



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

Psh. no.595/2023

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 the EO “Master Services” SH.P.K, regarding with the procurement activity with title: “HYGIENE MAINTENANCE SERVICES OF FACILITIES, AND PHYSICAL SECURITY OF FACILITIES LOT 1 HYGIENE MAINTENANCE OF FACILITIES LOT 2 - PHYSICAL SECURITY OF FACILITIES”, with procurement no: 634-23-6808- 2-1-1, initiated by the Contracting authority – Municipal Assembly of Klina, The President of the Procurement Review Body Vjosa Gradinaj Mexhuani on the 29/08/2023 has issued this:

DECISION

1. **It is dismissed as not allowed**, the complaint of the “Master Services” SH.P.K., (with protocol no.595/2023) of the 18.08.2023, filed for the procurement activity: HYGIENE MAINTENANCE SERVICES OF FACILITIES, AND PHYSICAL SECURITY OF FACILITIES LOT 1 HYGIENE MAINTENANCE OF FACILITIES LOT 2 - PHYSICAL SECURITY OF FACILITIES”, with procurement no: 634-23-6808- 2-1-1, initiated by the Contracting authority – Municipal Assembly of Klina.
2. It is allowed to the contracting authority - MUNICIPAL ASSEMBLY OF KLINA to continue with the procurement activity “HYGIENE MAINTENANCE SERVICES OF FACILITIES, AND PHYSICAL SECURITY OF FACILITIES LOT 1 HYGIENE MAINTENANCE OF FACILITIES LOT 2 - PHYSICAL SECURITY OF FACILITIES”, with procurement no: 634-23-6808- 2-1-1, regarding with this complaint, if there is no other complaint for this procurement activity.

REASONING

- *Procedural facts and circumstances-*

The Procurement Review Body in the electronic e-procurement system dated 18/08/2023, has received a complaint from EO " Master Services" SH.P.K, for the procurement activity "HYGIENE MAINTENANCE SERVICES OF FACILITIES, AND PHYSICAL SECURITY OF FACILITIES LOT 1 HYGIENE MAINTENANCE OF FACILITIES LOT 2 - PHYSICAL SECURITY OF FACILITIES", with procurement no: 634-23-6808- 2-1-1, initiated by the Contracting authority – Municipal Assembly of Klina.

After receiving the complaint, the complaints office, during the preliminary 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 complainant did not attach the bank's confirmation of the fee to the above-mentioned complaint, the office for receiving complaints on the 23.08.2023 via email notified the complaining EO that he did not attach the form to the above-mentioned complaint to secure the Complaint's deposit, complete the complaint according to Article 111 of the LPP, otherwise the complaint is dismissed as inadmissible. However, despite this notification and the clarification of the PRB until 29.08.2023, the complaining EO has not completed the complaint according to the request of the institution.

From the evidence presented, it is estimated that the complaint submitted by EO "Master Services" SH.P.K, dated 18/08/2023 (protocol 595/2023), for the procurement activity entitled: "HYGIENE MAINTENANCE SERVICES OF FACILITIES, AND PHYSICAL SECURITY OF FACILITIES LOT 1 HYGIENE MAINTENANCE OF FACILITIES LOT 2 - PHYSICAL SECURITY OF FACILITIES", with procurement no: 634-23-6808- 2-1-1, initiated by the Contracting authority – Municipal Assembly of Klina, is considered incomplete because the complainant has not deposited the insurance fee of his complaint as required in point 10 paragraph 1 of article 111 of the LPP in relation to article 118 of the LPP.

In conclusion, this complaint is in violation of Article 108/A, 109 and 111 of the Law on Public Procurement, and Article 65 of Regulation 001/2022 on Public Procurement, and as such it is dismissed as c without permission and was not reviewed by the PRB.

The PRB informs the complaining EO about the possibility of applying Article 118 paragraph 4 quoted: If the review panel finds that any of the claims made in the complaint are false, the PRB may ask the complainant to pay an additional fine up to five thousand (5,000) Euros, referring you in the specific case to article 111 paragraph 10.

The contracting authority – Municipal Assembly of Klina, can continue with the procurement activity (described above) if there is no other complaint about this activity. The Procurement Review Body informs that in every activity CA must act in accordance with the provisions and legal authorizations as defined by article 1, 6, 7, 27, 28, 59, 60, 65 of the LPP.

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 – Municipali Assembly of Klina;
- 1x1 EO – “Master Services SH.P.K;
- 1x1 Archive of the PRB;
- 1x1 For publication on the website of the PRB.