



Republika e Kosovës  
Republika Kosova – Republic of Kosovo  
ORGANI SHQYRTUES I PROKURIMIT  
TELO ZA RAZMATRANJE NABAVKE  
PROCUREMENT REVIEW BODY

Psh. No.330/23

Review Panel, appointed by the President of the Procurement Review Body (PRB), Pursuant to the article 105 as well article 106, and 117 of the Law on Public Procurement of the Republic of Kosova (LPP), composed of: Kimete Gashi – President, Vedat Poterqoi – çember, Agon Ramadani - member, deciding according to the complaint of the Economic operator EO “Ramë Haklaj B.I.”, with residence in Deçan, against the decision for contract notice, documents of the tender dossier of the Municipality of Gjakova, in the capacity of the Contracting authority (CA), related to the procurement activity entitled: “Construction of Public Spaces in the City Center” with procurement number 632-23-4780-5-1-1, on the 07/07/2023 has issued this:

**DECISION**

1. Approved, the request of the EO “Ramë Haklaj B.I.” for the withdrawal of the complaint with no. 330/2023, of the 31/05/2023, regarding the procurement activity with title: “Construction of Public Spaces in the City Center” with procurement number 632-23-4780-5-1-1, initiated by the contracting authority (CA) – Municipality of Gjakova.
2. It is allowed the contracting authority - Municipality of Gjakova to continue with the procurement activity: “Construction of Public Spaces in the City Center” with procurement number 632-23-4780-5-1-1, regarding this complaint, if there is no other complaint about this procurement activity.
3. Since the complainant has withdrawn from the complaint after receiving the review expert's report, based on Article 28.1 of the PRB's Rules of Procedure, this EO, in the name of procedural costs, is confiscated the insurance of the complaint in the amount deposited in the case of submitting the complaint, while the funds go to the Budget of the Republic of Kosova.

## REASONING

### *- Procedural facts and circumstances -*

The economic operator "Ramë Haklaj B.I.", on the 31/05/2023, submitted a complaint to PRB (Protocol No. 2023/0330) against the contract notice and the tender dossier, related to the procurement activity: "Construction of Public Spaces in the City Center" with procurement number 632-23-4780-5-1-1, initiated by the contracting authority (CA) – Municipality of Gjakova, in the capacity of the Contracting authority, claiming violation of articles: 1, 7, 27, 69, 60, and article 108/A of the LPP, as well as article 17 and article 25 of Regulation No. 001/2022 for public procurement.

EO "Ramë Haklaj B.I.", on the 05.07.2023, notified the PRB by email that it has withdrawn from the complaint number 2023/0330/23, which was submitted to the PRB on the 31.05.2023.

The President of the review panel, after being informed about the request withdrawn by the economic operator in this complaining phase "Ramë Haklaj B.I.", made a decision approving the Complainant's request to withdraw from the complaint, respectively, the complaining claims of complaint No. 2023/0330 dated 31.05.2023.

Since the complainant has withdrawn from the complaint after receiving the review expert's report, based on Article 28.1 of the PRB's Rules of Procedure, this EO, in the name of procedural costs, is confiscated the insurance of the complaint in the amount deposited in the case of submitting the complaint, while the funds go to the Budget of the Republic of Kosova.

However, the RP obliges the CA to verify the requirements set in the TD in accordance with the legal provisions of the LPP and the answers given in the expertise's report by the review expert so that the drafting of the tender dossier is in accordance with Article 27 of this law.

Therefore, from the above, the review panel in accordance with article 117 of the LPP decided as in the provision of this decision.

**President of the Review Panel**

Mrs. Kimete Gashi

### **Legal advice:**

An appeal is not allowed against this decision,  
but the dissatisfied party can appeal to the Commercial Court,  
within 30 days from the date of acceptance of this decision.

Decision to be submitted to:

1x1 CA – **Municipality of Gjakova;**

1x1 EO – **Ramë Haklaj B.I.;**

1x1 Archive of the PRB;

1x1 For publication on the website of the PRB.