



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

Psh. no.578/23

Pursuant to the article 105 point 1 and 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 EO Grandelite L.L.C., related to the procurement activity with title: “Construction of the Isa Boletini economic secondary school”, with procurement no: 615-23-3422-5-1 -1, initiated by the Contracting authority – Municipal Assembly of Podujeva, President of the Procurement Review Body Vjosa Gradinaj Mexhuani on the 24.08.2023 has issued this:

DECISION

- 1. It is dismissed as not allowed**, the complaint of the “Grandelite L.L.C, with protocol no.0578/2023, for the procurement activity: “Construction of the Isa Boletini economic secondary school”, with procurement no: 615-23-3422-5-1 -1, initiated by the Contracting authority – Municipal Assembly of Podujeva.
- 2.** The contracting authority-MUNICIPALITY OF PODUJEVA is not allowed to continue with the procurement activity “Construction of Isa Boletini Economic High School”, with procurement number 615-23-3422-5-1-1, because related to this activity, the Complaint (Protocol No. 581/2023) was also received, which is in the PRB review procedure.

REASONING

- Procedural facts and circumstances-

The Procurement Review Body in the e-procurement electronic system dated 08/14/2023, in the complaint's section, has received a complaint from EO "Grandelite L.L.C.", for the procurement activity with "Construction of the Isa Boletini Economic High School". with procurement number 615-23-3422-5-1-1, initiated by the MUNICIPALITY OF PODUJEVA in the capacity of contracting authority (CA).

- Evaluation and administration of evidence-

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 said complaint did not provide the evidence as required by point 10 paragraph 1 of article 111 of the LPP .

Based on the fact that the EO did not attach the bank's confirmation of the fee to the above-mentioned complaint, the office for receiving complaints through the e-procurement system returned the complaint for completion to the EO-Complainant according to the electronic system, and also on the 18.08.2023 via email notified the EO as above that the same did not attach the Complaint's deposit insurance form, clarifying that it must be re-sent complete with bank confirmation for the said complaint's fee. at the same time, it was announced that if he does not act according to the instructions of the PRB, his complaint will be dismissed as not allowed.

However, despite this announcement and clarification from PRB, the Complainant did not complete his complaint with the security deposit fee of the said complaint. However, through the email dated 22/08/2023, has notified the PRB with the following reasoning "due to delays in the execution of payments by the municipalities where we have projects, we do not have the opportunity to complete the payment fee, for such a thing we as a company feel in a very bad position and we apologize, above all we are being denied the possibility of a complaint because

we have submitted the tenders and have fulfilled the conditions, but due to the bias of the CA of M. Of Podujeva we have been eliminated from the tenders”.

From the evidence presented, it is estimated that the complaint submitted by EO "Grandelite L.L.C.", dated: 14/08/2023 (protocol 578/2023) for the procurement activity entitled “Construction of the Isa Boletini Economic High School”, with number procurement 615-23-3422-5-1-1, initiated by the contracting authority (CA) - MUNICIPALITY OF PODUJEVA is considered incomplete because the complainant has not deposited the insurance fee of his complaint as required in point 10 paragraph 1 of the article 111 of the LPP related to article 118 of the LPP. Therefore, the review procedure of this complaint ends at this stage, discarding it as incomplete because this complaint does not meet the conditions to proceed further as per the aforementioned legal provisions.

The PRB clarifies that it is considering another Complaint (Protocol No. 581/2023) related to this activity, therefore, the CA is prohibited from lifting the suspension related to this activity, until PRB notifies for the specific case.

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 Mexhuani

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 Podujeva;

1x1 EO – “Grandelite” L.L.C;

1x1 Archive of the PRB;

1x1 For publication on the website of the PRB.