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When special services turn into violations: an analysis of public institutional practices

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List of Acronyms

CA →	Contracting Authority
KCA →	Kosovo Accreditation Agency
FVA →	Food and Veterinary Agency
DPOM →	Department of Public Officials Management
PPRC →	Public Procurement Regulatory Commission
LPC →	Law on Public Procurement
MESTI →	Ministry of Education, Science, Technology and Innovation
MFLT →	Ministry of Finance, Labor and Transfers
MIET →	Ministry of Industry, Entrepreneurship and Trade
MCYS →	Ministry of Culture, Youth, and Sports
MESPI →	Ministry of Environment, Spatial Planning and Infrastructure
MIA →	Ministry of Internal Affairs
SSA →	Special Service Agreements
ToR →	Terms of Reference

Introduction

Special Service Agreements (SSA) are contracts established between a public institution and an individual to provide a specific service that lies outside the regular capacity or staff of the institution. Initially, SSAs were regulated by the Civil Service Law. However, with the entry into force of the Law on Public Officials, the regulation of such contracts was transferred to public procurement legislation. Since the new Public Procurement Law has not yet been drafted, such contracts by public institutions is regulated by the Public Procurement Regulation.¹

According to this regulation, these contracts:

1. Are utilized for engaging individual consultants/contractors who cannot be recruited through standard procedures under the Law on Public Officials (Article 57.2);
2. Cover professional services that a public institution cannot fulfill with its existing staff (Article 57.3);
3. Require the consultant/contractor to be a specialist in a specific field and to act in an advisory role (Article 57.4);
4. Allow the consultant/contractor to be a natural person who is not required to own a registered business but must register as an individual on the E-Procurement platform (Article 57.5);
5. Limit the duration of the special service to 36 months (Article 57.8);

6. Assess candidates based on four criteria: a) Relevant experience; b) Quality of the proposed methodology; c) Qualifications; and d) Knowledge transfer (if required) (Article 57.14).
7. Each criterion is scored, and when combined with the financial proposal (maximum 30 points), it determines the total score for a candidate.

Democracy Plus (D+), in 2022² and 2023³, published monitoring reports on this topic and has consistently advocated for public institutions to avoid misuse in the execution of such contracts. The current report is the third in a series, presenting cases of abuse by public institutions at both central and local levels. These abuses are categorized under several themes where institutions unjustifiably enter into contracts with experts, such as: a) Drafting policies/strategies; b) Engaging experts for technical-administrative tasks as per institutional needs; c) Hiring experts for IT services; and d) Employing experts for court representation.

1 This report is based on Public Procurement Regulation 001/2022 because the research on the respective tenders was conducted before this regulation was amended and supplemented, which came into force on 11.11.2024. Furthermore, this amendment/supplement has not altered the content of the previous regulation in terms of how special services contracts are concluded. Public Procurement Regulatory Commission, Public Procurement Regulation 001/2022, Article 57, 2022. https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/Rregulloret%20Nr.001_2022%20p%C3%ABr%20prokurimin%20publik.pdf (Accessed on 22.11.2024).

2 Democracy Plus, Misuse of Special Service Agreements in Municipalities and Ministries, 2022.. <https://dplus.org/publikimet/keqperdorimi-i-marreveshjeve-per-sherbime-te-vecanta-ne-komuna-dhe-ministri/15454/>. (Last accessed on 22.11.2024).

3 Democracy Plus, Misuse of Special Service Agreements at the Central Level, 2023. <https://dplus.org/publikimet/keqperdorimi-i-marreveshjeve-per-sherbime-te-vecanta-ne-nivelin-qendror/17526/>.

Summary of Findings

The following findings are grouped according to the topics of the report:

Engagement of Experts for Policy Development

- MESPI awarded a contract to a consultant who did not provide a work methodology, even though this was a requirement of the Ministry for evaluating the technical aspects of the offer. Nevertheless, the same candidate was given the maximum score for this criterion.
- MIET engaged an international expert to draft a strategy, in violation of the Public Procurement Law (Article 7). By titling the tender “Engagement of an International Expert,” MIET excluded all local experts with relevant experience from applying.

Engagement of Experts for Technical-Administrative Work as per Institutional Needs

Municipality of Prizren

- The Municipality of Prizren used SSAs to contract consultants for routine technical-administrative tasks that should have been carried out by the existing municipal staff.
- The municipality failed to adhere to the Public Procurement Regulation in setting appropriate criteria for the technical evaluation of bids, particularly by not requiring candidates to provide the obligatory work methodology.
- The municipality did not evaluate candidates’ bids by weighting each criterion with the appropriate points as mandated by the Public Procurement Regulation. As a result, SSAs were misused to contract incompetent candidates for the specified tasks.

MCYS

- MCYS violated the Public Procurement Law by setting a shorter submission deadline for offers without specific justification, contrary to what is stipulated by law. The Ministry also failed to set technical evaluation criteria as required by the Regulation, omitting the obligatory work methodology.
- MCYS contracted experts to perform tasks that should have been covered by the Ministry’s current staff. Moreover, SSAs were used to extend the employment duration of consultants initially contracted for special services. The Ministry did not outline a method for assigning points to each sub-criterion for candidate evaluation, as required by the Public Procurement Regulation.

Municipality of Peja

- The Municipality of Peja failed to set technical evaluation criteria according to the Regulation, omitting the obligatory work methodology. SSAs were misused to extend the employment duration of consultants contracted through procurement for special services. The municipality appointed a person contracted through an SSA for a different tender as a member of the tender evaluation committee, contrary to legal requirements.
- The Municipality of Peja contracted candidates who applied as businesses rather than individual consultants, as required in the tender dossier.

Engagement of Experts for IT Services

MESTI

- MESTI also failed to set technical evaluation criteria as required by the Regulation, omitting the obligatory work methodology. The Ministry misused SSAs to extend the employment of consultants contracted through procurement for special services.
- MESTI sought to hire experts for tasks that should be covered by its existing staff, setting minimal requirements regarding work experience for contracted experts/consultants.
 - FVA
- FVA (Food and Veterinary Agency) did not establish technical evaluation criteria for bids as required by the Public Procurement Regulation. This includes the failure to appropriately weight financial proposals after determining scores for technical evaluation criteria.
- The Agency did not provide a clear point-based evaluation method for each criterion for the candidates, as mandated by the Regulation. It hired experts for tasks that should have been handled by the existing staff, setting minimal requirements regarding work experience for the contracted experts/consultants.

Municipality of Vitia

- The Municipality of Vitia did not adhere to the Regulation by failing to specify the sub-criteria for the technical evaluation of bids. They omitted the mandatory work methodology requirement and presented minimal work experience requirements for contracting experts/consultants.

- Moreover, the municipality failed to provide precise data on the tender value, leading to confusion among potential bidders. They also did not comply with the submission deadline as mandated by the Law on Public Procurement. Furthermore, the municipality neglected to outline the evaluation method with specific points for each sub-criteria for the bidders, contrary to the stipulations of the Regulation.

Engagement of Experts for Court Representation

MESTI

- MESTI did not include technical evaluation criteria that, according to the Public Procurement Regulation, should have been mandatory. Additionally, they set minimal work experience requirements for contracting experts/consultants for KCA, resulting in the hiring of candidates who are not competent to be considered experts.

Municipality of Prishtina

- The Municipality of Prishtina did not follow the legal procedure required for the conclusion of SSAs. The municipality set the criterion of “lowest price tender,” whereas the criterion “most economically advantageous tender” should be used for concluding SSAs. As before, the municipality contracted companies for work (legal representation) covered by the legal sector within the municipality.

Engagement of Experts for Policy Development

Ministry of Environment, Spatial Planning and Infrastructure

The Ministry of Environment, Spatial Planning and Infrastructure (MESPI) in January 2024 announced a contract notice for the tender “Engagement of ten (10) experts for the affordable housing program in the Republic of Kosovo.”⁴ This tender is divided into 5 lots, with an estimated value of €105,600.00 and a duration of 12 months.

Through this tender, MESPI foresaw the engagement of experts in the following fields: a professional in the field of housing policies (one position), an architect for the technical preparation of affordable housing projects (three positions), a construction professional (two positions), an economics professional (two positions), and a legal professional (two positions). Findings in this tender relate to irregularities regarding the suitability of recommended candidates for the contract.

The recommended candidate for the position of housing policy professional, despite being well-qualified and experienced, did not present a work methodology in his offer. This was a requirement of MESPI, which had set the work methodology as a sub-criterion with 30 points in the technical evaluation of proposals. In the evaluation done by MESPI, where the evaluation of each candidate for every defined sub-criterion is presented, it is shown that this candidate was given 30 points for the methodology sub-criterion, despite not submitting this document. Then, the contracted candidate for the position of architect for the technical preparation of affordable housing projects is noted to have insufficient work experience. According to the CV and references provided by the candidate, his experi-

ence as an architect is focused on architectural plans and designs, interior design, or as an independent architect (although there is no evidence of completed work for the latter).

Regarding the contracted candidate for the position of economics professional, according to the CV he submitted, he has only worked in the position of financial officer and his work involved administrative tasks and office finance management. Moreover, the work methodology he provided is in the form of a motivation letter, merely stating that he would perform the tasks listed in the tender dossier sequentially. Despite this, he was rated by the evaluation committee with the maximum points for both the experience sub-criterion and the work methodology. The other contracted candidate for the same position has work experience in a different field than what is required. The candidate completed undergraduate studies in management and informatics, and his only experience is as a sales agent in several food service distribution companies and as a security officer in a construction company.

Similar work experience deficiencies are noticed among the candidates recommended for the legal professional position. The first candidate, based on the data provided, apart from completing a few internships in court and municipality, worked briefly in a company as a legal officer, and according to the reference provided by the same company, performed legal tasks such as drafting various acts and contracts, as well as administrative tasks. Therefore, this cannot be considered sufficient experience to qualify the contractor as an expert in a specific field to be engaged with SSAs, as defined by the Public Procurement Regulation.

⁴ E-procurement, tender procurement number: 210-24-36-2-2-1.

The other candidate for the same position did not submit a CV in his offer. According to his previous work contract, he worked in a distribution company as a product manager and completed an internship at the Ministry of Internal Affairs (MIA), which is not related to the legal field.

Ministry of Industry, Entrepreneurship and Trade

In November 2023, the Ministry of Industry, Entrepreneurship, and Trade (MIET) issued a tender titled “Engagement of an International Expert and a Local Expert for the Finalization of the National Investment Strategy (National Investment Policy) and Costed Action Plan,”⁵ with a duration of 85 working days for the international expert and 100 working days for the local expert. The tender is divided into two lots.

Irregularities in this tender start with the title for the position of “International Expert,” as the engagement of an international expert in strategy development contradicts the Law on Public Procurement, which prohibits contracting authorities from creating circumstances or conditions that result in territorial, physical, material, personal, or organizational discrimination between economic operators. Furthermore, it prohibits the CA from requiring an economic operator to: (i) employ or use, or not employ or use, any specific person or enterprise for the execution of any aspect of a public contract; or (ii) supply or provide, or not supply or provide, products or services originating from a specific person, enterprise, or geographical region⁶. The requirement for an “international expert” instead of an “expert with international experience” is discriminatory, as it initially disqualified local experts with relevant international experience from applying for this tender. Through this procurement process, an international expert was contracted with a contract value of €74,900.00 for 85 working days.

Additionally, this is not the first time the recommended candidate has been engaged by MIET. The candidate was also contracted earlier through SSAs for the tender “Engagement of an International Expert and a Local Expert for the Development of the Industrial Development Strategy and Business Support (Industrial Policy).”⁷ This contract was signed in December 2021, with a value of €44,910.00 and a duration of 50 working days. Moreover, the candidate was re-engaged through the tender “Engagement of an International Expert for the Development of the Industrial Development Strategy and Business Support, Part 2,”⁸ a contract signed in August 2022, with a value of €19,660.00 and a duration of 20 working days. In both previous instances, the Ministry restricted competition by titling the tenders “Engagement of an International Expert.”

Additionally, in the evaluation report of the evaluation committee for the received bids, the committee rated the documents for the position of the local expert or Lot 2 as “Compliant.” However, in E-procurement, MIET published the document “Notice on the cancellation of the procurement activity,” announcing that the procurement activity for Lot 2 was canceled due to no bidders.

5 E-procurement, tender procurement number: 204-23-13011-2-2-1.

6 Official Gazette of the Republic of Kosovo, Law No. 04/L-042 on Public Procurement in the Republic of Kosovo. Article 7, paragraphs 4 and 5.

7 E-procurement, tender procurement number: 204-21-8979-2-2-1.

8 E-procurement, tender procurement number: 204-22-5666-2-2-1.

Engagement of Experts for Technical-Administrative Work as per Institutional Needs

Ministry of Culture, Youth and Sports

The Ministry of Culture, Youth, and Sports (MCYS) started the procedures in May 2024 for the conclusion of the contract “Engagement of staff for the needs of MCYS - sport development coordinator for all”,⁹ divided into two lots for two consultants. One consultant in the position of Coordinator for the development of “sport for all” and another in the position of Coordinator for the development of “sports medicine” and “anti-doping”. The estimated value of the tender is €30,000.00 with a duration of 12 months.

After analyzing the tender file, the process is found to have some shortcomings, such as the following: 1) The deadline for submitting bids has not been respected according to the Law on public procurement, 2) the criteria set out in the contract notice do not match the criteria specified in the Regulation on public procurement, 3) the evaluation of bids for the required criteria has not been done according to the Regulation on public procurement, 4) the job title of the consultant does not match the requirements of the Regulation on public procurement.

As for the first point, based on the estimated value of the contract, this tender falls under contracts of medium value and the minimum deadline for submitting bids should be at least 20 days. MCYS has published the contract notice on 29.05.2024, while the deadline for submission of bids is set to be 13.06.2024, so a total of 15 days. PPL, respectively, article 46 clearly specifies the specific rules for the possibility of shortening deadlines, and the shortening of deadlines can only occur in cases provided for in this article.¹⁰ In this case, MCYS has shortened the deadline by not providing additional explanations, and this action has limited the time for interested parties to prepare their offers. Therefore, the number of bidders for this tender has been quite low because only two candidates applied for lot 1 and only one candidate for lot 2, who was also awarded the contract.

Regarding the second point, according to the Public Procurement Regulations, the criteria that must be taken into account to evaluate technical proposals are: 1) relevant experience of the consultant, 2) quality of the proposed methodology, 3) qualifications, and 4) knowledge transfer (optional). Despite this, the MCYS in the tender dossier has requested bidders to submit the professional compliance requirements: 1) CV with relevant work references covering the corresponding experience, 2) diplomas covering the qualification part, 3) financial offers, and 4) letter of motivation. As seen from the table below, the MCYS did not request the methodology of work or the transfer of knowledge (even though the latter is optional).

⁹ E-procurement, tender procurement number: 207-24-5354-2-1-1.

¹⁰ Official Gazette of the Republic of Kosovo, Law No. 04/L-042 on Public Procurement in the Republic of Kosovo. Article 46.

Criteria According to the Public Procurement Regulation

Criteria Evaluated by the Ministry

1	Relevant Experience of the Consultant:	1	CV, References for work experience
2	Quality of Proposed Methodology:	2	✗
3	Qualifications:	3	Diplomas/Certifications
4	Transfer of Knowledge, if required:	4	✗
		5	Financial offer, Letter of motivation
		6	The interview

Regarding the third point of the evaluation conducted by the Ministry of Culture, Youth, and Sports (MCYS) for the required criteria, instead of evaluating/weighting the requested documents with the points specified in the Regulation, they were summarized as a group and rated as “Compliant” or “Non-compliant.” Following this, a final score table for the three applicants was presented, but it is unclear how each document was rated and how the final result was determined.

Irregularities were also noted in the job titles for the consultants. According to the Public Procurement Regulation, an individual consultant is a specialist in a specific field, engaged by the contracting authority in an advisory role, and performs professional services that the contracting authority needs but cannot fulfill with its existing staff.¹¹ According to the job description and responsibilities in the tender dossier for Lot 1, tasks such as coordinating the implementation of state projects, managing working groups, communicating with public institutions, monitoring the implementation of project plans, and writing reports are not special or specific services but technical-administrative tasks that could be covered by the current MCYS staff. Similarly, for Lot 2, tasks such as drafting action plans for each program, monitoring the implementation of the

plans, and communicating with relevant institutions and organizations are not special services requiring specific expertise but are standard technical-administrative tasks that could be covered by the Ministry’s existing staff. This is especially true considering that, in this department, besides the director and three division heads, there are 18 other employees.¹²

Nonetheless, MCYS has signed a contract with the two selected candidates for 12 months, with a value of €15,000.00 for each lot (€30,000.00 in total), meaning each consultant will be paid €1,250.00 per month for one year.

¹¹ Public Procurement Regulatory Commission, Public Procurement Regulation 001/2022, Article 57.3 and 57.4, 2022. https://eprokurimi.rksgov.net/HOME/Documents/Legislation/Rregulloret/shq/Rregulloret%20Nr.001_2022%20p%C3%ABr%20prokurimin%20publik.pdf (Accessed on 22.11.2024).

¹² Official Website of MCYS, Department of Sports, 2024. <https://www.mkrs-ks.org/?page=149> (Accessed on 22.11.2024).

Ministry of Culture, Youth and Sports (2)

In June 2024, the Ministry of Culture, Youth, and Sports (MCYS) published a “Contract Notice” for another tender titled “Engagement of Consultants for the Needs of MCYS and Its Subsidiary Institutions,”¹³ divided into five lots. Through this tender, MCYS planned to engage five experts in the following fields: 1) Senior Expert in Copyright and Related Rights; 2) Photography Consultant in the Field of Culture, Youth, and Sports; 3) Public Relations Consultant; 4) Two Experts in the Field of Sports. The estimated value of this tender is €71,580.00, with a duration of six, twelve, and thirty-six months, depending on the lot.

Upon analyzing the tender dossier, several irregularities were noted as follows: 1) The deadline for submission of bids was not respected according to the Public Procurement Law; 2) The criteria set out in the contract notice do not align with the criteria stipulated by the Public Procurement Regulation; 3) The job title for the

consultant position does not comply with the requirements of the Public Procurement Regulation; 4) The evaluation of bids, even for the requested criteria, was not conducted according to the Public Procurement Regulation.

The tender in question falls under medium-value contracts. Therefore, the deadline for receiving bids, according to the Public Procurement Law, should be no less than 20 days, not 10 days as specified in the tender dossier, without any additional explanation. Consequently, by not allowing sufficient time for information and application, there was only one bidder for each lot presented in the tender dossier. According to MCYS, all bidders met the stipulated requirements and were awarded contracts, except for Lot 3 - Public Relations Consultant, which was canceled due to no bidders.

Below are the criteria required by the Regulation for the technical evaluation of bids, as well as the criteria requested by the Ministry for this tender:

Criteria According to the Public Procurement Regulation

Criteria Evaluated by the Ministry

1	Relevant Experience of the Consultant:	1	CV References for work experience (varied depending on the lot)
2	Quality of Proposed Methodology:	2	✘
3	Qualifications:	3	Diplomas/Certifications
4	Transfer of Knowledge, if required:	4	✘
		5	Bid
		6	The interview

¹³ E-procurement, tender procurement number: 207-24-8728-2-2-1.

As noted in the table, MCYS evaluated bids using sub-criteria that should not have been included as per public procurement regulations. Additionally, the ministry failed to require bidders to submit a work methodology, which is a criterion mandated by the Public Procurement Regulation.

Regarding the positions or titles of contracted employees, these do not align with the stipulations of the Public Procurement Regulation. According to the regulation, consultants should only be engaged when the contracting authority requires expertise in a specific field that cannot be fulfilled by existing staff. Below are detailed clarifications regarding the selection of candidates and the positions for which they were hired:

The contracted candidate for Lot 1 (Senior Expert in Copyright and Related Rights) submitted all the required documents requested by the contracting authority, except for the work methodology. However, according to the CV provided by the candidate, it is evident that they worked as the Director in the Copyright Office at MCYS for over seven years, specifically until June 2021. Before this, they were also a Senior Legal Officer in the same office. Currently, this office employs the Director and three other officers.¹⁴ The contracted individual, Senior Expert in Copyright and Related Rights, signed a six-month contract with MCYS worth €5,220.00.

The selected candidate for Lot 2 (Photography Consultant in the Field of Culture, Youth, and Sports), according to their CV, was also engaged with MCYS through SSAs from 2022 until July 2024. Immediately after the contract ended, MCYS published a contract notice for this tender, through which they were re-engaged and signed a contract on September 25, 2024, worth €10,800.00, for a duration of 12 months. In this case, SSAs were used to extend the employment period. The contracted individual, even in the previous contract, was engaged in the Public Communication Division in the same position. This division employs the

head and two other officers, who have duties and responsibilities regulated by the Government Communication with the Public Regulation.¹⁵ According to this regulation, the functions of the Public Communication Office include preparing, distributing, and archiving photographs and audio-visual materials of the Ministry's main activities.¹⁶ In this case, it is evident that the consultant was engaged to perform daily tasks, not to provide a special service or specific expertise for which SSAs can be used.

For Lots 4 and 5 (two Experts in the Field of Sports), contracts were signed with a value of €24,480.00 each, and a duration of 36 months. Similar to the above cases, the two contracted candidates, according to references provided in their bids, were previously engaged with this Ministry. Initially, they started their internship from 21.03.2022 to 31.03.2023, and after that, they were engaged in the same Ministry and department from 01.08.2023 to 01.07.2024. As in the previous cases, immediately after the expiration of this contract, they were contracted again from 25.09.2024, for a period of 36 months. According to the job descriptions in Annex 1 for these positions, tasks such as performing duties according to work plans, leading working groups when required, advising lower-level staff, and communicating with external authorities are not special or specific services that could not be covered by the current staff in the respective department.

Regarding the evaluation of bids according to the criteria set by the Ministry, it did not occur according to the requirements of the Public Procurement Regulation. Since the Regulation precisely determines how each technical criterion and, finally, the financial criterion can be evaluated, the bidders' evaluation report shows that all documents were grouped into a single criterion and evaluated as "Compliant" or "Non-compliant." Thus, the evaluated criteria were not weighed one by one but through a table showing the evaluation result with specific points, but it is unclear how these points were reached.

¹⁴ Official website of MCYS, Copyright Office, 2024. <https://www.mkrs-ks.org/?page=1,159> (Accessed on 22.11.2024).

¹⁵ Official website of MCYS, Secretary General, Public Communication Division, 2024. <https://www.mkrs-ks.org/?page=1,100> (Accessed on 22.11.2024).

¹⁶ Official Gazette of the Republic of Kosovo, Regulation (GoRK) No. 27/2018 on Government Communication Service with the Public, Article 10, Point 1.6, 2019.

Municipality of Prizren

In April 2024, the Municipality of Prizren initiated procedures to award a contract for “Providing consulting services through special service agreements (individual consultants) - project monitoring of subsidies in the fields of culture, youth, and sports, three positions,”¹⁷ divided into three lots for three consultants. Each consultant is assigned to one specific field: consultant-monitor for subsidies in the field of culture, consultant-monitor for subsidies in the field of youth, and consultant-monitor for subsidies in the field of sports.

Based on the analysis of the tender dossier, the process has several irregularities as follows: 1) The job title does not comply with the requirements of the Public Procurement Regulation; 2) The criteria set out in the contract notice are not in accordance with the criteria stipulated by the Public Procurement Regulation; 3) The evaluation of bids, even for the criteria that were requested, was not conducted according to the Public Procurement Regulation.

Regarding the first point, the Public Procurement Regulation specifies that a consultant is a specialist in a

specific field engaged in an advisory role. Additionally, a consultant performs special services, which cannot be provided through recruitment procedures under the Law on Public Officials, meaning they are not ordinary technical-administrative tasks. Therefore, monitoring subsidies in the fields of culture, youth, or sports is not a special or specific service that cannot be covered by the existing staff in the relevant municipal directorate. Furthermore, monitoring as a task is not advisory work; it is defined in Item III.2.4. – technical and professional capacity – that the basic criteria for consultants are “reviewing applications and recommending subsidies in the fields of culture, youth, or sports.” Reviewing applications and subsequently recommending subsidy benefits are not advisory tasks but technical-administrative work, which does not align with the profile of an advisor.

Regarding the second point, the criteria that should be evaluated per the Public Procurement Regulation were not followed by the Municipality of Prizren in the contract notice. The following shows what the Regulation requires in terms of criteria and what was requested by the Municipality of Prizren:

Criteria According to the Public Procurement Regulation

Criteria Evaluated by the Municipality

1 Relevant Experience of the Consultant:	1 CV References for work experience
2 Quality of Proposed Methodology:	2 ✘
3 Qualifications:	3 Diplomas/Certifications
4 Transfer of Knowledge, if required:	4 ✘

¹⁷ E-procurement, tender number: 622-24-4195-2-2-1.

According to this table, the municipality did not require documentation to verify the second criterion, the methodology proposed by the applicant. Therefore, in this aspect, it was necessary to request a methodology on how the consultant would conduct the monitoring or review of applications, based on which criteria the monitoring would be done. Additionally, the knowledge transfer criterion, even though not mandatory in the regulation, was not considered necessary to request, although this is a task where knowledge can be transferred to the existing staff.

Regarding the third point, the evaluation of bids according to the criteria set by the municipality did not occur according to the requirements of the Public Procurement Regulation. This is because the Regulation requires each criterion to be weighted according to the score specified in the regulation, for example, "qualifications" carry a weight of 20 to 40 points, the methodology or work plan is weighted from 20 to 50 points, and specific experience is weighted from 20 to 50 points. Based on the evaluation report provided by the Municipality of Prizren, the evaluation was done for a group of criteria according to the requested documents, and one by one for the required documents, but without assigning points. For example, in the evaluation as a group for four offers, the evaluation is given as "Non-compliant" or "Compliant" but without score. Then, when the documents were evaluated one by one, the evaluation does not show which document is being evaluated because under the document name, it says N/A. Therefore, it is not known how the points were distributed for the evaluation of the required documents from the candidates.

Additionally, regarding the specific work experience and qualifications submitted by the candidates, they do not align with the nature of the tasks they are chosen to perform. For example, the selected candidate as the monitor of subsidy projects in the field of culture has work experience as a manager and cashier in a supermarket, then as a sales agent in a garden center, while professionally prepared with a Bachelor of Science in Agribusiness. This contradicts the requirements of the Public Procurement Regulation, as it requires that work experience be specific to the service to be performed, and naturally, the qualification should be adequate. Next, the selected candidate as the monitor of subsidy projects in the field of youth has two

years of work experience in a private telecommunications service provider, six months of work experience in an insurance company, and another three months experience as a legal officer. Regarding education, the candidate graduated from the Faculty of Economics - specializing in finance, banking, and insurance. These do not comply with the requirements or criteria of the Public Procurement Regulation regarding specific work experience and qualifications, which should naturally relate to the work the selected candidate will perform. The third candidate selected as the monitor of subsidy projects in the field of sports has work experience in a public institution, worked as a hotel receptionist, and was a football coach. Regarding education, the candidate graduated in international relations and then in sports management. Although these are not suitable for the purpose for which he applied, it is still closer to the nature of the job - subsidies in the field of sports - than the other candidates.

However, despite all these, the Municipality of Prizren signed contracts with all three candidates as described above for a period of 36 months, with a total value of €48,474, or about €450 per month per consultant for 36 months, until June 17, 2027. Therefore, we can conclude that the three consultants have been engaged for three years with a standard civil service salary for regular technical-administrative work for the needs of the Directorate of Culture in the Municipality of Prizren.

Municipality of Peja

In May 2024, the Municipality of Peja published a contract notice for the tender “Individual Consulting Services for the Needs of the Municipality of Peja,”¹⁸ divided into 6 lots. Through this tender, the municipality planned to engage six individual consultants for the following positions: 1) Civil Engineer (2 positions); 2) Geodesy Engineer (1 position); 3) Architecture Engineer or MA in Architecture (3 positions). The estimated value of this tender was €140,400.00, with a duration of 36 months. According to the tender dossier, bidders were allowed to apply for all lots but could only be awarded one.

Upon analyzing the tender dossier, several irregularities were noted in the procurement process as follows: 1) The criteria set out in the contract notice do not align with the criteria stipulated by the Public Procurement Regulation; 2) The use of SSAs for extending the employment period; 3) Non-compliance with the regulation regarding the creation of the tender evaluation committee; 4) Non-compliance with the procurement procedure for special services.

The first point highlights that the evaluative criteria requirements did not comply with the Public Procurement Regulation because bidders were not required to submit a work methodology, which is a key criterion in the evaluation.

Criteria According to the Public Procurement Regulation

Criteria Evaluated by the Municipality

1 Relevant Experience of the Consultant:	1 CV References for work experience
2 Quality of Proposed Methodology:	2 ✘
3 Qualifications:	3 Diplomas
4 Transfer of Knowledge, if required:	4 ✘

¹⁸ E-procurement, tender procurement number: 635-24-4277-2-1-1.

The contracted candidate for Lot 1 (Civil Engineer) signed a contract on July 22, 2024, worth €23,040.00, with a duration of 36 months. The same consultant was also contracted in 2021, with a duration of 36 months. This means that the consultant completed the contract with the Municipality of Peja on June 27, 2024, and immediately started work with the new contract. In this case, the municipality used SSAs to extend the employment period (service) for the same consultant. A similar situation occurred with the candidate contracted for Lot 4 (Architecture Engineer or Master of Architecture), who was also contracted by the Municipality of Peja in 2021 with a contract duration of 36 months.

Additionally, one of the members appointed to the tender evaluation committee was also contracted through SSAs in 2021 as an Architecture Engineer, and the evaluation of the bidders by this committee was conducted while this committee member was engaged with the municipality under an SSA contract (June 11, 2024). The Public Procurement Regulation stipulates that: "The contracting authority has the right to engage external experts when specific technical or specialized knowledge and expertise is required, depending on the procurement's object, and such experts are not available within the contracting authority. Such experts are subject to the provisions of Article 11 of the PPL, same as the evaluation committee members from the contracting authority."¹⁹ Therefore, the appointment of this individual as a committee member is not allowed because they were engaged as an expert under another SSA and were not specifically contracted to participate in the evaluation committee as regulated by law.

This tender also showed non-compliance with the tendering procedure as the candidate contracted for Lot 5 (Architecture Engineer or Master of Architecture) was evaluated as a business rather than an individual. All the documents provided were in the candidate's name as an individual, including: CV, Diploma, References, however, in the municipality's decisions and reports, the business name was listed, followed by the candidate's name. According to the Public Procurement Regulation, only individuals, not registered businesses, may bid for special services. They need to be registered in e-procurement as individuals.²⁰

Additionally, concerning the specific work experience and qualifications submitted by the candidates, they do not align with the nature of the tasks they were selected to perform. For example, the candidate contracted for Lot 2 for the position of Civil Engineer signed a contract worth €23,400.00 with a duration of 36 months. The candidate graduated in 2022 and provided work references from internships completed before graduating. If we calculate the professional work post-graduation from 2022, the candidate offered references that total only 17 months of work experience, meaning the candidate is not an expert as required by the Regulation for contracting through SSAs.

¹⁹ Official Gazette of the Republic of Kosovo, Law No. 04/L-042 on Public Procurement in the Republic of Kosovo, Article 39, Point 9. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772> (Accessed on 22.11.2024).

²⁰ Public Procurement Regulatory Commission, Regulation No. 001/2022 on Public Procurement, Article 57.5, 2022. https://eprokurimi.rksgov.net/HOME/Documents/Legislation/Rregulloret/shq/Rregullore%20Nr.001_2022%20p%C3%ABr%20prokurimin%20publi (Accessed on 22.11.2024).

Engagement of Experts for IT Services

Ministry of Education, Science, Technology & Innovation

In July 2024, the Ministry of Education, Science, Technology, and Innovation (MESTI) published a “Contract Notice” for the tender: “Engagement of an Individual Contractor for IT Expertise in Website Maintenance and Updates.”²¹ The estimated value of this tender is €8,900.00 with a duration of 12 months.

Through this tender, MESTI planned to engage an individual contractor using SSAs, which are intended for use when a contracting authority needs an expert consultant in a specific field or profession. Upon analyzing the tender dossier, the identified irregularities in the procurement process are: 1) The criteria set out in the contract notice do not align with the criteria stipulat-

ed by the Public Procurement Regulation, and 2) The job title for the consultant position does not comply with the requirements of the Public Procurement Regulation.

Regarding the first point, the requirements set by MESTI for contracting the expert were as follows: diploma, CV, five years of IT experience (proven with references), proven knowledge in social media, and a motivation letter. The recommended candidate for the contract submitted all required documents except for proof of social media knowledge. They submitted two certificates for completed IT training; however, both belong to different fields and not the one requested. Additionally, MESTI did not require a work methodology, which according to the Regulation, should be used for the technical evaluation of the bid, weighted with points as specified in the Regulation.

Criteria According to the Public Procurement Regulation

Criteria Evaluated by the Ministry

1	Relevant Experience of the Consultant:	1	CV References for work experience
2	Quality of Proposed Methodology:	2	✘
3	Qualifications:	3	Diplomas
4	Transfer of Knowledge, if required:	4	✘
		5	Motivation Letter
		6	Bid

²¹ E-procurement, tender procurement number: 208 Udhëheqësi-24-7291-2-3-6.

The contracted candidate's experience is worth noting. According to the CV submitted with the tender documents, the candidate was engaged with this Ministry from 2018 to 2021. However, references from Ministry officials show that the candidate was engaged with the Ministry from 2018 until May 30, 2024. During this period, the individual worked as an IT expert for maintaining and updating MESTI's website and social media, within the Public Communication Division. This means that SSAs were used to extend the employment (service) period for this person²². Thus, MESTI engaged the same individual through several tenders from 2018 to 2024, amounting to over six years of engagement through SSAs with this Ministry.

Regarding the tasks the recommended candidate is expected to perform, they include similar obligations as described in previous tenders, such as: publishing announcements, notices, decisions, etc., on the MESTI website, intervening on the website to improve accessibility, security, structuring materials, managing social media, assisting in archiving articles, photographs, etc. These tasks are not highly specific or special services for which an expert should be engaged through SSAs, as permitted by public procurement legislation. Furthermore, according to the Regulation on the Internal Organization and Systematization of Positions in MESTI, the Department for General Affairs includes the IT, Document Administration, and Services Division. This Division employs two senior IT administration officers. Additionally, the Public Communication Division employs a multimedia and web officer whose duties include maintaining and updating the Ministry's website and providing training for MESTI staff on website usage.²³

Food and Veterinary Agency

In June 2024, the Food and Veterinary Agency (FVA) initiated the procedures for the tender "Engagement of Two Individual Consultants - Contractors for Special Services in the Information Technology Sector."²⁴ This tender is divided into two lots, with a total estimated value of €50,400.00, each lot valued at €25,200.00 for a period of 36 months.

Upon analyzing the tender dossier, several irregularities were noted in the procurement process as follows: 1) The criteria for the technical evaluation of proposals are not properly set, 2) The evaluation of bids for the requested criteria was not conducted according to the Public Procurement Regulation, 3) The job title for the consultant position does not comply with the Public Procurement Regulation.

According to the Public Procurement Regulation, the criteria for technical evaluation of proposals are: 1) Relevant experience, 2) Methodology of the work plan, 3) Qualification, and 4) Knowledge transfer (optional criterion). The total points for evaluating a proposal are obtained by combining technical and financial points. The financial evaluation score should be weighed with a maximum of 30 points.

In this case, FVA set the criteria for technical evaluation as experience, methodology, and qualification, but also added the financial offer as a criterion. According to the Regulation, the financial offer should be included only after the complete technical evaluation has been conducted, and then combined with the technical score and weighted with a maximum of 30 points.

22 Public Procurement Regulatory Commission, Regulation No. 001/2022 on Public Procurement, Article 578, 2022. https://eprokurimi.rksgov.net/HOME/Documents/Legislation/Rregulloret/shq/Rregulloret%20Nr.001_2022%20p%C3%ABr%20prokurimin%20publi (Accessed on 22.11.2024).

23 MEST, Regulation (OPM) No. 09/2024 on the Internal Organization and Systematization of Positions in the Ministry of Education, Science, Technology, and Innovation, 2024. <https://masht.rks-gov.net/rregullore-zkm-nr-09-2024per-organizimin-e-brendshem-dhe-sistematzimin-evendeve-te-punes-ne-ministrine-e-arsimit-shkenceteknologjise-dhe-inovacionit/> (Accessed on 22.11.2024).

24 E-procurement, tender procurement number: 40800-24-5898-2-2-1.

Criteria According to the Public Procurement Regulation

Criteria Evaluated by FVA

1	Relevant Experience of the Consultant:	1	CV References for work experience
2	Quality of Proposed Methodology:	2	Methodology
3	Qualifications:	3	Diplomas/Certifications
4	Transfer of Knowledge, if required:	4	✘
		5	Bid

In addition to incorrectly setting the criteria, irregularities were also noted in the way the evaluation committee assessed the bids. FVA considered professional suitability requirements such as a university degree in computer science and at least one year of work experience, which were then rated as “Compliant” or “Non-compliant.” After this, they evaluated which was the lowest bid and decided on one of the candidates. In the evaluation report, it is unclear how many points each criterion, such as qualification and work experience set by FVA, were awarded. More importantly, there is no mention of the work methodology, whether the candidates fulfilled this requirement, or how many points this criterion was awarded.

Regarding the job title for the specified consultant, it does not comply with the Public Procurement Regulation. As mentioned earlier, the title “Information Technology Consultant,” considering the knowledge requirements in the tender dossier such as configuring and archiving government emails, maintaining computers, knowledge of government domains, and installing and configuring printers and scanners, does not necessitate an expert who would perform tasks that cannot be handled by the existing IT officers at FVA. Moreover, FVA’s requirement that the bidder has at least one year of work experience itself shows how a person with just one year’s experience cannot be considered an expert in a specific field.

Nevertheless, FVA selected a candidate to sign the contract for Lot 1, valued at €22,000.00, meaning the candidate will be paid €611.11 per month. Lot 2 was canceled because there were no bidders.

Municipality of Vitia

In July 2024, the Municipal Assembly of Vitia published a contract notice for the tender “Procurement of Consulting Services for the Municipality’s Tourist Website,”²⁵ with a duration of 24 months. Through this tender, the municipality planned to engage a consultant to promote the municipality as an attractive tourist destination, provide information about attractions and events in Vitia, raise awareness about the cultural and historical heritage of Vitia, and more.

Analyzing the tender process revealed several irregularities, as follows: 1) The criteria set out in the contract

notice do not align with the criteria stipulated by the Public Procurement Regulation; 2) The terms of reference (ToR) were not properly defined as required by the Regulation; 3) The deadline for bid submission was not respected; 4) The evaluation of the bids for the requested criteria was not conducted according to the Public Procurement Regulation.

The first point is evident in the requirements for technical and professional capabilities presented in the tender dossier. The municipality requested bidders to submit a CV, a degree in journalism or related fields, excellent communication and writing skills in Albanian and English (Serbian preferred), and job references.

Criteria According to the Public Procurement Regulation

Criteria Evaluated by the Municipality

1	Relevant Experience of the Consultant:	1	CV References for work experience
2	Quality of Proposed Methodology:	2	✘
3	Qualifications:	3	Diplomas
4	Transfer of Knowledge, if required:	4	✘
		5	Bid

²⁵ E-procurement, tender procurement number: 657-24-7762-2-2-1.

As shown in the table above, the municipality requested evaluation documents that do not comply with the criteria specified in the Public Procurement Regulation. As in most cases, the municipality did not request a work methodology from the bidding candidates. Only one candidate applied for this tender and met the municipality's criteria as requested (without the work methodology). However, the job title or duties for which the consultant would be engaged do not comply with the Public Procurement Regulation.

The second noteworthy aspect is that the tender dossier or the signed contract with the contracted candidate does not specify the reports the candidate must submit, their format, frequency, or content. According to the Public Procurement Regulation, *“The ToR should indicate the approximate duration of the task, from the start date to the date when the contracting authority receives and accepts the consultant’s final report. The ToR should indicate the format, frequency, and content of the reports.”*²⁶

The third aspect mentioned above relates to the discrepancy in the estimated value of this tender presented in the Tender Dossier and the Contract Notice. The estimated value in the Contract Notice is €10,000.00, while in the Tender Dossier, it is €9,120.00. This confusion also causes uncertainty among interested bidders.

Nevertheless, on October 11, 2023, the Mayor of Vitia issued a decision to appoint²⁷ an official for collaboration with Swisscontact for implementing the memorandum “Creating the Tourist Brand and Promoting the Municipality of Vitia.” Considering the project started much earlier, the Municipality had sufficient time to publish the tender earlier, so the deadline was not shortened, and all interested bidders had the opportunity to prepare and submit their bids.

Regarding the evaluation of bids according to the criteria set by the municipality, this was not done according to the requirements of the Public Procurement Regulation. The Regulation requires that each criterion be weighted according to the points specified in the Regulation, including the work methodology. However, in the evaluation committee's report, all documents were grouped into one criterion and evaluated as “Compliant,” without indicating how many points were awarded for each specified criterion in the tender dossier, nor the total points for the selected candidate's bid.

The first point is evident in the requirements for technical and professional capabilities presented in the tender dossier. The municipality requested bidders to submit a CV, a degree in journalism or related fields, excellent communication and writing skills in Albanian and English (Serbian preferred), and job references.

26 Official Gazette of the Republic of Kosovo, Law No. 04/L-042 on Public Procurement in the Republic of Kosovo, Article 56.5, Point 5. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772> (Accessed on 22.11.2024).

27 Decision No. 02-035/1270 by the Mayor of Vitia, 2023.


Engagement of Experts for Court Representation

Ministry of Education, Science, Technology & Innovation (2)

In November 2023, the Ministry of Education, Science, Technology, and Innovation (MESTI) initiated the tender process for “Individual Contractor Expert for Legal Matters with a Special Services Contract.”²⁸ Through this tender, MESTI aimed to engage a legal expert for the Kosovo Accreditation Agency (KCA). The estimated value of this tender is €7,500.00 for a duration of 12 months.

As with most tenders analyzed above, similar issues are present in this case, such as: 1) Setting the criteria for evaluating technical proposals; 2) The job title for the consultant position does not comply with the Public Procurement Regulation.

The following table presents the criteria required by the Public Procurement Regulation on one side and those required/evaluated by MESTI or the Agency for which this procedure was developed:

Criteria According to the Public Procurement Regulation	Criteria Evaluated by the Agency
1 Relevant Experience of the Consultant:	1 CV References for work experience
2 Quality of Proposed Methodology:	2 Methodology
3 Qualifications:	3 Diplomas/Certifications
4 Transfer of Knowledge, if required:	4 
	5 Bid
	6 Knowledge of English

²⁸ E-procurement, tender procurement number: 208 Udhëheqësi-23-13140-2-3-6.

As seen in the table, MESTI requested documents as proof of qualifications (diplomas). However, in the evaluation report, this criterion was not weighted with points but included several sub-criteria, such as proof of English language proficiency, which should not have been a separate sub-criterion. Furthermore, the financial offer should have been considered only after the technical evaluation of the proposals, by combining the technical and financial points and awarding up to 30 points.

Similar to many other cases, the contracting authority engaged an expert for tasks that could be covered by the regular staff. The described knowledge/tasks for the expert, such as knowledge and experience in drafting administrative acts and representing the institution in court or knowledge of applicable legislation in Kosovo, imply that these tasks are not of a special service nature that cannot be covered by the current staff in the agency. According to the Internal Organization and Systematization of Positions Regulation in KCA, there is a Division for Legal Affairs, Analysis, International Cooperation, and Projects, employing four officers. The division's duties include providing legal advice and opinions for KCA, representing in legal proceedings, participating in drafting legislation related to the agency's work, identifying and addressing legal gaps during the implementation of legislation, etc.²⁹

Also, by analyzing the CV of the recommended candidate, it is observed that their experience is insufficient since the only professional experience listed is as a legal officer at a retail company, where they worked for about two years. According to the job descriptions in the CV, the candidate has experience in drafting documentation, preparing reports, drafting official letters, and monitoring legal work, which do not demonstrate the expertise required for engagement as a specialist in a specific field. Despite this, MESTI signed a contract for 12 months valued at €7,200.00, or approximately €600 per month.

Municipality of Pristina

In the final procurement planning for 2024³⁰, the Municipality of Prishtina allocated €200,000.00 for legal representation services. This procurement activity was published on February 2, 2024, with an open procedure³¹ and a bid submission deadline of March 11, 2024. The selection criterion used was the “Lowest Weighted Price,” although the Public Procurement Regulation states that the contracting of consultants should be done through the “Most Economically Advantageous Tender” criterion. Three economic operators bid for this tender but offers from two were rejected because they were not the lowest-priced.

As in other cases, legal representation is a task of the legal office or legal department and should not require special services agreements to engage individuals for legal representation. According to the organigram published by the Municipality of Prishtina³², the institution has a legal sector. Based on the job description for this sector on the Municipality's website³³, officials are obligated to represent and protect the interests of the municipality and institutions financed by the municipality in civil, criminal, enforcement, and administrative court procedures at all levels. The contracting company was engaged for these specific tasks. The tasks include drafting submissions and representing criminal procedures, drafting submissions and representing in civil procedures, and more. Engaging a company creates a dual structure since both the legal sector and the contracted company have the same goal and tasks. Although the high number of legal contents is a significant burden for the responsible officers, the use of consulting services does not provide a sustainable solution.

According to data on the E-procurement website³⁴, the Municipality of Prishtina has engaged such consulting companies for legal representation since 2020.

29 Kosovo Accreditation Agency, Regulation on Internal Organization and Systematization of Positions 2024, Article 9. <https://akreditimi.rks-gov.net/wp-content/uploads/23.01.2024-SO-Rregullore-AKA-per-Organizimin-e-Brendshem-1.pdf> (Accessed on 22.11.2024).

30 Municipality of Prishtina Website, Procurement Plan 2024. https://prishtinaonline.com/uploads/planifikimi_i_prokurimit_2024_ak_prishtine_perfundimtar.pdf (Accessed on 22.11.2024).

31 It is worth noting that in previous years, a negotiated procedure was used.

32 Municipality of Prishtina Website, Organigram of the Municipality of Prishtina Administration, 2016. https://prishtinaonline.com/uploads/organo-grami_14.05.2019.pdf (Accessed on 22.11.2024).

33 Ibid, Legal Sector.

34 E-procurement, Excel documents downloaded from awarded contracts before 01.02.2021 and contracts awarded after 01.02.2021. <https://e-prokurimi.rks-gov.net/HOME/ClanakItemNew.aspx?id=327> (Accessed on 22.11.2024).

The following table presents the time period, values, and duration of work for companies engaged by the Municipality of Prishtina for legal representation from 2020 to 2024.

As shown in the table, the estimated value for such contracts has increased every year. Over these four years, the Municipality has signed five contracts to provide legal representation services worth €490,000.00, with companies serving the Municipality for a total of 31 months.

	Contracting Authority	Economic Operator	Value/Estimated Contract Value (in euros)	Length
2020	Municipal Assembly of Prishtina	“Avokatura Istrefi” L.L.C.	50,000.00	3 months
2022	Municipal Assembly of Prishtina	“Avokatura Istrefi” L.L.C.	60,000.00	4 months
2022	Municipal Assembly of Prishtina	“Sejdiu&Qerkini” L.L.C.	90,000.00	6 months
2023	Municipal Assembly of Prishtina	“Sejdiu&Qerkini” L.L.C.	90,000.00	6 months
2024	Municipal Assembly of Prishtina	PRO JURIS LAW FIRM L.L.C.; Tahiri & Partners L.L.C.	200,000.00	12 months
Total			490,000.00	31 months

Conclusions and Recommendations

BASED ON THE REVIEW OF VIOLATIONS ACCORDING TO TENDERS AND INSTITUTIONS AS OUTLINED ABOVE, SEVERAL CONCLUSIONS CAN BE DRAWN:

- 1** Public institutions included in this report have used SSAs to engage candidates for providing services that are neither special nor specific in a particular field.
- 2** Public institutions have utilized SSAs to engage candidates not in an advisory capacity as defined by the Public Procurement Regulation, but for routine technical-administrative work that should be covered by the institution's regular staff.
- 3** SSAs have been used in some cases to extend the engagement of individuals previously engaged for 36 months through this procedure.
- 4** Many public institutions have not defined the criteria for evaluating candidates according to the Public Procurement Regulation. Conversely, other additional documents not related to the criteria defined by the Regulation have been requested.
- 5** The criterion most often not requested by public institutions was the work methodology, which carries between 20 to 50 points, yet candidates were engaged (accepted) even without submitting this document.
- 6** According to evaluation reports, in some cases, the evaluation by the respective institution against the established criteria was not conducted according to the Public Procurement Regulation, which requires each criterion to be weighted with points, and the accumulation of points for each criterion determines the winning candidate. Contrary to this, the evaluation was done as a group of criteria fulfilled through the expressions "Compliant" or "Non-compliant."
- 7** Evaluation reports also indicate that candidates did not meet even those criteria set by the institutions, and their work experience often did not correspond with the nature of the jobs for which they applied.

Based on these conclusions, several recommendations can be made:

- 1** The Ministry of Finance, Labor, and Transfers (MFLT) should clearly and strictly regulate the contracting of services through SSAs in the new Public Procurement Law.
- 2** The chapter of the new Public Procurement Law regulating SSAs should be drafted in close cooperation with the Ministry of Internal Affairs (MIA), specifically the Department of Public Official Management (DPOM), responsible for public administration at the local and central levels.
- 3** The new Public Procurement Law should shorten the term for which candidates are engaged through SSAs from 36 to six (6) months, as providing special services is not proportional to the duration of 36 months.
- 4** Public institutions included in the report should use SSAs for engaging candidates to provide specific special services that cannot be covered by positions defined in the Civil Service Job Catalog.
- 5** Public institutions involved in the report must select candidates who meet all the criteria as outlined in the Public Procurement Regulation and refrain from engaging candidates who fail to meet any of the specified criteria.
- 6** Public institutions should require candidates to meet all criteria as defined in the Public Procurement Regulation and should not engage candidates who do not meet any of the criteria.
- 7** Public institutions should evaluate the fulfillment of each criterion with points as specified by the Public Procurement Regulation, and not with a general evaluation using the “Compliant” or “Non-compliant” template.



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