



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

Psh. No.555/23

Pursuant to the article 105 point 1 and 2 as well article 109 point 2 of the Law on Public Procurement of the Republic of Kosova no.04/L-042, amended and supplemented by Law No. 04/L-237, Law no.05/L-068, and Law no.05/L-092, after reviewing the complaint of the Economic Operator “EUROPRINT GROUP SH.P.K, related to the procurement activity: “031 – “Supply of equipment and school laboratories for the schools of the municipality of Skenderaj”, with procurement no: 643- 23-4421-1-1-1, initiated by the MA of Skenderaj in the capacity of the Contracting authority, the President of the Procurement Review Body Vjosa Gradinaj Mexhuani, on the 17/08/2023 has issued this:

DECISION

1.Rejected as not allowed, the complaint of “EUROPRINT GROUP SH.P.K, filed at the Procurement Review Body on the 08.08.2023 with protocol no.2023/0555, for the procurement activity: “Supply of equipment and school laboratories for the schools of the municipality of Skenderaj”, with procurement no: 643- 23-4421-1-1-1, initiated by the MA of Skenderaj.

2. It is allowed the Contracting authority- MA of Skenderaj to continue further with the procurement activity: “Supply of equipment and school laboratories for the schools of the municipality of Skenderaj”, with procurement no: 643- 23-4421-1-1-1, if there is no other complaint about this procurement activity.

REASONING

-Procedural facts and circumstances-

The Procurement Review Body in the electronic system dated 08/08/2023 has received the complaint no. 555/23 from EUROPRINT GROUP SH.P.K. related to the procurement activity entitled: “Supply of equipment and school laboratories for the schools of the municipality of

Skenderaj”, with procurement no: 643- 23-4421-1-1-1, initiated by the MA of Skenderaj in the capacity of the Contracting authority.

MA of SKENDERAJ regarding the aforementioned activity on the 17.05.2023 has published B05 - Notice for contract, on the 20.07.2023 B58 - Notice on the decision of CA and on the 26.07.2023 it has published B08 - Notice for contract award.

-Administration and Evaluation of Evidence –

From the evidence presented, it is proven that procurement activity: “Supply of equipment and school laboratories for the schools of the municipality of Skenderaj”, with procurement no: 643-23-4421-1-1-1, initiated by the MA of Skenderaj on the 17.05.2023, B05 - Contract Notice was published, on the 20.07. 2023 B58 - Notice on the decision of the CA and on the 26.07. 2023, B08 - Contract Award Notice was published. However, in the procurement system, the request for reconsideration submitted by the complaining Economic Operator does not appear under the request for reconsideration section.

The economic operator EUROPRINT GROUP SH.P.K, through the submission of the complaint, has emphasized that it has submitted a request for reconsideration, but that it has not received an answer about this from the Contracting Authority. After receiving the complaint, the PRB, while verifying whether the complaint was submitted according to the rules and legal provisions, found that the complainant for the said complaint did not provide evidence that he submitted a request for reconsideration to the contracting authority as required by Article 108/A of the LPP- and also did not provide proof of payment as required in point 10 paragraph 1 of article 111 of the LPP.

Regarding the above-mentioned issue, the PRB, through the email dated 09.08.2023, has notified the complaining economic operator to complete the complaint, that is, to provide evidence that he has submitted a request for reconsideration to the CA and proof that he has made the payment related to the submission of the complaint to the PRB.

However, despite this notice and clarification from the PRB, the Complainant has not completed his complaint with the security deposit fee of the said complaint. PRB clarifies that until 17.08.2023, it did not accept the completed complaint according to the institution's request, not providing evidence-confirmation from the bank for the fee of the said complaint.

From the evidence presented, it is estimated that the complaint submitted to the Procurement Review Body on the 08/08/2023 by EO EUROPRINT GROUP SH.P.K for the procurement activity entitled: “Supply of equipment and school laboratories for the schools of the municipality of Skenderaj”, with procurement no: 643- 23-4421-1-1-1, initiated by the MA of Skenderaj, is dismissed as not allowed because the complainant did not present in the e-procurement system evidence that he submitted a request for reconsideration to the Contracting Authority and did not make the payment (did not provide proof of payment) when submitting the complaint to the PRB. Therefore, the Procurement Review Body clarifies that only after conducting a regular preliminary procedure and within the legal deadlines at the CA, the complainant can file a complaint with the PRB as required in point 10 paragraph 1 of article 111 of the LPP in relation to article 118 of the LPP.

Therefore, the review procedure of this complaint ends at this stage by discarding it as incomplete because this complaint does not meet the conditions to proceed further as required by the aforementioned legal provisions. In conclusion, this complaint is in violation of Article 108/A, 109 and 111 of the Law on Public Procurement, and Article 65 of Regulation 001/2022 on Public Procurement, and as such it is dismissed as not allowed and was not reviewed by PRB.

The PRB informs the complaining EO about the possibility of applying Article 118 paragraph 4 quoted: If the review panel finds that any of the claims made in the complaint are false, the PRB may ask the complainant to pay an additional fine up to five thousand (5,000) Euros.

To the contracting authority – MA of SKENDERAJ, can continue with the procurement activity (described above) if there is no other complaint about this activity. The Procurement Review Body informs that in every activity CA must act in accordance with the legal provisions and authorizations as defined by Article 1, 6, 7, 27, 28, 59, 60, 65 of the LPP.

The President of PRB, based on what was said above, decided as in the provision of this decision.

President of the PRB

Vjosa Gradinaj

Legal advice:

An appeal is not allowed against this decision, but the dissatisfied party can appeal to the Commercial Court, within 30 days from the date of acceptance of this decision.

Decision to be submitted to:

1x1 CA – MA of Skenderaj;

1x1 EO – “EUROPRINT GROUP SH.P.K”;

1x1 Archive of the PRB;

1x1 For publication on the website of the PRB.