



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

Psh. no.67/2023

REVIEW PANEL, appointed by the President Pursuant to the article 105 as well article 106, and 117 of the Law on Public Procurement of the Republic of Kosova no.04/L-042, amended and supplemented by Law No. 04/L-237, Law no.05/L-068, and Law no.05/L-092, and Article 17 according to the Board of the Board of the PRB, dated 30.09.2022, on amendment to Regulation No.01/2020, with protocol number 83/2022, after reviewing the complaint of Economic Operator EO “Cleansweep Pwer Ltd Prishtina, For procurement activity entitled: “Hygiene Maintenance of Student Center facilities”, with procurement no: 1020890500-22-12575-2-1-1, initiated by the Contracting authority – Student’s Center, The president of the Procurement Review Body Vjosa Gradinaj – Mexhuani, on the 14.02.2023 has issued this:

DECISION

- I.** **It is dismissed as not allowed**, the complaint of the OE “Cleansweep Pwer“ SHPK Prishtina, dated 08.02.2023 (Protocol 67/2023), for the procurement activity entitled “Hygiene Maintenance of Student Center facilities” with procurement number: 1020890500-22 -12575-2-1-1, initiated by Contracting Authority (CA) Student’s Center.

- II.** It is permitted to the Contracting Authority- Student’s Center to continue with the procurement activity entitled: “Hygiene Maintenance of Student Center facilities” with procurement number: 1020890500-22-12575--1-1, initiated by Contracting Authority (CA) Student’s Center, regarding this complaint if there is no other complaint.

REASONING

- Procedural facts and circumstances-

The Contracting Authority on the 02.02.2023, has published the form for additional information or description of errors in the contract notice, where based on this form the deadline for submission of bids for the procurement activity “Hygiene Maintenance of Student Center facilities” with procurement number: 1020890500-22-12575-2-1 -1, initiated by the Contracting Authority (CA) the Student’s Center was on the 08.02.2023.

Economic Operator (OE) “Cleansweep Puwer” shpk Prishtina, on the 06.02.2023 filed a request for reviewing in the CA and on 06.02.2023 CA made a decision to refuse the request as out of legal term.

- Evaluation and management of evidence –

From the evidence presented it is estimated that the complaint submitted by the OE “Cleansweep Puwer” Ltd Prishtina dated: 08.02.2023 (Protocol 67/2023), for the procurement activity entitled “Hygiene Miqi Center Facilities” with number Procurement: 1020890500-22-12575-2-1-1, initiated by the Contracting Authority (AK) The Student Center, is unacceptable because the complainant EU has lost the legal deadline for submission of review, since the deadline for the submission was: 08.02.2023, and the request for reviewing has submitted on the 06.02.2023.

Therefore, from the explanations given above it is found that the complainant OE submitted the request for reviewing 2/two prior to the deadline for the submission of bids, not within five (5) days ahead of the deadline for submission of bids, as required by Article 108/a of the LPP.

Where paragraph 3.1 of Article 108/a of the Law on Public Procurement specifies: if the supposed violation relates to the contract notice or the tender documents within five (5) days before the deadline for the submission of bids;

Finally, based on the explanations given as above, the President finds that the complaint filed in the PRB by OE: “Cleansweep Puwer” Ltd Prishtina dated: 08.02.2023 (Protocol 67/2023), is not allowed because the complainant request for the appeal Review has been submitted in violation of paragraph 3 1 of Article 108/a of the Law on Public Procurement, so the same complaint is rejected as notpermissible and not reviewed by the PRB.

The President of the PRB, based on what was said above, decided as in the provizion of this decision.

Head of the Review Panel

Mrs. Vjosa Gradinaj Mexhuani

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 –Student’s Center;
1x1 EO – “Cleansvveep Puxver” SHPK Prishtinë;
1x1 Archive of the PRB;
1x1 For publication on the website of the PRB.