



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

Psh. No.493/26

The Review Panel, appointed by the Acting President of the PRB, pursuant to Article 105, 106, and 117 of the Law on Public Procurement of the Republic of Kosova (Law No. 04/L-042, supplemented and amended by Law 04/L-237, Law 05/L-068, supplemented and amended by Law 05/L-092) composed of Vedat Poterqoi - President, Isa Hasani and Batisha Ibrahim - Member, deciding upon the complaint of EO Tretrek SH.P.K., against the Decision to contract award or a design competition regarding the procurement activity “Electronic procurement system maintenance and advancement services” with procurement number 201/26300-26-2774-2-1-1, initiated by the contracting authority (CA) - Central Procurement Agency, on the 14/08/2026 has issued this:

DECISION

1. Approved, as partly grounded the complaint of the EO “Tretrek” SH.P.K. with no. 2026/0493, dated 14/07/2026, regarding the procurement activity “Electronic procurement system maintenance and advancement services”, with procurement number 201/26300-26-2774-2-1-1, initiated by the contracting authority - Central Procurement Agency.
2. **Remains in force**, B58 Notice on the Decision of the Contracting Authority - Central Procurement Agency for the procurement activity "Electronic procurement system maintenance and advancement services", with procurement number 201/26300-26-2774-2-1-1.
3. The funds deposited in the name of the tariff fee for filing the complaint are returned to the account of the Economic Operator “Tretrek” SH.P.K., while the complainant has the right, according to paragraph 6 of Article 31 of the Rules of Procedure of the PRB, to request the return of the funds within sixty (60) days from the date of receipt of this decision, otherwise the funds are confiscated and transferred to the Budget of the Republic of Kosova.

REASONING

-Procedural facts and circumstances -

On the 28.04.2026, the Central Procurement Agency, acting in the capacity of the Contracting Authority, has submitted the Contract Notice, for the procurement activity "Services for the maintenance and advancement of the electronic procurement system", with procurement number 201/26300-26-2774-2-1-1.

The contracting authority has implemented an open procedure, type of contract: service, estimated contract value: 316,800.00 €.

On the 29.06.2026, the Contracting Authority submitted the Notice on the decision of the CA (B58), where the EO "Komptel Energeniering" was recommended for contract.

On the 03.07.2026, the complaining EO submitted a request for review, where on 07.07.2026 the CA rejected the request for review as unfounded.

On the 14.07.2026, the EO "Tretek SH.P.K", submitted a complaint to the PRB, which was recorded with protocol number 2026/0493, challenging the decision to award the contract.

-On the preliminary review phase -

The Procurement Review Body has found that the complaint contains all the elements specified in Article 111 of the LPP and as such has been submitted within the legal deadline in accordance with Article 109 paragraph 1 of the LPP after the preliminary procedure for dispute resolution in the sense of Article 108/A of the LPP, by the economic operator that is an interested party according to Article 4 paragraph 1 subparagraph 26 of the LPP. In this way, the Procurement Review Body has found that it is competent to review this complaint according to Article 105 of the LPP and there is no procedural obstacle to continue with the review of the complaint on its merits.

Response to the request for review:

CPA together with experts from the evaluation commission (CA unit of the request) has reviewed the request for review of the Economic Operator Tretek SH.P.K. and assesses that the claims of EO are unfounded. The claims of the economic operator do not stand, for the following reasons:

Regarding the complaint claim/request: "7.2 at least one of the projects has been the development, implementation or maintenance of an Electronic Procurement System for Public Institutions or a system similar in size and complexity to the Electronic Procurement System (where high information security, interoperability with other IT systems are required and has had wide use of G2G, G2B and G2C) during the past three years until the publication of this contract notice". For which the EO claims to have been fulfilled, the CA further assesses that this requirement has not been fulfilled and that the complaint claim of the EO does not stand. Clarifications provided regarding the project "Supply, Development and Implementation of an Advanced Electronic System for Asset Declaration and Case Management" with the aim that this

project is a system similar in size and complexity to the Electronic Procurement System (where high information security is required, interoperability with other IT systems and there has been extensive G2G, G2B and G2C use), including an email confirmation from the MK after the question that the EO does not provide evidence that the Advanced Electronic System for Asset Declaration and Case Management is a system similar to the electronic procurement system, especially in its complexity and level and frequency of use. Furthermore, in terms of usage level, number of users and frequency of use, as specified in the Terms of Reference, the e-Procurement System has around 3000 unique users within 24 hours, who carry out hundreds of thousands of transactions within a day and 365 days of the year continuously, while the Advanced Electronic Asset Declaration and Case Management System is a system used by a limited number of users and for a limited period within the year. Therefore, this complaint claim of the EO does not stand. Regarding the complaint claim/request: "At least one Business Analyst with proven experience in the field of public procurement and electronic procurement, with knowledge of public procurement legislation and experience in automating work processes in procurement, as well as with experience as a Business Analyst / Project Manager in at least three information technology systems or projects, implemented at the level of organizations or institutions with a large number of users and widespread use; For which the EO claims that it has been fulfilled with the proposal of Mr. Besnik Hajdari, the AI < further assesses that this requirement has not been fulfilled and the claim of the EO does not stand. Despite the claim of the EO and the explanations provided, the assessment of the CA that this requirement has not been fulfilled is based on the documentation provided by the EO, where the evidence for the experience as a Business Analyst or Contract Manager is with reference to the EO bidder and the business to the proposed expert himself, and for projects that we still assess are not information technology projects, implemented at the level of organizations or institutions with a large number of users and widespread use. Otherwise, the CA did not contest the experience of Mr. Besnik Hajdari as an employee within the PPRC and also the certification in public procurement, but that both evidences are not sufficient to complete the profile of a business analyst or contract manager and as an expert with proven experience in the field of public procurement and electronic procurement, with knowledge of public procurement legislation and experience in the automation of procurement work processes. Therefore, this complaint claim of the EO does not stand.

The claims of the complaining economic operator “Tretak SH.P.K”, are presented as follows:

In B58 - Notice on the decision of the contracting authority dated 29.06.2026, we as a bidder of this procurement procedure are eliminated for the following reasons:

For Request 1, a list of completed contracts has been presented in your bid. However, from the comparison and evaluation of the data presented within this document, it is estimated that the document contains at least three similar projects or projects related to information technology systems, but none of the projects can be considered a system similar to the size and complexity of the Electronic Procurement System (where high information security is required, interoperability with other IT systems and which has had wide use G2G, G2B and G2C). This is

due to the fact that none of the projects can be compared to the frequency and volume of use of the electronic procurement system.

This finding by the CA was made without requesting any clarification or additional documents from us, although such an action was fully possible according to Article 59 paragraph 2 and Article 72 of the Public Procurement Law. Failure to utilize this mechanism and draw conclusions without verifying the facts contradicts the provisions of Article 7 of the LPP. If the CA had any uncertainties regarding the technical characteristics or complexity of the submitted projects, it could request clarifications to verify the factual situation, rather than drawing conclusions solely on the basis of an interpretation of the submitted documents.

In particular, the project "Supply, Development and Implementation of an Advanced Electronic Asset Declaration and Case Management System" meets advanced technical and functional characteristics, which correspond to the requirements set out in the DT. In order to eliminate any ambiguity regarding this project, we are attaching the official confirmation of the Contract Manager from the relevant CA, which clearly confirms that the system contains high information security, interoperability with other IT systems and has had extensive G2G, G2B and G2C use. Consequently, the rejection of this project without requesting prior clarifications under paragraph 2 of Article 59 of the LPP constitutes an incomplete assessment of the facts and conflicts with the legal provisions of the LPP, since the CA did not use the legal mechanism to verify whether the submitted project met the requirements of the tender dossier.

Proof: Official confirmation from the Contract Manager, forwarded via email.

Therefore, the requirement mentioned in the DT "Supply, Development and Implementation of an Advanced Electronic System for Asset Declaration and Case Management"" through reference and confirmation received from the contract manager by the CA, it is established that "Requirement 1

The Bidder must have successfully implemented during the last three years

1.1. similar projects (development, implementation or maintenance) where at least three of them are information technology systems projects, and

1.2. at least one of the projects has been the development, implementation or maintenance of an Electronic Procurement System for Public Institutions or a system similar to the size and complexity of the Electronic Procurement System (where high information security is required, interoperability with other IT systems and there has been widespread use of G2G, G2B and G2C) during the past three years until the publication of this contract notice has been completed.

The above-mentioned allegations together with evidence were presented in the request for review, however, on 07.07.2026, in the decision of the CA on the request for review, the reasoning given by the Contracting Authority is as follows:

From the above reasoning, it clearly results that the CA did not base the evaluation on the criteria specified in the contract notice and the Tender Dossier, but on new criteria established during the bid evaluation phase. Such an approach is also in contradiction with Articles 27, 56 and 59 of the

Law on Public Procurement, according to which the examination, evaluation and comparison of tenders should be carried out only on the basis of the criteria and requirements specified in the Contract Notice and the Tender Dossier. The Contracting Authority does not have the competence to create or apply additional standards during the evaluation phase that have not become part of the tender documents.

Specifically, although the CA acknowledges the existence of the official confirmation of the Contract Manager, in which the technical and functional characteristics of the project are expressly confirmed, including high information security, interoperability with other IT systems, as well as G2G, G2B and G2C use, the CA does not provide any factual, technical or legal justification to contradict these facts nor does it present any evidence that would call into question the authenticity of the confirmation issued by the Contract Manager.

On the contrary, it follows from the CA's own reasoning that the elimination of our bid is based on elements such as the number of users, frequency of use and volume of transactions of the Electronic Procurement System. However, neither the Contract Notice nor the Tender Dossier contain any requirement or qualification criteria that determine the minimum number of users, minimum frequency of use, volume of transactions, or any other quantitative standard of this kind.

The requirement is very clear, requiring only that the bidder have carried out at least one project for the development, implementation or maintenance of an Electronic Procurement System for Public Institutions or a similar system of its size and complexity, specifying as characteristics high information security, interoperability with other IT systems and G2G, G2B and G2C use, and not criteria related to the number of users or volume of use. Furthermore, such an interpretation also contradicts Article 28 of the LPP, which requires that the technical specifications and contract requirements be defined in advance in the tender documents and be clear to all economic operators. By adding new criteria during the evaluation phase, the CA has unilaterally changed the content of the TD requirements.

Consequently, the CA has expanded and modified the qualification criteria after the publication of the Contract Notice and the Tender Dossier on the E-Procurement platform, establishing additional standards during the evaluation of bids that were not and are not part of the tender documents and for which the EOs were not notified in advance. In accordance with the legal provisions of Public Procurement, the evaluation of bids must be carried out exclusively on the basis of the criteria published in the Contract Notice and the Tender Dossier, and not on new criteria created during the evaluation process, acting in violation of Article 17, paragraph 17.12 of the Public Procurement Regulation No. 001/2022 and in violation of Article 7, 27 and 59 of the LPP.

2. In B58 - Notice of the decision of the contracting authority dated 29.06.2026, we as a bidder of this procurement procedure are eliminated for the following reasons:

For Request 2, from the comparison and evaluation of the bid documents regarding the proposed human capacities or staff for points: 1, 2, 3 and 4, it is evident that the staff/expert proposed as Business Analyst does not have sufficient experience in the field of public procurement and

electronic procurement, with knowledge of public procurement legislation and experience in the automation of procurement work processes and especially in Project Management in at least three information technology systems or projects, implemented at the level of organizations or institutions with a large number of users and widespread use.

The CA's finding: "For Request 2, from the comparison and evaluation of the bid documents regarding the human capacities or staff proposed for points: 1, 2, 3 and 4, it is evident that the staff/expert proposed as a Business Analyst does not demonstrate sufficient experience in the field of public procurement and electronic procurement, with knowledge of public procurement legislation and experience in the automation of procurement work processes" is in contradiction with the documentation submitted with the bid and also contradicts Articles 56 and 59 of the Law on Public Procurement, as the evaluation committee did not conduct an objective review of all the evidence submitted, but drew conclusions without analyzing the documentation in its entirety.

Firstly, Mr. Besnik Hajdari has many years of experience in the Public Procurement Regulatory Commission (PPRC), where he was engaged from 2010 to 2018, a fact which is also proven through the confirmation of employment relationship no. 21/2023, dated 17.03.2023, issued by the Public Procurement Regulatory Commission.

During this period, he has exercised the function of Information Technology Expert, being directly involved in the field of electronic procurement (e-Procurement), the development and support of electronic procurement processes, as well as in the automation of procurement work processes. The very fact that the expert has been engaged for years in the PPRC, the institution responsible for the development and administration of the electronic procurement system in the Republic of Kosovo, makes the finding that he does not possess experience in electronic procurement or knowledge of public procurement legislation unfounded.

Proof: proof of employment

In addition, the submitted CV clearly presents his professional commitments in the field of e-procurement, including:

- Expert in procurement procedures for special services in the fields of Information Technology, digitalization and innovation in the Office of the Prime Minister (2024);
- Trainer and Specialist in Electronic Procurement within the PPRC & USAID (2016-2018);
- Public Procurement Trainer within IKAP & USAID (2016-2017).

These commitments clearly demonstrate that the proposed expert not only has many years of experience in the field of public procurement and e-procurement, but has also been engaged in professional training and development of institutional capacities in this field.

Likewise, the claim of the CA that the expert does not possess knowledge of public procurement legislation is also unfounded, since the evidence submitted in the bid is that Mr. Besnik Hajdari is certified with the Advanced Professional Certificate of Public Procurement, issued in 2020, a certification which is issued only after fulfilling professional requirements and knowledge of

public procurement legislation. In addition, the proposed expert also possesses other professional certifications and training in the field of electronic procurement, which were submitted as part of the bid and prove his professional competences in this field.

Evidence: Advanced professional certificate of public procurement Consequently, the finding of the Contracting Authority that Mr. Besnik Hajdari does not demonstrate experience in the field of public procurement, electronic procurement, automation of work processes in procurement and knowledge of public procurement legislation is in complete contradiction with the documentation submitted in the bid and in contradiction with articles 7 and 59 of the LPP.

Regarding the claim of the CA "and especially in the Project Manager in at least three information technology systems or projects, implemented at the level of organizations or institutions with a large number of users and widespread use." we emphasize that this finding is also not based on the documentation submitted in the bid.

The Contracting Authority has not made a full assessment because such an assessment is not in accordance with Article 7 of the Law on Public Procurement, which obliges the contracting authority to ensure equal treatment, proportionality and objective assessment of economic operators and objective documentation, as it has not taken into consideration the reference issued by Tretrek SH.P.K. which was submitted as part of the bid and which clearly describes the projects in which Mr. Besnik Hajdari was engaged in the capacity of Business Analyst and Project Manager.

How can the CA justify that the Project Manager does not meet the tender dossier requirement for experience in at least three information technology systems or projects, implemented at the level of organizations or institutions with a large number of users and widespread use, when from the references submitted by TRETEK, it clearly results that the candidate proposed as Analyst has managed projects implemented and in active use by a considerable number of users, specifically:

1. iPacienti.com (system in use in over 117 clinics in Kosovo, North Macedonia, Albania and Italy, with over 479,092 registered patients)
2. Digitalisation of Clinical, Laboratory and Financial Processes (system in use by over 10,000 active patients of the clinic from all over Kosovo)
3. B2B System for Online Order Management; (system in use by over 1,228 registered pharmaceutical businesses, which use the platform 24/7 throughout Kosovo).
4. Maintenance of Audit Management Software - SITA (institutional system in use by over 140 auditors and administrative staff of the NAO;)
5. Development and Implementation of Pathfinder - Global AI-Powered Personal Insight Platform (platform in use by over 8,700 active users globally).

Despite these projects, the CA did not make an individual assessment of any of the references, did not identify which project, which element or which part of the documentation does not meet

the TD's request and did not provide any factual or legal justification for their rejection. Instead, it was satisfied with a general finding that the expert does not meet the criteria, without analyzing the content of the submitted documentation. Such a justification does not constitute an objective and evidence-based assessment, as required by the Public Procurement Law and the Public Procurement Regulation.

From the above it results that the projects presented in the reference, clearly demonstrate the experience of the Project Manager in implemented and widely used systems. Moreover, the tender dossier has not defined any minimum threshold or specific number of users that a system must have to be considered a system with a "large number of users" or "widely used". Consequently, any assessment based on such a numerical criterion represents a subjective interpretation and addition of a criterion that is not foreseen in the tender documents.

Such an action is also in contradiction with Article 40 of the Public Procurement Regulation and Article 59 of the LPP, which obliges the evaluation commission to objectively analyze all documents and evidence submitted by economic operators during the examination, evaluation and comparison of tenders and to provide full justification for any finding that leads to the elimination of the bid. In this case, no individual analysis of the references submitted by TRETEK was carried out.

In case the CA had any uncertainty regarding the role of the expert in the referred projects, the size of the systems or the level of their implementation, the CA had at its disposal the legal mechanism provided for in Article 59 paragraph 2 of or Article 72 of the Law on Public Procurement to request additional clarifications. Instead, the Contracting Authority has drawn conclusions on a hypothetical basis, without using the legal opportunity to verify the facts presented in the bid. Consequently, the decision to eliminate our bid is the result of an incomplete and objective assessment of the documentation and evidence submitted.

The above-mentioned allegations together with the evidence were presented in the request for review, but on 07.07.2026, in the decision of the CA on the request for review, the reasoning given by the Contracting Authority is as follows:

Furthermore, even in the decision on the request for reconsideration, the CA has failed to provide a concrete, complete and evidence-based justification for the non-acceptance of the references submitted by Tretek. The CA has satisfied itself with the general finding that the projects referred to "are not information technology projects, implemented at the level of organizations or institutions with a large number of users and widespread use", without explaining which element of each reference does not meet the requirement of the Tender Dossier.

In no part of the decision is the iPacienti.com project, Digitalisation of Clinical, Laboratory and Financial Processes, B2B System for Online Order Management, Maintenance of Audit Management Software - SITA and Pathfinder - Global AI Powered Personal Insight Platform individually analyzed.

In the absence of such an analysis, it is impossible to understand on what facts or evidence the CA has based its conclusion that these projects do not meet the criteria set out in the Tender

Dossier. An administrative decision cannot be based on declarative findings, but must contain a concrete analysis of each piece of evidence submitted and the reasons why it is accepted or rejected.

Furthermore, the Tender Dossier did not set any criteria, minimum threshold or evaluation methodology on the basis of which a project would be considered or not as an information technology project implemented in organizations or institutions with a large number of users and widespread use. Consequently, if the Contracting Authority assessed that the submitted projects did not meet this requirement, it had a legal obligation to justify in a concrete and reasoned manner why each of them did not meet the criterion, referring to the submitted documentation. Failure to provide such justification constitutes a violation of the principle of transparency, equal treatment and objective evaluation of offers, guaranteed by Article 7 of the Public Procurement Law. Moreover, the Contracting Authority itself in the decision on the request for reconsideration admits that

"The CA has not contested the experience of Mr. Besnik Hajdari as an employee within the PPRC and also the certification in public procurement", directly accepting the existence of his experience in the field of public procurement and electronic procurement. However, without providing any additional analysis and without identifying any concrete deficiencies in the documentation, the CA concludes that this evidence "is not sufficient".

Such reasoning is contradictory, as it is not based on any criteria set out in the Tender Dossier and does not objectively explain which elements of the request remain unfulfilled. Consequently, the decision is not based on an assessment of the tender documentation, but on a subjective and unreasoned assessment, in violation of Article 59 of the Law on Public Procurement.

Consequently, the decision of the Contracting Authority was issued in violation of Articles 7, 27, 28, 56, 59 and 72 of Law No. 04/L-042 on Public Procurement, as well as Articles 4, 17, 19 and 40 of Regulation No. 001/2022 on Public Procurement, because our offer was not evaluated on the basis of the criteria published in the Tender Dossier, clarifications were not requested when there was ambiguity, an objective analysis of the submitted evidence was not conducted, and additional criteria were applied that were not part of the tender documents.

Based on all the above-mentioned violations, we request the PRB to: I. Declare our complaint grounded and return the case for re-evaluation, obliging the Contracting Authority, in accordance with the Law on Public Procurement and the relevant provisions of the Public Procurement Regulation, to annul the previous decision and invite Tretak SH.P.K. to sign the contract as the economic operator with the most responsive bid.

The review panel has assessed that the conditions have been met to decide on this case without a hearing in accordance with Article 24 paragraph 1 of the PRB Rules of Procedure, taking into account that the claims of the parties and their submissions, the evidence and the report of the review expert provide sufficient data to decide on the merits of the case.

- Administration and evaluation of evidence –

In order to properly establish the factual situation, the review panel has administered as evidence the Report of the Review Expert, the submissions and documents of the complaining economic operator, the letters and documents of the Contracting Authority, the relevant documents related to the procurement activity, as well as all evidence proposed by the procedural parties.

Regarding the claims of EO “Tretak SH.P.K.”, the review expert through report no. 2026/0493 has assessed as follows:

Response to claim 1: The complaining EO claims that our elimination by the CA was made without requesting any clarification or additional documents from us, although such an action was completely possible according to Article 59 paragraph 2 and Article 72 of the Law on Public Procurement. Failure to use this mechanism and drawing conclusions without verifying the facts contradicts the provisions of Article 7 of the LPP. In case the CA had uncertainties regarding the technical characteristics or the complexity of the submitted projects, it could request clarifications to verify the factual situation, and not draw conclusions only on the basis of an interpretation of the submitted documents.

The review expert based on Article 59 Examination, Evaluation and Comparison of Tenders paragraph 2 of this article explains that:

2. The contracting authority may in writing request a tenderer to provide a written clarification on any aspect of its tender, in order to conduct the examination, evaluation or comparison of tenders. No material changes and any aspect of the tender shall be requested or accepted by the contracting authority or offered by a tenderer.

Therefore, the review expert explains that this article gives the Contracting Authority a discretionary power, and not an obligation, to request written clarifications from the tenderers. Consequently, the fact that the Contracting Authority did not request clarifications does not constitute, in itself, a violation of this article, as long as it assessed that the clarifications were not necessary for the examination, evaluation or comparison of the tenders, and as such this claim does not stand.

Response to claim 2: Another claim of the complaining EO is that the CA has expanded and modified the qualification criteria after the publication of the Contract Notice and the Tender Dossier on the E-Procurement platform, by setting additional standards during the evaluation of offers that were not and are not part of the tender documents and for which the EOs were not notified in advance. In accordance with the legal provisions of Public Procurement, the evaluation of bids must be carried out exclusively on the basis of the criteria published in the Contract Notice and the Tender Dossier, and not on new criteria created during the evaluation process, acting in violation of Article 17 paragraph 17.12 of the Public Procurement Regulation No. 001/2022 and in violation of Articles 7, 27 and 59 of the LPP.

Regarding the claim of the complaining economic operator that the Contracting Authority has expanded and modified the qualification criteria during the bid evaluation phase, the review expert has initially analyzed the content of the requirements set out in the Tender Dossier for technical and professional capacity:

The review expert, based on the requirements set out by the Contracting Authority in the Tender Dossier and relying on the opinion of the technical expert, assesses that from the submitted documentation it results that the expression "system similar to the size and complexity of the Electronic Procurement System where high information security is required, interoperability with other IT systems and has had wide use (G2G, G2B and G2C)" was part of the technical and professional capacity criteria published in the Tender Dossier. In this regard, the technical expert has assessed that the expression "wide use of G2G, G2B and G2C" implies not only the existence of technical interoperability, but also a real scope and volume of use of the system, as elements that demonstrate the size and complexity of the project. Consequently, it is assessed that the Contracting Authority has not modified or expanded the qualification criteria during the bid evaluation phase, but has applied the criteria previously published in the Tender Dossier. Therefore, the review expert finds that this complaint allegation is unfounded.

Below we present the opinion of the Technical Expert regarding the complaint from the EO "Tretrek" SH.P.K. no. 0493/26

The Technical Expert, after administering the documentation regarding the complaint claims of the complaining EO "Tretrek" SH.P.K. against the criteria of technical and professional capacity (Requirement 1 and Requirement 2, point III.2.4) set out in the Tender Dossier, for the procurement activity No. 26300-26-2774-2-1-1 "Electronic procurement system maintenance and advancement services", regarding the decision of the CA to eliminate the bid of the complaining EO and the recommendation for awarding the contract to EO "Komtel Project Engineering" SH.P.K., opines:

Complaint claim 1: The complaining EO regarding this issue claims that the project referred to

"Supply, Development and Implementation of an Advanced Electronic System for Asset Declaration and Case Management" meets Requirement 1.2 of the DT as a "system similar to the size and complexity" of the Electronic Procurement System (SPE), and that the CA has rejected this project without objecting with concrete facts the official confirmation of the Contract Manager.

The technical expert explains that the TD (III.2.4, Requirement 1.2) expressly requires: "...at least one of the projects to have been the development, implementation or maintenance of an Electronic Procurement System for Public Institutions or a system similar to the size and complexity of the Electronic Procurement System (where high information security, interoperability with other IT systems and there has been extensive use of G2G, G2B and G2C)..."

From the review of the documentation (official confirmation of the Contract Manager, submitted as evidence by the EO), it is established that the referenced project meets the architectural/quality elements mentioned in brackets (high information security, interoperability with other IT systems). However, these elements are a complementary explanation, not a substitute, for the main criterion "size and complexity". The phrase "widespread G2G, G2B and G2C use" itself naturally implies the actual volume and scope of use, not just technical interoperability capabilities.

From the functional comparison, an asset declaration system operates as a periodic (annual) declaration by a limited group of declarants, reviewed by a limited supervisory body, a significantly different operational profile from an e-procurement platform that continuously processes transactions in real time, with thousands of active users every day, throughout the year (SPE: 54,000 registered users, 3,500 unique active users/day, according to Annex 1 of the DT). This difference in volume and frequency of use is an objective element, verifiable by the very functional nature of the two systems, not an arbitrary interpretation or criterion invented by the CA.

Therefore, from the technical-functional point of view, the technical expert thinks that the findings of the CA — that the referenced project is not "similar in size" to the SPE, despite the completion of security/interoperability elements — is technically defensible, and the claim EO's complaint in this part is not grounded.

Complaining claim 2: The complaining EO related to this issue claims that the proposed expert as Business Analyst, Mr. Besnik Hajdari, demonstrates sufficient experience in the field of procurement public and electronic procurement (engagement in KRPP 2010-2018, advanced certificate public procurement professional 2020), while CA has evaluated this experience "of insufficient" without identifying concrete deficiencies.

The technical expert clarifies that the DT (Request 2, text corrected through B54) expressly requires:

"...Business Analyst with proven experience in the field of public procurement and procurement electronic, with knowledge of public procurement legislation and experience in the automation of procurement work processes..."

From the review of the documentation (certificate of employment relationship no. 21/2023 issued by the PPRC, advanced professional public procurement certificate of 2020, CV with engagements as an Information Technology Expert at the PPRC and trainer within the PPRC&USAID/IKAP&USAID), it is concluded that the submitted documentation cumulatively covers the four elements required by the text of Request 2: (i) experience in the field of public procurement - proven through long-term engagement at the PPRC (2010-2018); (ii) experience in electronic procurement proven through the function of an information technology expert within the same institution, directly responsible for the e-procurement system; (iii) knowledge of public procurement legislation proven through the advanced professional certificate (2020), a certification that by its nature is issued only after verification of legal knowledge in the field; and (iv) experience in automating procurement work processes proven through engagements as a trainer/specialist in electronic procurement within KRPP&USAID and IKAP&USAID.

This structure of evidence — where each element of the request is supported by a specific, verifiable document or commitment issued by third-party institutions (not self-declarations of the EO) — constitutes, from a technical point of view, a complete basis for considering the expert's profile as appropriate to the request.

The CA's decision on the request for reconsideration expressly acknowledges that "the CA has not contested the experience of Mr. Besnik Hajdari... and also the certification in public procurement", but concludes that this evidence "is not sufficient". This assessment treats the entirety of the evidence as insufficient without separating or differentiating which of the four elements it considers to be incomplete. Therefore, the technical expert considers that the EO's complaining claim in this part is well-founded.

Complaining claim 3: The complaining EO regarding this issue claims that the CA has not individually evaluated any of the five references submitted as evidence of Mr. Hajdari's experience as a Project Manager (iPacienti.com, Digitalisation of Clinical/Laboratory/Financial Processes, B2B Order Management System, SITA, Pathfinder), and that the tender dossier does not define a minimum numerical threshold of users for this criterion. The technical expert explains that the DT (Requirement 2) requires "...experience as a Business Analyst/Project Manager in at least three information technology systems or projects, implemented at the level of organizations or institutions with a large number of users and widespread use", without defining a specific numerical threshold for which a system is considered to have a "large number of users".

The technical expert, analyzing the five references individually against this text, concludes as follows:

- iPacienti.com - a system in active use in over 117 clinics, spread across four countries (Kosova, North Macedonia, Albania, Italy), with over 479,092 registered patients. This is clearly an IT system implemented at the level of multiple institutions, with a number of users that significantly exceeds any reasonable reading of the phrase "large number".
- Digitalisation of Clinical, Laboratory and Financial Processes - a system in use by over 10,000 active patients of the clinic, spread across Kosovo. It meets the requirement as an institutional system with national scope.
- B2B System for Online Order Management - a system in use by over 1,228 registered pharmaceutical businesses, which use the platform 24/7 across Kosovo. This operational profile (multiple business entities, continuous operation 24/7) is, in its functional nature, directly comparable to the SPE's profile as a G2B platform with continuous access.
- Maintenance of Audit Management Software - SITA - institutional system (National Audit Office) in use by over 140 auditors and administrative staff; although the absolute number of users is smaller than in other references, the system operates at the government institution level (G2G), thus fulfilling the "organization or institution level" element.
- Development and Implementation of Pathfinder - platform with over 8,700 active users on a global scale, proving the expert's ability to manage IT projects with international scope and a considerable volume of users.

By evaluating these five projects together (not in isolation, as the cumulative nature of the criterion itself requires — "at least three systems"), it results that the EO has demonstrated repeated, not random, experience in the development/management of IT systems with a wide

institutional reach and a significant number of users. At least three of them (iPacienti.com, B2B Farmaceutik, Pathfinder) exceed any quantitative threshold that could reasonably be implied by the phrase "large number of users", even in the absence of a numerically expressed threshold in the TD.

From the documentation of the decisions (letters B42 and the decision on the request for reconsideration), it is established that the CA has not provided any individual analysis for any of these five references, being satisfied with a general finding that the proposed experience "are not information technology projects, implemented at the level of organizations or institutions with a large number of users and widespread use", without identifying which specific reference does not meet the criterion and why.

Therefore, since (a) the TD does not establish a specific comparative numerical threshold, and (b) the submitted documentation demonstrates significant levels of use for each of the five projects, analyzed individually, the technical expert considers that the EO's complaint in this part is founded.

The expertise report has been duly accepted by all procedural parties. The CA agreed with the recommendation of the review expert's report, the EO disagreed with the review expert's report.

- Findings of the Review Panel -

The Review Panel, having analyzed the documents of this case and the actions taken by the parties, their statements and the evidence administered during the course of this procurement activity, considers that the findings of the review expert and his opinions are acceptable and that the Review Panel rightly took into consideration his Report when making the decision.

In the specific case, from the report of the review expert, the evidence presented by the complaining economic operator, the documents of the tender dossier and other evidence of the case, it has been found that the claims are partially grounded but insufficient to change the decision-making of the CA. Based on the factual situation ascertained as above, the Review Panel has given full confidence to the findings and recommendations in the report of the review expert. Consequently, the Review Panel has found that the claims of the complaining economic operator are partially substantiated but do not constitute sufficient grounds for the procurement activity to be subject to re-evaluation.

The review panel, after administering and evaluating the evidence, fully ascertaining the factual situation, relying on the LPP as the applicable substantive law, after reviewing the complaint claims, taking into account all the case files and the expert's recommendations, has found that the complaint of the Economic Operator should be partially approved as well-founded and the notice for award of the Contracting Authority CPA should remain in force. The Review Panel has decided in accordance with the legal competences within the meaning of Article 104, paragraph 1, in connection with Article 103, Article 105 and Article 117 of the LPP to implement the procurement review procedure in a prompt, fair, non-discriminatory manner, with the aim of resolving the case legally and effectively. Therefore, the Review Panel based its findings on the

relevant provisions of the LPP, which foresee and regulate such situations that may arise during a procurement activity.

For points I and II of the decision, it was decided based on Article 117 of the LPP in conjunction with Article 29 of the PRB Rules of Procedure.

For point III of the decision, it was decided based on Article 31 paragraph 6 of the PRB Rules of Procedure in conjunction with Article 118 of the LPP.

From what was said above, it was decided as in the provision of this decision.

President of the Review Panel

Mr. Vedat Poterqoi

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 – **Central Procurement Agency;**

1x1 EO – **Tretek SH.P.K;**

1x1 Archive of the PRB