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

Psh. No.800/26

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 reviewing the complaint of the Economic Operator (EO) ""NEWCO GRATIS L.L.C." against the decision of the Contracting Authority (CA) regarding the procurement activity: "Maintenance – cleaning of the facilities of the Municipality of Prizren," with procurement number 622-26-6153-2-1-1, initiated by the Contracting Authority (CA) – Municipality of Prizren, Head of the Secretariat of the PRB, on the 29.10.2026 has issued this:

DECISION

I. Refused as incomplete, complaint of EO "The complaint from the Economic Operator (EO) "Newco Gratis L.L.C.", bearing protocol number 2026/0800 and dated 15.10.2026, submitted regarding the procurement activity: "Maintenance – cleaning of the facilities of the Municipality of Prizren," with procurement number 622-26-6153-2-1-1, initiated by the Contracting Authority (CA) – the Municipality of Prizren.

II. Allowed, the contracting authority - The Municipality of Prizren shall proceed with the procurement activity as set out in point I of the provision, in relation to this complaint, provided there are no other complaints regarding this procurement activity.

III. The economic operator has not submitted bank evidence of payment (has not made the payment) as stipulated in paragraph 2 of Article 69 of the Public Procurement Regulation 001/2022, as well as Article 118 of the Law on Public Procurement (LPP).

REASONING

-Procedural facts and circumstances –

On October 15, 2026, the Procurement Review Body (PRB) received, via the electronic system, complaint No. 2026/0800 (protocol number) from the Economic Operator "NEWCO GRATIS L.L.C." regarding the procurement activity titled: "Maintenance – cleaning of the facilities of the Municipality of Prizren," with procurement number 622-26-6153-2-1-1, initiated by the Contracting Authority (CA) – the Municipality of Prizren.

Based on the evidence examined, the PRB finds that on July 28, 2026, the Municipality of Prizren, in its capacity as the Contracting Authority, published the Contract Notice (B05).

On October 6, 2026, the economic operator "NEWCO GRATIS L.L.C." submitted a request for reconsideration to the CA, which the CA rejected on October 8, 2026.

-Evaluation and administration of evidence -

Following a review and analysis of all documentation pertaining to this procurement procedure by the PRB (Public Procurement Review Body) intake office, it was determined that the complaining economic operator failed to submit bank evidence of payment (i.e., did not effect payment), as required by Article 69, paragraph 2, of the Public Procurement Regulation 001/2022, as well as Article 118 of the Law on Public Procurement (LPP).

On October 16, 2026, the PRB—via its official email—requested that the complaining economic operator submit evidence (bank verification) of the payment within the statutory deadline, with the caveat that failure to make the payment would result in the rejection of the complaint. Despite this notification sent by the PRB, the economic operator in question failed to respond to the PRB's request to complete the complaint—specifically, by failing to effect the payment within the statutory deadline.

The Procurement Review Body (PRB), having analyzed all the facts, clarifies that, pursuant to Article 111, paragraph 1.10 of the Law on Public Procurement, any interested party may submit a complaint to the PRB, provided that such complaint includes proof of payment of the complaint fee referred to in Article 118 of the same Law.

Furthermore, Article 118, paragraphs 1 and 2 of the Law on Public Procurement (LPP) state: "1. Complainants shall pay a complaint fee to the PRB, the amount of which shall be determined by the PPRC (Public Procurement Regulatory Commission) through secondary legislation. Proof of payment must be attached to the complaint itself, in accordance with Article 118 of this Law. Payment shall be made in cash or its equivalent into an account opened by the PRB, in compliance with the Financial Rules. 2. The PRB shall not accept a complaint if the fee has not been paid.

Therefore, based on the above, the PRB (Procurement Review Body) finds that the economic operator has submitted an incomplete complaint, contrary to the provisions of primary and secondary legislation and the PRB's Rules of Procedure—specifically Article 118, paragraphs 1 and 2 of the Law on Public Procurement (LPP), as well as Article 69, paragraph 2 of the Public Procurement Regulation. Consequently, pursuant to these provisions, the complaint filed by the economic operator "Newco Gratis L.L.C." is rejected as incomplete (and will not be reviewed). The contracting authority—the Municipality of Prizren—is permitted to proceed with the aforementioned procurement activity, provided that no other complaints have been filed regarding this procurement process.

The Head of the Secretariat, based on what was said above, decided as in the provision 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 – **MUNICIPAL ASSEMBLY OF PRIZREN;**
1x1 EO **– NEWCO GRATIS L.L.C;**
1x1 Archive of the PRB