



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

Psh. No.408/23

Pursuant to the article 105 point 1 and 2 of the Law on Public Procurement of the Republic of Kosovo no.04/L-042, amended and supplemented by Law No. 04/L-237, Law no.05/L-068, and Law no.05/L-092, after reviewing the complaint of the Economic Operator “NIKA PrO- Ing SH.P.K., regarding with the procurement activity: “Construction of the QPD-QRA facility in Malishevë”, with procurement no: 214-23-1473-5-1-1, initiated by the Contracting authority – Ministry of Internal Affairs, President of the Procurement Review Body Vjosa Gradinaj, on the 05/07/2023 has issued this:

DECISION

It is dismissed as incomplete the complaint to the economic operator EO “NIKA PrO- Ing SH.P.K., of the 16.06.2023, with protocol no.408/2023, for the procurement activity: “Construction of the QPD-QRA facility in Malishevë”, with procurement no: 214-23-1473-5-1-1, initiated by the Contracting authority – Ministry of Internal Affairs.

It is allowed the Contracting Authority - Ministry of Internal Affairs, to continue further with the procurement activity: “Construction of the QPD-QRA facility in Malishevë”, with procurement no: 214-23-1473-5-1-1, initiated by the Contracting authority – Ministry of Internal Affairs, regarding this complaint if there is no other complaint.

REASONING

- Procedural facts and circumstances -

The Procurement Review Body in the e-procurement electronic system dated 16.06.2023, in the complaints section, has received a complaint from EO “NIKA PrO- Ing SH.P.K”, for the procurement activity “Construction of the QPD-QRA facility in Malishevë”, with procurement no: 214-23-1473-5-1-1, initiated by the Contracting authority – Ministry of Internal Affairs.

The office for receiving complaints after receiving the complaint, while verifying whether the complaint was submitted according to the rules and legal provisions, found that the complainant for the said complaint did not provide the evidence as required by point 10 paragraph 1 of article 111 of the LPP.

Based on the fact that the Complainant did not attach the bank confirmation for the fee to the aforementioned complaint, the official for accepting complaints and the protocol through the SML system on the same date (20.06.2023 and 21.06.2023) returned the same to the Complainant for completion, clarifying that the same must be re-sent completed with confirmation from the bank for the complaint fee in question. at the same time, it was announced that if he does not act according to the instructions of the PRB, his complaint will be dismissed as unauthorized.

Based on the fact that the Complainant did not resend his complaint to the PRB even though several days had passed since it was sent for completion for the sake of transparency through the official email of the PRB with, the PRB again turns to the Complainant with the request that the complaint no. 408/2023 to resend it together with the bank's confirmation as evidence of the complaint in question, in order to fulfill the conditions for further proceedings. PRBO clarifies that until 05.07.2023, it did not accept the completed complaint according to the institution's request, not providing evidence-confirmation from the bank for the fee of the said complaint.

From the evidence presented, it is estimated that the complaint submitted by EO "NIKA Pro-Ing" SH.P.K, dated: 16.06.2023 (protocol 408/2023), for the procurement activity entitled "Construction of the QPD-QRA facility in Malishevë" with procurement number 214-23-1473-5-1-1, initiated by the contracting authority (CA) - Ministry of Internal Affairs is considered incomplete because the complainant has not deposited the insurance fee of his complaint as required in point 10 paragraph 1 of article 111 of the LPP related to article 118 of the LPP.

Therefore, the review procedure of this complaint ends at this stage by discarding it as incomplete because this complaint does not meet the conditions to proceed further as required by the aforementioned legal provisions.

To the contracting authority - Ministry of Internal Affairs, I can continue with the procurement activity (described above) if there is no other complaint about this activity. The Review Panel, however, informs them that in every CA activity they must act in accordance with the legal provisions and authorizations as defined by Article 1, 6, 7, 27, 28, 59, 60, 65 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

Mrs. Vjosa Gradinaj

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 – “NIKA PrO- Ing SH.P.K.”;
1x1 Archive of the PRB;
1x1 For publication on the website of the PRB.