

9th November 2018

To:

Mr. Vitalie Butucel – Director of General Department of  
Public Transport and Communication

Project n° BCE120058Z

Ref: MD CUP.MC/033

Cc:

Mrs. Yulia Martishina - Associate Director, Banking

Procurement EBRD

Mr. Octavian Costas - EBRD Senior Banker

Mr. Vigo Legzdins – Senior Transport Specialist EIB

**Chisinau Urban Road Sector Project – Project Implementation Support and Supervision**

Contract No.: C25396/EBSF-2012-01-05

**Chișinău Proiect Sectoare de drum Urban – Proiect pentru sprijinul de implementare și supraveghere a  
lucrărilor**

Contract Nr.: C25396/EBSF-2012-01-05

**Subject:: Defects at the transport waiting stations****Subiect:: Defekte la statiile de asteptare a transportului public****Dear Sirs, Madam,**

Following the progress meeting of 30.10.2018, during which was discussed the subject of the defects/ruts in the transport waiting stations, we would like to come back to you with additional clarifications, hoping to clarify the current situation and to unblock as soon as possible the Beneficiary's takeover of the works executed for Package 1.

As we know, the occurrence of settles in public transport waiting stations has generated a series of discussions between the Beneficiary, Contractor and the Consultant. The Consultant's opinion on the reasons of the occurrence of these nonconformities has been repeatedly exposed, and recommended that an Independent Technical Expertise to be carried out as soon as possible after the occurrence of the nonconformities, which, on the basis of depth tests and surveys, can clarify the causes of nonconformities and recommend specific remedial measures and solutions.

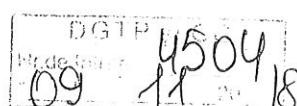
Currently, based on the results of the tests carried out by the Beneficiary on the asphalt upper layers, the Consultant can not conclude that the nonconformities are due to an improper execution of the works or the commissioning of inappropriate materials, especially as the tests performed during

**Stimati Domni, Doamna,**

In urma sedintei de progres din data de 30.10.2018, in cadrul careia a fost discutat subiectul taraselor/fagaselor din statiile de asteptare, dorim sa revenim catre dumneavoastra cu precizari suplimentare, in speranta de a clarifica situatia de fapt actuala si a debloca cat mai curand posibil preluarea de catre Beneficiar a lucrarilor execute pentru Pachetul 1.

Dupa cum stim, aparitia taraselor din zona statiilor de asteptare a transportului public a generat o serie de discutii intre Beneficiar, Contractor si Consultant. Opinia Consultantului privind motivele aparitiei acestor neconformitati a fost in reperate randuri expusa, recomandand efectuarea, in cel mai scurt timp de la aparitia neconformitatilor, a unei Expertize Tehnice independente, care, pe baza unor teste si sondaje profunde, sa poata clarifica cauzele aparitiei neconformitatilor precum si sa recomande anumite masuri si solutii de remediere.

In prezent, pe baza rezultatelor testelor efectuate de catre Beneficiar asupra straturilor superioare de astfalt, Consultantul nu poate concluziona ca neconformitatile sunt datorate unei executii necorespunzatoare a lucrarilor sau a punerei in opera de materiale necorespunzatoare, cu atat mai mult cu cat, testele efectuate pe parcursul executarii



the execution of the works did not have unsatisfactory results.

Consequently, as it was presented during the meeting of October 30, carrying out depth surveys and technical expertise is essential and extremely urgent. In view of the above, please let us know if you have already started contracting an independent expert to carry out the above mentioned expertise.

We would remind you that, in the absence of clear and technically well-grounded reasons, the Consultant will not be able to consider as justified any further request by the Beneficiary to extend the defect notification period repeatedly and will have to recommend the Taking Over. In this case, if the Beneficiary refuses to organize the Final Taking Over, we draw your attention to the imminent risk that the Contractor could issue a claim for damages for periods when he was not released from the responsibility of the site's management.

We are waiting for your answer and we are at your disposal to provide you with the necessary advice regarding the terms of the works contract to unblock the situation as soon as possible.

lucrarilor nu au avut rezultate nesatisfacatoare.

In consecinta, asa cum a fost prezentat si in cadrul sedintei din 30 octombrie, realizarea unor sondaje de profunzime si a unei expertize tehnice este esentiala si extrem de urgenata. Avand in vedere cele de mai sus, va rugam sa ne informati daca ati demarat deja contractarea unui expert independent pentru realizarea expertizei mai sus mentionata..

Va reamintim ca, in lipsa unor motive clare si foarte bine justificate din punct de vedere tehnic, Consultantul nu va putea considera ca justificata o eventuala solicitare suplimentara a Beneficiarului de a prelungi repetat perioada de notificare a defectelor, si va fi nevoie sa recomande efectuarea receptiei. In aceasta situatie, daca Beneficiarul va refuza organizarea receptiei finale, va atragem atentia asupra riscului iminent ca Antreprenorul sa emita o revendicare prin care sa solicite plata de daune-interese pentru perioadele in care nu a fost eliberat de responsabilitatea gestionarii santierului.

Asteptam raspunsul dumneavoastra si va stam la dispozitie pentru a va oferi consilierea necesara in ceea ce priveste clauzele contractului de lucrari, pentru a debloca situatia in cel mai scurt timp.

Yours faithfully,

**Manuela Copcea,**  
Contract Manager



Cu respect,

**Manuela Copcea,**  
Manager de contract