



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

Psh. No.178/26

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 Kosova (Law No. 04/L-042, supplemented and amended by Law 04/L-237, Law 05/L-068, supplemented and Law 05/L-092) composed by Vedat Poterqoi - President, Batisha Ibrahimimi and Kimete Gashi - Member, deciding upon the complaint of EO "NBT -ING" SH.P.K., against the Decision to award a contract or a design competition regarding the procurement activity "CONSTRUCTION AND RENOVATION OF THE RAHOVEC POLICE STATION" with procurement number 214-25-6778-5-1-1, initiated by the contracting authority (CA) - KOSOVA POLICE, on the 20/04/2026 has issued this:

**DECISION**

1. Refused, as ungrounded the complaint of the EO NBT -ING" SH.P.K. with no. 2026/0178, dated 23/03/2026, regarding the procurement activity "CONSTRUCTION AND RENOVATION OF THE RAHOVEC POLICE STATION", with procurement number 214-25-6778-5-1-1, initiated by the contracting authority – KOSOVA POLICE.
2. Remains in force, B58 Notice on the Decision of the Contracting Authority - KOSOVA POLICE for the procurement activity "CONSTRUCTION AND RENOVATION OF THE RAHOVEC POLICE STATION", with procurement number 214-25-6778-5-1-1.
3. In accordance with Article 31, point 5, of the Rules of Procedure of the PRB, the complaining economic operator shall be confiscated the complaint fee in the amount deposited upon filing the complaint, while the funds shall be transferred to the Budget of the Republic of Kosova.

## REASONING

-Procedural facts and circumstances -

On the 14.08.2025, the KOSOVA POLICE, acting in the capacity of the Contracting Authority, has submitted the Contract Notice, for the procurement activity “CONSTRUCTION AND RENOVATION OF THE RAHOVEC POLICE STATION” with procurement no.: "214-25-6778-5-1-1"

The contracting authority has implemented an open procedure, type of contract: work, estimated value of the contract: 664,033.85 €.

On the 06.03.2026, the KOSOVA POLICE, acting in the capacity of the Contracting Authority, has submitted the Notice on the contract decision (B58), where the GOE “N.T Fer-Petroll -MBB Construction” SH.P.K. was recommended for contract.

On the 11.03.2026, the complaining EO submitted a request for review, where on 13.03.2026 the CA rejected the request for review as unfounded.

On the 23.03.2026, the EO “NBT -ING” SH.P.K., submitted a complaint to the PRB, which was recorded with protocol number 2026/0178, challenging the above-cited Decision of the CA, 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 “NBT -ING” SH.P.K., are presented as follows:

### Chronology

We, the Group of Economic Operators NBT-ING SH.P.K. & Agim Trolli B.I., have received the Notice of the Decision of the Contracting Authority (Form B58) dated 05.03.2026, issued by the Kosovo Police, regarding the procurement activity “Construction and Renovation of the Police Station Rahovec - Reassessment”, with procurement no. 214-25-6778-5-1-1.

As an Economic Operator participating in this procurement procedure, we consider that the decision of the Contracting Authority for the award of the contract to the Group of Economic Operators N.T. “Fer-Petroll”; MBB Construction SH.P.K., as well as the elimination of our bid from the evaluation procedure, was taken in violation of the provisions of the Law on Public

Procurement of the Republic of Kosova, the tender dossier documents and the fundamental principles of equal treatment and transparency in public procurement procedures.

It is worth noting that this procedure has been turned into a re-evaluation by decision of the Procurement Review Body (PRB), in which case the Contracting Authority was obliged to conduct a full, objective re-evaluation in accordance with the reasoning of the PRB decision, respecting the requirements of the tender dossier and the relevant provisions of the LPP. However, from the analysis of the latest decision of the Contracting Authority, it results that the re-evaluation was not carried out in a fair and complete manner, since our offer was eliminated on the basis of an erroneous interpretation of the procedure for the continuation of the validity of the offer, while at the same time an economic operator was recommended for the contract who does not fully meet the requirements set out in the Tender Dossier, especially with regard to meeting the criteria for similar experience and proving technical and professional capacities.

In these circumstances, we consider that the decision of the Contracting Authority is the result of an incorrect interpretation of the requirements of the tender dossier and an incomplete evaluation of the bids, which is contrary to the provisions of the Law on Public Procurement, in particular the principles of equal treatment, transparency and fair evaluation of bids. For these reasons, through this request for review, we request that the Contracting Authority reconsider the decision taken, annul the decision to award the contract and conduct a fair and complete re-evaluation of the bids in accordance with the Law on Public Procurement and the tender documents.

#### 1. CA's argument for the elimination of our bid and its objection:

Regarding the reason for the elimination of the Group of Economic Operators NBT-ING SH.P.K. & Agim Trolli B.I., namely the finding of the Contracting Authority that the EO has not extended the validity of the bid and the security according to the request of the CA dated 29.12.2025, we consider that this finding is unfounded, both in legal and factual terms.

Firstly, it should be noted that this procedure has been turned into a reassessment by decision of the PRB, in which case the Contracting Authority was obliged to make a full and objective reassessment of the bids. In this situation, the elimination of the economic operator solely on the basis of a previous procedural element, without a real reassessment of the bid and without taking into account the current circumstances of the procedure, is not in accordance with the purpose and legal effect of the PRB decision.

Secondly, the Group of Economic Operators NBT-ING SH.P.K. & Agim Trolli B.I. is willing and able to extend the validity of the bid and the bid security according to the duration requested by the Contracting Authority, and within the framework of this request for reconsideration will also submit the respective extension of the validity of the bid and the security. This clearly proves that our bid remains valid and guaranteed according to the requirements of the tender dossier.

Thirdly, the purpose of the request for validity of the bid and security is not the formal elimination of economic operators when they are able to ensure their continuation, but the guarantee that the bid remains valid during the procurement procedure. In this case, since the EO

has made and is presenting the continuation of the validity of the bid and security as requested by the CA, the reason for elimination does not stand and as such should be reconsidered.

For these reasons, we consider that the elimination of the Group of Economic Operators NBT-ING SH.P.K. & Agim Trolli B.I. on this basis is unfounded and we request that the Contracting Authority annul this finding and include our bid in a fair and complete re-evaluation of the bids, in accordance with the decision of the PRB and the provisions of the Law on Public Procurement.

## 2. CA's argument for the award of the contract and its objection:

Regarding the decision of the Contracting Authority for the award of the contract to the Group of Economic Operators N.T. "Fer-Petroll"; MBB Construction SH.P.K., we consider that this decision is in direct contradiction with the findings and conclusions of the Contracting Authority itself evidenced during the evaluation procedure.

From the official documentation issued by the Contracting Authority (standard letter B42 for the eliminated tenderer) it results that for the same Economic Operator the CA has concluded that its offer is administratively irresponsible, since the EO has failed to prove the fulfillment of the requirements of the Tender Dossier regarding similar experience. Specifically, according to the Contracting Authority's own findings, the economic operator has failed to prove completed contracts of the same nature at the minimum value required according to the Tender Dossier, where from the list of contracts submitted only contracts with a total value of around €284,710 were accepted, which is significantly lower than the minimum requirement of €800,000, clearly stating that the EO does not meet this important criterion of technical and professional capacity.

In these circumstances, it is legally incomprehensible that the same Economic Operator, which according to the Contracting Authority's own findings does not meet the requirements of the Tender Dossier and has been classified as administratively irresponsible, is recommended for awarding the contract. Such an action creates a clear contradiction between the Contracting Authority's factual findings and the final decision on awarding the contract, making the final decision unfounded and legally unsustainable.

Moreover, the Contracting Authority's decision is also unjustified from an economic perspective. The offer of the Group of Economic Operators NBT-ING SH.P.K. & Agim Trolli B.I. is significantly more favorable for the Contracting Authority, with a value of 488,546.40 €, while the offer of the EO recommended for the contract is in the value of 518,765.00 €, i.e. around 30,000 € higher than our offer.

In accordance with the fundamental principles of the Law on Public Procurement, the Contracting Authority is obliged to ensure the most economical and efficient use of public funds and to award the contract to the most economically advantageous bid that meets all the requirements of the Tender Dossier. In this case, in addition to our bid being the lowest and most economical, the Contracting Authority itself has found that the recommended EO does not meet the criteria required in the Tender Dossier. Consequently, the decision to award the contract is

not only economically disadvantageous for the Contracting Authority, but is also legally unfounded.

For these reasons, based on the findings of the Contracting Authority itself and on the objective comparison of the bids, we consider that the decision to award the contract to EO N.T. "Fer-Petroll"; MBB Construction SH.P.K. was taken in violation of the requirements of the Tender Dossier and the principles of the Public Procurement Law, and as such should be canceled and a fair and complete re-evaluation of the bids should be carried out.

From the official documentation issued by the Contracting Authority it clearly results that the recommended economic operator has failed to prove the fulfillment of the requirements of the Tender Dossier regarding similar experience, while the offer of the Group of Economic Operators NBT-ING SH.P.K. & Agim Trolli B.I. is economically more favorable and meets the requirements set out in the Tender Dossier. In these circumstances, the decision to award the contract is not in accordance with the principles of transparency, equal treatment and economic use of public funds, set out in the Law on Public Procurement. Therefore, we request the Procurement Review Body, within its legal competences: to accept this complaint as grounded; to annul the decision to award the contract; and

to conduct a full re-evaluation of the bids in accordance with the requirements of the Tender Dossier and the provisions of the Public Procurement Law.

In this procurement activity, the examination, evaluation and comparison of tenders was not carried out in accordance with Article 59 of the LPP, because our offer is responsive and meets all the requirements of the FTD and the contract notice.

Response to the request for review:

Response to the complaint claims of the EO "Group of Economic Operators NBT-ING SH.P.K. & AGIM TROLLI B.I., Kosova"

The Economic Operator in the request for review has not provided sufficient facts or arguments to show why the following articles have been violated: Article 1 of the LPP / Purpose, Article 6 of the LPP / Economy and Efficiency, Article 7 of the LPP / Equality in Training / Non-Discrimination, Article 59 of the LPP / Examination, Evaluation and Comparison of Tenders, Article 60 of the LPP / Contract Award Criteria, Article 61 of the LPP, Article 64 of the LPP / Evidence of the Requests, Article 66 of the LPP, Article 69 of the LPP, Article 72 of the LPP / Documentation and Additional Information, REGULATION NO.002/2024 ON SUPPLEMENTATION AND AMENDMENT OF REGULATION NO.001/2022 ON PROCUREMENT PUBLIC, Article 25 of Regulation No. 001/2022 on Public Procurement, Articles 40, 41, 60, 64 of Regulation No. 001/2022 on Public Procurement and Article 10 of Guidelines No. 001/2023 on Public Procurement (as amended by 002/2024).

However, the EO has appealed only the reasons for elimination and the points of recommendation for the contract, for which the Contracting Authority (CA) below provides a response for each point of the appeal on the facts and arguments that prove that the CA has not in any circumstances violated any article of the LPP or the Regulation on Public Procurement.

The re-evaluation commission, in full compliance with Article 59 of the LPP and Article 40 of the Public Procurement Regulation, has examined, evaluated and compared the tenders of the NBT-ING Group of Operators SH.P.K. & AGIM TROLLI B.I. Group.

The CA, based on the Regulation and Operational Guidelines for Public Procurement, Article 30 / Tender Validity, paragraph 4, has requested the extension of the validity and security of the tender for a period of 90 days for validity and 120 days for tender security. On 29.12.2025, the CA has uploaded the request for extension of validity and security of the tender into the system. The EO has not extended the validity of the bid and the security of the tender.

The CA announces, based on Article 30.6 of the REGULATION NO.002/2024 ON SUPPLEMENTATION AND AMENDMENT OF THE REGULATION NO.001/2022 ON PUBLIC PROCUREMENT, that the Group of Operators NBT-ING SH.P.K. & AGIM TROLLI B.I., in the re-evaluation phase, was not a party to the interest, because at the time the activity was re-evaluated, their offer was not valid and there was no tender security. According to Article 30.6, it is open to each EO to decide whether to extend the validity of the tender, and operators who decide not to extend the validity of their tenders will be rejected as "irresponsible", without any confiscation of their tender security. Therefore, this claim is unfounded.

The complaint allegation that the Group of Operators N.T. "Fer-Petroll"; MBB Construction SH.P.K. was recommended for a contract by the CA in violation of the LPP is unfounded. The CA clarifies that this point is not true, since according to the decision of the PRB no. 2025/1200, dated 16.02.2026, the EO was considered responsible for the points for which it was eliminated by the CA. Therefore, this claim is also unfounded.

Based on all the arguments mentioned above, the request for reconsideration of the EO is rejected, since the complaint claims are unfounded. The Kosova Police, in accordance with Article 108/A, paragraph 10.1, rejects the proposed request for review as unfounded.

Based on Article 111 paragraph 5 in connection with Articles 113 and 114 of the LPP, the Procurement Review Body on 27.03.2026 authorized the review expert to conduct the initial review of the file and claims according to the complaint with no. 2026/0178, while on 02.04.2026 the review expert's report with no. 2026/0178 was submitted, with the following recommendations: Based on the above-mentioned clarifications, the technical review expert proposes to the review panel that the complaint of the complaining EO is rejected as unfounded and the decision of the CA remains in force.

The expertise report has been duly accepted by all procedural parties. The CA responded to the recommendation of the review expert's report, and the EO did not agree with the review expert's report.

The review panel assessed that the conditions were 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 review expert's report provide sufficient data to decide on the merits of the case.

-Administration and evaluation of evidence -

In order to correctly 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 EO "NBT -ING" SH.P.K, the review expert through report no. 2026/0178 has assessed as follows:

The Contracting Authority Kosovo Police, during this procurement activity, has implemented an open procedure, type of contract work. Estimated value 664,033.85 €. Contract Award Criteria Responsive Tender with the Lowest Price.

Introductory clarification: The complaining claims are against the contract award notice, specifically against the bid of the group of economic operators recommended for the contract N.T. "Fer-Petroll; MBB Construction" Shpk.

This procurement procedure has previously been the subject of review by the PRB because the CA had canceled this procurement procedure, while now the winning EO N.T. "Fer-Petroll; MBB Construction" Shpk. had filed a complaint against the decision of the CA to cancel this procurement activity. After receiving the complaint in the PRB, the complaint was handled by the preliminary review expert, who issued an expertise report with No. 2025/1200. Also, the Review Panel judged with Decision No. PSH. No. 2025/1200, dated 16.02.2026, approving as grounded the complaint of the EO now recommended for contract N.T. "Fer-Petroll; MBB Construction" Sh.p.k., and canceled the notification on the decision of the CA, and returned the case for re-evaluation.

After the administration and review of the case files against the complaint claims, we clarify that the complaining economic operator GOE "NBT-ING" shpk& Agim Trolli B.I." claims that the CA has acted in violation of Article 1, 6, 7, 59, 60, 61, 64, 66, 69 and 72 of the LPP, as well as Article 25, 40, 41, 60 and 64 of the Regulation No. 001/2022 on Public Procurement, as well as Article 10 of Guidelines No. 001/2023 on Public Procurement. The complaint claims raised by the complaining economic operator have been reviewed by the review expert based on the case files and provides the following responses.

Complaint claim 1: According to B42 "Standard letter for eliminated tenderers" dated 05.03.2026, the complaining EO "NBT-ING" shpk & Agim Trolli B.I.", has been eliminated with the following justification: "The EO group is irresponsible as it has not extended the validity of the bid and provided the security as requested by the CA dated 29.12.2025."

Complaining EO "NBT-ING" shpk& Agim

Trolli B.I. opposes the elimination by the CA on the grounds that this procedure has been turned into a re-evaluation by decision of the Procurement Review Body (PRB), in which case the Contracting Authority was obliged to make a full and objective re-evaluation of the offers. In this situation, the elimination of the economic operator only on the basis of an earlier procedural element, without a real re-evaluation of the offer and without taking into account the current circumstances of the procedure, is not in accordance with the purpose and legal effect of the PRB

decision. Furthermore, the complaining EO claims that it is ready and able to extend the validity of the offer and the offer security according to the duration requested by the Contracting Authority, and within the framework of this request for review it will also submit the respective extension of the validity of the offer and the security. This clearly proves that our offer remains valid and guaranteed according to the requirements of the tender dossier. The complaining EO adds that the purpose of the request for validity of the bid and security is not the formal elimination of economic operators when they are able to ensure their continuation, but the guarantee that the bid remains valid during the procurement procedure. In this case, since the EO has made and is presenting the continuation of the validity of the bid and security according to the request of the CA, the reason for the elimination does not stand and as such should be reconsidered.

Response to Complaining claim 1: Based on the case files, which are uploaded to the e-procurement platform for this procurement activity, the review expert explains that the CA on 29.12.2025, addressed the economic operators with a request for the extension of the validity of the bids for a period of 90 days, as well as the extension of the tender security for 120 days from the date of expiry of the tender security. Also, the CA requested that the confirmation for the extension of the validity and security of the bid be submitted through the electronic platform within the deadline, specifically until 31.12.2025, 16:00. The review expert explains that based on the case files on the electronic procurement platform, the complaining EO “NBT-ING” shpk& Agim Trolli B.I.”, did not respond to the request of the CA, therefore did not submit the confirmation for the extension of the validity of the bid and the provision of the tender within the deadline set by the CA. It is worth emphasizing that five (5) economic operators participated in this procurement activity, where four (4) of them, including the now complaining EO, did not respond to the request of the CA dated 29.12.2025 for the extension of the validity of the bid and the provision of the tender. As a result of the non-response of the economic operators, the CA assessed them as “irresponsible” bids in accordance with Article 30 paragraph 6 of Regulation no. 001/2022 on Public Procurement.

The review expert assesses that since the CA has addressed the economic operators with a request for the extension of the validity of the bids and the extension of the tender security period, it has fulfilled the legal requirement as stipulated in Regulation No. 001/2022 on Public Procurement, Article 30, paragraph 4, which stipulates that the CA shall request the Economic Operators to extend the validity of their tenders. Furthermore, Article 30, paragraph 6 of this Regulation stipulates that economic operators who refuse or do not respond to the extension of the validity of the bid are considered “irresponsible”. Based on the provisions mentioned above, the failure to extend the validity and security of the tender by the economic operators results in rejection from the procedure as an “irresponsible” bid. Therefore, the complaint claim is unfounded.

Complaint claim 2: Complaining EO “NBT-ING” shpk& Agim Trolli B.I.” claims that the decision of the CA, for awarding the contract of GOE N.T. “Fer-Petroll; MBB Construction” Sh.pk. is in contradiction with the findings and conclusions of the contracting authority itself, since its offer has been declared administratively irresponsible and for the same it has been found

that it fails to prove the fulfillment of the DT requirements in relation to similar experience. Furthermore, the complaining EO emphasizes that it is legally incomprehensible that the same Economic Operator, which according to the contracting authority's own findings does not fulfill the requirements of the tender dossier and has been deemed administratively irresponsible, is recommended for award with a contract. Such an action creates a clear contradiction between the factual findings of the contracting authority and the final decision on the award of the contract, making the latter decision unfounded and legally unsustainable. Moreover, even in economic terms, the decision of the contracting authority is unjustified. The offer of the group of economic operators NBT-ING Sh.P.K. & Agim Trolli B.I. is clearly most favorable for the Contracting Authority, with a value of 488,546.40 €, while the offer of the EO recommended for contract is worth 518,765.00 €, i.e. around 30,000 € higher than our offer.

Response to complaining claim 2: The review expert explains that for this procurement procedure, a decision was issued with no. PSH. no. 2025/1200, dated 16.02.2026, where the complaint of the EO N.T. "Fer-Petroll; MBB Construction" Sh.p.k. was approved as grounded, the decision of the CA to cancel the procurement procedure was canceled, and the case was returned for re-evaluation. Since the complaint was approved as grounded, it is understood that the complaint claims of the complainant, now the EO recommended for the contract, were treated as grounded complaint claims, where among the claims was also the issue of similar experience, which the complaining EO disputes. After issuing the PRB decision, and returning the case for re-evaluation, and based on the case files, specifically the "Tender Evaluation Report.pdf" dated 06.03.2026 14:20 "the offer of GOE N.T."Fer-Petroll; MBB Construction" Sh.p.k., was declared a responsive offer and was recommended for contract. Therefore, for the assessment of the review expert, the CA implemented the decision PSH.nr.2025/1200, dated 16.02.2026.

Regarding the point of complaint of the complaining EO that emphasizes that their offer is significantly more favorable for the Contracting Authority, with a value of 488,546.40€, while the offer of the EO recommended for the contract is in the value of 518,765.00€, i.e. around 30,000€, higher than our offer, the review expert assesses that since the complaining EO has not extended the validity of the offer and extended the tender security, their offer is rejected as "irresponsible" in accordance with Article 30.4 of the Regulation. Therefore, the complaining claim is unfounded.

Based on what was described above, I recommend that the complaint of the complaining EO be rejected as unfounded for the reasons given in the responses to the complaining claims. Therefore, our recommendation is that the Contracting Authority maintain in force the decision notice dated 06.03.2026.

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 complaining claims are partially founded. Based on the factual situation ascertained as above, the Review Panel has given full credence to the findings and recommendations in the report of the review expert. Consequently, the Review Panel has found that the claims of the complaining economic operator are unfounded.

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 complaint claims, taking into account all the case files and the expert's recommendations, has found that the complaint of the Economic Operator should be rejected as unfounded. Consequently, the Review Panel has decided to remain in force the notification on the award decision of the Contracting Authority KOSOVO POLICE, regarding the procurement activity "CONSTRUCTION AND RENOVATION OF THE RAHOVEC POLICE STATION", with procurement number 214-25-6778-5-1-1.

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 5 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 – **NBT -ING" SH.P.K.;**  
1x1 Archive of the PRB