



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

Psh. No.237/24

Based on Article 105 points 1 and 2 and Article 109 paragraph 2 of the Law on Public Procurement of Kosovo no. 04/L-042, supplemented and amended by Law 04/L-237, supplemented and amended by Law 05/L-068, supplemented and amended by Law 05/L-092 and Article 64 of Regulation No. 002/ 2022 for Public Procurement after reviewing the complaint of the Economic Operator EO “Rojet E Nderit” SH.P.K., regarding the procurement activity “Physical security services for the facilities of the MIA” with procurement number 214-23-11803-2- 1-1, initiated by the contracting authority (CA) - "MINISTRY OF INTERNAL AFFAIRS", President of the Procurement Review Body Vjosa Gradinaj Mexhuani, on the 27/03/2024 has issued this:

### DECISION

1. Dismissed as out of deadline, the complaint of EO “Rojet E Nderit” SH.P.K, with no. 2024/237, dated 19/03/2024, related to the procurement activity “Physical security services for the facilities of the MIA” with procurement number 214-23-11803-2- 1-1, initiated by the contracting authority (CA) – “MINISTRY OF INTERNAL AFFAIRS”.
2. Is allowed the contracting authority – “MINISTRY OF INTERNAL AFFAIRS” to continue with the procurement activity "Physical security services for the facilities of the Ministry of Internal Affairs" with procurement number 214-23-11803-2-1-1, regarding with this complaint, if there is no other complaint about this procurement activity.

### REASONING

*- Procedural facts and circumstances –*

MINISTRY OF INTERNAL AFFAIRS in the capacity of the contracting authority on the 14.11.2023 has published the Contract Notice B05 related to the procurement activity entitled "Physical security services for the facilities of the Ministry of Interior" with procurement number

214-23-11803 -2-1- 1, dated 28.02.2024 published B58 Notice on the Decision of the Contracting Authority.

Dated 04.03.2024 EO " Rojet e Nderit" SH.P.K. had made a request for reconsideration at the CA. Whereas on the 07.03.2024 the CA rejected the request for reconsideration of the economic operator as unfounded.

The economic operator dissatisfied with the decision of the CA - "MINISTRY OF INTERNAL AFFAIRS" submitted a complaint to the Procurement Review Body, through the e-procurement system, on the 19.03.2024.

*-Administration and Evaluation of Evidence -*

The evidence presented proves that for the procurement activity "Physical security services for the facilities of the Ministry of Internal Affairs" with procurement number 214-23-11803-2-1-1, in the capacity of the contracting authority (CA) "MINISTRY OF INTERNAL AFFAIRS", B58 has published the Notice on the Decision of the Contracting Authority dated 28.02.2024.

Regarding this announcement, a request for reconsideration was submitted by the complaining economic operator on the 04.03.2024, while on the 07.03.2024 the CA rejected the request for reconsideration of the complaining economic operator.

Since the CA - "MINISTRY OF INTERNAL AFFAIRS" dated 07.03.2024 the CA rejected the request for reconsideration of the complaining economic operator, the legal deadline for submitting a complaint to the PRB started from 08.03.2024, respectively the dissatisfied party has had the right to file a complaint within 10 days.

The office for receiving complaints after receiving the complaint has found that the complaining economic operator EO "Rojet E Nderit" SH.P.K. submitted a complaint to the Procurement Review Body on the 19.03.2024.

The complaining EO was obliged, in accordance with paragraph 2 of Article 109 of the LPP, to submit a complaint to the PRB within the legal deadlines, after conducting the preliminary procedures in the CA.

*Article 109 paragraph 2 of the LPP stipulates that Complaints to the PRB must be submitted within ten (10) days after the decision issued by the contracting authority in the preliminary dispute resolution procedure in accordance with Article 108/A of this law.*

*Likewise, Article 64.1 in Regulation 001/2022 on Public Procurement defines that: The complaint to PRB must be submitted only after leading a preliminary procedure for dispute resolution and submitted within ten (10) days after the decision issued by the contracting authority in the preliminary dispute resolution procedure in accordance with Article 108/A of the LPP.*

*-The conclusion-*

It is established that the complaint submitted to the Procurement Review Body on 19.03.2024 by EO "Rojet E Nderit" SH.P.K. for the procurement activity entitled: "Physical security services

for the facilities of the Ministry of Internal Affairs" with procurement number 214-23-11803-2-1-1 is ineligible because the complainant did not submit the complaint within the legal deadlines against the Authority's notification Contractor. Therefore, the Procurement Review Body clarifies that after conducting a regular preliminary procedure and within the legal deadlines, the complainant can file a complaint at the PRB.

In conclusion, this complaint is in violation of Article 109 of the Law on Public Procurement, and Article 64 of Regulation 001/2022 on Public Procurement, and as such is dismissed as inadmissible and not considered by the PRB. Also, the office for accepting complaints has found that the complainant did not present proof of payment of the fee when submitting the complaint to the PRB in accordance with Article 111 of the LPP.

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

**President of the PRB**

Mr. Vjosa Gradinaj

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**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 – **MINISTRY OF INTERNAL AFFAIRS;**

1x1 EO – **Rojet E Nderit SH.P.K.;**

1x1 Archive of the PRB;

1x1 For publication on the website of the PRB.