



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

Psh. No.126/26

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 (Law No. 04/L-042, supplemented and amended by Law 04/L-237, Law 05/L-068, supplemented and Law 05/L-092) composed by Batisha Ibrahim- President, Vedat Poterqoi and Kimete Gashi-Brajshori-Members of the Review Panel deciding upon the complaint of EO LURN SH.P.K., against the Decision to award a contract or a design competition regarding the procurement activity “Re-adaptations of spaces in government buildings” with procurement number 214-25-3033-5-1-1, initiated by the contracting authority (CA) - Ministry of Internal Affairs, on the 20/04/2026 has issued this:

DECISION

1. Approved, as partly grounded the complaint of the EO LURN SH.P.K. with no. 2026/0126, dated 02.03.2026, regarding the procurement activity “Re-adaptations of spaces in government buildings”, with procurement number 214-25-3033-5-1-1, initiated by the contracting authority - Ministry of Internal Affairs.
2. Remains in force, B58 Notice on the Decision of the Contracting Authority - Ministry of Internal Affairs, for the procurement activity “Re-adaptations of spaces in government buildings”, with procurement number 214-25-3033-5-1-1.
3. In accordance with Article 31, points 4 and 6 of the Rules of Procedure of the PRB, the complaining economic operator shall be refunded the complaint fee in the amount deposited upon filing the complaint. The complaining EO is obliged, in accordance with Article 31, point 6 of the Rules of Procedure of the PRB, to submit a request for the return of the complaint security within sixty (60) days, otherwise the deposit shall be confiscated, and these funds shall be transferred to the Budget of the Republic of Kosova.

REASONING

-Procedural facts and circumstances -

On the 05.05.2025, the Ministry of Internal Affairs, acting in the capacity of the Contracting Authority, has submitted the Contract Notice, for the procurement activity “Re-adaptations of spaces in government buildings” with procurement no.: "214-25-3033-5-1-1".

The contracting authority has implemented an open procedure, type of contract: work, estimated value of the contract: 750,000.00 €.

On the 10.02.2026, the Ministry of Internal Affairs, acting in the capacity of the Contracting Authority, published the Notice on the decision (B58), where the EO “NNP “Hexagon Construction” Sh.p.k. was recommended for the contract.

On the 16.02.2026, the complaining EO submitted a request for review, where on 24.02.2026 the CA rejected the request for review as unfounded.

On the 02.03.2026, the EO INFINITT Sh.P.K. submitted a complaint to the PRB, which was recorded with protocol number 2026/0126, challenging the above-cited Decision of the CA for the 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 INFINITT SH.P.K. are presented as follows:

We, as an economic operator participating in the procurement procedure, submit a formal complaint against the Contract Award Notice in favor of the economic operators “Hexagon Construction sh.p.k.” & “Eing sh.p.k.”, because the decision was taken in violation of the Law on Public Procurement of the Republic of Kosovo (LPP) and its fundamental principles, in particular:

the principle of equal treatment and non-discrimination of economic operators;

the principle of fair competition;

the principle of efficiency and economy in the expenditure of public funds;

the obligation for objective evaluation and verification of tenders.

1. Fundamental violation in the evaluation of the winning tender

The tender of the economic operators declared the winner contains prices that are significantly and unjustifiably higher than the real market prices in Kosovo, namely unrealistic prices in terms of quantity. In many positions, the prices are up to ten times higher compared to the real market prices in Kosovo. These prices contradict the principle of the most economically advantageous evaluation and directly damage the public budget. According to our preliminary assessment, the potential financial damage exceeds 500,000.00 €.

This marked disproportion between the offered prices and the real supply prices constitutes a serious risk of damage to the public budget. For this reason, we will attach the full amount of the winning EO for detailed verification.

2. Concrete examples of the offered prices

A5 - Demolition of laminate (1 m²)

Bid price: 10.00 €/m²

The real market price in Kosova is around 1.00 €/m². This price is around ten times higher and represents an unjustifiable cost for the public budget.

A7 - Demolition of doors (1 door)

Bid price: 50.00 €/door.

The real market price is around 10-15. € This price represents an unjustifiable overbilling.

A19 - Demolition of carpet in offices

Offered price: 12.25€/m².

The real market price is around 1.50-2.00 €/m². The price is many times higher than the market reality.

A20 - Supply and installation of carpet for technical flooring 50x50

Offered price: 40.00€/m².

The real market price for supply and installation is around 15-20 €/m². The difference is unjustifiable and harmful to public funds.

A28 - Supply and installation of laminate flooring

Offered price: 10.00€/m.

The real market price for the material is around €0.50/m, while with installation it does not exceed 2.00€/m.

A29 - Installation of Armstrong suspended ceiling

Offered price: 40.00 €/m².

Real price: material around €6.00/m² and installation maximum €4.00/m² (total around 10.00€/m²). The offer represents a fourfold increase without technical justification.

A32 - Plastering (1 m²)

Bid price: €20.00/m².

Real price: material around €2.00/m² and labor around €3.00/m² (total around €5.00/m²).

A33 - Smoothing and painting

Bid price: €10.00/m²

Real market price: around €3.00-4.00/m².

A34 - Painting only

Bid price: €10.00/m².

Real price: €3.00-5.00/m². Considering the large surface area to be painted, this inflated price creates considerable damage to the budget of the Republic of Kosovo.

A35 - Thermal aluminum interior partitions with laminated glass 4-10-4

Offered price: €225.00/m².

The maximum real price on the market is around 100.00 €/m², even including high profit for the economic operator.

A37 - Installation of wooden doors

Door 90x210 cm: 650.00 €, while doors with larger dimensions were offered cheaper (425€ and 500€), which represents a logical and economic discrepancy. The maximum real price for a quality door is around 300.00 €.

A38 - Installation of plastic doors

Door 90x210 cm: 255.00 €, while larger doors were offered at 150.00 €, which represents an unreasonable economic discrepancy.

B52 - Dismantling of air conditioning unit (12-24 BTU)

Bid price: 200.00 € / unit.

B53 - Air conditioning installation (without supply)

Bid price: €200.00 / unit.

Total: €400.00 for dismantling and assembly, while the maximum real price is around €80-90.

C1 - PPY 3x1.5 mm power cable

Offered price: €5.05/m.

Actual price: around €0.40/m for material and around €1.00/m with assembly.

C8 - PVC socket box 4M

Offered price: €10.95.

Actual price with assembly: around €1.00.

C9 - PVC socket box 7M

Offered price: €11.05.

Actual price with assembly: around €1.30.

C13 - PVC channels 16x16x2000 with adhesive

Offered price: €12.00 / 2 m.

Real price: around €1.00 / 2 m. Positions C13-C18 are consistently overpriced tenfold.

Also, all cable positions are offered at a uniform price of €5.05/m, which does not reflect market reality and represents intentional overcharging. Positions C17-C26 are generally inflated; for example, C17 - 230V power outlet complete with 2M accessories is offered at €9.20, while the real price with assembly is around €3.00.

Also, there is an unjustifiable threefold increase in prices for lighting fixtures without technical or economic justification.

Based on the facts and evidence presented, we assess that the decision to award the contract was taken in violation of the fundamental principles and provisions of the LPP, violating equal treatment, fair competition and economy in the expenditure of public funds. The high and unrealistic prices of the winning bid pose a serious risk of damage to the public budget and indicate a lack of proper verification by the Contracting Authority. We consider that the examination, evaluation and comparison of tenders was not carried out in accordance with Article 59 of the LPP, as an economic operator was recommended for the contract that did not meet all the requirements of the tender dossier and the contract notice.

Also, Article 1 of the LPP, which aims to ensure the most efficient, transparent and fair way of using public funds by contracting authorities in the Republic of Kosovo, was not taken into consideration. Response to the request for review: Regarding the allegations of violation of the articles and points of complaint presented in the request for review by the EO, the Contracting Authority - Ministry of Internal Affairs finds that it has acted in full compliance with the Law on Public Procurement (LPP), namely: Article 1 (Purpose), Article 6 (Economy and efficiency), Article 7 (Equality in treatment and non-discrimination), Article 59 (Examination, evaluation and comparison of tenders), Article 72 (Documentation and additional information), as well as Article 40 of Regulation No. 002/2024 on Public Procurement. Also, the CA has acted in accordance with Article 60 of the LPP (Contract Award Criteria) and Article 41 of Regulation No. 002/2024 (Abnormally Low Tenders), in accordance with the criteria set out in the Contract

Notice and the Tender Dossier, treating all participating economic operators equally. The criterion for awarding the contract has been “the lowest responsive tender”, on the basis of which the CA has ensured equal and non-discriminatory treatment for all EOs in this procurement activity.

The Ministry of Internal Affairs - ZPP, after receiving the request for review, has reviewed the validity of all claims of the complaining party, the tenderer EO “LURN” SH.P.K., Pristina. After analyzing the claims against the Notice on the CA Decision published on 10.02.2026, it is concluded that the CA has treated all tenderers equally and without discrimination, in accordance with the LPP, the decisions of the PRB no. 2025/0895 and 2025/0904, as well as other sub-legal acts applicable in the Republic of Kosovo.

Response to the complaining claim no. 1

The claim of EO “LURN” SH.P.K. regarding the bid prices of the Group of EOs recommended for the contract HEXAGON CONSTRUCTION SH.P.K. & EING COM SH.P.K. does not stand.

The recommended bid prices reflect the current reality of the market, which is facing a continuous increase in prices. Furthermore, pursuant to Article 27.15 of Regulation No. 002/2024 (amending Regulation No. 001/2022), the comparison of bid prices between them for conversion into points and weighting is not allowed, as such a method does not necessarily guarantee the result with the lowest price.

After reviewing the documentation and decisions of the PRB, it is concluded that the re-evaluation commission has carried out the evaluation and recommendation for the award of the contract in accordance with the criterion of the Tender Dossier: “responsible tender with the lowest price with weighting”.

Therefore, this claim is rejected as unfounded.

Response to the complaint claim no. 2

The Commission for Examination, Evaluation and Comparison of Tenders acted in accordance with Articles 59 and 72 of the LPP and Article 41 of Regulation No. 002/2024 on abnormally low tenders.

Through standard letter B41, a detailed financial analysis was requested from the complaining EO to justify the price offered, given that the offer was abnormally low for most of the positions (A1, A3, A14-A18, A30-A32, B1-B7, B32, 37-39, 43, 44, 49-53, etc.).

The EO submitted a response on 19.08.2025, but did not provide sufficient evidence to justify the price. In accordance with Article 61 of the LPP and Article 41.10 of Regulation No. 002/2024, the CA has reviewed the constituent elements of the bid (service economy, technical solutions, favorable conditions and originality of supplies) and has concluded that the bid is abnormally low and consequently not responsive, being rejected in accordance with the decision of the PRB no. 2025/0904.

In accordance with Article 61 paragraph 5 of the LPP, on 11.02.2026 the PPRC was also notified of the abnormally low bid through the standard form B51.

Therefore, this claim is rejected as unfounded.

Conclusion Based on the Law on Public Procurement and Article 108/A (Preliminary Resolution of Disputes), the Ministry of Internal Affairs issues the following:

Decision

I. The request for review of EO "LURN" SH.P.K. against the Notice on the Decision of the CA published on 10.02.2026 for the procurement activity "Readaptation of spaces in government buildings", procurement no. 214-25-3033-5-1-1 is rejected as unfounded.

II. The Notice on the Decision of the CA published on 10.02.2026 by the Ministry of Internal Affairs remains in force.

III. The Contracting Authority, based on the evidence presented, 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 02.03.2026 authorized the review expert to conduct the initial review of the file and claims according to the complaint with no. 2026/0126, while on 11.03.2026 the review expert's report with no. 2026/0126 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 rejected as unfounded and that the decision of the CA remain in force.

The expertise report has been duly accepted by all procedural parties. The CA has not responded to the recommendation of the review expert report, nor has the EO responded to the review expert report.

The review panel has assessed that the conditions have been met to decide on this case without a hearing session in accordance with 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 review expert report 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 letters and documents of the Contracting Authority, the relevant documents related to the procurement activity, as well as all the evidence proposed by the procedural parties.

Regarding the claims of EO LURN SH.P.K., the review expert through report no. 2026/0126 has assessed as follows:

The Contracting Authority - Ministry of Internal Affairs, during this procurement activity has implemented an open procedure, a public framework contract. Estimated value 750,000.00€. Contract Award Criteria Responsive tender with the lowest price.

Introductory clarification: The complaint claims are against the contract award notice, where this procurement procedure was the subject of review in the PRB, while the review expert issued an expertise report with No. 0895/2025, and No. 0904/2025, dated 29.09.2025. Also, the Review Panel ruled with Decision PSH.nr. 0895-0904/2025, dated 09.12.2025, approving as partially grounded the complaint of EO "Lurn" Sh.p.k.-Prishtina, while canceling the notification on the decision of CA B58, and returning the case for re-evaluation.

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, 60, and 61, of the LPP. The complaint claims raised by the complaining economic operator have been reviewed by the expert based on the case files and provides the following response.

The review expert explains that the complaint claim regarding the justification for the elimination of the complaining Economic Operator was addressed in the preliminary report with no. 0904/2025, dated 29.09.2025, therefore, based on Article 16, paragraph 2 and 3 of the Regulation no. 01/2020 on the Work of the Procurement Review Body, this claim is considered a *res judicata*.

The complaining operator claims that the economic operator recommended for the contract has offered prices that are multiplied in relation to the real market prices in the Republic of Kosovo. This claim relates to positions: A5, A7, A19, A20, A28, A29, A32, A33, A34, A35, A37, A38, B52, B53, C8, C9, C13 and C17-C26, for which the complaining EO claims that the prices offered by the recommended economic operator "Hexagon Construction" shpk, are significantly higher than the market prices.

Regarding the claims regarding the price level of the bid of the economic operator recommended for the contract "Hexagon Construction" shpk, the review expert assesses that in accordance with Article 4 of Regulation No. 001/2022 on Public Procurement, namely paragraph 1, point c, as supplemented and amended by Regulation No. 02/2024, the Contracting Authority is obliged to ensure that the contracted price is not higher than the market price. Specifically, Article 4.1, point c of this Regulation determines the obligation of the Contracting Authority to ensure that the contract price is in accordance with the real market prices during the procurement procedure. "c. to ensure that the contracted price is not higher than the market price".

Based on the case files, the review expert assesses that the Contracting Authority, the Ministry of Internal Affairs, during the re-evaluation process, acted in accordance with the Decision of the Review Panel No. 0895-0904/2025, dated 09.12.2025.

I base this assessment on the case files, specifically on the decision on the request for reconsideration dated 24.02.2026, as the Contracting Authority has clarified that in accordance with Article 61 paragraph 5 of the Law on Public Procurement, through the standard document B51 Notification to the Public Procurement Regulatory Commission - dated 11.02.2026 it has

notified the Public Procurement Regulatory Commission regarding the treatment of the Abnormally Low bid in this procurement procedure according to Decision no. 0895-0904/2025, dated 09.12.2025. Based on what was described above, our assessment is that the bid evaluation process was carried out in accordance with the requirements of the tender dossier and contract notice, respectively in accordance with Articles 59 and 61 of the LPP, as well as in accordance with Decision PSH.nr.0895-0904/2025.

- 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 acceptable and that the Review Panel rightly took into consideration his Report when making the decision, leaving the CA's decision in force.

In the specific case, based on the report of the review expert, the evidence presented by the complaining economic operator, the documents of the tender dossier and other evidence of the case and not based on the factual situation established above, the Review Panel has granted confidence in the findings and recommendation in the report of the review expert that the decision remains in force.

Consequently, the Review Panel, as in the previous decision 2025/0895, for which it was established that the same complaining EO did not provide convincing evidence either in the Request for Reconsideration or in the Complaint filed with the PRB regarding the prices offered in the bid, thus claiming that the EO eliminated us for prices offered as abnormally low, but in this complaint it also attacked the recommended EO, 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 should be approved as partially grounded due to the fact that the prices it contested in the complaint for the recommended EO regarding the positions according to the Public Procurement Guidelines when dealing with public framework contracts according to the scoring, as in this procedure the conditions must be met, the threshold of 30% of the average price of responsive tenders, where from the 06 offers received in this procedure the complaining EO offered the price of 449.74 which was eliminated by the CA for abnormally low prices, while the recommended EO offered 8,745.20 and the unsuccessful offer with the ranked price of 8,857.07. However, the PS emphasizes that the Contracting Authority is obliged to ensure that the contracted price is not higher than the market price. Likewise, the complaining EO has not provided any evidence, any profit, etc. regarding market prices, but has only provided a description which the Public Procurement Office cannot accept as convincing evidence without providing any concrete facts, taking into account the analysis of the contested positions with other participating bids, therefore in this case it partially approves the complaint, but not sufficient for the case to be returned for re-evaluation, based on the preliminary decision 2025/0895 as well as on the above-cited description where the complaining EO cannot be an interested party within the meaning of Article 4 paragraph 1.26 which cites Interested party - the

person who can demonstrate a material interest in the result of the procurement activity implemented by the contracting authority in relation to a specific public contract or design competition, including any person who has been or may be at risk of harm from an alleged violation.

The Review Panel has decided to remain in force B58''Notification on the Authority'' Decision, regarding the procurement activity ''Re-adaptations of spaces in government buildings'' with procurement no.: ''214-25-3033-5-1-1''.

The Review Panel has decided in accordance with the legal competences within the meaning of Article 104 paragraph 1 in connection with Article 103, Article 105 and Article 117 of the LPP to implement 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, which may arise during a procurement activity.

For points I and II 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 III of the decision, it was decided based on article 31, paragraph 4 and 6 of the PRB's Rules of Procedure in relation to article 118 of the LPP.

From what was said above, it was decided as in the slide of this decision.

President of the Review Panel

Mrs. Batisha Ibrahim

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 INTERNAL AFFAIRS;

1x1 EO – **LURN SH.P.K.**;
1x1 Archive of the PRB