



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

Psh. No.335/23

Pursuant to the article 105 point 1 and 2, article 108/A paragraph 3.1 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, article 60 par 1 under paragraph a) of the Public Procurement Regulation 001/2022, as well as article 17 paragraph 3 of the PRB Work Regulation no. 01/2020, with protocol number 83/2020 amended on 30.09.2020, after reviewing the complaint of the EO “Profesional Alarm L.L.C., submitted against the Contract Notice related to the procurement activity: “The installation of cameras to increase the level of security in Fushë Kosovë and in the villages”, with procurement no: 612-23- 3597-5-1-1, initiated by the Contracting authority –Municipality of Fushë Kosova, the President of the Procurement Review Body Vjosa Gradinaj Mexhuani, on the 13/06/2023 has issued this:

DECISION

Rejected as not allowed, the complaint of “Profesional Alarm L.L.C., with protocol no.2023/0355 of the 02/06/2023, filed regarding with the procurement activity: “The installation of cameras to increase the level of security in Fushë Kosovë and in the villages”, with procurement no: 612-23- 3597-5-1-1, initiated by the Contracting authority –Municipality of Fushë Kosova.

It is allowed the Contracting authority- Municipality of Fushë Kosova, to continue further with the procurement activity: “The installation of cameras to increase the level of security in Fushë Kosovë and in the villages”, with procurement no: 612-23- 3597-5-1-1, regarding this complaint, if there is no other complaint about this procurement activity.

In accordance with Article 31, point 4, of the Rules of Procedure of the PRB, the complaining economic operator will be refunded the complaint’s fee in the amount deposited when the complaint was submitted. 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 insurance of the complaint, 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 14.04.2023, Municipality of Fushë Kosova in the capacity of the Contracting Authority (CA) published the Contract Notice related to the procurement activity: “The installation of cameras to increase the level of security in Fushë Kosovë and in the villages”, with procurement no: 612-23- 3597-5-1-1. On the 19. 04. 2023 CA has published the Standard form for Error Correction.

The opening of offers was made on the 26.05.2023.

EO "Professional Alarm" L.L.C on the 20.05.2023 submitted a request for reconsideration. The decision of the CA related to the request for reconsideration was made on the 23.05.2023.

On the 02.06.2023, through the e-procurement system, PRB has accepted the complaint of EO "Professional Alarm" L.L.C with protocol number 2023/0335.

After receiving the complaint, the PRB has reviewed and analyzed all the documentation of the case and has concluded that the complaint of the complaining EO "Professional Alarm" L.L.C is inadmissible due to the fact that it was presented in violation of Article 60 par 1 point a) of the Rules and Operational Guidelines for Public Procurement 001/2022.

The request for reconsideration was submitted on the 20 of May 2023 at 18:00, whereas 20 of May 2023 was Saturday, so day 0 was counted as May 22, 2023. whereas, according to the TD, it appears that the opening of offers was planned for 26 of May 2023 bearing this in mind, PRB considers that the request for reconsideration was submitted four (4) days before the opening of bids, in violation of article 108/A of the LPP as well as article 60 par 1 point a) of Regulation 001/2022 where it says:

The request for reconsideration 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 reconsideration” within the following deadlines:

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

Taking into account the clarifications given above by the Legal Office, the President of PRB assesses that the complaint of the complaining EO is not allowed, therefore, in accordance with Article 117 of the LPP, she decided as in the provision of this decision.

President of the PRB

Vjosa Gradinaj

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 – Municipality of Fushë Kosova;

1x1 EO – “Profesional Alarm L.L.C.”;

1x1 Archive of the PRB;

1x1 For publication on the website of the PRB.