



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

Psh. No.229/26

The Review Panel, appointed pursuant to Article 105, 106, and 117 of the Law on Public Procurement of the Republic of Kosova (LPP) composed of Isa Hasani, individual panelist, deciding on the complaint of the Economic Operator (EO) "Besiana" SH.P.K, against the Notice for the Award of the Contract of the KOSOVA POLICE, in the capacity of the Contracting Authority (CA) regarding the procurement activity entitled: "Supply of oils for KP vehicles" with procurement no.: "214/30400-25-9404-1-1-1", on the 04.05.2026 has issued this:

DECISION

1. The parties' agreement is approved, of the contracting authority Kosova Police and the complaining economic operator EO "Besiana" SH.P.K., with the Review Expert Report no. 2026/0229, dated 16.04.2026, for the procurement activity "Supply of oils for KP vehicles" with procurement no.: "214/30400-25-9404-1-1-1", initiated by the contracting authority (CA) Kosova Police.
2. Since the complaint of EO "Besiana SH.P.K", according to the report, is partially grounded, in accordance with Article 31, paragraph 4, the complaint insurance fee is returned in the amount deposited upon filing the complaint, while according to Article 31, paragraph 6 of the Rules of Procedure of the PRB, the complaining EO is obliged to request the return of the funds within sixty (60) days from the date of receipt of this decision, otherwise the funds are confiscated and transferred to the Budget of the Republic of Kosova.

REASONING

-Procedural facts and circumstances -

On the 31.10.2025, KOSOVA POLICE., in the capacity of Contracting Authority, has published the Contract Notice (CN) and the tender dossier (DT), for the procurement activity “Supply with oils for KP vehicles” with procurement no.: "214/30400-25-9404-1-1-1".

On 18.03.2026, KOSOVO POLICE., in the capacity of Contracting Authority, has published the Decision Notice (B58), where EO “Kadiu” has been recommended for contract.

On 23.03.2026 EO Besiana SH.P.K., in his/her capacity as a party dissatisfied with the aforementioned notification, submitted a request for reconsideration, which was rejected by the Decision of the CA dated 30.03.2026. Whereas, on 10.04.2026 EO Besiana SH.P.K., filed a complaint with the PRB, against the aforementioned notification of the CA, which was recorded under protocol number 2026/0229.

During the preliminary review, the Review Panel found that the complaint in this case was filed in accordance with Article 109.1 of the LPP, according to which, against any decision taken by the CA, any interested party may file a complaint with the PRB after conducting a preliminary dispute resolution procedure in accordance with Article 108/A of this Law. Since the applicant has the status of an interested party within the meaning of Article 4, paragraph 1.26, and the complaint also contains the essential elements provided for in Article 111 of the cited Law, it means that the same meets the conditions provided for in the meaning of the cited provisions and falls under the competences of this body within the meaning of Article 105 of the LPP.

Based on the actions described above, the PRB has engaged the review expert in accordance with Article 111, paragraph 5 of the LPP, with the task that the same, in terms of Article 113 of the cited Law, to conduct the initial review of the file and the complaint claims, regarding the procurement activity described above. In this regard, on 16.04.2026, the review expert submitted the Evaluation Report with the following recommendations: Based on the above-mentioned clarifications, the review expert proposes to the review panel that the complaint of the complaining EO be approved as partially grounded, the contract award notice be canceled and recommends that the case be returned for re-evaluation.

It is previously stated that the expertise report contains the essential elements as required by Article 113, paragraph 3 of the LPP and the same has been accepted by both parties, in accordance with Article 115 of the LPP in connection with Article 20 of the cited Regulation. In this case, it is evidenced that both parties (CA and EO) are aware of the complete documents of this case as required in accordance with Paragraph 2, Article 20 of the Regulation on the Work of the PRB and that both parties have formally declared in the e-procurement system, the CA on 21.04.2026 agrees and the EO on 17.04.2026 that it agrees with the recommendation of the review expert.

Based on the above, the Panel considers that the review procedure ends at this stage, in the sense of the reconciliation (agreement) reached by the parties and consequently the same has lost the claim, respectively the object of the appeal as expressly required by the provision of Article 111 of the LPP. When reviewing the documents of this case, its nature and purpose, the Review Panel considers that the parties can resolve the potentially contentious relations between themselves in those cases when they, by virtue of the legislation, freely dispose of their rights.

Therefore, the Review Panel has not been released at all in the assessment of the appeal claims but only issued a decision to terminate the procedure.

The agreement reached between the parties does not conflict with the basic principles and provisions of the Law on Public Procurement of the Republic of Kosovo and does not attack the institutional independence of its CA to resolve the disputed issue, as the nature of the issue in the specific case allows, inter alia, in accordance with Article 19 paragraph 4 of the PRB Rules of Procedure No. 01/2020 (as amended).

The review panel finds that the complaint of the EO “Besiana” SH.P.K., has been approved as partially justified/re-evaluated, according to the Report with the recommendation of the review expert and also the Contracting Authority and the Economic Operator have agreed with the Report, therefore the panel decided in accordance with Article 31, paragraph 4.6, to return the complaint insurance fee in the amount deposited when submitting the complaint.

However, the Panel reminds the parties that in terms of Article 19, paragraph 4, of the PRB Rules of Procedure it is provided that, quoted: “In case the contracting authority and the complainant agree with the report of the review expert, the review panel shall issue a notice requiring the contracting authority to implement the report of the review expert within 5 days by notifying the parties to the procedure. Furthermore, the parties are informed that this decision has a procedural character for the parties to the procedure and in such circumstances the findings of this report have not been subject to assessment by the Review Panel.

Therefore, based briefly on the above, the Review Panel, in accordance with Articles 105, 116 and 117 of the LPP, decided as in the provisions of this decision.

President of the Review Panel

Mr. Isa Hasani

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 – **Besiana SH.P.K.;**

1x1 Archive of the PRB