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‘Special’ Services for Ordinary Work: How the Purpose of SSAs in Kosovo is being Diminished

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List of Abbreviations and Acronyms

CA	→ Contracting Authority
CFO	→ Chief Financial Officer
CPA	→ Corruption Prevention Agency
DMPO	→ Department for Management of Public Officials
LBA	→ Law on Budget Appropriations
LPFMA	→ Law on Public Financial Management and Accountability
LPO	→ Law on Public Officials
LPP	→ Law on Public Procurement
MCR	→ Ministry of Communities and Return
MESTI	→ Ministry of Education, Science, Technology, and Innovation
MFLT	→ Ministry of Finance, Labor, and Transfers
MIA	→ Ministry of Internal Affairs
NAO	→ National Audit Office
OPM	→ Office of the Prime Minister
PPRC	→ Public Procurement Regulatory Commission
PRB	→ Procurement Review Body
SSA	→ Special Services Agreement
ToR	→ Terms of Reference

Introduction

Special Service Agreements (SSA), also known as “contracts for specific tasks”, represent a form of temporary engagement that enables public institutions to contract individuals or external experts for carrying out specific duties that cannot be performed by existing staff¹. Legally, these agreements do not establish a regular employment relationship and do not grant the contracted individual the status of civil servant. Instead, they serve as an instrument to meet temporary needs of the public administration, with a duration of up to 36 months².

The use of SSAs was previously governed by the Law on Civil Service. Following the entry into force of the Law on Public Officials in 2019, which repealed the Law on Civil Service, provisions on SSAs were no longer included in the new law. As a result, public authorities began implementing these agreements in line with public procurement legislation, relying primarily on the Public Procurement Regulation (consolidated version)³. However, since the Law on Public Procurement does not directly regulate these engagements, the use of SSAs remains in a grey area between human resources management and public procurement. This legal ambiguity is further reflected in the fact that, although a new Public Procurement Law has been in drafting process for several years, it has yet to be finalized, leaving significant gaps in the comprehensive regulation of this mechanism.

Democracy Plus (D+) monitoring over the past four years shows that the use of SSAs has often exceeded their original purpose. In many instances, these contracts have been applied to cover regular civil service

positions, effectively bypassing open competition procedures. These concerns are also reflected in the European Commission’s 2025 Kosovo Progress Report, which emphasizes that: “*The Kosovo administration should refrain from using the service contracts to hire regular personnel*”⁴.

Although some improvements have been observed, such as the shift from negotiated to open procedures and the more frequent use of the criterion of the most economically advantageous tender, the fundamental problems remain the same.

Reports from the National Audit Office (NAO) over the years have confirmed these findings, highlighting the engagement of individuals through SSAs in regular civil service positions, the lack of competitive procedures, and repeated reengagements beyond legal deadlines. These observations underscore the need for a more coordinated inter-institutional approach and clearer legal and practical regulation in this area.

The concept and legal basis of SSAs have been extensively addressed in previous D+ reports⁵. Within this framework, the present report focuses primarily on analyzing how SSAs are used by public institutions and on identifying trends, shortcomings, and practices that deviate from the legal purpose of these agreements.

The first part of the report provides a general overview of trends in the use of SSA contracts during the period 2022–2025, based on D+ monitoring data. The second

1 Public Procurement Regulation, Article 57. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%20C%3ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

2 *Ibid.*, Article 57.8.

3 *Ibid.*, Article 57.

4 European Commission. Kosovo 2025 Report. Available at: https://neighbourhood-enlargement.ec.europa.eu/kosovo-report-2025_en

5 Democracy Plus. Misuse of Special Service Agreements in Municipalities and Ministries, 2022. Available at: <https://dplus.org/en/publications/misuse-of-special-service-agreements-in-municipalities-and-ministries/15469/>

Democracy Plus. Misuse of Special Service Agreements in the Central Level, 2023. Available at: <https://dplus.org/en/publications/misuse-of-special-service-agreements-in-the-central-level/17541/>

Democracy Plus. When special services turn into violations: an analysis of public institutional practices, 2024. Available at: <https://dplus.org/en/publications/when-special-services-turn-into-violations-an-analysis-of-public-institutional-practices/19872/>

part presents a more detailed analysis of institutional practices related to contracting methods and the nature of engagements through SSAs. This section examines contracts that have been concluded for: (i) routine administrative work of regular staff; (ii) project management and monitoring; and (iii) legal advisory services.

Building on the analysis of contracting practices through SSAs, the report also includes a case of consultancy services, with the aim of comparing the legal and practical approaches between individual engagements and those conducted through economic operators. This comparison highlights both the similarities and differences in how these mechanisms are applied by public institutions.

The report concludes with corresponding recommendations, which are based on the key findings of the analysis and provides concrete proposals for improving the institutional and legal approach to the implementation of SSAs.

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Methodology

Monitoring by D+ was conducted during the period January–November 2025 through the review of data in the electronic e-Procurement system.

During this period, a total of 95 SSA contracts were identified. For detailed analysis, seven public institutions were selected: The Office of the Prime Minister, the Ministry of Education, Science, Technology and Innovation, the Ministry for Communities and Return, as well as the municipalities of Prishtinë/Priština, Vushtrri/Vučitrn, Klinë/Klina, and Kamenicë/Kamenica.

For each of these cases, the following were analyzed in detail:

- Documents published in the e-Procurement system; and
- Documents obtained from public institutions under the Law on Access to Public Documents⁶.

The analysis was supported by research of primary and secondary legislation, including the Law on Public Procurement, the Public Procurement Regulation, the Law on Public Officials, the Law on Public Financial Management and Accountability, as well as the Law on Prevention of Conflict of Interest.

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Statistical data were processed through year-to-year comparison of information from e-Procurement, and previous D+ monitoring, with the aim of identifying trends in the use of SSAs and changes over time at both central and local levels.

⁶ 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>

3. Trends in SSA Engagements Over Time (2022–2025)

3.1 Statistical Data on SSA Use from e-Procurement.

During the period 2022–2025, public institutions have shown a continuous increase in the use of SSAs, reflecting changes both in administrative practices and in human resource planning.

Data from the e-Procurement system indicate a sharp rise in the number of published SSA contracts: from 21 contracts in 2022 to 95 contracts in 2025. This development demonstrates that institutions are becoming increasingly dependent on this mechanism to meet temporary needs, which in many cases are linked to functions that should have been covered through the regular staffing structure.

■ TABLE 01. Number of SSA engagements according to e-Procurement data

Year	e-Procurement
2022	21
2023	40
2024	79
2025	95

Source: Democracy Plus [D+], Monitoring in e-Procurement

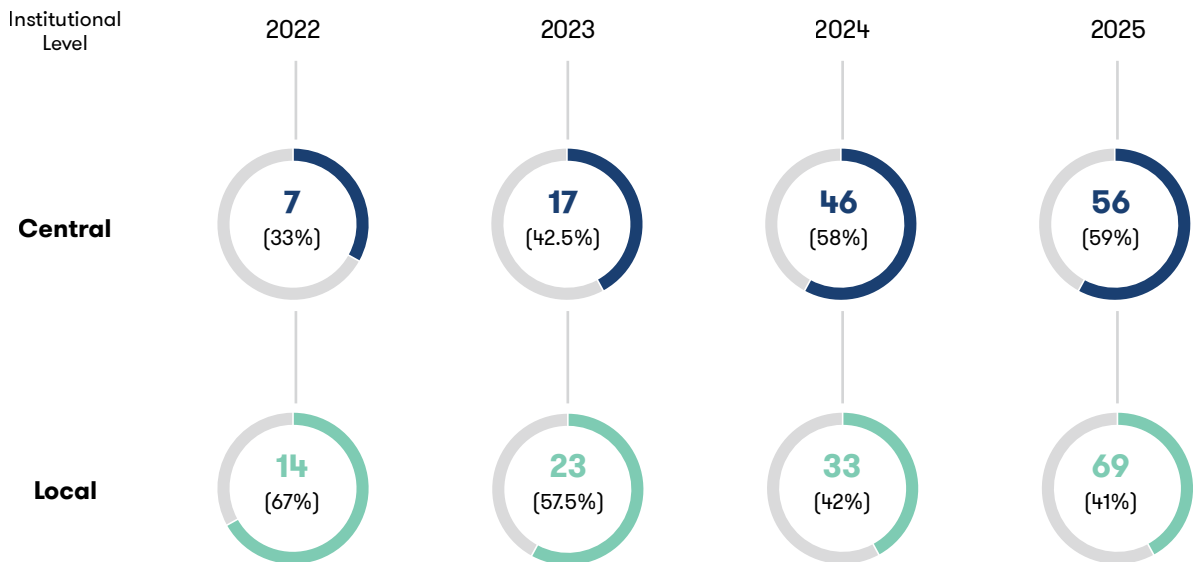
3.2 Institutional Distribution: Central and Local

Regarding the institutional distribution between the central and local levels, the data show a clear shift in trend over recent years. In 2022, local-level institutions dominated with 67% of contracts concluded through SSAs, while central-level institutions accounted for only 33%.

In contrast, during the last two years (2024–2025), this ratio has been reversed, with more than half of the contracts concluded by central institutions, reflecting an increase in the use of this type of contract.

This trend suggests a growing reliance on temporary engagements at the central level, particularly in functions related to administrative management, policy development, and inter-institutional coordination.

■ TABLE 02. Institutional Distribution (Central and Local) of SSA Contracts



Source: Democracy Plus (D+), Monitoring in e-Procurement

3.3 Areas of SSA Use

The most common areas of engagement through SSAs remain administrative and managerial tasks, followed by project design and management, and legal services. These categories account for most contracts concluded during the period 2022–2025, indicating that SSAs are primarily used to support day-to-day institutional processes and project implementation. This trend highlights the institutions’ ongoing need for

additional capacities in functions that are essential for daily administrative operations.

In 2025, a slight increase was observed in engagements covering administrative positions and project planning functions. Together, these accounted for more than 60% of contracts, reflecting the growing need for supplementary capacities in functions that, in principle, should be covered by the regular staffing structure.

■ TABLE 03. Areas of SSA Use

Area of Engagement	2022	2023	2024	2025
Administrative / Managerial Work	6 (28.6%)	10 (25%)	17 (22%)	28 (29%)
Project Design and Management	6 (28.6%)	14 (35%)	27 (34%)	33 (35%)
Legal / Judicial Services	4 (19.0%)	5 (12.5%)	14 (18%)	14 (15%)
Technical / IT Services	2 (9.5%)	5 (12.5%)	11 (14%)	10 (11%)
Other (education, culture, specific consultancy)	3 (14.3%)	6 (15%)	10 (13%)	10 (10%)

Source: Democracy Plus (D+), Monitoring in e-Procurement

3.4 Types of Procedures for Contracting Experts

The most used procedure for concluding contracts with experts remains the ‘Open Tender,’ which reflects good practice in applying competitive and transparent procedures, even when dealing with temporary engagements or specialized projects.

However, in 2025 a significant increase was observed in the use of the ‘Price Quotation’ procedure, which tripled compared to the previous year, from 9 cases

(11%) in 2024 to 33 cases (28%) in 2025. This indicates that contracting authorities are increasingly relying on this procedure for engagements through SSA, even though the Public Procurement Regulation explicitly excludes its use for individual contractors⁷.

Such an approach risks undermining the principles of merit-based selection and professional qualifications, as decision-making becomes focused primarily on price rather than on the quality, experience, or suitability of the candidate for the specific role.

■ TABLE 04. Types of Procedures for Contracting Consultants

Type of Procedure	2022	2023	2024	2025
Open Tender	16 (76%)	38 (95%)	69 (87%)	57 (48%)
Restricted Tender	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Negotiation without Contract Notice	5 (24%)	2 (5%)	1 (1%)	4 (3%)
Price Quotation	0 (0%)	0 (0%)	9 (11%)	33 (28%)

Source: Democracy Plus (D+), Monitoring in e-Procurement

⁷ Public Procurement Regulation, Article 57.7. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

3.5 Selection and Evaluation Criteria for Experts: Lowest Price / Most Economically Advantageous Tender

D+ analyses in previous reports on SSAs have highlighted the importance of applying criteria that assess quality and professional experience, in line with the Law and Regulation on Public Procurement. This approach strengthens transparency and fair competition in the process of selecting experts.

The ‘most economically advantageous tender’ criterion, which combines price with elements of professional quality, experience, and work methodology, has been recommended for several years by both the European

Commission⁸ and OECD/SIGMA.⁹ Both reports underline that contracting authorities in Kosovo should move away from the formal approach of selection based solely on the lowest price, and instead focus on evaluating performance, competencies, and the quality of work. In this context, the fact that in 2025 there was an increase in the use of this criterion represents a positive and sustainable development toward the professionalization of selection processes and the strengthening of institutional integrity.

In 2022, the two criteria were applied to a certain extent equally. In subsequent years, however, the ‘most economically advantageous tender’ criterion was implemented more frequently. By 2025, it accounted for more than 70% of the analyzed engagements, reflecting a stronger focus on quality and professionalism in public procurement.

■ TABLE 05. Use of Selection Criteria in SSA Engagements

Year	Lowest Price	Most Economically Advantageous
2022	11 (52 %)	10 (48%)
2023	21 (52.5 %)	19 (47.5 %)
2024	22 (28%)	57 (72%)
2025	26 (27%)	69 (73%)

Source: Democracy Plus (D+), Monitoring in e-Procurement

8 European Commission. Kosovo Country Reports (2019–2025). Section on ‘Public Procurement.’ Brussels: European Commission. Available at: https://neighbourhood-enlargement.ec.europa.eu/kosovo-reports_en

9 OECD/SIGMA. Kosovo Public Procurement Assessment Report 2023. Paris: OECD, 2023. Available at: <https://www.sigmaxweb.org/publications/>

4. Analysis of Institutional Practices

The analysis of institutional practices in the use of SSAs by public authorities during the period January–November 2025 aims to provide a clear overview of the aspects that affect the legality, transparency, and integrity of human resource management through this instrument of temporary engagement. The focus has been on examining elements that help determine whether SSAs have been used in line with their legal and institutional purpose. These elements include:

1. The planning of staffing needs and the use of SSAs in accordance with the existing personnel structure.
2. The character and nature of tasks defined in the Terms of Reference, in relation to the permanent functions of the institution.
3. Continuity of temporary engagements through repeated contracts.
4. The process of candidate selection and evaluation / the procedure applied.
5. Compliance with principles of impartiality and the prevention of conflict of interest.
6. Professional evaluation criteria according to provisions for special services.
7. Compliance with engagement deadlines and time limitations.
8. Other issues related to transparency, accountability, and documentation of decision-making.

The analysis is built upon the legal framework that includes the Law on Public Procurement (LPP), the consolidated version of the Public Procurement Regulation, the Law on Public Officials (LPO), the Law on Public Financial Management and Accountability (LPFMA), and the Law on Prevention on Prevention of Conflict of Interest in Discharge of a Public Function.

The assessment of practices has been directed toward understanding the balance between the real needs of institutions and compliance with human resource management standards, with the aim of ensuring that SSAs remain a complementary tool for specialized engagements, rather than a substitute for regular public recruitment procedures.

1 The planning of staffing needs and the use of SSAs in accordance with the existing personnel structure

Planning is one of the fundamental prerequisites for the responsible management of human and financial resources. Public institutions must ensure that engagements through SSAs are part of the overall personnel planning and aligned with the existing staffing structure. According to the Law on Public Financial Management and Accountability, any financial commitment that is not planned in advance is prohibited¹⁰.

¹⁰ Official Gazette of the Republic of Kosovo. Law on Public Financial Management and Accountability. Article 18. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2524>

In the same vein, the provisions of the Regulation require that every procurement activity be supported by a statement of approved funds, ensuring that financial commitments are undertaken within the limits of the approved budget and in line with the principles of integrity and fiscal responsibility¹¹. This link between planning and the availability of funds is essential to guarantee that SSAs are not used as *ad-hoc* responses to internal shortages, but rather as part of strategic institutional planning.

In this regard, according to announcements from the Public Procurement Regulatory Commission (PPRC), since August 2025 the interoperability between the e-Procurement System and the Treasury System (namely, the Public Financial Management Information System or 'PFMIS') has become fully functional. Through the "Funding Sources" function, any procedure can only be initiated after automatic confirmation of funds from the Treasury¹². This mechanism makes it impossible to initiate any procedure without confirmation of the allocated resources in the respective budget, thereby strengthening financial discipline and transparency in the planning process.

2 The character and nature of tasks defined in the Terms of Reference (ToR)

The Terms of Reference have been analyzed to distinguish between services that require external expertise and those that constitute permanent duties of the public administration. According to the Regulation, SSAs are permitted only for specific, time-limited tasks that cannot be carried out by in-house staff. In the same vein, the LPO stipulates that administrative and managerial functions of a permanent nature must be performed by civil servants¹³. This element has been examined to understand whether SSAs have been used for genuinely external professional purposes or instead to

cover structural gaps within the administration.

3 Continuity of temporary engagements through repeated contracts

The repeated engagement of the same individuals for the same positions undermines the temporary character of the agreement and, in practice, transforms it into a stable employment relationship. The law prohibits the use of SSAs for permanent functions and sets clear limitations on both duration and purpose. This aspect has been analyzed to identify cases where SSAs have been used as a mechanism to extend existing engagements, thereby avoiding open competition and bypassing the regular recruitment processes in the civil service.

4 The process of candidate selection and evaluation / the procedure applied

The compliance between the nature of the engagement and the type of procedure used has also been assessed, based both on human resource management aspects and the legal framework of public procurement.

According to the Public Procurement Regulation, for contracts involving individual experts and consultancy services, the open procedure must be applied, as it ensures fair competition and transparency. The use of simplified procedures such as price quotation or negotiation without prior contract notice is inappropriate for engagements that require technical evaluation, since it restricts competition, lowers the quality of selection, and contradicts the principles of merit and impartiality¹⁴.

11 Public Procurement Regulation. Article 9. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

12 Public Procurement Regulatory Commission (PPRC), Notice to Contracting Authorities about the full functional integration between the Electronic Procurement System (e-Procurement) and the Treasury System (PFMIS), 01 August 2025, and 11 August 2025.

13 Official Gazette of the Republic of Kosovo. Law No. 06/L-114 on Public Officials, Article 6, paragraphs 1 - 2. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18489>

14 Public Procurement Regulation, Articles 7 and 39. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

5 Compliance with principles of impartiality and the prevention of conflict of interest

According to the Law on Prevention of Conflict of Interest in Discharge of a Public Function, public officials are obliged to avoid any situation that may affect their objectivity during the process of evaluating or managing contracts¹⁵. The involvement of individuals who have previously managed similar contracts or who have had connections with bidding candidates may create a perception of undue influence and undermine the impartiality of the process. The analysis of this aspect has focused on the extent to which contracting authorities have implemented mechanisms of recusal and internal control to prevent conflicts of interest.

6 Professional evaluation criteria

This element has been examined to assess the quality and objectivity of candidate selection. The Public Procurement Regulation requires that evaluation be based on:

1. Professional experience
2. Work methodology
3. Qualifications, and in specific cases,
4. Knowledge transfer.

In line with the provisions of the Regulation, selection must be made based on the most responsible and most advantageous tender, combining the professional evaluation of candidates with the principles of transparency and competition applied in public procurement processes¹⁶.

7 Compliance with engagement deadlines and time limitations

Another important aspect has been the analysis of compliance with legal deadlines during the process of engagement and contract implementation. The Regulation clearly defines the deadlines for contract signing, the submission of complaints, and the notification of decisions¹⁷. It also requires that contracts be signed within the validity period of the bid. Delays in this process, contract signings after the deadline, or failure to issue notifications within the legal time limit directly affect the transparency and credibility of the process. The analysis of this aspect helps assess the level of administrative professionalism and the extent to which contracting authorities respect legal standards.

15 Official Gazette of the Republic of Kosovo. Law No. 06/L-011 Law on Prevention of Conflict of Interest in Discharge of a Public Function. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16323>

16 Public Procurement Regulation, Article 57. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

17 Public Procurement Regulation, Article 45.5 - 45.8. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

5. Experts for Administrative Work of a Permanent Nature

5.1 Office of the Prime Minister (OPM)

In January 2025, the Office of the Prime Minister (OPM) published the notice for the contract “*Expert for Special Services – Individual Contractor*,” with a projected value of €30,000 and a duration of 24 months¹⁸. The activity was conducted through the open procedure and, upon completion of the process, the contract was awarded to be the sole bidder who had submitted an offer.

The analysis of the activity documentation and the data obtained through requests for access to public information reveals several inconsistencies with human resource management standards and institutional integrity, including:

- (i) Engaging the same former official in the same office immediately after retirement.
- (ii) Using SSAs for administrative positions of a permanent nature; and
- (iii) Failing to include professional evaluation criteria in the selection process.

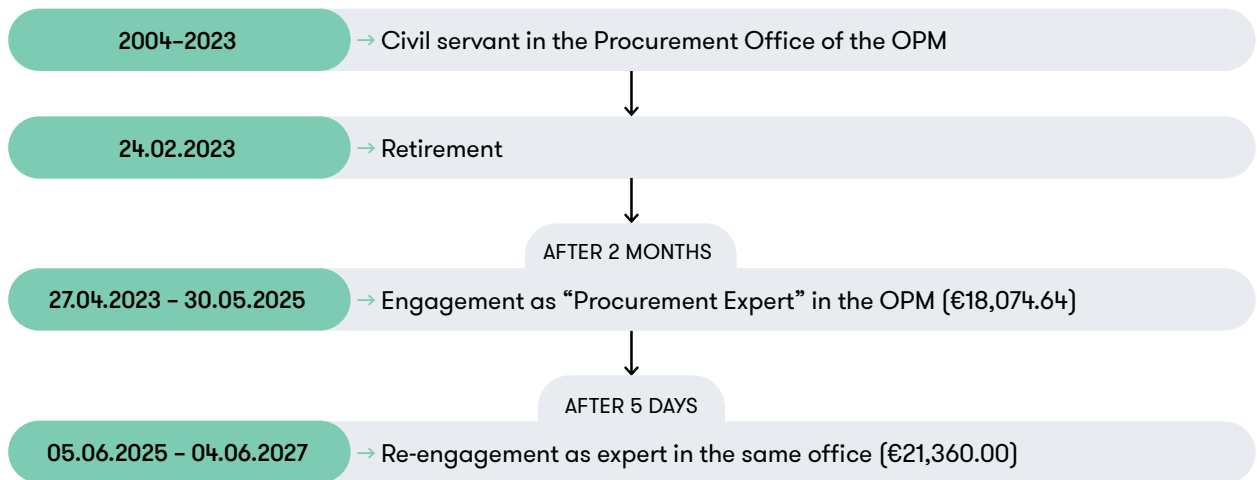
The individual contracted as “Procurement Expert” is a former official of the Procurement Office within the OPM, with a career spanning nearly two decades (2004–2023), during which he held key functions such as Contract Manager, Director of the Procurement Office, and Senior Procurement Officer.

Only two months after retirement, on 27 April 2023, the same individual was engaged in the same institution and office, for the same duties, this time through an SSA with a duration of 24 months. Under the terms of the contract, the individual was required to work 40 hours per week, Monday to Friday, during official working hours (08:00–16:00). His tasks included activities like those he had previously supervised, effectively making this engagement a continuation of his former role within the institution.

After the completion of the initial contract on 30 May 2025, the OPM initiated a new procedure, publishing the contract notice on 5 June 2025. Within this activity, conducted, as before, through the open procedure, the institution re-engaged the same expert for the same position, signing a new 24-month contract valued at €21,360.

¹⁸ E-Procurement. Procurement Activity No.: 616-25-5355-2-1-1.

Timeline of the engagement of the former procurement official in the OPM as “Procurement Expert”



This case constitutes a clear violation of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, which stipulates that “a senior official may not be involved in contractual activities within two years after the conclusion of public service”¹⁹. The immediate engagement in the same office and for the same duties runs counter to the spirit of the law and undermines the principles of institutional integrity.

In addition to violating the law on conflict of interest, OPM acted in contradiction to the Law and Regulation on Public Procurement, which allows the contracting of individual experts only when internal staff cannot provide the required services. In this case, the tasks defined in the contract, such as cooperation with procurement staff, advising requesting units, preparing procurement plans, training staff, and drafting analytical reports, are ordinary functions of the permanent staff of the Procurement Office. Therefore, any need for additional capacity should have been addressed through the regular recruitment of civil servants, not through SSAs.

Moreover, the “Statement of Needs and Determination of Availability of Funds” document shows that the engagement of the expert was planned in advance, demonstrating that the need for these services was continuous and already recognized by the institution.

The analysis of the file also shows that the candidate evaluation process did not comply with the essential professional criteria set out in the Regulation, namely: (1) relevant experience of the expert, (2) quality of the proposed methodology, (3) professional qualification, and (4) knowledge transfer (optional).

Instead of a detailed assessment of professional competencies, OPM limited itself to the formal verification of documents (diplomas, contracts, work experience certificates, CVs), thereby bypassing the criteria that ensure quality, performance, and the development of internal capacities. As a result, the contracting authority did not request the work methodology, even though it is a mandatory criterion, nor the transfer of knowledge, although this is considered optional under the Regulation.

¹⁹ Official Gazette of the Republic of Kosovo. Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, Article 12, paragraph 1.3. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=16314>

5.2. Municipality of Vushtrri/ Vučitrn

In March 2025, Municipality of Vushtrri/Vučitrn, through the open procedure, initiated the “Procurement of individual consultancy services for the needs of the Municipality of Vushtrri/ Vučitrn”²⁰ activity, with a projected value of €34,992, divided into two lots:

- **LOT 1:** Consultancy for the Municipality’s needs in the field of procurement
- **LOT 2:** Consultancy for the needs of the Main Family Medicine Center (MFMC) – Radiology.

Similar to the case of the Office of the Prime Minister, the Municipality of Vushtrri/ Vučitrn followed the practice of engaging a former procurement officer in the same institution through an SSA, creating a situation that reflects the phenomenon commonly referred to as ‘*revolving doors*’ — i.e., the return of former public officials to similar or identical positions through external contracting, often without genuine competition and outside the regular civil service recruitment mechanisms.

Upon reviewing the tender dossier and documents obtained through requests for access to public records, several shortcomings, and inconsistencies with the principles of integrity and transparency in the contracting process were identified. The key issues include:

- (i) Re-engaging former officials in the same function through SSAs
- (ii) Using SSAs for permanent administrative duties
- (iii) Failing to include mandatory criteria for technical and professional evaluation.

The municipality awarded the contract for Lot 1, valued at €15,720 with a duration of 24 months, while Lot 2 was cancelled as no bids were submitted within the specified deadline.

According to data from the e-Procurement platform and the municipality’s official website, the contracted individual had previously served as procurement officer and later as director of procurement in the Municipality of Vushtrri/ Vučitrn during the period December 2021 – July 2022. After approximately three years away from the position, on 29 April 2025, he was engaged in the same institution through an SSA, to perform functions like those he had previously exercised.

Although the time interval between engagements excludes a direct legal conflict of interest, the case raises significant ethical and institutional integrity concerns, as it creates the perception of functional continuity outside the framework of regular civil service employment, thereby risking transparency and impartiality in decision-making processes.

According to the analysis of the Tender Dossier, the description of the expert’s duties includes a) professional consultancy in organizing public procurement activities, b) preparation and implementation of the annual procurement forecast, c) supervision of procedures for goods, works, and services, and

d) legal advice in the field of public procurement. Most of these tasks correspond to the ordinary functions of the permanent staff of the Procurement Department and the municipality’s legal officers. This indicates that, once again, an SSA was used to cover positions of a permanent nature that should have been addressed through the recruitment of civil servants, not through SSAs.

The Tender Dossier also lacks detailed justification for the need for external engagement. The contracting authority limited itself to stating that “the engagement of the expert represents a need of the requesting unit,” without explaining why the existing in-house staff could not fulfill these functions.

Regarding professional evaluation criteria, the Municipality required only formal documents demonstrating professional qualifications (diploma, CV, references, and certificates), without including the work methodology, which constitutes a mandatory criterion under the Regulation. Likewise, knowledge transfer, although optional, was not included in the Tender Dossier, thereby missing the opportunity to strengthen the competencies of internal staff and to ensure institutional sustainability beyond the duration of the contract.

20 E-Procurement. Procurement Activity No.: VU644-25-2215-2-2-1.

5.3. Ministry of Education, Science, Technology, and Innovation (MESTI)²¹

On 28 February 2025, the Ministry of Education, Science, Technology and Innovation (MESTI) published the contract notice using the price quotation procedure, entitled “Engagement of one (1) consultant – individual contractor with expertise in administrative matters in the Department of Pre-University Education.”²² The purpose of the contract was to engage an individual contractor in the Division of Human Resources to perform daily administrative tasks, with a projected value of €8,400 and a duration of 12 months.

This case involves several inconsistencies between the procedure applied and the nature of the contract, specifically:

- (i) Misuse of the price quotation procedure for contracting an individual expert
- (ii) Inclusion of ordinary administrative duties in the contract description
- (iii) Repeated engagement of the same person through SSAs
- (iv) Termination of the contract following the employment of this person as regular staff; and
- (v) Failure to include the work methodology criterion — a key element in professional evaluation under the Regulation.

This activity presents procedural inconsistencies from the outset. MESTI combined elements of two procedures: price quotation and technical evaluation tender, thereby simultaneously violating both selection criteria and legal deadlines. Although the contract concerned the engagement of an individual contractor, the price quotation procedure was applied, which, according to the LPP and the Regulation, is excluded for this category of contracts. The Regulation clearly stipulates that individual contractors must be en-

gaged through the procedure based on the criterion of the “most economically advantageous tender,” which includes qualitative and technical evaluation of bids.

However, the issue is more complex, as the content of the Tender Dossier shows that the procedure was not conducted as a simple quotation. The document introduced evaluation sub-criteria with scoring: professional experience (50%), CV with references (20%), motivation letter (10%), and financial bid (20%) — which are typical of tenders evaluated under the “most economically advantageous tender” criterion. In price quotation procedures, technical scoring is not permitted since the winner is selected solely based on the lowest price. This mixture demonstrates a lack of procedural clarity and undermines the transparency of the evaluation process. As a result, the procurement activity was conducted outside the clear legal framework, neither as a price quotation nor as a regular open tender.

When analyzing the timelines, the period for submission of bids from 27 February to 11 March 2025 (only 12 calendar days) does not meet the requirement of the LPPL, which stipulates a minimum of 20 days for tenders with technical evaluation²³. This indicates that the procedure may have been recorded as a price quotation to fit shorter deadlines, even though its content had the nature of a technical tender.

This practice raises concerns about compliance with the legal framework, as some contracting authorities often, either mistakenly or deliberately, use the price quotation procedure even for individual contractors, for various reasons: 1) because it is a faster procedure and requires fewer documents; or 2) because they undervalue the service, treating it as standard administrative or technical work rather than professional consultancy.

²¹ **Note:** Democracy Plus (D+) requested access to public documents on 6 October 2025 but did not receive a response from MESTI. As a result, on 21 October 2025, a complaint was submitted to the Information and Privacy Agency (IPA). By the time this report was finalized, no response had been received from either party.

²² E-Procurement. Procurement Activity No.: 208. Leader-25-1329-2-3-6.

²³ 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>

According to the Terms of Reference, the engagement of a consultant was intended to support the Division of Human Resources in tasks such as a) preparation of administrative documents and decisions, b) cooperation with Municipal Departments of Education, c) organization of meetings and archiving of documentation. These are permanent functions that should be conducted by the institution's regular staff, not by individual contractors. If the ministry had additional staffing needs, they should have been addressed through recruitment procedures under the Law on Civil Service (LCS), not through temporary service contracts.

Although the contract was signed on 15 May 2025, the contractual relationship was terminated on 15 October 2025 without any detailed justification. In the cancellation notice of the procurement activity, it was stated: "A provision in the Public Procurement Law requires the cancellation of the procurement activity". Research shows that the winning candidate, who had previously been engaged in MESTI through SSAs during 2023 and 2024 for similar administrative duties, was later employed as regular staff in the ministry.

Furthermore, in the public competition announced on 24 January 2025 for the "Senior Officer for Curricula and School Textbooks" position²⁴, one of the main admission criteria was possession of at least two (2) years of professional work experience in the relevant field, exactly the amount of experience the individual had acquired through SSA contracts during 2023–2025. This chronological overlap suggests that the experience gained through SSAs may have been used as the basis for meeting the requirements of the competition for permanent employment, raising concerns about fairness of competition and the use of temporary contracts to create advantages in public recruitment processes.

In addition, the Tender Dossier lacked the criterion for the quality of the proposed methodology, which is one of the key criteria in professional or technical evaluation under the Regulation, as well as the criterion for knowledge transfer, which, although optional, remains a recommended practice for individual professional engagements. These omissions indicate incomplete application of evaluation standards and affect the credibility and transparency of the process.

²⁴ Public Competition: "Senior Officer for Curricula and School Textbooks," published by the Ministry of Education, Science, Technology, and Innovation (MESTI). Available at: <https://konkursi.rks-gov.net/jobs?referenceNumber=RN00016468&servant=1>

6. Experts for Project Management and Monitoring

6.1 Municipality of Prishtinë/Priština

In June 2025, the Municipality of Prishtinë/Priština, through an open procedure, published the “Services for the engagement of five (5) consultants for project management for the needs of the Municipality of Prishtinë/Priština for a three-year period” contract notice²⁵. The activity was divided into five (5) lots, with a projected value of €216,000. According to the notice, the beneficiaries foreseen in this activity were three (3) experts, each with a duration of 36 months:

- **LOT 1** – €43,020
(monthly payment of €1,195)
- **LOT 3** – €43,200
(monthly payment of €1,200)
- **LOT 5** – €43,200
(monthly payment of €1,200)

All three of these beneficiaries had previously been engaged through SSAs for the same positions, indicating a repetition of individual engagements in similar functions within the institution. Meanwhile, LOT 2 was cancelled due to an irresponsible bidder, as the operator had bid as a company rather than as an individual contractor, while LOT 4 was cancelled due to lack of bids.

The analysis of the Tender Dossier highlights several issues related to:

- (i) absence of prior planning in the procurement forecast
- (ii) nature of the engagements and their compatibility with the staffing structure

- (iii) compliance with procedural deadlines; and
- (iv) composition of the Evaluation Committee, which raises concerns about conflict of interest.

The justification in the Tender Dossier states that, due to the lack of staff in the Contract Management Office, numerous shortcomings were observed in the management of existing contracts, which served as the reason for initiating this activity. However, delays, procedural deviations, and the failure to sign the contract within the legal deadlines call into question the efficiency and legality of the management of this process by the Municipality of Prishtinë/Priština.

The first issue relates to the absence of prior planning of the tender, which constitutes non-compliance with the legal requirements for drafting and publishing the Annual Procurement Forecast. According to the Regulation, every contracting authority is obliged to prepare the annual procurement forecast before the start of the budget year and to publish it within 15 days of the approval of the budget²⁶. The purpose of these provisions is to ensure transparency, predictability, and oversight of public expenditure.

The absence of this activity in the municipality’s procurement forecast shows that the tender was conducted without a prior analysis of institutional needs and without a basis in the approved budget planning.

The second issue relates to the nature of the experts’ engagement. From the content of the documentation, the engagement of five (5) consultants for project management over a three-year period included tasks of a permanent character, such as planning, supervision, and reporting on the implementation of municipi-

²⁵ E-Procurement. Procurement Activity No.: 616-25-5355-2-1-1.

²⁶ Public Procurement Regulation, Article 5. Available at: <https://e-prokurimi.rks.gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

pal projects. These functions are an integral part of the regular administrative structure. As such, they should be covered through civil service recruitment procedures, not through SSAs.

The five requested consultants are engineers in the fields of construction, hydro engineering, electrical engineering, mechanical engineering, and land surveying, with duties that include management and supervision of infrastructure projects, preparation of technical documentation, bills of quantities, and implementation reports. These are functions that are normally conducted by the municipality's permanent officials. Therefore, contracting through SSAs in this case does not constitute an external service of a temporary nature, but rather a substitution for internal staff.

The third issue relates to compliance with procedural deadlines. Although this activity was initiated on 19 June 2025, and according to the justification of the requesting unit of the Municipality of Prishtinë/Prishtina was supposed to be conducted "in an accelerated manner due to the high volume of work," the process did not advance in line with the legal deadlines.

On 8 August 2025, the Municipality published the notice on the decision for candidate selection, marking the start of the five-day period for submission of requests for review to the Procurement Review Body (PRB). Although no formal complaints were submitted during this period, the procedure remained incomplete for more than three months, and by November 2025 the signing of contracts had not been finalized.

According to the Regulation, once the deadline for complaints has expired, the contracting authority is required to prepare and sign the contract within 30 calendar days from the publication of the contract award notice²⁷. Failure to publish this notice and failure to sign the contract within the deadline constitute a clear violation of legal provisions and reveal serious shortcomings in the procedural management and budgetary planning of the activity.

In relation to this, the municipality did not respond to our request for clarification on the reasons for the delay, including whether it was linked to payment procedures managed by the Ministry of Finance, Labor and Transfers²⁸. If the need for these experts has been continuous for several years, it should have been planned as a regular position within the staffing structure, rather than being covered through repeated SSA contracts. Moreover, these delays reflect weaknesses in coordination between administrative and legal units, affecting not only compliance with legal deadlines but also the effective planning of human resources.

Another important aspect relates to conflict of interest. From the analysis of the documents obtained, it appears that a municipal official who had previously served as contract manager for the bidders later recommended for contract award was part of the Evaluation Committee. The bidding files show that these experts had earlier been engaged by the same public institution for similar positions, for periods of 24 and 36 months, and their contracts had been managed by the same official.

In addition to the repeated use of this procedure to extend engagements through SSAs, this circumstance raises reasonable doubts about conflict of interest and inconsistency with the principles of the Law on Prevention of Conflict of Interest in Discharge of a Public Function. In relation to this case, D+ submitted a request for assessment to the Corruption Prevention Agency (CPA), but the case remains under investigation to date²⁹.

6.2 Ministry of Communities and Return (MCR)

In August 2025, Ministry of Communities and Return (MCR) initiated a procurement activity through an open procedure concerning the engagement of two external experts for project design and monitoring.³⁰ This activity was divided into two lots with a projected

27 Public Procurement Regulation, Article 45.5-45.8. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versi%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

28 Request for Access to Public Documents and Public Information, submitted electronically on 31 October 2025.

29 Request for Conflict-of-Interest Assessment, submitted electronically to the Corruption Prevention Agency (CPA) on 3 November 2025.

30 E-Procurement. Procurement Activity No.: 211-25-7321-2-2-1.

value of €16,800 (€8,400 for each lot) and a duration of 12 months.

As in other cases analyzed in this report, the main recurring problems are:

- (i) Absence of prior planning
- (ii) Using SSAs for regular work
- (iii) Inferior quality of proposed methodologies
- (iv) Continuous engagement of the same individuals through successive SSA contracts.

According to the analysis of the documents, this activity was not included in the Annual Procurement Forecast, while the contracting authority, the MCR, justified the initiative as a “new need presented by the Requesting Unit.” As in many similar cases, such justification indicates a lack of budgetary planning and prior needs assessment, in contradiction with the requirements of the Law on Budget Appropriations and the Law on Public Financial Management and Accountability, which stipulate that every engagement must be based on prior planning and clear financial justification.

Within the ministry’s internal structure there is a Department of Project Management and Monitoring, composed of two divisions: Communities and Return Division and Projects Division. Despite this functional structure, the ministry decided to engage external consultants for tasks that fall within the responsibilities of its internal staff. Both experts were foreseen to work according to the standard schedule of the public administration (40 hours per week, Monday to Friday), reinforcing the permanent character of the contracted positions.

For both engagements, the description of duties is almost identical and includes a) assistance in drafting and developing criteria for project application, implementation, and monitoring, b) coordination with departments and divisions in the monitoring and reporting process, c) holding information sessions and assessment of community needs in Kosovo municipalities, d) ensuring documentation and proper conduct of project processes.

These duties are administrative and operational in nature, normally conducted by the internal staff of the Department of Project Management and Monitoring. Therefore, the engagement of external consultants for these functions implies the replacement of permanent positions with temporary contracts.

According to the analysis of this case, both experts had previously been engaged by the ministry through SSAs for three consecutive years since 2023, each time with a one-year contract. This shows that such contracts are being used to continue existing engagements, reflecting permanent institutional needs that should have been addressed through regular civil service recruitment.

In the Tender Dossier for Lot 1, the criteria for required professional experience were not clearly defined. The CV of the selected expert shows a lack of experience in project design or management. His professional background is primarily in administrative and political positions, including serving as a political advisor in a ministerial cabinet, without documented experience in project management or development. Although the criterion for methodology was formally met, the submitted document was of inferior quality, not based on a technical approach, and contained general descriptions of tasks, partially copied from the Tender Dossier itself.

The expert selected for Lot 2 had previously been engaged by the ministry through SSAs since 2023, as confirmed in the motivation letter of the bid. Although her experience includes engagements in local and international organizations, the documentation does not demonstrate specialized expertise that would justify her engagement as an external expert.

The submitted methodology was somewhat more structured than that of Lot 1, but still of inferior quality, lacking clear elements of project analysis or monitoring. Despite this, the Evaluation Committee awarded the same score as Lot 1 (22 points out of a possible 30), raising doubts about inconsistencies in the professional evaluation process and the lack of differentiation between the quality of the bids.

7. Legal Advice Expert

7.1 Municipality of Klinë/Klina

In July 2025, the Municipality of Klinë/Klina, through an open procedure, published the Tender Dossier and contract notice for the procurement activity “Legal Advice Expert in the Department of Urban Planning – for the legalization of buildings and regulation of addresses in the Municipality of Klinë/Klina”³¹. According to the tender documents, the contract was planned as a two-year framework agreement, with a projected value of €16,800, to be implemented over a period of 24 months.

This activity was included in the annual procurement forecast, but, as in other similar cases across municipalities, the Municipality of Klinë/Klina engaged an expert for tasks that could be covered by the municipality’s regular staff. The justification provided was the need for more efficient implementation of the Law on Treatment of Constructions without Permit³², yet no sufficient explanation was offered for the external engagement.

The analysis of the tender file shows that the purpose of the contract is linked to permanent administrative duties, such as a) provision of legal advice, b) maintenance of documentation, c) daily reporting to the project manager, with a full-time schedule of eight (8) hours per day. These functions constitute responsibilities of municipal civil staff and not temporary expert services, which contradicts the principle of separation between regular employment and SSAs.

Furthermore, the Municipality of Klinë/Klina contracted the expert at the same value as projected in the Tender Dossier, without any difference in the bid, indicating a lack of real competition and minimal economic assessment. Although the bidder’s file included two

reference letters attesting to prior professional experience, the descriptions were generic and did not provide clear evidence of expertise in legal counselling, drafting of legal acts, or implementation of legislation in the administrative field – all essential elements for the profile required in this tender. The positions mentioned as: “municipal support staff” and “court intern”, imply entry-level roles rather than advanced professional experience that would justify the status of “legal expert”, revealing a mismatch between the contract requirements and the bidder’s actual capacities.

The municipality also has within its structure a Legal Office and a Municipal Attorney, who cover similar functions and are compensated under the Law on Salaries. This demonstrates that the municipality possesses in-house capacities for providing legal advice and representing the institution, making the engagement of an external expert through a two-year framework contract for routine legal duties unjustified. Since consultancy services are permitted only when institutions lack internal capacities, this case represents an unjustified use of SSAs for positions that are part of the permanent municipal structure.

On the other hand, the minimum qualification criteria set by the municipality, namely a law degree and only one (1) year of work experience, are clearly insufficient for a position requiring the status of “legal expert.” Such a low requirement for professional experience contradicts the nature of the service, which involves legal counselling for the legalization of buildings, preparation of official documentation, interpretation of legislation, and regular institutional reporting. These responsibilities demand advanced legal knowledge, proven experience in public administration, and the ability to provide professional advice with impact on decision-making.

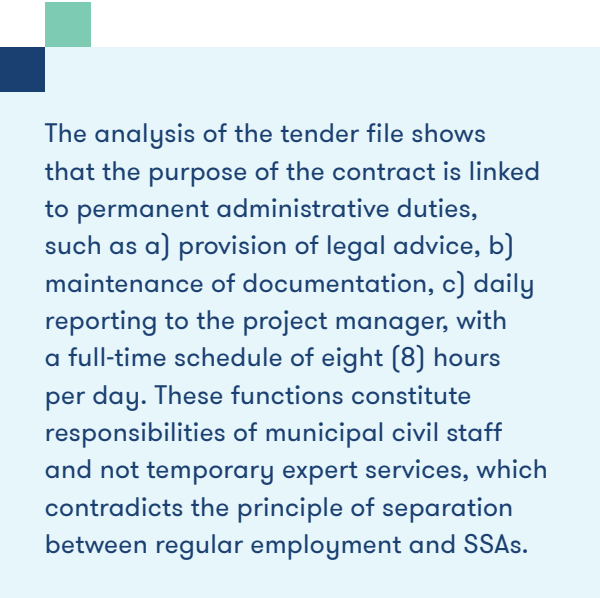
31 E-Procurement. Procurement Activity No.: 634-25-6176-2-2-1.

32 Official Gazette of the Republic of Kosovo, Law No. 06/L-024 on Treatment of Constructions without Permit. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=17767>

In addition, only one bidder participated in this activity. Although the criterion for submission of a work methodology was formally met, its content shows that the expert would be “at the service of the Department of Urbanism”, with duties intricately linked to the municipality’s daily administrative work. A quality methodology should have included: (i) specific objectives of the service; (ii) legal and technical approach to be applied by the expert; (iii) timeline of activities and division of responsibilities; (iv) indicators for measuring results; and (v) mechanisms for coordination with municipal officials.

The bidder’s methodology does not include these elements. It is written in a descriptive manner rather than presenting a professional approach, indicating a lack of the necessary capacity for the role required under this tender.

In the evaluation report, the committee merely noted “in compliance” regarding professional ability, without applying the weighted scoring system required by the Public Procurement Regulation when the criterion “Most Economically Advantageous Tender” is used. This indicates that the evaluation was not conducted in a complete and transparent manner, lacking an objective basis to justify the selection of the winning candidate.



The analysis of the tender file shows that the purpose of the contract is linked to permanent administrative duties, such as a) provision of legal advice, b) maintenance of documentation, c) daily reporting to the project manager, with a full-time schedule of eight (8) hours per day. These functions constitute responsibilities of municipal civil staff and not temporary expert services, which contradicts the principle of separation between regular employment and SSAs.

8. Consultancy Services

Unlike other cases identified in this report, this case involves an engagement classified as a consultancy service, that is, a service of an intellectual and professional nature, provided by qualified experts through economic operators.

According to the legal definition, “consultancy services” refer to an intellectual or advisory service provided by an expert consultant qualified in a specific field or profession. These services are characterized by

the fact that intellectual aspects and professional contributions prevail and outweigh the physical aspects of the contract³³.

In contrast to SSAs, which also have a consultative character but are conducted through individuals engaged on a personal basis, consultancy services involve the engagement of companies, professional offices, or groups of experts, with a broader methodological and technical scope.

TABLE 06. Key differences between SSAs and Consultancy Services under the Regulation

SSAs – Article 57	Consultancy Services – Article 56
Only natural persons (individual contractors)	Economic operators (companies, consultancy offices, groups of experts)
Professional services required by the contracting authority that cannot be covered by existing staff	Professional and intellectual services (studies, analyses, technical/legal advice)
Individual agreement with a natural person	Public contract with an economic operator

33 Public Procurement Regulation, Article 56. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

8.1 Municipality of Kamenicë/ Kamenica

In July 2025, the Municipality of Kamenicë/Kamenica, through the open procedure, initiated the “Legal Services”³⁴ procurement activity, with the aim of concluding a public framework contract with an economic operator for a period of three years, with an estimated value of €90,000 euros.

According to the Tender Dossier, the contract foresees the provision of representation and legal advisory services for the needs of the municipality, including the drafting of claims/lawsuits, appeals, submissions, and revisions, as well as representation in court hearings for civil, criminal, and administrative matters.

For this category of contracts, the most appropriate evaluation practice requires that the quality of the bid, professional experience, and service delivery methodology be weighed alongside price, to ensure a balance between cost and service quality. In this case, the Municipality of Kamenicë/Kamenica applied the “[weighted] lowest prices” criterion as the basis for awarding the contract. The exclusive use of price as the selection criterion contradicts the principle of combined evaluation of quality and cost, as defined by the Regulation, which stipulates that professional elements (methodology, experience, and qualifications) must carry dominant weight in the award of the contract.³⁵

Such an approach is unsuitable for consultancy-type services, as it reduces the selection process to a financial aspect and undervalues professional quality, which is essential for the municipality’s legal representation.

In this procedure, two economic operators competed, both of whom met the formal qualification criteria. According to the report of the Evaluation Committee, the contract award was recommended to the bidder offering the lowest price, with the justification that both operators had fulfilled the minimum requirements of the tender dossier.

The lack of prior planning for the activity indicates that the need for legal services was addressed in an ad-hoc manner, without being integrated into the institution’s strategic planning. In the municipality’s justification, it was emphasized that the contract had not been planned due to the existence of a previous contract and the initial assessment that there would be no need for external legal services. However, it was later found that, due to the substantial number of court cases, the municipality’s legal representative “was not able to monitor all judicial proceedings alone”. This reasoning shows that the institution’s real need was to strengthen its in-house legal capacities rather than to outsource consultancy services, and such cases should have been addressed through the regular recruitment of civil staff.

This activity reflects a recurring practice at the local level, where long-term framework contracts are used to secure services that often fall within the responsibilities of municipal legal offices. While the stated purpose may be to provide professional support in complex judicial matters, the extended nature of the contract, the inclusion of permanent functions, and the lack of qualitative criteria raise concerns about the unjustified use of consultancy contracts for functions that should be performed by internal legal staff.

³⁴ E-Procurement. Procurement Activity No.: KM653-25-6009-2-2-1

³⁵ Public Procurement Regulation, Article 56.18. Available at: <https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret/shq/versioni%20i%20konsoliduar%20i%20Rregullores%20Nr.%20001%202022%20i%20plot%C3%ABsuar%20dhe%20ndryshuar%20me%20Rregulloren%20Nr.%20002%202024.pdf>

Findings

General Practices

- Public institutions continue to address staff shortages through SSAs rather than through regular recruitment procedures. This reflects insufficient human resource planning and reliance on short-term engagements for positions that require lasting solutions.
- SSAs are repeatedly used to engage the same individuals, turning temporary engagements into de facto permanent employment relationships.
- Requirements for professional qualifications and work experience are often minimal, indicating that the purpose is not to engage specialized experts but to cover routine administrative tasks.
- In several cases, prior planning and analysis of actual staffing needs are lacking, as SSA activities are conducted without being included in annual procurement forecasts and without confirmation of funds from financial units. This demonstrates a lack of coordination between personnel units and procurement units, which often results in unjustified or repeated engagements through SSAs.
- Selection processes often focus primarily on price, placing professional skills and candidate experience in a secondary position. In some cases, the “lowest price” price has been applied even for positions requiring an elevated level of expertise and professional responsibility.
- In many cases, tender dossiers do not include a work methodology, although this constitutes a key criterion for qualitative evaluation of bids under the Public Procurement Regulation. As a result, candidate selection is often conducted simply by going through the motions, without a detailed analysis of professional capacities and service quality.
- Cases of conflict of interest have been identified, where former public officials have been re-engaged in the same institutions or have participated in evaluation committees that managed contracts, they had previously managed.
- The absence of clear budget categorization for temporary engagements means that SSAs treated under the Public Procurement Regulation are not distinguished from operational engagements. Consequently, the data of the Auditor General (based on MFPT records) and those of e-Procurement do not reflect the same sub-category of engagements, creating inconsistencies and difficulties in year-to-year comparison.

Specific Practices

Office of the Prime Minister (OPM)

- OPM engaged as a “procurement expert” a former official of its Procurement Office only two months after retirement. This engagement constitutes a conflict of interest, as it violates the two-year restriction period set out in the Law on Prevention of Conflict of Interest.
- The same individual was engaged several times after the initial contract expired, turning a temporary engagement into a stable employment relationship, contrary to the purpose of SSAs as an instrument for temporary needs.

Municipality of Vushtrri/Vučitrn

- The Municipality of Vushtrri/Vučitrn engaged through an SSA its former procurement officer in the same position and with the same duties as before. Although the two-year legal period had passed, the case raises ethical concerns regarding institutional integrity and the separation between public and private functions.

Ministry of Education, Science, Technology, and Innovation (MESTI)

- MESTI employed as regular staff a person who had previously been engaged twice through SSAs for the same administrative duties. After the last SSA contract ended, the procurement procedure was annulled, and the same person was appointed to a permanent position. This case shows that SSAs were used as a transitional tool toward regular employment, bypassing public competition procedures.

Municipality of Prishtinë/Priština

- The Municipality of Prishtina/Priština included in the Evaluation Committee an official who had previously managed contracts for several experts who were later awarded SSAs. This action raises concerns of conflict of interest and lack of impartiality in the evaluation process, and it demonstrates repeated use of temporary contracts for the same individuals.

Ministry of Communities and Return (MCR)

- MCR engaged two project management experts, although the Ministry already has a department covering the same functions. This action indicates a lack of internal human resource planning and the creation of parallel positions outside the regular civil service structure.

Municipality of Klinë/Klina

- The Municipality of Klinë/Klina engaged a “legal expert” through SSAs with a two-year contract, despite having a Legal Office and a Municipal Attorney.
- The selected expert had only one year of work experience, primarily in administrative positions and through an internship in court, which does not correspond to the professional requirements of the contracted work.

Municipality of Kamenicë/Kamenica

- The Municipality of Kamenica concluded a three-year framework contract for legal services through SSAs, applying the “lowest price” instead of “most economically advantageous tender” criterion. This approach shows a focus on the financial cost of the bid rather than on the evaluation of professional quality and expert experience.

Recommendations

In summary, the findings show that public institutions have developed a prominent level of dependency on SSAs to cover permanent functions, with unclear application of the legal framework, insufficient planning, and weak integrity controls in contracting processes. This situation requires clear legal intervention and harmonization of approaches between human resource management and public procurement, to ensure that SSAs are used only for temporary needs and specialized services.

Based on these findings, D+ recommends:

1 Improvement of the legal and institutional framework

- Harmonize the provisions of the Law on Public Procurement (LPP) and the Law on Public Officials (LPO), ensuring that Special Service Agreements (SSAs) are treated as an instrument for temporary needs rather than as a substitute for permanent employment.
- The Ministry of Finance, Labour and Transfers (MFLT), within the framework of the new Law on Public Procurement, should clearly define: (i) the cases in which the use of SSAs is permitted; (ii) the obligation to plan and justify the need; and (iii) the limitation of the maximum contract duration from 36 to 6 months, reflecting their temporary nature.
- The chapter on SSAs in the new law should be drafted in cooperation with the Ministry of Internal Affairs (MIA) and the Department for Management of Public Officials (DMPO), and in consultation with civil society organizations monitoring public procurement and good governance.

2 Budget and human resource planning

- Public institutions should integrate the planning of SSAs into human resource and procurement forecasts, ensuring that these engagements reflect actual needs for additional capacities.
- The MIA should address structural staffing shortages through regular recruitment processes, thereby preventing the use of SSAs as a substitute for civil service positions.
- The MFLT and the Public Procurement Regulatory Commission (PPRC) should ensure that the need for engagement through SSAs is approved in advance by human resources units and aligned with the staffing structure and institutional planning.
- The MFLT and the PPRC should ensure that procurement procedures for SSAs are initiated only after the automatic confirmation of available financial resources through the Treasury system, guaranteeing that such engagements are based on sound financial planning.

3 Professional selection and evaluation of experts

- For individual contracting, procurement authorities should use only the open procedure, applying the “most economically advantageous tender” criterion, which evaluates experience and methodology in addition to price.
- Tender dossiers for SSAs should include work methodology and knowledge transfer as part of the professional (technical) criteria.
- The PPRC should provide dedicated training for Human Rights and procurement officers on the proper use of SSAs, ensuring coordination with human resource needs.

4 Institutional integrity and conflict of interest

- Public institutions should enforce the legal two-year restriction on engagement of former public officials through SSAs in the same institutions or in positions related to their previous functions, to prevent conflicts of interest and perceptions of undue influence.

5 Transparency and public reporting

- PPRC should publish periodic reports specifically on SSAs, with data on the number, institutions, areas, and contract values, to enable year-to-year comparison and evidence-based decision-making.
- The National Audit Office should shift from purely numerical reporting to more substantive analysis of contracting practices through SSAs, incorporating into performance audits an assessment of justification, budgetary impact, and risks of misuse of this instrument.



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