



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

Psh. no.564/2023

Pursuant to the article 105 point 1 and 2, of the Law on Public Procurement of the Republic of Kosova 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 EO “INTRAST” SH.P.K, regarding with the procurement activity with title: “Horizontal, vertical signaling and road equipment in the municipality of Gjilan”, with procurement no: 651-22-10313-2-1-1, initiated by the Contracting authority – Municipal Assembly of Gjilan, The President of the Procurement Review Body Vjosa Gradinaj Mexhuani on the 28/08/2023 has issued this:

DECISION

1. **It is dismissed as not allowed**, the complaint of the “INTRAST” SH.P.K., (with protocol no.564/2023) of the 10.08.2023, filed for the procurement activity: “Horizontal, vertical signaling and road equipment in the municipality of Gjilan”, with procurement no: 651-22-10313-2-1-1, initiated by the Contracting authority – Municipal Assembly of Gjilan.
2. It is allowed to the contracting authority - MUNICIPAL ASSEMBLY OF GJILAN to continue with the procurement activity “Horizontal, Vertical signaling and road equipment in the municipality of Gjilan”, with procurement number 651-22-10313-2-1-1, regarding with this complaint, if there is no other complaint for this procurement activity.

REASONING

- *Procedural facts and circumstances-*

The Procurement Review Body in the electronic e-procurement system dated 10/08/2023, has received a complaint from EO "INTRAST" SH.P.K, for the procurement activity "Horizontal, Vertical Signaling and road equipment in the Municipality of Gjilan", with procurement number 651-22-10313-2-1-1, initiated by the MUNICIPAL ASSEMBLY-GJILAN in the capacity of contracting authority (CA).

After receiving the complaint, the complaints office, during the preliminary verification of 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 EO did not attach the bank's confirmation of the fee to the above-mentioned complaint, the office for accepting complaints through the e-procurement system returned the complaint for completion to the EO-Complainant according to the electronic system, and also on 18.08.2023 via email notified EO as above that the same did not attach the Complaint deposit insurance form, clarifying that the same should be re-sent complete with the bank's confirmation for the complaint fee in question. at the same time, he was informed that if he does not act according to the instructions of the PRB, his complaint will be dismissed as not allowed.

However, despite this notice and clarification from the PRB, the Complainant has not completed his complaint with the security deposit fee of the said complaint.

From the evidence presented, it is estimated that the complaint submitted by EO " INTRAST " SH.P.K., dated: 10/08/2023 (protocol 564/2023), for the procurement activity entitled "Horizontal, Vertical Signaling and Road Equipment in the Municipality of Gjilan" 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, discarding it as incomplete because this complaint does not meet the conditions to proceed further as required by the aforementioned legal provisions.

The PRB informs the complaining EO about the possibility of applying Article 118 paragraph 4 quoted: If the review panel finds that any of the claims made in the complaint are false, the PRB may ask the complainant to pay an additional fine up to five thousand (5,000) Euros, referring you in the specific case to article 111 paragraph 10.

The contracting authority "MUNICIPAL ASSEMBLY-GJILAN" can continue with the procurement activity (described above) if there is no other complaint about this activity. The Procurement Review Body informs that in every activity CA must act in accordance with the provisions and legal 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 Mexhuani

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 – Municipali Assembly of Gjilan;

1x1 EO – “INTRAST”sh.p.k;

1x1 Archive of the PRB;

1x1 For publication on the website of the PRB.