



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

Psh. No.1067/23

Based on Article 105 points 1 and 2 of the Law on Public Procurement of Kosova no. 04/L-042, supplemented and amended by Law 04/L-237, supplemented and amended by Law 05/L-068, supplemented and amended by Law 05/L-092, after considering the complaint of the Economic Operator (EO) NIKA PrO- Ing SH.P.K., against the Decision to contract award related to the procurement activity "Renovation of the Emergency Clinic-QKUK" with procurement number 701-23-11062-5-1-1, initiated by the contracting authority (AK) - UNIVERSITY CLINICAL CENTER OF KOSOVA, President of the Procurement Review Body Vjosa Gradinaj Mexhuani, on the 10/01/2024 has issued this:

DECISION

1. Dimissed as not allowed, the complaint of NIKA PrO-Ing SH.P.K, with protocol no. 2023/1067, dated 29/12/2023, this complaint submitted for the procurement activity "Renovation of the Emergency Clinic-QKUK", with procurement number 701-23-11062-5-1-1, initiated by the contracting authority (CA) - UNIVERSITY CLINICAL CENTER OF KOSOVA.
2. The contracting authority - UNIVERSITY CLINICAL CENTER OF KOSOVA is allowed to continue with the procurement activity "Renovation of the Emergency Clinic-QKUK", with procurement number 701-23-11062-5-1-1, in relation to this complaint, if there are no other complaints about this procurement activity.

REASONING

-Procedural facts and circumstances-

The Procurement Review Body in the electronic e-procurement system dated 29/12/2023, in the complaints section, has received a complaint from EO NIKA PrO-Ing SH.P.K, for the procurement activity with "Renovation of the Emergency Clinic-QKUK" with procurement number 701-23-11062-5-1-1, initiated by the University Clinical Center of Kosova, in the capacity of the contracting authority.

After receiving the complaint, the complaints office, during the verification of whether the complaint was submitted according to the rules and legal provisions, found that the complainant for the complaint in question did not provide proof of payment as required by point 10 paragraph 1 of article 111 of the LPP- and Article 69 of Regulation No. 001/2022 on Public Procurement.

Due to the fact that the complainant did not attach the bank's confirmation of the fee to the above complaint, the office for accepting complaints on 29.12.2023 via email notified the complaining EO that he did not attach the form to the above complaint to secure the Complaint deposit, complete the complaint according to Article 111 of the LPP, otherwise the complaint is dismissed as inadmissible. However, despite this notice and clarification of the PRB, the complaining EO has not completed the complaint according to the institution's request.

From the evidence presented, it is estimated that the complaint submitted by EO NIKA PrO-Ing SH.P.K., dated 29/12/2023 (protocol 1067/2023), for the procurement activity entitled "Renovation of the Emergency Clinic-QKUK" with number procurement 701-23-11062-5-1-1, initiated by the contracting authority (CA) - University Clinical Center of Kosova, is considered incomplete because the complainant has not deposited the insurance fee of his complaint as required in point 10 paragraph 1 of article 111 of the LPP related to article 118 of the LPP.

Therefore, the review procedure of this complaint ends at this stage by discarding it as unauthorized - incomplete because this complaint does not meet the conditions to proceed further as required by the aforementioned legal provisions.

The contracting authority - UNIVERSITY CLINICAL CENTER OF KOSOVA is allowed to continue with the procurement activity "Renovation of the Emergency Clinic-QKUK", with procurement number 701-23-11062-5-1-1, in relation to this complaint, if there are no other complaints about this procurement activity. However, the PRB informs the CA that in every activity must act in accordance with the provisions and legal authorizations as provided 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

Mrs. 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 – **UNIVERSITY CLINICAL CENTER OF KOSOVA;**

1x1 EO – **NIKA PrO- Ing SH.P.K.;**

1x1 Archive of the PRB;

1x1 For publication on the website of the PRB.