criteria**

**SUB-SECTION 1:** Requirements regarding the personal status of the economic operator

**SUB-SECTION 2:** Requirements regarding the capacity to exercise the professional activity

**SUB-SECTION 3:** Requirements regarding the economic and financial standing

**SUB-SECTION 4:** Requirements regarding the technical and/or professional capacity

**SUB-SECTION 5:** Requirements regarding the presentation of quality assurance standards

**SUB-SECTION 6:** Requirements regarding the presentation of environment protection standards

**SECTION 4: Establishment of the public procurement contract awarding criterion**

**SECTION 5: Filling in the procurement date record**

**SECTION 6: Establishment of forms and models**

**SECTION 7: Establishment of the participation security, if the case may be**

**SUBSECTION 1:** Amount of the participation security

**SUBSECTION 2:** Validity of the participation security

**SUBSECTION 3:** Methods of establishment

**SUB-SECTION 4:** Return of the participation security  
**SUB-SECTION 5:** Withholding the participation security  
**SECTION 8: Notification of the Ministry of Public Finances regarding the procedural verification**

**SECTION 9: Finalization of the awarding documentation**

**SUB-CHAPTER III: Calling to competition (Stage 3)**

**SECTION 1: Elaboration and publication of the participation notice**

**SECTION 2: Making available the awarding documentation**

**SECTION 3: Reply to the requests for clarifications**

**SECTION 4: Communication and date sending rules**

**SECTION 5: Rules of participation and avoidance of the conflict of interests**

**SUB-SECTION 1:** Participation

**SUBSECTION 2:** Association

**SUBSECTION 3:** Outsourcing

**SUB-SECTION 4:** Tenders

**SUBSECTION 5:** Interdictions

**SUB-SECTION 6:** Limitation of participation

**SUB-SECTION 7:** Conflict of interest

**SUB-SECTION 8:** Incompatibilities

**SUB-CHAPTER IV: Conducting the procedure of awarding the public procurement contracts (STAGE 4)**

**SECTION 1: Reception of candidacies and selection/pre-selection of candidates, if the case may be**

**SUB-SECTION 1:** Deadlines granted for candidacies submission

**SUB-SECTION 2:** Possibilities to shorten the deadlines

**SUB-SECTION 3:** Shortening the deadlines in case of the competitive dialogue

**SUB-SECTION 4:** Shortening the deadlines in case of the negotiation with the prior participation notice

**SECTION 2: Conducting the rounds of discussions, if the case may be:**

**SECTION 3: Minimum deadlines for tender elaboration**

**SUB-SECTION 1:** Open procedure

**SUB-SECTION 2:** Restricted procedure

**SUB-SECTION 3:** Competitive dialogue

**SUB-SECTION 4:** Negotiation

**SUB-SECTION 5:** Tender request

**SUB-SECTION 6:** Competition of solutions

**SECTION 4: Tender reception**  
**SECTION 5: Conducting the Opening session**

**SECTION 6: Method of work of the evaluation committee**

**SECTION 7: Tender review and evaluation**

**SUB-SECTION 2:** Correction of the form vices

**SUB-SECTION 3:** Clarifications regarding the technical proposal and qualification

**SUB-SECTION 4:** Omissions or inconsistencies

**SUB-SECTION 5:** Correction of arithmetic errors

**SUB-SECTION 6:** Rejection of tenders

**SECTION 8: Establishment of the successful tender**

**SECTION 9: Annulment of the public procurement procedure, if applicable**

**SECTION 10: Elaboration of the report regarding the awarding procedure**

**SUB-CHAPTER V: Awarding the public procurement contract or entering the framework agreement (STAGE 5)**

**SECTION 1: Notification of the outcome**

**SECTION 2: Period of waiting**

**SECTION 3: Settlement of oppositions**

**SUB-SECTION 1:** Opposition

**SUB-SECTION 2:** Temporary steps

**SUB-SECTION 3:** Checking lawfulness

**SUB-SECTION 4:** Ways of opposition to the decisions of the Council

**SECTION 4: Signing the contract or entering the framework agreement**

**SECTION 5: Sending the awarding notice for publication**

**SUB-SECTION 1:** When is the awarding notice published?

**SUB-SECTION 2:** Contents of the awarding notice

**SUB-SECTION 3:** Where is the awarding notice published?

**SUB-CHAPTER VI: Finalization of the public procurement dossier (STAGE 6)**

**SUB-CHAPTER VII: Fulfilment of the contract /framework agreement (STAGE 7)**

**SECTION 1: Establishment of the good execution bond, if applicable**

**SUB-SECTION 1:** The amount of the good execution guarantee shall not exceed 10% of the contract price, VAT excluded

**SUB-SECTION 2:** Validity of the good execution bond

**SECTION 2: Coming into effect of the contract**

**SECTION 3: Fulfilment of the framework agreement**

**SECTION 4: Fulfilment of obligations undertaken under contract**

**SUB-CHAPTER VIII: Contract finalization (STAGE 8)**

**SECTION 1: Final hand-over**

**SECTION 2: Discharge of the good execution bond**

**SUB-CHAPTER IX: Process review (STAGE 9)**

**ANNEXES**

No. 1<sup>A</sup>: Form No. 1 A - SCHEDULE OF THE AWARDING PROCEDURE - OPEN PROCEDURE

No. 1<sup>B</sup>: Form No. 1 B - SCHEDULE OF THE AWARDING PROCEDURE - RESTRICTED PROCEDURE

No. 1<sup>C</sup>: Form No. 1 C - SCHEDULE OF THE AWARDING PROCEDURE - COMPETITIVE DIALOGUE

No. 1<sup>D</sup>: Form No. 1 D - SCHEDULE OF THE AWARDING PROCEDURE - TENDER REQUEST

No. 1<sup>E</sup>: Form No. 1 E - SCHEDULE OF THE AWARDING PROCEDURE – NEGOTIATION WITH PRIOR PUBLICATION OF A PARTICIPATION NOTICE

No. 1<sup>F</sup>: Form No. 1 F - SCHEDULE OF THE AWARDING PROCEDURE – COMPETITION OF SOLUTIONS

No. 2: Form No. 2 - ANNUAL PROGRAMME OF PUBLIC PROCUREMENTS

No. 3: Form No. 3 - SUPPLY CONTRACT

No. 4: Form No. 4 – SERVICE CONTRACT

No. 5: Form No. 5 - WORKS CONTRACT

No. 6: Form No. 6 – SUPPLY FRAMEWORK AGREEMENT

No. 7: Form No. 7 – SERVICE FRAMEWORK AGREEMENT

No. 8: Form No. 8 - FRAMEWORK WORK AGREEMENT

No. 9: Form No. 9 – DATA PROCUREMENT RECORD

No. 10<sup>A</sup>: Form No. 10 A – TENDER FORM

No. 10<sup>B</sup>: Form No. 10B – TENDER FORM

No. 10<sup>C</sup>: Form No. 10C - TENDER FORM

No. 11: Form No. 11 – BANK GUARANTEE LETTER for participation with a tender in the procedure of awarding the public procurement contract

No. 12<sup>A</sup>: Form No. 12A – STATEMENT OF ELIGIBILITY

No. 12<sup>B</sup>: Form No. 12 B – STATEMENT regarding the non-classification in the events provided in art. 181 in Government Emergency Ordinance No. 34/2006

No. 12<sup>C</sup>: Form No. 12C – STATEMENT REGARDING THE CAPACITY OF PARTICIPANT IN THE PROCEDURE

No. 12<sup>D</sup>: Form No. 12 D - STATEMENT REGARDING THE LIST OF THE MAIN DELIVERIES OF PRODUCTS DURING THE LAST 3 YEARS

No. 12<sup>E</sup>: Form No. 12 E - STATEMENT REGARDING THE LIST OF THE MAIN SERVICE PROVIDINGS DURING THE LAST 3 YEARS

No. 12<sup>F</sup>: Form No. 12 F - STATEMENT REGARDING THE LIST OF THE MAIN WORKS EXECUTED DURING THE LAST 3 YEARS

No. 12<sup>G</sup>: Form No. 12 G – STATEMENT REGARDING THE PART /PARTS OF THE CONTRACT WHICH ARE FULFILLED BY SUBCONTRACTORS AND THE SPECIALIZATION THEREOF

No. 12<sup>H</sup>: Form No. 12 H – STATEMENT REGARDING THE OUTFITS, PLANTS, TECHNICAL EQUIPMENT WHICH THE ECONOMIC OPERATOR HOLDS FOR THE ADEQUATE FULFILMENT OF THE WORK CONTRACT

No. 12<sup>I</sup>: Form No. 12 I – STATEMENT REGARDING THE ANNUAL AVERAGE EMPLOYED STAFF AND OF THE MANAGERIAL STAFF

No. 13: Form No. 13 - STATEMENT of confidentiality and impartiality

No. 14: Form No. 14 – MINUTES of the tender opening meeting

No. 15: Form No. 15 REPORT ON THE PROCEDURE

No. 16<sup>A</sup>: Form No. 16 A - OPEN PROCEDURE

No. 16<sup>B</sup>: Form No. 16B - RESTRICTED PROCEDURE

No. 16<sup>C</sup>: Form No. 16 C - COMPETITIVE DIALOGUE

No. 16<sup>D</sup>: Form No. 16 D – NEGOTIATION WITH THE PRIOR PUBLICATION OF A PARTICIPATION NOTICE

No. 16<sup>E</sup>: Form No. 16 E – NEGOTIATION WITHOUT THE PRIOR PUBLICATION OF THE PARTICIPATION NOTICE

No. 16<sup>F</sup>: Form No. 16F – TENDER REQUEST

No. 16<sup>G</sup>: Form No. 16 G – COMPETITION OF SOLUTIONS

No. 17<sup>A</sup>: Form No. 17 A – COMMUNICATION OF ACCEPTANCE OF THE SUCCESSFUL TENDER

No. 17<sup>B</sup>: Form No. 17 B – COMMUNICATION OF THE OUTCOME OF THE PROCEDURE

No. 18<sup>A</sup>: Form No. 18 A – OPPOSITION - Form for legal persons

No. 18<sup>B</sup>: Form No. 18 B - OPPOSITION- Form for natural persons

No. 19: Form No. 19 – GOOD EXECUTION BANK GUARANTEE LETTER

No. 20: OTHER LEGAL DOCUMENTS RELEVANT FOR PUBLIC  
PROCUREMENTS