



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

Psh. No.363/26

Based on Article 105, points 1 and 2, of the Law on Public Procurement of Kosovo 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 reviewing the complaint of the Economic Operator (EO) N.T “Fer-Petroll” against the decision regarding the procurement activity: “Supply of Fuel” with procurement number: 201/26300-26-2068-1-1-1, initiated by the contracting authority (CA) - Central Procurement Agency, Head of the Secretariat of the PRB, on the 08.06.2026 has issued this:

DECISION

I. Refused as out of deadline, the complaint of the EO Fer-Petroll” with protocol no. 0363/2026, dated 05.06.2026, submitted for the procurement activity “Supply with fuels” with procurement number: 201/26300-26-2068-1-1-1, initiated by the contracting authority (CA) - Central Procurement Agency, in the capacity of CA.

II. Allowed, contracting authority - The Central Procurement Agency, to continue with the procurement activity as in point I of the enacting clause, regarding this complaint, if there is no other complaint about it.

III. The economic operator, upon filing the complaint, did not pay any fee, therefore the complaint of the complaining EO is also considered incomplete according to Article 111, paragraph 1.10 and Article 118, paragraphs 1 and 2 of the LPP, as well as Article 69, paragraph 2 of the Public Procurement Regulation.

REASONING

-Procedural facts and circumstances -

The Contracting Authority (CA) - Central Procurement Agency on 17.04.2026 has published the notice for the procurement activity "Supply of Fuel" with procurement number: 201/26300-26-

2068-1-1-1. According to the Standard Form for the correction of errors dated 20.05.2026, the opening of bids is planned on 02.06.2026.

On the 28.05.2026 at 16:50, which falls on 29.05.2026, the Economic Operator N.T. “Fer-Petroll” submitted a request for reconsideration to the CA, which was rejected on 29.05.2026 as unfounded.

On the 05.06.2026, the Complainant (with the above information) submitted a complaint to the PRB with protocol number 2026/0363.

-Evaluation and management of evidence -

From the evidence presented, it is confirmed that for the procurement activity "Supply with fuel" with procurement number: 201/26300-26-2068-1-1-1, the Complainant has submitted a request for reconsideration to the CA outside the legal deadline.

The request for reconsideration was submitted on 28.05.2026 at 16:50, which is the same as the one submitted on 29.05.2026, which is out of time because according to the form for correcting errors dated 20.05.2026, the opening of the bids was scheduled to take place on 02.06.2026, therefore the request for reconsideration should have been submitted on 27.05.2026 and as such is in violation of Article 60.1, point a) of the RRPP, outside the deadline of 5 days before the opening of the bids.

The PRB clarifies that against any decision taken by the contracting authority in accordance with the circumstances of Article 108/A, 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.

According to Article 60, point 1 of the Public Procurement Regulation, the Request for Review must contain the data in accordance with the F02 form and must be submitted to the relevant contracting authority through the electronic procurement system, function “Requests for Review” within the following deadlines:

a) Whenever the request for review relates to the contract notice or tender documents, at least five (5) days before the deadline for submission of bids. In calculating the time limits, the day of submission of bids is day (0). This deadline does not apply in cases where the CA extends the deadline for submission of bids after the decision to reject the request for review under Article 63.1.1 of this Regulation.

Therefore, the Review Panel informs the CA that in every activity it must act in accordance with the provisions and legal authorizations as provided for in Articles 1, 6, 7, 27, 28, 51, 59, 60, 69 of the LPP.

Also, the Procurement Review Body clarifies that according to Article 111 paragraph 1. 10 of the Law on Public Procurement, any interested party may submit a complaint to the PRB if such complaint has proof of payment of the complaint fee, referred to in Article 118 of this Law.

According to Article 118 paragraph 1 and 2 of the LPP it is stated: “1. Complainants shall pay a complaint fee to the PRB the amount of which shall be determined by the PPRC in secondary legislation. Proof of payment shall be attached to the complaint itself in accordance with Article 111 of this Law. Payment shall be made in cash or cash equivalent to an account opened by the PRB in accordance with the Financial Rules. 2. The PRB shall not accept the complaint if the fee is not paid”.

Therefore, based on the above, the PRB finds that the economic operator has submitted an incomplete complaint as provided for by the provisions of primary and secondary legislation and by the PRB's Rules of Procedure, specifically Article 111, paragraph 1.10 and Article 118, paragraphs 1 and 2 of the LPP, as well as Article 69, paragraph 2 of the Public Procurement Regulation.

According to the above, the Contracting Authority may proceed further with the procurement activity mentioned above in relation to this complaint, if there is no other complaint regarding this procurement activity.

The Head of the PRB Secretariat, based on the above, decided as in the operative part of this decision.

Head of the Secretariat

Mr. Ardian Behra

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 – **Central Procurement Agency;**

1x1 EO – **N.T. „Fer-Petroll;**

1x1 Archive of the PRB