



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

Psh. No.354/26

Based on Article 105, points 1 and 2, of the Law on Public Procurement of Kosova 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, after reviewing the complaint of the Economic Operator (EO) “Astraplan Sh.P.K. against the notification of the CA for the procurement activity: “Construction of the North Police Station in Prishtina” with procurement number 214/30400-26-1946-5-1-1, initiated by the contracting authority (CA) - Kosova Police, Head of the Secretariat of the PRB, on the 08.06.2026 has issued this:

DECISION

I. Dismissed as premature, the complaint of the EO Astraplan SH.P.K with protocol no. 0354/2026, dated 02.06.2026, submitted for the procurement activity: “Construction of the North Police Station in Prishtina” with procurement number 214/30400-26-1946-5-1-1, initiated by the contracting authority (CA) - Kosova Police, in the capacity of CA.

II. Allowed, contracting authority - Kosova Police to continue with the procurement activity as in point I of the enacting clause, regarding this complaint, if there is no other complaint regarding this procurement activity.

REASONING

-Procedural facts and circumstances -

The Procurement Review Body in the electronic system on 02.06.2026, has received the complaint of the EO "Astraplan SH.P.K. regarding the procurement activity entitled: "Construction of the North Police Station in Prishtina" with procurement number 214/30400-26-1946-5-1-1, initiated by the contracting authority (CA) - Kosovo Police in the capacity of Contracting Authority.

On the 10.04.2026, the Kosovo Police in the capacity of the Contracting Authority has published the notice for the contract where the opening of the bids foreseen by B05 was planned to take place on the date 02.06.2026.

The Economic Operator "Astraplan SH.P.K, on the date 02.06.2026 has filed a complaint with the PRB with protocol number 2026/0354.

-Evaluation and management of evidence -

From the evidence presented, it is confirmed that for the procurement activity as in the provision of this decision, on 10.04.2026, a contract notice was published, where the opening of bids as provided for in B05 was planned to take place on 02.06.2026.

EO "Astraplan SH.P.K. has submitted a complaint directly to the PRB on 02/06/2026 (20:34) which is due to be transferred to 03/06/2026, without previously addressing the CA with a request for review, acting in violation of Article 108/A of the LPP and Article 64 of the RRPP.

After reviewing and analyzing all documentation in this procurement procedure by the PRB's acceptance office, it is concluded that the economic operator has submitted a premature complaint due to the fact that according to Article 109 of the LPP, the economic operator can submit a complaint to the PRB only after submitting a request for review to the Contracting Authority.

According to Article 109 of the LPP, against any decision taken by the contracting authority in accordance with the circumstances of Article 108/A, any interested party may file a complaint with the PRB, after conducting a preliminary dispute resolution procedure in accordance with Article 108/A of this law.

Also, Article 64, paragraph 1 of Regulation 001/2022 on Public Procurement stipulates that: The complaint with the PRB must be submitted only after conducting a preliminary dispute resolution procedure and 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 the LPP.

Also, the Procurement Review Body, after all the facts analyzed, clarifies that according to Article 111 paragraph 1. 10 of the Law on Public Procurement, any interested party may submit a complaint to the PRB if such complaint has proof of payment of the complaint fee, mentioned in Article 118 of this law.

Also according to Article 118 paragraph 1 and 2 of the LPP it is stated: "1. Complainants shall pay a complaint fee to the PRB the value of which shall be determined by the PPRC in secondary legislation. Proof of payment shall be attached to the complaint itself in accordance with Article 111 of this Law. Payment shall be made in cash or cash equivalent to an account opened by the PRB in accordance with the Financial Rules. 2. The PRB shall not accept the complaint if the fee is not paid".

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

Head of the Secretariat

Mr. Ardian Behra

Legal advice:

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

Decision to be submitted to:

1x1 CA – **Kosova Police;**
1x1 EO – **Astraplan SH.P.K.;**
1x1 Archive of the PRB