



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

Psh. No.258/25

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 Rules of Procedure of the PRB No. 01/2020, after reviewing the complaint of the Economic Operator (EO) “PASTRIMI PRO” SH.P.K., against the decision of the CA regarding the procurement activity: "Maintenance of public buildings and spaces in the territory of the Municipality of Partesh" with procurement number 658-25-480-2-1-1, initiated by the contracting authority (CA) - Municipality of Partesh, Acting Head of the PRB Secretariat, on the 29.04.2025, has issued this:

DECISION

I. Dismissed as out of time, the complaint of the EO “PASTRIMI PRO” SH.P.K with protocol no. 2025/258 dated 10.04.2025, submitted for the procurement activity “Maintenance of public buildings and spaces in the territory of the Municipality of Partesh" with procurement number 658-25-480-2-1-1, initiated by the contracting authority (CA) - Municipality of Partesh.

II. Allowed, contracting authority - Municipality of Partesh, to continue further with the procurement activity as in point I of the provision, regarding this complaint, if there is no other complaint regarding this activity..

REASONING

-Procedural facts and circumstances -

The Procurement Review Body in the electronic system on the 10.04.2025, has received the complaint of the EO "PASTRIMI PRO" SH.P.K regarding the procurement activity entitled: "Maintenance of buildings and public spaces in the territory of the municipality of Partesh" with

procurement number 658-25-480-2-1-1, initiated by the contracting authority (CA) - Municipality of Partesh in the capacity of Contracting Authority.

On 31.01.2025, "MUNICIPALITY OF PARTESH" in the capacity of Contracting Authority published B05-Contract Notice, where according to this notice the deadline for receipt of tenders was: 14.03.2025. Meanwhile, on 07.04.2025, the notice for correction of errors was published, where the deadline was 10.04.2025.

EO "PASTRIMI PRO" SH.P.K. on 10.04.2025 EO has made a request for review to the CA. While on the 10.04.2025⁴ the CA has rejected as untimely the request for review of the Economic Operator.

-Administration and evaluation of evidence -

From the evidence presented, it is proven that the EO submitted the request for review outside the legal deadline, because on 07.04.2025 the notice was published correcting errors in the published notices, the opening of the bids was planned to take place on 10.04.2025, while the request for review was submitted on 10.04.2025, which by the decision of the CA on 10.04.2025 rejected as out of time the request for review with justification is out of time since the deadline for submission of bids for the procurement activity is 10.04.2025. Taking into account the fact that the same activity was in the appeal procedure at the PRB, and with the decision of the PRB dated 07.04.2025, the continuation of the activity for the CA Municipality of Partesh was allowed.

- a) Whenever the request for reviewing concerns the contract notice or tender documents, at least five (5) days before the deadline for submission of bids. In calculating the time limits, the day of submission of bids is day (0). This deadline does not apply in cases where the CA extends the deadline for submission of bids after the decision to reject the request for review under Article 63.1.1 of this Regulation.

Therefore, from the evidence presented and the course of this procurement activity, it is concluded that the request for review submitted to the Contracting Authority on 12.03.2025 was submitted outside the legal deadline, and not as provided for in Article 60 paragraph 1 point a) of the Public Procurement Regulation.

-Conclusion-

Article 108/A paragraph 3.3 of the LPP stipulates that the complaining economic operator must submit the request for review to the relevant contracting authority: "...3.1 if the alleged violation relates to the contract notice or tender documents within five (5) days before the deadline for submission of bids".

The contracting authority - "MUNICIPALITY OF PARTESH", may continue with the procurement activity "Maintenance of public buildings and spaces in the territory of the municipality of Partesh" with procurement number 658-25-480-2-1-1, regarding this complaint, if there is no other complaint regarding this procurement activity.

The Acting Head of the PRB Secretariat, based on what was said 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 – **MUNICIPALITY–PARTESH;**

1x1EO–“ **PASTRIMI PRO SH.P.K..;**

1x1 Archive of the PRB;