



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

Psh. No.0261/25

The Review Panel, appointed by the Acting President of the Procurement Review Body (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 amended by Law 05/L-092) composed of Batisha Ibrahim –President, Kimete Gashi Brajshori – member and Vedat Poterqoi –member, deciding upon the complaint of the Economic Operator (EO) “PI ER TECHNICAL Kft Branch in Kosova, against the Decision to cancel the procurement procedure regarding the procurement activity “Supply of civilian clothes for police officers” with procurement number 214-24-13303-1-1-1, initiated by the contracting authority (CA) - Kosova Police, on the 18.06.2025, has issued this:

DECISION

1. Approved, as partly grounded the complaint of EO “PI ER TECHNICAL Kft Branch in Kosova, with no. 2025/0261, dated 11.04.2025, regarding the procurement activity “Supply of civilian clothes for police officers” with procurement number 214-24-13303-1-1-1, initiated by the contracting authority (CA) - Kosova Police.
2. Remains in force, B58 Notice on the Decision of the Contracting Authority - Kosova Police for the procurement activity "Supply of civilian clothes for police officers", with procurement number 214-24-13303-1-1-1.
3. Since the complaint of the complaining EO is approved as partially grounded, the complaining EO is obliged to, in accordance with Article 31, point 6 of the Rules of Procedure of the PRB, within a period of sixty (60) days, make a request for the return of the complaint security, otherwise the deposit will be confiscated, and these funds will go to the Budget of the Republic of Kosova.

REASONING

-Procedural facts and circumstances -

On the 30.12.2024, the Kosova Police, acting in the capacity of the Contracting Authority, has submitted the Contract Notice for the procurement activity “Supply of civilian clothes for police officers”, with procurement number 214-24-13303-1-1-1.

On the 27.03.2025, the Kosovo Police has published B58 Notice on the decision to cancel the activity.

On the 01.04.2025, the EO PI ER TECHNICAL Kft Branch in Kosovo has submitted a request for review, which was rejected as unfounded by the Decision of the CA dated 03.04.2025.

On the 11.04.2025, EO PI ER TECHNICAL Kft Branch in Kosova, filed a complaint with the PRB, which was recorded with protocol number 2025/0261, challenging the Contract Notice.

-On the preliminary review phase -

The PRB has found that the complaint contains all the elements set out 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 the resolution of disputes in the sense of Article 108/A of the LPP, by the economic operator who is an interested party according to Article 4 paragraph 1 sub-paragraph 26 of the LPP. In this way, the Review Panel 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 “PI ER TECHNICAL Kft Branch in Kosova are presented as follows:

On 27.03.2025, through the electronic e-procurement platform, we were notified of the decision of the CA where the procurement activity was canceled, while we were declared as an eliminated tenderer with the following justification:

The reasons of the contracting authority for our elimination are untenable for the following facts: Regarding the reason that for items 1, 2 and 4 the a-tests for the non-wrinkle material were not submitted, we clarify that the samples submitted by us were produced and tested according to the technical specifications.

During the uploading of the documents and submission of the offer, a technical error occurred on our part, where the latest anti-wrinkle or non-wrinkle material tests were not attached.

However, despite this technical omission on our part, the contracting authority, in accordance with the provisions of Article 59.2 and 72, could have requested additional clarifications regarding the lack of these tests, but it did not do so, despite the fact that we were the only EO bidding in this procurement activity.

Article 59.2 clearly specifies the following: 2. The contracting authority may, in writing, request a tenderer to provide a written clarification on any aspect of its tender, in order to enable the

examination, evaluation or comparison of tenders. No material changes to any aspect of the tender shall be requested or accepted by the contracting authority or offered by a tenderer.

For the sake of correctness and in order to verify the factual situation, that the samples submitted by us are tested against wrinkling, we are attaching the a-tests issued by the accredited laboratory, which a-tests were issued before the date of opening the bids. In this case, the same a-tests are in accordance with paragraph 3 of article 72 of the LPP, which clearly states “3. The provision of missing information or the provision of information shall only apply to documents whose existence is established, before the expiry of the deadline for the submission of tenders, and can be objectively verified”.

Based on the above provisions, it is clearly understood that the contracting authority has acted in contravention of the same since it has not requested clarifications from us regarding the lack of testing for the non-wrinkle material.

For your clarification, as you know, except for the shirt and tie, all other products contain a large percentage of wool. Since the previous tender, the CA has changed the specifications only for trousers for police officers/investigators, increasing the % of wool material from 70-75% to 90-97% wool, we have tested and submitted the anti-wrinkle test. From a simple logic it should be understood that if trousers with a wool content of 90-97% are anti-wrinkle, the same should be understood for the suit for police officers/investigators and the coat for police officers, since all these products have the same material content (on the contrary, the % of wool material is smaller and the % of polyester is larger in the samples contested by the CA) and the only difference is in the trousers, where the CA has made the aforementioned change.

To make the above statement clearer, we would like to clarify that in addition to wool, which falls into the category of natural materials, polyester is a synthetic material that is produced in a laboratory and in general all synthetic materials such as polyester, nylon, elastane, etc., are materials that require less ironing due to their chemical composition, so they are themselves considered anti-wrinkle materials, as they wrinkle less and require less ironing (see elaboration below):

<https://www.sahnifabrics.com/blogs/news/different-types-of-synthetic-fabrics?srltid=AfmBOor3JktZ5IP2TmUGhwAhm3fWxs8JjBRZu5tmXiyJ-A9uAlQofaD>

From these facts it is concluded that any garment produced which contains polyester material is considered anti-wrinkle. In our case we reiterate that products such as the floor, the set and the trousers have the same material according to the tender dossier, that is; wool and polyester material, but the only difference is that in the trousers the CA from the last time has changed the % of wool material from 70-75% to 90-97% wool and 25-30% to 3-10% polyester. Of course, we have conducted a separate test for the pants since the CA had changed the % of the material, in this case it can logically be understood that if all the products in question have the same material composition, weight, color, etc., but the only difference lies in the pants and that in the % of the wool material, and since the pants are anti-wrinkle, then the same should be understood for the other products - the submitted samples, since the material is the same.

With the request for review, we are attaching the test reports for the wrinkle-free material in Chinese and the same translated reports can also be found in English.

At the same time, with this request for review for each of the test reports, we are also attaching the evidence from the internet which appears to you when you scan the scan code from the test reports, which clearly states that the material and products have been tested for anti-wrinkle. (You can find the same on the last pages of each test report).

As an illustration, when the anti-wrinkle test is scanned on the (accredited) laboratory platform, these results appear, where it is clearly seen that the material used to produce the samples has been treated and tested for anti-wrinkle, for more see the illustration:

Online result after scanning: Attached you will find the evidence in the expert report.

Also, for your information, the normal results of anti-wrinkle tests are from 3.0-

3.9 (see the photo below), while our test results which you find on the second pages of the reports which we are attaching below are 4-4.5, which means that in addition to the fact that we have tested the submitted samples for anti-wrinkle, at the same time the same results are higher than the normal tests that are usually done in the textile industry, namely our results are almost at the last level of anti-wrinkle results.

(Attached you will find the AATCC TM124-2018t study regarding test methods and test scales).

The suit and jacket: Attached you will find the evidence in the expert report.

Shirt: Attached you will find the evidence in the expert report.

Tie: Attached you will find the evidence in the expert report.

The evidence that we are attaching clearly proves that all samples submitted to the CA were produced in accordance with the tender dossier requirement and that the material for the production of the samples was treated/tested for anti-wrinkle and this is proven by the laboratory tests which have confirmed in writing to the CA the authenticity of the tests and that the same are published online and that they were tested before the tender opening deadline.

For more information, please see the attachments for the tests and their translations.

We kindly request that this request for reconsideration be considered fairly and that the samples and documentation submitted by us be properly verified, because as we emphasized above, the samples submitted are the only samples that have been tested in the laboratory and the contracting authority has not had the opportunity to request clarification regarding the lack of tests for the anti-wrinkle material, despite the provisions of the LPP.

We request that our complaint be reconsidered as soon as possible, in order to be part of this important activity.

Response to the request for review:

Response to the complaint claims of the EO PI ER TECHNICAL Kft Branch in Kosovo

The CA has not violated Article 1 “Purpose of the LPP”, since the contracting authority has fully respected the purpose of this law, which is to ensure more efficient, more transparent and fair management of the use of public funds, public resources and all other funds and resources of contracting authorities in Kosova, as well as to ensure integrity and accountability of the responsible officials, transparency and non-discrimination. The CA has published the contract notice and the tender dossier with an open procedure, not setting any criteria or specificity that would have prevented the application of any EO.

The CA has not violated Article 7 “Equality of Treatment”/No of the LPP, as all EOs have been treated equally according to the requirements in the tender dossier and contract notice and the technical specifications. Also, the CA has not discriminated or favored any EO through this procedure. The CA has drafted the technical specifications which are in accordance with the LPP and do not have any restrictions or favoritism, and your offer and samples have been treated in full accordance with the requirements of the dossier and the technical specifications.

The CA has not violated Article 59 “Examination, Evaluation and Comparison of Tenders” and Article 40 of Regulation 001/2022. The CA has fully complied with Article 59 of the LPP after having evaluated, examined and compared the bid in full compliance with the LPP and the criteria set out in the tender dossier. The tender dossier required: c) Laboratory certificates — The Economic Operator must provide laboratory certificates for each item according to the drafted technical specifications (certificates for the composition of the material, must have color stability so as not to be altered, the material that does not wrinkle, must have sewing stability). The EO has submitted the following certificates for this point: certificate number 039T/25 dated 28.02.2025 from the MAKKONTROL laboratory, certificate number 2024-08EC060692G dated 28.06.2024 issued by the Chongqing Metrological Quality Testing Institute, certificate number 2024-08EC060690 dated 28.06.2024 issued by the Chongqing Metrological Quality Testing Institute, and certificate number 2024-08EC060837 dated 28.06.2024 issued by the Chongqing Metrological Quality Testing Institute. Only in the first certificate do you have a testing parameter related to the material that does not wrinkle, while in the other three certificates there is no testing parameter.

In the request for reconsideration, you have submitted other certificates with different numbers and dates, which in no way can be accepted, since these are not clarifications but new documentation, which contradicts the LPP, because these certificates constitute a material change.

The CA has not violated Article 60 “Contract Award Criteria”. The CA, in accordance with the LPP, has determined the criterion for awarding the contract, which was the responsible offer with the cheapest price. You have not met this criterion since you are an irresponsible bidder in the administrative and technical aspects.

The CA has not violated Article 62 “End of Procurement Activity” and Article 43 of Regulation

001/2022. The CA in full compliance with Article 62 has cancelled the procurement activity since we did not have any responsive offer according to the requirements and plans of the CA. The offer submitted by you was irresponsible in the administrative and technical aspect.

The CA has not violated Article 69 “Technical and/or Professional Ability”. In the tender dossier and the contract notice, the CA has set out the requirements regarding technical and professional ability, and among the requirements were laboratory certificates, where a certificate for non-wrinkled materials was requested, which you did not have in your offer.

The CA has not violated Article 72 “Documentation and Additional Information”. The CA did not request clarifications as there was no fact that could indicate the existence of any document or certificate that could be accepted or treated by the commission. In the request for reconsideration, you have presented several certificates that are completely new documentation and therefore constitute a material change, which the law does not allow.

Kosova Police, in accordance with Article 108/A, paragraph 10.1, rejects your request for review as unfounded.

Based on the actions described above, the PRB has appointed the Review Panel pursuant to Article 111, paragraph 5 (ii) of the LPP and has engaged the review expert pursuant to Article 111, paragraph 5 (i) of the LPP, with the task of conducting the initial review of the file and the complaint claims, regarding this procurement activity, in accordance with Article 113 and 114 of the LPP in connection with Article 17 and 19 of the cited Regulation. In this regard, on 30.04.2025, the review expert submitted the Evaluation Report with recommendations which are described as follows:

The complaint is rejected as unfounded,

The decision of the CA remains in force.

The Panel previously found 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. The Complainant did not agree with the cited report while the CA agreed with the expert report. In addition, it is found that the parties are mutually informed regarding the documents of this case (from the electronic procurement platform) in accordance with paragraph 2, Article 20 of this Regulation, therefore there are conditions for the Panel to decide on the merits regarding the complaint.

The review panel has assessed that the conditions have been met to decide on this case without a hearing session 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 report of the review expert 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 PI ER TECHNICAL Kft Branch in Kosovo, the review expert/technical expert through report no. 2025/0261 has assessed as follows:

Considering the complaint submitted to the PRB of the Economic Operator PI ER TECHNICAL Kft Branch in Kosovo participating in the procurement activity SUPPLY OF CIVIL CLOTHES FOR POLICE OFFICERS with procurement number 214-24-13303-1-1-1, initiated by the Contracting Authority – KOSOVA POLICE -

In the capacity of technical expert for the review of complaint claims and verification of samples, on 29.4.2025 at 14:00, a technical verification of samples was carried out at the Contracting Authority and according to the complaint claims and the mandatory technical specifications in Annex 1 as follows:

Technical specifications verified by technical experts according to the complaint claims

1. SPECIFICATIONS FOR SHIRTS FOR POLICE OFFICERS/INVESTIGATORS

Point 3 from the CA is required: Material that withstands ironing and does not wrinkle

Technical specifications verified by samples

The technical expert explains that in point 3 during the verification of the chemical - The material does not withstand ironing and wrinkles very easily right there.

2. SPECIFICATIONS FOR SUITS FOR POLICE OFFICERS/INVESTIGATORS

Point 3 from the CA is required: The suit should not be the same as the suit but should be more uniform (illustrated as in the photo)

Point 5 The inner material (lining) should be a color that matches the color of the suit and does not wrinkle

Technical specifications verified by samples

The technical expert explains that: Point 3 The suit is almost the same as the suit and is no longer everyday (illustrated as in the photo), Point 5 The inner material (lining) is one color and matches the color of the suit but

The wrinkles appear less and are less visible here and there.

3. SPECIFICATIONS FOR ELEGANT CLOTHES (FLOOR) FOR POLICE OFFICERS

Point 7 is required by the CA: To be made of a material that can withstand ironing and does not wrinkle

Technical specifications verified by samples

The technical expert explains that: Point 7 The wrinkles appear less and are less visible here and there.

4. SPECIFICATIONS FOR TROUSERS FOR POLICE OFFICERS/INVESTIGATORS

Point 3 is required by the CA: Material that does not wrinkle, must be everyday and not solemn like the suit

Technical specifications verified by samples

The technical expert explains that: Point 3 Wrinkles appear less and are much easier to remove, they have very little difference from formal trousers.

Based on the complaint claims and comparing according to the required specifications in general these technical verifications of the samples have been made and are not correct here and there according to the specifications.

The reviewing expert explains that the answers to the complaint claims were given by the professional technical expert.

-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 the technical expert and his opinions are acceptable, referring also to the samples submitted by the complaining EO, which the technical expert has examined at the CA, also providing photos as evidence, and that the Review Panel rightly considered his Report when making the decision.

In the specific case, from the report of the review expert and the technical expert, the evidence presented by the economic operator, the Review Panel approves the complaint of the EO as partially grounded, based on the documents of the tender dossier as well as other evidence of the case. The complaining EO has brought the certificates requested by TD, but which are insufficient to prove that the offered material cannot be wrinkled. This is confirmed by the technical expert, but can also be seen in the photos documented in the expertise report, which the complainant also accepts in his/her response to the expertise report, which cites: *For clarification, we inform you that there is no material in the textile industry that never wrinkles and the technical expert knows this very well", he also quotes: "the expert's report was issued after almost 2 months, where the products we bid with have remained with the CA during that time and it is normal that wrinkles will appear on the products"*. The material's wrinkling is also acknowledged by the complainant, who should have clarified with the CA before bidding, during the tendering phase, that there is no material in the textile industry that does not wrinkle. Therefore, based on the factual situation established above, the Review Panel has given credence to the findings and recommendations in the report of the review and technical expert.

Consequently, the Review Panel has decided to remain in force B58Notification of the Decision of the Contracting Authority Kosovo Police, regarding the procurement activity “Supply of civilian clothes for police officers”, with procurement number 214-24-13303-1-1-1.

The Review Panel has decided in accordance with the legal competences within the meaning of Article 104, paragraph 1 in conjunction with Article 103, Article 105 and Article 117 of the LPP to implement 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, which 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 connection with Article 29 of the PRB's Rules of Procedure.

For point III of the decision, it was decided based on Article 31, paragraphs 4 and 6 of the PRB's Rules of Procedure in connection with Article 118 of the LPP.

From what was said above, it was decided as in the provision of this decision.

President of the Review Panel

Mrs. Batisha Ibrahim

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**;
1x1EO–**“PI ER TECHNICAL Kft Branch in Kosova**;
1x1 Archive of the PRB;