

PROCUREMENT REVIEW PANEL, appointed by the President Pursuant to the article 105 as well article 106 of the Law on Public Procurement of the Republic of Kosova no.04/L-042, amended and supplemented by Law No. 04/L-237, amended and supplemented Law no.05/L-068, amended and supplemented Law no.05/L-092, composed of: Mr. Blerim Dina – President , Mr. Nuhi Paçarizi –referent, Mr. Goran Milenković – member, as well based in article 30 of the Rules of Procedure of the PRB no.01/2017 of the 20.03.2017, after reviewing of request of the 25.06.2018, filed by the EO N.T.SH “VITECH” sh.p.k Prishtina, for withdrawal of the complaint filed on the 05.06.2018 with no.249/18, regarding with procurement activity “Lot 1 National Program for Inventory of Agriculture land of the Republic of Kosova Lot 2 Laboratory Capacity Building at the Kosova Agricultural Institute –Peja” with procurement no.203/18/3308/111, performed by the Contracting authority – Ministry of Agriculture, Forest and Rural Development, on the 26.06.2018 has issued this:

DECISION

I. APPROVED, the request of the 25 of June 2018, lodged by the Economic operator N.T.SH “VITECH” sh.p.k L.L.C Prishtina, for withdrawal of the complaint with no.249/18, of the 08.06.2018, regarding with the procurement activity “Lot 1 National Program for Inventory of Agriculture land of the Republic of Kosova Lot 2 Laboratory Capacity Building at the Kosova Agricultural Institute –Peja” with procurement no.203/18/3308/111, performed by the Contracting authority – Ministry of Agriculture, Forest and Rural Development.

II. ALLOWED the Contracting authority - Ministry of Agriculture, Forest and Rural Development, to continue further with procurement procedures “Lot 1 National Program for Inventory of Agriculture land of the Republic of Kosova Lot 2 Laboratory Capacity Building at the Kosova Agricultural Institute –Peja” with procurement no.203/18/3308/111, performed by the Contracting authority – Ministry of Agriculture, Forest and Rural Development.

III. Since the complainant withdraws from the complaint and complaining claims, as well based in article 30.2 of the Rules of Procedure of the PRB, this EO it is returned the insurance fee of the complaint in the amount deposited when filing complaint.

VI. Obligated complaining economic operator that conform article 33 point 6 of the Rules of Procedure of the PRB, within sixty (60) days is obliged to request to take back the funds, otherwise these funds will be confiscated and will pass to the budget of the Republic of Kosova.

REASONING

Economic Operator N.T.SH “VITECH” sh.p.k L.L.C, filed a complaint to the PRB on the date: no.249/18, dated: 08.06.2018, regarding the procurement activity “Lot 1 National Program for Agricultural Inventory of the Republic Kosova Lot 2 Capacity Building Laboratory at the Kosova Agricultural Institute –Peja” with procurement no.203/18/3308/111, developed by the contracting authority-Ministry of Agriculture, Forestry and Rural Development claiming in violation of the legal provisions of the LPP,

On the 08.06.2018 has been notified contracting authority from PRB for receiving the above mentioned complaint regarding the procurement activity “Lot 1 National Program for Agricultural Land Inventory of the Republic of Kosova Lot 2 Laboratory Capacity Building at the Agricultural Institute of Kosova - Peja” with procurement no. 203/18/3308/111, developed by the Contracting Authority - Ministry of Agriculture, Forestry and Rural Development.

Representative of the complaining EO on the 25.06.2018 has sent to the PRB e-mail, where has requested to withdraw from the complaint, with no.249/2018, regarding the tender “Lot 1, National Program for Agricultural Land Inventory of the Republic of Kosova, Lot 2 Laboratory Capacity Building at the Agricultural Institute of Kosova – Peja”, with procurement no.No.203/18/3308/111, developed by the Contracting Authority, Ministry of Agriculture, Forestry and Rural Development, with the justification: We are involved in some other projects both financially and in terms of human resources; therefore withdrawal from the complaint with protocol no.249/18 of the 08.06.2018, has to do with increasing the efficiency of the company in projects that are in process and for which we have a contractual obligation.

The review panel after analyzing and reviewing the request of the complaining economic operator N.T.SH “VITECH” sh.p.k L.L.C and all the evidence found in the case has decided to approve the request in question as reasonable.

Review panel after reviewing the request of the complaining EO decided as in the provision of this decision.

Legal advice:

Aggrieved party can not appeal against this decision, but it can file charges for damage compensation within 30 days, after the receipt of this decision with the lawsuit In the Basic Court In Prishtina at the Department for Administrative Affairs.

President of the Review Panel

Mr. Blerim DINA

Decision to be submitted to:

1x1 CA – Ministry of Agriculture, Forestry and Rural Development

1x1 EO – N.T.SH “VITECH” sh.p.k L.L.C

1x1 Archive of the PRB

1x1 For publication on the website of the PRB.