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PRB

# The Public Procurement Knot

The Monitoring Report of  
Procurement Review Body

March - June 2017



# PRB

## THE PUBLIC PROCUREMENT KNOT

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Procurement Review Body



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## **PRB The Public Procurement Knot**

Procurement Review Body (PRB) for the second time has been shocked by the filing of charges against two Board members of this institution. These charges are not the only ones considering that in the past the Head of PRB has been sentenced for corruption. Building an evaluation institution with integrity is the key to establishing order and justice in public procurement.



# Content

<b>Summary</b> .....	<b>9</b>
<b>Introduction</b> .....	<b>11</b>
<b>Integrity</b> .....	<b>13</b>
<b>Transparency</b> .....	<b>14</b>
Transparency in the sessions .....	14
Failure to publish expertise reports .....	16
<b>Progress of PRB sessions</b> .....	<b>17</b>
Consistency of decisions .....	17
Lack of witnesses in the sessions .....	19
Failure to confiscate the complaint fees .....	20
Companies whose deposits have been confiscated.....	21
Companies whose deposits have not been confiscated.....	22
<b>Delays in decisionmaking</b> .....	<b>24</b>
Five cases with the longest delays in decisionmaking .....	24
Cases of case resolution before the expiration of legal deadline .....	24
<b>Companies with highest number of complaints</b> .....	<b>25</b>
<b>Contracting authorities with the highest number of complaints</b> .....	<b>28</b>
<b>Engaging Experts</b> .....	<b>33</b>
Technical experts.....	35
Review Experts .....	37
Expert profiles .....	38
<b>Recommendations</b> .....	<b>49</b>

# Abbreviations

<b>CA</b>	Contracting Authority
<b>CPA</b>	Central Procurement Agency
<b>D+</b>	Democracy Plus
<b>TF</b>	Tender File
<b>KEC</b>	Kosovo Energy Corporation
<b>RCPP</b>	Regulatory Commission of Public Procurement
<b>MEST</b>	Ministry of Education, Science and Technology
<b>MI</b>	Ministry of Infrastructure
<b>MSF</b>	Ministry of Security Forces
<b>MIA</b>	Ministry of Internal Affairs
<b>EO</b>	Economic Operator
<b>PRB</b>	Procurement Review Body
<b>UCCK</b>	University Clinical Center of Kosovo
<b>UP</b>	University of Prishtina
<b>NAO</b>	National Audit Office



## Summary

D+ has begun the monitoring of this institution in the December of 2016 considering the high importance that PRB has in all the chain links of public procurement, the doubts of corruption and lack of observation for this much talked about institution. During the first phase of monitoring December 2016-February 2017. Democracy Plus (D+) has identified a number of problems in the overall functioning of public procurement in Kosovo, including work practices of PRB. Implementation of recommendations of this report addressed to PRB has been slow and with small effects. During this monitoring period the charges have been filed which decreased the number of PRB members from five to three active members that can deal with complaint review. In the absence of the Assembly and as a result of the institutional blockade this institution is facing problems that cause general delays as a result of the work volume.

Main problems identified in this reporting period, are related to lack of consistency in the decisions of PRB and creating legal insecurity in the interpretation of the legislation. The report analyses the review of some procurement activities for which PRB has issued contradictory decisions during different phases, by creating double standards practice depending on who are the operators. Also, the report tackles the problem of disregard of this institution by some contracting authorities and lack of cooperation with the prosecutor to address criminal offenses which might have been committed by the companies and institutions in tendering phases. Between the PRB and State Prosecutor there seems to be an impenetrable wall, since there is no visible cooperation on addressing of cases of serious and intentional violations in procurement.

Another identified issue is the violation of deadlines for tackling of complaints by PRB. In some cases the review of complaints can be very efficient and fast, while on some other cases the delays against the Law and Regulation of PRB can reach up to tens of days, weeks or months. The selection of cases and their timely resolution are entirely based on the will of PRB considering that there is no case selection mechanism which would prevent the subjective access. Engagement of experts and measurement of their performance, continues to be problematic, because these experts are appointed based on the personal preferences of the Chief Executive Officer of the PRB or in the case of external experts by the Head of PRB.

Transparency which must have been in the excellent level due to the mission of PRB, in fact leaves much to be desired. Except the publication of decisions of PRB which are drafted with poor legal writing, other documents such as expertise's, complaints and other documents are partially published. The issue of high importance is also the voting of the members of PRB. Currently, neither the public nor the parties have access to the method of voting. The decisions as well lack the reasoning of members whom have voted against a certain decision, as a justification of their action.

In most of the cases, the review panels do not confiscate this deposition of the complaint, after they approve at least one of the complaining claims of the economic operators. Furthermore, the purpose of this deposition is not to cover the expenses of the PRB, but preventing unfounded complaints that can overload the work of the review panels. However, PRB has another instrument available to discipline operators that submit unfounded complaints. The Law of Public Procurement has given the right to impose fines up to 5,000 euro for each unfounded complaint which aims the delay of procedures. Also, the Law allowed fines for contracting authorities that do not regard the decisions of this body, which include those monetary or the request to remove the license of procurement officers.

During this reporting period PRB has used these instruments only in two cases by imposing fines of 10,000 euro to Gjilan municipality and 5,000 euro to Dragash municipality for failure to implement decisions. In the case of Gjilan municipality PRB has sent the request to remove the license against Salih Kçiku, procurement officer in Gjilan. However, the case of disregard of decisions and requests of PRB is very high and this is illustrated by number of cases that are reviewed more than once in PRB.

## Introduction

The evaluation of tenders is a process that aims to guarantee effective legal means for complaints by economic operators in public procurement. As a process which is composed of a close race between many economic operators, and complex legal norms that allow a variety of interpretations, public procurement in many cases can be used by an institution for more than necessary purchases. In Kosovo, the frequency of violations in public procurement has increased from one year to another, along with the budget that institutions have in their management. In order to impose justice in procurement, the European Union (EU) legislation requires that member countries establish an institution that will evaluate tenders and offer businesses the right of fast and efficient legal means.

For this purpose, Procurement Review Body (PRB) has been established in Kosovo as a separate institution from Public Procurement Agency (PPA) which is an entity that issues the regulations and monitoring of procurement. In Kosovo as in many of EU countries, this institution is placed within the scope of independent agencies established by the Kosovo Assembly; consequently it is an administrative institution. Some other countries have such institution in the level of judiciary or quasi-judiciary. The particularity of these institutions, unlike courts, is that they can correct the mistakes during the process, before issuing or signing contracts and in this way also protect the integrity of the system and prevent irregularities. Both systems whether administrative or judiciary have their advantages and disadvantages. While judiciary institutions can be more professional, they usually are slower in complaint reviews. In a dynamic system of public procurement, delays are unacceptable due to many effects that they can have in the performance of the institutions and providing services to citizens. Between the quality of the complaint review and time efficiency, many countries such as Kosovo, choose the option of administrative institution. The lawsuit in court, in case of Kosovo is an option as well, but does not suspend the procurement activity. Economic operators therefore cannot win any contracts through court, they can only ask for compensation of damages.

In Kosovo, with frequent legislation amendments, there were frequent changes in the function of PRB mandate. The latest amendment in Law of Public Procure-

ment in 2016 has made PRB the second level of complaints, since the economic operators should first complain to the institution that has managed the procurement activity. Complaints in the level of contracting authority, are of the type of request to review the case and do not require deposition or payment to initiate this procedure. On the other hand, the complaints to PRB are of a broader nature and economic operators have the right to ask from this institution a series of measures, by requesting to order the institution to change the criteria of a certain procurement activity, to return the case in re-evaluation or even annul an activity entirely. In order to submit a request, economic operators must pay a deposition in the value of 1% of their offer or 1% of the estimated cost of the contract if the complaint took place during the phase of opening of the offers. This deposition cannot be lower than 100 euro and cannot be higher 5,000 euro. In previous legislation the same was a default value of 500 euro for all complaints. Increase of the value of the deposition has caused a decrease in the overall number of complaints.

## Integrity

The integrity of PRB in continuity has been damaged by the accusations of corruption which included the board of this institution. Except the sentence of the former Head of this board Hysni Hoxha that later was declared as not guilty by the Court of Appeals, and lastly two current members of board of PRB have been accused by the prosecutor related to the review of a complaint against Ministry of Security Force of Kosovo (MSFK). The charges are related to the voting of these two members have done in this case which decide to annul a notification for awarding a contract. By not judging the fate of these charges from State Prosecutor and the guilt of two board members of PRB, two effects can be analyzed from this case:

- First of all, such charges damage even further the trust towards PRB and increases the doubts of business community and the public itself regarding the impartiality of the institution and to address this, serious measures need to be undertaken in prevention, also:
- Professionals will not be interested to be member of PRB in these circumstances, because the danger from charges will be high. Members do not have any kind of immunity to vote according to their own will by not being accountable to anyone for their vote, as long as there is no proof that the vote has been cast with the purpose of profit.

The protection from irresponsible prosecution is also a dimension that needs to be tackled, because filing charges means automatic suspension of members of PRB. In Kosovo on the other hand, the cases when indictments fail are not rare, in most cases they even cannot be proven in Court. At the same time the persons who work on evaluation of complaints for tenders and who have charges filed against them cannot be tolerated, because this would be a great damage to the trust in the work of the institution. Considering the case of the former Director of the Central Procurement Agency (CPA) Mursel Raci, whom had been arrested and accused, to be freed after 48 hours and signed a contradictory contract which had a doubled price for the same work. This and other similar cases have raised dilemmas if criminal prosecution had the purpose of justice or blackmail towards the head of CPA to sign a suspicious contract.

# Transparency

In the previous report D+ has identified some problems with the transparency of the work of PRB, including the problems with web-page, information from the sessions, failure to publish complaints and expertise reports and lack of annual financial reports. One part of recommendations has been received by PRB, starting with publication of a part of expertise, respectively part of expert recommendation, PRB has published the budget, for which it received critics in the previous report due to not being included in the annual report. Nonetheless, web-page remains inadequate, complaints are not published completely and a number of sessions continue to take place without the presence of the public and parties. Also the information on sessions most of the cases are not published in a reasonable time, most of information are published in less than 48 hours and sometimes even 24 hours before the sessions.

## Transparency in the sessions

Sessions are not open in most of the cases, because PRB tries to do this as many times as possible without the presence of third parties, including the parties in the contest and monitors. This is not regulated by the Law on Public Procurement but with Regulation of PRB, which is also drafted by the Institution itself. This regulation defines that some of the sessions are

held without the presence of the parties with the purpose of time efficiency of the institution, for cases when the facing of parties is not necessary due to facts being sufficiently clear for the panel to decide with the help of the expert without the presence of the parties.

The problem with closed sessions is the fact that it does not give the right express their claims to the parties, especially economic operators and above all the possibility of counter-argumentation of the institution. The confrontation of arguments is supposed to help the panel to make the right decision. In many cases it can be noticed from the hearing sessions and presentation of the parties, how founded the complaint claim is and on the other hand how seriously a tender was evaluated by contracting authority

Another problem with closed sessions is lack of monitoring of decision making in these sessions. In order to form an evaluation whether the panel is impartial, fair and professional, the monitors can easily assess through direct monitoring of decision making. This is currently impossible and monitors cannot know based on what arguments and proofs the panel decided for one party or the other. For worse, the justification of decisions are very short and poor in argumentation and do not convince on what grounds the decision has been made. This

has possibly affected that in 2015, against this institution 58 lawsuits have been filed in the court<sup>1</sup>. In previous years PRB has had a far lower number of lawsuits, and this increase presents the discontent of parties with the quality of decisions of panels of PRB.

PRB which is institution called to protect the legality and the rights of the parties in public procurement should have been an example of transparency and accountability towards the public. Open voting would have been the first and very important step in establishing practices of transparent and accountable work.

However, unlike the previous reporting periods, there is an opening of the PRB, because of 122 sessions held, 47 have been closed mean-

while 75 have been open. In percentage, over 60 percent of sessions have been open to public.

In previous periods, out of 105 sessions, 61 were closed and only 44 were open<sup>2</sup>. In percentage, approximately 60 % of sessions in this phase were closed. This change presents a positive evolution in the transparency of PRB, however this does not justify the fact why 100 percent of sessions are not open for parties and public.

Considering the low level of trust in PRB, the number of charges, lawsuits and public complaints of operators and contracting authorities, PRB should make all sessions public, include in the decisions the disagreeing reports of panel members and publish all their votes. This way, the will would have been expressed and it would

## PRB Sessions

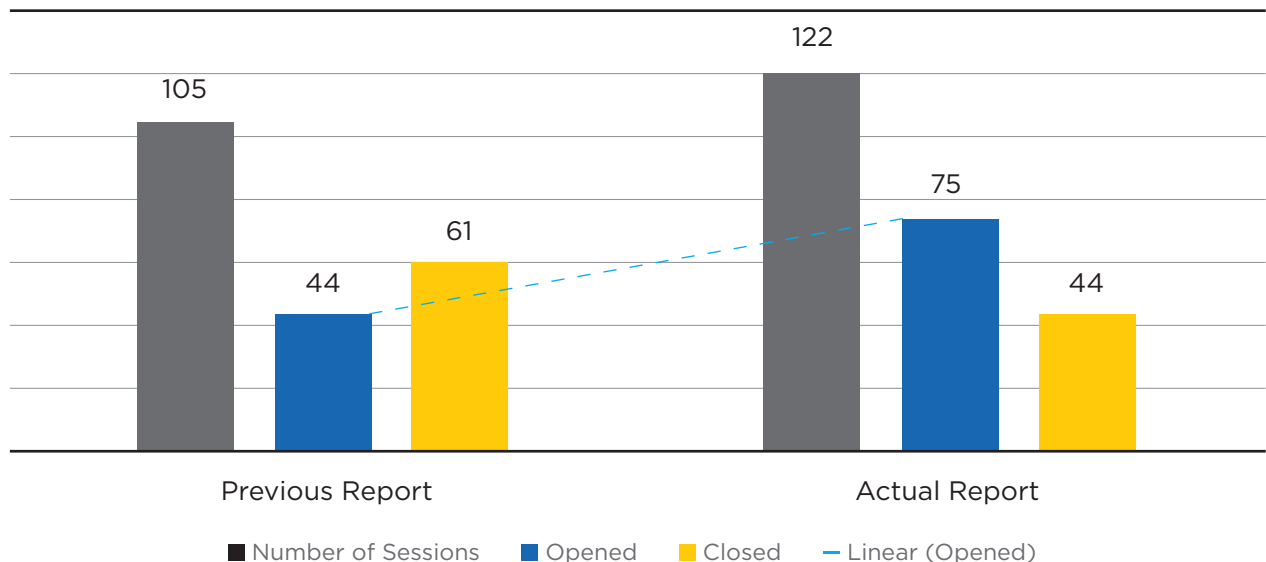


Tabela 1. Comparison of number of sessions of PRB between report of December 2016-February 2017 with the report of March-June 2017. Source, Quarterly Monitoring Report of PRB December 2016-February 2017

1 Procurement Review Body,. Annual Work Report for 2016, page 25, February 2016. Last Accessed on 19.09.2017 in <https://goo.gl/1gXAKp>.

2 Democracy Plus, (In)Justice in Procurement, Quarterly Monitoring Report of the Work of PRB, December 2016-February 2017, page 15. Last Accessed on 19.09.2017 in <https://goo.gl/EGdUQv>.

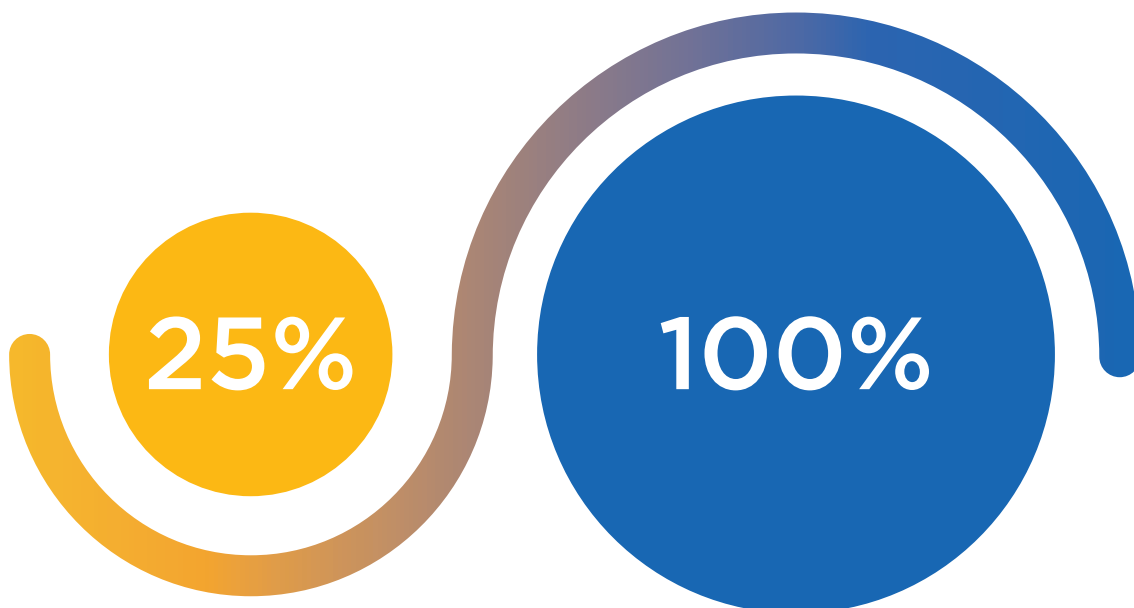
send the message of public accountability for all parties and public.

### **Lack of publishing of expertise reports**

In the previous report, D+ has argued related to the importance of publishing expertise reports, including review and technical experts. This with the purpose for all the parties to have access to the recommendations of the expert, because they supposedly tackle the claims of the parties independently and professionally. For this reason, it is important for all these expertises to be published with the purpose of informing the public and other parties as well with the purpose of measuring the quality of the experts. This beside transparency would also serve the ef-

ficiency in the procurement, because from those expertises the third parties would learn on how to interpret some norms of the Law on Public Procurement.

After the first monitoring reports PRB, has made moves in this direction by publishing expert recommendations for the most of the cases in review. The main problem is that whatever is being published is insufficient, because it contains only one paragraph of the recommendation, on whether the complaint needs to be accepted as founded or not, but it lacks justifications, consequently the main part of the expertise. In this case, justifications are more important than the expert recommendation itself, because in the end the panel decides independently about the decision.



Në nivel figurativ zbatimi i këtij rekomandimi të dhënë në raportin paraprak është vlerësuar i përmbushur pjesërisht përkatësisht 25%, pasi që OSHP ka filluar të publikojë rekomandimet por jo edhe raportet e plota të ekspertëve.

Figure 2. Presents the evaluation of D+ related to the level of implementation of recommendation from previous report for monitoring of PRB.



# The progress of PRB sessions

In this monitoring period March-June 2017, 144 complaints have been filed and 122 decisions have been issued. Overall, PRB has been followed by the same challenges as regarding the progress of sessions. Management of sessions in many cases was poor by allowing parties to make accusations and counter-accusations against the basic regulations of sessions. Also there weren't and there are still no guidelines for the behavior of parties in PRB sessions, in order to know the flow and format of the sessions. In most of the cases the parties are presented without lawyers and this is an interesting indicator on why parties decided to represent themselves therefore decide not to engage a lawyer or a representative specializing in procurement and legislation especially in cases for high value tenders.

The fees of complaints that are an obligation to file a complaint in PRB continuously are refunded to the complaining companies, by encouraging them to make as many complaints as possible even when they are unfounded,

even when with previous decisions they have been declared as irresponsible companies. This comes as a result of lack of consistency of PRB decisions and the expectation of companies that maybe PRB can change its mind and issue a second decision contrary to the first one, for which examples have been identified in a few cases. Not confiscating the fees, not sanctioning businesses that file complaints only to delay the procedures, changing the decisions effect the creation of a legal uncertainty and lack of standardized decision making and complicated the entire system of procurement.

## **Consistency of decisions**

During the phase of monitoring of PRB since December 2016 a phenomenon of judging one case more than once has been noticed. For the same procurement activity, complaints have been filed more than once and decisions of PRB did not guide sufficiently the contracting authorities on how to implement the Law or their decision. For example, one activity of Ministry of

Infrastructure, for asphaltting the road Babush, Tërnc, Luboc, Koshare and Slivovë, has been judged three times so far by PRB.

From their review of this case, important conclusions can be drawn that shows core problems in the work of PRB and their relation to contracting authorities:

- The cheapest operator is excluded in the activity Renelual Tahiri, for the lack of declarations under oath that engineers of this company are not engaged in any other projects in the Ministry of Infrastructure. This is unreasonable because such thing can be confirmed by the Ministry itself from internal data. On the other hand the Law does not allow asking for additional clarifications from the operator in such cases, with the purpose of awarding the contract to the cheapest operator.
- Although Renelual Tahiri has been declared irresponsible with the first decision of PRB, their complaint in the second round has been approved partially on the other hand they have been declared as an irresponsible operator. The same happened on the third round when this activity has been reviewed although with two previous decisions it has been declared as irresponsible and has been invited to the session to present their complaint claims. In none of the cases the complaint deposit has been confiscated. If one operator know clearly that they are irresponsible and they still file a complaint, they should not have had their complaint deposit confiscated which in this case is the maximum amount of 5,000 euro but they should have been fined with another 5,000 euro.
- The companu 2A Group has been favored by the review panel at the part of bank guarantee. This because the Gërlica company that has been recommended for the second time to be awarded with contract, by PRB has been declared as irresponsible because their bank guarantee did not say that the bank would support with 200,000 euro in case of the award of contract. At the same time the bank guarantee of 2A Group did not expressly say that the bank would support with 200,000 euro. PRB declared that 2A Group meets this criterion in the tender file although they had similar problems as the bank guarantee of Gërlica company.
- Other operator that has filed complaints in the second phase of review of procurement activity is Bageri Company. This company had publically accused that their engineer had been used by another company, respectively consortium Papenburg&Ardiani in two previous tenders, by falsifying documents<sup>3</sup>. For this issue PRB has not undertaken any action has not notified the prosecutors. Related to falsification of documents PRB needs to blacklist the companies.
- Ministry of Infrastructure with decision no. 98/17, 105/17, dated 31.05.2017 had a deadline of 10 days for completion of re-evaluation procedures regarding the decision of PRB. After approximately three months

<sup>3</sup> Procurement Review Body, Bageri v. Ministry of Infrastructure, No. 398, 401, 403/16. Last time accessed on 03.09.2017 in <https://goo.gl/hsSK7s>.

Ministry of Infrastructure still did not issue a decision regarding this procedure and on the other hand there were no reactions from PRB either. This presents an open disregard by the Ministry in relation to PRB.

Another case that had a lack of consistency of PRB is also the procurement activity Regulation of the Bifurcation riverbed and sidewalks near the river Nerodime. This case was reviewed three times in PRB and is in line to be reviewed for the fourth time. In all cases Ferizaj Municipality as a Contracting Authority has implemented the recommendations of PRB and again and again the complaints of economic operators were approved three times over. In this case openly and against the law the operator Linda was supported which based on Law on Public Procurement was declared irresponsible because its owner is serving a sentence based on the verdict of the court. Decisions of PRB have contradicted each other and PRB has closed its eyes in front of the fact that Linda Company does not have the right to be awarded with a contract and implement this contract. Related to this tender Democracy Plus and Insider have published a series of articles that have tackled in detail this procurement activity<sup>4</sup>.

Another case in review more than once is the procurement activity in Dragash Municipality for the project of construction of water supply. In this procurement activity for which PRB has issued four decisions, Dragash Municipality continuously has disregarded decisions of PRB and has discriminated operator Puna,

which based on the decision of PRB has been responsible operator, while the Municipality three continuous times did not award a contract to them. Finally, with Decision 50/17, PRB has fined the Municipality with 5,000 euro. However, the continuous disregard of PRB decisions of an institution like PRB should not be tolerated for such long time and operator should be awarded a compensation of damages pursuant to competencies of PRB. In this procedure not even the revocation of the license of procurement officer was not initiated. All these data show the systematic incapability of PRB to force institutions to act pursuant to their decisions. In this case the municipality has used illegal justifications to disqualify an operator and has attempted at every price to not award the contract although they had the lowest price and met all the criteria of tender file.

## **Lack of witnesses in the sessions**

It's not rare when the sessions of PRB have as a focal point of a contest between institutions and operators, or operators between themselves a dubious reference, a declaration that this or that item is inappropriate based on request units. In these cases, it would be preferable to invite to testify representatives of institutions, private persons or other parties whom would help respective panel in decision making.

After the publication of the previous report where the problem of failure to invite witnesses in any of sessions if PRB, this time experts

<sup>4</sup> Insider and Democracy Plus, Kosovar EL-Chapo that managed to benefit over 1 million euro from public tenders. Last time accessed on 21.08.2017 in <https://goo.gl/D25DgU>.

and parties have request to invite institutions or other persons to testify. In one of the cases Ndërtimi Company due to some problems that they had with the procurement platform has requested that someone from PPRC to be witness in this case. Because the problem that eliminated them was about the system and calculation of prices and not with their offer as an operator. PRB did not take the request into consideration and did not invite PPRC to testify regarding this problem, whether this was really a problem of procurement platform or this claim was untrue. In this case this Company was denied of their right by PRB as a result of failure to invite PPRC to testify about the case. Furthermore, the representative of contracting authority was not present at all in the session, disregarding the invitation of PRB for attendance<sup>5</sup>.

Also an internal review expert of PRB in the session NNP Apling v. Lipjan Municipality No. 190/17 has recommended as an option, to invite as a witness an electrical engineer which was also requested by the tender file, an issue which turned out to be a contest between the parties. PRB panel has not discussed this issue and has not tackled the request if the expert to have this person as a witness<sup>6</sup>.

## **Failure to confiscate the complaint fees**

Within this reporting period although there were 144 complaints filed, that shows a high number of discontents of economic operators

with contracting authorities, in the absolute majority of cases PRB did not confiscate the deposits that operators are obliged to pay for complaints in the form of fees. This fee was placed with the purpose of prevention of unfounded complaints and the sole purpose of which is to delay procurement procedures. PRB in 48 cases has decided in favor of contracting authorities and in 71 cases in favor of economic operators. From this number of 48 cases that favored contracting authorities, where the complaints of economic operators were not approved, only in 13 cases the complaint deposits were confiscated, meanwhile 36 other cases economic operators were “forgiven” by PRB and this fee was not confiscated although the complaint claims failed to be validated.

5 Procurement Review Body, Ndërtimi v. Klins Municipality, Nr. 232/17. Last accessed on 29.08.2017 at <https://goo.gl/ykXd3M>.

6 Procurement Review Body, NNP Apling v. Lipjan Municipality, Nr. 190/17. Last accessed on 29.08.2017 at <https://goo.gl/zoNRoX>.

## Retention of complaint fees

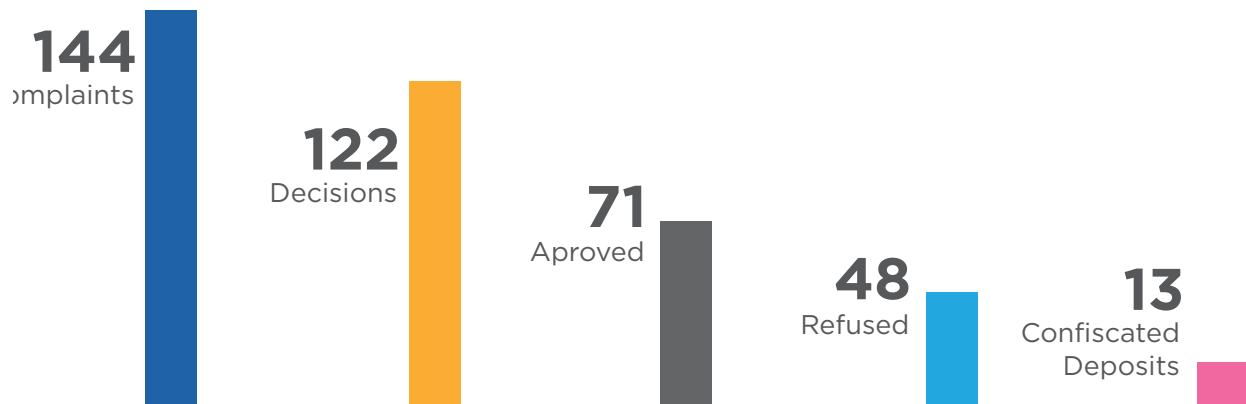


Tabela 3. Paraqet krahasimin e numrit të ankesave, vendimeve të panelit dhe numrit të vogël të tarifave të konfiskuara.

### Companies whose deposits have been confiscated

No.	Name of Company	Institution against which they complained	Panel
1	Kosovo Telecom	Gjakova Municipality	Goran Milenkovic
2	Aritech	Kosovo Academy for Public Safety	Ekrem Salihu
3	Luani	Prishtina Municipality	Tefik Sylejmani, Nuhi Paçarizi, Goran Milenkovic
4	ATM-PR	KEK	Tefik Sylejmani, Nuhi Paçarizi, Goran Milenkovic
5	NTP Ballkan Petrol	Trepça	Ekrem Salihu, Tefik Sylejmani, Nuhi Paçarizi
6	SNR	KEK	Tefik Sylejmani, Ekrem Salihu, Nuhi Paçarizi
7	Union	UCCK	Tefik Sylejmani, Goran Milenkovic, Blerim Dina
8	Botek	Mol	Nuhi Paçarizi, Goran Milenkovic, Blerim Dina
9	Buli Medical	General Hospital Gjilan	Goran Milenkovic, Tefik Sylejmani, Nuhi Paçarizi
10	Office Printy	Kosovo Prosecutorial Council	Goran Milenkovic
11	Marisa & Benita	Gjakova Municipality	Nuhi Paçarizi, Tefik Sylejmani, Blerim Dina
12	Shqiponja	Kosovo Assembly	Nuhi Paçarizi, Goran Milenkovic, Blerim Dina
13	ICN BM	MoH	Ekrem Salihu, Tefik Sylejmani, Nuhi Paçarizi

Table 4. Presents the data of companies whose complaint fees have been confiscated.

## Companies whose complaint deposits have not been confiscated

No.	Name of Company	Institution against which they complained	Panel
1	TTC	KEK	Blerim Dina, Tefik Sylejmani, Goran Milenkovic, Ekrem Salihu, Nuhi Paçarizi
2	El-Bau & Ve-Mor	Kacanik Municipality	Nuhi Paçarizi, Goran Milenkovic, Blerim Dina
3	Besi	MKK	Nuhi Paçarizi
4	DËH Kosova	KEK	Blerim Dina
5	Euro Ing	KEK	Tefik Sylejmani, Ekrem Salihu, Nuhi Paçarizi
6	Pharmachem-De-ga KS	UP "Hasan Prishtina"	Ekrem Salihu, Nuhi Paçarizi, Goran Milenkovic
7	FAM & NTSH ECO-INVEST	KEK	Goran Milenkovic, Ekrem Salihu, Blerim Dina, Nuhi Paçarizi, Tefik Sylejmani
8	Artius Group	Office of the President of Kosovo	Goran Milenkovic, Blerim Dina, Nuhi Paçarizi
9	Pastor Kosova & Professional Alarm	KEK	Blerim Dina, Ekrem Salihu, Nuhi Paçarizi, Goran Milenkovic, Tefik Sylejmani
10	Fans a.s & NPSH Electronic Business PRO	KEK	Nuhi Paçarizi, Tefik Sylejmani, Ekrem Salihu, Blerim Dina, Goran Milenkovic
11	Albkos INT NTSH	Gjilan Municipality	Ekrem Salihu
12	Arlindi & Berisha Company SHA	KRU Hidromorava	Goran Milenkovic, Tefik Sylejmani, Blerim Dina
13	Geo & Land	MSFoK	Tefik Sylejmani, Ekrem Salihu, Nuhi Paçarizi, Goran Milenkovic, Blerim Dina
14	Info Com	MEST	Nuhi Paçarizi, Tefik Sylejmani, Goran Milenkovic
15	NTG Blendi	UCCK	Blerim Dina, Goran Milenkovic, Nuhi Paçarizi
16	NTP Flamuri	Suhareka Municipality	Goran Milenkovic, Tefik Sylejmani, Nuhi Paçarizi
17	Infini	Kaçanik Municipality	Nuhi Paçarizi, Tefik Sylejmani, Ekrem Salihu
18	Plan 2	Komuna e Prizrenit	Nuhi Paçarizi, Goran Milenkovic, Blerim Dina
19	Europrinty	UP "Hasan Prishtina"	Tefik Sylejmani, Goran Milenkovic, Blerim Dina
20	Eco-Higjiena	Vitia Municipality	Goran Milenkovic, Tefik Sylejmani, Nuhi Paçarizi
21	Botek	Kosovo Police	Tefik Sylejmani, Nuhi Paçarizi, Goran Milenkovic
22	Sfinga	Prizren Municipality	Nuhi Paçarizi, Goran Milenkovic, Blerim Dina
23	Pe-Vla-Ku	Gjakova Municipality	Nuhi Paçarizi, Blerim Dina, Tefik Sylejmani
24	Audit Group	KEK	Nuhi Paçarizi, Blerim Dina, Tefik Sylejmani

25	Shkelqimi Project & A1 Engineering	Vitia Municipality	Nuhi Paçarizi, Goran Milenkovic
26	1. Sodex Group , 2. Shooting Polygon Katana	Kosovo Police	Blerim Dina, Ekrem Salihu, Tefik Sylejmani, Nuhi Paçarizi, Goran Milenkovic
27	New-Line	Prishtina Municipality	Blerim Dina, Tefik Sylejmani, Nuhi Paçarizi
28	Xani Inex	KEK	Blerim Dina, Nuhi Paçarizi, Goran Milenkovic
29	PBC	KRU Hidromorava	Nuhi Paçarizi, Tefik Sylejmani, Blerim Dina
30	Uni Project	MAP	Goran Milenkovic, Nuhi Paçarizi, Blerim Dina
31	SFK Security	Prizren Municipality	Nuhi Paçarizi, Goran Milenkovic, Blerim Dina
32	Segment Kosova	Trepça	Blerim Dina, Nuhi Paçarizi, Goran Milenkovic

Table 5. Presents the data of companies whose complaint fees have not been confiscated.

# Delays in decisionmaking

Within the scope of its competencies, PRB also has a number of time limits within which it is obliged to decide on complaints. The PRB has 30 calendar days to conduct the decision-making session and four days to draft the decision. However, this timeline is rarely respected. The

measuring of duration of review of complaints conducted by D+ based on the data published in the web page of the institution, it turns out that decisions have been issued within timelines of 19 calendar days<sup>7</sup> up to 73<sup>8</sup> which constitutes a legal delay of 39 days.

## Five cases with longest delays in decision making

Operator	Institution against which the complaint took place	Days to publication	Days of delay
Limit L&B	Prizren Municipality	73	39
Dromodoli Commerce	Novoberda Municipality	67	33
ATM-PR	KEK	65	31
Ballkan Petrol	Trepça	65	31
1. Sodex Group, 2. Katana	Kosovo Police	63	29

Table 6. Presents data of cases that had longest delays from the date of submission until the publication of decision by PRB. With Law on Procurement PRB is obliged to issue a decision within 34 days .

## Cases of case resolution before expiration of legal deadline

Operator	Institution against which the complaint took place	Days to publication	Days of delay
Office Printy	KPC	19	N/A
Yess Pharma	MIA	20	N/A
Uni Care	Prizren Regional Hospital	28	N/A
Aritech	Kosovo Academy for Public Safety	28	N/A
Xani Inex	KEK	28	N/A

Table 7. Presents the data of cases that did not have delays of decision making, on the contrary the decisions have been issued before the expiration of legal deadline.

<sup>7</sup> Procurement Review Body, Decision Office Printy v. Prosecutorial Council, no. 154/17.

<sup>8</sup> Procurement Review Body, Decision Limit L&B v. Prizren Municipality, nr. 51/17.



# Companies with most complaints

Companies with most of complaints in PRB are: Er-Lis & Ve-Mor, Security Code, Botek, PBC, In-finit and Uni Project, complaint claims of which in most of the cases have been evaluated as founded by the experts and have been decided in their favor by the review panels.

1. **Er-Lis & Ve-Mor** - From the data obtained in this phase of monitoring, the mentioned consortium has filed complaints in PRB five times.

For these five times, the recommendations of the experts and the ones of review panel have been in favor of Economic Operator. This operator has faced authority of Fushe Kosova Municipality twice, meanwhile KEK, Peja Municipality and Gjakova Municipality, once each. These subjects have been reviewed by experts: Basri Fazliu, Sabrije Bullatovci and Visar Basha.

## Er-Lis & Ve-Mor

No.	CA	Expert	Expertise in favor of	Decision in favor of
1	Fushe Kosova Municipality	Basri Fazliu	EO	EO
2	KEK	Sabrije Bullatovci	EO	EO
3	Peja Municipality	Sabrije Bullatovci	EO	EO
4	Gjakova Municipality	Visar Basha	EO	EO
5	Fushe Kosova Municipality	Basri Fazliu	CA	EO

Table 8. Presents the data of complaints of companies Er-Lis&Ve-Mor, authorities against which the complaints have been filed, the expert of the subject, recommendation of the expert and the final decision of the panel.

2. **Security Code** - Economic Operator "Security Code" has filed complaints three times in PRB against the authority of Ministry of Health, Prizren Municipality and University of Prishtina.

This company has won all cases, although only the expertises of Visar Basha and Qazim Hoxha have been in their favor. Meanwhile in two other cases, expert Basri Fazliu in one case and expert

Sabrije Bullatovci and Besim Mulaj on the other case have given their recommendation in the favor of the contracting authorities.

## Security Code

No.	CA	Expert	Expertise in favor of	Decision in favor of
1	MH	Basri Fazliu	CA	EO
2	Prizren Municipality	Visar Bibaj & Qazim Hoxha	EO	EO
3	UP "Hasan Prishtina"	Sabrije Bullatovci & Besim Mulaj	CA	EO

Table 9. Presents data of complaints of company Security Code, authorities against which the complaints have been filed, expert of the subject, recommendation of the expert and final decision of the panel.

**3. PBC** - Regarding this company, PRB has received a total of three complaints, two against KRU Hidromorava and one against KEK. In the three sessions that took place for the review of complaints of this economic operator, reviewer of complaint claims was expert Basri Fazliu,

whom in two cases has recommended the complaint of EO to be approved as founded, meanwhile in another complaint his opinion was in favor of CA. The decisions of the review panel have been in accordance with the recommendations of the expert.

## PBC

No.	Complaint against	Expert	Expertise	Decision
1	KEK	Basri Fazliu	EO	EO
2	KRU Hidromorava	Basri Fazliu	EO	EO
3	KRU Hidromorava	Basri Fazliu	CA	CA

Table 10. Presents data of complaints of company PBC, authority against which the complaints have been filed, expert of the subject, recommendation of the expert and final decision of the panel.

**4. Botek** - In the ranks of companies with most of complaints in PRB, comes company Botek, which has also filed complaints in PRB three time. Complaints of this EO are against MEST,

Ministry of Infrastructure and Kosovo Police. Experts that have reviewed these complaints are Sabrije Bullatovci, Idriz Hoxha, Visaj Bibaj and Visar Basha and all of them have given recom-

mentations in favor of the CA's. Review panel has decided pursuant to the recommendations

two times, and once against them.

## Botek

No.	CA	Expert	Expertise	Decision
1	MEST	Sabrije Bullatovci & Idriz Hoxha	CA	EO
2	Mol	Visar Bibaj	CA	CA
3	Kosovo Police	Visar Basha	CA	CA

Table 11. Presents the data of complaints of company Botek, authority against which complaints have been filed, expert of the subject, recommendation of the expert and final decision of the panel.

**5. Uni Project** - Company Uni Project has filed three complaints to PRB and those against MPA twice and against CPA once. Decisions issued for these complaints have been twice in favor of this Economic Operator and once in favor of Contracting Authority, even though

there were two expertises in favor of the Contracting Authority and one in favor of Economic Operator. Visar Basha, Sabrije Bullatovci and Muhamet Kurtishaj were the ones that tackled the complaints of this economic operator.

## Uni Project

No.	CA	Expert	Expertise	Decision
1	MPA	Visar Basha	CA	EO
2	CPA	Sabrije Bullatovci & Muhamet Kurtishaj	CA	EO
3	MPA	Visar Basha	EO	CA

Table 12. Present the data of the company Uni Project, authority against which the complaint has been filed, expert of the subject, recommendaiton of the expert and final decision of the panel.

# Contracting authorities with most complaints

On the other hand, Contracting Authorities have quite an important role in public procurement, because they draft the tender files and are independent in conducting their procurement activity. During this period of monitoring, Contracting Authorities against which most of complaints were filed and which were more problematic with issued of public procurement were Kosovo Energy Cooperation, Prizren Municipality, Gjakova Municipality, Ministry of Health and University Clinical Center of Kosovo.

**1. Kosovo Energy Cooperation** - Contracting authority KEK is the authority against which most of the complaints were filed by economic operator during different procedures of procurement. This authority during this phase of monitoring has issued 81 notifications for awarding the contract in the web page of PPRC, against 22 of them different economic operators filed complaints in PRB. Complaints of these economic operators have been tackled

in 12 open sessions and nine closed sessions. The review panel has issued 13 decisions in favor of Contracting Authorities and nine decisions in favor of economic operator. Also it is worth mentioning that the expertise of experts that have tackled these issues have almost always been in compliance with decisions of review panels. The value of the budget that KEK spends within one year exceeds the amount of 70,449,761.00<sup>9</sup>.

<sup>9</sup> Public Procurement Regulatory Commission, Annual work report for year 2015, page 35.

**KEK**

No.	EO	Expert	Expertise	Decision
1	TTC	Visar Basha	CA	CA
2	NTP SNR	Safije Saramati & Zivce Sarkocevic	EO	EO
3	DWH Kosova	Muhamet Kurtishaj	CA	CA
4	Euro Ing	Muhamet Kurtishaj	CA	CA
5	PBC	Basri Fazliu	EO	EO
6	FAM & NTSH ECOINVEST	Basri Fazliu & Zivce Sarkocevic	CA	CA
7	Solid Company	Burim Guri	EO	EO
8	Pastor Kosova & Professional Alarm	Muhamet Kurtishaj	CA	CA
9	Fans a.s & NPSH Electronic Business PRO	Basri Fazliu & Zivce Sarkocevic	CA	CA
10	Eldi Com	Visar Basha	-	EO
11	Media Tech & Print	-	-	CA
12	AR Tech NPSH Electronic Business-PRO	Visar Bibaj	EO	EO
13	NPSH Electronic Business-PRO	Visar Bibaj	EO	EO
14	Er-Lis & Ve-Mor	Sabrije Bullatovci	EO	EO
15	Ripten Engineering & Top System	Visar Bibaj	CA	CA
16	ATM-PR	Basri Fazliu	CA	CA
17	SNR	Safije Saramati	CA	CA
18	Audit Group	Visar Basha	OE	AK
19	Euroditi	Visar Bibaj	EO	EO
20	Ekoinvest	Visar Bibaj	EO	EO
21	Xani Inex	Visar Basha	CA	CA
22	Rimi ALTEX	Visar Basha	CA	CA

Table 13. Presents the data of complaints against contracting authority KEK, which also shows the data of experts, their recommendations and final decision of the panel.

**2. Gjakova Municipality** – When talking about the Contracting Authorities to which most of the dissatisfaction has been expressed, the Municipality of Gjakova is ranked second. This municipality, from 16 notifications for awarding the contract in the page of PPRC, has had 11 cases in PRB filed by different operators based on their dissatisfaction. Total of seven sessions took

place for the review of these complaints, four of which were open and three closed. Despite the recommendations of the review experts nine times in favor of EO and only two times in favor of CA, the review panel has decided seven times in favor of economic operators and four times in favor of Contractin Authority.

## Gjakova Municipality

No.	EO	Expert	Expertise	Decision
1	Kosovo Telecom	Basri Fazliu	EO	CA
2	Marisa, Benita & Horn Kosova	Visar Basha	EO	EO
3	Berisha Company NTP & Eko Drinia	Visar Basha	EO	EO
4	Er-Lis & Ve-Mor	Visar Basha	EO	EO
5	Lika Trade	Sabrije Bullatovci	EO	EO
6	Euroasphalt	Sabrije Bullatovci	EO	EO
7	Drini Company	Sabrije Bullatovci	EO	EO
8	Dajaku Lux	Visar Bibaj	EO	EO
9	Pe-Vla-Ku	Sabrije Bullatovci	CA	CA
10	Marisa & Benita	Visar Basha	CA	CA
11	Group For Security	Burim Guri	EO	CA

Table 14. Presents the data of complaints filed against contracting authority Gjakova Municipality, which also shows the data of experts, their recommendations and final decision of the panel.

**3. Prizren Municipality** – In PRB against Prizren Municipality have been filed a total of seven complaints by different economic operators. The review panel has decide four times in favor of economic operators and three times in favor of con-

tracting authority. Only in two cases the decisions of the review panel have been against the expertise of the review experts. In total, the sessions conducted related to these cases, three of them have been closed and four open for the public.

## Prizren Municipality

No.	EO	Expert	Expertise	Decision
1	NTP Prima Engineering	Visar Basha & Edona Sheqerolli	EO	EO
2	Limit L&B	Visar Basha & z. Dervishi	CA	EO
3	Limit&B	Sabrije Bullatovci	-	EO
4	Comando & Security Code	Visar Bibaj & Qazim Hoxha	EO	EO
5	Plan 2	Visar Bibaj & Samedin Gerxhaliu	CA	CA
6	Sfinga	Sabrije Bullatovci	OE	CA
7	SFK Security	Visar Bibaj & Qazim Hoxha	CA	CA

Table 15. Presents the data of complaints against contracting authority Prizrent Municipality, which also presets the data of experts, their recommendations and the final decision of the panel.

**4. Ministry of Health** – One of the other problematic authorities is the Ministry of Health, against which there were a total of 11 complaints in the PRB. Regarding these complaints, review experts have recommended in favor of economic operators 10 times, whereas in

favor of CA only once. While the decisions of the review panel were 10 times in favor of the complaining economic operators and once in favor of the Ministry of Health. In two complaints review panel has decided against the expertise.

## Ministry of Health

No.	EO	Expert	Expertise	Decision
1	Security Code	Basri Fazliu	CA	EO
2	Trio Med	Visar Basha & Visar Emini	EO	EO
3	ICN BM	Visar Basha & Visar Emini	EO	EO
4	NTP ICN & BM	Sabrije Bullatovci	EO	EO
5	Standard & Alb Architect	Visar Basha	EO	EO
6	Olti Trasing & Beni Com	Visar Basha	EO	EO
7	Pe-Vla-Ku	Visar Basha	EO	EO

8	Alko-Impex	Visar Basha	EO	EO
9	Arberia Com	Visar Basha	EO	EO
10	Al Trade	Visar Basha	EO	EO
11	Medical Group	Visar Basha & Qazim Hoxha	EO	CA

Table 16. Presents the data of complaints against the contracting authority Ministry of Health, which also presents the data of experts, their recommendations and the final decision of the panel.

5. **UCCK** - This contracting authority, despite 19 contract notifications in the PPRC, had four complaints in the PRB, two of which were approved and two were rejected, although the

experts had three of their reports in favor of the EO and one in favor of the CA. A total of three open and one closed sessions were held to address these complaints.

## UCCK

No.	EO	Expert	Expertise	Decision
1	Ledi Med	Visar Bibaj	EO	EO
2	NTG Blendi	Safije Saramati	EO	CA
3	Union	Visar Basha & Visar Emini	CA	CA
4	NPTSH Bubeari Komerc	Basri Fazliu	EO	EO

Table 17. Presents data of complaints against contracting authority University Clinical Center of Kosovo, which also presents the data of experts, their recommendations and the final decision of the panel.



# Engaging experts

In this monitoring period (March-June 2017), a total of 144 complaints were filed and a total of 122 decisions were issued. Regarding the complaints of economic operators that have been received on time, the PRB has engaged its internal experts on several occasions and the technical experts for reviewing the complaining claims that have arisen as a result of the economic operators' dissatisfaction with the contracting authorities. After analyzing the claims the expert is obliged to give also his recommendation, which serves as an advice to the review panel for taking the decision regarding the respective complaints. An expertise should be drafted within 10 days.

As part of the PRB work on the review of complaints, it is foreseen the engagement of at least one expert to assist the review panels with recommendations regarding the complaining claims. For this purpose the PRB has internal and external full-time experts who engage in specific cases. Currently the PRB has three internal experts: Basri Fazliu, Visar Bibaj and Visar Basha. Due to the large number of cases, other PRB officials are engaged as experts.

## **“THE EXPERT LIST WITH MANY FORMER COLLEAGUES OF BLERIM DINA”**

On the other hand, on 18.07.2017, PRB has approved the list with new experts. Unlike the preliminary list this time, experts are allocated based on external technical experts and professional ones. The work of technical experts is in providing recommendations on specific technical issues, while professional experts are authorized to consider if procurement procedures have been followed by contracting authorities and economic operators.

In the recruitment contest of these experts of 29.06.2017, it was not required that candidates bring evidence that they did not commit any criminal offense and no evidence was requested that they are not under investigation. This has enabled former convicted officials even those who are being investigated to apply and be admitted to these positions.

This proves that the PRB did not take into account the ethical dimension of the work of these officials. In positions where high impartiality and high ethics are required, such documents should serve as a basis for examining their applications. Also, procurement officers who work in other public institutions, which potentially have cases in the PRB, should not be part of this list of experts. This is because these people are those who create good or bad connections with the operators and the PRB panel, which could influence the assessment of the cases. Moreover avoidance of nepotism and conflict of interest seems to have not been the concern of PRB in this case.

In this case the list of technical experts is Arsim Rashiti who was convicted for the theft of votes in 2010 in the Municipality of Drenas.<sup>10</sup> Mr Rashiti is a person who has been convicted of the criminal offense of voting fraud.

Moreover, the list is filled with procurement officials who currently work in contracting authorities. D + has compared the list of experts with certified public procurement officers who currently work in public institutions. The comparison results are as follows: from 18 professi-

onal experts only for five of them we have not found data that are engaged in any public institution as procurement officers. 13 other experts are procurement officers. Most of them come from the Kosovo Police, including Abdurrahman Çunaku, Abetare Prebreza, Besnik Mehmeti, Enver Hyseni, Hazbije Krasniqi, Imrane Bela, Valmira Bllaca and Vjollca Balaj. Kosovo Police is recognized as one of the three institutions with the highest number of violations, for example in 2016 against this institution were filed 28 complaints. An interesting fact about these experts is that the Chairman of the PRB Board has in the past been a Procurement Officer in the Kosovo Police and this link between the PRB chairman and his former colleagues cannot be quite random. No other institution has such a large number of officials engaged as professional experts in PRB.

**“THE VIOLATOR  
OF ELECTORAL  
LAW GETS  
ACCEPTED  
AS PUBLIC  
PROCUREMENT  
TECHNIC IN  
PRB”**

<sup>10</sup> Online Paper Insider, Violator of Electoral Law gets the trust of 50 deputies for a state position. Last accessed on 29.08.2017 at <https://goo.gl/1Fb53W>.

Other procurement officers are Bujar Sopi from the Post of Kosovo, Jetullah Kabashi from the Municipality of Rahovec, Qazim Hoxha from the Public Housing Enterprise and Shaban Tafa from the Ministry for Communities and Return, where Blerim Dina served for several years in the procurement division.

## **Technical Experts**

The technical experts engaged within this reporting period by the PRB are 17 out of 47 technical experts as they were in the old PRB list. Despite the fact that there is a better distribution of experts than in 2016 where the PRB had mainly engaged three experts while ignoring others, still the majority of experts remained uninvolved. Only 17 experts from 47 have been engaged in this reporting period. This time, the largest number of expertise comes from Muhamet Kurtishaj, Qazim Hoxha and Zivce Sarkocevic. The problem remains the performance measurement of the experts who would be engaged based on the result. Also this time around 30 technical experts were not engaged at all by PRB.

### Technical Experts

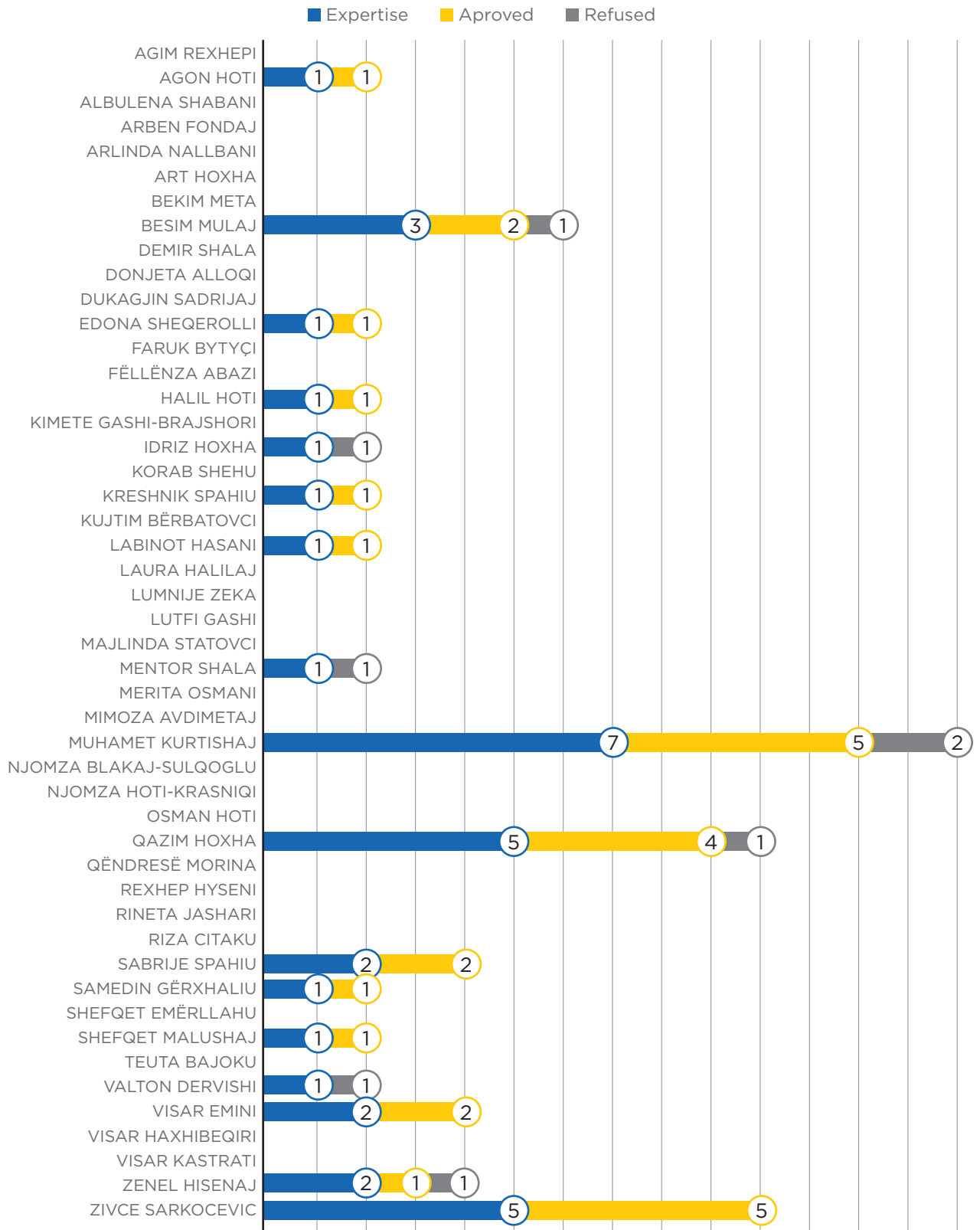


Table 18. Presents the list of external experts of PRB, number of cases reviewed, number of recommendations approved and number of recommendations rejected.

## Review Experts

In the engagement of internal experts, the issue is slightly different. The expertise is usually done by permanent experts inside the PRB. Even in this reporting period, the expert with the highest number of expertise remains Basri Fazliu. This expert also has the largest number of rejected recommendations since from 29 analyzed opinions in 18 cases the panel has taken a decision in accordance with the expertise, while in 11 other cases it has disregarded its recommendation. The second most engaged

expert within this period is Visar Basha who has made 26 analyzed opinions, of which 16 have been considered and 10 are rejected. The two most engaged experts have the largest number of rejected recommendations, and this illustrates the need for measuring the performance of experts and the review panel of the PRB. This is because a large number of unused expertise questions the efficiency of the expert or panel work.

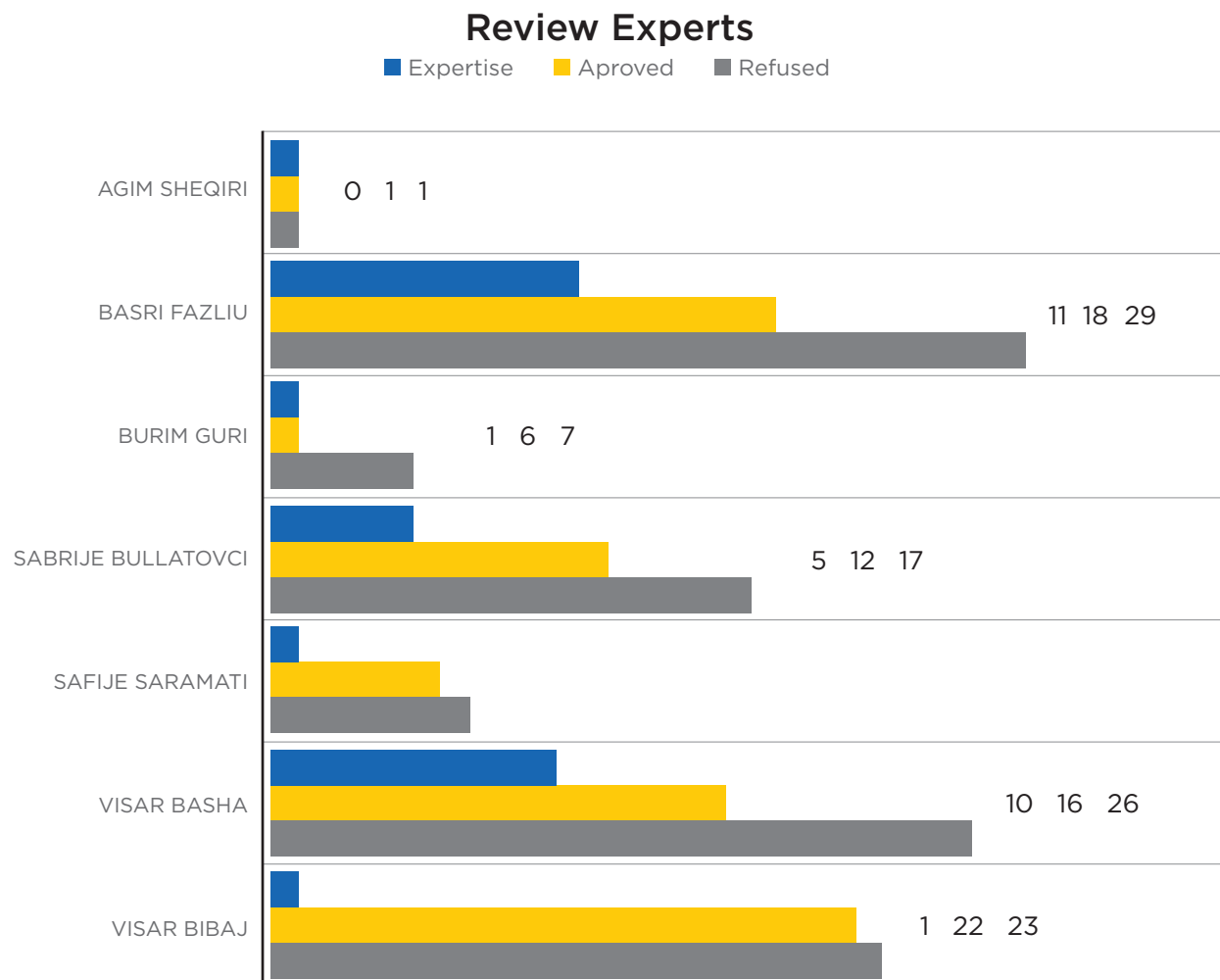


Tabela 19. Paraqet listën e ekspertëve të brendshëm të OSHP-së, numrin e lëndëve që kanë shqyrtuar, numrin e rekomandimeve të aprovuara dhe numrin e rekomandimeve të refuzuara.

## Expert Profiles

Complaints of the economic operators, except that they require their handling and analysis by the review panel, this is also required from experts who prepare the expertise's report and submit it to the review panel. In the report, apart from clarifying the complaining claims, the ex-

perts also give their recommendation regarding the complaint in question, which then remains to the panel to make a decision in accordance with or incompatible with it.

In the last four months of the PRB, a total of 24 experts were engaged in handling the complaining claims of economic operators.

### Agim Sheqiri

CA	EO	Expertise	Decision Pursuant to expertise
MEST	Astraplan	OE	Po

Table 20. Presents the performance of the internal expert Agim Sheqiri, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

### Basri Fazliu

CA	EO	Expertise	Decision Pursuant to expertise
Kaçanik Municipality	El-Bau & Ve-Mor	CA	Yes
MSH	Security Code	CA	No
Gjakova Municipality	Kosovo Telecom	EO	No
KEC	PBC	EO	Yes
KEC	FAM & NTSH ECOINVEST	CA	Yes
KEC	Fans a.s & Electronic Business PRO	CA	Yes
Fushë Kosova Municipality	Er-Lis & Ve-Mor	EO	Yes
Klina Municipality	Albkos INT NTSH	EO	Yes
Kamenica Municipality	Institute for Science and Technology INSI	EO	Yes
Trepça	NTP Ballkan Petrol	-	OE (PRB suspends the activity of CA)
Kosovo Academy for Public Safety	Aritech	CA	Yes
Academy of Sciences and Arts of Kosovo	Aritech	EO	Yes
KRU Hidromorava	PBC	EO	Yes

KRU Hidromorava	Arlindi & Berisha Company SHA	EO	No
Fushë Kosova Municipality	Er-Lis & Ve-Mor	CA	No
Gjilan Municipality	NNP Engineering	CA	No
KEKC	ATM-PR	CA	Yes
Mol	1. 2Agroup & GPG Company, 2. Renelual Tahiri	CA	No
Trepça	NTP Ballkan Petrol	CA	Yes
Obiliq Municipality	Biti Com	EO	Yes
General Hospital Gjilan	Buli Medical	EO	No
Klina Municipality	Infra Plus	CA	No
MIA	Yess Pharma	EO	Yes
Vitja Municipality	Eco-Higjiena	EO	No
UCCK	NPTSH Bubeari Komerc	EO	Yes
Regional Hospital Prizren	Uni Care	EO	Yes
Vitja Municipality	Shkëlqimi Project & A1 Engineering	CA	Yes
Kosovo Post	Infinit & Mali-I NPT	CA	No
KRU Hidromorava	PBC	CA	Yes
Kosovo Telecom	TTC	CA	No

Table 21. Presents the performance of the internal expert Basri Fazliu, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Burim Guri

CA	EO	Expertise	Decision Pursuant to expertise
Suhareka Municipality	Diti-Soni & Shpejtimi	CA	No
UP "Hasan Prishtina"	Pharmachem-Dega KS	CA	Yes
KEC	Solid Company	EO	Yes
MIA	Omega-I	EO	Yes
Gjakova Municipality	Group For Security	CA	No

Table 22. Presents the performance of the internal expert Burim Guri, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Muhamet Kurtishaj

CA	EO	Expertise	Decision Pursuant to expertise
KEC	DWH Kosova	CA	Yes
KEC	Euro Ing	CA	Yes
KEC	Pastor Kosova & Professional Alarm	CA	Yes
General Hospital Peja	Solution D	EO	Yes
CPA	1. Beni & Euroing; 2. Laguna; 3. Uni Project	CA	No
Kosovo Police	1. Sodex Group 2. Poligoni i shenjtërisë Katana	EO	No
Kosovo Assembly	MSS	EO	Yes

Table 23. Presents the performance of the internal expert Muhamet Kurtishaj, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Sabrije Bullatovci

CA	EO	Expertise	Decision Pursuant to expertise
MKRS	NTSH Besi	EO	Yes
KEC	Er-Lis & Ve-Mor	EO	Yes
MEST	Botek	CA	No
MoH	NTP ICN & BM	EO	Yes
Peja Municipality	Er-Lis & Ve-Mor	EO	Yes
Gjakova Municipality	1. Lika Trade, 2. Euroasphalt, 3. Drini Company	EO	Yes
CPA	1. Beni & Euroing, 2. Laguna, 3. Uni Project	CA	No
MEST	Info Com	CA	Yes
Prizrenit Municipality	Limit L&B	-	OE
Suhareka Municipality	Flamuri	CA	Yes
South Hidroregion SHA	DWH Kosova	EO	Yes
Peja Municipality	Selmans Network & Krasniqi & Schafberger GMBH & Beni & Aroma Plus	EO	Yes



Deçan Municipality	1. NTP Asfalti, 2. Lika Trade	EO	Yes
Fushe Kosova Municipality	Universal Commerce	CA	No
Prizrenit Municipality	Sfinga	EO	No
Gjakova Municipality	Pe-Vla-Ku	CA	Yes
UP "Hasan Prishtina"	1. Besa Security, 2. Security Code	CA	No
Mitrovica Municipality	<b>Euro Projekt Plus</b>	EO	Yes

Table 24. Presents the performance of the internal expert Sabrije Bullatovci, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Safiye Saramati

CA	EOA	Expertise	Decision Pursuant to expertise
KEK	SNR	EO	Yes
Kaçanikut Municipality	1. NTP Vlora, 2. Infnit	EO	Yes
The Office of The President of Kosovo	Artius Group	CA	Yes
UCCK	NTG Blendi	EO	No
Kaçanikut Municipality	Infnit	CA	Yes
KEC	SNR	CA	Yes
Novobrdë Municipality	Dromodoli Comerc	EO	Yes

Table 25. Presents the performance of the internal expert Safiye Saramati, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Visar Basha

CA	EO	Expertise	Decision Pursuant to expertise
KEC	TTC	CA	Yes
MPA	Stewart Inspect Kosova	EO	Yes
MRK	Besi	CA	Yes
KEC	Eldi Com	-	EO

Kosovo Assembly	1. Luzern, 2. Shqiponja	CA	No
Prishtina Municipality	Hajdini Comerc	CA	No
Gjilan Municipality	Albkos INT NTSH	EO	No
MoH	1. Trio Med, 2. ICN BM	EO	Yes
Gjakova Municipality	1. Marisa & Benita & Horn Kosova, 2. Berisha Company & Eko Drinia, 3. Er-Lis & Ve-Mor	EO	Yes
Prizren Municipality	Limit L&B	CA	No
MPA	Uni Project	CA	No
MSFK	Geo & Land	CA	Yes
MoH	1. Standard & Alb Architect, 2. Olti Trasing & Beni Com, 3. Pe-Vla-Ku, 4. Alko-Impex, 5. Arberia Com, 6. AI Trade	EO	Yes
Prishtina Municipality	Luani	CA	Yes
UCCK	Union	CA	Yes
Kosovo Prosecutorial Council	Office Printy	CA	Yes
Kosovo Police	Botek	CA	Yes
KEK	Audit Group	EO	No
Kosovo Police	1. Sodex Group, 2. Poligoni Katana	EO	No
Podujeva Municipality	Naimi Group	-	CA
Prishtina Municipality	NewLine	CA	Yes
MSH	Medical Group	CA	No
Gjakova Municipality	Marisa & Benita	CA	Yes
KEC	Xani Inex	CA	Yes
Kosovo Assembly	Shqiponja	CA	Yes
Vitia Municipality	AB Clean	EO	Yes
KEc	Rimi ALTEX	-	CA
MPA	Uni Project	EO	No
Ferizaj Municipality	Agro Internacional	CA	No

Table 26. Presents the performance of the internal expert Visar Basha, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Visar Bibaj

CA	EOA	Expertise	Decision Pursuant to expertise
Municipality of Prizren	NTP Prima Engineering	EO	Yes
MPA	Graniti	EO	Yes
MIA	1. Mercom Company, 2. Europa Partner & N.N ABC, 3. Astraplan	EO	Yes
Municipality of Dragash	Puna & K-ing	-	EO
KEC	1. AR Tech, 2. NPSH Electronic Business-PRO	EO	Yes
UCCK	Ledi Med	EO	Yes
Municipality of Ferizaj	Linda	CA	No
KEC	Ripten Engineering & Top System	CA	Yes
Municipality of Gjilanit	El-Bau & Ve-Mor	EO	Yes
Municipality of Gjakova	Dajaku Lux	EO	Yes
Municipality of Prizren	Comando & Security Code	EO	Yes
MIA	Astraplan	EO	Yes
Mol	Botek	CA	Yes
Municipality of Prizren	Plan 2	CA	Yes
UP "Hasan Prishtina"	Europrinty	EO	No
Municipality of Mamusha	Rosa Security	EO	Yes
Kosovo Cadastral Agency	Geo Map & Consult Engineering	EO	Yes
KEC	Euroditi	EO	Yes
KEC	Ekoinvest	EO	Yes
Municipality of Vitia	1. Mali Art & Avduli, 2. Linda	EO	Yes
Kosovo Assemblz	MSS	EO	Yes
Municipality of Prizren	SFK Security	CA	Yes
Municipality of Prishtina	Vlora & NT Agimi DE	EO	Yes
Trepça	Segment Kosova	CA	Yes

Table 27. Presents the performance of the internal expert Visar Bibaj, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Agon Hoti

CA	EO	Expertise	Decision Pursuant to expertise
Regional Prizren Hospital	Uni Care	EO	Yes

Table 28. Presents the performance of the internal expert Agon Hoti, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Besim Mulaj

CA	EOA	Expertise	Decision Pursuant to expertise
Prishtina Municipality	Luani	CA	Yes
Novoberda Municipality	Dromodoli Comerc	EO	Yes
UP "Hasan Prishtina"	1. Besa Security, 2. Security Code	CA	No

Table 29. Presents the performance of the internal expert Besim Mulaj, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Edona Sheqerolli

CA	EOA	Expertise	Decision Pursuant to expertise
Prizren Municipality	Prima Engineering	EO	Yes

Table 30. Presents the performance of the internal expert Edona Sheqerolli, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Halil Hoti

CA	EOA	Expertise	Decision Pursuant to expertise
KEC	1. AR Tech, 2. Electronic Business-PRO	EO	Yes

Table 31. Presents the performance of the internal expert Halil Hoti, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Idriz Hoxha

CA	EOA	Expertise	Decision Pursuant to expertise
MEST	Botek	CA	No

Table 32. Presents the performance of the internal expert Idriz Hoxha, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Kreshnik Spahiu

CA	EOA	Expertise	Decision Pursuant to expertise
MIA	Yess Pharma	EO	Yes

Table 33. Presents the performance of the internal expert Kreshnik Spahiu, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Labinot Hasani

CA	EOA	Expertise	Decision Pursuant to expertise
KRU Hidromorava	PBC	EO	Yes

Table 34. Presents the performance of the internal expert Labinot Hasani, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Mentor Shala

CA	EOA	Expertise	Decision Pursuant to expertise
KEC	Audit Group	EO	No

Table 35. Presents the performance of the internal expert Mentor Shala, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Qazim Hoxha

CA	EOA	Expertise	Decision Pursuant to expertise
Municipality of Suhareka	NTP Flamuri	CA	Yes
Municipality of Prizren	Comando & Security Code	EO	Yes
Municipality of Mamusha	Rosa Security	EO	Yes
MoH	Medical Group	CA	No
Municipality of Prizren	SFK Security	CA	Yes

Tabela 36. Presents the performance of the internal expert Qazim Hoxha, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Sabrije Spahiu

CA	EOA	Expertise	Decision Pursuant to expertise
UP "Hasan Prishtina"	Pharmachem-Dega KS	CA	Yes
KEC	Euroditi	EO	Yes

Table 37. Presents the performance of the internal expert Sabrije Spahiu, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Samedin Gerxhalii

CA	EOA	Expertise	Decision Pursuant to expertise
Prizren Municipality	Plan 2	CA	Yes

Table 38. Presents the performance of the internal expert Samedin Gerxhalii, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Shefqet Malushaj

CA	EOA	Expertise	Decision Pursuant to expertise
Gjilan Municipality	EI-Bau & Ve-Mor	EO	Yes

Table 39. Presents the performance of the internal expert Shefqet Malushaj, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Valton Dervishi

CA	EOA	Expertise	Decision Pursuant to expertise
Prizren Municipality	Limit L&B	CA	No

Table 40. Presents the performance of the internal expert Valton Dervishi, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Visar Emini

CA	EOA	Expertise	Decision Pursuant to expertise
MoH	1. Trio Med; 2. ICN BM	EO	Yes
UCCK	Union	CA	Yes

Table 40. Presents the performance of the internal expert Visar Emini, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Zenel Hisenaj

CA	EOA	Expertise	Decision Pursuant to expertise
MED	NSH Tech Vision & Eudosoft	CA	No
Academy of Sciences and Arts of Kosovo	Aritech	EO	Yes

Table 41. Presents the performance of the internal expert Zenel Hisenaj, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

## Zivce Sarkocevic

CA	EOA	Expertise	Decision Pursuant to expertise
KEC	NTP SNR	EO	Yes
KEC	FAM & ECOINVEST	CA	Yes
KEC	Fans a.s & Electronic Business PRO	CA	Yes
KEC	ATM-PR	CA	Yes
KEC	SNR	CA	Yes

Table 42. Presents the performance of the internal expert Zivce Sarkocevic, complaints of which CA and OE has been reviewed, what recommendation has been issued and what was the action of the panel.

From the presented tables it can be seen that of 24 engaged experts, seven were internal experts of PRB and 17 were technical external experts. Of these experts, the most engaged was:

- **Basri Fazliu** with 31 expertise, 18 of which are in line with the decision of the RP;
- **Visar Basha** with 29 expertise, 16 of which are in line with the decision of the RP;
- **Visar Bibaj** with 24 expertise, 21 of which are in line with the decision of the RP;

- **Sabrije Bullatovci** with 18 expertise, 12 of which are in line with the decision of the RP.

Sessions held for reviewing the complaints of economic operators are guided by the members of the PRB Board depending on the value of the contract for which the complaint was made. This means that the session can be held with one, three or five members. Participation of panel members at the sessions of this four-month period is presented in the following table:

Member of the Panel	Participation in sessions	Head of the session
Blerim Dina	81	30
Nuhi Paçarizi	91	34
Tefik Sylejmani	60	23
Goran Milenkovic	74	19
Ekrem Salihu	35	15

Table 44. Presents the commitment of the members of the PRB, including cases in which they served as chair of the session.



# Recommendations

1. PRB meetings, including all screening or decision-making sessions, should be open to the public to enable monitoring of decision-making;
2. Voting of panel members should be part of the decision;
3. Members of the panel who vote against the majority decisions should have their separate reasoning why they voted against a decision;
4. To ensure consistency in PRB decisions through comparing decisions, permanent experts should also be engaged as harmonizing officers;
5. Take measures to prevent the conflict of interest in the PRB by engaging in preventing any situation that could damage trust in this institution;
6. Measure the performance of experts in the PRB, to ensure higher quality of work;
7. Avoid cases of assigning the same expert to all subjects of an institution or company;
8. Increase cooperation with the prosecutor's office to address cases that consists elements of criminal offenses or represent disregard of PRB decisions;
9. Not to engage any expert who has committed a criminal offense or any unethical act that makes it inappropriate for the work of the procurement expert.

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