



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

Psh. No.456/26

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 Kosovo (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 Vedat Poterqoi - President, deciding upon the complaint of EO "KOSOVA MOTORS GROUP" S H.P.K., against the Decision to award a contract related to the procurement activity "SUPPLY OF AUTOCARRIERS (MARIMANGË) FOR KP-in-Ritender" with procurement number 214/30400-25-11147-1-1-1, initiated by the contracting authority (CA) - KOSOVA POLICE, on the 20/08/2026 has issued this:

**DECISION**

1. Approved, as partly grounded the complaint of the EO “ KOSOVA MOTORS GROUP ” S H.P.K. with no. 2026/0456, dated 03/07/2026, regarding the procurement activity "SUPPLY WITH AUTOCARRIERS (MARIMANGË) FOR KP-in-Ritender", with procurement number 214/30400-25-11147-1-1-1, initiated by the contracting authority - KOSOVA POLICE.
2. Remains in force, B58 Notice on the Decision of the Contracting Authority - KOSOVO POLICE for the procurement activity "SUPPLY WITH ROAD CARRIERS (MARIMANGË) FOR KP-in-Ritender", with procurement number 214/30400-25-11147-1-1-1.
3. In accordance with Article 31, point 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.

## REASONING

-Procedural facts and circumstances -

On the 19.12.2025. KOSOVA POLICE, acting in the capacity of the Contracting Authority, has submitted the Contract Notice, for the procurement activity SUPPLY OF AUTOCARRIERS (MARIMANGë ) FOR KP-in-Ritender” with procurement no.: "214/30400-25-11147-1-1-1"

The contracting authority has implemented an open procedure, Type of contract: Supply, Estimated value of the contract: 243,000.00. €

On the 19.06.2026 KOSOVO POLICE acting in the capacity of the Contracting Authority, against the contract award notice where the EO "AGS Corporation and Auto Kacandolli has been recommended for contract.

On the 24.06.2026, the complaining EO submitted a request for review, where on 24.06.2026 the CA rejected the request for review as unfounded.

On the 03.07.2026, the EO “KOSOVA MOTORS GROUP” S H.P.K. submitted a complaint to the PRB, which was recorded with protocol number 2026/045, against the contract award notification.

-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 “KOSOVA MOTORS GROUP " SH.P.K are presented as follows:

Article 1 - Purpose; Article 7 - Equality of Treatment/Non-Discrimination; Article 10 - Means for Promoting Transparency; Article 59 - Examination, Evaluation and Comparison of Tenders; Article 60 - Contract Award Criteria;

Honorable Members, avoiding unnecessary repetition of statements from the first complaint made to the PRB which complaint was based on the PRB, we attempt to present our arguments only from the moment when the case was returned for re-evaluation as the PRB has ordered. On 19.06.2026, the CA published the notice on the decision and standard letters and there we understood that the CA had recommended the same EO for contract award.

We requested access to TD for the purpose of verifying the documents regarding the catalog issue which originated from the EO recommended for the contract itself and this was also

confirmed by the review expert at the PRB and the review panel as well. The CA informed us that two (2) documents are available which the CA has received from the Macedonian dealer who has authorized the economic operator recommended for the contract. We have received a copy of these documents in question and it can be seen that they are issued by the same Macedonian dealer who claims that the catalog is from the manufacturer, however we have found that the catalog was not from the manufacturer but made by the economic operator participating in this tender activity and with the creation of the document in question by the EO itself this leads to a violation of the Requirements on technical and/or professional capabilities of TD points 9.1 & 9.2-

Request 2: Catalog from the manufacturer with a detailed description, with which it is possible to evaluate according to the required technical specifications. It is worth emphasizing that during the access, the CA stated that electronic documents cannot be provided because they are considered confidential and in the case in question the CA violated Article 10, specifically points 3 and 4, because regular access was not provided as the LPP guarantees and there is no reason why these documents should be considered confidential. Finally:

We declare that the Macedonian dealer together with the economic operator recommended for the contract have prepared and issued statements in their favor and have adapted them in the way that suits them. We declare again that there is no catalog of any manufacturer that does not have an official logo in the catalogs that are issued globally for everyone without distinction with the official design of the manufacturer, while in the catalog that the EO has uploaded to e-procurement, it is clearly seen that it was created by the economic operator itself and this makes this EO irresponsible and at the same time, the CA, by continuously defending without right these claims of this EO in question, leads to a violation of Article 1, Article 7 and Article 59 of the LPP, including also Article 60 - Criteria for awarding the Contract

Response to the request for review:

The complaining EO has not submitted concrete claims for all the mentioned articles, therefore the Contracting Authority (CA), in the following, will only address the claims raised by the complaining economic operator.

The complaining claim of the EO regarding the catalog is unfounded and unfounded. The CA has returned the case for re-evaluation and has addressed the issue of the catalog in accordance with the recommendation of the review expert, taking into account that the PRB decision has given credibility to the expert's report. Consequently, this issue has been addressed in accordance with the expert's recommendation and based on the criteria set out in the Tender Dossier (TD).

The recommendation of the review expert was as follows:

The review expert assesses that the document submitted by the EO recommended for the contract, regardless of the agreements and authorizations presented, does not constitute a catalog issued by the manufacturer. Since the Tender Dossier has clearly requested a Catalog from the manufacturer, the document provided is not a catalog from the manufacturer, but an alternative

catalog drafted by the bidder himself. The review expert clarifies that, in this case, the Catalog from the manufacturer is missing, as required in the Tender Dossier.

According to Administrative Instruction no. 002/2024 (article 10), for the clarification of tenders during the evaluation phase, the contracting authority has the right to request clarifying information in cases where the catalog is missing.

Therefore, this issue can be addressed in the re-evaluation by requesting additional clarifications from the economic operator, without changing the essential elements of the bid." In implementation of this recommendation, the CA has contacted and verified the documentation with the authorized representative of Mercedes-Benz, from whom it has received confirmation that the submitted catalog is original. Also, the reasons for the appearance of the traces and identification data in the catalog have been clarified, through the statements submitted by the authorized representative.

The first statement states:

"We hereby confirm that Auto Kaçandolli is an authorized dealer of Mercedes-Benz and Daimler Trucks vehicles in Kosovo. Therefore, we confirm that the catalog is original. Furthermore, we confirm that we fully support and stand behind the catalog and the information provided, as well as the offer submitted by Auto Kaçandolli.

The second statement clarifies that:

Auto Kaçandolli is an authorized distributor of Mercedes-Benz and Daimler Trucks in Kosovo.

The catalog, vehicle technical specifications and offers are generated directly from the official Mercedes-Benz configuration system. The name of Auto Kaçandolli and the responsible sales representative, Mr. Dardan Domi, are automatically displayed on the specification documents as a standard part of the official Mercedes-Benz system. Each authorized distributor is provided with a unique user account containing the company and employee data. Therefore, the presentation of this data on the document confirms its authenticity and origin. The format of the document is standardized and the same for all authorized Mercedes-Benz distributors.

These statements were also made available to the complaining economic operator on 22.06.2026, upon the fulfillment of the request for access to documents.

Likewise, the claim that the distributor from North Macedonia does not have the right to issue a statement is not valid. The Tender Dossier required authorization from the manufacturer or from the manufacturer's authorized distributor. Consequently, the Tender Dossier requirement was fulfilled, as the statement was issued by the authorized distributor, which also constitutes the official point of contact with the manufacturer.

For these reasons, the Contracting Authority assesses that the complaining claim is unfounded and, as such, the request for review should be rejected. Based on Article 111 paragraph 5 in conjunction with Articles 113 and 114 of the LPP, the Procurement Review Body on 07.07.2026 authorized the review expert to conduct the initial review of the file and claims according to the

complaint with no. 2026/0456, while on 20.07.2026 the review expert report with no. 2026/0456, 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 is partially approved as grounded and that the decision of the CA dated 19.06.2026 remains in force.

The expertise report has been duly accepted by all procedural parties. The CA has agreed on the recommendation of the review expert report, and neither EO has agreed regarding the review expert report. The review panel has assessed that the conditions have been met to decide on this case without a hearing 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 report of the review expert provide sufficient data to decide on the merits of the case.

- Administration and evaluation of evidence –

In order to properly 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 evidence proposed by the procedural parties.

Regarding the claims of OEKOSOVA MOTORS GROUP " S H.P.K., the review expert through report no. 2026/0456 has assessed as follows:

The review expert, in accordance with the legislation in force, has analyzed the complaint claim raised by the complaining EO and assesses that the complaining EO in this complaint has presented only one complaint claim related to the recommended EO.

This claim in this complaint is related to claim no. 1 for the recommended EO, which the complaining Economic Operator had in complaint no. 317/2026.

Regarding this complaint claim, which concerns the manufacturer's catalog, the review expert assesses that this issue has already been addressed in the expertise and Decision of the PRB no. 317/2026. In that case, the expert had concluded that the submitted document could not be considered a manufacturer's catalog within the meaning of the tender dossier requirement, but at the same time had assessed that, in accordance with Article 10 of Administrative Instruction no. 002/2024 on the clarification of tenders during evaluation, this deficiency could be clarified during the reevaluation phase by requesting clarifying information, without changing the essential content of the bid. For this reason, it was recommended to return the case for reevaluation.

From the documentation provided both in the complaint of the complaining EO, as well as in the minutes of the re-evaluation of the bids, it results that the Contracting Authority has implemented the PRB Decision no. 317/2026, returning the case for re-evaluation and requesting additional clarifications regarding the submitted catalog. In the response dated 15.06.2026, the authorized distributor confirmed that the document (catalog) submitted was generated directly from the official Mercedes-Benz configuration system, and that the specifications and offer are

original, and clarified that the display of the name of the authorized seller and the responsible representative is a standard functionality of the system and serves only to identify the authorized seller who generated the catalog.

(Evidence):

So it has been clarified that the catalog is from the Manufacturer's system, but the authorized seller's data, appears in the catalog due to the system that Mercedes-Benz has.

Consequently, the expert assesses that the Contracting Authority has acted in accordance with the instructions given in the PRB Decision no. 317/2026, by administering the necessary clarifications and eliminating the ambiguities that existed regarding the origin of the catalog. In these circumstances, it is established that the Contracting Authority has acted in accordance with the PRB decision and with the provisions of the public procurement legislation regarding this issue.

Consequently, although the complaining claim is assessed as partially founded in the sense that the issue required clarification, this clarification was provided during the reassessment in application of the PRB Decision no. 317/2026. As a result, the expert assesses that the complaining EO's complaint should be approved as partially founded while the Notification of the Contracting Authority's Decision dated 19.06.2026 should remain in force.

- 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.

In the specific case, from 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, it has been found that the complaint of the complaining EO should be approved as materially grounded, but insufficient to change the final epilogue of the decision-making by the CA. Based on the factual situation established as above and without the need to repeat the same again, the Review Panel has given full confidence to the findings and recommendations in the report of the review expert.

The review panel, after administering and evaluating the evidence, fully ascertaining the factual situation, relying on the LPP as the applicable substantive law, after reviewing the appeal claims, taking into account all the case files and the expert's recommendations, has decided to remain in force the contract award notice to the Contracting Authority KOSOVA POLICE.

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 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 6 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**

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**Mr. Vedat Poterqoi**

### **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 – **KOSOVA POLICE;**

1x1 EO – **“KOSOVA MOTORS GROUP” SH.P.K.;**

1x1 Archive of the PRB