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Integrity in Public Procurement: Challenges and Irregularities at Central and Local Levels

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GOOD GOVERNANCE

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List of Abbreviations

CA	↗ Contracting Authority
CPA	↗ Central Procurement Agency
EO	↗ Economic Operator
GEO	↗ Group of Economic Operators
L.L.C	↗ Limited Liability Company
LPP	↗ Law on Public Procurement
MESPI	↗ Ministry of Environment, Spatial Planning, and Infrastructure
MIA	↗ Ministry of Interior Affairs
MIET	↗ Ministry of Industry, Entrepreneurship, and Trade
PPRC	↗ Public Procurement Regulatory Commission
PRB	↗ Procurement Review Body
TD	↗ Tender Dossier

Introduction

During the first half of 2025, Democracy Plus (D+) continued monitoring of public procurement at both the central and local levels, with the aim of promoting transparency, efficiency, and accountability in the management of public funds. This report analyzes how contracting authorities plan, conduct, and finalize procurement processes, while also identifying practices that contradict the fundamental principles of open competition and legality.

Monitoring was carried out in six contracting authorities: the Ministry of Industry, Entrepreneurship and Trade (MIET), the Ministry of Environment, Spatial Planning, and Infrastructure (MESPI)¹, the Ministry of Internal Affairs (MIA), as well as the municipalities of Pejë/Peć, Mitrovicë e Jugut/Južna Mitrovica (Mitrovica South), and Gjilan/Gnjilane. All of these institutions, in accordance with the Law on Public Procurement (LPP), are responsible for managing budget funds through the contracting of economic operators for works, services, and supplies.

This research covered ten tenders of varying types, with a total estimated contract value of approximately €76 million.

The findings from this monitoring reveal several recurring violations by contracting authorities, including the inclusion of discriminatory and preferential criteria in Tender Dossiers; unjustified shortening of legal time limits for bid submission; awarding contracts to operators who do not meet the tender requirements; and inaccurate evaluations that have resulted in delays or cancellations of procurement procedures. The monitoring also identified the use of the negotiated bidding procedure without prior publication of the contract notice, without a clear legal basis.

In addition to analyzing the legality and integrity of procurement procedures, D+ also examined the gender structure of ownership among economic operators who participated in the monitored tenders, whether individually or as part of consortia. The additional aim of this analysis was to assess the participation of women in economic activities with public funding and to identify existing inequalities in access to public contracts.

Out of a total of 27 economic operators who were either awarded contracts or recommended for contract award in the procedures covered by this report, only two (2) are owned by women. A woman and a man jointly own one economic operator, while only one economic operator is fully woman-owned. These figures reflect a pronounced gender disparity in access to public funds, raising concerns about the structural and systemic barriers that hinder the equal participation of women in public contracting.

¹ As part of the monitoring process, both the Ministry of Environment and Spatial Planning and the Ministry of Infrastructure were included, as they operate as separate contracting authorities.

Methodology

This report is based on a structured monitoring process of public procurement activities and their corresponding contracts, selected using an indicator-based approach commonly referred to as “red flags.” The indicators include:

- Estimated contract value;
- Nature of the goods, works, or services being procured;
- Repetition of the procurement activity;
- Procurement procedure used;
- Timeline for conducting the procedure;
- Ratio between the contract price and the estimated value;
- Cases where abnormally low prices were offered.

Following the selection of tenders based on these indicators, all official documents published on the electronic procurement platform (e-Procurement), as well as those obtained from contracting authorities through access to public documents, in accordance with the Law on Access to Public Documents, were analyzed.²

In addition to data collection, the monitoring process includes legal and contextual interpretation of the findings to identify implementation gaps, challenges in the application and enforcement of the law, and the need for regulatory or oversight interventions. In this context, the report aims not only to expose the problems but also to contribute with concrete recommendations for improving procurement practices and strengthening transparency and accountability mechanisms.

The monitoring of tenders was conducted during the first half of 2025 and covers tenders issued in both 2024 and 2025.

² Official Gazette of the Republic of Kosovo. Law No. 06/L-081 on Access to Public Documents. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=20505>.

1. Ministry of Industry, Entrepreneurship, and Trade

1.1 Construction of Infrastructure in Industrial Park 2 – General Park in Drenas/Glogovac

In 2024, the Ministry of Industry, Entrepreneurship and Trade (MIET) signed a total of 80 public contracts. Among them is the contract for the “Construction of Infrastructure in Industrial Park 2 – General Park in Drenas/Glogovac” project, which was awarded to the group of economic operators: Kema Company, K.N.P.Sh Papenburg & Ardiani Company, ALFA.i and ATC Com Sh.P.K.³ The procurement was conducted through an open procedure, and the contract was signed in the amount of €7,755,554.00.

■ TABLE 1. Winning Economic Operator in this Tender and the Contract Value

No.	Economic Operator	Contract Value	Duration
1.	Kema Company, K.N.P.Sh Papenburg & Ardiani Company, ALFA.i, N.N.P ATC Com Sh.P.K	€7,755,554.00	360 working days over a 36-month period

As part of the initial steps for the construction of Industrial Park 2 in Drenas/Glogovac, the contracting authority (CA) engaged an economic operator to develop the conceptual and main design project.⁴

The bid opening for this tender took place on August 17, 2024, whereas the notice of the CA’s decision, through which MIET recommended the consortium of Kema Company, K.N.P.Sh Papenburg & Ardiani Company, ALFA.i, and N.N.P ATC Com Sh.P.K for contract award, was published on October 4, 2024, or 49 days past the legally prescribed deadline.⁵

This decision, disqualifying several economic operators who had submitted lower bids and met the criteria set out in the Tender Dossier, as recommending the award of the contract to a non-compliant operator, was individually contested by the operators through six requests for reconsideration. However, all six requests were submitted after the legal deadline established under Article 108/A of the Law on Public Procurement (LPP). Specifically, two were submitted on October 11 (six days after publication), and four on October 14 (ten days after publication).

³ Contract Number: 204-24-6755-5-1-1.

⁴ For details on how the “Design of the Conceptual and Main Project for Industrial Park 2 in Drenas/Glogovac” procurement procedure was carried out, refer to the D+ report: “Issues in Public Procurement: Findings from the Analysis of Eleven Tenders at Central and Local Levels,” available at: https://dplus.org/wp-content/uploads/2025/01/14-01-25_Issues-in-Public-Procurement-Findings-from-the-analysis-of-11-tenders-at-central-and-local-levels.pdf.

⁵ Regulation on Public Procurement, Article 40, paragraph 3. Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregullore/eng/PN%20i%20RRPP_eng.docx.

According to Article 108/A, the legal deadline for submitting a request for reconsideration against a contract award decision is five (5) days from the date of its publication.

Under these circumstances, public procurement legislation does not obligate the contracting authority to consider requests submitted after the legal deadline. Accordingly, MIET should have rejected the requests as inadmissible due to late submission. Instead, the CA proceeded in violation of the applicable rules by reviewing the requests seven days after the deadline had expired, further exceeding the legal obligation to process such requests within three working days.⁶ As a result of the delayed and untimely review, MIET issued inconsistent decisions, rejecting some requests as unfounded, partially upholding others, and dismissing several as inadmissible.

Upon review, it was determined that the bid of the recommended contractor did not meet the criteria outlined in the Tender Dossier and the Contract Notice. According to the applicable legal provisions, the CA is required to evaluate and compare only the responsive bids, in accordance with the award criteria defined in the Contract Notice and the Tender Dossier.⁷ In this case, the recommendation to award the contract to an operator who does not meet the eligibility requirements,⁸ as well as the technical and/or professional capacity criteria, falls under the responsibility of the Evaluation Commission that issued the recommendation, and the procurement officer who made the final decision.

Based on the same claims, the economic operators BM Group Sh.P.K and ILEAA-GR Sh.P.K submitted a complaint to the Procurement Review Body (PRB) on November 1, 2024, challenging the decision of the CA.⁹ However, six days later, both operators withdrew their submitted complaints.

Despite procedural violations identified during the process, and following the withdrawal of the complaints, the CA proceeded with finalizing the contract. In accordance with Article 13 of the Law on Budget Appropriations for 2024,¹⁰ and upon the EO's request, the CA processed an advance payment of up to 10% of the contract value, as permitted under the applicable legislation.

The advance payment amount for this contract is €775,555.40.

However, Article 13 of the Law on Budget Appropriations requires that the contract include a clear payment schedule, detailing the specific works to be completed prior to each installment. Nevertheless, the available documents do not include any record justifying the use of the allocated funds.¹¹

Despite the absence of supporting evidence for both the advance payment and its execution, the economic operator submitted a second invoice, amounting to €90,196.13, within a short timeframe. According to the documents and photographs provided by the operator, the reported works included the installation of office containers, geodetic surveys, site clearance, and other preparatory activities.¹²

Within just one month from the contract's initiation, 11.16% of its total value had already been executed in favor of the economic operator.

6 Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 108/A, paragraph 2. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

7 Regulation on Public Procurement, Article 40, paragraph 13. Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/eng/PN%20i%20RRPP_eng.docx.

8 Regulation on Public Procurement, Article 25, paragraph 9. Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/eng/PN%20i%20RRPP_eng.docx.

9 Complaints No. 1061/24 and 1063/24.

10 Official Gazette of the Republic of Kosovo. Law No. 08/L-260 on Budget Appropriations for the Budget of the Republic of Kosovo for Year 2024. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=85052>.

11 Documents obtained through a request for access to public records, dated February 3, 2025.

12 Photographs provided by the economic operator in Invoice No. 231224-1, dated December 23, 2024.

2. Ministry of Environment, Spatial Planning, and Infrastructure

2.1. Construction of Affordable Social Housing Buildings in the Municipalities of Pejë/Peć, Gjilan/Gnjilane, Podujevë/Podujevo, and Istog/Istok

The Ministry of Environment, Spatial Planning and Infrastructure (MESPI), as the implementing institution for the affordable social housing project, published the Contract Notice for the construction of affordable social housing buildings on November 28, 2024.¹³ The procurement procedure was divided into eight (8) lots, covering four municipalities: Pejë/Peć, Gjilan/Gnjilane, Podujevë/Podujevo, and Istog/Istok, with a projected total value of €38 million. This activity was initiated based on the draft law on affordable social housing, which has been adopted by the Assembly of Kosovo but has not yet been published in the Official Gazette.

As part of the internal preparations leading up to the launch of the procurement process, MESPI engaged an economic operator through a preliminary procedure to draft the technical specifications.¹⁴ Although the head of the EO has denied this under oath, the specifications contain direct references to specific products, which is in violation of Article 28.7 of the LPP, as they were made without using the term “or equivalent”.

From a procedural perspective, according to the criteria outlined in the Tender Dossier, the contracted economic operators must meet a set of requirements related to technical and/or professional capacities, as defined by the Contracting Authority. However, an analysis of these criteria shows that a significant portion appear to be preferential and/or discriminatory, undermining competition and leading to unequal treatment among economic operators.¹⁵

The criteria set out in the tender were challenged through individual requests for reconsideration submitted by the economic operators H&B Consulting Sh.P.K, Olti Transing Sh.P.K, Conex L.L.C, and 46 Group, addressed to MESPI as the first-instance review body, with the aim of improving the criteria. On December 9, 2024, the CA partially upheld the requests for reconsideration and amended the criteria that had been deemed preferential. Among the changes was the following:

1. The initial criterion, which required proof of completed contracts for the construction of mixed-use (residential-commercial) buildings with at least 80 residential units within the past three (3) years. **This criterion was revised by reducing the requirement to a minimum of 50 residential units.**
2. The original tender dossier required the project manager to have experience in managing construction projects involving at least 50 residential units. **This requirement was entirely removed from the tender dossier.**

¹³ Procurement Activity No. 210-24-12610-5-1-1.

¹⁴ Tender: Re-Tender for Professional Engineering Services, Procurement No. 210-23-14295-2-1-1.

¹⁵ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 7. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

3. It also required 20 workers for LOTs 1, 2, 3, and 4, and 15 workers for LOTs 5, 6, and 7. The list of workers had to include all personal details, and each worker was required to be certified in occupational health and safety, and possess a medical certificate issued within the last six months from the date of the Contract Notice, issued by the Institute of Occupational Medicine. **As a result of the review process, the requirement for the six-month validity of the medical certificate was eliminated.**

In both instances of amending the Tender Dossier, MESPI decided to extend the deadline for bid submission by only seven days, despite the Public Procurement Regulation requiring that, in such cases, the deadline must be extended by at least 10 days.¹⁶ This action follows a prior violation, in which the CA, at the very outset of the procurement procedure, unjustifiably shortened the legally mandated minimum 40-day time limit for submitting bids in high-value tenders, reducing it to just 15 days.¹⁷

Despite the short timeframe provided for bid preparation, a total of nine economic operators participated in this procurement procedure across all lots.

According to the Contracting Authority's Decision Notice dated January 31, 2025, five out of the nine operators were recommended for contract award across seven lots, while the remaining four were disqualified as irresponsible by the Evaluation Commission during the bid comparison and examination process. As for Lot 8, the Contracting Authority decided to cancel the lot due to its own errors in the Bill of Quantities. However, this justification renders the cancellation unlawful, as the LPP clearly defines and limits the conditions under which a procedure can be canceled. According to the LPP, a procurement procedure may only be canceled after bid opening if all responsive bids exceed the Contracting Authority's budget.¹⁸ Therefore, internal errors made by the CA cannot be used as a legal basis for terminating the procurement process.

TABLE 2. Winning Economic Operators and Contract Value

No.	Economic Operator	Contract Value	LOT
1.	GEO Froni 1 Sh.P.K & Vëllëzrit Asllani Sh.P.K & Aktiv Sh.P.K	5,815,796.95€	LOT I
2.	GEO Rinesa Sh.P.K & Ilea-Gr Sh.P.K & LimitProject Sh.P.K	7,781,969.66€	LOT II
		3,670,448.30€	LOT VII
3.	GEO D&T Group Sh.P.K & Osmani Construction Sh.P.K & N.T.Sh Eldaard	4,876,968.96€	LOT III
4.	GEO Ada Consulting Group Sh.P.K & ShM Architecture Sh.P.K	5,206,046.20€	LOT IV
5.	R&Rukolli	2,400,609.20€	LOT V
			LOT VI

¹⁶ Regulation No. 002/2024 on Public Procurement. Article 24.5.

¹⁷ Guideline No. 001/2023 for Public Procurement, Classification of Public Contracts by Value, available at https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/SecondaryLegislation/eng/A02%20GUIDELINE%20No.%20001_2023%20FOR%20PUBLIC%20PROCUREMENT.pdf.

¹⁸ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 62. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

The Public Procurement Regulation requires the CA to prepare the draft contract and proceed with signature within 30 calendar days from the date the Contract Award Notice is published. MESPI published the award notice on February 7, 2025. However, the contracts for LOTs VI and VII were signed 62 days after the publication of the notice.

According to official records received from MESPI, this delay was justified by the lack of available financial resources at the time of signing. As a result, MESPI submitted a request to the Ministry of Finance, Labor, and Transfers (MFLT) for the reallocation of funds within its budget codes, through Request No. 1000-1/2025, dated April 8, 2025.¹⁹ Upon approval of the request, contract signing was enabled.

However, initiating the procurement procedure without the prior allocation of funds is in violation of the clear requirements of the public procurement legislation, which stipulates that funding must be allocated in advance to ensure legality, efficiency, and continuity in contract implementation.

¹⁹ Request No. 1000-1/2025, dated April 8, 2025, from MESPI to MFLT for the transfer of funds.

3. Ministry of Infrastructure

3.1. Rehabilitation of Road N25.2, Segment Kishnicë/Kišnica–Bresalc/Brasaljce

On October 3, 2024, the Ministry of Infrastructure (MI), through an open procedure, published the contract notice for the “Rehabilitation of Road N25.2, segment Kishnicë/Kišnica–Bresalc/Brasaljce”, with an estimated contract value of €5 million.²⁰

According to the Law on Budget Appropriations for 2024,²¹ this project is classified as a three-year project, with budgetary allocations planned for each fiscal year.²² Although the contract sets a completion period of 180 days, the multi-year nature of the funding should have been clearly emphasized during the initiation phase of the procurement process. The Public Procurement Regulation requires that project planning be aligned with the annual budget, and that, for multi-year contracts, there must be a reasonable basis to ensure funding availability in the subsequent years.²³ In this case, the provisions of the Law on Budget Appropriations constitute such a basis, and to ensure proper and transparent communication with economic operators, this fact should have been clearly reflected in the planning and tender documents.

After the bid submission deadline, the bid Evaluation Commission was established on November 6, 2024. After 51 days, the evaluation and examination commission recommended awarding the contract to GEO Bujar Shabani B.I & EL Bau Sh.P.K., with a bid price of €4,143,289.30. This delay is in violation of the Public Procurement Regulation, which requires Contracting Authorities to publish the Contract Award Notice as soon as possible, and no later than 30 days after the date of bid opening. Only under exceptional circumstances may this deadline be extended by an additional 20 days.²⁴

TABLE 3. Economic Operators and Bid Values

No.	Economic Operator	Bid Value
1.	Nika Pro-Ing Sh.P.K	4,074,368.51 €
2.	GEO Tali Sh.P.K & 2A Group Sh.P.K	4,134,746.65 €
3.	Bujar Shabani B.I & El Bau Sh.P.K	4,143,289.30 €
4.	Rahovica Commerce Sh.P.K & N.N.Sh World Medium	4,163,537.74 €

²⁰ Procurement Activity No. 205-24-639-5-1-1.

²¹ Official Gazette of the Republic of Kosovo. Law No. 08/L-260 on Budget Appropriations for the Budget of the Republic of Kosovo for Year 2024. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=85052>

²² Official Gazette of the Republic of Kosovo. Law on Budget Appropriations for the Budget of the Republic of Kosovo for Year 2024, available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=85052>.

²³ Regulation No. 001/2022 on Public Procurement. Article 5. Paragraph 5.9.

²⁴ Regulation No. 001/2022 on Public Procurement. Article 40. Paragraph 40.3.

No.	Economic Operator	Bid Value
5.	Gërlica Company Sh.P.K & IPN Group Sh.P.K & Eurotrans Sh.P.K	4,163,537.74 €
6.	4 A-M & Premium Beton & Premium Beton Sh.P.K	4,163,537.74 €
7.	Ulëza Ndertim Sh.P.K & Stelushi Construction	4,163,537.74 €
8.	Pro & Co Group Sh.P.K	4,163,537.74 €
9.	Granit Sh.P.K	4,163,537.74 €
10.	Companya Eskavatori Sh.P.K	4,163,537.74 €
11.	K.N.P.Sh Papenburg & Ardiani Company Sh.P.K	4,163,537.74 €
12.	Gurëbardhi Sh.P.K & Benita Company & Asphalt Group & Arda Rei Group Sh.P.K	4,163,537.74 €

Despite being recommended for contract award, the Bujar Shabani B.I & El Bau Sh.P.K. consortium did not meet the legal eligibility criteria, due to issues related to criminal background and business status. Specifically, the leader of the consortium, Bujar Shabani B.I., was convicted on December 20, 2024 by the Basic Court in Ferizaj/Uroševac for procurement fraud, after pleading guilty, and was sentenced to a fine of €15,000.²⁵ Moreover, according to data from the Kosovo Business Registration Agency (KBRA), as of January 15, 2025, this entity is officially listed as a deregistered business.²⁶

The LPP sets out the conditions, rules, and procedures that must be applied within the scope of public procurement, including the rights and obligations of contracting authorities, economic operators, and third parties. However, specific situations such as the incorporation of one company into another or a change in the name of an economic operator are not directly addressed in the existing public procurement legislation. In the absence of specific provisions, the Public Procurement Regulatory Commission (PPRC), in its Opinion, dated November 22, 2022, has left it entirely to the discretion of the contracting authority to assess whether the economic operator meets the requirements set out in Article 65 of the LPP, even though Article 66 of the LPP²⁷ defines the professional suitability of the economic operator.

The contract award recommendation from the CA's initial decision was appealed through requests for reconsideration submitted by the economic operators Rahovica Commerce, Tali Sh.P.K., and Nika Pro Ing, seeking reconsideration of the decision. According to Article 108/A²⁸ of the LPP, the CA is obliged to provide a separate and detailed justification for each claim raised in the reconsideration requests and to communicate the decision in writing to all interested parties. In

25 Judgment No. 2022:084792 by the Basic Court in Ferizaj/Uroševac. Available at <https://www.gjyqesori-rks.org/aktgjkimet/?r=M>.

26 Non-public communication addressed to the Ministry of Infrastructure, dated January 29, 2025.

27 Public Procurement Regulatory Commission, Opinion, dated September 22, 2022. Question 1, available at <https://e-prokurimi.rks-gov.net/HOME/ClanakItemNew.aspx?id=545>.

28 Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 7. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

three separate instances, the CA determined that the requests for reconsideration were partially founded and decided to remand the procurement activity for re-evaluation. However, the decision does not contain a detailed justification addressing each specific claim of the economic operators; instead, it provides only a general explanation: “After reviewing and analyzing the appeal claims of the complaining company, the Contracting Authority found the request for reconsideration to be partially founded and the procurement activity is hereby remanded for re-evaluation.”

The CA decided that the re-evaluation of bids would be conducted by the same Evaluation Commission, through its decision dated November 6, 2024. Although the commission composition and the decision to re-evaluate remained unchanged, the final contract award recommendation differed from the initial decision.

This time, the CA recommended awarding the contract to the economic operator TALI Sh.P.K., who had been previously eliminated on the grounds of failing to meet the criteria specified in the Tender Dossier and Contract Notice. Specifically, the lack of completed contracts in the relevant field, each valued at no less than €5 million within the past three years, was cited as non-compliance with the eligibility criteria. Although the CA requested clarifications from this EO twice regarding this requirement, the EO failed to demonstrate compliance.

The bid opening took place on October 28, 2024, while the clarification request was sent on December 18, 2024, thus outside the legally permitted timeframe. This is in violation of Article 72.3 of the Law on Public Procurement, which states: “Securing missing information or provision of information will apply only to documents whose existence is fixed before the deadline for submission of tenders expires and may be verified objectively.”

This action was contested by Bujar Shabani B.I & EL Bau Sh.P.K. and Nika Pro-Ing Sh.P.K., who submitted requests for reconsideration after the contract award decision was published. Initially, the CA rejected these requests as unfounded. The reviewing expert found that the clarifications had been requested in violation of Article 72.3 and recommended that the case be remanded for re-evaluation. Meanwhile, the Procurement Review Body (PRB) partially supported this finding, assessing that the procedural violation was not sufficient to remand the procurement activity for re-evaluation, as the process had already undergone this stage once. As a result, the PRB decided to uphold the CA’s contract award decision.

The tender analysis and the PRB’s decision reflect unequal treatment of economic operators, contrary to the principles of equality and transparency set out in the LPP [Articles 7 and 72]. The PRB applied double standards, interpreting selectively the rules regarding remanding the procurement activity for re-evaluation. In Decision PSh. 494/23,²⁹ the PRB acknowledges that requests for clarifications and additional information are allowed only for documents existing before the bidding deadline, unlike decisions PSh. 167/25³⁰ and P.Sh. 164/25³¹.

3.2. Construction of Overpasses (Bridges for Pedestrians and Vehicles) in Mitrovicë/Mitrovica

On June 23, 2025, the MI published the Tender Dossier for the construction of overpasses (bridges for pedestrians and vehicles) in Mitrovicë/Mitrovica, with an estimated contract value of €3 million.³² This procurement activity was conducted through the negotiated procedure without prior publication of a contract notice. The Ministry invited five economic operators, who submitted their bids just one day after the Tender Dossier was published.

29 PRB Decision No. 494/23. Available at: <https://bit.ly/3UzEsfb>.

30 PRB Decision No. 167/25. Available at: <https://bit.ly/4fbhpBc>.

31 PRB Decision No. 164/25. Available at: <https://bit.ly/44L52lp>.

32 Procurement Activity No. 205-25-5585-5-1-5.

MI recommended the economic operator “Eurokos Holding Sh.P.K.” for contract award, with a bid of €2,999,628.12, just €371.88 below the estimated contract value. Another economic operator submitted a significantly lower bid, at €2,890,106.27 (96.34% of the estimated value), while the remaining three operators offered prices that exceeded the project’s budget ceiling. Under these circumstances, “Eurokos Holding Sh.P.K.” was awarded the contract with a bid closest to the maximum threshold set by the contracting authority. The fact that the winning bid was only €371.88 below the estimated value, in a procurement activity worth €3,000,000.00, raises concerns of a deliberate price fixing or collusion, casting doubt on the existence of genuine competition in this procedure.

TABLE 4. Economic Operators that Submitted Bids in this Public Procurement Activity

No.	Name of Economic Operator	Total Bid Price (incl. VAT)
1.	Arsimi Company Sh.P.K	2,890,106.27
2.	Eurokos Holding Sh.P.K	2,999,628.18
3.	Famis CO- HC Sh.A	3,203,223.63
4.	Lika Trade Sh.P.K	3,311,341.61
5.	Via Sh.P.K	3,420,764.45

The Ministry conducted this public procurement activity using the negotiated procedure without prior publication of a contract notice, a method that inherently restricts competition and is permitted only in narrowly defined circumstances, such as extreme urgency resulting from unforeseeable and objectively verifiable events from the perspective of the contracting authority, or when the scope of the contract is protected by copyright or industrial property rights.³³

In the justification submitted to the PPRC, the Ministry refers to several requests from relevant institutions, including the MESPI itself, which called for the procurement activity to be carried out under accelerated procedures due to the risk of delays that could be caused by regular procedures. Additionally, the same document emphasizes that “the main reason for using this procedure for this sensitive project is the specific situation in the north of the country, particularly in Severna Mitrovica/Mitrovicë e Veriut/Mitrovica North, as well as security assessments in this area.”

The reasons provided by the contracting authority do not constitute a legal basis for the use of this procedure. In this case, there was no extreme urgency resulting from unforeseeable and objectively verifiable events that would justify avoiding the open procedure. Despite the political sensitivity and the situation in the north of the country, the construction of overpasses remains a foreseeable and plannable activity. As such, it could, and should, have been conducted through a regular open procedure, ensuring open competition and equal treatment for all economic operators.

33 Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement. Article 35. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

Potential delays that may arise during an open procedure are an inherent part of procurement processes and represent a safeguard for transparency, equality, and the right of economic operators to appeal, as essential elements of a fair public procurement system. The law does not recognize “the risk of delays” as a valid circumstance for justifying the use of the negotiated procedure without prior publication.

In the Statement of Needs and Availability of Funds, the Ministry set the estimated contract value at €3,000,000.00, based on project code 19193 from the Budget Law adopted for 2025.³⁴ The document highlighted that this project was included in the Ministry’s annual procurement planning.

However, an analysis of the Budget Law for 2025 reveals that project 19193 has a different purpose than the one included in the specific tender. According to the law adopted by the Assembly of Kosovo, code 19193 refers to the project for the “Construction of Overpasses and Underpasses on National and Regional Roads”, while the total amount allocated for this project for 2025 is only €1,000,000.00, not €3,000,000.00. Moreover, the contract scope announced by the Ministry does not correspond to this description: the Ministry’s project concerns the construction of a bridge and overpass over the Ibër/Ibar River in Mitrovicë/Mitrovica, which is neither a national nor a regional road, as specified in the referenced budget project. This constitutes a clear discrepancy between the Budget Law adopted by the Assembly for the allocation of funds and their practical use.

In the Purchase Request and Commitment, an official document issued by the Kosovo Treasury under the Ministry of Finance, to confirm that budgetary funds are available and that the procurement process may commence, the allocated amount is only €750,000.00. This further reinforces the fact that the €3 million project lacks financial coverage in line with the current approved budget, and it is unclear how the remaining funds will be secured to cover the entire contract.

Discrepancies regarding this project persist in another official procurement planning document. In the Final Procurement Forecast for 2025,³⁵ prepared by the institution, there is no specific project listed for the construction of a bridge and overpass in Mitrovicë/Mitrovica. The document notes only a general project for the “Construction of Overpasses and Underpasses on National and Regional Roads,” for which €1,500,000.00 is foreseen for contracts in 2025.

The contract concluded between “Eurokos Holding Sh.P.K.” and the MESPI was signed on the contractor’s side, by an individual who, based on the information provided, does not appear to be listed as a director, shareholder, or authorized representative of the company according to the submitted bid. Pursuant to the Law on Business Organizations, every economic operator must have at least one authorized representative³⁶ who can legally represent the business organization in all transactions. Therefore, it is essential that the signatory holds such a legal capacity. Such a representative may be the managing director or another authorized representative. In the bid submitted by “Eurokos Holding Sh.P.K.,” there is no authorization for the individual who signed the contract, and this person does not appear in the KBRA records as an authorized representative or owner/shareholder. Consequently, the individual’s signature on this contract may not be legally valid to bind the company, potentially leading to serious consequences regarding the validity and enforceability of the contract itself.

³⁴ Official Gazette of the Republic of Kosovo. Law No. 08/L-332 on Budget Appropriations for the Budget of the Republic of Kosovo for Year 2025. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=99639>.

³⁵ Final Procurement Forecast for Fiscal Year 2025.

³⁶ Official Gazette of the Republic of Kosovo. Law No. L-016 on Business Organizations. Article 24. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16426>.

4. Ministry of Internal Affairs

4.1. Establishment of a Centralized Data Warehouse for Information Systems

To enhance the performance of its information systems, particularly the e-Kosova platform and related interoperable systems, the Ministry of Internal Affairs (MIA), on December 19, 2024, recommended awarding a framework contract for the development of a centralized Data Warehouse to the economic operator PBC Sh.P.K. The contract is set to span 36 months.

This contract,³⁷ which was not included in the Final Procurement Forecast, initially had a projected value of €300,000.00. However, the recommended operator submitted a bid of only €118,000.00, which is 60.7% lower than the estimated value.

■ TABLE 5. Economic Operators and Bid Values

No.	Economic Operator	Bid Value
1.	Novus Sh.P.K	236,000.00€
2.	DataProgNet Sh.P.K	161,660.00€
3.	PBC Sh.P.K	118.885.00€
4.	Global CT Digital Kosovo Sh.P.K	248,980.00€
5.	Cacttus Sh.A	185,024.00€

Based on the comparison of bids presented in the table, the bidding companies submitted significantly different prices for the same contract. According to Article 41.3 of the Public Procurement Regulation, a tender may be considered abnormally low if all the following criteria are met:

1. The offered price is more than 30% lower than the average price of all responsive bids;
2. The offered price is more than 10% lower than the price or costs of the second-lowest responsive bid;
3. At least three bids have been submitted for the tender.³⁸

³⁷ Procurement Activity No. 214-24-10098-2-1-1.

³⁸ Regulation No. 001/2022 on Public Procurement, Article 41.3. Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregullore/eng/PN%20i%20RRPP_eng.docx.

The lowest bid in this tender was €18,000.00, and when compared to the other bids, it is significantly lower than the average price. According to calculations, the average bid price is €190,109.80, and the lowest bid is approximately 60% lower than the average. Furthermore, the lowest bid (€118,885.00) is 26% lower than the second-lowest bid (€161,660.00). As this satisfies the final condition, the bid submitted by the economic operator is considered abnormally low.

Considering that the bid was assessed as abnormally low, the CA, based on the request of bid evaluation, comparison, and examination commission, dated December 13, 2024, requested the economic operator to submit a detailed financial analysis, in line with the Standard Form approved by the PPRC, to demonstrate whether it stands by the prices stated in its bid.

In its response, the EO argued that it possesses the required capacity to implement the contract, emphasizing that the e-Kosova platform, which was developed, is maintained, and continuously upgraded by the same operator, PBC Sh.P.K., serves as proof of its technical and professional capability.³⁹ Based on the provided justification, the CA concluded that there were no elements that would compromise the fulfillment of the contract or the quality of its implementation. For this reason, it decided to recommend awarding the contract to the lowest-priced bidder.

Public procurement rules clearly stipulate that, following the expiry of the time limit for submission and review of complaints, the contracting authority is obliged to prepare the draft contract and sign it within 30 calendar days.⁴⁰ However, in this case, the CA reversed its decision and canceled the contract award 85 days after the publication of the award notice.

The MIA cited several reasons for the cancellation of the procurement procedure, including: (i) unnecessary budgetary expenditures, (ii) lack of institutional coordination, (iii) legal and technical ambiguities, and (iv) misalignment with the World Bank project.

However, according to the applicable legislation, the cancellation of a procurement procedure is permitted only if a legal violation has occurred or is reasonably expected to occur and cannot be remedied through amendments to the tender requirements, or if the submitted bids exceed the available budget.⁴¹ In this case, none of these conditions were present. On the contrary, the justification provided by the MIA does not constitute a valid legal basis for cancellation, thereby rendering the cancellation unlawful. As a result of non-compliance with Article 62 of the LPP, the cancellation of the procedure, in accordance with the Public Procurement Regulation, is classified as a serious violation.⁴²

Upon analysis, the MIA's handling of the procurement procedure reveals clear deviations from the fundamental principles enshrined in the LPP, namely transparency, efficiency, and cost-effectiveness. The management of the procurement process by the CA does not merely reflect a technical failure in implementing procedural rules; rather, it raises serious concerns regarding the legality of actions taken throughout the entire procurement cycle, ultimately compromising the interests of the winning EO. In its formal complaint to the PRB, the EO asserted that its right to contract award had been infringed, resulting in a significant potential loss of revenue. As previously indicated, the assessment of material harm will be subject to an independent financial expert evaluation.

Crucially, the EO's complaint to the PRB followed the CA's failure to respond to a duly submitted request for re-

³⁹ Response to the standard letter from the EO, dated December 12, 2024.

⁴⁰ Regulation on Public Procurement. Article 42, paragraph 4.

⁴¹ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 62. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

⁴² Regulation on Public Procurement. Article 97, paragraph k.

consideration, leaving it unanswered and allowing the procurement process to proceed. This is despite the fact that, under the LPP, such a request should trigger an automatic suspension of the procedure.⁴³

However, the PRB dismissed the complaint as inadmissible on the grounds that it was filed out of time, despite the Economic Operator having clearly indicated its intention to pursue further legal remedies. A civil lawsuit challenging the unlawful cancellation of the procedure could result in financial liabilities for the CA, especially given that domestic court practice has begun to reflect the application of the European Court of Justice's judgment in Case C-547/22. This ruling affirms the right to compensation for the loss of opportunity to perform a public contract, where such loss arises from the unlawful conduct of the contracting authority.⁴⁴

4.2. Supply of Software Licenses for Monitoring and Security (Antivirus)

In March 2025, the MIA published a Contract Notice for the supply of software licenses for monitoring and security (antivirus), which included the establishment of a framework agreement with a single Economic Operator for a duration of 36 months. This procurement activity, with an estimated contract value of €629,997.60, covered the supply and licensing of "Sophos" cybersecurity products.

Among other technical requirements in the Tender Dossier, the MIA requires that economic operators submit an official authorization from the manufacturer.⁴⁵ This authorization certifies that the manufacturer permits the Economic Operator to offer and sell the product in this tender. This document demonstrates that the bidder has obtained official authorization from the manufacturer, confirming that the product is genuine and supported by the manufacturer.

Although this procurement activity was conducted through an open procedure, which in principle guarantees equal participation for all interested economic operators, the specific requirements outlined in the Tender Dossier effectively eliminate free competition. The specification that products must be exclusively of the "Sophos" brand, together with the requirement for official manufacturer authorization from each applying Economic Operator, makes this tender closed to other potential competitors providing similar technological solutions from different manufacturers.

According to Article 28 of the LPP,⁴⁶ contracting authorities shall not establish technical specifications that refer to a specific make or source, a particular process, or to trademarks, types, specific origin, or manufacturer. In exceptional cases, contracting authorities may make specific references only if it is clearly demonstrated that drafting an exact and comprehensible specification is not feasible, provided, however, that any such reference is accompanied by the phrase "or equivalent."

The explicit mention of "Sophos" in the technical specifications constitutes a clear violation of the prohibition set out in the LPP regarding references to specific companies or products in procurement documents. Moreover, the Contracting Authority has failed to demonstrate that it was unable to formulate neutral specifications by describing the required functionality, rather than referring to a commercial brand. This reference not only favors a single company offering this product in Kosovo but also excludes other potential bidders who may offer tech-

⁴³ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 108/A. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

⁴⁴ Judgment of the Court (Fifth Chamber) in Case C-547/22, European Court of Justice, 6 June 2024. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62022CJ0547>.

⁴⁵ Manufacturer Authorization Form (MAF)

⁴⁶ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 28. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

nically equivalent, internationally recognized solutions with relevant cybersecurity certifications and standards.

In Annex 1 of the Tender Dossier, the MIA explained that it has been using this system since 2003, having established a strong technological and organizational foundation. According to the MIA, discontinuing this contract and transitioning to another platform would entail significant risks, including the complex migration of 11,000 endpoints and 820 servers, increased operational costs, and prolonged transition time.

While this justification may be valid from a technical and managerial perspective, it is not legally sufficient. The LPP does not allow the retention of a contractor or platform simply because it is more convenient or because migration is challenging. Given that this service has been in place since 2003, and the new project covers the period 2025–2028, the Contracting Authority has had ample time and opportunity to plan a safe and controlled transition to alternative solutions. Instead, the same supplier has been retained for a period exceeding 25 years, effectively creating a functional monopoly that undermines competition, fosters technological dependency, and runs counter to the fundamental principles of public procurement.

In such situations, and in line with the LPP and the principle of competition, the MIA should draft technical specifications that focus on the functional requirements of the service, such as email scanning and filtering, real-time threat investigation, endpoint and server management, ransomware protection, and similar features. In addition, the Contracting Authority may require bidders to demonstrate compliance with internationally recognized cybersecurity standards, such as ISO/IEC 27001⁴⁷ or other relevant standards for information security and data protection. Such an approach would ensure that the contract serves the public interest without being restricted to a single technological solution, enabling equal participation and open competition from various market suppliers.

Had the MIA assessed that open competition was not feasible due to technical interoperability or operational continuity requirements, the LPP provides for the use of the negotiated procedure without prior publication of a contract notice. This procedure may only be applied in exceptional cases, where, based on objective and compelling technical reasons, the contract can be awarded to a single Economic Operator.⁴⁸ However, in this case, the conditions for such an exception were not met. Instead of justifying the use of the negotiated procedure, the MIA opted for an open procedure which, in practice, was effectively closed, allowing genuine participation by only one Economic Operator.

In this procurement activity, participation was effectively limited to a single Economic Operator, Virtuo O.P., which ultimately signed the contract on May 27, 2025. The estimated contract value was €629,997.60, while the signed contract amounted to €628,704.00—a negligible difference of less than 0.3%. This indicates that, although the procedure was formally classified as open, in practice it exhibited the characteristics of a closed process.

⁴⁷ International Standard for Information Security Management Systems. Available at: <https://www.iso.org/standard/27001>.

⁴⁸ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 35. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

5. Municipality of Gjilan/Gnjilane

5.1. Construction of the Integrated Boulevard Project

In March 2025, the Municipality of Gjilan/Gnjilane initiated procedures for one of the city's largest infrastructure projects, which envisions the construction of an integrated boulevard that includes an underground parking facility, a new public square, and a new municipal administration building.⁴⁹ This project, with an estimated value of €18 million, was first announced in June 2024 through the publication of an Indicative Notice, a document used to enhance transparency and inform economic operators about upcoming procurement plans in cases where the estimated contract value exceeds €500,000.00.

According to the applicable Regulation,⁵⁰ a complete and accurate Indicative Notice may be used by the Contracting Authority to shorten the time limits for bid submission, provided that essential information is included at the preliminary stage. However, in this specific case, the Indicative Notice published by the Municipality of Gjilan/Gnjilane failed to include any of the mandatory elements, such as a clear description of the contract, the nature and scope of the works, the intended selection criteria, or the planned timelines. Moreover, the estimated contract value listed in the notice was only €1 million, significantly lower than the actual contract value. The planned start date was indicated as June 3, 2024, yet the tender procedure was not initiated until March 2025.

Despite not meeting the conditions for using the Indicative Notice to shorten the tender submission time limit, the Municipality of Gjilan/Gnjilane allowed only 20 days for bid submission. The LPP stipulates that for large-value contracts, such as this project, the minimum required deadline for bid submission is 40 days from the date of publication.⁵¹ The law allows the use of a shortened time limit only under the following conditions:

- there is a genuine and unforeseeable urgency that makes compliance with the standard time limits impossible;
- the urgency was not caused by the Contracting Authority itself; and
- the justification is clearly substantiated and supported by objective facts.

The justification provided by the Municipality of Gjilan/Gnjilane does not relate to any of the conditions set out in the LPP. Instead, the municipality refers to an agreement between the municipality and the MESPI, which outlines the terms of payment, and argues that there is a need for the works to begin as soon as possible in order to avoid the winter season. However, the Cooperation Agreement⁵² cited by the Municipality contains no binding deadlines that would make it impossible to follow standard procurement procedures.

⁴⁹ Procurement Activity No. 651-25-644-5-1-1.

⁵⁰ Regulation No. 002/2024 supplementing and amending Regulation No. 001/2022 on Public Procurement. Article 6. Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/eng/PN%20i%20RRPP_eng.docx.

⁵¹ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement. Article 44. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

⁵² Memorandum of Understanding on the Funding of Infrastructure Projects between the Ministry of Environment, Spatial Planning and Infrastructure (MESPI) and the Municipality of Gjilan/Gnjilane.

The agreement merely states that the Ministry will contribute €100,000.00, while the main share of the funding, €19,900,000.00⁵³ or 99.5% of the total project value, will be covered by the municipality itself.

The second justification, that the project must begin before winter, is entirely unfounded. According to the Tender Dossier, the works are planned to last 730 days (a full two years) from the date of contract signing. Therefore, regardless of the start date, the project will span two winter seasons, meaning there is no real benefit to shortening the bid submission deadline.

Moreover, this procurement activity does not appear in the 2025 Procurement Forecast, as the Municipality of Gjiilan/Gnjilane has not published such a document, despite the fact that the Procurement Forecast is a mandatory requirement for all contracting authorities. According to the LPP, not less than thirty (30) days before the start of each fiscal year, contracting authorities are required to prepare a preliminary procurement forecast, which must clearly identify all supplies, services, and works that to be procured during the year.⁵⁴ In the case of public authorities and publicly owned enterprises, this document must also be formally submitted in writing to the Chief Administrative Officer.

Nevertheless, this large-scale project, which combines three separate components into a single procurement, comprising over 1,900 individual line items and valued at €18 million, was conducted without a clear public planning process, without a valid indicative notice, and under a shortened bid submission deadline that is not in compliance with the requirements of the LPP. The Public Procurement Operational Guideline⁵⁵ also states that contracting authorities must take into account the complexity of the contract when setting the time limits for bid preparation. It expressly prohibits setting shorter deadlines than those prescribed by law, while allowing CAs to establish longer deadlines where appropriate, in order to provide economic operators with adequate time to prepare their bids.

The lack of prior planning and the omission of this procurement activity from the annual Procurement Forecast, combined with the complexity and scale of the project, severely undermine transparency, equal access, and the integrity of the procurement process. These shortcomings create both the perception and a real possibility that the procedure was managed in a way that restricted competition and favored certain economic operators.

The Municipality of Gjiilan/Gnjilane imposed a number of requirements related to the technical and professional capacity of economic operators, which were assessed by the PPRC as restrictive and contrary to the principles of fair competition.⁵⁶ On March 19, 2025, the PPRC, through its Monitoring Unit, issued several specific recommendations for the revision of these requirements, highlighting that they were in violation of Article 7.2 of the LPP, which prohibits any form of discrimination and restriction of competition.

The PPRC recommended revising a number of requirements that have an exclusionary effect on a large number of economic operators. Some of the restrictive conditions include:

- The economic operator must provide a graduate with a bachelor's degree in hydrotechnical engineering, certified in fire protection by the Emergency Management Agency (EMA), with a minimum of eight years of work experience following certification;

53 The Memorandum of Understanding between the MESPI and the Municipality of Gjiilan/Gnjilane estimates the project value at €20,000,000.00, while the Contract Notice lists the estimated value as €18,000,000.00.

54 Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement. Article 8. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

55 Guideline No. 001/2023 on Public Procurement. Article 6.1.

56 Report of the PPRC Monitoring Department, dated March 19, 2025.

- The economic operator must present a minimum of 60 technical staff, verified through the Tax Administration of Kosovo (TAK) employee registry for at least the last two months of 2024. In the case of a consortium, the lead partner must have at least 50 such staff;
- The economic operator must provide a valid Certificate of Constancy of Performance for steel lighting columns in accordance with EN 40-5:2002 (Certificate No.1608-CPR-P033). Additionally, certificates of conformity must be submitted for contactors and motor-starters, demonstrating compliance with IEC 60947-4:2009 and IEC 60947-3:2020 standards, respectively.

While the requirement for academic qualifications, such as a bachelor's degree in hydrotechnical engineering, is reasonable, the additional condition of EMA certification and eight years of experience following certification is inherently restrictive and unjustifiably narrows the pool of eligible economic operators, especially since these elements are not directly related to the nature of the works to be carried out. Furthermore, the requirement for 60 workers to be declared to TAK in the final months of 2024 is in violation of Article 69.6.5 of the LPP, which explicitly allows the engagement of technical staff via pre-contractual agreements entered specifically for the project, and not solely through prior full employment.

The requirement for the economic operator to submit the EN 405:20021608CPRP033 certificate, along with records on product characteristics (e.g., for conical poles of 6.8 m and 12.8 m), is likewise restrictive to competition, given that the manufacturer's certification for the poles is sufficient. The additional condition requiring the economic operator, when not the manufacturer, to hold the EN 40-5:2002-1608-CPR-P033 certificate and related authorization introduces an additional unjustified barrier to competition. It disproportionately favors operators who are also importers or authorized manufacturers, thereby excluding other qualified bidders who meet the technical specifications but lack direct certification under this standard.

The PPRC also explicitly noted the problematic nature of the Municipality's decision to shorten the legally mandated time limits for bid submission. Given the high value and complexity of the contract, it is essential to allow economic operators sufficient time to prepare competitive and compliant bids. This reduction of time limits, without valid legal justification, constitutes an additional form of restriction of competition and violates Articles 44 and 45 of the LPP, which set the time limits for the receipt of tenders.

Furthermore, although the Municipality of Gjilan/Gnjilane published a revised version of the Tender Dossier on March 27, it failed to address the recommendations issued through the PPRC's monitoring process. The revised dossier retained the same restrictive requirements, including those previously identified by the PPRC as anti-competitive. The revised version retained requirements for specialized certifications not mandated by law, work experience tied specifically to the date of certification rather than to professional qualifications, a fixed number of technical staff declared with TAK, and technical certificates that favor specific manufacturers or economic operators. The only change was the adjustment of the requirement for a hydrotechnical engineering graduate certified in fire protection by EMA, reducing the minimum required experience from eight to five years, calculated from the date of certification. However, this single change does not address the PPRC's recommendations, as the main concern pertains to the requirement for experience linked to the date of a specific certification (not required by law), which represents an unjustified and potentially discriminatory restriction that favors certain economic operators.

The Municipality of Gjilan/Gnjilane did not address one of the most fundamental violations identified in the PPRC's monitoring report, namely, the deadline for bid submission. In the corrected version of the Tender Dossier, where only one change was made, the submission deadline remained April 7, 2025, leaving bidders with only 11 days to prepare their bids from the date the document was published. Subsequently, the Municipality issued another error correction form, changing the deadline from April 7 to May 26, 2025. However, this document was

published on May 26, thereby producing no real effect, as the new submission deadline coincided with the date of publication.

Four bidders participated in this procurement activity. The contract award was recommended to the consortium of economic operators “B-Bardhi Sh.P.K.; Besa Company Sh.P.K.; Linda,” which submitted a bid valued at €17,988,067.70. Two complaints have been filed with the PRB in relation to this decision.

TABLE 6. Economic Operators and Bid Values

No.	Economic Operator	Bid Value
1.	GEO B-Bardhi Sh.P.K., Besa Company Sh.P.K. & Linda	17,988,067.70€
2.	GEO Ilea – GR World Medium; Sh.P.K., Limint Project Sh.P.K.,	17,495,697.84€
3.	GEO Pro & Co Group Sh.P.K.; Companya Eskavatori Sh.P.K.; Arlindi Sh.P.K.; Best Company Sh.P.K.	17,449,861.09€
4.	VMM Group Sh.P.K.	18,036,567.70€

5.2 Management of Stray Dogs

In May 2025, the Municipality of Gjilan/Gnjilane published a contract notice for the provision of services related to the management of stray dogs,⁵⁷ with an estimated contract value of €380,000.00. This procurement activity aims to address the stray dog population through a series of actions, including capture, sterilization (neutering and spaying), vaccination, sheltering, and, in exceptional cases, euthanasia.

For this framework contract, planned to last 36 months, the Municipality of Gjilan/Gnjilane selected the lowest price as the award criterion. In the contract notice, the Municipality shortened the deadline for bid submission to 22 days, deviating from the standard legal deadline of 40 days set for high-value public contracts.⁵⁸ The Municipality justified this reduction by citing “numerous complaints and a serious threat to public safety posed by stray dogs,” framing the situation as urgent and requiring an accelerated procedure.

The LPP allows the shortening of bid submission deadlines only in urgent cases that meet specific legal conditions. These conditions include that the urgency must make it impossible to comply with standard deadlines and, most importantly, that the urgency must not be caused by the actions or omissions of the contracting authority.⁵⁹ The issue of stray dogs has been present for a long time, and the Municipality failed to take proactive measures in a timely manner. Therefore, the urgency argument does not hold legal merit, as the law aims to prevent the creation of artificial emergencies used to bypass standard deadlines that ensure fair competition and transparency.

⁵⁷ Procurement Activity No. 651-25-3847-5-1-5.

⁵⁸ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement. Article 44. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

⁵⁹ Ibid.

On May 20, the Municipality of Gjiilan/Gnjilane issued a correction notice to address errors in previously published procurement documents, specifically amending the professional suitability requirements for bidders. This action, classified as the provision of clarifying or supplementary information, necessitates careful adjustment of procurement timelines in accordance with public procurement legislation.

Although the initial bid submission deadline had already been shortened from the standard legal period, the Municipality did not take any action to extend the deadline following the publication of the correction notice. As a result, economic operators were left with only nine days to prepare and submit their bids after the substantive amendments to the professional suitability criteria.

This approach runs counter to public procurement legislation, which clearly stipulates that when a contracting authority provides clarifying or additional information, and the time between that provision of information and the bid submission deadline is less than 10 days, the contracting authority is obliged to extend the deadline. Such an extension must ensure that economic operators are granted at least 10 days from the date the information was provided to prepare and submit their bids.⁶⁰

The Municipality of Gjiilan/Gnjilane did not specify any geographic criteria for the location of the shelter, effectively allowing for the possibility that the shelter could be situated outside municipal territory. This approach deviates from established practice in at least ten other municipalities, which have required shelters to be located either within municipal boundaries or within close proximity to urban centers.

In its decision on the request for reconsideration submitted by economic operators,⁶¹ the Municipality of Gjiilan/Gnjilane argued that introducing geographic restrictions would limit competition and favor economic operators based within the municipality. However, the Administrative Instruction (AI) on Technical Conditions and Requirements to be Fulfilled by Animal Shelters⁶² clearly stipulates that each municipality is obligated to organize a shelter to support the implementation of local stray dog and cat population control plans. Where a municipality is, for any reason, unable to establish such a shelter, it is required to cooperate with neighboring municipalities. The secondary legislation governing animal shelters also requires that the facility be open to the public for at least four hours per day during regular working hours, in order to promote animal adoption. This implies that the shelter must be easily accessible to citizens. Another critical operational requirement is that the capture of stray animals must be carried out by shelter personnel. This indicates the necessity of an operational base close to areas with a high concentration of stray animals, as greater distances would significantly increase response times.

Although the AI does not explicitly set a geographic limitation, its spirit and obligations, particularly those related to the implementation of local action plans, municipal oversight, public accessibility, and operational efficiency, implicitly require that the shelter be located within reasonable proximity to the municipality it serves.

Another requirement set by the Municipality of Gjiilan/Gnjilane, which was deemed restrictive by economic operators interested in the procurement activity, concerns the minimum hospitalization period for stray dogs, specified in the Tender Dossier Annex as “at least 10 days.” In its decision on the request for reconsideration submitted by two economic operators, the Municipality rejected the claim that the requirement was arbitrary, arguing that the Tender Dossier merely sets a minimum threshold for hospitalization (i.e., 10 days), and that the period is not fixed and may be extended at the discretion of the veterinarian.

60 Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement. Article 53. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

61 Decision on the Request for Reconsideration. Municipality of Gjiilan. May 28, 2025.

62 Administrative Instruction (MAFRD) No. 02/2023 on Technical Conditions and Requirements to be Fulfilled by Animal Pet Shelters. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=75171>.

While the phrase “at least 10 days” indeed sets a minimum and not a maximum, it nonetheless establishes a significant mandatory baseline that applies uniformly to all hospitalized dogs. This means that economic operators are required to calculate their costs based on a minimum 10-day stay for every animal, regardless of the animal’s health condition or actual need for such an extended period. As a result, this requirement significantly increases the operational and financial costs of delivering the service, making the tender less attractive to smaller operators or those employing more efficient service models.

The Municipality emphasized that the hospitalization period may be extended by the competent professional. This is consistent with the AI, which states: “The veterinarian decides on the duration of the animal’s stay in isolation.”⁶³ This provision grants the veterinarian the professional authority to determine the necessary duration of isolation/hospitalization, based on the clinical assessment of the animal. However, the issue does not lie in the possibility of extension, but rather in the imposition of an arbitrary minimum of 10 days for all dogs. The AI does not prescribe such a minimum for general hospitalization. Instead, it refers to longer periods (15 or 23 days) only in the context of decisions concerning euthanasia or the release of animals after all adoption options have been exhausted, not as a standard hospitalization period for every captured animal.

The Municipality’s imposition of a 10-day minimum, rather than leaving the decision entirely to the veterinarian’s discretion as foreseen in the AI, undermines the principle of flexibility and professional autonomy established in the AI. This principle allows for assessment tailored to the specific veterinary needs of each individual animal.

TABLE 7. Economic Operators and Bid Values

No.	Economic Operator	Bid Value
1.	Monuni Sh.P.K.	369,000.00€
2.	GEO S.V Vushtrria; Vet Max Sh.P.K	313,700.00€

For this procurement activity, the Municipality of Gjilan/Gnjilane received two bids, and the contract was awarded to the group of economic operators “S.V Veterina; Vet Max Sh.P.K.,” based in Vushtrri/Vučitrn.

⁶³ Administrative Instruction (MAFRD) No. 02/2023 on Technical Conditions and Requirements to be Fulfilled by Animal Pet Shelters. Article 15, paragraph 3. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=75171>.

6. Municipality of Mitrovicë Jugore/ Južna Mitrovica/South Mitrovica

6.1. Construction of the Music School in Mitrovicë Jugore/Južna Mitrovica/ South Mitrovica

The Municipality of Mitrovicë Jugore/Južna Mitrovica/South Mitrovica, pursuant to a cooperation agreement signed on June 1, 2022, with the Ministry of Local Government Administration (MLGA) and Helvetas Swiss Intercooperation (DEMOS), initiated the procurement procedure for the construction of the Music School, with a projected contract value of €450,000.00.⁶⁴

However, according to the public procurement rules, the contracting authority is required to conduct a reasonable and realistic cost estimation prior to launching the procurement procedure, taking into account cost-efficiency, value for money, and the transparent use of public funds.⁶⁵ In this case, the failure to conduct an accurate cost assessment resulted in the cancellation of the procurement procedures in both 2022 and 2023, as the submitted bids were deemed non-responsive and exceeded the projected contract value.

To ensure the implementation of the project, the Mitrovicë Jugore/Južna Mitrovica/South Mitrovica relaunched the procurement activity just days after the cancellation, using an open procedure and increasing the estimated contract value by €100,000.00. In addition to modifying the contract value, the CA unlawfully shortened the statutory deadline for bid submission to 22 days, in deviation from the 40-day minimum required for high-value contracts under public procurement rules.⁶⁶ This action was justified on the grounds that the procedure was a re-tender using the same contract award criteria, and that there was an urgent need to complete the works funded by DEMOS.

Upon reviewing the tender documents, it appears that the CA, for this works-type tender, failed to specify the mandatory technical specifications in Annex 1 of the Tender Dossier, as required under Article 28 of the LPP.⁶⁷ The specifications were only included through the Price List, which lacks detailed descriptions for each product. Furthermore, the list refers to specific branded products without using the term “or equivalent,” which is in violation of paragraph 7 of Article 28 of the LPP, which prohibits exclusive references to particular products.

Furthermore, the Municipality of Mitrovicë Jugore/Južna Mitrovica/South Mitrovica acted in violation of the Public Procurement Regulation by disclosing the identity of the economic operator who had requested additional information in its published clarification to the Tender Dossier.⁶⁸

⁶⁴ Procurement Activity No. 642-23-3698-5-1-1.

⁶⁵ Rules and Operational Guideline for Public Procurement, Article 13.1.

⁶⁶ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement. Article 44, paragraph 2.1. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

⁶⁷ Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 28. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

⁶⁸ Regulation No. 001/2022 on Public Procurement. Article 45.11.

Despite the legal and procedural shortcomings, on July 4, 2023, or 51 days past the legally prescribed deadline, the Municipality of Mitrovicë Jugore/Južna Mitrovica/South Mitrovica recommended awarding the contract to the economic operator Termomontimi Sh.P.K., whose bid of €713,280.00 exceeded the initially estimated contract value by 29.7%.

TABLE 8. Economic Operators Participating in this Tender.

No.	Name of Economic Operator	Bid Value
1.	Termomontimi	713,280.88€
2.	GEO EBK Sh.P.K & Univers-MI & Bujar Godeni P.N	522,580.43€
3.	GEO Adnan Bislimi & World Medium & Bill Term & LimitProject	548,558.87€
4.	GEO Astraplan Sh.P.K & U – Unique Sh.P.K	666,666.66€
5.	N.N. 100% Desing Sh.P.K	808,280.63€

GEO Astraplan Sh.P.K & U – Unique Sh.P.K., who had submitted a request for reconsideration to the CA regarding this tender, contested the decision to recommend the contract award, arguing that the principle of equal treatment of economic operators was not respected, including the examination, evaluation, and comparison of bids. This request was rejected as unfounded just one day later, without respecting the rules for suspending the procurement procedure as stipulated in Article 108/A of the LPP.

As a result of the irregularities identified in the management of this procurement activity by the Municipality of Mitrovicë Jugore/Južna Mitrovica/South Mitrovica, a complaint was filed with the PRB. The PRB ruled in favor of the complaining economic operators (GEO Astraplan Sh.P.K & U – Unique Sh.P.K), annulling the contract award decision and remanding the case for re-evaluation. The decision was based on the finding that the contracting authority had acted in violation of Articles 59, 60, and 72 of the LPP.⁶⁹

135 days after the PRB's decision ordering a re-evaluation of the procurement procedure, the re-evaluation commission concluded that “the economic operators whose bids fall within the projected value do not meet the conditions and criteria set out in the Contract Notice and Tender Dossier; whereas the other operators, whose bids exceed the projected value, cannot be awarded due to the CA (specifically the requesting unit) lacking the budgetary capacity to fund the project beyond the estimated value.” Following this recommendation, the CA annulled the procurement procedure, despite having initially recommended awarding the contract to an economic operator whose bid exceeded the projected value by 29.7%, or €46,614.22 more than the bid submitted by the complaining operator.

⁶⁹ PRB Decision No. 2023/0508.

This decision was appealed once again through a request for reconsideration by the GEO Astraplan Sh.P.K & U – Unique Sh.P.K, in which a large number of claims were raised against the contracting authority for failing to implement the LPP in a fair and equal manner for all economic operators. The Mitrovicë Jugore/Južna Mitrovica/South Mitrovica, after exceeding the legal deadlines for reviewing the request, approved it without addressing each individual claim raised in the complaint, as required under Article 108/A of the LPP.⁷⁰

During the third stage of the re-evaluation, the CA requested additional clarifications from the GEO Astraplan Sh.P.K. and U-Unique Sh.P.K., despite having previously eliminated them as an irresponsible operator. In order to implement and uphold one of the core principles of public procurement, namely, the principle of economy and efficiency, the CA was required, during the evaluation process,⁷¹ to act in accordance with paragraph 10 of Guideline No. 001/2023 on Public Procurement, which outlines the procedures the CA must follow in line with Articles 72 and 59 of the LPP.⁷² This obligation was also reaffirmed in PRB's Decision No. 2024/0773, which emphasized that the notarization of the ISO certificate is considered a minor deviation.

The PRB's decision was issued in response to a complaint submitted by the GEO Astraplan Sh.P.K. and U-Unique Sh.P.K., following the cancellation of the procurement activity on the grounds of an alleged lack of responsible economic operators. The complaint also challenged the CA's refusal to accept their request for reconsideration, despite the fact that, on July 2, 2025, the CA had twice requested additional clarifications from this GEO. Nonetheless, the CA accepted as valid the reconsideration request submitted by Termomontimi Sh.P.K., despite the fact that, in Decision No. 0508, the PRB had explicitly deemed this operator irresponsible for failing to meet the mandatory criteria outlined in both the Tender Dossier and the Contract Notice.

At the end of December 2024, namely 618 days after the initiation of the procurement procedure, the CA ultimately decided to cancel the procurement activity. Despite the procedural violations identified in two prior decisions of the PRB, the PRB, in its ruling on the most recent complaint, deferred full responsibility to the CA to determine whether to proceed with cancellation of the procurement activity.

Through repeated and unjustified cancellations of procurement procedures, despite the participation of responsible economic operators, the Municipality of Mitrovicë Jugore/Južna Mitrovica/South Mitrovica; acted in violation of the purpose of the LPP, particularly Article 7, which guarantees equal and non-discriminatory treatment for all economic operators. This pattern of cancellations raises reasonable suspicion that the procurement process may have been unduly influenced by the participation of a specific economic operator, who had submitted bids in all the canceled procedures. Such circumstances cast serious doubt on the integrity and impartiality of the procurement process.

The unlawful cancellation of the procedure resulted in the forfeiture of funds allocated for the project under the co-financing memorandum. Pursuant to Article 8 of this memorandum, the Municipality was obligated to complete the project by the end of 2022. While unspent funds could be carried forward into 2023, any remaining balance was to be returned to DEMOS no later than December 25, 2023.

70 Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 108/A. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772>.

71 First Evaluation Report, dated. May 16, 2023.

72 Guideline No. 001/2023 on Public Procurement, paragraph 10.

7. Municipality of Pejë/Peć

7.1. Construction of the Administrative Building in Vitomericë/Vitimirica

In August 2024, the Municipality of Pejë/Peć published a contract notice for the construction of an administrative building in Vitomericë/Vitimirica, with an estimated contract value of €281,000.⁷³ The project aimed to construct a new administrative facility in one of the municipality's largest villages, with the goal of improving citizens' access to municipal services and decentralizing the delivery of such services.

The contract was initiated through an open procedure, with a bid submission deadline of September 9. As the award criterion, the contracting authority applied the "Most Economically Advantageous Tender," with price carrying the highest weight in the evaluation, at 80%. In addition to price, another evaluation criterion was the warranty period for the works, which had to be no less than one year and no more than four years, carrying a weight of 20% in the overall bid evaluation.

In the Contract Notice issued by the Municipality of Pejë/Peć, the technical and professional capacity criteria included a requirement for a civil engineer holding a Master's degree in structural engineering and certification under the ISO OHSAS 18001:2007 standard. However, this requirement is inconsistent with current international standards, as ISO OHSAS 18001:2007 was officially withdrawn in 2018 and remained valid only during the transition period until March 2021, when it was fully replaced by the ISO 45001 standard. Therefore, at the time the contract notice was published in August 2024, more than four years had passed since its withdrawal, making this requirement outdated and exclusionary for economic operators applying in line with the new standards.

Through the standard template for correction of errors in published notices, the Municipality of Pejë/Peć removed the discriminatory criterion initially requiring a civil engineer of structural engineering profile, certified under the now-withdrawn ISO OHSAS 18001:2007 standard. However, the standard B58 form was not completed in line with formal requirements. In the section specifying the text to be corrected/added, divided into two columns, "Instead of," indicating what is being changed, and "Read," indicating the new content, the Municipality of Pejë/Peć left the "Instead of" field blank. This omission created confusion among economic operators as to what the exact change was. The new criterion set was for a graduate architect or Master of Architecture, with at least five (5) years of post-graduation work experience in supervising construction projects, of which at least three (3) years must be in supervising second-category buildings.

Although an impossible-to-fulfill requirement was removed, the contracting authority retained a significant number of other requirements. Moreover, by not extending the bid submission deadline after amending the criteria, economic operators were left with only 12 days to prepare and submit their bids, which may have adversely affected participation and competition in this procedure.

An analysis of the tender documents revealed that the main works to be carried out, according to the provided Bill of Quantities, included general construction and architectural works, installation of central heating, water supply and sewage works, ventilation systems, and electrical installations. These works are detailed in five separate Bill

⁷³ Procurement Activity No. 635-24-8535-5-2-1.

of Quantities documents, specifying the materials and services required for the construction of an administrative building.

However, upon reviewing the technical and professional staff requirements, several inconsistencies were identified in relation to the nature and scope of the tender works. One of the main inconsistencies is the requirement for an environmental engineer with a master's degree licensed for Environmental Impact Assessment (EIA) by the Ministry of Environment. None of the tender's Bill of Quantities includes works specifically related to EIAs, environmental studies, or in-depth environmental management, making this requirement excessive and unjustified in relation to the project's actual tasks.

This requirement is even more restrictive for the participation of economic operators because, although the Ministry of Environment is obliged to launch the annual call for licensing EIA experts, no such call has been launched for more than three years. This has effectively made it impossible for new engineers to obtain this license, thereby unfairly excluding a large portion of the market from participating in this tender.

Another inconsistency was identified in the requirement for a bachelor's degree in Hydrotechnical Engineering, accompanied by certification Water Resources Management—Quantity, Quality, and Health, and a minimum of five years of professional experience following certification. While the water supply and sewage Bill of Quantities includes hydro-sanitary installations, the qualification required is much broader and specific to macro-level water resource management, which is not reflected in the details of the works. The role needed in this project would be more aligned with the supervision of hydro-sanitary installations rather than the wide-ranging scope implied by the qualification required. These discrepancies not only increase costs for bidders but also significantly restrict competition.

The contract was awarded to the group of economic operators "Rea Sh.P.K.; fa.," who were also the sole participants in this procurement activity. Their bid, in the amount of €280,000.00, represented 99.64% of the estimated contract value (€281,000.00). The minimal difference of only €1,000.00, combined with the fact that only one economic operator submitted a bid, is a clear indicator of the absence of effective competition in this public procurement procedure.

Findings

- 1** MIET executed an advance payment exceeding €775,000 without the required supporting documentation. This action constitutes a direct violation of the Law on Budget Appropriations for 2024, which stipulates that budgetary funds may only be executed if fully justified with complete documentation. Such a breach compromises the principles of sound financial management and budgetary transparency.
- 2** MESPI prepared technical specifications containing direct references to specific products without using the term “or equivalent.” This contravenes Article 28.7 of the Law on Public Procurement, which prohibits technical specifications that refer to a particular source or product. This action undermined the conditions for an open and inclusive procedure, directly favoring certain economic operators.
- 3** MI failed to comply with the legal eligibility criteria. It recommended for contract award an economic operator convicted of procurement fraud whose business had been deregistered. The PRB applied double standards to remand the procurement activity for re-evaluation. Following the re-evaluation, a contract was signed with the economic operator, who had amended its bid in violation of Article 72.3 of the Law on Public Procurement.
- 4** MI also unlawfully used the negotiated procedure without prior publication of a contract notice. For a previously planned project, the MI awarded the contract through a single-source procedure to an economic operator whose bid amounted to 99.99% of the estimated value. The decision to use this procedure violated the principles of equality and competition, depriving other interested operators of the right to participate in the tender.
- 5** MIA set technical specifications that directly referred to a specific product. Although such an action is contrary to public procurement rules, the MIA drafted specifications that favored a single economic operator, who consequently became the sole bidder and was awarded the contract in this procedure.
- 6** Municipality of Gjilan/Gnjilane set discriminatory technical and professional requirements in the Tender Dossier. The inclusion of discriminatory and favorable criteria restricted competition among economic operators, despite the PPRC’s recommendation to amend them and create conditions for fair competition. Discrimination is further evidenced by the publication of the Standard Template for Correction of Errors, which extended the bid submission deadline from April 7 to May 26, 2025, but was published precisely on May 26, rendering the extension ineffective and effectively excluding other operators from participating.
- 7** Municipality of Mitrovicë Jugore/Južna Mitrovica/South Mitrovica failed to contract an economic operator due to unlawful cancellations. Despite the presence of responsive bids, the Municipality failed to conduct a lawful, fair, and transparent procurement process, repeatedly canceling the procedure without legal justification, resulting in the loss of funds earmarked for the project.
- 8** Municipality of Pejë/Peć restricted free competition among economic operators by setting criteria irrelevant to the nature of the tender.

Recommendations

1 Ensuring Supporting Documentation for Advance Payments

To guarantee transparency and proper financial control, contracting authorities should execute advance payments only upon the submission of complete and duly justified supporting documentation, in line with the provisions of the Law on Budget Appropriations. This practice minimizes the risk of abuse and strengthens accountability in the management of public funds.

2 Neutral Use of Technical Specifications

To ensure equal treatment of all economic operators, contracting authorities should avoid direct references to trade names, brands, or specific manufacturers in technical descriptions. When such a reference is unavoidable, it should be accompanied by the term “or equivalent,” in accordance with Article 28.7 of the Law on Public Procurement. This approach ensures equal conditions and more open procedures.

3 Setting Appropriate and Reasonable Criteria

To foster healthy competition and select the most suitable operator, contracting authorities should establish clear, proportionate criteria directly related to the scope of the contract. Capacity requirements should reflect the project’s real needs and avoid creating unnecessary barriers to broad market participation.

4 Strict Application of Eligibility Criteria

To safeguard the integrity of public procurement procedures, contracting authorities should ensure that contract award decisions strictly adhere to eligibility criteria. Any deviation from these criteria, especially in cases involving operators with criminal convictions or invalid business status, contradicts legal principles and undermines the integrity of the procurement process.

5 Prudent Use of the Negotiated Procedure Without Prior Publication

Contracting authorities should limit the use of the negotiated procedure without prior publication strictly to cases explicitly foreseen in Article 35 of the Law on Public Procurement. This procedure should not be used to avoid complaints or to accelerate the process without justification, as such practices threaten competition and adversely affect public perceptions of fairness in the procurement system.

6 Developing Criteria that Encourage Inclusion

To promote broad participation and foster competition, contracting authorities should design criteria that eliminate unnecessary barriers and potential favoritism. Furthermore, they should reflect on recommendations from PPRC’s monitoring and continuously improve practices based on data-driven insights.

7 Professional and Timely Evaluation

Contracting authorities should conduct the bid evaluation process within legal deadlines and to high professional standards. Tender cancellations after bid opening should be avoided, except in cases where they are strictly necessary and legally justified. This approach protects the public interest, increases trust in the system, and ensures the effective use of public funds.

8 Respecting Bid Submission Deadlines and Promoting Participation

Contracting authorities should avoid shortening bid submission deadlines except in well-justified emergency situations. Applying the full deadlines and, where possible, allowing longer periods, helps economic operators prepare higher quality bids and increases the likelihood of participation from more economic operators. This strengthens competition and contributes to a fairer and more inclusive process.

