

PROCUREMENT NOTICE

**concerning the procurement of FTIR Spectrometer
through the open tendering procurement procedure**

1. **Name of the contracting authority:** Public Services Agency (PSA)
2. **IDNO:** 1002600024700
3. **Address:** 42, A. Puskin street, Chisinau municipality, Republic of Moldova
4. **Telephone / fax number:** tel.: 022 504021; fax: 022 212259
5. **E-mail and internet address of the contracting authority:** asp@asp.gov.md;
www.asp.gov.md
6. **E-mail or internet address where the access to the procurement documentation can be obtained:** *the procurement documentation is attached to the SIA RSAP procedure or can be accessed at web site www.asp.gov.md*
7. **Type of contracting authority and the main object of activity (where applicable, the reference that the contracting authority is a central procurement authority or that the procurement involves another form of joint procurement):** *Public institution with financial autonomy.*
8. **The procedure was included in the public procurement plan of the contracting authority (Yes / No):** *Yes*; **Link to the published public procurement plan:** *according to the Public Procurement Plan for 2024:*
<https://www.asp.gov.md/sites/default/files/transparenta/achizitii/plan-anual/2024/Planul-de-achizitii-publice-pentru-anul-2024.pdf>
9. **The buyer invites the interested economic operators that can satisfy its needs, to participate at the procurement procedure for the delivery/supply of the following goods/services:**

No.	CPV code	Name: of goods/ services	Mea su rem ent unit	Quan ti ty	The full technical specification required, reference standards	Estimated value in MDL without VAT, (indicated for each lot separately)
1	38433000-9	FTIR spectrometer	Set	1	<i>In accordance with the technical requirements set out in the Annex to the Procurement Notice</i>	1 240 000,00

10. **In case of pre-selection procedures, the minimum number of candidates and, where appropriate, their maximum number shall be indicated:** *not applicable.*
11. **In case the contract is divided into lots, an economic operator can bid (will be selected):** *not applicable.*
12. **Admission or prohibition of alternative bids:** *not allowed.*
13. **Terms and conditions of supply delivery/service provision requested:**

1. *The delivery of Goods, including installation, setting/adjustment, commissioning, and training of the Buyer's personnel shall be carried out by the Supplier within up to 120 calendar days from the date of signing the contract.*
2. *The delivery of Goods shall be carried out by the Supplier under the DAP delivery terms Chişinău municipality INCOTERMS 2020, Republic of Moldova, Chisinau municipality, 28, Salcamilor street. In case of delivery of Goods by car, the Supplier shall contract the vehicles accompanied by the TIR carnet or other applicable customs guarantees on all the transportation route to the destination, according to the delivery conditions indicated in the sample contract (Annex no. 24).*

14. The validity of the contract: 31.12.2024

15. Procurement contract reserved for protected workshops or it can only be executed in the framework of protected employment programs (where applicable): not applicable.

16. For a particular profession, the service is provided based on documents with legal power or certain administrative documents (where applicable): not applicable.

17. Brief description of criteria regarding eligibility of economic operators that can determine their elimination and of selection/pre-selection criteria; the minimum level (s) of requirements eventually imposed; mention the required information (DUAE, documentation) :

No.	Qualification and selection criteria (description of the criterion/requirement)	Way of demonstrating the fulfilment of the criterion/requirement	Minimum level/Obligation
1.	ESPD/DUAE <i>(in case if the economic operator participates in the public procurement procedure in association with other economic operators, all the participants must complete ESPD separately)</i>	Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator. <i>(electronic signature recognized on the territory of the Republic of Moldova)</i>	Mandatory
2.	Offer - technical and price specifications <i>(according to Annexes no. 22 and no. 23 to the Standard documentation approved by the Order of the Minister of Finance no. 115 as of 15.09.2021)</i> <i>(The price of the offer shall include the costs of transport, installation, setting/adjustment, commissioning of the Goods and training of the Buyer's personnel)</i>	Electronic copies of the hand-signed paper documents without the application of the electronic signature or the documents confirmed by electronic signature of the economic operator. <i>(electronic signature recognized on the territory of the Republic of Moldova)</i>	Mandatory
3.	Bid security 2%	a) Bid security form issued by a bank, according to Annex no. 9 to the Standard documentation approved by	Mandatory

		<p>the Order of the Minister of Finance no. 115 as of 15.09.2021,</p> <p style="text-align: center;"><i>or</i></p> <p>b) Transfer to the account of the contracting authority (payment order)</p> <p style="text-align: center;"><i>or</i></p> <p>c) Other forms of bank guarantee accepted by the contracting authority.</p> <p>Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator (<i>electronic signature recognized on the territory of the Republic of Moldova</i>)</p>	
4.	<p>Confirmation of the identity of the actual beneficiaries and their non-qualification in the situation of conviction for participation in the activities of a criminal organization or group, for corruption, fraud and/or money laundering (<i>the Declaration form will be published on the SIA " RSAP "(MTender)</i>)</p>	<p>Self-declaration provided by the winning bidder to the contracting authority and Public Procurement Agency, <u>within 5 days after the date the results of public procurement procedure are announced</u></p> <p>Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator (<i>electronic signature recognized on the territory of the Republic of Moldova</i>)</p>	Mandatory
5.	<p>Intention to participate in the procurement procedure</p>	<p>Application for participation filled in according to Annex no. 7 to the Standard documentation approved by the Order of the Minister of Finance no. 115 as of 15.09.2021.</p> <p>Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator. (<i>electronic signature recognized on the territory of the Republic of Moldova</i>)</p>	Mandatory
6.	<p>Maintain the validity of the bid for a duration of 120 days (<i>the bid validity is calculated from the submission deadline date</i>)</p>	<p>Declaration on the validity of the bid, filled in according to Annex no. 8 to the Standard documentation approved by the Order of the Minister of Finance no. 115 as of 15.09.2021.</p> <p>Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator. (<i>electronic signature recognized on the</i></p>	Mandatory

		<i>territory of the Republic of Moldova)</i>	
7.	Holding of an authorized Service Centre (in the Republic of Moldova or in the countries of the European Community) by the manufacturer of the requested goods or having a contract with the respective Service Centre for ensuring the servicing of the goods under warranty	<p>Confirmatory document issued by the manufacturer of the equipment (presented in Romanian or English) - Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator <i>(electronic signature recognized on the territory of the Republic of Moldova)</i></p> <p>or</p> <p>a copy of the contract, proving contractual relations with the authorised Service Centre (in the Republic of Moldova or in the countries of the European Community) - Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator <i>(electronic signature recognized on the territory of the Republic of Moldova)</i></p>	Mandatory
8.	Equipment descriptions and/or photos (art. 22 par. (1) letter e) of Law no. 131/2015 on public procurement)	<p>Technical passport (Technical data sheet) issued by the manufacturer of the equipment</p> <p>Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator <i>(electronic signature recognized on the territory of the Republic of Moldova)</i></p> <p>or</p> <p>presentation of links from the manufacturers' websites</p>	*Mandatory <i>(on request)</i>
9.	Confirmation of registration of the economic operator in the country of origin	<p>Copy of the confirmatory document issued by the competent body, any document considered edifying, in the country of origin or the country the bidder is established in, or other equivalent documents issued by the competent authorities of that country.</p> <p>In case the requested documents are not issued in the country of origin or in the country where the bidder is based in, the contracting authority shall accept a self-declaration or, if there are no legal provisions in that country related to the self-declaration, an authentic declaration made before a notary, an administrative or judicial authority or a</p>	*Mandatory <i>(on request)</i>

		<p>professional association with competences in this respect (p. 27 of the Standard documentation for public procurement of goods and services approved by the Order of the Ministry of Finance no. 115 as of 15.09.2021).</p> <p>Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator. <i>(electronic signature recognized on the territory of the Republic of Moldova)</i></p>	
10.	Data from the Registry of forensic and criminological information in the country of origin	<p>Copy of the confirmatory document issued by the competent body, any document considered edifying, in the country of origin or the country the bidder is established in, or other equivalent documents issued by the competent authorities of that country.</p> <p>In case the requested documents are not issued in the country of origin or in the country where the bidder is based in, the contracting authority shall accept a self-declaration or, if there are no legal provisions in that country related to the self-declaration, an authentic declaration made before a notary, an administrative or judicial authority or a professional association with competences in this respect (p. 27 of the Standard documentation for public procurement of goods and services approved by the Order of the Ministry of Finance no. 115 as of 15.09.2021).</p> <p>Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator. <i>(electronic signature recognized on the territory of the Republic of Moldova)</i></p>	*Mandatory
11.	Confirmation that the economic operator has fulfilled the obligation of paying taxes, fees and social security contributions in accordance with the legal provisions in force in the country where it is based in	<p>Copy of the confirmatory document issued by the competent body, any document considered edifying, in the country of origin or the country the bidder is established in, or other equivalent documents issued by the competent authorities of that country.</p> <p>In case the requested documents are not issued in the country of origin or in the country where the bidder is based in, the</p>	*Mandatory

		<p>contracting authority shall accept a self-declaration or, if there are no legal provisions in that country related to the self-declaration, an authentic declaration made before a notary, an administrative or judicial authority or a professional association with competences in this respect (p. 27 of the Standard documentation for public procurement of goods and services approved by the Order of the Ministry of Finance no. 115 as of 15.09.2021).</p> <p>Electronic copy of the hand-signed paper document without the application of the electronic signature or the document confirmed by electronic signature of the economic operator (<i>electronic signature recognized on the territory of the Republic of Moldova</i>)</p>	
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**In case PSA, under the provisions of art. 20 para. (8) Law no. 131/2015 on public procurement, will require to provide certain supporting documents, the economic operator is obliged to submit them within a period of up to 7 calendar days, according to the provisions ESPD/DUAE and the normative framework in force. In case of failure to submit the supporting documents within the deadline set, the economic operator will be disqualified.*

In case of a non-resident economic operator participating at the public procurement procedure, it is obliged to provide the supporting documents recognized on the territory of the Republic of Moldova according to the regulatory framework in force (apostilled, legalized, etc., as the case maybe).

If the Bid is not signed by the company's administrator indicated in the Extract from the State Register of Legal Entities, a Power of Attorney/ any other authorizing document empowering the person delegated or empowered to sign the Bid should be attached to the Bid.

In case of discrepancy between the unit price and the total amount (which is obtained by multiplying the unit price with the total quantity), the unit price is considered and the total price is corrected accordingly. If the tenderer does not accept to correct these errors, its bid shall be deemed as inappropriate and, accordingly, rejected by the working group.

18. Bid security in the amount of 2% of the total bid sum, without VAT:

a) The bid shall be submitted along with a Bid security issued by a bank, according to the template from Annex no. 9 to the Standard documentation approved by the Order of the Minister of Finance no. 115 as of 15.09.2021, except for jurisdictions that do not implement international transparency standards according to the list approved by the Decision of the NBM no. 91 as of 02.05.2013;

or

b) Bid security (in MDL) by transfer to the account of the contracting authority, according to the following bank details:

Public Services Agency

MD-2012, 42, A. Puskin street, Chisinau mun., Republic of Moldova

IDNO: 1002600024700

Bank: MF-TT Chisinau - State Budget

Bank code: TREZMD2X

IBAN current account: MD15TRPCCC518430G01231AA with the note " For the bid security at the public procurement procedure no. ____ as of ____";

or

c) Other forms of bank guarantee accepted by the contracting authority.

Bid security (in EURO) by transfer to the account of the contracting authority, according to the following bank details:

Public Services Agency

MD-2012, 42, A. Puskin street, Chisinau mun., Republic of Moldova

IDNO: 1002600024700

Bank: BC "Victoriabank" S. A.

BIC: VICBMD2X

IBAN: MD76VI000000002224912402

Note: The contracting authority will retain the guarantee for the offer in case of attesting the circumstances established by the provisions of art. 68 para. (4) from Law no. 131/2015 on public procurement.

19. Performance security of the contract in the amount of 5% of the total value of the contract, including VAT:

a) Performance security issued by a bank, according to the template from Annex no. 10 to the Standard documentation approved by the Order of the Minister of Finance no. 115 as of 15.09.2021, except for jurisdictions that do not implement international transparency standards according to the list approved by the Decision of the NBM no. 91 as of 02.05.2013;

or

b) Performance security (in MDL) by transfer to the account of the contracting authority, according to the following bank details:

Public Services Agency

MD-2012, 42, A. Puskin street, Chisinau mun., Republic of Moldova

IDNO: 1002600024700

Bank: MF-TT Chisinau - State Budget

Bank code: TREZMD2X

IBAN current account: MD15TRPCCC518430G01231AA with the note „Performance security” or "For the Performance security, public procurement procedure no. _____ as of _____”;

or

c) Other forms of performance security accepted by the contracting authority.

Performance security (in EURO) by transfer to the account of the contracting authority, according to the following bank details:

Public Services Agency

MD-2012, 42, A. Puskin street, Chisinau mun., Republic of Moldova

IDNO: 1002600024700

Bank: BC "Victoriabank" S. A.

BIC: VICBMD2X

IBAN: MD76VI000000002224912402

20. Reason for proceeding to the expedited procedure (in the case of open, restricted auction and of negotiated procedure), where appropriate: not applicable.

21. Specific awarding techniques and tools (where appropriate specify whether the framework agreement, dynamic procurement system or electronic auction will be used):
electronic auction – 3 rounds. The minimum auction step is MDL 12 400,00 (1%).

22. Special conditions on which the implementation of the contract depends (indicate as appropriate): not applicable.

23. The bids shall be submitted in currency: MDL or EURO (in case of submission of the electronic offer in EURO, on SIA RSAP, the price of the offer will be indicated in MDL

according to the official EURO/MDL exchange rate established by the National Bank of Moldova on the date of submission of the offer. In case of bids submitted in different currencies, for evaluation and comparison, there will be applied the official EURO/MDL exchange rate established by the National Bank of Moldova on the bid opening date).

- 24. Assessment criterion applied for the award of the contract:** *the lowest price*
- 25. Factors for assessing the most economically advantageous bids, as well as their weights:** *not applicable.*
- 26. Deadline for submission/opening of bids:**
- **up to:** *Information can be found in SIA RSAP (MTender)*
 - **at:** *Information can be found in SIA RSAP (MTender)*
- 27. Address where the bids or requests to participate are to be submitted:** *The bids or requests of participation shall be submitted electronically through SIA RSAP (MTender).*
- 28. Term of validity of bids:** *120 days*
- 29. Place of opening the bids:** *SIA RSAP (MTender). Late bids shall be rejected.*
- 30. Persons authorised to assist at the opening of bids:** *Bidders or their representatives shall be entitled to participate at the opening of bids, except where bids have been submitted through the RSAP SIA.*
- 31. The language or languages in which the bids or requests of participation are to be drawn up:** *Romanian or English*
- 32. That contract shall refer to a project and/or programme financed by European Union funds:** *not applicable.*
- 33. Name and address of the competent agency for the settlement of complaints:**
Official name: National Agency for the Settlement of Complaints
Address: Chisinau Mun., 124, (4th floor) Stefan cel Mare, blvd.
Tel./ Fax / email: 022 820652, 022 820651, contestatii@ansc.md
- 34. Data and reference (s) of previous publications in the Official Journal of the European Union on the contract (s) that notice refers to (if applicable):** *not applicable.*
- 35. In case of periodic procurement, the estimated schedule for publishing the future announcements:** *not applicable.*
- 36. Date of publication of the General Procurement Notice or, where applicable, indication that no such notice has been published:**
Publication dates:
- *in the Public Procurement Bulletin: 12.01.2024*
https://tender.gov.md/ro/system/files/bap/2014/bap_nr_3_1.pdf
 - *in Romanian in the Official Journal of the European Union: 24.04.2024*
https://ted.europa.eu/ro/notice/-/detail/244606-2024_din_24.04.2024
 - *in English in the Official Journal of the European Union: 31.01.2024*
<https://ted.europa.eu/ro/notice/-/detail/242654-2024>
- 37. Date of submission of the Procurement Notice for publication:** *24.05.2024*
- 38. In the public procurement procedure the following will be used/accepted:**

Name of the electronic instrument	Will be used/accepted or not
Electronic submission of bids or requests of participation	<i>accepted</i>
Electronic order system	<i>not accepted</i>
Electronic invoicing	<i>accepted</i>
Electronic payments	<i>not accepted</i>

39. The contract is signed within the Agreement on governmental procurement of the World Trade Organisation (only in the case of procurement notices submitted for publication in the Official Journal of the European Union): Yes

40. Other relevant information:

40.1 The method and conditions of payment: within 20 (twenty) working days after delivery of Goods, including installation, setting/adjustment, commissioning, and training of the Buyer's personnel, submission of the accompanying Documentation and its acceptance without objection by the Buyer, as follows:

- a) Invoice/Tax Invoice;*
- b) International transport waybill (CMR/AWB);*
- c) Certificate of preferential origin of goods;*
- d) EC declaration of conformity;*
- e) Copy of the export customs declaration;*
- f) Technical documentation (Technical Passport of the equipment, operating instructions and technical servicing of the equipment);*
- g) The act of delivery-receipt of Goods (2 copies).*

For the purpose of applying the provisions of international treaties on the avoidance of double taxation with non-residents, the Supplier shall present the "Certificate of Residence" issued by the competent authority of its state of residence, subject to the existence of a double taxation avoidance treaty between the Republic of Moldova and the Supplier's country of residence, otherwise the Contracting Authority shall withhold income tax in the amount of 12% from the payments directed for payment, according to the provisions of the Tax Code of the Republic of Moldova. The "Certificate of Residence" issued in a foreign language shall be presented with a translation into Romanian, except for the one issued in English. The "Certificate of Residence" shall be presented to the Buyer until the Invoice is presented for payment.

40.2 The deadline for signing and presenting the contract to the contracting authority - 10 days from the date of submission for signature.

**Deputy Chairman of the Working
group for public procurement**

Ala MUSTEAȚĂ