



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

Psh. No.0832/25

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, as well as Article 17 paragraph 6 of the PRB Rules of Procedure no. 01/2020 after reviewing the complaint of the Economic Operator (EO) “ADA Distribution” L.L.C., against the notification of the CA regarding the procurement activity: “Supply of food items” with procurement number UA/2016-25-4995-1-1-1, initiated by the contracting authority (CA) - “Central Procurement Agency”, Acting Head of the PRB Secretariat, on the 09/09/2025, has issued this:

DECISION

I. Dismissed as not allowed, the complaint of the EO “ADA Distribution” L.L.C. with protocol no. 2025/0832 dated 29.08.2025, this complaint is filed for the procurement activity “Supply of food items” with procurement number UA/2016-25-4995-1-1-1, initiated by the contracting authority (CA) - “Central Procurement Agency.

II. Allowed, contracting authority - Central Procurement Agency to continue further with the procurement activity “Supply of food items” with procurement number UA/2016-25-4995-1-1-1, regarding this complaint, if there is no other complaint regarding this activity.

REASONING

-Procedural facts and circumstances -

The Procurement Review Body in the electronic e-procurement system on the 29/08/2025, in the complaints section, has received a complaint from the EO “ADA Distribution” L.L.C. for the procurement activity “Supply of food items” with procurement number UA/2016-25-4995-1-1-1, initiated by the “Central Procurement Agency” in the capacity of the contracting authority.

The Complaints Office, after receiving the complaint, during the verification of whether the complaint was submitted according to the rules and legal provisions, has found that the complainant for the complaint in question has not made the payment as required by point 10 paragraph 1 of article 111 of the LPP and article 69 of Regulation No. 001/2022 on Public Procurement.

Given the fact that the complainant did not attach the bank confirmation for the fee to the above-mentioned complaint, even though the office for receiving complaints on 01/09/2025 via email notified the complaining EO of the complaint that after examining the documents you have attached to the PRB platform, it has found that you have not made the payment as provided for in paragraph 2 of Article 69 of Regulation 001/2022 on public procurement. We quote Article 69.2 "In accordance with Article 118 of the LPP, all complainants must pay a complaint fee to the PRB. a. Whenever the complaint is related to the decision to award a contract, the amount of the complaint fee is equal to one percent (1%) of the estimated value, but not less than 200 Euros and not more than 10,000 Euros. In the case of procurement activities divided into LOTs (Parts), the complaining economic operator must specify for which LOT (Part) the complaint is filed. The amount of the complaint fee is equal to one percent (1%) of the estimated value per Lot, but not less than 200 Euros and not more than 10,000 Euros. Therefore, please provide us with the remaining deadline for proof of payment, otherwise the complaint will be rejected. For which the complaining EO ""ADA Distribution" L.L.C. regarding the e-mail sent, the same has not responded within the legal deadline.

From the evidence presented, it is assessed that the complaint submitted by the EO “ADA Distribution” L.L.C. dated 29/08/2024 (protocol 2025/0832), for the procurement activity “Supply with food items” with procurement number UA/2016-25-4995-1-1-1, initiated by the contracting authority (CA) “Central Procurement Agency”, is considered incomplete because the complainant has not deposited the security fee for his complaint as required in point 10 paragraph 1 of article 111 of the LPP in connection with article 118 of the LPP.

Therefore, the procedure for reviewing this complaint ends at this stage by dismissing it as inadmissible - incomplete because this complaint does not meet the conditions to proceed further as required by the aforementioned legal provisions.

The contracting authority - "Central Procurement Agency" is allowed to continue with the procurement activity "Supply with food items, with procurement number UA/2016-25-4995-1-1-1, regarding this complaint, if there is no other complaint for this procurement activity. However,

the PRB informs the CA that in each activity it must act in accordance with the legal provisions and authorizations as provided for in Article 1, 6, 7, 27, 28, 59, 60 of the LPP.

The Acting Head of the Secretariat of the PRB, based on the above, decided as in the provision of this decision.

Mr. Agim Sheqiri

The Acting Head of the Secretariat

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;

1x1EO–“ ADA Distribution” L.L.C;

1x1 Archive of the PRB;