

unofficial translation

“MONITORUL OFICIAL”
No 87-89, August 12, 1999,
page 49 - 57

DECREE
ON IMPLEMENTATION OF

Appendix No 1
to the Decree of the
Government of the Republic of Moldova
No 747 of August 3, 1999

REGULATIONS

Appendix No 2
to the Decree of the
Government of the Republic of Moldova
No 747 of August 3, 1999

PERSONAL COMPOSITION
of the Committee for Implementation and Monitoring
of Pre-shipment Inspection of Imported Goods

- | | |
|---------------------|---|
| MURAVSCHI Alexandru | - Deputy Prime Minister, Minister of Economy and Reforms (Chairman of the Committee) |
| ARAPU Anatol | - Minister of Finance (Deputy Chairman of the Committee) |
| TROFAILA Corneliu | - Consultant – Referent, State Customs Department of the Ministry of Finance (Secretary of the Committee) |

MEMBERS OF THE COMMITTEE

- | | |
|------------------|---|
| BACALU Veronica | - Vice President of the National Bank of Moldova |
| BODIU Zosim | - Deputy Minister of Agriculture and Processing Industry |
| PANFILII Ion | - Deputy Minister of Industry and Trade |
| CHICU Valeriu | - Deputy Minister of Health |
| CIMPOIES Dumitru | - General Director, Moldovastandard |
| STRATAN Andrei | - General Director, State Customs Department of the Ministry of Finance |
| BOBEICA Valentin | - Deputy Minister of Environment |

CONDITIONS

for Participation in the Tender for Selection of Companies to Provide Pre- Shipment Inspection of Imported Goods

1. Bidders shall submit:

Evidence of capability and experience in realization of pre-shipment inspection programs of imported goods from Governments;

Description of the management, organization structure, branches and activities;

Description of capabilities of information technology and laboratories, CV's of responsible representatives who will be involved in execution of the program;

Evidence of financial stability of the Company - profit and loss statements, balance sheets and auditor's reports for the last five years;

Evidence of incorporation of the Company in the country of domicile;

Evidence of incorporation and description of activities of the Company's affiliate in the Republic of Moldova;

Information about any present or potential legal case in which the Company is or may be one of the parties involved.

2. Amendment of documents on organization and execution of the Tender

At any time prior to the deadline for submission of respective bids, the Committee has a right, for any reason - upon its own initiative or in response to a clarification requested by a prospective Bidder – to amend the documents on the Tender.

Amendment shall be notified in writing or by telex, e-mail or fax to all prospective bidders, who have received on organization and execution of the Tender.

If the Committee issues an amendment within a three-day period before the deadline for the submission of bids than, in order to provide prospective Bidders with a reasonable time needed for incorporation of such amendment in their bids preparation, the Committee shall extend the deadline for the submission of bids by three (3) or more working days.

3. Language of bids

Bids prepared by participant of the Tender, communication between the bidders and the Committee as well as documents on organization and execution of the Tender shall be in English. Any literature that would be forwarded by the bidder in other

language(s) shall be sent together with the respective English translation. For interpretation of such documents the English translation shall govern.

4. Period of validity of bids

Bids shall remain valid for 30 days after the date of the bids opening. Bids with shorter term of validity shall be declared by the Committee as non-complying and rejected. In exceptional circumstances, the Committee may request the bidder to promulgate validity of his bid. The respective request and the bidder's response shall be made in writing (forwarded by telex or e-mail). It shall be understood that the bidder, providing agreement with promulgation of validity of his bid, shall not request and will not be allowed to make any amendmend of his original Tender document.

5. Form of presentation and signing of bids

The bidder shall prepare two copies of the bid and clearly marked them as "ORIGINAL BID", and "COPY OF BID", respectively. In the event of any discrepancy between both documents the original bid shall govern.

The original and the copy or copies of the bid shall be typed or written in indelible ink and shall be signed by the bidder or duly authorized person(s). Authorization shall be made by the bidder in written form. All pages of the bids, except for printed literature, shall be signed by the person or persons who will sign the bid.

The Bid shall contain no interliniation, erasures or other writing except for necessary corrections of errors made by the Bidder. Such corrections shall be signed by the person or persons who will sign the bid.

6. Sealing and Marking the Bids

The bidder shall seal the original and each copy of the bid into two separate (inner and an outer) envelopes, duly marked as "ORIGINAL" and "COPY".

The inner and outer envelopes shall contain:

- a/ Reference to application for pre-shipment inspection of imported goods
No / 1999
- b/ Address of the recipient:
Republic of Moldova, Chisinau,
Ministry of Finance,
Cosmonautilor str., MD 2005
- c/ reference with number of the Tender invitation and the remark "DO NOT OPEN BEFORE 5 p.m., 30 October, 1999".

The inner envelope shall also indicate the name and address of the Bidder to enable the bid to be returned in case it is declared as "late".

If the outer envelope is not sealed and marked as required in this Clause, the Committee will assume no responsibility for the bid's misplacement or premature opening.

7. Deadline for Submission of Bids

Bids must be received at the address specified in above Clause 6. point b/ no later than 5 p.m., October30, 1999.

The Committee may, at its discretion, extend this deadline for the submission of bids by amending the bidding documents in accordance with Clause 2. In this case all rights and obligations of the Committee and Bidders previously subject to the deadline will thereafter be subject to the deadline as extended.

8. Late bids

Any bid received by the Committee after the deadline for submission of Bids as set in the above Clause 7., will be rejected and returned unopened to the Bidder.

9. Amendment and withdrawal of Bids

The Bidder may amend or withdraw his bid after the bid's submission, provided written notice of the amendment or withdrawal is received by the Authority prior to the deadline prescribed for submission of bids.

12. Award Criteria

The Committee will award the contract to the Bidder whose bid has been evaluated as the most appropriate and the best from the point of view of capabilities to serve the contract as well as fulfillment of requirements set in the above Clause 1.

13. Notification of Award

Prior to the expiration of the period of the bid validity, the Committee will notify the winning Bidder in writing by registered letter or by e-mail or by telex about its decision.

After the notification, the contract shall be finalized with the winning bidder.

The contract shall be signed by the the Chairman of the Committee and the winning bidder within 30 days after the notification.

CRITERIONS
for Selection of Companies to Provide Pre-shipment Inspection
of Imported goods

1. Disqualifying Pre-conditions

Certain basic requirements described below should be satisfactorily demonstrated before any Company can be confirmed as qualified for the operation of a Government mandated pre-shipment inspection program. If one of the following conditions is not met, the applicant shall be immediately disqualified.

1.1. Independence from Trade and Industry

The verification that is to be carried out on behalf of mandating Government must be impartial and objective. Results of verification must not be influenced by existence of special relations between the inspection agencies and other entities who might be interested in results of the verification. Therefore, the inspection agency shall be able to prove the absence of conflict of interests. In particular, evidence must be provided that the inspection agency is not a member of a group of companies having trading and/or industrial activities. The agency shall be disqualified if it conducts such activities directly or has a corporate affiliation with companies involved in trade or industry.

1.2. Financial Standing

Inspection agencies shall have sufficient financial resources to implement the assigned services and to meet any demands that might arise in the course of performance of the mandate. It is suggested that the financial resources of the inspection agency shall not be less than ten times the expected annual fee, but in any case, it shall have a paid-in capital of at least the equivalent of 5 million US dollars. The agency must submit financial statements for the last 5 years and it is therefore important that it be a public company with an obligation to publish account and comply with public standards of operation and management.

1.3. Experience in Verification of Imported Goods

Applicants shall be accredited in the National System of Certification, shall be members of the PSI Committee of the International Federation of Inspection Agencies – (IFIA) and shall prove that they have an experience needed to carry out various operations linked with execution of import verification programs. At least 10 years of practical experience in providing quantity/quality verification of all types of goods, particularly those imported by the mandating country, shall be demonstrated and considered as essential for determination of professional capacity to conduct physical inspection or other required verification in respect of all the country's imported goods. At the same time, the mandating government shall require that inspection agencies submit an evidence of at least 5 years experience in the field of

performance of classification and price verification (verified prices are to be understood as export market prices prevailing in the exporting country for exports into the importing country), e.g. Customs classification and valuation. In the absence of such minimum experience, the inspection agency shall be disqualified for not having sufficient professional ability to perform such complex services.

1.4. Inspection Network

To be able to perform import verification in a satisfactory manner, the inspection agencies should have a comprehensive network of fully-owned and/or controlled affiliates and offices, covering the majority of points of supply to mandating country. This can ensure the appropriate and uniformed application of verification standards. Applicant shall be directly present on all continents with their own facilities and be able to submit an evidence that they will not need to sub-contract more than 10% of the volume of goods to be inspected to the third parties (agents, representatives, etc.).

2. Criteria for evaluation of inspection agencies that have met the pre-qualification conditions

Once it has been determined that selected agencies are capable of performing import verification for the mandating government, further evaluation shall take place that shall take into account the major advantages offered by each agency.

2.1. Experience & capability in import verification (30 %)

In order to determine the most experienced inspection agencies, one needs to consider the number of import verification contracts in terms of quality, quantity, customs classification and valuation that are currently operated by the agency (as well as past contracts), number of years of experience, number of certificates issued within such mandates during the past calendar year, and recommendation from Governments, the World Bank, IMF or other internationally recognized organizations. Inspection companies shall therefore provide this information, especially in respect of their import verification contracts that include Customs valuation and classification. Pre-shipment inspection agencies shall be accredited to ISO/IEC 17020 standard or other equivalent internationally recognized standards.

2.2. Global import verification network (35 %)

The more comprehensive the international inspection network of an agency, the

2.4 Financial Offer (20 %)

The mandating authorities of the country of import will obviously evaluate proposals to a significant extent on the basis of the potential cost of the program. Two main elements shall be considered when evaluating the level of fees proposed: the general rate as a percentage of the CIF value of the goods to be inspected, as well as the minimum fee (in US dollar equivalent) per intervention when the ad valorem rate gives a lower result.

2.5 Additional Services / Transfer of Technology (10 %)

Evaluation of proposals shall take into account the eventual provision of additional services such as Customs training, computerization, pre-shipment inspection techniques, etc.

Appendix No 5
to the Decree of the
Government of the Republic of Moldova
No 747 of August 3, 1999

ACTION PLAN
for Implementation of Pre-shipment Inspection
of Imported Goods

Action	Term	Responsible
Identification of Groups of Goods subject to Pre-shipment Inspection	25.08.99	Ministry of Finance together with Ministries and Departments
Identification of Groups of Goods subject to Quality Control	25.08.99	Moldovastandard together with Ministries and Departments
The first Meeting of the Committee	03.08.99	Committee Secretary
Announcement of the Bid in the mass-media	06.08.99	Committee Secretary
Announcement of Awarded Bidder	30.10.99	Committee Secretary
Negotiations and Agreement Drafting	11.11.99	Ministry of Finance
Agreement signature with the Awarded Bidder	12.11.99	