



Republika e Kosovës/Republika Kosova/Republic of Kosovo
Komisioni Rregullativ i Prokurimit Publik
Regulatorna Komisija Javne Nabavke
Public Procurement Regulatory Commission



IPA Regional Public Procurement Conference

LAST DEVELOPMENTS IN PUBLIC PROCUREMENT IN KOSOVO

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Danilovgrad, 20-21 June 2013

PUBLIC PROCUREMENT LEGISLATION IN KOSOVO

❑ *Consists of:*

a) Law on Public Procurement No. 04/L-042

- LPP No. 04/L-042 is approved by the Parliament of Kosovo on August 29th, 2011, whereas has entered into force on October 05th, 2011

b) Procurement secondary legislation includes:

- Complete the secondary legislation for public procurement consists of 7 parts, and 79 documents:*
- Part A: Regulation of Public Procurement (Regulation and Operational guideline for public procurement);*
- Part B: Rules on Procurement Procedures (53 different forms: notices, tender dossiers, evaluation reports, standard documents);*
- Part C: Contract Management (contracts management plan);*
- Part D: Procurement Code of Ethics (code of ethics and 3 statements)*
- Part E: Rules Governing Sale and Disposals of Assets (rules for sale and 7 different forms);*
- Part F: Rules of Review Procedures (standard form);*
- Part G: Documents for Diplomatic and Consular Mission of Republic of Kosova*
- (instruction and 9 different forms);*
- The complete public procurement legislation is published in three languages in: <http://krpp.rks-gov.net>*

ORGANIZATION OF PUBLIC PROCUREMENT SYSTEM IN KOSOVO

Based on PPL No. 04/L-042, in Kosovo, three central institution of procurement are established:

- PUBLIC PROCUREMENT REGULATORY COMMISSION (PPRC)*
- PPROCUREMENT REVIEW BODY (PRB)*

Under Ministry of Finance is established:

- CENTRAL PROCUREMENT AGENCY (CPA)*
- In all contracting authorities in Kosovo are established Procurement Departments*
- On December 31. 2012, in Kosovo existed 166 contracting authorities, with 542 licensed procurement officers.*

PUBLIC PROCUREMENT REGULATORY COMMISSION

Is led by 3 Board members proposed by the Government and nominated by the Assembly, with a 5-year mandate

- *PPRC is competent for the overall development, functioning and supervision of the public procurement system in Kosovo*
- *Conducts investigations of procurement activities and contract management*
- *Performs monitoring of procurement activities in Kosovo*
- *Prepares and publishes the complete secondary legislation on procurement*
- *Publishes all types of notices on public procurement*
- *Prepares training programs in public procurement*
- *Monitors the contract implementation by the contracting authorities*
- *Cooperates with foreign institutions in the field of public procurement*
- *Prepares and submits to the Government and Assembly of Kosovo the Annual Report on public procurement activities.*

PROCUREMENT REVIEW BODY

- *Is led by 5 Board members proposed by the Government and nominated by the Assembly, with a 5-year mandate*
- *PRB members must be qualified as judges.*

PRB has the following competencies:

- *Reviews all complaints addressed to the PRB regarding the possible violations of the PPL*
- *Implements investigation on its own initiative or upon request of any party involved in the procurement process relating to any irregularities during the performing of procurement activities.*
- *Complaints are reviewed by the Review Panel, formed by the PRB, consisting of one, three or five members*
- *PRB prepares and submits to the Assembly of Kosovo the Annual Report on performance of procurement complaints.*

CENTRAL PROCUREMENT AGENCY

- *CPA is established within the Ministry of Finance*
- *Executive Director of CPA is elected in the same manner as the Secretary General in the Ministries, with a 3-year mandate*

CPA has the following competencies:

- *Collects procurement planning from all contracting authorities in Kosovo*
- *Manages and performs centralized contracts, for the Kosovo in overall, if authorized by the Government of Kosovo*
- *Performs procurements on behalf of the contracting authorities when dealing with complex procurements (requested by the CA).*

CENTRALIZED PURCHASING

- *The Government as per the proposal from the Ministry of Finance, shall establish a list of common use items, the procurement of which it has been assigned to the CPA;*
- *Through the Ministry of Finance on March 13, 2013, Central Procurement Agency has distributed to the Government - List of common items for Centralized Procedures, where are included :*

- 1. Fuel supply*
- 2. Food items supply*
- 3. Office stationery supply*
- 4. Hygienic material supply*
- 5. Toners supply*
- 6. Wood for heating supply*
- 7. Vehicles supply in central level*
- 8. IT equipment supply (information technology)*
- 9. Cleaning and maintenance of government buildings*

PUBLIC PROCUREMENT ACTIVITIES IN KOSOVO – 2012

- *Public procurement activities in Kosovo are summarized in the Annual Report of PPRC which was submitted to the Government and Assembly of Kosovo*
- *The number of contracts signed in Kosovo based on PPL during 2012 is = 12.045*
- *The budget value for procurement in 2012 = 507,863,303 €*
- *The part of Morine-Merdare highway 2012 = 235,379,330€*
- *Total budget for 2012 for procurement is = 743,242,633 €*
- *The value of contract signed for “Morine-Merdare” highway is 659.813.399.88 € (Part for 2011 = 235,379,330 €)*
- *The value of budget for procurements in report to GDP =15.21 %*

USED PROCUREMENT PROCEDURES DURING 2012

- *Open procedures* = 86.7 %
- *Restricted procedures* = 0 %
- *Negotiated procedures without publication* = 6.1 %
- *Negotiated procedures after the publication* = 0.2 %
- *Price quotations* = 6.2 %
- *Minimal value procedures* = 0,5 %
- *Design contests* = 0,3 %

CONTRACTS SIGNED ACCORDING TO THE ORIGIN OF ECONOMIC OPERATORS = 2012

During 2012 the value of contracts based on origin of economic operators is:

- *Local economic operators* = 417.611.792 (56.2%)
- *Foreign economic operators* = 325.630.841 (43.8%)

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- *Total:* = 743,242,633 (100 %)

- *Note: In this percentage is included the part of the contract for “Morine - Merdare” Highway for 2012 (235,379,330 €) which is signed between the Government of Kosovo and Foreign Economic Operator.*

COMPLAINTS IN PUBLIC PROCUREMENT DURING 2012

- *The number of received and reviewed complaints in the Review Panel of PRB for 2012 is = 379*
 - *From the reviewed complaints the following decisions were taken:*
 - *Approved decisions* = 174 (45.9 %)
 - *Re-evaluation decisions* = 102 (26.9 %)
 - *Re-tender decisions* = 55 (14.5 %)
 - *Withdrawal* = 25 (6.6 %)
 - *Rejected complaints* = 19 (5.1 %)
 - *Non competence* = 4 (1.0 %)
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- *Total* = 379 (100 %)

The percentage of complaints compared to the contract signed during 2012 is = 3.15 %

CHALLENGES IN PUBLIC PROCUREMENT IN KOSOVO

- *The pressure made to procurement officers during the performance of procurement activities, especially on the contract award;*
- *Non-appropriate implementation of public procurement legislation;*
- *Frequent replacing the procurement officers in Contract Authorities;*
- *Very small number of licensed procurement officers in Kosovo, comparing with budget spent for procurement;*
- *Lack of E-procurement (World Bank is assisting Kosovo to develop e-procurement);*
- *Not enough training of procurement officers in the private sector;*

Faleminderit !