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

Psh. No.530/26

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 (LPP) composed of Kimete Gashi Brajshori - President, deciding upon the complaint of EO IMK BALLKAN PROJEKT" SH.P.K., against the Decision to contract award or a design competition of the MUNICIPAL ASSEMBLY OF PRIZREN in the capacity of the Contracting Authority (CA) regarding the procurement activity Laboratory examinations for capital investment projects - three-year project with procurement number 622-26-1534-2-1-1, on the 28/08/2026 has issued this:

# DECISION

1. Approved, as partly grounded the complaint of the EO IMK BALLKAN PROJEKT" SH.P.K. with no.2026/0530, dated 25/07/2026, regarding the procurement activity Laboratory reviews for capital investment projects - three-year project with procurement number 622-26-1534-2-1-1.

2. Cancelled, B58 Notice on the Decision of the CA of the MUNICIPAL ASSEMBLY OF PRIZREN, while the procurement activity Laboratory reviews for capital investment projects - three-year project with procurement number 622-26-1534-2-1-1 is returned for re-evaluation.

3.The refund of the appeal fee in the amount deposited is allowed, so that the complaining economic operator is obliged to submit a request for the refund of the fee within a period of sixty (60) days after receipt of this decision, in accordance with Article 31, paragraph 6 of the Rules of Procedure of the PRB, with the warning that if the request is not submitted within the deadline, the deposit will be confiscated and all deposited funds will be transferred to the budget of the Republic of Kosova.

# REASONING

-Procedural facts and circumstances –

On the 23.03.2026, the PRIZREN MUNICIPAL ASSEMBLY, acting in the capacity of the Contracting Authority, has submitted the Invitation for Bids, for the procurement activity “Laboratory examinations for capital investment projects - three-year project” with procurement no.: "622-26-1534-2-1-1.

The contracting authority has implemented an open procedure, type of contract: service, estimated contract value: 150,000 €

On the 09.07.20206. THE MUNICIPAL ASSEMBLY OF PRIZREN, acting in the capacity of the Contracting Authority, has published the Notice on the decision (B58), against the notice for award of the contract where it was recommended for contract” "N,Sh. Test&Ing Suharek6.”

On the 14.07.2026, the complaining EO has submitted a request for review where on date 15.07.2026. CA has rejected as unfounded the request for review.

On the 25.07.2026, EO "IMK BALLKAN PROJEKT" SH.P.K. has submitted a complaint to the PRB, which has been recorded with protocol number 2026/0530, attacking the Decision cited above of the CA, against the notice for award of 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.

The claims of the complaining economic operator “IMK BALLKAN PROJEKT" SH.P.K, are presented as follows:

We, on 09.07.2026, have received the notification of the CA's decision, where the EO N.SH. Test&Ing was recommended for the contract, while we were declared an eliminated tenderer with the following justification: **1.** You are disqualified for these reasons: - In request no. 2 of technical and professional capacity in the tender dossier and for the contract, the project manager lacks the required certificate. - ISO standards are missing, unclear and do not meet the required conditions as in the tender dossier. - You lack technical equipment as in request 5 of technical and professional capacity. The CA's reasons for our elimination from this procurement activity are unfounded for the following facts: Regarding the first reason of the CA, where it is stated that the Project Manager appointed by decision does not possess the certificate required according to the request of technical and professional capacity. This finding is unfounded and contrary to the documentation submitted in our bid. In accordance with the request of the tender

dossier, we have appointed Mr. Fatmir Bajrami as Project Manager, who meets all the required criteria, namely he is a graduate engineer in geology, possesses the required professional experience, License A, is trained in Occupational Safety and Health, and is part of the laboratory staff accredited by the Kosovo Accreditation Directorate (DAK). In our bid, the Accreditation Certificate of the laboratory "IMK BALLKAN PROJEKTI" Sh.P.K., together with its accompanying documentation, has been submitted. In point 6.2 "Personnel" of the accreditation document, Mr. Fatmir Bajrami, M.Sc. of Geology, is expressly listed as part of the personnel assessed by DAK according to the SK EN ISO/IEC 17025:2018 standard. The document concludes with the official statement that the laboratory meets the requirements of point 6.2 of this standard, confirming that the competence of the personnel has been verified during the accreditation process. The request for the dossier did not require the submission of an individual accreditation certificate for the Project Manager, as DAK does not issue individual certificates for personnel, but accredits the laboratory and during this process also assesses the competence of its personnel. For this reason, the official accreditation documentation contains the list of assessed staff, including Mr. Fatmir Bajrami. The Contracting Authority has not identified which document is missing or which condition has not been met by Mr. Fatmir Bajrami, but has sufficed with a general statement that he does not possess the requested certificate. Such a justification is not based on the facts of the bid and does not meet the standard of justification for administrative decisions. While the economic operator has submitted documentation proving that Mr. Fatmir Bajrami is part of the DAK accredited personnel and meets all other requirements of the tender dossier, our elimination on this basis is unfounded and does not stand. The Contracting Authority has misinterpreted the tender dossier requirement, treating the DAK accreditation as an individual certificate of the Project Manager. In reality, according to the DAK accreditation system and the SK EN ISO/IEC 17025:2018 standard, accreditation is granted to the laboratory, while the competence of the personnel is assessed and evidenced in the official accreditation documentation. Consequently, the documentation submitted by us fully meets the requirements of the tender dossier and there is no legal basis for the elimination of the bid on this ground. It should be clarified that for the EO recommended for the contract, it turns out that for the fulfillment of this requirement, only a certificate of participation in training organized by the Kosovo Accreditation Directorate for the standard SK EN ISO/IEC 17025 was accepted. This certificate only proves the attendance of the training and does not constitute an accreditation certificate or evidence that the person has been assessed and competent according to the standard in question. Consequently, if the contracting authority has considered that a certificate of participation in training is sufficient for the fulfillment of this requirement, then there is no legal basis for our economic operator to be eliminated, as long as it has submitted even more complete and convincing documentation. The contracting authority, in the second reason for our elimination, has given the justification that: "ISO Standards are missing (unclear and do not meet the required conditions as in the tender dossier)". This reason for elimination is unclear and unfounded, as we have submitted all the ISO certificates requested in the tender dossier, which are in full compliance with the requirements set by the CA. The contracting authority, in its reason for our elimination, has not specified what the justification is that the certificates are "missing", "unclear" or "do not meet the required conditions", making it impossible to identify any specific deficiency in the submitted documentation. Furthermore, if the contracting authority

had any doubts regarding the submitted certificates, it could, in accordance with Article 59.2 and Article 72 of the Law on Public Procurement, request clarifications from us as an economic operator or directly verify their validity with the company that issued these certificates. By not using the legal provisions and by being content with a general and unsubstantiated finding, the CA has drawn a conclusion that is not based on the factual situation and the documentation submitted by us and at the same time has discriminated against us as the responsible EO with the lowest price in this procurement activity. The contracting authority has eliminated us on the third reason with the justification: "You lack the technical equipment as in requirement 5 of technical and professional capacity." This justification is unfounded and contrary to the documentation submitted by us. In accordance with Request 5 of the Tender Dossier, we have submitted a signed list of work tools, with the evidence requested by the CA, through which it is confirmed that the equipment presented by us is in accordance with all the requirements of the tender dossier. The contracting authority has not specified which technical equipment is alleged to be missing or which specific requirement has not been met, therefore such a reasoning is general, vague and not based on any concrete fact or evidence. Furthermore, if the contracting authority had any uncertainty or dilemma regarding the list of equipment submitted or the relevant documentation, it could, in accordance with Article 59.2 and Article 72 of the Law on Public Procurement, have requested clarification from us before taking the decision to eliminate, but it has not taken such action, thereby discriminating against us as the responsible EO with the lowest price in this procurement activity. By not seeking clarification and by not specifically identifying which equipment is allegedly missing, the contracting authority has drawn an unfounded conclusion, which is not supported by the submitted documentation and cannot constitute a legal basis for our elimination from this procurement activity. We, on 15.07.2026, have received the decision on the rejection of the request for reconsideration, on the grounds that it is unfounded, but no concrete facts have been provided for such a rejection. The decision on the rejection of the request for reconsideration does not specifically address our complaint claims and does not dispute the facts presented by us, but only repeats the reasons for the elimination previously provided in the notification of the CA's decision. Regarding the claim regarding the Project Manager, the contracting authority has been satisfied with the finding that the required evidence or certificate has not been presented, but in no way has it been able to argue with concrete facts as to why the documentation submitted by us has not been considered sufficient. We have submitted the documentation proving that the project manager is part of the accredited laboratory staff and that he meets the conditions required according to the tender dossier. Instead of analyzing these documents and opposing them with concrete arguments, the CA has only repeated the finding that the evidence is insufficient. Such reasoning does not refute our claim and does not clarify where the specific deficiency in our bid lies. The CA has stated that alternative evidence cannot be accepted, but this is untenable because the evidence presented by us is not alternative, but is according to the request of the tender dossier. It should be noted that we have argued that the Kosovo Accreditation Directorate does not issue individual certificates for personnel, but accredits the laboratory and during the accreditation process assesses the competence of the personnel according to the SK EN ISO/IEC 17025:2018 standard. Precisely for this reason, in the accreditation certificate and annex, Mr. Fatmir Bajrami appears as a personnel of the accredited laboratory, but this claim of ours was not addressed at all in the

rejection decision. The CA has not presented any evidence, no reference from DAK or from the ISO 17025 standard that contradicts this fact, but has only stated that our document "does not replace the certificate". Likewise, the CA has not provided any concrete response regarding our claim that the economic operator recommended for the contract has been provided with documentation which, in our opinion, does not prove the fulfillment of the same requirement in the manner in which it has been interpreted towards us. Instead of analyzing this claim and providing concrete clarifications, the CA has limited itself to the general finding that each bid is evaluated individually, without explaining how the evaluation was made in the specific case, an action that clearly shows that the contracting authority is favoring the EO recommended for the contract and that with these actions of the CA we cannot create any impression other than the fact that this tender is prepared for this economic operator. Even regarding our complaint claim regarding ISO standards, the decision to reject does not contain any concrete argument that proves the opposite of our complaint claim. The CA, in the decision to reject, claims that the documentation is unclear and does not allow for full verification of the fulfillment of the requirements, but does not specify which certificate is missing, which standard is not met, or which document is considered unclear. Such a general justification cannot be considered a proper evaluation of the bid, as it does not identify any concrete deficiencies in the documentation submitted by us. The same situation occurs in the claim regarding technical equipment, where here too the CA claims that sufficient evidence for the requested equipment has not been submitted, but does not indicate for which equipment the documentation is missing, which specific requirement we have not fulfilled or which document has not been submitted. In the absence of a clear identification of the alleged deficiencies, the CA's reasoning remains only a general statement and not an assessment based on concrete facts. Finally, we emphasize that the decision to reject the request for review does not contain a proper analysis of our complaint claims, but mainly repeats the reasons for elimination. In several points, the contracting authority has deviated from our specific claims, without responding to the arguments and facts that we have presented in the request for review. Therefore, the decision to reject the request for reconsideration is unfounded and unprofessional due to the fact that no concrete facts based on legal provisions have been provided for the elimination of our bid. We request the review expert and the PRB review panel to analyze in detail our complaint claims and at the same time the reasoning of the contracting authority and then issue a meritorious decision regarding our claims. In this procurement activity, the examination, evaluation and comparison of tenders in accordance with Article 59 of the LPP was not carried out, regarding the offer of the EO recommended for the contract and other EOs, therefore this procurement activity should be reviewed once again with all the evidence provided. Also, the main criterion for awarding the contract, which was the responsive tender with the lowest price, as provided for in Article 60, paragraph 1.1, of the LPP, was not respected, as to why we were not recommended for the contract even though we are a responsive EO with the lowest price. In this procurement activity, Article 7 of the LPP was not respected, because the economic operator recommended for the contract was favored by being recommended for the contract, while we, even though we have fulfilled all the requirements of the FDT and the contract notice, have not been declared the winner of this tender. Paragraph 1 of Article 7 of the LPP clearly stipulates that “The contracting authority shall treat economic operators equally and non-discriminatory and shall act in a

transparent manner". Also, paragraph 6 of Article 7 of the LPP provides that during the conduct of procurement activities, all contracting authorities shall ensure: "that the selected tender complies with all substantive aspects of the relevant conditions, criteria and specifications", but in this case the CA has not complied with this legal provision either, because we, although we meet all the requirements of the tender dossier, have not been recommended for the contract. Also, Article 1 of the LPP has not been taken into consideration, since it is known that the purpose of this law is to ensure the most efficient, most transparent and fair way of using public funds, public resources, as well as all other funds and resources of contracting authorities in Kosova.

Response to the request for review:

EO IMK BALLKAN PROJEKT SH.P.K., on 14.07.2026, has submitted a request for review against the Notice of Decision of the Contracting Authority dated 09.07.2026. The Applicant claims that the elimination of its bid is unfounded, that the submitted documentation meets the requirements of the Tender Dossier, that the CA should have requested clarifications according to Articles 59.2 and 72 of the LPP, and that the principle of equal treatment and the lowest price criterion have been violated.

The Contracting Authority has reviewed the request in its entirety, together with the reasons for the elimination, the requirements set out in the Tender Dossier and the Contract Notice, and the documentation submitted in the bid. Upon review, the applicant's claims are deemed unfounded for the following reasons:

1. Claim regarding the Project Manager and the required certificate

The Tender Dossier has specified a specific requirement for the Project Manager and the relevant evidence/certificate. The EO was obliged, within the deadline for submission of tenders, to submit precisely the required evidence and not other documents that are only indirectly related to the laboratory technician's personnel.

The laboratory technician's accreditation certificate and the inclusion of Mr. Fatmir Bajrami in the laboratory technician's personnel list prove the laboratory technician's status and the personnel's record within the accreditation process. They do not automatically replace the individual certificate or evidence expressly requested in the Tender Dossier for the Project Manager. The accreditation of the laboratory technician and the fulfillment of an individual qualification criterion are distinct issues and are assessed according to the wording of the published request.

The Evaluation Committee has no right to change after the opening of the bids the meaning of a clear requirement of the Tender Dossier, nor to accept alternative evidence that does not directly demonstrate its fulfillment. Therefore, the finding that the Project Manager does not possess the required evidence/certificate remains valid.

Comparison with the documentation of the recommended EO does not make the applicant's bid liable. Each bid is evaluated individually against the published requirements. The review has not

found different treatment of the same situations, but the application of the same requirements to each tenderer.

2. Claim regarding ISO standards

The claim that all ISO certificates have been submitted is not supported by clear and complete evidence that each required standard has been presented in the form, scope, validity and for the subject required in the Tender Dossier. The documents submitted are considered unclear and do not allow for full verification of the fulfillment of the requirement. In public procurement, the burden of proving the fulfillment of the qualification requirements lies with the tenderer. The Contracting Authority cannot assume the fulfillment of a criterion, nor can it itself fulfill the content that does not clearly result from the tender documentation. Consequently, the reason for the elimination regarding the ISO standards is well-founded. 3. The claim regarding the technical equipment according to Requirement 5

The signed list of means, without complete and verifiable evidence of the availability, possession or right of use and without documents showing the compliance of each equipment with the required characteristics, is not sufficient to prove the technical and professional capacity.

From the review of the documentation it has been established that the offer does not contain sufficient evidence for all the equipment required according to Requirement 5. This constitutes a substantive deficiency in proving the technical and professional capacity and not just formal ambiguity. Therefore, the claim of the EO is rejected as unfounded.

4. The claim that the CA was obliged to request clarifications under Articles 59.2 and 72 of the LPP Article 59.2 of the LPP gives the Contracting Authority the opportunity to request clarifications to facilitate the examination, evaluation and comparison of tenders, while Article 72 allows for the completion or clarification of documentation under certain conditions. The legal wording “may” does not create an automatic obligation for the CA to request clarifications in every case.

The clarification is not allowed to serve to materially change the tender, to create a new situation after the deadline, or to replace missing essential evidence. According to Article 72.3, additional information may be accepted only for documents whose existence has been established before the expiry of the deadline and can be objectively verified, always respecting equal treatment and transparency.

In the present case, the deficiencies concern the very proof of the qualification requirements for personnel, ISO standards and technical equipment. Requesting new or replacement documents after the deadline would allow for a material improvement of the tender and would undermine the equal treatment of tenderers. Therefore, the failure to request clarifications does not constitute a violation of the LPP.

5. Claim of violation of Articles 59 and 60 of the LPP

Article 59 requires the examination, evaluation and comparison of tenders according to the requirements of the Tender Dossier and the LPP. The Evaluation Commission has found that the

applicant’s offer does not meet the mandatory requirements and, consequently, is not a responsive tender.

According to Article 60.1.1, the contract shall be awarded to the responsive tender with the lowest price. The lowest price is not sufficient when the tender is irresponsible. Only tenders that pass the suitability, qualification and substantive compliance stage may be compared for the award of the contract. Therefore, this allegation is rejected.

6. Claim of violation of Articles 1, 6 and 7 of the LPP and favoritism

The principles of economy, efficiency, transparency, competition and equal treatment do not allow the Contracting Authority to bypass the published requirements to declare tenders that do not demonstrate them responsive. On the contrary, the same application of the requirements to all tenderers is the way to respect these principles.

The Applicant has not presented concrete facts or evidence that demonstrate favoritism, discrimination or selective application of the criteria. Disagreement with the evaluation result and the general claim that its tender is cheaper do not constitute, in themselves, evidence of a violation of Article 7 of the LPP.

7. Claim regarding Article 69 of the LPP and Article 40 of Regulation No. 001/2022

Article 69 of the LPP authorizes the CA to request evidence of the minimum technical and professional qualifications specified in the Contract Notice and the Tender Dossier. Rejection of a tender that does not demonstrate these requirements is an application of this Article, not a violation thereof.

Even the reference to Article 40 of Regulation No. 001/2022 does not change this conclusion.

The evaluation was carried out against the published requirements and the documents submitted within the deadline, without changing the criteria and without allowing material additions after the deadline.

8. Claim for material damages

The costs of preparing the tender and the request for reconsideration are costs of participation in the procedure and do not in themselves prove a violation of the LPP or a right to compensation. The Applicant has not provided individualized evidence for the amount of 5,000.00 euros, the causal link and the legal basis for the compensation. This claim is rejected as unsubstantiated. Based on the established factual situation, the requirements of the Tender Dossier and the Contract Notice, as well as Articles 1, 6, 7, 59, 60, 69, 72 and 108/A of the LPP, the Contracting Authority assesses that the request for review does not contain arguments or evidence that overturn the decision of 09.07.2026. For these reasons, it has been decided as in the provision of this decision.

Based on Article 111 paragraph 5 in connection with Articles 113 and 114 of the LPP, the Procurement Review Body on 27.07.2026. authorized the review expert to conduct the initial review of the file and claims according to the complaint with no. 2026/0530, while on

30.07.2026 the review expert's report with no. 2026/0530 was submitted, with the following recommendations: Based on the above-mentioned clarifications, the review expert proposes to the review panel that the complaint of the complaining EO be approved as grounded, the contract award notice be canceled and recommends that the case be returned for re-evaluation. The expertise report has been duly accepted by all procedural parties. The CA did not respond to the recommendations of the review expert's report, while the EO agreed with the review expert's report.

The review panel has assessed that the conditions have been met to decide on this case without a hearing session in the sense of Article 24 paragraph 1 of the Rules of Procedure of the PRB, 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 correctly 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 documents and documents of the Contracting Authority, the relevant documents related to the procurement activity and all the evidence proposed by the procedural parties.

Regarding the claims of "IMK BALLKAN PROJEKT" SH.P.K., the review expert through report no. 2026/0530 has assessed as follows:

CLAIM -1 of the Economic Operator: It concerns Request no. 2. of technical and professional capacity, with the issue of accreditation of the Company, namely the personal accreditation of the project manager, which according to the CA with the evidence provided, this criterion has not been met.

Response of the CA to claim - 1:

The Tender Dossier has defined a specific request for the Project Manager and the relevant evidence/certificate. The EO was obliged, within the deadline for submission of tenders, to submit precisely the requested evidence and not other documents that are only indirectly related to the laboratory staff.

The laboratory technician accreditation certificate and the inclusion of Mr. Fatmir Bajrami in the list of laboratory technician personnel prove the status of the laboratory technician and the evidence of the personnel within the accreditation process. They do not automatically replace the individual certificate or evidence expressly requested in the Tender Dossier for the Project Manager. The laboratory technician accreditation and the fulfillment of an individual qualification criterion are distinct issues and are assessed according to the wording of the published request.

The Evaluation Committee has no right to change after the opening of the bids the meaning of a clear request of the Tender Dossier, nor to accept alternative evidence that does not directly demonstrate its fulfillment. Therefore, the finding that the Project Manager does not possess the required evidence/certificate remains valid.

Comparison with the documentation of the recommended EO does not make the applicant's bid responsive. Each bid is evaluated individually against the published requirements. The review did not find any different treatment of the same situations, but rather the application of the same requirements to each tenderer.

Findings of the Review Expert for claim 1:

The Review Expert concludes that the CA has requested personal accreditation from the MED for the Project Manager, even though in LAW No. 05/L -117 ON ACCREDITATION1 Article 7- of the seven areas of accreditation activity, it is not foreseen that the MED should perform personal accreditation.

The accreditation was granted to the complaining EO by the MED, with the complete staff and tools/equipment necessary for accreditation, consequently this criterion is met.

FINDING: The claim of the EO is well-founded, it is recommended to reconsider or remove this criterion.

CLAIM -2 of the Economic Operator: It concerns the elimination of the complaining EO due to non-compliance with ISO standards, and with the qualification by the CA that the certificates of the complaining EO are unclear, and do not meet the required conditions.

CA's response to claim - 2, regarding ISO standards:

The claim that all ISO certificates have been submitted is not supported by clear and complete evidence that each required standard has been presented in the form, scope, validity and for the subject required in the Tender Dossier. The documents submitted are assessed as unclear and do not enable full verification of the fulfillment of the requirement.

In public procurement, the burden of proving the fulfillment of the qualification requirements lies with the tenderer. The Contracting Authority cannot assume the fulfillment of a criterion, nor can it itself fulfill the content that does not clearly result from the tender documentation. Consequently, the reason for elimination related to ISO standards is founded.

Findings of the Review Expert for claim 2:

The EO has provided ISO certificates as requested in the tender dossier, namely: Requirements on technical and professional capabilities points 9.1 and 9.2 requirement no. 4: ISO 9001:2015, ISO14001:2015, and ISO 45001:2018 certificates. The complaining EO has provided all these certificates and the CA must act in accordance with Article 59 and 72 of the LPP.

FINDING: The allegation of the complaining EO is sustainable.

CLAIM -3 of the Economic Operator: The contracting authority has eliminated us on the third reason with the justification: "You lack the technical equipment as in requirement 5 of technical and professional capacity.

Response of the CA on claim - 3: The signed list of means, without complete and verifiable evidence of availability, possession or right of use and without documents that show the

compliance of each equipment with the required characteristics, is not sufficient to prove the technical and professional capacity. From the review of the documentation it has been established that the offer does not contain sufficient evidence for all the equipment required according to Requirement 5. This constitutes a substantive deficiency in proving the technical and professional capacity and not only a formal ambiguity. Therefore, the claim of the EO is rejected as unfounded.

Findings of the Review Expert for the 3rd claim:

As evidence was requested in the tender dossier for the list of work tools, the EO has provided The signed and sealed list of equipment required for the execution of the works. It has provided lease agreements for the tools it does not possess, has provided registration books for tools that are registered, and has provided customs DUDs or sales invoices.

FINDING: The claim of the complaining EO is sustainable.

- Findings of the Review Panel -

The Review Panel has independently and objectively, with conscience and professional care, evaluated all the evidence of the case. In this way, it was found that the Contracting Authority did not act in accordance with the legal provisions on public procurement and the requirements of the tender dossier related to the procurement activity "Laboratory tests for capital investment projects - three-year project" with procurement no.: "622-26-1534-2-1-1"

The Review Panel, administered all the documents of this case, including the acts and actions of the CA, the complainant's submissions and evidence and the report of the review expert and by analyzing all of them in the general context of this case, has created his/her independent conviction that the complaint of the complaining EO is approved as grounded. In this case, the Panel explains that the expertise report was drafted in a professional manner and the same contains all the complaining statements and the analysis related to them, explaining them specifically in relation to the violated provisions, as required at least by the provision of Article 113 and 114 of the LPP. Consequently, the Review Panel supports the recommendation of the review expert that the complaint of the complaining EO be approved as partially grounded, the contract award notice be cancelled and recommends that the case be returned for re-evaluation.

The evaluation panel, in accordance with its independent assessment in accordance with Article 105, taking into account the requirement of Article 104, paragraph 1, of the cited Law, according to which, quoted: “The procurement review procedure shall be implemented and carried out in a prompt, fair and non-discriminatory manner, aiming at the fair, lawful and effective resolution of the case...” and in accordance with Article 1, of the LPP, according to which, the purpose of this Law is, inter alia, quoted: “...to ensure the integrity and accountability of public officials, civil servants and other persons carrying out or involved in a procurement activity by requiring that the decisions of such individuals and the legal and factual basis for such decisions are not influenced by personal interests, are characterized by non-discrimination and a high degree of transparency and are in accordance with the procedural and substantive requirements of this

Law". 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.

The Review Panel, after reviewing all facts and arguments, has concluded that the CA, during the conduct of this procurement activity, has not respected the legal provisions of the LPP, so it orders the CA to fully comply with the legal provisions of the LPP during the reassessment of this procurement activity.

Therefore, acting in accordance with the competencies cited above and Article 104 paragraph 4 in conjunction with paragraph 1, according to which the procurement review procedure shall be implemented and carried out in a prompt, fair and non-discriminatory manner, aimed at the legal and effective resolution of the case, and referring to Article 117 of the LPP, and in the evidence presented above, the Review Panel decided as in the provision of this decision.

**President of the Review Panel**

**_____**

**Mrs. Kimete Gashi**

**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 – **MUNICIPAL ASSEMBLY OF PRIZREN;**
1x1 EO **– IMK BALLKAN PROJEKT" SH.P.K.;**
1x1 Archive of the PRB