



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

Psh. No.151/26

The Review Panel, appointed by the Acting President of the 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 Law 05/L-092) composed by Isa Hasani- President, Batisha Ibrahim and Kimete Gashi-members, deciding according to the complaint of EO “DUA 5n2 SH.P.K, against, the Contract Notice, regarding the procurement activity “Supply of Autoclave, Dental Units, Laboratory Tables for Dental Works with Integrated Aspiration System and Central Suction System for Dental Units” with procurement number: 220/70900-25-8722-1-1-1, initiated by the contracting authority (CA) - Clinical Dental Center on the 10/04/2026 has issued this:

DECISION

1. Dismissed as not allowed, the complaint of the EO DUA 5n2 SH.P.K, with no. 2026/0151, dated 13.03.2026, regarding the procurement activity "Supply of Autoclave, Dental Units, Laboratory Tables for Dental Work with Integrated Suction System and Central Suction System for Dental Units", with procurement number "220/70900-25-8722-1-1-1", initiated by the contracting authority (CA) - Dental Clinical Center.
2. Remains in force, B05 Contract Notice, corrected with form B54 dated 27.02.2026, related to the procurement activity with the data as in point one (1) of the decision and the contracting authority (CA) - Clinical Dental Center, is allowed to proceed with the procurement activity.
3. Within 10 days, the CA must inform the PRB of all actions taken regarding this procurement activity, otherwise, the PRB has the right to take measures against the CA for non-compliance with the decision as provided for in the provisions of Article 131 of the LPP.
4. Since the complaint of the EO “DUA 5n2 SH.P.K”, is dismissed as inadmissible, the deposit paid upon filing the complaint is returned in accordance with Article 31, point 4 of the PRB's Rules of Procedure. The complaining economic operator is obliged, in accordance with Article 31, point 6 of the PRB's Rules of Procedure, to submit a request for the return of the complaint

security within sixty (60) days, otherwise the deposit will be confiscated and these funds will be transferred to the Budget of the Republic of Kosova.

REASONING

-Procedural facts and circumstances -

The Clinical Dental Center, in the capacity of the Contracting Authority, has published a Contract Notice, corrected with form B54 dated 27.02.2026, regarding the procurement activity entitled "Supply of Autoclave, Dental Units, Laboratory Tables for Dental Work with Integrated Suction System and Central Suction System for Dental Units", with procurement number 220/70900-25-8722-1-1-1.

On the 06.03.2026, EO "DUA 5n2 SH.P.K has submitted a request for review against the Contract Notice, corrected with form B54 dated 27.02.2026, while the Contracting Authority, on 11.03.2026, has rejected the request for review.

Against the decision cited above on 13.03.2026, the operator EO "DUA 5n2 SH.P.K has submitted to the PRB complaint no. 2026/0151 (Protocol No.).

-On the preliminary review phase –

(a) The PRB has found that the complaint in the present case was filed in accordance with Article 109.1 of the LPP, according to which, against any decision taken by the CA, any interested party may file a complaint after the implementation of the preliminary procedure for the resolution of disputes, as provided for in Article 108/A of this Law. Since the complainant has the status of an interested party as defined in Article 105, paragraph 1, in conjunction with Article 4, paragraph 1.26 of the LPP, and the complaint contains the essential elements provided for in Article 111 of the cited Law, which means that it meets the conditions in terms of the cited provisions and falls under the competences of this body in terms of Article 105, of the LPP, in conjunction with Article 9, of the Rules of Procedure of the PRB. The Review Panel analyzed all the documents of this case, including all the acts and/or actions of the parties, as described above (facts and procedural circumstances) do not exist the elements for preventing conflict of interest, as required in the sense of Article 11 of the Regulation on the Work of the PRB, in connection with paragraph 1.75, of Article 4 of the LPP and at the same time analyzed all the documents of this case, including all the acts and actions of the parties.

(b) 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 in accordance with 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, within the meaning of Article 113 and 114 of the LPP in connection with Article 17 and 19 of the cited Regulation. In this regard, on 23.03.2026 the review expert has submitted the Evaluation Report with recommendations which are described as follows: The complaint of the complaining EO is rejected as unfounded and the CA is allowed to continue with the procurement procedures.

Response of the Contracting Authority to the Request for Review of the EO “DUA 5n2 SH.P.K”

In accordance with Article 108/A point 3 of the Law on Public Procurement of the Republic of Kosovo No.04/L- 042, amended and supplemented by Law No.04/L- 237. Law No. 05/L-068 and Law No.05/L-092 and Article 4 of the Rules for filing complaints approved by the PPRC, according to the Request for Review by the EO DUA 5n2 SH.P.K dated: 06.03.2026 regarding the procurement activity "Supply of Autoclave, Dental Units, Laboratory Tables for Dental Works with Integrated Suction System and Central Suction System for Dental Units" Procurement No. 220/70900-25-8722-1-1-1, Internal No.: "220/70900-25-020-1-1-1", the Procurement Officer/PO after analyzing, examining and elaborating on the (Complaints) and the request for reconsideration dated: 06.03.2026, issues: Decision;I. REJECTED AS UNGROUNDED-Request for Reviewing of DUA 5n2 SH.P.K dated: 06.03.2026, regarding the procurement activity "Supply of Autoclave, Dental Units, Laboratory Tables for Dental Works with Integrated Suction System and Central Suction System for Dental Units" Procurement No.: 220/70900-25-8722-1-1-1, Internal No.: 220/70900-25-020-1-1-1 published by QKSUK. II. REMAIN In FORCE- B54 Standard form for correcting errors in notices published in E-Procurement dated: 27.02.2026, in accordance with PRB Decision 2025/1254 dated 12/02/2026, Point 2 of the Disposition.

III.REMAIN IN FORCE - The Tender Dossier - improved published in e-procurement on: 27.02.2026 in accordance with the PRB Decision No. 2025/1254 dated 12/02/2026, Point 2 of the Disposition.

Submission of requests for Review against the contract notice and tender documents published in e-procurement on: 27.02.2026

The Request for Review of DUA 5n2 SH.P.K., respectively the complaining claims were against the contract notice and tender documents published in e-procurement on date: 27.02.2026 by QKSUK. The claims by the complainants were filed in accordance with Article 108/A of the LPP, Paragraph 3 "The request for review must be submitted to the relevant contracting authority, by post or by any other means of communication permitted by this law, within the following deadlines" and 3.1 "if the alleged violation relates to the contract notice or the tender documents within five (5) days before the deadline for submission of bids". PRB Decision No. 2025/1254 dated 12.02.2026.

The Procurement Review Body on date: 12.02.2026 issued a Decision where the Complaint of the economic operator Bora Dental SH.P.K. has been approved as grounded and has obliged AK-QKSUK to improve the criteria in the tender dossier / contract notice and extend the deadline for bidding according to;

the law, citation of the Decision:1. The complaint of EO "BORA DENTAL" SH.P.K with no. 2025/0996, dated 22.12.2025, regarding the procurement activity "Supply of Autoclave, Dental Units, Laboratory Tables for Dental Works with Integrated Suction System and Central Suction System for Dental Units", with procurement number "220/70900-

25-8722-1-1-1", initiated by the contracting authority (CA) - Dental Clinic Center.2. The B05 Contract Notice, regarding the procurement activity, with the data as per point one(1) of the decision, is hereby cancelled. The contracting authority is obliged to implement the Decision of the PRB no. 2025/0996, dated 08.10.2025 and the Report of the review expert no. 2025/1254 dated 06.01.2026, to improve the criteria in the Tender Dossier/Contract Notice. 3. Within 15 days, the CA must inform the PRB of all actions taken regarding this procurement activity, otherwise, the PRB has the right to take measures against the CA for non-compliance with the decision as provided for in the provisions of Article 131 of the LPP.

The contracting authority - QKUK, in accordance with Point 3 of the Disposition of this Decision, has notified the PRB that it will act in accordance with the Decision to improve the criteria of the tender dossier/contract notice and extend the deadline for bidding and in full compliance with the Recommendation of the Public Procurement Regulatory Commission dated: 02.10.2025. The procurement office on 27.02.2026 through the e-procurement platform has published B54 Standard Form for correcting errors in published notices, where the deadline for receipt and submission of tenders has been extended to 13.03.2026 at 12:00 and the necessary improvements have been made to this form according to the decision of the PRB. The Procurement Office on 27.02.2026 at 15:25 has uploaded to the e-procurement platform the revised tender dossier in full compliance with the PRB decision, where the qualification or selection requirements and the mandatory technical specifications Annex I have been revised according to the above-mentioned decision.

Request for Reconsideration of EO, DUA 5n2 SH.P.K, dated 06.03.2026

The request for review of the complaining EO dated 06.03.2026 is against the contract notice and tender documents, respectively against the Requirements on technical and/or professional capabilities and Annex 1 Mandatory technical specifications, which complaining claims have been reviewed in the PRB Decision No. 2025/1254 dated 12.02.2026 and the CA is obliged to improve the criteria of the tender dossier/contract notice and extend the deadline for submission, which actions have been carried out in full by the CA. The complaining claims of the complainant dated 06.03.2026 cannot be reviewed and analyzed by the CA since for these claims we have a final decision from the PRB which we have implemented. Requests for review related to the contract notice or tender documents this DEADLINE DOES NOT apply in the event that the CA extends the deadline for submission of bids following the decision to reject the request for review pursuant to Article 63.1.1 of this Regulation. The rejection of your request is unfounded and the extension of the deadline for submission of tenders on 13.03.2026, in accordance with the PRB Decision, the deadline for submitting the request for review as you submitted on 27.02.2026 conflicts with Regulation 001/2022 on Public Procurement Article 60 Submission of the request for review and deadlines:

60.1 The request for review 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 review" within the following deadlines: a) Whenever the request for review concerns the contract notice or tender documents at least five (5) days before the deadline for submission of bids. In calculating the deadlines, the day of submission of bids is day (0). This

deadline does not apply in cases where the CA extends the deadline for submission of bids after the decision to reject the request for review according to Article 63.1.1 of this regulation. After elaboration and analysis of this procurement procedure, the Public Procurement Office rejects the request for review in its entirety as unfounded within the meaning of Article 60 Paragraph 1 Point a) of Regulation 001/2022 on Public Procurement and the improved tender dossier dated 27.02.2026 and the B54 Standard Form for the correction of errors in published notices published on 27.02.2026 in accordance with the PRB Decision No. 2025/1254 dated 12.02.2026 remain in force. Legal Advice Against any decision taken by the CA- QKSUK in accordance with the circumstances of Article 108/A, any interested party may file a complaint with the PRB in accordance with Article 109 of the LPP.

The claims of the complaining economic operator EO "DUA 5n2 SH.P.K" complaint 2026/0151 are presented as follows:

Supply of Autoclave, Dental Units, Laboratory Tables for Dental Work with Integrated Suction System and Central Suction System for Dental Units.

We, as an economic operator interested in this procurement activity, submit this Complaint on the current Tender dossier published on 27.02.2026, because the Contracting Authority has acted contrary to the binding decisions of the Procurement Review Body, specifically with decisions No. 2025/981-996 dated 27.11.2025 and No. 2025/1254 dated 12.02.2026, as well as contrary to the fundamental principles of the Law on Public Procurement.

Despite these decisions, the Contracting Authority has made substantial changes to the technical specifications of the tender dossier, setting technical requirements that in practice are tailored to a particular manufacturer, thus limiting competition and the equal treatment of economic operators.

Article 7 Equality of Treatment/Non-Discrimination

Paragraph 1. The contracting authority shall treat economic operators equally and non-discriminatory and shall act in a transparent manner.

Paragraph 2. The contracting authority shall not carry out any aspect of the procurement activity in a manner that reduces or eliminates competition between economic operators or that discriminates to the detriment or advantage of one or more economic operators.

Article 28 Technical specifications

Paragraph 2 The contracting authority shall draw up technical specifications in such a way that they are in line with the purpose of the procurement and are aimed at ensuring the best possible access for all interested economic operators and tenderers. The contracting authority shall in particular be prohibited from drawing up technical specifications which favour or discriminate against one or more economic operators.

Paragraph 7 The contracting authority shall not draw up technical specifications which refer to a particular item or source, or to a detailed process, or to any distinctive sign, type or origin or to any production. Notwithstanding the above, the contracting authority may, in exceptional

circumstances, draw up technical specifications or make such a specific reference, if the contracting authority clearly establishes that it is not possible to draw up a sufficiently precise and intelligible specification of the subject matter of the relevant contract, in accordance with paragraphs 3-6 of this Article or otherwise; provided that any such reference is accompanied by the words “or equivalent”.

REGULATION No. 001/2022 ON PUBLIC PROCUREMENT (Consolidated Version) Article 10 Functions of the Request Unit

c. Ensures that the technical specifications, projects are prepared in accordance with Article 28 of the LPP and

Article 19 of this Regulation.

Article 11 Functions of the Procurement Department/Unit

d. As far as possible, it ensures that the technical specifications do not contain restrictions on competition

Article 60 Submission of a request for review and time limits

60.1 The request for review shall contain the data in accordance with the F02 form and shall be submitted to the relevant contracting authority through the electronic procurement system, function “requests for review” within the following deadlines: a) Whenever the request for review concerns the contract notice or tender documents, at least five (5) days before the deadline for submission of bids. In calculating the deadlines, the day of submission of bids is day (0). This deadline shall not apply in cases where the CA extends the deadline for submission of bids after the decision to reject the request for review pursuant to Article 63.1.1 of this Regulation. Article 91 Initiation of revocation of the professional procurement certificate 91.1 Revocation of the professional procurement certificate may be initiated by: a. Public Procurement Regulatory Commission;

Article 97 Serious Violations

97.1 Serious violations are considered:

e. Failure to comply with the rules for handling requests for review by the Contracting Authority.

If there is sufficient evidence that proves incorrect or unprofessional behavior of a procurement official towards the economic operator or towards any person during the exercise of the procurement procedure.

** According to Article 118 of the LPP, the PRB will refund your fee if the complaint is approved as well-founded.

The PRB may request an additional fine of up to 5,000 Euros in cases where the PRB finds that all or any of the allegations made in the complaint were false or deceptive.

. Detailed statement of facts and arguments

Describe the factual circumstances that constitute the presumption of violation of the provisions of the LPP.

Provide a clear and detailed statement of the facts and arguments that support each ground of your complaint.

The complaining Economic Operator submits this Complaint against the decision of the Contracting Authority on the

Request for Reconsideration of the Tender Documents, published on the e-procurement platform on 11.03.2026. As an interested party in this procurement procedure, we do not agree with the new Tender Dossier published by the Contracting Authority, since the changes made to it are not in accordance with the binding decisions of the Procurement Review Body. Furthermore, the Contracting Authority has made other changes to the tender documents, which were not part of the complaint claims and decisions of the PRB and were not requested by the report of the review/technical expert. The Contracting Authority has acted contrary to the decisions of the PRB no. 2025/981-996 dated 27.11.2025 and no. 2025/1254 dated 12.02.2026, through which it was requested to correct the technical specifications of the Tender Dossier in order to ensure wider competition between economic operators and to eliminate restrictive or discriminatory requirements.

However, instead of implementing the PRB's decisions in a fair and limited manner, the Contracting Authority has made substantial changes to the content of the Tender Dossier, completely interfering with the basic structure of the technical specifications and creating a technical specification that was not part of any PRB decision for this procurement procedure. These changes do not constitute a simple correction of the irregularities found by the PRB, but constitute a redesign of the technical specifications, which orients the procurement activity towards only a specific manufacturer SIRONA. From the analysis of the tender documentation it results that a considerable part of the technical specifications are formulated in a way that directly matches the technical characteristics of the products of specific manufacturers, namely Dentsply Sirona, Melag, Durr Dental, Renfert and Futudent, for which the distributor in the Republic of Kosovo is the company Bora Dental. This approach creates an advantage for a single economic operator Bora Dental and completely eliminates the participation of other international manufacturers in this procurement procedure. Moreover, in a considerable number of items the Contracting Authority has also relaxed the criteria of the technical specifications compared to the initial version that were of high quality, by removing important technical parameters that guaranteed the quality and performance of the equipment. As a result, the new specifications allow the bidding of equipment with a much lower technical standard compared to the initial requirements, while the estimated value has remained unchanged. Such an approach is contrary to the fundamental principles of public procurement Articles 1 and 6, as well as Article 7 the principle of equal treatment and non-discrimination of economic operators, as well as the legal obligation that technical specifications be drafted in a neutral manner and not favor certain manufacturers or economic operators.

In this way, the Contracting Authority has not only not correctly implemented the PRB's decisions, but through the changes made has created a new configuration of technical specifications that in practice limits competition and orients procurement activity towards the products of certain manufacturers. For these reasons, the decision of the Contracting Authority to reject the request for reconsideration is unfounded and contrary to the Law on Public Procurement. We will also attach to the complaint the specific parts of the technical specifications where substantial changes have been made, from which it clearly results that the current Dossier dated 27.02.2026 does not simply represent corrections according to the PRB's decision, but presents a new mandatory technical specification that is an adaptation of the technical requirements with an orientation character for manufacturers such as: Sirona Dental, Renfert, Futudent and Durr Dental. Below you will find all the evidence for the changes made which have reduced the minimum standard required for the equipment, while the budget has remained unchanged. After analyzing the initial technical specifications and the current technical specifications for the item: 1. Dental technician workbench.

For item number 1, Laboratory Table, it is noted that a significant number of mandatory technical parameters have been removed or simplified in the current version. These parameters in the initial specification ensured higher quality of materials, better performance of the equipment and a clearer technical standard for the product to be offered. One of the most important changes is the removal of detailed parameters of the dust extraction system, where in the initial specification the performance levels of the system were clearly defined with four suction levels (18-30l/s), suction pressure of 1200 mm water column and filtration efficiency up to 99.995% for particles smaller than 2 pm. In the current specification, these parameters have been replaced only with a minimum requirement for suction capacity >18 l/s and a general description of filtration according to EN/ISO standards, eliminating the real performance standard of the device and allowing the bidding of significantly weaker and cheaper systems, while the budget dedicated to this product has remained unchanged, allowing the company that blocked these technical specifications to make high profits for a much weaker product, resulting in misuse of the CA's budget. The detailed specifications of the work surface materials have also been removed, which in the initial version included physico-chemical characteristics of the quartz plate such as bending resistance, thermal conductivity, abrasion resistance, water absorption and the relevant EN and ASTM standards that the material had to meet. In the current specification, these requirements have been reduced to a general description of the material as resistant to wear and moisture, removing the parameters that guarantee the real quality of the material.

From the analysis of the specifications, it results that in the current version a large number of mandatory technical parameters that determined the performance, quality and standard of the equipment have been removed, while many of the requirements have been replaced with formulations and changes that create the possibility of offering equipment with significantly weaker technical characteristics and lower quality compared to the standard defined in the initial specification.

3. Washer/disinfector system - Model Melatherm 10 Evolution

4. Sealing device - flat type - Model Melaseal 200

5. Sealing system - rotary type - Model Melaseal 300

6. Large capacity autoclave (Steam sterilizer) - Model Cliniclave 45 MD

For positions 3-6, it is clearly observed that the combination and formulation of the technical requirements in the tender specifications matches almost identically with the technical characteristics of the products of the manufacturer MELAG Medizintechnik GmbH.

Such a formulation of the technical specifications significantly limits the possibility of participation of other manufacturers in this procurement procedure and in practice orients the bidding towards the products of a single manufacturer. It should also be noted that in the Republic of Kosovo the authorized distributor for MELAG equipment is the company Bora Dental, which means that the drafting of specifications in this form creates a direct advantage for a single economic operator in the local market, limiting real competition in this procurement activity.

3. Washer/Disinfector System - Model Melatherm 10 Evolution

The following are some of the technical specifications which, according to the technical documentation, specifically correspond to the equipment of the manufacturer MELAG and cannot be offered by any other manufacturer in the world.

1. Media refilling from the front of the device The requirement that the detergent, neutralizer and rinse agent be refilled from the front of the device is a typical feature of the MELAG system.

2. Special program for removing air from the pipes The requirement for a specific program for removing air from the pipes is a typical feature of the MELAG system.

3. Dedicated program for regenerating the internal water softener unit is a typical feature of the MELAG system.

4. Monitoring of the conductivity of demineralized water The function for monitoring the conductivity of DI water is a typical feature of the MELAG system.

5. Firmware update via external media (e.g. USB) Melag offers the possibility of firmware update via external media is a typical feature of the MELAG system.

6. Status monitoring via wireless network (Wi-Fi) and mobile devices Melag offers integration with monitoring systems via Wi-Fi and mobile devices is a typical feature of the MELAG system.

4. Sealing device - flat type - Model Melaseal 200

1. Very specific heating time (Warm-up < 92 seconds)

One of the most characteristic parameters is the requirement that the heating time does not exceed 92 seconds.

- In the technical documentation of MELAseal 200, the heating time is stated as around 90-92 seconds.
- Most other sealing devices on the market have longer warm-up times, typically:
 - o 2-4 minutes,
 - o 3-5 minutes

The specification of such a specific value (92 seconds) matches the MELAG product identically

4. Combination of sealing and performance parameters

Specifications for:

- seal width 10 mm
- sealing length > 275 mm
- sealing time around 3 seconds
- 5-6 seals per minute are typical characteristics of the MELAG system.

5. Combination of all parameters in a single device

The following parameters put together make up the specification which is typical characteristics of the MELAG system.

Warm-up < 92 seconds/ 2 USB ports^ electronic documentation 10 mm seal width 3 seconds sealing time^ 5-6 cycles/min^ compliance with ENISO 11607-2 and DIN EN 868-5

5. Sealing system - rotary type - Model Melaseal 300

1. Very short warm-up time <102 seconds - is a typical feature of the MELAG system.

2. Electronic monitoring of temperature, pressure and speed simultaneously

Most rotary sealers control: temperature and speed

But active electronic pressure monitoring + alarm is rarer.

6. Specific combination of performance parameters is a typical feature of the MELAG system.

Specifications^ 12 mm seal width 5-15 m/min sealing speed^ 100-215°C temperature warm-up <102 sec. This complete combination is directly compatible with the MELAseal 300.

Parameters;Others,Seal width,10 mm or 15 mm,Speed 6-10 m/min,Warm-up,3-10 min

6. Large capacity autoclave (Steam sterilizer) - Model Cliniclave 45 MD

1. Capacity around 200-205 L with only 2 STU

- The requirement for capacity >200 L but only for 2 STU is a very specific configuration.
- Hospital autoclaves according to EN 285 usually have:
 - o 4-12 STU for capacities >200 L.
- Cliniclave 45 MD is one of the only clinical autoclaves that offers ~205 L but only 2 STU, designed for dental clinics and oral surgery.

2. “table-top large capacity sterilizer” model

- The requirement for the device to be “table-top” with a capacity of about 200 L is very rare.
- Autoclaves with this capacity are usually:

o floor standing hospital sterilizers

Cliniclave 45 MD is known as:

- “largest tabletop autoclave in the world”

3. Programs with specific times identical to MELAG

“The device should have multiple work programs, including the universal program with a duration of 28 minutes for partial load, 50 minutes for full load and 36 minutes for textiles, the rapid program B with partial load 28 minutes, the rapid program S with partial load 22 minutes, the gentle program with partial load 45 minutes and textiles 53 minutes, as well as the prion program with partial load 43 minutes, full load 65 minutes and textiles 51 minutes. The device should have a vacuum test program and a Bowie & Dick program.

The possibility of changing the parameters on site according to new requirements should be provided and after each cycle should be generated and the serial number is saved.”

Other manufacturers do not use the same program terminology and do not have identical cycle times.

Two touch screens on both sides

Specification: • touch screen >7” on both sides

This feature is a typical feature of the MELAG system of the Cliniclave 45 MD due to the use on the sterile / non-sterile side (pass-through).

5. Documentation with CF card Specification: • slot for CF card

This is a typical feature of the MELAG system. Allowed to use: USB, LAN or SD card.

6. Automatic measurement of water quality before each cycle This is a feature only for the MELAG system.

7. Internal tank 15 L for aqua dem / aqua dest This volume is identical only for the manufacturer MELAG.

8. Sensor parameters (specific class) Specification: • pressure sensor absolute class 0.3

- temperature PT1000 class A. This is a very detailed technical configuration and corresponds to the measuring system used by MELAG.

9. Data storage for 150 cycles; Specification: storage for at least 150 cycles Cliniclave uses exactly this log storage.

10. Sliding loading trolley for container loading; Specification: • sliding loading trolley

This is typical for: Cliniclave 45 MD loading system.

For position 7, the Intraoral Scanner with Integrated Mobile Station, we find that the changes made to the technical specifications have resulted in the simplification and reduction of the minimum technical requirements, which directly affects the reduction of the minimum quality of the equipment that can be offered in this procurement procedure, while the budget has remained intact. After comparing the initial technical specifications with the amended ones, several essential changes have been identified that affect the performance and quality of the equipment.

Reduced workstation configuration requirements

The initial specifications required the system to include an integrated workstation with a detailed hardware configuration, including: • 12th generation Intel i7 processor • Nvidia RTX A2000 or RTX 3000 professional GPU • Minimum 512 GB SSD • Windows 11 Pro

• Medical-optimized configuration While the revised specifications require only: • Computer with a minimum of 32 GB RAM

This significantly changes the minimum system performance level, as the lack of processor and graphics card specifications may result in the offering of lower-performance systems that do not guarantee optimal processing of real-time scan data.

Reducing the requirements for scanner ergonomics

The initial specifications clearly stipulated that: • the maximum scanner weight should be <340 g • the dimensions of the scanning tips should be clearly defined • two standard tips and one small one should be included In the new specifications: • the weight is allowed up to <400 g • the dimensions of the tips are not defined • the number of tips is not specified

This enables the offering of heavier devices with poorer ergonomics for clinical use.

Removal of advanced clinical functions

In the initial specifications there were criteria for the functions that the software should have, as a key part for processing and interpreting the scan results. Required functions:

- shade assist for tooth shade determination
- advanced occlusal contact analysis
- Bloton analysis
- 2D module for panoramic image visualization (OPG)
- optional intraoral photogrammetry (IPG) for implant applications

In the revised specifications, these functions have been removed, which significantly reduces the clinical functionality of the system and its ability for advanced applications in implantology and prosthetics.

As a result, the revised specifications allow the offering of devices with lower performance and quality compared to the initial requirements, which is not in the interest of the end user and does not guarantee the optimal standard of the device.

Adaptation of specifications

From the analysis of the changed specifications, it is observed that some of the parameters included in the new version of the specifications directly match the technical characteristics of a specific device

on the market, namely the intraoral scanner from the manufacturer Sirona (Primescan), as can be verified from the brochure: <https://www.dentsplysirona.com/en-al/discover/discover-by-brand/primescan.html>

In particular:

- the inclusion of general parameters such as the processing of a minimum of 800,000 3D points per second,
- the general description of the scan types and hygienic sleeves,
- as well as the general structure of the workstation and workflow requirements, are elements that correspond to the technical characteristics of the Primescan system, while at the same time, some advanced requirements that allowed the participation of other high-end devices in the market have been removed.

For this reason, the clear impression is created that the changes in the technical specifications have been made in such a way as to directly adapt to a certain device model, limiting competition and making it impossible to offer alternative systems that offer comparable or even more advanced performance. At the same time, the inclusion of some very specific technical parameters, which directly match the technologies of the manufacturer Dentsply Sirona, creates an unfair advantage in favor of their authorized distributor in Kosovo, Bora Dental sh.p.k., indirectly orienting the procurement activity towards a single economic operator and violating the principles of free competition. For position 8 Dental Unit The dental unit must be in full compliance with the Medical Devices Regulation 2017/745/EU, with input voltage 220-240 V AC and operating frequency 50-60 Hz. The patient chair must be fully electrically controlled.

It must allow flexible movement with a seat height of a minimum of 360-390 mm (or

Equivalent) or less in the lowest position and 780 to 830 mm in the highest position, with a load capacity of 185 kg or more.

The seat and backrest must be anatomically shaped and have soft and flexible upholstery, without seams, with the possibility of easy replacement of the relevant elements such as the seat, backrest and headrest.

The Trendelenburg movement must enable the back to rise and must follow in a synchronous manner the natural movement of the patient's spine, preventing excessive extension and compression effects during the change of the patient's position. The chair movements must be

controlled from three different positions: via the foot pedal, the assistant's panel and the dentist's element. The device shall have safety switches for the immediate stop of movement in case of activation of the protection against obstacles or dangerous situations. The activation of this mechanism must automatically stop the movement of the chair and display a corresponding message on the user interface. The visual warning system has been removed and the safety system has been reduced. A minimum of three automatic chair positions must be programmed: the saliva ejector position, the entry and exit position (Specification adapted for SIRONA Intego), the last used position. The chair must also allow the programming of additional positions according to the user's needs in accordance with the system configuration. The armrests must be placed on both sides, while the headrest must be of the two-joint type, adjustable in height and angle, allowing ergonomic adjustment according to the patient's height and type of treatment.

The possibility of turning the headrest back, allowing the patient to be placed from a wheelchair for people with disabilities. The system of connections for aspiration, water and air will be placed on the base of the patient's chair. The upholstery will be offered in a minimum of 12 to 14 standard colors. They will be resistant to chemical damage caused by disinfectants. The chairs should have rounded edges, smooth lines and no sharp corners. The dentist's element will be mounted on the arm, with tubes hanging down (T-table version), allowing a wide range of movements. It will have sufficient capacity to hold trays and instruments and have a minimum of five instrument positions. The configuration of the instruments will be flexible, allowing the placement of the turbine, motor in several different positions, the Motor and syringe in several positions. The length of the tubes shall be a minimum of 1300 mm or more. The control panel shall include a keypad with buttons and an LCD display for the management of the chair, cuspidor and instruments. Direct keys on the dentist element shall enable motor control (change of direction, spray on/off), cuspidor rinsing, cup filling, timer, treatment light on and off, light intensity change, instrument light control, and a minimum of four automatic saved positions. The device shall allow the storage and selection of different user profiles for the personalization of instrument parameters and chair programs. The instruments shall be equipped with backflow prevention mechanisms in accordance with the requirements of the EN1717 standard.

The original specification for the dentist element required that the instrument table have a carrying capacity for additional trays with a minimum load of 2 kg or more. In the new specification, this parameter has been removed and replaced with the general wording "sufficient capacity to hold trays and instruments". Removing this measurable technical parameter makes the specification less clear and allows for the bidding of equipment with a lower carrying capacity. Also, the original specification clearly defined the minimum configuration of the instruments, requiring that the turbine can be placed in five different positions, the motor in a minimum of three positions and the syringe in a minimum of two positions. In the new specification, this requirement has been replaced with the general wording "placement in several different positions", removing the minimum number of positions. This change lowers the level of functional requirements and allows for more limited configurations of the instruments. Also, the initial specification required that the control system provide a minimum of six automatic positions stored for programming chair positions and treatment functions. In the new specification, this number has been reduced to a minimum of four automatic positions, which

constitutes a clear reduction in the functionality and flexibility of use of the device. Similarly, the initial specification required the possibility of customizing configurations for a minimum of six users, while the new specification only mentions the storage of user profiles without specifying a minimum number. Removing this parameter makes the specification more ambiguous and allows for systems with a more limited customization capacity. Another important change is related to the protection system against water return to the instruments. The original specification required that the instruments be equipped with an anti-return valve in accordance with DIN 1988 and EN 1717, which are important standards for the hygienic protection of the water system in dental equipment. The new specification only mentions compliance with EN 1717, while DIN 1988 has been removed. The removal of this additional standard represents a reduction in the requirements for the hygienic safety of the system. As a result, the changes made to the new specification have resulted in the removal of several measurable technical parameters and their replacement with more general formulations. This situation lowers the level of technical and functional requirements of the device and enables the offering of dental units with lower configurations and performance compared to the requirements set out in the original specification.

The instruments will include:

A handle for air, water and spray with detachable tip, with separate air and water outlets, with silicone tubing and must be from the same manufacturer as the dental unit.

The coupling for air instruments must be of the standard quick-connect type, integrated into the dental unit system and compatible with turbines with LED lighting.

Substantial change to the specification The initial specification required a coupling for air instruments with LED light (minimum 25,000 LUX), with spray adjustment, non-return valve and silicone tubing for air instruments, with standard connection, with light and autoclavable at 135°C, which guarantees high clinical performance, hygienic safety and longevity of the components. In the revised specification, these technical parameters have been completely removed and replaced with a general formulation that requires only a standard quick-connect coupling, integrated into the dental unit system and compatible with LED-illuminated turbines. This change eliminates the requirements for minimum lighting, for the backflow protection system, for the tube material and for autoclaving. As a result, the new specification significantly reduces the level of technical and hygienic requirements for the device, enabling the offering of components with lower technical characteristics compared to the initial specification and affecting the quality and clinical safety of the dental instrument system.

A brushless motor with a speed of 100-40,000 rpm, LED light, and electronic speed and torque control, autoclavable at 135°C, with spray and light adjustment, must be from the same manufacturer as the dental unit. The piezo device must be integrable in the dental unit with electronic control of intensity and water supply from the control panel. The instrument and tips must be sterilizable/autoclavable according to the manufacturer's specifications. The assistant element must be mounted on a swivel arm with a minimum of four positions for instruments, including the spray mist aspirator and the saliva aspirator. There should be a control panel with buttons for chair movement, saliva ejector rinsing, cup filling, timer, and light control, as well as

buttons for other functions, such as a tray and a holder. The unit body should be attached to the patient's chair and allow movement from 30° to 60°, and flexible positioning of the functional elements according to the manufacturer's configuration. The suction system should be equipped with a filter for easy cleaning by personnel without additional tools. The saliva ejector should be made of porcelain, with the possibility of rotation as an option and removal for cleaning and thermo-disinfection. Rinsing and cup filling will be controlled by the dentist and assistant element with automatic water flow stop. The unit should be connected to the external wet suction system. Regarding the integrated water supply, the unit must comply with the requirements of EN 1717.

The specification has been changed in several key points compared to the initial formulation, lowering the technical standard of the device and creating space for more limited configurations. Specifically, in the initial version it was required that the unit body could be rotated a minimum of 60° from the patient's chair, while in the amended version this requirement has been relaxed to the range of 30°-60°, clearly reducing the minimum level of ergonomic performance of the device. Also, in the initial version it was foreseen that the aspiration system be equipped with a selective valve to prevent unwanted activation in case several units are connected to a central aspiration system. This technical element, which is of particular importance for the correct functioning of clinics with a central aspiration system, has been completely removed in the amended version of the specification. Also, with regard to the integrated water supply, the initial version required compliance with the EN 1717 and DIN 1988 standards, while in the current document only the reference to the EN 1717 standard has been retained. The removal of the DIN 1988 standard constitutes a reduction in the required level of safety and hygiene for the water supply system. The above-mentioned changes clearly show that the technical specification has been modified by reducing the initial requirements and creating a more general formulation that may favor certain equipment configurations.

The operating light will be with LED technology, with adjustable intensity from 3,000 to 35,000 lux, adjustable color temperature 4600-6200K and light field surface with minimum dimensions of 200 x 100 mm. The light handles must be detachable and autoclavable. Mounted on an arm with a wide range of movement.

The foot controller will allow the activation of instruments and the adjustment of speed by pressing and lateral movement of the pedal. It will be possible to select the automatic positions of the chair, its control, change the direction of the micromotor, control the spray on the instruments, activate the chip blower function (optional).

The dentist's chair must have an anatomical surface with adjustable inclination, dynamic ergonomic back support, premium soft and elastic upholstery, easy to replace.

The height should range from 400-470 mm or less in the lowest position to 620 to 650 mm or more in the highest position. The chassis will be shock resistant, with five wheels, which may be soft for hard floors. The load capacity will be a minimum of 135 kg and preferably 150 kg, or more. The chair should be from the same manufacturer as the dental unit.

For position 9 After the analysis of the published documentation it results that the Contracting Authority, instead of implementing the PRB decision fairly and fully, has made considerable and substantial changes to the technical specifications, changes which create new specifications which in practice adapt to the technical characteristics of certain manufacturers on the market.

Such an approach not only contradicts the purpose of the PRB decision, but also directly violates the fundamental principles of public procurement, limiting competition and placing economic operators in unequal positions.

From the comparative analysis of the initial and amended technical specifications it results that in the product position 9 - Dental Unit according to ISO 7494 a series of important changes have been made which directly affect the technical configuration of the device. In particular, the Contracting Authority has changed the requirements related to the dental unit control system, adding the reference to EasyTouch technology to the specification.

It should be noted that EasyTouch technology does not constitute a universal standard of the dental equipment industry, but is a specific technological solution used in systems from the manufacturer Dentsply Sirona. The inclusion of this technology in the technical specifications, although accompanied by the wording “or equivalent”, in practice creates a technical configuration that is compatible with the products of a specific manufacturer and that excludes a considerable number of other international manufacturers known in this field. The specification of the name of the products, options and manufacturers is against the public procurement law. The change in the technical specifications essentially results in the Intego model from the manufacturer Dentsply Sirona. See below:

This formulation becomes even more problematic when analyzed in combination with other technical parameters set by the Contracting Authority, since the specifications for the control interface, the configuration of the instruments and the operating light parameters create a technical configuration that in practice matches the models of the manufacturer Dentsply Sirona, which is represented in the market of the Republic of Kosovo by an exclusive distributor. Such an approach creates an unfair competitive advantage for economic operators representing this manufacturer and therefore conflicts with the principle of equal treatment of economic operators provided for in Article 7 of the Law on Public Procurement.

Another important change in the technical specifications is related to the characteristics of the operating light of the dental unit. The initial specifications required an operating light with a light intensity of 3,000 to 35,000 lux and a color temperature of 5000K, parameters that represent a standard configuration used by most international manufacturers of dental units. In the amended specifications, these parameters have been significantly modified, setting an adjustable color temperature of 4600-6200 K and changing the optical configuration of the lighting system. The new configuration set in the technical specifications matches the technology used by the manufacturer Dentsply Sirona, the LEDview PLUS model, while other well-known international manufacturers such as KaVo, Planmeca, Belmont, Castellini and Stern Weber use different configurations of the lighting field. As a result, the new specifications create a technical

configuration that limits the participation of these manufacturers in this procurement procedure. See below:

The analysis of the documentation also shows that the Contracting Authority has changed some of the ergonomic parameters of the dental chair. The initial specifications set clear parameters related to the ergonomic dimensions of the seat, the width of the backrest and the length of the seat, which guaranteed a high ergonomic standard and compliance with the best industry practices. In the amended specifications, these parameters have been relativized and wider intervals have been set, creating the possibility for simpler dental unit platforms to be offered in this procedure.

This change actually constitutes a reduction in the level of technical requirements, which is inexplicable and unjustified from a technical and clinical point of view, especially considering that the project budget has remained unchanged. Instead of requiring equipment of a higher technological and ergonomic standard, the new specifications allow the supply of equipment of a lower standard. For position 10.

Another important change in the technical specifications relates to the material of the dental contra-angle required in the product in position 10. The initial specifications required that the contra-angle be manufactured from materials according to international standards for dental instruments, allowing the use of various premium materials used in this industry. The new specifications require that the contra-angle have an ergonomic titanium sleeve, a formulation that in practice limits manufacturers from using other premium materials such as nickel-chrome-plated stainless steel or ergonomic composite materials. This formulation is not justified from a clinical point of view, since titanium is not a universal standard for this category of instruments and is used only by a limited number of manufacturers. Consequently, the imposition of this criterion creates an unnecessary restriction of competition and is contrary to Article 28 of the Public Procurement Law. A particularly worrying element in this procedure is the fact that a significant part of the technical specifications have been softened or relativized compared to the initial specifications. This situation is even more problematic considering that the project budget has not been reduced, which means that public funds may be used to supply equipment with a lower technological standard than that initially envisaged.

For position 11.

DENTAL -Surgical Unit

The dental surgical unit must be in full compliance with the Medical Devices Regulation 2017/745/EU and operate with an input voltage of 220-240 V AC and a frequency of 50-60 Hz.

The chair must be integrated into the body of the unit and have a stable base with a compact design, ensuring ergonomic space for the operator's legs and optimal access during work both in a sitting and standing position. The lifting system must be electric, with high structural stability and controlled movements. The movement system must be driven by a low-noise electric motor. The chair must have an ergonomic movement function and a seat height from 355-360 mm or less in the lowest position, up to 845 mm to 800 mm or more in the highest position.

The chair must be tested for a minimum patient weight of 180 kg or Equivalent.

The seating area and backrest must be anatomical, with a fixed left armrest and a pivotable right armrest.

The backrest must have reduced width in the shoulder area for better access and have a slope of 75° or >75°.

Comparing the initial specification with the revised version, it is noticeable that some technical requirements have been changed or removed so that the dental chair configuration is more in line with the design concept of compact-base units. The initial specification required a side-lift mechanism and free space under the patient chair, while in the new specification this requirement has been replaced with the wording “compact base integrated into the unit body”. This configuration is typical for some models from the manufacturer Dentsply Sirona. The requirement for servomotors and the Trendelenburg function has also been removed, replacing these parameters with more general wordings such as “low-noise electric motor” and “ergonomic movement function”. These changes make the specification less technically precise and at the same time bring it closer to the configuration of the units from the manufacturer Dentsply Sirona. The upholstery should be soft, elastic and easily replaceable. There should be at least 3 programmable working positions, a rinsing position, an emergency collapse position and a last used position. The chair should include a holder for the multifunctional foot controller located under the patient chair, a motorized headrest for one-hand adjustment, with flexible upholstery. The system should be equipped with integrated crash protection mechanisms and safety switches in critical areas of movement of the chair and the unit body. Activation of the safety function should be visually displayed on the dentist element touch screen. The dentist element should be in a table version (T) with hanging instrument tubes and a flat surface for storage, with additional trays and a touch screen for controlling the unit. There should be warm water in the turbine and micromotors, a non-return valve to prevent contamination, as well as removable trays for easy cleaning.

The minimum capacity should be 5 instruments, with an option of up to 6. The instruments should have flexible positioning (multifunctional syringe, turbine, micromotor, piezo) in different positions. The touch screen should be a minimum of 7 to 12 inches with a resolution, technology for high viewing angles without color change from all directions (horizontally and vertically), and should offer all the required commands, home-screen customization and profiles for up to 6 users, with a resolution of 1920x720 pixels or equivalent. This requirement has been replaced by the wording 7-12 inches with a resolution of 1920*720 or equivalent, reducing the minimum screen size and making the resolution requirement less precise. IPS technology for high viewing angles without color change from all directions (horizontally and vertically). Hard, scratch-resistant glass surface for easy cleaning with high resistance to wipe-off disinfection agents. Screen bonded to the glass layer without air gap for a clear, sharp and bright image without distortion. The screen should have direct buttons for manual control of the chair (minimum 3 working positions, end position, rinsing and emergency), with the possibility of configuring the main screen (home screen) with more than 6 direct touch screen buttons, for cup filling, saliva ejection (boël

rinsing), screen lock (lock screen), treatment light, emergency collapse position. The possibility of saving parameters for 6 or more operators and a USB interface should be provided.

Instruments should include: air-water nozzle rotatable 225° to 360°, separate air and water outlets, silicone tube and coupling for air instruments, with replaceable LED light (5,000-44,000 lux), with spray adjustment, non-return valve, autoclavable up to 135°C. Air-water nozzle: The movement has been changed from a full 360° to 225°-360°, limiting the choice of devices that can be offered by different manufacturers and favoring Sirona models. LED light intensity: The change from a minimum of 25,000 LUX to a range of 5,000-44,000 LUX lowers the minimum performance standard, creating an advantage for Sirona systems and excluding alternative manufacturers with comparable performance. Must be from the same manufacturer as the dental unit. Includes a silicone tube for air instruments with light guide, standard connection. There must also be two brushless electric micromotors with speeds from 100 to 40,000 rpm, with LED light, 2.7 Ncm (or Equivalent) with torque control option for endodontic procedures, autoclavable up to 135°C. They must be from the same manufacturer as the dental unit. Includes a silicone tube for air with light guide. The Piezo set must include a minimum of 2-3 tips and a torque wrench for assembly, with integrated LED lighting for optimal visibility in the treatment area. The instrument must operate at ultrasonic frequencies typical of dental piezo technology, with adjustable power levels according to the clinical application.

It should be suitable for a wide range of tips for supragingival and subgingival applications. All components should be sterilizable up to 135°C. The instrument and connection system should be from the same manufacturer as the dental unit and include a silicone tube with integrated light guide. Turbine with a 45° angled head with a cutting power of 19 W to approximately 29 W. The turbine should be equipped with a fiber optic adapter connection, ceramic ball bearings, a single port water without splashing, a “push-button” system and accepts standard and surgical length burs. The minimum operating speed is 300,000 to 380,000 rpm at air pressure; 2.8 to 3.5 bar. The turbine should be from the same manufacturer as the dental unit. The turbine noise level must be extremely low, and be from the same manufacturer of the dental unit.

It must also have a 1:1 contra-angle with a 25,000 lux LED light guide, (or equivalent). The device must be suitable for thermal disinfection and sterilization in an autoclave up to 135°C, and be from the same manufacturer of the dental unit.

The 1:5 contra-angle must have a 1:5 transmission ratio, with a 25,000 lux LED light guide, (or equivalent). The device must be suitable for thermal disinfection and sterilization in an autoclave up to 135°C, and be from the same manufacturer of the dental unit. The unit shall be equipped with an integrated surgical function for implantology, which includes the use of saline solution (NaCl) through a peristaltic pump with flow adjustment from the control screen. The surgical motor shall be brushless (implantology motor), with a torque of 5 to 5.5 Ncm, or more. The motor speed shall reach up to 40,000 rpm, depending on the motor and unit configuration. The integrated instrument lighting shall be LED for high visibility during surgical procedures.

The assistant element should include an ergonomically adjustable arm with a minimum of 4-5 positions for placing instruments and suction tubes, with additional configuration options

according to the system. This element should be equipped with a suction system for spray mist and for saliva suction. The control panel has dedicated keys for foot movement, light control, cup filling and saliva rinsing. As an option, the integration of a polymerization light should be offered. Unit body

The water and air connections should be located on the unit body or integrated connections, the safety system includes an automatic water stop in case of leakage in the supply unit to prevent damage from water. The drinking water components have a free outlet in accordance with the international DIN 1988 standard. The unit must have an integrated permanent and intensive water disinfection system, as well as an integrated hygiene center with removable and thermo-disinfectable parts, which serves for the automatic cleaning and rinsing of the instrument tubes and suction tubes. Automatic disinfectant dosing for the suction system must be included. The saliva ejector must be removable and rotatable, with the option of a porcelain or steel variant. The system must offer sensor-controlled patient cup filling and a connection for integration with an external wet suction system. The unit must have an integrated permanent and intensive water disinfection system, with automatic rinsing programs for the instrument tubes and the suction system, as well as a hygiene center with removable and thermo-disinfectable parts.

The unit must include LED technology lights, with adjustable intensity from 5,000 to 40,000 lux, adjustable color temperature 4600-6200K and light field surface with minimum dimensions of 90 to 200 x 50 to 100 mm.

The light handles must be removable and autoclavable. Mounted on an arm with a wide range of movement.

The operating light must have an optical system with a segmented reflector for homogeneous distribution of lighting throughout the treatment field, minimizing shadow areas even in the presence of obstacles such as hands or instruments. The lighting intensity must remain constant throughout the adjustment range, without changing the color temperature when decreasing or increasing the power.

The system must be equipped with technology for reducing indirect lighting in peripheral areas, improving contrast and visibility of dental structures. It should have low energy consumption and a long life of the LED source, with a duty cycle designed for intensive clinical use. The light should offer a passive thermal management system, without an active fan, to avoid noise and increase patient and operator comfort. The light body should be designed with smooth surfaces and no sharp corners for ease of cleaning and disinfection. There should be uniform color temperature distribution throughout the lighting field, without chromatic aberrations at the periphery of the focus area. The system should allow full integration with the dental unit for control via the touch screen panel and synchronization with the stored chair positions. The light should be equipped with a protection system against liquid penetration according to the appropriate IP classification for medical use. The light should be from the same manufacturer as the dental unit.

The multifunctional foot control should allow control of chair movement and activation of instruments with progressive speed adjustment via the pedal. It should enable automatic chair

positions to be called up and include integrated safety mechanisms. User selection and treatment parameters should be carried out via the touch screen, while the foot control should support operational functions during treatment. A wireless control option should also be provided. The dentist's chair should have an anatomical surface with adjustable inclination, comfortable back support, soft and elastic premium upholstery, easy to replace. The height should range from 4050-470 mm or less in the lowest position to 630-645 mm or more in the highest position. The chassis will be shock resistant, with five wheels, which may be soft for hard floors. The load capacity will be a minimum of 135-

150 kg or more. The chair should be from the same manufacturer as the dental unit.

The foot control should include dedicated keys for controlling the chair and instruments, enabling precise and efficient management of all main functions.

The pedal allows lateral movement for controlling the speed of the instruments, with automatic return to the central position after moving left or right in the respective operating modes.

The foot control should be equipped with an integrated safety switch, which guarantees maximum safety during use. Through it, it is possible to set and call up any automatic position of the patient chair, making the process faster and more practical.

In addition, the system allows for the pre-selection of the dentist/user and the treatment mode, offering full customization according to individual needs.

The 1:5 contra-angle should have a 1:5 transmission ratio, with integrated LED lighting, and a multi-port internal spray system. The instrument must be autoclavable up to 135°C and from the same manufacturer as the dental unit. The surgical contra-angle 20:1 must be suitable for implantology, with a 20:1 reduction ratio and a hexagonal system for high stability of the implant bur, with a high torque capacity according to the manufacturer's specifications, with integrated LED lighting and the possibility of external sterile cooling. The instrument must be autoclavable up to 135°C and from the same manufacturer as the dental unit.

After comparing the initial specifications with those published later, it is found that some important changes have been made to the main components of the dental unit. These changes have modified the technical parameters and in some cases removed advanced technical requirements, creating a configuration closer to the technological characteristics of the dental systems of the manufacturer Sirona. In the water and hygiene system, the reference to the DVGW standard has been removed and only DIN 1988 has been retained, and the functionality of the disinfection system has been reduced by limiting the automatic dosing of the disinfectant only to the suction system and not to the instruments. Some advanced automatic cleaning functions of the internal components of the system have also been removed. In the operating light, significant changes have been made. Some very specific parameters such as CRI >95, single optic, composite mode, patient relaxation mode, touchless control and minimal horizontal movement have been removed and replaced with a new configuration that includes a segmented reflector, homogeneous light distribution and integration with the unit's touch panel, features that match the configuration of the lighting systems used by Sirona. The range of illumination

intensity has also been changed from 5,000-44,000 lux to 5,000-40,000 lux and the range of illumination field dimensions has been expanded, creating a configuration that more closely matches the parameters of this manufacturer's operating lights. In the control system, some functions that were controlled via foot control in the initial specification have been transferred to the unit's touch panel, which is characteristic of the digital architecture of Sirona units.

In the patient chair, the requirements for the ergonomic inclination of the seat and backrest have been removed, while the height range of the chair has been changed, adapting to the dimensions used in some models of this manufacturer's units. Also, in the surgical contra-angles, some detailed technical parameters have been removed, such as the requirement for ceramic bearings, the number of spray nozzles and the exact value of the LED lighting, being replaced with more general formulations according to the manufacturer's specifications. For the Didactic Camera, it has been requested that the dental unit offer the possibility of integrating a didactic camera for documentation, recording and real-time transmission of clinical procedures, with a minimum resolution of Full HD with a 4K option, autofocus, video and photo recording, hands-free control via USB pedal and integration with external platforms for learning and communication. This combination of requirements creates a very specific configuration of the camera system and the way it is integrated into the dental unit, while many manufacturers on the market offer didactic cameras as standalone devices or as optional modules that work through universal video systems. Defining such a detailed and integrated configuration for a component that is not essential for the basic function of the dental unit limits the flexibility of alternative solutions and reduces competition, indicating that the specifications are tailored to the technical characteristics of a particular manufacturer.

Such a configuration of the didactic camera corresponds only to the systems of the manufacturer Futudent - Smartcam model <https://futudent.com/products/smartcam/>, which has an authorized distributor for Kosovo, the company Bora Dental, which offers and markets this system on the Kosovo market. For position 12. During the analysis of the tender documentation for position 12 - Central Suction System for Dental Units, it turns out that some important changes have been made to the technical parameters of the system, which significantly change the technical concept of the device and orient the specification towards a very special technological configuration. In particular, the way the air filtration system is described has been changed, requiring that the antibacterial filter be directly integrated into the exhaust air line, instead of the more common air filtration configurations used in most dental vacuum systems. At the same time, the concept of the air-water separation tank has also been changed, requiring a high-capacity central tank equipped with an integrated pump for the removal of contaminated water, automatic level sensors and an internal rinsing and disinfection system, which in practice is compatible with the central secretion separation and management systems used in certain dental vacuum systems. In addition, new requirements have been added related to the monitoring and control of the system via a network connection (LAN), requiring real-time monitoring of the operating status, recording of technical alarms, notifications of maintenance intervals and remote diagnostics, elements that are not standard features for most central dental suction systems. At the same time, it was required that the system have a modular architecture and continue functioning even in the event of a module failure, and that the system be based on radial technology with electronic

speed control via inverter and automatic performance adjustment according to the workload. When all these technical requirements are taken together - integrated filtration in the air line, central reservoir with integrated pump, modular system architecture, network monitoring and the use of radial technology with inverter - a very specific technical configuration is created that in practice matches the technological solutions used by the manufacturer Durr Dental for central dental vacuum systems.

Such a formulation of the technical specifications significantly limits the participation of other international manufacturers operating in this field and using different technological configurations for vacuum systems, making it very difficult for economic operators representing these manufacturers to offer solutions that fully comply with this technical configuration. Thus, the new configuration, which has been changed from the previous configuration, essentially results in a single manufacturer, Durr Dental, which also has the exclusive distributor in the Kosovo market, which is the same as Dentsply Sirona, namely BORA DENTAL SH.P.K. This very detailed modification in the technical specification implies that the new specifications are adapted to the distributor of Dentsply Sirona and Durr Dental. PROPOSAL

TO APPROVE - The complaint in its entirety as well-founded and to decide as follows:

1. To ANNUL- the decision of the Contracting Authority dated 11.03.2026, by which the request for reconsideration was rejected as out of time.
2. To ANNUL- the Tender Dossier published on 27.02.2026 since it is not in accordance with the decisions of the PRB no. 2025/981-996 and no. 2025/1254.
3. To OBLIGATE- the Contracting Authority to restore the Tender Dossier to the structure and content of the previous technical specification by making only those changes and improvements that were requested in the decisions of the PRB 2025/981-996 and no. 2025/1254.
4. TO OBLIGATE- The Contracting Authority to remove from the current Dossier dated 27.02.2026 any formulation, parameter or combination of technical parameters that creates new restrictions or new orientations in favor of certain manufacturers, such as Sirona Dental, Renfert, Futudent and Durr Dental as it conflicts with Article 28 of the LPP.
5. TENDERS DEADLINE - For submission and acceptance of tenders to be postponed in accordance with Article 53 of the LPP after the changes made by the CA.

TO DECLARE - Notice to the responsible procurement officer for not implementing the decisions of the PRB 2025/981-996 and no. 2025/1254 and to force him to completely cancel the technical specifications published on 27.02.2026.

TO INITIATE - Request for revocation of the professional procurement certificate against the responsible procurement officer for violation of the provisions and decisions of the PRB.

PPRC Monitoring Department

COMPLAINER- I will also submit a request to the PPRC Monitoring Department for monitoring of this procurement procedure since the responsible procurement officer has committed serious violations of the provisions of the LPP in order for the PPRC to officially initiate a procedure for revocation of the professional procurement certificate in accordance with Article 91 Paragraph 1 Point a of Regulation 001/2022 on PP.

- Administration and evaluation of evidence -

Based on Article 111 paragraph 5 in connection with Articles 113 and 114 of the LPP, the PRB on date 16/03/2026 authorized the review expert to conduct the initial review of the file and claims according to the complaint with no. 2026/0151, which was submitted on date 23/03/2026.

In response to the claims of EO “DUA 5n2 SH.P.K.”, the review expert through report no. 2026/0151 has assessed as follows:

The Contracting Authority “Clinical Dental Center” during this procurement activity has implemented an open procedure, public framework contract - type of contract supply. Estimated value 1,889,000.00 €. Contract Award Criteria Responsible Tender with the Lowest Price.

Introductory clarification: After the administration and review of the case files against the complaint claims, we clarify that the complaining economic operator claims that the CA has acted in violation of Article 4, 6, 7, 8, 9, 10, 28, 46, 59, 69, 109 and 131 of the LPP.

The complaints are against the contract notice (criteria), this procurement procedure has been the subject of review by the PRB, while the review/technical expert has issued an expertise report with No. 981/2025, dated 20.10.2025, an expertise report with No. 996/2025, dated 27.10.2025 and a report with No. 1254/2025 dated 06.01.2026. Also, the Review Panel has judged with Decision PSH.nr. 2025/981-996, dated 27.11.2025 and Decision PSH. nr. 2025/1254 dated 12.02.2026.

It is worth noting that the complaining EO “DUA 5n2” Sh.p.k- Prizren, in the previous complaint with number No. 981/2025, did not have any complaint claims regarding the technical specifications but only submitted a complaint claim for extension of the deadline for submission of bids. Based on the authorization dated 17.03.2026, the complaint claims were reviewed by the review/technical expert based on the case files, and they respond as follows.

ONGOING TECHNICAL EVALUATION OF THE TECHNICAL EXPERT

After the full review of the complaint no. 151/26 submitted by the economic operator “DUA 5n2” SH.P.K., in relation to the procurement activity “Supply of Autoclave, Dental Units, Laboratory Tables for Dental Work with Integrated Suction System and Central Suction System for Dental Units” with procurement no. 220/70900-25-8722-1-1-1, initiated by the Contracting Authority - Clinical Dental Center, and relying on the decision of the Procurement Review Body no. 2025/1254, the decision of the CA in response to the request for reconsideration as well as the report of the reviewing expert of this case and in the improved Tender Dossier, in the capacity of technical expert I give this assessment of the claims of the appeal:

Regarding the claims regarding the non-implementation of the decisions of the Procurement Review Body no. 2025/981-996 dated 27.11.2025 and no. 2025/1254 dated 12.02.2026, based on the documentation, it results that the CA has taken concrete actions to implement the decision, improving the tender documents, reflecting the recommendations given and extending the deadlines for bidding.

From the technical review of the Tender Dossier, it results that the interventions made are in function of eliminating restrictive requirements and harmonizing the specifications with the principles of free competition, constituting implementation of the decision, it also does not result that the specifications contain exclusive or discriminatory requirements, while there is no comparative technical evidence that would prove the impossibility of bidding equivalent products.

Regarding the claim for item no. 1, which is related to the changes in the specifications for laboratory tables and the claim for lowering standards, the CA acted in accordance with the decision of the PRB. The review results that the very specific parameters have been replaced with functional requirements and general standards, which is in accordance with the legal requirements and does not represent a decrease in quality, as a result the claim for this item is unfounded.

As for the claims for articles 3, 4, 5 and 6, related to the specifications for the washing, sealing and sterilization system equipment, these issues have already been addressed in the initial expert report and the PRB decision exists. As for the claims for articles 3 and 6, the requirements are of a functional nature and it has not been proven that they can be met by only one manufacturer, therefore no discriminatory character is found. The CA has implemented the decision regarding the removal of fixed specifications and the allowing of parameters with different intervals while maintaining the specifications of the DT (in article 6, the CA has enabled that only one screen can be allowed if it achieves the same function), while as for articles 4 and 5, no change has been made from the initial DT for which the PRB decision exists, which claims have been reviewed previously, as a result, the claims related to these articles are unfounded. Regarding the claims for article 7, From the examination of the Tender Dossier it results that the changes relate to the reformulation of the requirements in a more general way and not to the elimination of essential functionality. The removal of detailed specifications for certain hardware components or specific functions does not imply a reduction in performance, as long as no standard is defined that cannot be met by equivalent equipment on the market, as a result the claim regarding this article is partially founded.

Regarding the claims for articles 8, 9, 10 and 11, the PRB decision has recommended that the specifications be variable in order to open up competition. The review results that the very specific parameters have been replaced by functional requirements and general standards, allowing for tolerance between the minimum and maximum as well as equivalence in the technical specifications regarding changes in workstation configuration, ergonomic parameters of the equipment and software functionalities. As for the claim of a decrease in the quality of the equipment as a result of the changes in the specifications, this claim is not supported by concrete technical analysis. The formulation of the specifications in a more general way allows for wider

competition without affecting the basic requirements for performance and functionality. As for the claim regarding the didactic camera, the specifications are almost the same as regards performance as in the initial tender dossier for which there is also a PRB decision. As a result, the claims regarding these items are unfounded. As for the claim regarding position 12, it can be seen from the tender dossier that the fixed specifications have been removed and some changes have been made for the purpose of better performance and safety, as a result, the claim regarding this position is unfounded. At the conclusion of this technical evaluation, the Contracting Authority has acted in accordance with the PRB decision and with the legal requirements in force.

Based on the above-mentioned clarifications, the review/technical expert recommends that the improved tender dossier published on 27.02.2026 remains in force, since the Contracting Authority has acted in accordance with Decision PSH 2025/1254, dated 12.02.2026, allowing tolerance between the minimum and maximum, as well as accepting equivalence in the technical specifications. Also, restrictive requirements have been eliminated, in compliance with the fundamental principles of transparency, equal treatment and non-discrimination of economic operators set out in Article 7 of the LPP, which Article establishes the obligation of contracting authorities to guarantee free competition, equal treatment and non-discrimination between economic operators.

RECOMMENDATION OF THE REVIEW EXPERT

Based on the above-mentioned clarifications, the review expert proposes to the review panel that the complaint of the complaining EO is rejected as unfounded and the CA is allowed to continue with the procurement activity.

- Findings of the Review Panel -

The Rules of Procedure of the Public Review Body, which is published on the PRB website, with Article 20, paragraph 2 of the Regulation, sets out the requirements for the Contracting Authority and the Economic Operator, that all information and notices must be submitted and communicated through the public communication platform, if possible.

Based on the documents of this case, the Panel considers that regarding the issue in the concrete case, there is no need to convene a hearing with the parties, within the meaning of Article 24 paragraph 1 of the PRB Rules of Procedure, taking into account the fact 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.

The Review Panel assesses that the Review Expert Report, drafted at the request of the Panel regarding the dispute in this case of public procurement activity, contains the essential elements of such a document as foreseen by the provision of Article 113 in conjunction with Article 114 of the LPP, according to which the expert is required to review all procurement documentation, including all complaint claims and to provide the Panel and all parties to the dispute with an independent and professional assessment of the procurement activity and the validity of the complaint claims. However, it should be noted that the legal fact that the expert report is not

binding on the Review Panel and that any such report is assessed and/or analyzed in the overall context of the case files, the alleged facts and other possible evidence, taking into account the nature of the possible violations, the course, nature and purpose of the procurement activity, therefore, the fact in which cases and for what, the Panel relies or not, on the expert report and/or any of the recommendations, is a matter of his/her independent and professional judgment, as these responsibilities are addressed in the sense of Article 98, 99 in conjunction with Article 105 of the Public Procurement Law.

According to the above data, the report of the review and technical expert has professionally and objectively treated the claims of the complaining economic operator EO "DUA 5n2 SH.P.K.". The argumentation in the review expert's report is quite detailed, understandable and fully based on the relevant documents referring to the procurement activity. The findings in the expert's report can be confirmed through the tender dossier, according to which the complaining claims of the complaining Economic Operator EO "DUA 5n2 SH.P.K." have been found to be unfounded.

The review panel finds that the complaining claims are against the Contract Notice (criteria), and that this procurement activity has been complained to the PRB, that they have been issued, Decision PSH.nr. 2025/981-996, dated 27.11.2025, as well as Decision No. 1254/2025 dated 12.02.2026, and that now for the third (3) time a complaint has been filed against this procurement activity in the criteria of the Tender Dossier.

The Panel also finds that the complaining EO "DUA 5n2" Sh.p.k-, in the previous complaint with number No. 981/2025, did not have any complaint claims regarding the technical specifications but only filed a complaint claim for extension of the deadline for submission of bids.

Therefore, the Review Panel finds that the complaint should be dismissed as inadmissible based on Article 60.1.a) of the Public Procurement Regulation (PPPR) No. 001/2022, supplemented by PPPR No. 002/2024, which stipulates "Whenever the request for review relates to the contract notice or tender documents at least five (5) days before the deadline for submission of bids. In calculating the time limits, the day of submission of bids is day (0). This deadline does not apply in cases where the CA extends the deadline for submission of bids after the decision to reject the request for review according to Article 63.1.1 of this regulation".

The Review Panel, after analyzing the expert report and the explanation provided in the Complainant's complaint claims (with data as in the case files), clarifies that during the development of this procurement procedure, the Contracting Authority, in accordance with Article 27 of the Law on Public Procurement of the Republic of Kosovo (LPP), has prepared the tender dossier (DT), where it has clearly and in detail defined the conditions and requirements that apply to all economic operators interested in participating in the procurement activity. The establishment of conditions in the DT must be done as provided for in Article 28 of the LPP and secondary legislation, however, the Review Panel emphasizes the fact that it is the exclusive responsibility of the Contracting Authority, as determined by the law, to establish these criteria in accordance with the provisions of this law.

The Review Panel finds that the contracting authority has drafted the requirements of the Tender Dossier in full compliance with Article 7 of the LPP, namely paragraphs 1, 2, 3 and 6. Paragraph 1 of Article 7 clearly provides that "The contracting authority shall treat economic operators equally and non-discriminatory and shall act in a transparent manner". The contracting authority shall not execute any aspect of the procurement activity in a manner that reduces or eliminates competition between economic operators or that discriminates to the detriment or advantage of one or more economic operators. Also, the requirements of the Tender Dossier compiled in accordance with Article 27 of the LPP and at the same time with Article 17, Regulation No. 002/2024 on Supplementing and Amending Regulation No. 001/2022, which does not restrict competition among EOs, or discriminate against or act in favor of one or more EOs.

The review panel, relying on the LPP as the applicable material law, taking into account all the case files and the recommendations of the review and technical expert, concludes that the complaint of the economic operator EO "DUA 5n2 SH.P.K.", is dismissed as inadmissible, for the criteria of the Tender Dossier and remains in force, B05 Contract Notice, corrected with form B54 dated 27.02.2026, regarding the procurement activity "Supply with Autoclave, Dental Units, Laboratory Tables for Dental Works with Integrated Suction System and Central Suction System for Dental Units", with procurement number "220/70900-25-8722-1-1-1", contracting authority (CA) - Clinical Center. Dental Clinic, which has implemented the above-mentioned PRB decisions and the contracting authority (CA) - Dental Clinic Center, is allowed to continue with the procurement activity.

Therefore, referring to Article 104.1 of the LPP, according to which it is required that the review procedure be implemented in a prompt, lawful and effective manner and by also analyzing in its entirety the documents of this case in the context of this procurement process, the Panel did not consider it necessary to elaborate again in detail and unnecessarily in this case each complaint claim, since the same have been specifically singled out especially in the challenged decision of the contracting authority and have been analyzed and argued without objection by this Panel. Among other things, in the challenged decision of the contracting authority and in the reports of the review expert, fair explanations have been given also in relation to the complaints. The Panel notes that the reasons given in the challenged decision of the contracting authority are professional and argued without objection with material evidence, without the need to describe them again. Therefore, the Panel supports the assessments of the review and technical expert who explained in his expertise report number; 2026/0115, that during the development of this procurement procedure, the contracting authority has implemented the legal provisions of the LPP.

The review panel, based on the fact of rejecting the complaint of the EO "DUA 5n2 SH.P.K." as inadmissible, decided to return the complaint insurance fee in the amount deposited when filing the complaint by the complaining economic operator, based on Article 31, paragraph 4 of the PRB Rules of Procedure.

However, for each request placed by the CA in the Tender Dossier, based on Article 24, paragraph 2 of the LPP, the Contracting Authority is responsible for ensuring that all procurement activities of such contracting authority are executed in full compliance with this

law. Also according to Article 51, paragraph 3 of the LPP, the CA must ensure that all selection criteria and the documents and information required that are set out and described in this Article, must be directly relevant and proportionate in relation to the subject matter of the respective contract.

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 that may arise during a procurement activity.

From what was stated above, it has been decided as in the provision of this decision.

President of the Review Panel

Mr. Isa Hasani

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 – **DENTAL CLINICAL CENTER;**
1x1 EO – **DUA 5n2 SH.P.K.;**
1x1 Archive of the PRB