



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

Psh. No.267/26

The Review Panel, appointed by the Acting Chairman of the Procurement Review Body (PRB), based on 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 Kimete Gashi Brajshori- President, Isa Hasani Member and Vedat Poterqoi Member has decided upon the complaint of Pro&Co Group” SH.P.K. against the contract notice or tender documents related to the procurement activity “Construction work for the implementation of the detailed project (main implementer) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA (Second re-tendering)” with procurement number: 207-25-10662-5-1-1, initiated by the contracting authority (CA) Ministry of Culture, Youth and Sports, on the 10/07/2026 has issued this:

DECISION

1. Approved, as partly grounded the complaint of the EO “Pro&Co Group” SH.P.K. with no. 2026/0257, dated 24/04/2026 regarding the procurement activity “Construction work for the implementation of the detailed project (main implementer) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA (Second re-tendering)” with procurement number: 207-25-10662-5-1-1, while (CA) Ministry of Culture, Youth and Sports.
2. Cancelled, the notification of the Contracting Authority's Decision while the procurement activity as in point 1 of the enacting clause 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 Kosovo.

REASONING

-Procedural facts and circumstances –

The Ministry of Culture, Youth and Sports in the capacity of the Contracting Authority has published the Contract Notice regarding the procurement activity “Construction work for the implementation of the detailed project (main implementer) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA (Second re-tendering)” with procurement number: 207-25-10662-5-1-1.

On the 07.04.2026 EO “Pro&Co Group” SH.P.K. has submitted a request for review against the aforementioned decision of the CA. The Contracting Authority has rejected the request for review as unfounded.

PRB has received the complaint from EO “Pro&Co Group” SH.P.K. with no. 0267/2026 regarding the procurement activity “Construction work for the implementation of the detailed project (main implementer) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with category III of the regulations and technical instructions for stadium infrastructure, approved by UEFA (Second re-tendering)” with procurement number: 207-25-10662-5-1-1

-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 sub-paragraph 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 “Pro&Co Group” SH.P.K. are presented as follows:

We as GOE have filed a request for review within the legal deadline with the CA for the abovementioned procurement activity, for the injustices that have been done to us as GOE, by not treating our offer according to the required criteria of the dossier and according to the LPP, specifically by discriminating against us as GOE, since we are accountable according to the required criteria of DT and NJK, but the CA returns the response for review to us on 14.04.2026

as unfounded. Therefore, the CA has not implemented Article 108/A of the LPP and has not reviewed any complaining claim.

Claim No. 1: As in the request for reconsideration, so in this appeal, your finding of alleged administrative irresponsibility of our bid is incorrect, unfounded, incomplete, abstract and uncontextualized, for the following reasons: “Your tender has been carefully evaluated according to the conditions and requirements given in the contract notice and in the tender dossier. We regret to inform you that you have been eliminated for the following reasons: Your tender is an administratively irresponsible bid because: - You have not met the requirements of Economic and Financial Capacity - Requirement number 3.

REASONING Your tender has been rejected for the following reasons: Failed: Based on the documentation provided, the list of completed projects and the accompanying documents, this condition has not been met for the last three years, since the projects offered are of a nature such as: infrastructure (implementation of plant works, atmospheric sewerage, construction of water supply, construction of the electrical network), and not of the nature required in criterion number 3. In this case, the leader of GOE (EVEREST SH.P.K.) has provided the list of projects and contracts with work acceptances, with only one contract of the required nature. We inform you that this procedure is canceled due to the lack of responsive offers.”

We, as a Group of Economic Operators, do not agree with the decision of the Contracting Authority (CA), which finds that we do not meet the requirement for Economic and Financial Capacity - Request No. 3. This finding is incorrect, as the leader of the GOE, the company Everest sh.p.k., fully meets this criterion, even exceeding the required value of 10 million euros, as evidenced by the tables of Annex 1 - Mandatory Technical Specifications.

Request No. 3 clearly specifies: “...construction work for the implementation of detailed projects [main architectural and engineering implementation, for construction...]”. The group leader has offered contracts and references in a total value of 26,991,034.69 euros, which are listed in the tender dossier and in the clarifications sent twice (on 03.03.2026 and 09.03.2026).

However, the CA has considered only one contract as valid for this request.

Requirement No. 3 stipulates that “...the group leader must meet at least 60% of this requirement...” In our case, only the leader has references worth €26,991,034.69, which significantly exceeds the required threshold. Your exclusionary reasoning mentions that only one contract is of the requested nature, while Requirement No. 3 nowhere stipulates that the contracts must be “of a similar nature”, as interpreted by you. The requested documentation specifies the typologies of facilities that can be included as evidence: “...typologies of sports, culture, education, health, administration...” This clearly shows that the type of facility constitutes an evaluation criterion and not the “naturalness” of the contract. The GOE leader has submitted contracts that include construction and engineering works for these typologies, thus fulfilling the documentary requirement. Also, the CA acted in violation of Article 72, by not requesting additional clarifications on the content of the completed projects that are part of the list of contracts of the GOE leader.

Only the contracts were requested, while the content of the projects (quantities, preliminary calculations, technical descriptions) clearly demonstrates the type of construction and engineering works completed.

These documents confirm that the Everest leader sh.p.k. fulfills all aspects of Request No. 3 in the tender dossier.

In the specific case, we have proven with a number of contracts for construction works, the full fulfillment of Requirement No. 3, from points 8.1 & 8.2 of the FTD, namely: Requirement number 3 - The economic operator must provide evidence of sufficient competence and experience in the relevant sector and, to this end, must prove that during the past three (3) years it has implemented contracts (always in a regular and lawful manner) for construction works for the implementation of detailed (main implementing) projects, of architecture and engineering, for the construction and/or renovation of “private public-social infrastructure” (according to the definition presented below), in the amount of at least €10,000,000.00 (ten million euros).

Required documentary evidence - Requirement 1.1.1: The economic operator must submit the following documentation:

- “Contracts and technical acceptance reports of works”, issued by public or private contracting authorities, which certify the contracting and implementation of the relevant contracts/projects.
- In the case of a Group of Economic Operators, the leader of the group must fulfill at least 60.00% of this requirement.
- One (1) copy of the original.

OR

- “Certificates/References of completion of works”, issued by public or private contracting authorities, which certify the contracting and implementation of the relevant contracts/projects.
- In the case of a Group of Economic Operators, the leader of the group must fulfill at least 60.00% of this requirement.
- One (1) copy of the original.

Required documentary evidence - Requirement 1.1.2:

For all declared contracts/projects, the economic operator must fully complete

Table No. 1, as well as attach photographs of the works implemented and submit it completed in no more than four (4) pages (together with Table No. 1) of A4 size.

Definition clarification - “Private social-public infrastructure”:

“Private social-public infrastructure”, in the case of this procurement subject/activity, means and includes all typologies of sports, cultural, educational, health, administration buildings (under state-local-central ownership, inside and outside Kosova), under private ownership (inside and

outside Kosova), under ownership of other states or international organizations (inside and outside Kosova), while excluding all other typologies.

Therefore, this justification for elimination is unsustainable, not being based on the criteria of the dossier and eliminating us despite exceeding the criteria of the dossier, as well as violating Article 56.3 of the LPP, going beyond the criteria of the dossier and the contract notice, which states:

“56.3 The tenderer, during open procedures, or the candidate, during restricted procedures and competitive procedures with negotiations, shall not be disqualified or excluded from such procedures on the basis of any requirement or criterion that is not stated in the contract notice and the tender dossier.”

In this legal instrument, for summary purposes, we are attaching the mandatory technical specifications for each project/contract carried out by GOE during the last three years, which are found in the submitted bid, together with all accompanying documentation.

Procurement Number: 207-25-10662-5-1-1 (207-25-135-5-1-1) - Title: Construction works for the implementation of the detailed project (main contractor) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with Category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA [Second Re-tendering].

ANNEX 1 - MANDATORY TECHNICAL SPECIFICATIONS Table no. 1 (Note: The following form must be completed accurately and with all required and accurate data).

Economic Operator: Pro & Co Group Sh.P.K. Title of the Work Contract: Construction of the Police Station Hani i Elezit. Country and place of implementation of the Work Contract: Kosovo, Hani i Elezit. Information on the Contracting Authority: Contracting Authority - Name: Pro & Co Group Sh.P.K. Reference contact - Name and surname: Kenan Emini Postal address: 10500 Telephone number (must be functional): +383 45 777 757 Email address (must be functional): info.pcgprokurim@gmail.com Website: www.proco-ks.com Date of commencement of implementation of the Work Contract (month/year): 15.12.2022 Expected date of implementation of the Work Contract (month/year): 360 days Date of completion of implementation of the Work Contract (month/year): 27.05.2025 In case the date of implementation of the Work Contract is different from the expected one, please provide the reasons for such a change: weather conditions and lack of budget. Value of Works implemented under the Contract (€ / Euro): €452,282.95 (In case the Works are implemented in the capacity of a single economic operator): Pro & Co Group Sh.P.K. Description of Works implemented under the Contract: (In case the Works are implemented in the capacity of a single economic operator): Pro & Co Group. Information on the cooperating economic operators in the implementation of the Works Contract: (In case the Works are implemented in the capacity of an economic operator as part of a Group).

Procurement Number: 207-25-10662-5-1-1 (207-25-135-5-1-1) - Title: Construction works for the implementation of the detailed project (main contractor) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with Category III of the regulations

and technical guidelines for stadium infrastructure, approved by UEFA [Second re-tender].
ANNEX 1 - MANDATORY TECHNICAL SPECIFICATIONS Table no. 1 Economic operator:
Pro & Co Group Sh.P.K. Title of the Works Contract: “Construction of the Underpass on the
A7.1 Motorway, Sllovi - Vrellë e Goleshit Road, KK Lipjan”. Country and place of
implementation of the Works Contract: Kosovo, Lipjan. Information on the Contracting
Authority: Contracting Authority - Name: Pro & Co Group Sh.P.K. Reference contact - Name
and surname: Kenan Emini Postal address: 10500 Telephone number (must be functional): +383
45 777 757 Email address (must be functional): info.pcgprokurim@gmail.com Website:
www.proco-ks.com Date of commencement of implementation of the Work Contract
(month/year): 29.06.2023 Estimated date of implementation of the Work Contract (month/year):
1105 days Date of completion of implementation of the Work Contract (month/year): 21.08.2025
Value of Works implemented under the Contract (€ / Euro): €825,928.28 (In case the Works are
implemented in the capacity of the sole economic operator): Pro & Co Group Sh.P.K.

Economic Operator: Pro & Co Group Sh.P.K. Title of the Work Contract: “Renovation and
maintenance of the buildings of the Prizren Municipal Administration”. Country and place of
implementation of the Work Contract: Kosovo, Prizren. Information on the Contracting
Authority: Contracting Authority - Name: Pro & Co Group Sh.P.K. Reference contact - Name
and surname: Kenan Emini Postal address: 10500 Telephone number (must be functional): +383
45 777 757E-mail address (must be functional): info.pcgprokurim@gmail.com Website:
www.proco-ks.com Date of commencement of implementation of the Work Contract
(month/year): 03.08.2022 Estimated date of implementation of the Work Contract (month/year):
36 months Date of completion of implementation of the Work Contract (month/year):
18.04.2024 Value of Works implemented under the Contract (€ / Euro): €533,896.40 (In case the
Works are implemented in the capacity of the sole economic operator): Pro & Co Group Sh.P.K.

Economic Operator: Pro & Co Group Sh.P.K.

Title of the Works Contract:

“Construction of the Physical Infrastructure of the Economic Zone in Qylage - Phase IV”.

Country and place of implementation of the Works Contract: Kosovo, Qylage.

Information on the Contracting Authority:

Contracting Authority - Name: Pro & Co Group Sh.P.K.

Reference Contact - Name and Surname: Kenan Emini

Postal Address: 10500

Telephone Number (must be functional): +383 45 777 757

Email Address (must be functional): info.pcgprokurim@gmail.com

Website: www.proco-ks.com

Date of commencement of the implementation of the Work Contract (month/year): 13.10.2023

Estimated date of implementation of the Work Contract (month/year): 120 days

End date of implementation of the Work Contract (month/year): 19.03.2025

In case the date of implementation of the Work Contract is different from the expected one, please give the reasons for such a change: weather conditions.

Value of the Works implemented under the Contract (€ / Euro): €645,374.28

Economic Operator: Pro & Co Group Sh.P.K. & Companya Eskavatori Sh.P.K.

Title of the Work Contract:

“Construction of the physical education hall facility at the SHFMU ‘Dëshmorët e Vitië’ - Viti”.

Country and place of implementation of the Work Contract: Kosovo, Viti.

Information on the Contracting Authority:

Contracting Authority - Name: Pro & Co Group Sh.P.K.

Reference contact - Name and surname: Kenan Emini

Postal address: 10500

Telephone number (must be functional): +383 45 777 767

Email address (must be functional): info.pcgprokurim@gmail.com

Website: www.proco-ks.com

Date of commencement of implementation of the Employment Contract (month/year):

28.06.2022 Estimated date of implementation of the Employment Contract (month/year): 24

months Date of completion of implementation of the Employment Contract (month/year):

10.04.2025

Value of Works implemented under the Contract (€ / Euro): €230,770.27

(In case the Works are implemented in the capacity of Economic Operator as part of a Group):

Companya Eskavatori Sh.P.K.

Information on cooperating Economic Operators:

Economic Operator - Name: Companya Eskavatori Sh.P.K.

Contact person - Name and surname: Bajram Rysha

Postal address: Director

Telephone number (must be functional): +383 44 131 971

Email address (must be functional): eskavatoricompany@gmail.com

From the documentation submitted in the tender dossier it results that EO PRO & CO GROUP SH.P.K., during the last three years, has implemented contracts for construction work for the implementation of detailed architectural and engineering projects, for the construction and renovation of social, public and private infrastructure, in a total amount of 2,688,252.18 Euros.

Furthermore, the contracts implemented by EO 2A GROUP are also attached to the tender dossier.

Economic Operator: 2A Group Sh.P.K.

Title of the Work Contract:

“Adaptation-Renovation of the Former Tribune for the Department of Document Production of ARC-MIA”.

Country and place of implementation of the Work Contract: Kosovo, MUP.

Information on the Contracting Authority:

Contracting Authority - Name: 2A Group Sh.P.K.

Reference Contact - Name and Surname: Kushtrim Krivaqa

Postal address: 10000

Telephone number (must be functional): +383 44 249 167

E-mail address (must be functional): info@2a-ks.com

Website: www.2a-ks.com

Date of commencement of implementation of the Work Contract (month/year): 02.12.2020

Date of completion of implementation of the Work Contract (month/year): 23.04.2024

Value of Works implemented under the Contract (€ / Euro): €1,572,193.56

(In case the Works are implemented in the capacity of Economic Operator as part of a Group):
2T SH.P.K. - Branch in Kosova.

Economic Operator: 2A Group Sh.P.K.

Title of the Works Contract:

“Implementation of EE Measure for 12 Sub Projects LOT 1”.

Country and place of implementation of the Works Contract: Kosovo.

Information on the Contracting Authority:

Contracting Authority - Name: 2A Group Sh.P.K.

Reference contact - Name and surname: Kushtrim Krivaqa

Postal address: 10000

Telephone number (must be functional): +383 44 249 167

Email address (must be functional): info@2a-ks.com

Website: www.2a-ks.com

Date of commencement of implementation of the Work Contract (month/year): 25.05.2023

Date of completion of implementation of the Work Contract (month/year): 24.12.2023

Value of Works implemented under the Contract (€ / Euro): €1,152,706.73

Economic Operator: 2A Group Sh.P.K.

Title of the Works Contract:

“Implementation of EE Measure for 14 Subprojects LOT 3”.

Country and place of implementation of the Works Contract: Kosovo.

Information on the Contracting Authority:

Contracting Authority - Name: 2A Group Sh.P.K.

Reference Contact - Name and Surname: Kushtrim Krivaqa

Postal Address: 10000

Telephone Number (must be functional): +383 44 249 167

Email Address (must be functional): info@2a-ks.com

Website: www.2a-ks.com

Date of commencement of the implementation of the Works Contract (month/year): 25.02.2022

Date of completion of the implementation of the Works Contract (month/year): 13.02.2023

Value of the Works implemented under the Contract (€ / Euro): €1,827,612.37

Economic Operator: 2A Group Sh.P.K.

Title of the Works Contract:

“Contract for the Construction of the Millennium Foundation Household Efficiency Retrofits (HER), Reference Number: RFQ/220/No.015”.

Country and place of implementation of the Works Contract: Kosovo, Peja, Gjakova.

Information on the Contracting Authority:

Contracting Authority - Name: 2A Group Sh.P.K.

Reference contact - Name and surname: Kushtrim Krivaqa

Postal address: 10000

Telephone number (must be functional): +383 44 249 167

Email address (must be functional): info@2a-ks.com

Website: www.2a-ks.com

Date of commencement of the implementation of the Work Contract (month/year): 15.01.2021

Date of completion of the implementation of the Work Contract (month/year): 30.08.2022

Value of the Works implemented under the Contract (€ / Euro): €966,136.45

Procurement Number: 207-25-10662-5-1-1 (207-25-135-5-1-1) - Title: Construction works for the implementation of the detailed project (main implementer) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with Category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA (Second re-tender).

ANNEX 1 - MANDATORY TECHNICAL SPECIFICATIONS

Table no. 1

[Note: The following form must be completed accurately and with all the requested and correct data].

Economic Operator: 2A Group Sh.P.K.

Title of the Contract for Works: “Contract for the Construction of Apartment Building Efficiency Retrofits (AER) - Gjakova Lot 2”, Reference Number: RFQ/220/No.004.

Country and place of implementation of the Contract for Works: Kosovo, Gjakova.

Information on the Contracting Authority:

Contracting Authority - Name: 2A Group Sh.P.K.

Reference contact - Name and surname: Kushtrim Krivaqa

Postal address: 10000

Telephone number (must be functional): +383 44 249 167

Email address (must be functional): info@2a-ks.com

Website: www.2a-ks.com

Date of commencement of implementation of the Work Contract (month/year): 24.03.2022

Estimated date of implementation of the Work Contract (month/year):

Date of completion of implementation of the Work Contract (month/year): 30.12.2022

In case the date of implementation of the Work Contract is different from the expected one, please provide the reasons for such a change:

Value of the Works implemented under the Contract (€/Euro): €260,838.55

[In case the Works are implemented in the capacity of a single economic operator]: 2A Group Sh.P.K.

[In case the Works are implemented in the capacity of Economic Operator as part of a Group]:

Description of the Works implemented under the Contract:

[In case the Works are implemented as a sole economic operator]: 2A Group Sh.P.K.

[In case the Works are implemented as an economic operator as part of a Group]:

Information on the cooperating economic operators in the implementation of the Work Contract:

[In case the Works are implemented as an economic operator as part of a Group]:

(The following details should be provided separately for each cooperating economic operator)

Economic operator - Name:

Reference contact - Name and surname:

Postal address:

Telephone number (must be functional):

Email address (must be functional):

Website:

Procurement Number: 207-25-10662-5-1-1 (207-25-135-5-1-1) - Title: Construction works for the implementation of the detailed project (main contractor) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with Category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA (Second re-tendering).

ANNEX 1 - MANDATORY TECHNICAL SPECIFICATIONS

Table no. 1

[Note: The following form must be completed accurately and with all the requested and accurate data].

Economic operator: 2A Group Sh.P.K.

Title of the Contract for Work: “Contract for the Construction of Apartment Building Efficiency Retrofits (AER) - Prishtina Lot 2”, Reference Number: RFQ/220/No.005.

Country and place of implementation of the Contract for Work: Kosovo, Prishtina.

Information on the Contracting Authority:

Contracting Authority - Name: 2A Group Sh.P.K.

Reference contact - Name and surname: Kushtrim Krivaqa

Postal address: 10000

Telephone number (must be functional): +383 44 249 167

Email address (must be functional): info@2a-ks.com

Website: www.2a-ks.com

Date of commencement of implementation of the Work Contract (month/year): 30.05.2022

Estimated date of implementation of the Work Contract (month/year):

Date of completion of implementation of the Work Contract (month/year): 30.12.2022

In case the date of implementation of the Work Contract is different from the expected one, please provide the reasons for such a change:

Value of the Works implemented under the Contract (€/Euro): €833,402.58

[In case the Works are implemented in the capacity of a single economic operator]: 2A Group Sh.P.K.

[In case the Works are implemented in the capacity of Economic Operator as part of a Group]:

Description of the Works implemented under the Contract:

[In case the Works are implemented as a sole economic operator]: 2A Group Sh.P.K.

[In case the Works are implemented as an economic operator as part of a Group]:

Information on the cooperating economic operators in the implementation of the Work Contract:

[In case the Works are implemented as an economic operator as part of a Group]:

(The following details should be provided separately for each cooperating economic operator)

Economic operator - Name:

Reference contact - Name and surname:

Postal address:

Telephone number (must be functional):

Email address (must be functional):

Website:

From the documentation submitted in the tender dossier, it results that EO “2A Group” Sh.P.K., during the last three years, has implemented contracts for construction work for the implementation of detailed architectural and engineering projects, for the construction and renovation of social, public and private infrastructure, in a total value of 6,612,890.24 Euros.

Furthermore, the contracts implemented by EO “Everest” Sh.P.K., leader of the GOE, are also attached to the tender dossier.

Economic Operator: Everest Sh.P.K.

Title of the Work Contract: “Implementation of reception, stay and repatriation centers near the site of Shëngjin and Gjader - Works for the implementation of the palliation for the consolidation of the terrains performed with the TOP-FEED PROCESS technique, near the Gjader site” - Private Act no. 119, dated 08.07.2024 - C.I.G. B25B914786.

Country and place of implementation of the Work Contract: Albania.

Information on the Contracting Authority:

Contracting Authority - Name: 13TH ENGINEERING DEPARTMENT OF THE MILITARY AIR FORCE

Reference contact - Name and surname: Antonio Giura

Postal address: 70128/Bari - Palese, Via Gabriele D’Annunzio nr. 36

Telephone number (must be functional): 080 5839668

Email address (must be functional): 3aerogenio@aeronautica.difesa.it

Website: www.aeronautica.difesa.it

Start date of implementation of the Work Contract: 18.06.2023

Expected date of implementation of the Work Contract: 30.06.2024

End date of implementation of the Work Contract: 18.06.2024

Value of the Works implemented under the Contract: €8,732,373.21

[In case the Works are implemented as a sole economic operator]: Everest Sh.P.K.

Description of the Works implemented under the Contract:

The general contract for construction works, of which this technical chapter is an integral part, has as its object the construction of a pile-column structure, limited to Lot 3 at the Gjader site, in the framework of the implementation of the bilateral protocol in the field of migration between Italy and Albania.

The works include:

- Construction of gravel retaining columns, using vibro-flotation equipment for the structural consolidation of the Gjader site area;
- Carrying out CPTu tests;
- Carrying out geognostic investigations according to the technical specifications.

Economic Operator: Everest Sh.P.K.

Title of the Work Contract: “Works for the implementation of the collection and discharge network of atmospheric waters and the telemonitoring system near the Gjader site” - Private Act no. 124, dated 12.07.2024 - C.I.G. B2598C5E12.

Country and place of implementation of the Work Contract: Albania.

Value of the Works implemented under the Contract: €912,193.90

Description of the Works implemented under the Contract:

This contract has as its object the construction of the collection and discharge system of atmospheric waters, as well as the telemonitoring system at the Gjader site, within the framework of the implementation of the bilateral protocol between Italy and Albania.

The works include:

- Excavations for the installation of pipelines;
- Construction of reservoirs for the collection of atmospheric waters;
- Laying of PEAD pipelines;
- Supply and installation of inspection manholes;
- Construction of reservoirs for the discharge of atmospheric waters;
- Installation of submersible pumps;
- Installation of the telemonitoring system.

Economic Operator: Everest Sh.P.K.

Title of the Contract for Works: “Works for the construction of foundations, equalization tanks and reinforced concrete crossings near the Gjadri site” - Private Act No. 150, dated 12 August 2024 -C.I.G. B25B83B474.

Value of Works implemented under the Contract: €2,613,849.75

The works include:

- Construction of reinforced concrete foundation slabs;
- Painting of foundations with special paint;
- Construction of reinforced concrete crossing slabs;

- Construction of equalization tanks as an integral part of the sewage system.

Economic Operator: Everest Sh.P.K.

Title of the Contract for Work: “Works for the implementation of the hydraulic-sewage implant and the hydraulic fire-fighting implant near the Gjadri site” - Private Act No. 152, dated August 13, 2024 - C.I.G.B259A17502.

Value of the Works implemented under the Contract: €2,480,244.05

Works include:

- Excavations for laying the pipes of the water-sewage system;
- Placement of pipelines and connection wells;
- Installation of the lifting station for conveying polluted water;
- Supply and installation of pumps for equalization tanks;
- Supply and installation of treatment plants;
- Construction of drinking water wells;
- Installation of fire fighting systems.

Economic operator: Everest Sh.P.K.

Title of the Work Contract: "Works for the realization of auxiliary and refinishing works near site of Gjadri" - Private Act no. 153, dated August 13, 2024 - C.I.G. B271EDB6CF.

Value of the Works implemented under the Contract: €1,406,791.78

Works include:

- Closing the entrances to the existing tunnels;
- Repair and reconstruction of existing structures;
- Completion of circulating parts for vehicles with asphalt coating;
- Installation of horizontal and vertical signage;
- Construction of reinforced concrete foundation structures;
- Construction of reinforced walls against deflagration.

Economic Operators: Everest Sh.P.K., Arb Trans Sh.P.K. and Kronos Konstruktion Sh.P.K.

Title of the Works Contract: “Construction of the TIP building in RSU 2 (No. 4)”.

Country and place of implementation of the Works Contract: Albania.

Information on the Contracting Authority:

Contracting Authority - Name: Municipality of Tirana

Reference contact - Name and surname: Arbjan Mazniku

Postal address: Skanderbeg Square, Postal Code 1001, Tirana

Telephone number (must be functional): 0682043414

E-mail address (must be functional): info@tirana.al

Website: www.tirana.al

Date of commencement of the implementation of the Work Contract: 26.10.2020

Estimated date of implementation of the Work Contract: 26.01.2022

End date of implementation of the Work Contract: 28.06.2022

In case the implementation date of the Work Contract is different from the expected one: due to weather conditions.

Value of the Works implemented under the Contract: 2,021,168.00 €

[In case the Works are implemented in the capacity of the Economic Operator as part of a Group]:

- “Everest” Sh.P.K. - 45%
- “Arb Trans” Sh.P.K. - 10%
- “Kronos Konstruktion” Sh.P.K. - 45%

Description of the Works implemented under the Contract:

- “Everest” Sh.P.K. - construction and structural works;
- “Arb Trans” Sh.P.K. - excavation and ground preparation works;

Procurement Number: 207-25-10662-5-1-1 (207-25-135-5-1-1) - Title: Construction works for the implementation of the detailed project (main contractor) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with Category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA (Second re-tender)

ANNEX 1 - MANDATORY TECHNICAL SPECIFICATIONS

Table No. 1

(Note: The following form must be completed accurately and with all required and accurate data).

Economic Operator:

Everest Sh.P.K.; Edicom Sh.P.K.; Kronos Konstruktion Sh.P.K.

Title of the Contract for Works:

“Reconstruction of residential units in buildings (palaces) for the new development area Shijak, Package D, objects 5.13, 5.14, 5.15, 5.16, 5.17, administrative unit Shijak, Municipality Shijak”

Country and place of implementation of the Contract for Works: Albania

Information on the Contracting Authority:

Contracting Authority - Name: Albanian Development Fund

Reference contact - Name and surname: Dritan Agolli

Postal address: Rruga “Sami Frashëri”, no. 10, Tirana, 1000

Telephone number (must be functional): +355 (0)4 22 35 597

Email address (must be functional): adf@albaniandf.org

Website: www.albaniandf.org

Date of commencement of the implementation of the Work Contract (month/year): 26.04.2021

Date of anticipated implementation of the Work Contract (month/year):

Date of completion of the implementation of the Work Contract (month/year): 19.12.2022

In case the implementation date of the Work Contract is different from the anticipated one, please provide the reasons for such a change:

Value of the Works implemented under the Contract (€ / Euro): 5,296,916.00 Euro

(In case the Works are implemented in the capacity of a single economic operator):

(In case the Works are implemented in the capacity of an economic operator as part of a Group):

“Kronos Construction” Sh.P.K. - 35%

"Everest" Sh.P.K. - 35%

"Edicom" Sh.P.K. - 30%

Description of the Works implemented under the Contract:

(In case the Works are implemented as a single Economic Operator):

(In case the Works are implemented as a part of a Group):

“Kronos Konstruktion” Sh.P.K. - excavations, transport, reinforced concrete, finishing, installations
“Everest” Sh.P.K. - excavations, transport, reinforced concrete, finishing, installations
“Edicom” Sh.P.K. - excavations, transport, reinforced concrete, finishing, installations

Information on the cooperating Economic Operators in the implementation of the Contract for Works:

(In case the Works are implemented as a part of a Group):

(The following details should be provided separately for each cooperating Economic Operator)

Economic Operator - Name: Kronos Konstruksion Sh.P.K.

Reference contact - Name and surname: Vasil Jovani

Postal address: Bulevardi “Gjergj Fishta”, near the former exhibition “Shqipëria Sot”, Tirana, 1001 Telephone number (must be functional): 0682020063

Email address (must be functional): kronosshpk@yahoo.com

Website: www.kronos.al

Procurement Number: 207-25-10662-5-1-1 (207-25-135-5-1-1) - Title: Construction works for the implementation of the detailed project (main contractor) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with Category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA (Second re-tender)

ANNEX 1 - MANDATORY TECHNICAL SPECIFICATIONS Table no. 1 (Note: The following form must be completed accurately and with all the required and accurate data). Economic Operator: Everest Sh.P.K. Title of the Work Contract: “Construction of a water supply system for the villages of the Administrative Unit Derjan and Rukaj, Lot III” Country and place of implementation of the Work Contract: Albania Information on the Contracting Authority: Contracting Authority - Name: Everest Sh.P.K. Reference contact - Name and surname: Sokol Çupi Postal address: 1030 Telephone number (must be functional): Email address (must be functional): info@everest.al Website: www.everest.al Start date of implementation of the Work Contract (month/year): 03.11.2023 Expected date of implementation of the Work Contract (month/year): End date of implementation of the Work Contract (month/year): 03.05.2024 In case the date of implementation of the Contract for Works is different from the one foreseen, please provide the reasons for such a change: Value of the Works implemented under the Contract (€ / Euro): 130,025,614 Lek (In case the Works are implemented in the capacity of a single economic operator): Everest Sh.P.K. (In case the Works are implemented in the capacity of an economic operator as part of a Group): Description of the Works implemented under the Contract: In case the Works are implemented as a single economic operator): Everest Sh.P.K. (In case the Works are implemented as a group economic operator): Information on the cooperating economic operators in the implementation of the Work Contract: (In case the Works are implemented as a group economic operator): Kronos Konstruksion Sh.P.K. (The following details should be provided separately for each cooperating economic operator) Economic operator - Name: Reference contact - Name and surname: Postal address: Telephone number (must be functional): Email address (must be functional): Website:

Procurement Number: 207-25-10662-5-1-1 (207-25-135-5-1-1) - Title: Construction works for the implementation of the detailed project (main contractor) of architecture and engineering for

the construction of the new Stadium in Peja, in accordance with Category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA (Second re-tender)

ANNEX 1 - MANDATORY TECHNICAL SPECIFICATIONS Table No. 1 (Note: The following form must be completed accurately and with all required and accurate data).

Economic operator: Everest Sh.P.K. Title of the Work Contract: "Reconstruction of the 0.4 kV overhead transmission network with A.B.C cable in the Kurbin Unit, Burrel Regional Directorate, Mamurras-Milot Zone" Country and place of implementation of the Work Contract: Albania Information on the Authority Contracting: Contracting Authority - Name: Everest Sh.P.K. Reference contact - Name and surname: Sokol Çupi Postal address: 1030 Telephone number (must be functional): Email address (must be functional): info@everest.al Website: www.everest.al Start date of implementation of the Work Contract (month/year): 19.02.2024 Expected date of implementation of the Work Contract (month/year): End date of implementation of the Work Contract (month/year): 14.11.2024 In case the implementation date of the Work Contract is different from that foreseen, please provide the reasons for such a change: Value of the Works implemented under the Contract (€ / Euro): 205,086,838 Lek (In case the Works are implemented in the capacity of a sole economic operator): Everest Sh.P.K. (In case the Works are implemented in the capacity of an economic operator as part of a Group): Description of the Works implemented under the Contract: (In case the Works are implemented in the capacity of a sole economic operator): Everest Sh.P.K. (In case the Works are implemented in the capacity of an economic operator as part of a Group): Information on the cooperating economic operators in the implementation of the Work Contract:

(In case the Works are implemented in the capacity of Economic Operator as part of a Group):

(The following details should be provided separately for each cooperating Economic Operator)

Economic Operator - Name:

Reference Contact - First and Last Name:

Postal Address:

Telephone Number (must be functional):

Email Address (must be functional):

Website:

From the documentation submitted in the tender dossier, it results that EO EVEREST SH.P.K., leader of the GOE, during the last three years has implemented contracts for construction works for the implementation of detailed architectural and engineering projects, for the construction and renovation of social-public and private infrastructure, in a total amount of 26,991,034.69 Euros. On this occasion, we reiterate that the project entitled "Construction of reception, stay and repatriation centers near the site of Shëngjin and Gjadri", constitutes a major detailed architectural project for the construction of social-public infrastructure, while its total value is 65,000,000.00 (sixty-five million) Euros. As it results from the attached documents, the project

was implemented within the framework of the Italy-Albania Protocol for strengthening cooperation in the field of immigration, signed between the Government of the Italian Republic and the Government of the Republic of Albania. The leader of the GOE, EVEREST SH.P.K., was the only construction company to implement this major project, which was widely discussed in the local, Italian and international media.

The implementation of this project has been divided into many contracts, where each contract has had a specific name and value. For this reason, the CA has been mainly awarded contracts related to the construction work for the implementation of the project "Construction of reception, stay and repatriation centers near the site of Shëngjin and Gjadri", which constitutes a social-public infrastructure, where foreign immigrants arriving in Italy via sea routes will be received and stayed.

Object: ITALY - ALBANIA PROTOCOL, FINALIZED FOR STRENGTHENING COOPERATION IN THE FIELD OF EMIGRATION - Legislative Decree 02.03.2024 no. 19, Decision no. M.D. A7504A9 DE22024 0000047, date 04.04.2024.

Total funding allocated in Chapter 7120 p.g. 46:

- C.E. 183224 -€ 10,000,000.00 (ten million euros);
- C.E. 183324 -€ 55,000,000.00 (fifty-five million euros).

Title and details of the Contract:

“CONSTRUCTION OF RECEPTION, STAY AND REPATRIATION CENTERS NEAR THE SITE OF SHENGJINI AND GJADRI”

The details specified above and all the documentation contained in the tender dossier support our claims that GOE EVEREST SH.P.K. & PRO&CO GROUP SH.P.K. & 2A GROUP SH.P.K. & BENI CONSTRUCTION SH.P.K. fully meets all the criteria of Request No. 3, from points 8.1 and 8.2 of the TDS.

The failure to properly analyze and evaluate the bid of GOE EVEREST SH.P.K. & PRO&CO GROUP SH.P.K. & 2A GROUP SH.P.K. & BENI CONSTRUCTION SH.P.K., according to us, has resulted in a violation of Articles 59, 65 and 68 of the LPP, as well as Article 43 of the RRPP, which, in our opinion, conditions the return for re-evaluation of this procurement activity.

Also, the non-implementation of the complaint claims in accordance with Article 108/A of the LPP proves that the CA has used favoritism and has eliminated us unfairly, not taking into account the criteria and our claims explained in detail. This proves that the favoritism and tendencies have influenced to eliminate us unfairly, thereby violating all the criteria of the tender dossier, specifically points 8.1 and 8.2 of the tender dossier.

The violation of Article 7 of the LPP constitutes discrimination against our group and a violation of legal provisions by the CA, as well as a violation of the principle of equal treatment.

Also, the CA has violated Article 56.3 of the LPP and Article 52.3 of the LPP:

1.3. The tenderer, during open procedures, or the candidate during restricted procedures and competitive procedures with negotiations, shall not be disqualified or excluded from such procedures on the basis of any requirement or criterion not specified in the contract notice and in the tender dossier. 1.4. Only measurable criteria which have been previously defined in the tender dossier may be used for evaluation. The contracting authority may only use criteria which are directly relevant to the subject-matter of the contract. Such criteria include, but are not limited to: quality, price, technical merits, aesthetic and functional characteristics, environmental characteristics, running costs, cost-effectiveness, after-sales services and technical assistance.

Based on Article 111 paragraph 5 in connection with Articles 113 and 114 of the LPP, the Procurement Review Body on 28/04/2026 authorized the review expert to conduct the initial review of the file and claims according to the complaint with no. 0267/2026, while on 08/05/2026 the review expert's report with no. 2026/0267 was submitted with the following recommendations: Based on the above-mentioned clarifications, the technical review expert proposes to the review panel that the complaint of the complaining EO be rejected as unfounded and that the notification on the decision of the CA dated 02.04.2026, for the cancellation of the procurement activity, remain in force.

The review panel has assessed that the conditions have been met to decide on this case without a hearing session within the meaning 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 fully establish the factual situation, the review panel has administered as evidence the expert report, the opinions of the parties regarding the expert report, the complainant's submissions and documents, 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 “Pro&Co Group” SH.P.K, the review expert through report no. 2026/0267 has assessed as follows:

GOE “Pro&Co Group” Sh.p.k.; “Everest”; “2A Group Sh.p.k”; “Beni Construction” Sh.p.k, procurement activity entitled “Construction work for the implementation of the detailed project [main implementer] of architecture and engineering for the construction of the new Stadium in Peja, in accordance with Category III of the regulations and technical guidelines for stadium infrastructure, approved by UEFA [Second re-tender]”, with procurement no.: 207-25-10662-5-1-1.

The Contracting Authority - Ministry of Culture, Youth and Sports, for this procurement activity has implemented an open procedure, type of contract work. The estimated value of the contract is 19,000,000.00€. Whereas, the contract award criterion is “Responsible Tender with the Lowest Price”.

Introductory clarification: After the administration and review of the case files against the complaint claims, we clarify that the complaining economic operator claims that the CA has acted in violation of Article 7, 59, 65, 68 and 108/A of the LPP, as well as violation of the provisions of the Public Procurement Regulation, specifically Article 43 of the Regulation. The complaint claims relate to the cancellation of the procurement activity after the opening of the bids. The contract notice was published on 26.11.2026. On 10.03.2026 the CA published the decision notice, form B58, and the Standard Letter for the eliminated tenderers where the complaining EO was declared irresponsible and the procurement activity was canceled due to the lack of irresponsible bids. The complaining EO, dissatisfied with the decision of the CA dated 13.03.2026, files a request for reconsideration. On 17.03.2026, the CA approves the request for reconsideration, returning the procurement activity to reassessment. On 02.04.2026, the CA publishes the notice on the decision, form B58, and the Standard Letter for eliminated tenderers, where the complaining EO is declared irresponsible and the procurement activity is canceled due to the lack of irresponsible bids. The complaining EO, dissatisfied with the decision of the CA dated 07.04.2026, again files a request for reconsideration. On 14.04.2026, the CA, through its decision, rejects the request for reconsideration.

The complaint of the complaining EO, more precisely the complaining claims, have been reviewed by the reviewing/technical expert based on the case files, and the following responses are provided.

Complaining claim: The complaining EO, through the Standard Letter for eliminated tenderers dated 02.04.2026, was eliminated on the grounds that it did not meet the requirements of the Economic and Financial Capacity, respectively Request number 3.

Your tender has been rejected for the following reasons:

“Eliminated based on the documentation provided in the list of completed projects and the accompanying documents, this condition has not been met for the last three years since the projects provided are of the nature of infrastructure (implementation of works on the atmospheric sewage plant, construction of the water supply system, construction of the electrical network) and not of the nature required in criterion number 3.

In this case, the leader of the GOE (EVEREST SH.P.K) has provided the list of projects and contracts with works with only one contract of the required nature.”

The complaining GOE emphasizes that the CA’s reasoning that we have not met the requirements of the Economic and Financial Capacity, Requirement number 3, is inaccurate, unsustainable and incomplete.

Regarding the claims of the group of complaining economic operators that they have completed work and fulfilled the requirements of the Economic and Financial Capacity, respectively Request number 3 of the tender dossier and the contract notice, the claims in question have been reviewed by the technical expert in the relevant field.

Response to the complaining claim: The technical expert initially explains that one of the CRITERIA REQUIRED by the Contracting Authority was the fulfillment of the Economic and Financial Capacity.

As the leader of the group of operators, "Everest Sh.P.K. must fulfill this criterion of 60% minimum of the required criterion, i.e. the Economic Operator must provide evidence of sufficient experience for the last 3 years (2022,2023,2024 in the amount of 10,000,000.00 million euros for projects of the architecture typology, public-private (Objects that must have at least 6,000,000.00 euros, the leader of the group of Operators-Everest.

Economic Operator: Everest Sh.P.K. according to the required criteria, the Leader-Leader of the group must fulfill at least 60% of the required criterion

1. Title of the Work Contract: Implementation of reception, stay and repatriation centers near the Shëngjin and Gjadër sites: "Works for the implementation of piling for the consolidation of terrains carried out with the TOP-FEED - PROCESS technique, near the Gjadër site" - Private Act no. 119, dated 08/07/2024 - ?I.G. B25B914786.

Country and Place of implementation of the Employment Contract: Albania Information on the Contracting Authority: Contracting authority- Name: Everest Sh.P.K. Referral contact - First and last name: Sokol Çupi Postal address: 1030 Telephone number [must be functional]: Email address [must be functional]: info@everest.al Website: www.everest.al

Date of commencement of implementation of the Work Contract [month/year]: 18.06.2023
Estimated date for implementation of the Work Contract [month/year]:

Date of completion of the implementation of the Work Contract [month/year]: 18.06.2024

Value of Works Implemented under the Contract [€/ Euro]: €8,732,373.21

The project is related to the nature-Brief description of the project/nature of the project implemented:

The technique I am mentioning is usually called the realization of columns with vibroflotation (vibroflotation /

vibro replacement), and is a widely used method in improving soil in the field.

The technique is used

To increase the bearing capacity of the soil

- Reduces settlements
- Improves drainage
- Reduces the risk of liquefaction in soft soils

In construction, the presented contract is used in:

- Building foundations

- Roads and highways
- Dams and large embankments
- Areas with weak soil (clay, loose sand)

The technical expert considers that the Project is not of the nature, typology required in the tender dossier.

2. Title of the Work Contract: Implementation of reception, stay and repatriation centers near the site of Shëngjin and Gjader.: "Works for the implementation of the water-sewage plant and the fire-fighting water plant near the site of Gjader." Private Act No. 152, dated August 13, 2024 - C.I.G. B259A17502. Country and Place of implementation of the Work Contract: Albania Information on the Contracting Authority: Contracting Authority- Name: Everest Sh.P.K. Reference contact – Name and surname: Sokol Çupi Postal address: 1030 Telephone number [must be functional]: Email address [must be functional]: info@everest.al Website: www.everest.al

Date of commencement of the implementation of the Employment Contract [month/year]: 10.07.2024

Estimated date of implementation of the Works Contract [month/year]: 82 End date of implementation of the Works Contract [month/year]: 30.09.2024

In case the implementation date of the Works Contract [month/year] is different from the expected one [month/year], please provide the reasons for such a change: Value of the Works implemented under the Contract [€/Euro]: €2,480,244.05

A sewage treatment plant (or sewage system) is a technical system that serves to collect, transport and treat wastewater and rainwater. Simply put: it is the infrastructure that removes used water from homes, roads and buildings, in a safe and hygienic manner. It is the entire system that manages wastewater and rainwater in an area and may include:

- Sewer pipes - to carry dirty water away from buildings
- Manholes - inspection and maintenance points
- Hydraulic pumps - when water needs to be lifted to a height
- Treatment plant - the place where water is cleaned before it is returned to nature

The technical expert considers that the Project is not of the nature, typology required in the tender dossier.

3. Title of the Work Contract: Implementation of reception, stay and repatriation centers near the site of Shëngjin and Gjadri.: "Works for the implementation of the network for the collection and discharge of atmospheric waters and the telemonitoring system near the site of Gjadri." Private Act no. 124, date 12/07/2024 - ?I.G. B2598C5E12.. Country and Place of implementation of the Work Contract: Albania Information on the Contracting Authority: Contracting Authority- Name: Everest Sh.P.K. Contact Reference- Name and Surname: Sokol Çupi Postal Address:

1030 Telephone Number [must be functional]: Email Address [must be functional]:
info@everest.al Website:www.everest.al

Start date of the implementation of the Work Contract [month/year]: 20.06.2024 Expected date
of implementation of the Work Contract [month/year]: 102

End date of implementation of the Work Contract [month/year]: 30.09.2024

Value of the Works implemented under the Contract [€/Euro]: €912,193.90

The rainwater collection and discharge network is the system that deals with rainwater and snow
(rainwater) to prevent water accumulation and flooding. It collects water from: roofs, roads,
sidewalks and discharges them. Main components:

Thermo-mounting system is connected to heating and thermal installations in a building.

- Heating systems:

- o radiators

- o underfloor heating

- Hot water pipes

- Boiler or heat source

- Pumps and valves

- Atmospheric water network ^ deals with external water (rain, snow)

- Thermomontage ^ deals with heating and thermal energy inside the building

The technical expert considers that the Project is not of the nature, typology required in the
tender dossier.

4. Title of the Work Contract: Implementation of reception, stay and repatriation centers near the
site of Shëngjin and Gjadri.: "Works for the implementation of auxiliary and finishing works
near the site of Gjadri". Private Act no. 153, dated 13 August 2024 - C.I.G. B271EDB6CF.
Country and Place of implementation of the Work Contract: Albania Information on the
Contracting Authority: Contracting Authority- Name: Everest Sh.P.K. Reference contact - Name
and surname: Sokol Çupi Postal address: 1030 Telephone number [must be functional]: Email
address [must be functional]: info@everest.al Website: www.everest.al

Date of commencement of the implementation of the Employment Contract [month/year]:
20.07.2024 Expected date of implementation of the Employment Contract [month/year]: 72

Date of completion of the implementation of the Contract for Works [month/year]: 30.09.2024

Value of the Works implemented under the Contract [€/ Euro]: €1,406,791.78

In construction, this relates to the final stage of regulating a pit/excavation after the installations have been carried out, which are carried out after: the pipelines (water supply, sewage, drainage) have been placed and the underground installations have been carried out, and are intended to:

- Return the terrain to its normal state
- Ensure that the pipelines are protected and stable
- Prevent subsidence or damage to the surface

The technical expert considers that the Project is not of the nature and typology required in the tender dossier.

5. Title of the Contract for Work: Implementation of reception, stay and repatriation centers near the Shëngjin and Gjader sites.: "Works for the implementation of foundations, equalization tanks and reinforced concrete passages near the Gjader site." - Private Act No. 150, dated August 12, 2024 - C.I.G. B25B83B474. Country and Place of Implementation of the Contract for Work: Albania Information on the Contracting Authority: Contracting Authority - Name: Everest Sh.P.K. Reference contact- Name and surname: Sokol Çupi Postal address: 1030 Telephone number [must be functional]: Email address [must be functional]: info@everest.al Website: www.everest.al

Date of commencement of implementation of the Employment Contract [month/year]: 29.07.2024 Expected date of implementation of the Employment Contract [month/year]: 63

Date of completion of implementation of the Employment Contract [month/year]: 30.09.2024

Value of Works Implemented under the Contract [€/ Euro]: €2,613,849.75

The construction of foundations, equalization tanks and passages in reinforced concrete is a structure to ensure durability, watertightness and resistance to loads for Tanks.

The technical expert considers that the Project is not of the nature, typology required in the tender dossier.

6. Title of the Work Contract: "Construction of the TIP building in RSU 2 (No. 4)" Country and Place of Implementation of the Work Contract: Albania Information on the Contracting Authority: Contracting Authority - Name: Everest Sh.P.K. Reference contact - Name and surname: Sokol Çupi Postal address: 1030 Telephone number [must be functional]: Email address [must be functional]: info@everest.al Website: www.everest.al

Date of commencement of implementation of the Work Contract [month/year]: 26.10.2020

Date of completion of implementation of the Work Contract [month/year]: 28.06.2022

Value of Works implemented under the Contract [€/Euro]: 195,093,514 Lek/2,030,923.48€

The contract-realization of the projects is requested during the years 2022,2023,2024 while the project is

2020-2022 which means it does not meet the criteria in the tender dossier. Also, the EO in the project is not alone but is a group of operators.

7. Title of the Work Contract: "Reconstruction of the "TU" 0.4 kV network with "A.B.C" cable in Kurbin Unit, Burrel Regional Directorate, Mamurras-Milot Zone" Country and Place of Implementation of the Work Contract: Albania Information on the Contracting Authority: Contracting Authority- Name: Everest Sh.P.K. Reference contact - Name and surname: Sokol Çupi Postal address: 1030 Telephone number [must be functional]: Email address [must be functional]: info@everest.al Website: www.everest.al

Date of commencement of the implementation of the Employment Contract [month/year]: 19.02.2024

Estimated date for implementation of the Work Contract [month/year]: Date of completion of the implementation of the Work Contract [month/year]: 14.11.2024

Value of the Works implemented under the Contract [€/Euro]: 205,086,838 Lek/21,141.91€

The LV network means LV = Low Voltage and refers to the 0.4 kV (400 V) electrical network that supplies homes and businesses. Reconstruction of the network means:

- Replacement of existing lines (old or damaged)
- Improvement of poles, insulators and equipment
- Increasing the security and quality of energy supply

The technical expert considers that the Project is not of the nature, typology required in the tender dossier.

Title of the Work Contract: Reconstruction of residential units in buildings (palaces) for the new development area Shijak, Package D, Objects 5.13, 5.14, 5.15, 5.16, 5.17, administrative unit Shijak, Municipality of Shijak". Country and Place of implementation of the Work Contract: Albania Information on the Contracting Authority: Contracting Authority - Name: Everest Sh.P.K. Reference contact - Name and surname: Sokol Çupi Postal address: 1030 Telephone number [must be functional]: Email address [must be functional]: info@everest.al Website: www.everest.al

Date of commencement of the implementation of the Work Contract [month/year]: 28.12.2020
Expected date of implementation of the Work Contract [month/year]:

Date of completion of the implementation of the Work Contract [month/ year]: 29.06.2022.

Value of Works Implemented under the Contract [€/ Euro]: 508,000,000 Lek/ 5,321,783.6euro

The contract-project implementation was requested during the years 2022,2023,2024 while the project is 2020-2022 which means it does not meet the criteria in the tender dossier. Also, the EO in the project is not alone but is a group of operators.

From the proven projects it appears that the leader of the Everest group, the Economic Operator, does not meet this required criterion because the EO has presented projects of a nature not required in the tender dossier.

The projects are of the nature of infrastructure such as (reservoirs, plants, land regulation, electrical networks) but not sufficient projects of the nature of social facilities that are required in the tender dossier). The two projects of the requested nature are not being implemented in the requested years and are a consortium of Economic Operators.

Based on the explanations above, the technical expert considers that the complaining GOE does not meet the requirement of Economic and Financial Capacity, respectively Requirement number 3 of the tender dossier and the contract notice. Therefore, the provisions of Article 59, paragraph 4 of the LPP stipulate: “The contracting authority shall consider a tender as responsive only if the tender in question complies with all the requirements set out in the contract notice and the tender dossier...”

Complaining claim: The complaining GOE emphasizes that the failure to implement the complaint claims in accordance with Article 108/A of the LPP proves that the CA has used favoritism and has unfairly eliminated us, not taking into account the criteria and our claims explained in detail.

Response to the complaining claim: The review expert, based on the case files, specifically in the request for review dated 07.04.2026 by the complaining GOE, explains that the same has objected to the CA's decision with the reasons and claims provided in this complaint, while the CA issued the decision on 14.04.2026, rejecting the request for review but does not provide a response to the request for review of the GOE. Failure to provide a response to the request for reconsideration conflicts with paragraph 8, point 8.4 of Article 108/A of the LPP, because this provision stipulates that the CA will reject a request for reconsideration when: “The Contracting Authority has reviewed its decision in the light of what is requested by the complainant”. While paragraph 9, of Article 108/A, of the LPP, stipulates that: “The rejection shall be justified and communicated in writing, in accordance with this law to the complainant and to all interested parties, if any...” Therefore, the complaining claim of the complaining GOE is founded.

Based on what was described above, the assessment of the technical review expert is that the contracting authority, when canceling this procedure, acted in accordance with Article 43.5 point b. of Regulation No. 001/2022 on Public Procurement, because b. none of the tenders received is responsive. Therefore, we recommend that the notification on the decision of the Contracting Authority MCYS dated 02.04.2026 for the cancellation of this procurement activity remain in force, while the complaint of the complaining GOE be rejected as unfounded.

- 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 partially acceptable and that the Review Panel also took into consideration his report in the decision-making process.

In the specific case, the review expert's report found that the first complaint allegation related to contracts executed in the 3 years prior to the contract notice is unfounded, while the other claims are well-founded. The Review Panel analyzed the elaborations of the review experts and compared them with the request of the DT to which the complaint allegation refers. Through the DT the requirement to which the claim refers is formulated as follows: "The Economic Operator must provide evidence of sufficient competence and experience in the relevant sector and, to this end, must prove that during the past three (3) years, it has implemented contracts (always in a regular and lawful manner) for construction works for the implementation of detailed projects (main implementing) of architecture and engineering, for the construction and/or renovation of public and private social infrastructure (as defined below) in the amount of at least 10,000,000.00 euros". It is also determined that in the case of GOE the leader must fulfill at least 60% of this requirement.

So according to TD, the CA's request was to present contracts that must meet the following requirements: for construction work, in the implementation of the main implementing projects of architecture and engineering, for construction and/or renovation of public or private infrastructure.

In the specific case, the technical expert analyzed the contracts presented by the complainant and concluded as follows: "the project is not of the nature and typology required in the tender dossier". As an explanation for this, he provided technical elaborations related to sewage pipes, manholes, hydraulic pumps, treatment plants, etc. However, this was not a requirement of the tender dossier. The expert only had to ascertain whether the project was for construction work, whether it referred to an implementing project, whether it referred to public or private infrastructure. This is because these criteria were set by the Contracting Authority itself. Consequently, the expert exceeded the requirements of the tender dossier, therefore the Review Panel did not take her elaborations into account.

Based on this, the RP finds that there is also an opinion given to the parties by the PPRC, which was published on the E-procurement platform, listed under no. 11 dated 09.06.2023, which emphasizes: "Despite this, at every stage of the procurement activity, CAs must respect the fundamental principles of public procurement (transparency, free competition, equal treatment, non-discrimination). Therefore, CAs must not specify selection criteria that limit competition and discriminate against potential economic operators and thus prevent value for money from being achieved.

However, the Review Panel considers that when evaluating the bids, the CA should have strictly adhered to Article 59, paragraph 4 of the LPP, so that it should be limited only to the precise wording of the requirements in the TD. So, just as the requirements are formulated in the DT, so they should be evaluated. At this stage, no TD requirement can be changed or interpreted differently beyond the linguistic formulation that is evidenced in the TD.

However, the Review Panel has found that the complaining EO has fully met the requirement for contracts executed in the last 3 years, both in terms of 60% of the GOE leader and in terms of the type of contracts requested by the CA (for construction work, in the implementation of major architectural and engineering implementation projects, for construction and/or renovation of public or private infrastructure). Therefore, in no case can the review expert or the CA discriminate against an economic operator regarding the requirement to offer only contracts of the same nature, since secondary acts for public procurement and institutional practice do not impose such a restriction but allow this criterion to be met with contracts of a similar nature.

Regarding this complaining claim, in which the complaining EO claims that the CA has acted in a favorable manner, by unfairly eliminating and without properly addressing the criteria and claims raised in the request for reconsideration, the PSH assesses that the finding of the review expert is partially grounded.

Therefore, the RP agrees with the expert's finding that the CA has not fully fulfilled the obligations stemming from Article 108/A of the Law on Public Procurement, since the decision to reject the request for review does not contain sufficient reasoning and does not specifically address the claims raised by the complaining economic operator. Consequently, the PS assesses that the CA has not acted in full compliance with paragraph 9 of Article 108/A of the LPP, which requires that the rejection of the request for review be justified and communicated in writing to the complaining party.

However, the Panel does not fully support the expert's conclusion that this procedural violation is sufficient to make the complaining claim fully well-founded. Although the lack of a complete justification constitutes non-compliance with the procedural provisions of the LPP, an incomplete response does not constitute sufficient evidence to assess that the CA has exercised favoritism or that the complaining EO has been eliminated unlawfully. For these reasons, the Review Panel considers this complaint claim to be grounded, only in relation to the procedural violation of Article 108/A of the LPP, while it does not consider it proven that this violation, in the absence of other material evidence, proves favoritism.

The review panel, after administering and evaluating the evidence, fully ascertaining the factual situation, relying on the LPP as the applicable material 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 "Pro&Co Group" SH.P.K. is approved as well-founded, consequently the Review Panel has decided to confirm the decision of the CA Ministry of Culture, Youth and Sports regarding the procurement activity "Construction work for the implementation of the detailed project (main implementer) of architecture and engineering for the construction of the new Stadium in Peja, in accordance with category III of the regulations and technical instructions for stadium infrastructure, approved by UEFA (Second re-tendering)" with procurement number: 207-25-10662-5-1-1.

The Review Panel has decided in accordance with the legal competences in terms of Article 104, paragraph 1, in conjunction with Article 103, Article 105 and Article 117 of the LPP for the implementation of 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 point I 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 II of the decision, it was decided based on Article 31, paragraph 5 of the PRB Rules of Procedure in conjunction with Article 118 of the LPP.

From what was said above, it has been 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 – - **MINISTRY OF CULTURE YS;**

1x1 EO – **Pro & Co Group SH.P.K.;**

1x1 Archive of the PRB

