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The Cost of Unfinished Procurement: When Repeated Re-evaluations Yield No Contracts

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GOOD GOVERNANCE

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Contents

List of Abbreviations and Acronyms

CA →	Contracting Authority
EO →	Economic Operator
EU →	European Union
GEO →	Group of Economic Operators
ISA →	Information Society Agency
KUCC →	Kosovo University Clinical Center
LPP →	Law on Public Procurement
MIA →	Ministry of Internal Affairs
MIETI →	Ministry of Industry, Entrepreneurship, Trade and Innovation
MIT →	Ministry of Infrastructure and Transport
MoH →	Ministry of Health
PPRC →	Public Procurement Regulatory Commission
PRB →	Procurement Review Body
Sh.P.K. →	Limited Liability Company
TD →	Tender Dossier

Introduction

During the first half of 2026, Democracy Plus (D+) monitored public procurement at the central government level, with a particular focus on how public funds are spent through procurement procedures. Given that a significant share of the budgets of public institutions is executed through contracts awarded to economic operators, this report examines how these procurement procedures are implemented, assessing them from the perspectives of legality, efficiency, and transparency.

The research covers four ministries: the Ministry of Industry, Entrepreneurship, Trade and Innovation (MIETI), the Ministry of Infrastructure and Transport (MIT), the Ministry of Internal Affairs (MIA), and the Ministry of Health (MoH). The analysis examines five procurement activities with a combined estimated contract value of EUR 22,567,135.56, focusing on the evaluation process, decision-making, and the handling of legal remedies in each case.

The assessment of the legality and integrity of these procurement procedures identified a pattern of repeated violations by contracting authorities. These include the use of discriminatory and preferential criteria in tender dossiers, the unjustified shortening of the statutory deadlines for bid submission, the award of contracts to economic operators that failed to meet the established requirements, and flawed evaluations that resulted in delays and, in some cases, the unlawful cancellation of procurement procedures.

Findings

1. **MIETI included the chair of the Evaluation Commission in the procurement process even though her engagement, extended through an SSA, had been renewed without conducting a new procurement procedure.** According to the PPRC's interpretation, fixed-term contracts cannot be extended automatically. Her participation in the evaluation process undermines the integrity and legality of the bid evaluation, raising concerns about the validity of the Evaluation Commission's decision-making.

2. **MIT introduced new grounds for disqualifying the complaining economic operator in its decision rejecting the request for reconsideration.** Such a practice is inconsistent with the rules governing public procurement and undermines the economic operator's right to effective legal protection, effectively forcing the operator to raise new arguments during the appeal proceedings before the PRB.

3. **The MIA recommended awarding a contract to an economic operator that had submitted an abnormally low bid, without establishing substantive consistency between the explanations provided and the original tender.** Although the economic operator submitted explanations as part of the *inter partes* procedure, a comparison with the original bid reveals significant discrepancies in several pricing items. These inconsistencies raise concerns about how the explanations were assessed and whether they were properly evaluated against the requirements governing the review of abnormally low tenders.

4. **The MIA disqualified the economic operator that had submitted the lowest-priced bid in the Microsoft licensing tender, citing cybersecurity and national security concerns, while also reducing the bid submission deadline to just 17 days.** Although the procurement involved a high-value and complex contract, the deadline for submitting bids was shortened. At the same time, the procurement records contain no facts, evidence, or concrete elements of the tender that would substantiate the alleged cybersecurity or national security risk. This raises serious questions about the justification for the decision to disqualify the economic operator.

5. **The MoH kept the procurement procedure for the supply, implementation, and maintenance of the PACS and RIS system stalled for more than two years and five months.** Despite four consecutive decisions by the PRB ordering the case to be returned for re-evaluation, the contracting authority continued to rely on the same grounds for disqualification. At the same time, it repeatedly exceeded the statutory deadlines for evaluating bids, preventing the procedure from being concluded either through the award of a contract or by re-tendering the procurement activity.

Methodology

This report on public procurement monitoring at the central government level is based on a structured monitoring process covering selected public procurement activities and the corresponding contracts. The procurement activities and signed contracts included in the analysis were selected using a risk-based approach built around a set of indicators commonly referred to as "red flags," used to identify procurement procedures with a higher likelihood of corruption, irregularities, or other procurement-related risks. The indicators include:

- Estimated contract value;
- Nature of the goods, works, or services being procured;
- Repetition of the procurement activity;
- Procurement procedure used;
- Timeframes for conducting the procedure;
- Relationship between the contract price and the estimated contract value; and
- Cases involving an abnormally low tender.

Following the selection of tenders based on these indicators, all official documents published on the electronic procurement platform ("e-Procurement"), together with documents obtained from the contracting authorities through requests for access to public documents, in accordance with the Law on Access to Public Documents, were examined in detail.[1]

Within this framework, the report aims not only to identify the shortcomings observed in practice but also to provide concrete recommendations for improving public procurement practices and strengthening the mechanisms of transparency, integrity, and accountability.

Although the monitoring process was carried out during the first half of 2026, the report examines procurement procedures conducted over different periods.

1 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, Trade and Innovation

1.1. Construction of Infrastructure in the Opterushë/Opteruša Industrial Park – Phase II

In 2020, the Ministry of Industry, Entrepreneurship, Trade and Innovation (MIETI) adopted a decision approving the establishment of the Economic Zone, namely the Industrial Park in Opterushë/Opteruša, Municipality of Rahovec/Orahovac.[2] As part of this initiative, MIETI also managed the procurement procedure for the first phase of the project, based on the Memorandum of Cooperation signed between the Ministry and the Municipality of Rahovec/Orahovac.[3]

The contract for the implementation of Phase I had been awarded in 2023. However, in 2025 MIETI unilaterally terminated the contract due to the economic operator's failure to fulfill its contractual obligations and to carry out the works stipulated under the contract. Following the contractor's failure to perform its contractual obligations, MIETI submitted a request to the Procurement Review Body (PRB) seeking the economic operator's disqualification from participating in public procurement procedures. After review proceedings lasting approximately one year, the PRB rejected the request, concluding that the conditions set out in Article 99.2 of the Law on Public Procurement (LPP) had not been met.[4]

Despite the fact that Phase I of the project had not yet been completed and its results had not been fully consolidated, MIETI launched the procurement procedure for Phase II of the same project in 2024. Accordingly, on 9 April 2024, an open procurement procedure was launched through the publication of a contract notice for the "Construction of Infrastructure in the Opterushë/Opteruša Industrial Park – Phase II," with an estimated contract value of EUR 1,013,360.36.[5]

Following the deadline for bid submission, the contracting authority established the bid Evaluation Commission. An assessment of the Evaluation Commission's composition raises concerns regarding both the professional suitability of its members and the continuity of their engagement throughout the evaluation process.

In particular, the chair of the Evaluation Commission, who had been engaged through a Special Service Agreement (SSA), was appointed to that position only three days before her service contract expired.[6] Although the specific terms of the contract provided for the possibility of an extension of up to six additional months, according to the interpretation issued by the Public Procurement Regulatory Commission (PPRC), such a clause cannot serve as a legal basis for the automatic extension of the Evaluation Commission chair's contract. The PPRC has clarified that where both the tender dossier and the contract specify a fixed implementation period, the contract cannot be extended beyond that period without conducting a new procurement procedure.[7] As a result, the chair of the Evaluation Commission continued to perform her duties without a valid contract, as her Special Service Agreement expired only three days after her appointment to that position.

2 Ministry of Industry, Entrepreneurship, Trade and Innovation. Decision No. 01/Ref.No.01, 27 January 2020, on the establishment of the Industrial Park in Opterush/Opteruša. Available at: https://kiesa.rks-gov.net/desk/inc/media/49878E8D-3100-4AAE-A6D0-484E6FD822BE.pdf.
3 Memorandum of Cooperation for the implementation of the "Industrial Park in Opterushë/Opteruša" project, signed on 15 March 2024.
4 Public Procurement Body (PRB). Decision PSh.No. 781/26. Available at: https://oshp.rks-gov.net/sq/Reports/ComplaintByBlackList.
5 Tender No. 204-24-3378-5-1-1.
6 Contract No. 204-23-11273-2-3-6/C236, concluded between MIETI and Saxhide Sadiku, on 24 November 2023.
7 Public Procurement Regulatory Commission. Interpretation, 15 November 2026.

Furthermore, a review of the positions and functional responsibilities of the other Evaluation Commission members indicates that their professional backgrounds were not directly related to the subject matter or technical requirements of the procurement procedure.[8]

Despite these circumstances, the commission responsible for the evaluation, examination, and comparison of bids recommended the group of economic operators (GEO) Benita Company, Flamuri V Sh.P.K., and Alko Impex General Construction Sh.P.K. for contract award, concluding that the consortium was responsive and eligible. The CA's award decision was published on 18 July 2024, 49 days after the statutory deadline. Under Kosovo's public procurement rules, the examination, evaluation, and comparison of bids, together with the issuance of the contracting authority's award decision, must be completed within the shortest possible timeframe and no later than 30 days from the opening of bids. Only in particularly complex cases may this period be extended by an additional 20 days.[9]

TABLE 1. Bidding Economic Operators and Bid Values

No.	Economic Operator	Bid Value
1.	GEO N.P.T Bamirs & Famis Co-Hc Sh.A	€ 932,610.00
2.	**GEO Benita Company & Flamuri V Sh.P.K & Alko Impex General Construction Sh.P.K.**	**€ 800,000.00**
3.	Pro & Co Group Sh.P.K.	€ 848,000,00
4.	GEO Agim Morina B.I & N.N.Sh World Medium	€ 911,865.36
5.	GEO Rahovica Comerce Sh.P.K & Ndërtimi ING Sh.P.K	€ 999,963.52

8 According to the information provided by the contracting authority regarding the composition of the Evaluation Commission, one member served as a Senior Information Technology Officer, while another held the position of Senior European Integration Officer.
9 Public Procurement Regulatory Commission (PPRC). Regulation on Public Procurement, Article 40, paragraph 3. Available at: http://bit.ly/4p0uPVA.

Following the recommendation for contract award, Pro & Co Group Sh.P.K., as the unsuccessful bidder, exercised its right to challenge the decision by submitting a request for reconsideration to MIETI. The company argued that the evaluation process had failed to apply the provisions of the LPP correctly and comprehensively. Although the issues raised related directly to compliance with the technical requirements set out in the tender dossier, MIETI rejected the request for reconsideration as unfounded, without substantively addressing the concerns raised by the complaining economic operator (EO).

The EO subsequently pursued the second-instance remedy by filing an appeal with the PRB. After examining the appeal, the PRB ordered the case to be remitted for re-evaluation, instructing MIETI to clarify the registration status of the "semi-trailer" and determine whether it complied with the requirements specified in the tender dossier.

However, during the re-evaluation process, despite changes to the composition of the Evaluation Commission and confirmation from the competent vehicle registration authority that the equipment in question was required to be registered, MIETI completed the re-evaluation 61 days after receiving the PRB's decision, although the applicable rules require contracting authorities to implement PRB decisions within 15 days.[10] At the conclusion of the re-evaluation, the outcome remained unchanged, with the same economic operator once again recommended for contract award. In these circumstances, the decision was appealed once more to the PRB on the grounds that the CA had failed to implement the PRB's earlier decision.

In its latest decision, No. 1287/24, the PRB found that MIETI had failed to address the issue in a substantive manner and had not acted in accordance with the instructions set out in its previous decision. As a result, the PRB once again ordered the procurement procedure to be remitted for re-evaluation and issued a formal reprimand to the responsible Procurement Officer for failing to implement the PRB's earlier decision.[11]

Despite this, the re-evaluation of the bids was not conducted in accordance with the PRB's decision of 8 April 2025. By 24 April 2026, that is, 381 days after the PRB issued its decision, the procurement procedure was instead canceled in its entirety. During this period, the CA took no action to re-evaluate the bids, as required by the PRB's ruling. Consequently, MIETI failed to implement the PRB's decision, notwithstanding that, under Article 105, paragraph 2.10 of the LPP, PRB decisions are binding on CAs.

Rather than complying with its obligation to implement the PRB's decision and re-evaluate the bids, MIETI opted to cancel the procurement procedure in its entirety. According to MIETI, the cancellation was justified by several factors, including: (i) the passage of a considerable period of time and the resulting loss of the contract's original purpose; (ii) the expiry of the Memorandum of Cooperation and the lack of available financial resources; (iii) conceptual changes in the development of industrial parks to incorporate environmentally sustainable ("green") elements; and (iv) the need for a substantial revision of the project.

However, these grounds are inconsistent with the position of the Municipality of Rahovec/Orahovac, which stated that it had not been informed of the cancellation of the procurement procedure. The municipality further confirmed that it had secured funding to co-finance the project and remained fully committed to its continuation and completion.[12]

Under the applicable public procurement legislation, a procurement procedure may be canceled only in the circumstances expressly prescribed by law, including where there is a legal violation that cannot be remedied through an amendment to the tender requirements, or where all responsive bids exceed the available budget. In this case, the reasons put forward by MIETI do not constitute lawful grounds for cancellation under Article 62 of the LPP. Accordingly, the cancellation of the procurement procedure was unlawful and, under the Regulation on Public Procurement, constitutes a serious violation.[13]

10 PRB. Rules of Procedure of the PRB, Article 29, paragraph 3. Available at: https://oshp.rks-gov.net/sq/Pages/Details?id=6.
11 PRB. Decision No. 1287/24. Available at: https://bit.ly/3SDdPbJ.
12 Municipality of Rahovec/Orahovac. Response received through a request for access to public documents, 3 February 2025.
13 PPRC. Regulation on Public Procurement, Article 97, item k. Available at: http://bit.ly/4p0uPVA.

From the initiation of the procurement procedure on 9 April 2024 until 24 April 2026, approximately 745 days, more than two years, had elapsed, resulting in a significant delay in the procurement process. Such a delay is inconsistent with the objectives of the LPP, which seeks to ensure that procurement procedures are conducted efficiently, transparently, and within reasonable timeframes, thereby promoting the economical use of public funds and the timely fulfillment of contracting authorities' procurement needs.

The prolonged duration of the procedure was largely attributable to the fact that the PRB decisions were not accepted by MIETI. As a result, the Ministry failed to implement those decisions, leading to repeated re-evaluations and preventing the procurement procedure from being concluded within the statutory time limits.[14]

These circumstances also had repercussions within the Ministry's internal administration, including the initiation of disciplinary proceedings against the Chief Procurement Officer in relation to the management of procurement activities concerning the construction of industrial parks. Those proceedings were subsequently concluded with a decision by the competent authority ordering the officer's reinstatement.[15]

From the initiation of the procurement procedure on 9 April 2024 until 24 April 2026, approximately 745 days, more than two years, had elapsed, resulting in a significant delay in the procurement process. Such a delay is inconsistent with the objectives of the LPP, which seeks to ensure that procurement procedures are conducted efficiently, transparently, and within reasonable timeframes, thereby promoting the economical use of public funds and the timely fulfillment of contracting authorities' procurement needs.

14 Meeting with the Chief Procurement Officer at MIETI, 6 May 2026.
15 Independent Oversight Board for the Civil Service of Kosovo. Decision No. 707/2025. Available at: https://kpmshc.rks-gov.net/wp-content/uploads/2025/08/A.nr_.707.2025.pdf.

2. Ministry of Infrastructure and Transport

2.1. Property Identification and Registration

On 29 September 2025, the Ministry of Infrastructure and Transport (MIT) published the contract award notice for the "Property Identification and Registration" project, awarding the contract to GEO N.N.SH. Vizion Project, NEWS SH.P.K., and GES Plan.[16] The contract was signed for EUR 299,740.00, representing 99.91% of the estimated contract value.

The contract forms part of the implementation of Decision No. 1500 and the recommendations of the commission established to identify and register properties located along road corridors, determine the responsible authorities, and digitize the relevant property data. Responsibility for implementing these recommendations was subsequently transferred to the MIT.[17]

From a procedural perspective, however, the review of the tender records shows that several of the qualification requirements initially established by the contracting authority became the subject of challenges during the procurement procedure. Specifically, certain requirements relating to the technical and professional capacity of economic operators had the effect of restricting competition and creating unequal treatment among bidders.

Accordingly, several qualification criteria contained in the tender dossier were challenged through a request for reconsideration submitted to MIT by GEOCAD Group SH.P.K. Following its review, MIT found the request to be partially well-founded and approved amendments to the contested criteria through the Standard Template for Correction of Errors in the Contract Notice and/or tender dossier.

The approved amendments included the following:

(i) The staffing requirement for surveying professionals was revised, reducing the requirement from three (3) geodesy bachelor's/master's degree holders to one (1) geodesy bachelor's/master's degree holder with at least three (3) years of post-graduation professional experience.

(ii) The requirement to possess an aerial photogrammetry aircraft (drone) was maintained, confirming it as essential equipment for carrying out fieldwork.

(iii) The restriction concerning the licensing of institutions providing QGIS[18] training was removed, allowing training agreements with licensed institutions regardless of their country of origin.

(iv) The requirement for QGIS certification or training was clarified, specifying that it serves as proof of the professional competence required to use GIS software in implementing the activities envisaged under the project.

An examination of the revised tender dossier shows that the statutory deadline for the submission of bids was not respected. In this regard, Kosovo's public procurement bylaws provide that where additional information or clarifications are issued during the tendering phase less than ten (10) days before the deadline for bid submission, the contracting authority is required to extend the submission deadline by publishing a notice of procedure correction. This ensures that economic operators are guaranteed a minimum period of ten (10) days to prepare and submit their bids.[19] In the present case, the Standard Template for

16 Contract No. 205-25-2962-2-1-1/C513, concluded between the contracting authority and the economic operator.
17 Final Report of Commission No. 1500, dated 3 February 2020, issued pursuant to Decision No. 10878 of 9 October 2019.
18 QGIS (Quantum GIS) is a Geographic Information System (GIS) software application used for geospatial analysis and visualization.
19 PPRC. Regulation on Public Procurement, Article 24.5. Available at: http://bit.ly/4p0uPVA.

Correction of Errors was published on 26 May 2025, while the deadline for bid submission remained 2 June 2025. Consequently, the mandatory minimum ten-day period was not observed, resulting in non-compliance with the requirements of the Regulation.

Furthermore, with regard to the qualification requirements contained in the tender dossier, the contracting authority responded to requests for clarification on two separate occasions after the deadline for submitting clarification requests had already expired. This practice is contrary to Article 24.4 of the Regulation on Public Procurement, which provides that requests for clarification received after the deadline specified in the tender dossier must be rejected, and the requesting economic operator must be informed of the reasons for the rejection.[20]

Despite these procedural shortcomings, three economic operators submitted bids in this procurement procedure. According to the procurement records, three economic operators also downloaded the tender dossier.

A review of the procurement records shows that the appeal submitted to the PRB contained new grounds of appeal that had not been included in the request for reconsideration previously submitted to the contracting authority. This situation arose because, in its decision rejecting the request for reconsideration, the contracting authority, contrary to the applicable public procurement rules, introduced new grounds for disqualifying the economic operator that had not been stated in the standard notification letter issued to the disqualified tenderer.[21]

This approach is inconsistent with Article 64.2 of the Regulation on Public Procurement, which requires that the grounds raised on appeal must be the same as those previously set out in the request for reconsideration. Accordingly, the PRB's consideration of these new grounds of appeal constitutes a departure from the procedural requirements established under Kosovo's public procurement legislation.

The approach taken by both the contracting authority and the PRB is not consistent with the applicable legal framework or with the fundamental principles of public procurement, particularly the principles of equal and non-discriminatory treatment and transparency. The lack of consistency in decision-making and in the handling of the grounds of appeal undermines the predictability of the procurement process and fails to respect the procedural limits established by the legal framework.

TABLE 2. Economic Operators and Bid Values

No.	Economic Operator	Bid Value
1.	GEO Gjeo-Projekt Sh.P.K.; Studio Hapsira Sh.P.K.; FST Engineering Sh.P.K.	€ 167,750.00
3.	GEO Etm Group Sh.P.K.; Gis Data Project Sh.P.K.; Gjeokonsult&Co Sh.P.K.; Ar Consulting Sh.P.K.	€ 232,300.25
2.	**GEO N.N.SH. Vizion Project Sh.P.K.; News Sh.P.K.; Ges Plan Sh.P.K.**	**€ 299,740.00**

20 The clarifications issued on 6 May 2025, and 12 May 2025 were provided in response to requests submitted after the deadline for clarification requests, which had expired on 2 May 2025.
21 Response of the contracting authority to the request for reconsideration, dated 11 July 2025.

3. Ministry of Internal Affairs

3.1. Professional Engineering Services in Support of MIA

On 7 August 2023, the Ministry of Internal Affairs (MIA) signed a public contract for the provision of "Professional Engineering Services in Support of MIA," with a contract duration of 36 months. Under the terms of the contract, the services were to be provided through August 2026.[22]

However, on 25 February 2026, the MIA published the contracting authority's contract award decision for a separate procurement procedure with the same contract subject matter, recommending the award of the contract to GEO Dea Group Sh.P.K., A2 Engineering Sh.P.K., and News Sh.P.K., for a bid price of EUR 277,777.77, representing 54.21% of the estimated contract value.[23]

TABLE 3. Economic Operators and Bid Values

No.	Economic Operator	Bid Value
1.	GEO Hidroing - DK Sh.P.K.; Hark Architecture Sh.P.K	€ 346,100.00
2.	N.N.SH. " Vizion Project	€ 386,725.00
3.	IPE-PROING SH.P.K.,	€ 369,150.00
4.	**GEO Dea Group & A2 Engineerin Sh.P.K & News Sh.P.K**	**€ 277,777.77**
5.	GEO Taulant Sh.P.K & Studio Hapsira & Geoplan&-Consulting Group SH.P.K.; N.SH. Smart Architecture	€ 398,930.00
6.	Instituti i Konsulencës në Ndërtim IKN Sh.P.K. & ENG IDEA Sh.P.K	€ 487,450.00
7.	Alb - Architect Sh.P.K. & North -West Sh.P.K.	€ 499,750.00
8.	GEO AL Engineering Sh.P.K.; FST Engineering Sh.P.K.,	€ 361,900.00
9.	GEO Enggroup Sh.P.K.; SEMAKS Sh.P.K.	€ 532,600.00

22 Public Contract No. 214-22-2267-2-1-1_C332, concluded between the MIA and GEO GjeoKonsulant&Co, ENG Idea Sh.P.K., and Sib-Bka Sh.P.K.
23 Tender No. 214-25-7479-2-1-1.

As shown in the table above, there are significant differences among the prices submitted by the participating economic operators, with bids ranging from EUR 277,777.77 to EUR 532,600.00. Against this background, the bid submitted by the economic operator recommended for contract award is substantially lower than all other responsive bids received in this procurement procedure, particularly when compared with both the average bid price and the second-lowest bid. Specifically, the recommended bid is approximately 31% lower than the average of all bids received and around 19% lower than the second-lowest bid.

Average bid value **(EUR 406,709.19)**

31% higher than the recommended bid.

Second-lowest bid, approximately

19% higher than the recommended bid.

A comparative analysis of the bid prices shows that the bid recommended for contract award meets the criteria to be treated as an abnormally low tender, within the meaning of Article 41.3 of the Regulation on Public Procurement.

Under this provision, a tender is considered abnormally low where all of the following cumulative conditions are met: (i) the offered price is more than 30% lower than the average price of all responsive tenders; (ii) the offered price is more than 10% lower than the second-lowest responsive tender; and (iii) at least three responsive tenders have been submitted.[24]

In accordance with the *inter-partes*[25] procedure, the contracting authority requested the economic operator to provide explanations regarding the prices contained in its bid, which had been identified as abnormally low. In its response dated 1 February 2026, the EO stated that it stood fully behind its bid and committed itself to the complete and diligent fulfillment of all contractual obligations. It also provided detailed explanations for each item included in its financial offer.

However, a comparison between the original financial bid and the explanations submitted during this stage of the procedure reveals repeated and substantial inconsistencies across several pricing items. The prices presented in the original bid do not correspond to those contained in the explanatory letter, thereby undermining the very purpose of the *inter partes* procedure, which is to verify the credibility and accuracy of an abnormally low tender.[26]

Despite these inconsistencies, the MIA considered the explanations to be sufficient and compelling, and proceeded to recommend the economic operator for contract award. In circumstances where the explanations provided are inconsistent with the prices contained in the original bid, the MIA should not have relied on those explanations as a basis for proceeding with the contract award. Such an approach fails to uphold the principles of economy and efficiency in the expenditure of public funds, increasing the risk that the procurement will not deliver value for money or accurately reflect prevailing market conditions.[27]

As part of the administration of the procurement procedure, Kosovo's public procurement rules require the contracting authority, once the standstill period for filing complaints has expired, to prepare and sign the contract within 30 calendar days.[28] In the present case, however, despite the publication of the Contract Award Notice on 26 March 2026, the contract was never signed, and the MIA has provided no explanation for its failure to conclude the contract.

24 PPRC. Regulation on Public Procurement, Article 41.3. Available at: http://bit.ly/4p0uPVA.
25 *Inter partes* is a Latin legal term meaning "between the parties."
26 Clarification letter submitted by the economic operator, dated 1 February 2026.
27 Official Gazette of the Republic of Kosovo. Law No. 04/L-042 on Public Procurement, Article 6. Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772.
28 PPRC. Regulation on Public Procurement, Article 42, paragraph 4. Available at: http://bit.ly/4p0uPVA.

This reflects a recurring practice observed between 2020 and 2025 within the MIA and institutions under its authority, whereby high-value contracts have been abandoned after the publication of Form B08, due to the absence of the required approval and signature at the decision-making level. Such practices represent a departure from the deadlines and obligations established under Kosovo's public procurement framework.[29]

Nevertheless, in the circumstances of this particular case, given the uncertainties and inconsistencies identified in relation to the bid prices, canceling the contract award would have constituted a procedurally justified course of action to safeguard the integrity of the procurement process.

3.2. Supply of Microsoft Licenses for the IRK and Education Purposes

On 27 February 2026, the MIA published a Contract Notice for the "Supply of Microsoft Licenses for the IRK and Education Purposes," with an estimated contract value of EUR 16,847,075.20.[30] The MIA used the open procurement procedure for the acquisition of software licenses. With an estimated value of nearly EUR 16.9 million, this was one of the highest-value procurement activities launched in 2026.

This procurement activity represents the continuation of the MIA's long-standing procurement of Microsoft licenses, which has been secured over the years through successive contracts awarded to economic operators. The previous contract was signed in March 2023 for a period of three years. For that procurement, however, the MIA used the negotiated procedure without prior publication of a contract notice, a procurement procedure that significantly limits competition among economic operators. The Ministry justified the use of this procedure on the grounds that a similar procurement activity, which had initially been launched through an open procedure, had been canceled in 2022.[31]

In this context, the current procurement marks the MIA's return to the open procurement procedure for the acquisition of these licenses. Compared with the previous three-year contract, the estimated contract value has increased by approximately EUR 1.8 million, reflecting a significant rise in the projected cost of procuring the Microsoft licenses.

Although this is one of the highest-value contracts awarded by the Ministry, with an estimated value of EUR 16.8 million, the MIA allowed only 17 days for the submission of bids. The LPP provides that, for high-value contracts, the minimum deadline for the submission of tenders must be no less than 40 days.[32] When determining this deadline, the contracting authority is required to take into account the purpose and complexity of the contract, as well as the time reasonably needed by economic operators to prepare responsive and competitive bids.

The LPP allows procurement deadlines to be shortened in certain circumstances, including where the contracting authority has previously published a prior indicative notice covering the procurement activities it intends to carry out during the following 12 months. In this case, however, the MIA did not publish a prior indicative notice for this procurement activity.

To justify the shortened deadline, the MIA stated that the existing contract was approaching expiry and that the uninterrupted provision of the services supported by these licenses was essential to the continued operation of its systems. According to the Ministry, the need to shorten the deadline did not arise from negligence or inadequate procurement planning, but from objective circumstances related to the approval of the state budget.

However, the MIA did not provide any concrete evidence to substantiate this claim. Moreover, the procurement activity does not appear anywhere in the Ministry's Annual Public Procurement Plan, the planning document prepared by the institution itself to identify and schedule its procurement activities. The reduction of the bidding peri-

29 Democracy Plus, *"The new practice of canceling contracts after announcing the winner: a growing concern in public procurement."* Available at: https://dplus.org/ne-media/op-ed/praktika-e-re-e-anulimit-te-kontratave-pas-shpalljes-se-fituesit-nje-shqetesim-ne-rritje-ne-prokurim-publik/20908/.
30 Tender No. 214-26-827-1-1-1.
31 Supply of Microsoft Licenses for the IRK and Education Purposes - 214-22-13725-1-1-5. Democracy Plus. Available at: https://dplus.org/publikimet/monitorimi-i-prokurimit-publik-ne-nivel-ministror-dhe-lokal/19323/.
32 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.

TABLE 4. Economic operators participating in this procurement procedure

No.	Economic Operator	Total Bid Value
1.	**Infosoft Systems shpk; Infosoft Systems SH.P.K.**	**€ 16,769,481.84**
2	Komtrejd Distribucija DOOEL	€ 16,747,658.61

od, combined with the correction of the pricing description only 10 days before the deadline for bid submission, further limited the time available to economic operators to prepare their bids.

Only two economic operators participated in this procurement procedure. The MIA recommended awarding the contract to the group of economic operators Infosoft Systems Sh.P.K. and Infosoft System Sh.P.K., which submitted a bid of EUR 16,769,481.84, equivalent to 99.5% of the estimated contract value. The MIA had also awarded the previous contract to the same company through a negotiated procedure without prior publication of a contract notice.

In its contracting authority's Contract Award Decision, the MIA disqualified Komtrejd Distribucija DOOEL, the economic operator that had submitted the lowest-priced bid, on the grounds that its tender was unacceptable from a cybersecurity and national security perspective. In support of its decision, the MIA relied on paragraphs 19.7, 19.8, and 19.9 of the Regulation on Public Procurement.[33]

These provisions require contracting authorities, when drafting technical specifications and evaluating bids, to ensure that the products and services being procured comply with cybersecurity and data protection requirements, including by requiring evidence of compliance with recognized international standards. They also prohibit the procurement of products or services from manufacturers that are subject to sanctions imposed by the Government of Kosovo or that have been identified as untrustworthy by international partners such as the European Union, the United States, NATO, or the OECD. Where, during the evaluation process, the supplier, manufacturer, or the products or services offered fall within these categories, the contracting authority is required to exclude the bid from further consideration.

However, the MIA's decision contains no factual findings or concrete evidence linking either the economic operator, the manufacturer, or the products offered to any cybersecurity or national security risk, nor to any sanction's regime contemplated by the cited provisions. Instead, the reasoning relies primarily on a general reference to the relevant regulatory provisions, without explaining how those provisions apply to the specific circumstances of the economic operator or its bid. Moreover, the requirement relating to CE marking[34] does not appear to be relevant in the context of procurement for software licenses.

33 PPRC. Regulation on Public Procurement, Article 19. Available at: http://bit.ly/4p0uPVA.
34 CE marking is the European Union's conformity marking, indicating that a product complies with the essential EU safety, health, and environmental protection requirements and may be placed on the EU market.

In its response to the request for reconsideration, the MIA further argued that the contract covered not only the supply of software licenses but also the provision of technical support services for Microsoft products and solutions by certified experts. The Ministry maintained that an economic operator may be excluded where there is reasonable national security, information security, or operational risk affecting public institutions, even in the absence of a proven violation, provided that such a conclusion is supported by a risk assessment.

However, neither the decision to disqualify the bidder nor the response to the request for reconsideration identifies any specific risk associated with the economic operator, the manufacturer, the products, or the services offered. Likewise, the Ministry provides no factual findings, evidence, or specific element of the bid on which the alleged risk assessment was based. As a result, the published procurement records do not make it possible to determine which aspect of the bid was considered to pose a threat to national security or information security, nor do they disclose the analysis or methodology on which that conclusion was reached.

Although Kosovo's public procurement framework affords contracting authorities a broad margin of discretion when assessing issues relating to security, the exercise of that discretion does not remove the obligation to provide an adequate statement of reasons. Any decision that restricts competition or results in the exclusion of an economic operator should, at a minimum, establish a clear and reasoned link between the facts identified and the conclusion reached. In the absence of such reasoning, it is impossible to assess whether the exclusion was based on a genuine and identifiable security risk or on an assessment that cannot be verified from the procurement records.

Ministry of Health

4.1. Supply, Implementation and Maintenance of PACS and RIS for HIS

On 27 November 2023, the Ministry of Health (MoH) published a Contract Notice for the Supply, Implementation and Maintenance of PACS,[35] with an estimated contract value of EUR 3.8 million.[36] The contract provides for the procurement and installation of a comprehensive digital system for the management of medical imaging and clinical workflow across seven regional hospitals in Kosovo, including Kosovo University Clinical Center (KUCC). More specifically, the system will enable all diagnostic imagery, including CT scans, MRI scans, X-rays, ultrasound images, and other medical imaging records, to be stored, shared, and accessed electronically by healthcare professionals, eliminating the need for physical films and paper-based records. The system will be centrally hosted at the data center of the Information Society Agency (ISA).

Following the publication of the Contract Notice, the Ministry issued four amendments to the tender dossier, extending the deadline for the submission of bids by approximately two months. Five bidders participated in this procurement procedure.

The final deadline for the submission of bids was set for 2 April 2024. Although the Regulation on Public Procurement[37] requires the Evaluation Commission to complete the examination and evaluation of bids within the shortest possible time and no later than 30 days after the opening of bids, with an extension of up to 20 additional days permitted only in exceptional circumstances, the MoH completed the evaluation process 107 days after the bid

TABLE 5. Economic Operators and Bid Values

No.	Economic Operator	Bid Value
1.	GEO Virtuo O.P; Berg d.o.o Sarajevo; EHS d.o.o; LEDI Med Sh.P.K.,	€ 3,391,900.00
2.	GEO Cacttus Sh.a.; PaxeraHealth Corp.	€ 3,767,569.40
3.	GEO Vepro AG; Botek Sh.P.K., Max Planck	€ 3,137,702.88
4.	GEO Pacs and Workflow System	€ 3,395,505.00
5.	GEO Medical Group Sh.P.K.; Shimadzu d.o.o	€ 3,764,500.00

35 PACS (Picture Archiving and Communication System) is a comprehensive digital system for managing medical images and clinical workflow.
36 Tender: 206-23-13309-1-1-1.
37 PPRC. Regulation on Public Procurement, Article 40, paragraph 3. Available at: http://bit.ly/4p0uPVA.

submission deadline had expired. At the conclusion of the evaluation, the contracting authority found that none of the bids submitted was responsive and decided to cancel the procurement procedure.

Four economic operators protested the Ministry's decision to cancel the procurement procedure. All four appeals were rejected by the MoH. In its decision addressing the appeals, which had been submitted independently and collectively raised 21 separate grounds of complaint, the Ministry dismissed all of them as unfounded. It further stated that, when the procurement was re-tendered, it would provide clearer guidance and practical examples on how the required forms and sub-criteria should be completed. However, the Regulation on Public Procurement requires that every decision rejecting a complaint be properly reasoned, addressing each ground of complaint individually and explaining the basis for its rejection.[38] Following the Ministry's rejection of their complaints, the economic operators appealed to the PRB. After examining the appeal lodged by "Novus Sh.P.K.," a member of the "PACS & Workflow System" consortium, the PRB vacated the Ministry's decision canceling the procurement procedure and remitted the case for re-evaluation.

Following the PRB's decision ordering a re-evaluation, the MoH established a new Evaluation Commission, which once again concluded that no responsive bids had been submitted and again decided to cancel the procurement procedure. This decision was published on 30 December 2024, 76 days after the PRB's decision ordering the re-evaluation. This period also exceeded the time limits applicable to the evaluation of bids,[39] reflecting further significant delays in the Ministry's handling of the procurement procedure.

During this re-evaluation, the MoH concluded that the bid submitted by the PACS & Workflow System consortium failed to comply with the requirements of the tender dossier and once again declared the consortium's bid non-responsive on several grounds. Among other findings, the Ministry stated that the bidder had failed to demonstrate that the proposed solution had been successfully implemented in multiple multi-site architectures, supported by verifiable contact details for reference projects.

The Evaluation Commission held that the references submitted related not to completed projects but to projects that were still under implementation, concluding that the requirement to demonstrate proven experience had therefore not been met. The CA also found that the bidder had failed to provide proof demonstrating that the proposed PACS solution had been implemented in at least one Member State of the European Union, concluding that the bid contained no convincing records establishing the existence of a comparable project within the EU. An additional ground for disqualification was the absence of sufficient technical information demonstrating the system's capability to integrate directly with specific medical equipment, including MRI and CT scanners. According to the Evaluation Commission, the technical proposal did not adequately explain the mechanisms through which the proposed solution would interface with the existing medical infrastructure without requiring further intervention.

A review of the available records indicates that the Evaluation Commission's findings are not supported by the evidence contained in the tender submission. With regard to the project references, the records show that the designation "under implementation" referred to the maintenance and post-implementation support period, whereas the implementation itself had been completed within the timeframe required by the tender dossier. The tender records also included references and technical descriptions addressing the requirement for multi-site implementations, together with contact details that could be used to verify those references. Similarly, with respect to the requirement that the proposed solution had been implemented in at least one European Union Member State, the submission contained references to a project implemented in Lithuania, an EU Member State, demonstrating that the bidder had addressed this requirement. In addition, the technical proposal included information on the integration of the system with medical imaging systems and equipment through the relevant interoperability standards, thereby addressing the requirement for communication with equipment such as MRI and CT scanners.

38 PPRC. Regulation on Public Procurement, Article 62. Paragraph 2. Available at: http://bit.ly/4p0uPVA.
39 Although Kosovo's public procurement legislation does not prescribe a specific deadline for completing a re-evaluation following a PRB decision, the Public Procurement Regulatory Commission (PPRC) has clarified, through its interpretative guidance, that the same deadlines applicable to the initial bid evaluation apply by analogy, i.e., 30 days, with a possible extension of 20 additional days in duly justified exceptional circumstances.

This assessment was subsequently confirmed during the second review of the case by the PRB.[40] The PRB found that several of the reasons relied upon by the MoH to disqualify the bid were not supported by the requirements of the tender dossier, and that the records submitted by the bidder addressed the criteria that had been disputed during the evaluation. In these circumstances, the PRB concluded that the Ministry's decision was not sufficiently supported by the facts or by the tender records. It therefore vacated the decision and remitted the case for re-evaluation in accordance with the requirements of the tender dossier and the applicable public procurement legislation.

Following the PRB's decision, the MoH conducted another evaluation and, on 5 June 2025, once again published a decision canceling the procurement procedure, concluding that no responsive bids had been received. At this stage as well, the Ministry found that the bid submitted by the "PACS & Workflow System" consortium did not satisfy the technical and professional requirements set out in the tender dossier and again declared it non-responsive.

The MoH maintained this position throughout four successive re-evaluation procedures, despite the fact that each of its decisions was repeatedly vacated during the appeal proceedings before the PRB. As a result, the procurement procedure became trapped in a recurring cycle of cancellations and re-evaluations, with the Ministry repeatedly relying on the same grounds for declaring the bid non-responsive.

The MoH continued to rely on grounds for disqualification that had been repeatedly challenged during the administrative review process, notwithstanding that those findings had been rejected through the opinions of the PRB's reviewing experts and the PRB's own decisions. Such an approach raises serious concerns regarding compliance with the binding nature of PRB decisions and undermines the principle of legal certainty, which requires that matters already examined and finally decided in administrative proceedings should not be repeatedly revisited as grounds for subsequent decisions.

In addition to repeating the same findings, the MoH concluded during the latest re-evaluation that the bidder had failed to satisfy the requirement to provide a PACS system certified at least to CE Class IIa under the Medical Devices Directive 93/42/EEC,[41] on the grounds that the bidder had submitted a CE Class IIb certificate.

This assessment is not supported from either a technical or a regulatory perspective. Under Council Directive 93/42/EEC, medical devices are classified as Class I, Class IIa, Class IIb, and Class III, with each successive class being subject to more stringent conformity assessment procedures and regulatory oversight.[42] Accordingly, CE Class IIb certification represents a higher level of certification than CE Class IIa. In the absence of an explicit requirement limiting eligibility exclusively to Class IIa, a product certified as CE Class IIb cannot reasonably be regarded as failing to satisfy a requirement for certification of "at minimum" CE Class IIa.[43] This interpretation is particularly important because the wording of the tender requirement itself established a minimum threshold of acceptability, rather than requiring one exclusive certification class.

These issues were addressed in the most recent appeal before the PRB, which upheld the appeal submitted by Novus Sh.P.K. The PRB held that the matter had already become *res judicata*, since four previous decisions had already been issued concerning the same dispute between the same parties.

Even after more than two years and five months had passed since the publication of the Contract Notice, the procurement procedure remained pending, with no final decision enabling either the award of the contract or the lawful closure of the procurement procedure and the launch of a new procurement process. As a consequence, an important project aimed at digitalizing diagnostic services within Kosovo's public healthcare system remained unimplemented for more than two years, delaying the modernization of clinical workflows, faster access to diagnostic information, and the operational cost savings that the investment was intended to deliver.

40 PRB. Decision No. 60/2025. Available at: https://bit.ly/4oUQzSx.
41 Tender Dossier. Technical and professional capacity of the economic operator.
42 Council Directive 93/42/EEC of 14 June 1993 concerning medical devices. Available at: https://eur-lex.europa.eu/eli/dir/1993/42/oj/eng.
43 Report on the health implications of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices. Available at: https://www.europarl.europa.eu/doceo/document/A-5-2003-0125_EN.html.

5. Recommendations

1 Ensure the lawful appointment of Evaluation Commission members.

To safeguard the legality and integrity of the bid evaluation process, contracting authorities should appoint to Evaluation Commissions only individuals whose engagement is fully compliant with the applicable legal framework. They should avoid appointing individuals engaged through Special Services Agreements (SSAs) where such engagements do not comply with the requirements of the law.

2 Uphold legal certainty in decisions on requests for reconsideration.

To ensure respect for the principle of legal certainty and the right to effective legal protection, contracting authorities should base their decisions on requests for reconsideration solely on the grounds relied upon during the bid evaluation stage. They should refrain from introducing new grounds for the disqualification of economic operators at this stage of the procedure. Such an approach promotes the fair treatment of economic operators and avoids the need for new grounds of appeal to be raised during proceedings before the PRB.

3 Ensure the proper evaluation of abnormally low tenders.

To ensure the proper assessment of abnormally low tenders, contracting authorities should verify that the explanations submitted by economic operators are substantively consistent with their original bids and should base their decisions on a comprehensive and well-documented analysis of those explanations. This approach strengthens the integrity and credibility of the evaluation process while reducing the risk of awarding contracts on the basis of explanations that are inconsistent with the tender originally submitted.

4 Respect the principles of proportionality and transparency in procurement procedures.

Contracting authorities should establish bid submission deadlines that are proportionate to the value and complexity of the contract and should ensure that decisions to exclude economic operators are supported by documented facts, evidence, and objective analysis. Adopting this approach promotes effective competition, ensures the equal treatment of economic operators, and enhances confidence in the public procurement process.

5 Ensure the timely completion of procurement procedures.

Contracting authorities should ensure the effective implementation of PRB decisions and complete procurement procedures within the statutory time limits. This requires conducting objective re-evaluations of bids and avoiding repeated reliance on the same grounds for disqualification, which leads to unnecessary delays and prolong procurement procedures without justification.

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