



Methodology of the Transparent Public Procurement Rating (TPPR)



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Introduction

The TPPR Methodology is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe.

Structure and Logic

The Methodology is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components.

The Methodology covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems.

The selection of indicators for the Methodology was largely based on international best practice, international standards and aspects of other existing methodologies in the sphere of public procurement, such as:

- EBRD Methodology and Standard
- GPA Standard (WTO)
- OECD Methodology and Principles
- EU Standard (**Directive 2014/24/EU**)
- Open Contracting Data Standard (OCDS)

Several indicators have been directly taken from one of the sources listed above as examples of best international practice. All of these indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that the Methodology can be used to assess many different kinds of public procurement systems, but at the same time set high standards.

The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system:

1. **Uniformity of the Legislative Framework** – 14 indicators
2. **Efficiency** – 10 indicators
3. **Transparency** – 18 indicators
4. **Accountability and Integrity** – 7 indicators
5. **Competitiveness and Impartiality** – 10 indicators

The methodology also includes 5 indicators that are used to assess legal components **that are not directly part** of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. These indicators are grouped separately under '**Transparency Environment**'.

Indicators are also arranged according to the procurement process:

1. **Pre-tendering Phase** – procurement processes leading up to the publication of a notice of intended procurement.
2. **Tendering Phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.
3. **Post-tendering Phase** – procurement processes after the selection of a tender winner.

These two arrangements allow for both process and value-based assessments of public procurement legislations.

Limitations

Public procurement systems vary significantly by country. The TPPR Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

For the same reason, the TPPR Methodology can only be used to assess public procurement legislations on the national level, and it does not include indicators for any industry specific rules.

About the Project

The Methodology has been developed within the framework of the project [Transparent Public Procurement Rating \(TPPR\) – Assessing Public Procurement Legislation and the Enforcement Process in the Eurasian Region](#). The project is financed by the Open Society Institute Budapest Foundation (OSI).

Scoring System

Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of **0 to 64** (converted to percentages for easier understanding and visualization).

Indicators that are further broken down into scoring components are nevertheless worth 1 point. Each scoring component is evaluated separately.

The Methodology uses two ways to distribute points among scoring components of an indicator:

1. **‘Scoring method’** is used when scoring components of an indicator overlap (meaning they do not add up as points) or have an unequal distribution of points.
2. **‘Point distribution’** is used when each scoring component of an indicator is given an equal share of the overall point granted to that indicator.

This scoring system and the structure of the Methodology allow for the results to be presented in three ways:

1. **Country Overall Results and Rating** – country overall results on the scale of 0-64 are converted into and presented using percentages (0-100%). Countries are then ranked by their overall results.
2. **Results by Benchmark Indicators** – results for benchmark indicators are presented only through percentages, since benchmark indicators include an unequal number of indicators (and, therefore, unequal number of maximum points).

3. **Results by Procurement Process** – results for different phases of the procurement process are presented only through percentages, due to unequal number of indicators included in each phase.

Countries are also ranked and compared by their results for each benchmark indicator.

Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with TPPR Standards – 0% to 25% (red)
- Average compliance with TPPR Standards – 26% to 50% (orange)
- Good compliance with TPPR Standards – 51% to 75% (yellow)
- Excellent compliance with TPPR Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting country results by benchmark indicators and the procurement process, and multi-colored bar graphs for comparing country results in these categories.

Terminology

This methodology uses universally accepted procurement terminology as well as a few terms of its own design, in order to make key distinctions easier.

Acceptance act – A document signed by parties through which they agree on the terms by which a bargain is concluded.

Bid – Price offered by a tender participant during the bidding procedure.

Bid Security – A refundable amount of money paid by tender candidates validating their participation in a tender.

Coordination – Providing assistance to economic operators and procuring entities to engage in procuring activities.

Day – In the context of this methodology a day implies a calendar day.

Economic Operator – business or other organization which supplies goods, works or services.

Legal entity of public law (LEPL) (Public Legal Entity) – Organization created by the government or a government body, but separated from state management, and performing public authority independent of state control.

Machine-readable – A data format that can be processed (i.e. extract, transform and process) by a computer.

Monitoring – Data collection and analysis.

State non-commercial legal entity – A body governed by public law, having legal personality, not having an industrial or commercial character, and funded or managed, for the most part, by state entities.

Non-competitive procedure (direct procurement) – A type of public procurement procedure that does not involve prior publication of a notice of intended procurement.

Notice of intended procurement – A call for participation in an open tender issued by procuring entities.

Open tender – A type of tender, in which any economic operator can request participation.

Post-tendering phase – procurement processes after the selection of a tender winner.

Pre-tendering phase – procurement processes leading up to the publication of a notice of intended procurement.

Procurement regulatory body – a state body responsible for managing the public procurement system without necessarily incorporating lawmaking and law enforcement functions.

Procuring entity – A state budget and local government entity (including their respective LEPLs and state owned companies).

Public procurement annual plan – A document issued by procuring entities that contains information about all procurements planned within a fiscal year.

Tender – A type of public procurement procedure that involves bidding.

Tender application – An economic operator's official request to participate in a tender that includes all the documents requested by the procuring entity.

Tender candidate – An economic operator willing to participate in a tender.

Tender commission – A group of persons within a procuring entity responsible for conducting procurement (this function can also be performed by a single person).

Tender documentation – A collection of documents containing full information about the procurement, such as its subject-matter, technical requirements/specification, eligibility and evaluation criteria, draft contract conditions etc.

Tender participant – An economic operator that has been allowed to participate in a tender.

Tendering phase – procurement processes between publication of a notice of intended procurement and selection of a tender winner.

TPPR Methodology Indicators

Transparency Environment			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [1 point] <ul style="list-style-type: none"> • Yes - [1] • No - [0] 	1	Law No. 06/L-016 ON BUSINESS ORGANIZATIONS Article 22. <i>Publication of Extract of Registry in the Official KBRA Website</i> Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=16426 The registry is available at: https://arbk.rks-gov.net/page.aspx?id=2,2
2.	Budgets of all public procuring entities are publicly available. – [1 point] <ul style="list-style-type: none"> • Yes - [1] • No - [0] 	1	Law no.06/L132 on Accounting, Financial reporting and Auditing. Chapter II – Accounting and Financial Reporting, Article 18. <i>“Submission and Publication of Financial Statements”</i> – Respectively 18.1 <i>“Business Organizations in Kosovo pursuant to Article 5, paragraphs 4, 5, 10 and 11 of this Law shall submit to the KCFR for publication of the annual financial statements, respectively the consolidated financial statements, the management report, the consolidated management report and the audit report of the annual financial statements, respectively the audit report of the consolidated annual financial statements”</i> . Law available at: https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=16268
3.	Public officials are required by law to file asset declarations. – [1 point] <ul style="list-style-type: none"> • Yes - [1] 	1	Law no. 04/L-050 on Declaration, origin and control of property of Senior Public Officials and on declaration, origin and control of gifts of all Public Officials. Chapter II, Article 5 “Declaration of property” Law available at: https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2767

	<ul style="list-style-type: none"> No - [0] 		
4.	<p>The country has adopted legal provisions ensuring the right to request public information. – [1 point]</p> <ul style="list-style-type: none"> Yes - [1] No - [0] 	1	<p>Law no. 06/L-081 on Access to public documents Chapter I, Article 4 “<i>Basic Principles on the Right to Access Public Documents</i>” Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=20505</p>
5.	<p>Legislation includes provisions regulating whistleblower protection. – [1 point]</p> <ul style="list-style-type: none"> Yes - [1] No - [0] 	1	<p>Law no. 06/L –085 on Protection of Whistleblowers Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18303</p>

Indicators by Procurement Process

General Characteristics of the Procurement System			
#	Indicator	Score	Relevant Article and Law (if applicable)

1.	<p>Public Procurement Legislation (PPL), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
2.	<p>PPL (including primary and secondary legislation) is available in a single and accessible place. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Uniformity of the Legislative Framework</i></p>	0.5	<p>Available at: https://e-prokurimi.rks-gov.net/HOME/ClanakItemNew.aspx?id=205 and Law on PP: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p> <p>Note: e-procurement platform provides all applicable laws/legislation on PP in Albanian, English and Serbian.</p>

3.	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) All state budget entities – [0.2] b) Local government entities – [0.2] c) Legal Entities of Public Law (LEPL) – [0.2] d) State owned companies – [0.2] e) State non-commercial legal entities – [0.2] <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.2 b) 0.2 c) 0.2 d) 0.2 e) 0.2 	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo. Chapter I, Article 4, Respectively 1.13. <i>“Contracting authority - a public authority, public service operator, public undertaking and/or any person, committee, or private company operating on basis of a special or exclusive right, or undertaking carrying out a procurement activity on behalf of or for the benefit of a public authority, public service operator or public undertaking”</i>. Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
4.	<p>The scope of coverage of PPL includes all sectors of the economy where competition is possible and exemptions are clearly listed in the PPL. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [0.5] b) PPL clearly lists or refers to all exemptions. – [0.5] 	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo Chapter I, Article 2 “Scope” and Article 3 “Exemptions”</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

	<i>Uniformity of the Legislative Framework</i>		
5.	<p>PPL determines a separate state body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate public body(ies). – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> ● PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [1] ● PPL determines a separate state body responsible for managing public procurement. – [0.75] ● PPL assigns this function to a subordinated public body(ies). – [0.5] ● There is no responsible state body. – [0] <p><i>Uniformity of the Legislative Framework</i></p>	0.75	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>TITLE VI - Public Procurement Regulatory Commission (PPRC), Article 86, respectively, 86.1 “<i>The PPRC is an independent regulatory agency, meaning that no public official may exert or attempt to exert any influence over the PPRC with respect to any specific operational or regulatory decision or action of the PPRC</i>” and 86.2 “<i>The PPRC is a public authority and a budget organization. The PPRC is therefore subject to all applicable provisions of all other laws and regulations of Kosovo to the same extent as any other public authority or budget organization</i>”.</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as opposed to regulation and control) of public procurement activities. – [1 point]</p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo.</p> <p>TITLE VI - Public Procurement Regulatory Commission (PPRC), Article 87 - Principal Functions of the PPRC, respectively 87.1 “<i>The PPRC shall be responsible for the overall development, operation and supervision of the public procurement system in Kosovo and shall carry out the functions assigned to it by the present law</i>” and 87.2 “<i>In addition to the matters specified above, the PPRC shall have the responsibility and authority to</i>”:</p>

	<ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Uniformity of the Legislative Framework</i></p>		<p>2.1. conduct investigations of procurement and contract management activities for the purpose of monitoring the application of this law; [...]</p> <p>2.12. collect, analyze and publish information about public procurement procedures and awarded public contracts. Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Legislation provides for a mechanism of consultation with the private sector. – [0.25] b) Legislation provides for a mechanism of consultation with the civil society sector. – [0.25] c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [0.5] <p><i>Accountability and Integrity</i></p>	<p>Overall: 0</p> <p>Components:</p> <ul style="list-style-type: none"> a) b) c) 	<p>No such regulation is mentioned in the PPL.</p>

8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [0.5]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo. Part II, Chapter III, Article 42, respectively 42.2 “<i>Within two (2) days after the PPRC receives such a notice from a contracting authority pursuant to paragraph 1 of this Article, the PPRC shall publish all language versions of such notice on the PPRC’s website and in the Public Procurement Register. The PPRC can within the same time limit demand that the contracting authority rectifies mistakes and omissions in the notice. The contracting authority will in the cases covered by paragraph 4 of this Article publish and circulate corrections</i>” and Article 53, respectively 53.2 “<i>Such a request may be submitted to the contracting authority by electronic means, letter or fax</i>”.</p> <p>Article 55 – means of communication, respectively 55.1 “<i>Except during the conduct of a site visit or a pre-tender meeting, all communication and information exchange between economic operators and a contracting authority shall be performed (i) in writing - whether by letter, fax and/or electronic means - and (ii) in conformity with all other applicable provisions of the present law</i>”.</p> <p>Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [1 point]</p> <ul style="list-style-type: none"> ● Yes - [1] ● No - [0] <p style="text-align: right;"><i>Efficiency</i></p>	<p>1</p>	<p>All notices are published and accessible at: https://e-prokurimi.rks-gov.net/HOME/ClanakItemNew.aspx?id=327</p> <p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo. Part II, Chapter III, Article 42, respectively 42.2 “<i>Within two (2) days after the PPRC receives such a notice from a contracting authority pursuant to paragraph 1 of this Article, the PPRC shall publish all language versions of such notice on the PPRC’s website and in the Public Procurement Register. The PPRC can within the same time limit demand that the contracting authority rectifies mistakes and omissions in the notice. The contracting authority will in the cases covered by paragraph 4 of this Article publish and circulate corrections</i>”.</p> <p>Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

10.	<p>Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	1	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>63. Use of electronic means including e-procurements, e-auctions, and a dynamic purchasing system</p> <p>63.1 Requirements relating to devices for the electronic receipt of tenders, requests to participate:</p> <ol style="list-style-type: none"> 1. Contracting authorities may make use of electronic means of communications, as defined in the Article 4, paragraph 1.21, of the PPL, and build on electronic purchasing techniques based on the use of electronic means of communication provided that such use complies with Article 129 of the PPL and in no way conflicts with the principles of equal treatment, non-discrimination, and transparency. <p>Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [1 point]</p> <p>Point Distribution</p> <ol style="list-style-type: none"> a) PPL should not allow domestic preferences. – [1/5] b) Participation of any candidate or group of candidates is based on qualification. – [1/5] c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5] d) State owned companies are not given any preference. – [1/5] 	<p>Overall: 1</p> <p>Components:</p> <ol style="list-style-type: none"> a) 1/5 b) 1/5 c) 1/5 d) 1/5 e) 1/5 	<p>IDFI disclaimer: the full responsibility for the score goes to evaluating organization</p> <p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo, Chapter II General Principles Article 7. Equality of Treatment/Non-Discrimination and Transparency</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

	<p>e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [1/5]</p> <p><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>		
12.	<p>PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Competitiveness and Impartiality</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo, CHAPTER III RULES ON ADVERTISING AND TRANSPARENCY</p> <p>Article 44. General Rules for Setting a Time Limit for the Receipt of Tenders or Requests to Participate</p> <p>1. Any time limit set by a contracting authority for the receipt of tenders or requests to participate shall be of a duration that is sufficient to give potentially interested economic operators a reasonable amount of time to prepare and submit such documents. In setting such a time limit, a contracting authority shall take into consideration the object and complexity of the concerned procurement and the contract to be awarded as well as the level of difficulty and/or complexity involved in the preparation of a responsive tender or request to participate.</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo. Chapter V, Article 23, respectively 23.1 “The CAO of the contracting authority shall designate one person to serve as the contracting authority’s Responsible Procurement Officer. If other employees of the contracting authority are civil servants, the Procurement Officer shall also be a civil servant”.</p> <p>Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

14.	<p>PPL references sanctions for violations of the PPL. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Accountability and Integrity</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo. Title XII, Chapter I – Violations of Law and Penalties. Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
15.	<p>Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private firms or individuals found guilty of fraud or corruption. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Accountability and Integrity</i> Source: OECD Methodology</p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo TITLE XII REMEDIAL, PUNITIVE AND FINAL PROVISIONS CHAPTER I VIOLATIONS OF LAW AND PENALTIES Article 130 Unlawful Influence (1.1) Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential suppliers. – [1 point]</p> <p>Scoring Method</p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo. Title IX, Chapter I, Article 104, respectively 104.3 “All interested parties shall have equal access to the procurement review proceedings and remedies established in this Title”, and Article 111 “Filing and Basic Contents of a Complaint”. Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

	<ul style="list-style-type: none"> • PPL ensures the right to review, for general public, tender participants and potential suppliers. – [1] • PPL ensures the right to review, for tender participants and potential suppliers. – [0.75] • PPL ensures the right to review, for tender participants. – [0.25] • No one has the right to review. – [0] <p><i>Uniformity of the Legislative Framework</i></p>		
17.	<p>PPL ensures the right to review throughout the procurement process. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [1/3] b) A procurement contract cannot be awarded with a pending complaint. – [1/3] c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [1/3] <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 1/3 c) 1/3 	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo:</p> <ul style="list-style-type: none"> a) Title IX, Chapter III, Article 109 - Time Limits for Submission of a Complaint, respectively, 109.1 <i>“A complaint may be submitted by an interested party at any stage of any procurement activity and with respect to any act or omission of the concerned contracting authority that is alleged to be in violation of this law”;</i> b) Title IX, Chapter III, Article 112 -Automatic suspension of Procurement Activity, respectively 112. 1 <i>“Unless and until the concerned review panel makes another determination in writing, the filing of a complaint shall automatically require the concerned contracting authority to suspend the conduct of the procurement activity to which the complaint relates”;</i> c) Title IX, Chapter III, Article 109 - Time Limits for Submission of a Complaint, respectively, 109.2 <i>“If the contract has been awarded or the design contest has been decided, or a procurement activity has been terminated, a complaint may be filed only within the ten (10) day period following the date of the contract award notice or design contest results notice is sent to the complainant. In the case of tenders according to Article 36 of this law the period runs from the date of the award of the contract. If the procurement activity was formally cancelled or otherwise terminated prior to the making of an award</i>

			<p>or the selection of a winner, the period runs from the date that the procurement activity was formally cancelled by means of a cancellation notice or the date where the activities were otherwise terminated”.</p> <p>Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL ensures the existence of an independent review body. – [0.7]</p> <p>b) The review body includes civil society members. – [0.3]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0.7</p> <p>Components:</p> <p>a) 0.7</p> <p>b) 0</p>	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo, Title VIII:</p> <p>a) Article 98 - Procurement Review Body, respectively 98.2 “ <i>The PRB is an independent administrative review body.</i> The PRB consists of five (5) Board members. For administrative support the PRB is assisted by a Secretariat led by Head of the Secretariat. No person or public official may exert or attempt to exert any political or illicit influence over the PRB or any of its employees with respect to any specific decisions. Influence 62 shall not be regarded political or illicit if it is exerted openly, in accordance with the rule of law and of procedure, and in good faith to fairly advance a complaint or defense”.</p> <p>b) NA</p> <p>Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p>	0.5	<p>REGULATION NO.01/2017 OF THE WORK OF PUBLIC PROCUREMENT REVIEW BODY OF KOSOVA</p> <p>Article 6. Transparency of the work, and</p> <p>Article 15. Registration of complaints, Point (2)</p> <p>Available at: https://oshp.rks-gov.net/en/Pages/Details?id=6</p>

	<ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>		
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>	0.5	<p>REGULATION NO.01/2017 OF THE WORK OF PUBLIC PROCUREMENT REVIEW BODY OF KOSOVA</p> <p>Article 6. Transparency of the work</p> <p>Available at: https://oshp.rks-gov.net/en/Pages/Details?id=6</p>

Pre-tendering Phase

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include at least: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [0.25] b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [0.25] c) Estimated value of procurements. – [0.25] d) Source of funding. – [0.25] <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.25 b) 0.25 c) 0.25 d) 0 	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>CHAPTER III GENERAL REQUIREMENTS</p> <p>Article 8 Procurement Forecast</p> <p>Available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

2.	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT⁵. Procurement Forecast</p> <p>5.7 Within 15 days after the appropriations legislation for the fiscal year is promulgated, each CA, which is a public authority or a public undertaking, shall prepare, publish on the website of the concerned Contracting Authority and shall submit to the Central Procurement Agency, hereinafter “CPA”, in writing, the Final Procurement Forecast. Contracting Authorities use the electronic platform to submit final procurement forecast to the CPA, which is automatically published on the electronic platform in the menu Notices - Procurement Plans.</p> <p>Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>CHAPTER III GENERAL REQUIREMENTS</p> <p>Article 8. Procurement Forecast</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified (Including budgetary as well as non-budgetary resources e.g. grants, credits by international organizations, investment funds received under state guarantees, funds from state-owned enterprises, etc.). – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p style="text-align: right;"><i>Accountability and Integrity</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo CHAPTER III GENERAL REQUIREMENTS Article 8. Procurement Forecast 2. Within fifteen (15) days after the promulgation of the appropriations legislation for a fiscal year, each contracting authority shall prepare, in case of a public authority or a public undertaking shall provide to the CPA, in writing, a final procurement forecast that identifies in reasonable detail all supplies, services and works that the contracting authority intends to procure over the course of such fiscal year. Such final procurement forecast shall contain the information required under sub-paragraph 1.1, 1.2 and 1.3 of paragraph 1 of this Article.</p> <p>and,</p> <p>Article 9. Determination of Needs to be Satisfied and Availability of Funds 3. If the contracting authority is a public authority or budget organization and the concerned procurement will give rise to financial obligations that are to be satisfied from appropriations expected in future fiscal years, the CFO shall”(i) ensure that the schedules attached to the Law on Appropriation provide a reasonable basis to expect that sufficient funds will be appropriated to it in such future fiscal years for the purpose of satisfying such obligations, and (ii) include in the concerned public contract a provision that clearly conditions the enforceability of such obligations on the availability, under future appropriations legislation, of funds for the purpose of satisfying, and in an amount sufficient to satisfy, such obligations</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] 	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo Article 23 Procurement Officers 1. The CAO of the contracting authority shall designate one person to serve as the contracting authority’s Responsible Procurement Officer. If other employees of the contracting authority are civil servants, the Procurement Officer shall also be a civil servant.</p>

	<ul style="list-style-type: none"> No - [0] <p><i>Uniformity of the Legislative Framework</i></p>		<p>and,</p> <p>Article 59. Examination, Evaluation and Comparison of Tenders</p> <p>1. Contracting authority shall establish an Evaluation Commission for examination, evaluation and comparison of offers.</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <ul style="list-style-type: none"> Yes - [1] No - [0] <p><i>Efficiency</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>Article 19. Classifying a Public Contract by Estimated Value</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [1 point]</p> <p>Point Distribution</p> <p>a) Open tender is the default procedure for any public procurement. – [0.5]</p> <p>b) All exceptions are clearly listed by the PPL. – [0.5]</p> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a) 0</p> <p>b) 0.5</p>	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>CHAPTER II TYPES AND APPLICABILITY OF PROCUREMENT PROCEDURES</p> <p>Article 32. General Rules</p> <p>1. When conducting any procurement activity, a contracting authority shall use an open or restricted procedure. If a provision of Articles 34-37 of this law specifically authorizes the use of a different procurement procedure, the contracting authority may use that procedure or an open procedure. The conduct of any procurement procedure shall comply with all applicable provisions of the present law.</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Accountability and Integrity</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo CHAPTER II TYPES AND APPLICABILITY OF PROCUREMENT PROCEDURES Article 35. Negotiated Procedures Without Publication of a Contract Notice 1. A contracting authority may use negotiated procedures without publication of a contract notice to conduct a procurement activity only after it has complied with this Article. PPRC must be notified by the concerned contracting authority within two days of the date when decision about using such procedures has been taken. The contracting authority shall in the notification provide a detailed explanation of the facts considered and the justification for using the procedure.</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [1 point]</p> <ul style="list-style-type: none"> a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist. b) For additional deliveries by the original supplier of goods or services that were not 	0.5 Including a-e	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo Article 35. Negotiated Procedures Without Publication of a Contract Notice, Point 2.</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

	<p>included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity.</p> <p>c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering.</p> <p>d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development.</p> <p>e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but</p>		
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	<p>not for routine purchases from regular suppliers. – [1]</p> <p>Scoring Method</p> <p>In case of any additional exceptions – [0.5]</p> <p><i>Uniformity of the Legislative Framework</i></p> <p>Source: GPA Standard</p>		
Tendering Phase			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [1 point]</p> <p>Point Distribution</p> <p>a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [1/8]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/8</p> <p>b) 1/8</p> <p>c) 1/8</p> <p>d) 1/8</p>	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>PART II CHAPTER I RULES GOVERNING TECHNICAL SPECIFICATIONS AND TENDER DOSSIERS</p> <p>Article 27 Tender Dossier, and</p> <p>Article 28 Technical Specifications</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

	<p>b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [1/8]</p> <p>c) CPV codes (or other classificatory system of a similar nature). – [1/8]</p> <p>d) Estimated value of the goods or services to be procured. – [1/8]</p> <p>e) The time-frame for delivery of goods or services or the duration of the contract. – [1/8]</p> <p>f) The procurement method that will be used. – [1/8]</p> <p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [1/8]</p> <p>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [1/8]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	<p>e) 1/8</p> <p>f) 1/8</p> <p>g) 1/8</p> <p>h) 1/8</p>	
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2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Payment conditions – [0.2] b) Information about bid security (if required) – [0.2] c) Source of funding – [0.2] d) Payment information for multi-year contracts – [0.2] e) Draft of contract – [0.2] <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.2 b) 0.2 c) 0.2 d) 0.2 e) 0.2 	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo PART II CHAPTER I RULES GOVERNING TECHNICAL SPECIFICATIONS AND TENDER DOSSIERS Article 27 Tender Dossier, and Article 28 Technical Specifications Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p> <p>and,</p> <p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT 5. Procurement Forecast 18. Tender Dossier</p> <p>Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [1/3] b) Financial position. – [1/3] c) Grounds of restriction for participation. – [1/3] 	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 1/3 c) 1/3 	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo Article 65-70 Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>

	Competitiveness and Impartiality Source: EBRD Methodology		
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [0.5]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [0.5]</p> <p><i>Efficiency</i> Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT 18. Tender Dossier</p> <p>18.7 The Procurement Officer is responsible for the preparation of the tender dossier. He/she is fully responsible for the preparation of the tender documents, selection criteria, and the award criteria, whereas the technical specifications shall be prepared by structures specialized in the subject matter to be procured, within the CA. In case of complex or specific contracts, the CA may appoint outside experts or contractors, in order to assist the unit in drafting the Tender Dossier. The CA shall follow PPL provisions when engaging external experts or contractors.</p> <p>and,</p> <p>59. Consultancy Services</p> <p>59.3 In addition to the exclusion criteria of candidates or tenderers set forth in the PPL, the Contracting Authority must exclude candidates in the circumstances described below. (i) Conflict between consulting activities and procurement of goods, works or services: a firm that has been engaged by the Contracting Authority to provide goods, works or services (other than consulting services) for a project, and each of its affiliates, shall be disqualified from providing consulting services related to those goods, works or services. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and each of its affiliates shall be disqualified from subsequently providing goods, works or services (other than consulting services) resulting from or directly related to the firm's consulting services for such preparation or implementation.</p> <p>Available at: https://e-prokurimi.rks-</p>

			gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>	0.5	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT 22. Publication at:</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p>	0.5	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT 22. Publication at:</p> <p>e. Notice for additional information or Corrigendum at:</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>

	<ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT 18. Tender Dossier at: Available https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>

8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT 7. Confidential Business Information and Access to Documentation Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] 	0.5	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT 37. Tender Opening Process 37.4 Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>

	<ul style="list-style-type: none"> None – [0] <p><i>Transparency</i></p>		
10.	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [1 point]</p> <ul style="list-style-type: none"> Yes - [1] No - [0] <p><i>Competitiveness and Impartiality</i> Source: EU Standard</p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>PART II</p> <p>CHAPTER I. RULES GOVERNING TECHNICAL SPECIFICATIONS AND TENDER DOSSIERS</p> <p>Article 28. Technical Specifications</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [1 point]</p> <ul style="list-style-type: none"> Yes - [1] No - [0] <p><i>Efficiency</i></p>	1	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>29. Tender Security</p> <p>29.8-29.9</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>

12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [1 point]</p> <p>Point Distribution</p> <p>a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [1/3]</p> <p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [1/3]</p> <p>c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>40. Establishment of the Tender Evaluation Committees</p> <p>40.14 and 40.15</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p> <p>and,</p> <p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>TITLE XII REMEDIAL, PUNITIVE AND FINAL PROVISIONS</p> <p>CHAPTER I. VIOLATIONS OF LAW AND PENALTIES</p> <p>Article 130 Unlawful Influence</p> <p>1. Without prejudice and subject to the relevant criminal and other applicable law, it shall be a violation of the present law punishable and enforceable in accordance with the relevant applicable law for any persons: 1.1. to provide, offer, solicit or accept or express or indicate a readiness to provide, offer, solicit or accept anything of value (including, but not limited to, money, an offer of employment, tangible or intangible property, a favor or service) for the direct or indirect benefit or enrichment of an employee, former employee, official or former official of a contracting authority, or any person or undertaking related to or associated with such an employee, former employee, official or former official wholly or partly for the purpose of influencing or attempting to influence a decision or action affecting or connected with the initiation, conduct or outcome of a procurement activity or review;</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
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	<p>them, their relatives, and business or political associates financially or otherwise. – [1/3]</p> <p><i>Accountability and Integrity</i></p> <p>Source for a): EU Standard</p> <p>Source for b): OECD Methodology</p>		
13.	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Competitiveness and Impartiality</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo Article 59. Examination, Evaluation and Comparison of Tenders</p> <p>4. A contracting authority shall regard a tender as responsive only if it conforms to all requirements set forth in the contract notice and the tender dossier. Notwithstanding the foregoing, a contracting authority may regard a tender as responsive if (i) it contains only errors or oversights that are capable of being corrected without altering any material term or aspect of such tender, or (ii) it contains only minor deviations that do not materially alter or depart from the characteristics, terms, conditions and other requirements set forth in the contract notice and the 42 tender dossier; provided, however, that any such deviations shall be quantified, to the extent possible, and appropriately taken account of in the evaluation and comparison of tenders.</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [1 point]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>25. Provision of additional or clarifying information and Time Extensions</p> <p>25.7 If before the deadline for submission of tenders, it becomes necessary for the CA to amend the TD/Pricelist, the changes to the TD shall be in the form of an annex, the changes of the Pricelist will be by uploading a new Pricelist in the electronic platform "Change of price description" and shall be published on the electronic platform and thus, under Article 25.5 and</p>

	<p>Point Distribution</p> <p>a) To all tender candidates; and – [0.5]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [0.5]</p> <p><i>Competitiveness and Impartiality</i></p>		<p>25.6 above, the deadline for the tender submission shall be extended. Also, if there are changes to the information published on the tender dossier/contract notice (deadline for submission of tender, the selection criteria, etc.), the CA shall prepare and publish a Notice for additional information or corrigendum by using the B54 standard form.</p> <p>Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf </p>
15.	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as it is made, but no later than the end of the following working day. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Transparency</i></p>	1	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo Article 54. Notification to Eliminated Candidates and Tenderers Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p> <p>and,</p> <p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT 43. Notifying Tenderers/Candidates</p> <p>Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf </p>
16.	<p>According to PPL in order to participate in a tender: – [1 point]</p>	<p>Overall: 1</p> <p>Components:</p>	

	<p>Point Distribution</p> <p>a) Interested parties have to refer to a procuring entity with relevant requests beforehand and the procuring entity is not obliged to either inform interested parties of the reasons for rejecting requests nor to inform those who made it to the bidding stage of the reasons for rejecting bids; or interested parties can participate in a tender without the need of referring to a procuring entity beforehand, but the entity is not obliged to inform interested parties of the reasons for rejecting bids [0] .</p> <p>b) Interested parties need to refer to a procuring entity with relevant requests beforehand and the procuring entity is obliged to inform interested parties of the reasons for rejecting requests but is not obliged to inform those who made it to be bidding stage of the reasons for rejecting bids; or procuring entity is not obliged to inform interested parties of the reasons for rejecting requests but is obliged to inform those who made it to be bidding stage of the reasons for rejecting bids – [0.5] .</p> <p>c) Interested parties need to refer to a procuring entity with relevant requests beforehand and the procuring entity is obliged to inform interested parties of the reasons for rejecting requests as well as inform those who made it</p>	<p>a)</p> <p>b)</p> <p>c) 1</p>	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>34. Receipt of tenders</p> <p>34.2</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p> <p>Additionally,</p> <p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>Article 54. Notification to Eliminated Candidates and Tenderers</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p>
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	<p>to the bidding stage of the reasons for rejecting bids; or interested parties can participate in a tender without the need of referring to a procuring entity beforehand and the entity is obliged to inform interested parties of the reasons for rejecting bids – [1]</p> <p><i>Transparency</i></p> <p>Source: EU Standard</p>		
17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Life-cycle cost – [1/3] b) Best price-quality ratio – [1/3] c) Environmental and/or social costs – [1/3] <p><i>Efficiency</i></p> <p>Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 1/3 c) 1/3 	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>28. Contract Award criteria (28.3)</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
<p>Post-tendering Phase</p>			

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. – [0.1] b) Subject of procurement. – [0.1] c) CPV codes (or other classificatory system of similar nature). – [0.1] d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [0.1] e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [0.1] 	<p>Overall: 0.9</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.1 b) 0.1 c) 0.1 d) 0.1 e) 0.1 f) 0.1 g) 0.1 h) 0.1 i) 0.1 j) 0 	<p>Law Nr. 04 / L-042 ON PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO amended and supplemented by law Nr. 04 / L-237, Law no. 05 / L-068 and Law. 05 / L-092 (Consolidated Version)</p> <p>Article 41A Contract Signing Notice</p> <p>Comment: Contract Signing Notice or else known as the form B52 Contract Signing Notice approved from PPRC is published as stated in the above mentioned law/article.</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/Home/Documents/Legislation/Ligjet/eng/PPL%20consolidated.pdf</p>

	<p>f) Date of the signing of contract(s) or of framework agreement(s). – [0.1]</p> <p>g) Duration of the contract. – [0.1]</p> <p>h) Number of bids and their respective amounts received. – [0.1]</p> <p>i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture, consortium or other) (where applicable). – [0.1]</p> <p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [0.1]</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>		
2.	PPL stipulates that the information on subcontractors must be made public upon successful conclusion of	Overall: 1 Components:	<p>Law no. 04/L-042 on Public Procurement in Republic of Kosovo</p> <p>PART II</p> <p>CHAPTER I</p> <p>RULES GOVERNING TECHNICAL SPECIFICATIONS AND TENDER DOSSIERS</p>

	<p>tender (upon choosing and announcing of the winner). – [1 point]</p> <p>Point Distribution</p> <p>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [0.5]</p> <p>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [0.5]</p> <p style="text-align: right;"><i>Transparency</i></p>	<p>a) 0.5</p> <p>b) 0.5</p>	<p>Article 27 Tender Dossier</p> <p>Article 30 Subcontracting</p> <p>Law available at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2772</p> <p>and,</p> <p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>18. Tender Dossier</p> <p>18.11 ;</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> Electronic, machine-readable, free of charge – [1] Electronic, machine-readable, not free of charge – [0.75] Electronic, non-machine-readable – [0.5] Only on paper – [0.25] None – [0] 	0.5	<p>Law Nr. 04 / L-042 ON PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO amended and supplemented by law Nr. 04 / L-237, Law no. 05 / L-068 and Law. 05 / L-092 (Consolidated Version)</p> <p>Article 41A Contract Signing Notice</p> <p>Comment: Contract Signing Notice or else known as the form B52 Contract Signing Notice approved from PPRC is published as stated in the above mentioned law/article.</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/Home/Documents/Legislation/Ligjet/eng/PPL%20consolidated.pdf</p>

	Transparency		
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p>Transparency</p>	0.5	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>7. Confidential Business Information and Access to Documentation</p> <p>7.4 Other than those documents classified as confidential business information, upon the request of an interested party, the CA shall provide such party prompt and reasonable access to all the records of the procurement activity. The concerned interested party shall have access to documents by consulting them in the procurement office. Consultation in the procurement office, if it is about copies of less than 20 A4 pages and direct access in electronic form, shall be free of charge.</p> <p>In addition,</p> <p>17. Summary procurement record: 17.1 and 17.2</p> <p>Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf </p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents. – [1 point]</p> <p>Scoring Method</p>	0.5	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>7. Confidential Business Information and Access to Documentation</p> <p>7.4 Other than those documents classified as confidential business information, upon the request of an interested party, the CA shall provide such party prompt and reasonable access to all the records of the procurement activity. The concerned interested party shall have access to documents by consulting them in the procurement office. Consultation in the</p>

	<ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		<p>procurement office, if it is about copies of less than 20 A4 pages and direct access in electronic form, shall be free of charge.</p> <p>In addition,</p> <p>17. Summary procurement record: 17.1 and 17.2</p> <p>Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf </p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.25	<p>Note: RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>61. Contract Management and Performance Evaluation of Contractors and 6.31 at Summary of Contract Management Records mentions <i>Copy of all invoices for works, services or supplies including work papers verifying the accuracy of payments claimed and details of the actual payment authorized by the project manager.</i></p>

7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Quality control (QC) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [0.5] b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [0.5] <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>61. Contract Management and Performance Evaluation of Contractors</p> <p>Contract Monitoring: 6.33 PPRC shall monitor if the contract has been implemented in accordance with the conditions of the contract. A contract defines the purpose of the contract, the scope, specification and the responsibilities of the Contracting Authority and the Supplier/Contractor/Service provider. It binds the Contracting Authority and the Supplier/Contractor/Service provider to be committed to the contract and their respective obligations.</p> <p>and,</p> <p>Responsibilities of the Project/Contract Manager: 6.19 and 6.20</p> <p>Available at: https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p> <p>In addition,</p> <p>Law Nr. 04 / L-042 ON PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO amended and supplemented by law Nr. 04 / L-237, Law no. 05 / L-068 and Law. 05 / L-092 (Consolidated Version):</p> <p>Article 70 Quality Assurance Standards Article 81 Contract Management Activities</p> <p>Available at:</p>
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			https://e-prokurimi.rks-gov.net/Home/Documents/Legislation/Ligjet/eng/PPL%20consolidated.pdf
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>	0	
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] 	1	<p>Law Nr. 04 / L-042 ON PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO amended and supplemented by law Nr. 04 / L-237, Law no. 05 / L-068 and Law. 05 / L-092 (Consolidated Version):</p> <p>Article 81 Contract Management Activities (1.1)</p>

	<ul style="list-style-type: none"> No - [0] <p><i>Efficiency</i> Source: OECD Methodology</p>	<p>https://e-prokurimi.rks-gov.net/Home/Documents/Legislation/Ligjet/eng/PPL%20consolidated.pdf</p> <p>;</p> <p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>61. Contract Management and Performance Evaluation of Contractors</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p> <p>;</p> <p>User manual for Contracting Authorities Contract management through eprocurement system</p> <p>Contract Completion (page 53)</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Manualet%20Menaxhimi%20i%20Kontrat%C3%ABs/eng/Manualet%20Text/User%20Manual%20for%20Contracting%20Authorities-Contract%20management.pdf</p>
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10.	<p>PPL defines specific procedures for modifying contracts. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Uniformity of the Legislative Framework</i></p>		<p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>22. Publication</p> <p>(e) Notice for additional information or Corrigendum</p> <p>61. Contract Management and Performance Evaluation of Contractors</p> <p>Contract amendment</p> <p>61.22 An amendment to a contract refers to a change in the terms and conditions of an awarded contract. The amendment of contract is initiated by the Contract Manager. In case of work contracts, prior approval of the designer is required</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [1 point]</p> <ul style="list-style-type: none"> • Yes - [1] • No - [0] <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>Law Nr. 04 / L-042 ON PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO amended and supplemented by law Nr. 04 / L-237, Law no. 05 / L-068 and Law. 05 / L-092 (Consolidated Version)</p> <p>Article 108 A Preliminary resolution of disputes</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/Home/Documents/Legislation/Ligjet/eng/PPL%20consolidated.pdf,</p>

			<p>and,</p> <p>RULES and OPERATIONAL GUIDELINE For PUBLIC PROCUREMENT</p> <p>56. Framework Contracts (56.12)</p> <p>Available at:</p> <p>https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rregulloret//eng/A01%20Rules%20and%20Operational%20Guidelines%20for%20Public%20Procurement.pdf</p>
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • In electronic form for a period of at least 10 years. – [1] • In paper form for a period of at least 3 years. – [0.5] <p><i>Transparency</i></p>	1	<p>Law Nr. 04 / L-042 ON PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO amended and supplemented by law Nr. 04 / L-237, Law no. 05 / L-068 and Law. 05 / L-092 (Consolidated Version)</p> <p>Article 10 Means to promote Transparency</p> <p>1. A contracting authority shall maintain a well-ordered and comprehensive set of records for each procurement activity that it conducts, regardless of whether such activity results in a contract or design award. Relevant documents are stored pursuant to the applicable legislation on State Archives.</p> <p>https://e-prokurimi.rks-gov.net/Home/Documents/Legislation/Ligjet/eng/PPL%20consolidated.pdf</p> <p>and,</p>

			<p>LAW No. 04/L-088 ON STATE ARCHIVES</p> <p>Article 13 TimeLine for Using Archived Material in the Agency (1)</p> <p>https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2807</p>
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [0.5]</p> <p>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [0.5]</p> <p><i>Accountability and Integrity</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Law Nr. 04 / L-042 ON PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO amended and supplemented by law Nr. 04 / L-237, Law no. 05 / L-068 and Law. 05 / L-092 (Consolidated Version)</p> <p>Article 92 Confidentiality</p> <p>The PPRC* may protect from disclosure to the public or unauthorized persons information developed or received by the PPRC during the conduct of its work, but only to the extent permitted by both this law and the Law on Access to Public Documents. Notwithstanding the foregoing, the PPRC shall provide access to and copies of any information and records in its possession or control, including confidential information and records, to the Auditor General, the PRB and/or a review panel immediately upon the request or order of any of these. The PPRC shall also provide access to and copies of such information and records to a court of competent jurisdiction if such access and copies are required pursuant to an order issued by such court.</p> <p>*Public Procurement Regulatory Commission</p> <p>;</p> <p>Article 97 Confidentiality</p>

		<p>The CPA** may protect from disclosure to the public or unauthorized persons information developed or received by the CPA during the conduct of its work, but only to the extent permitted by both the present law and the Law on Access to Public Documents.</p> <p>Notwithstanding the foregoing, the CPA shall provide access to and copies of any information and records in its possession or control, including confidential information and records, to the Auditor General, the PPRC and/or the PRB immediately upon the request or order of any of these. The CPA shall also provide access to and copies of such information and records to a court of competent jurisdiction if such access and copies are required pursuant to an order issued by such court.</p> <p>**Central Procurement Agency</p> <p>;</p> <p>Article 108 Confidentiality</p> <p>The PRB*** may protect from disclosure to the public or unauthorized persons information developed or received by the PRB during the conduct of its work, but only to the extent permitted by both the present law and the Law on Access to Public Documents.</p> <p>Notwithstanding this obligation, the PRB shall provide access to and copies of any information and records in its possession or control, including confidential information and records, to the Auditor General or a court of competent jurisdiction if such access and copies are required pursuant to an order issued by the Auditor General or such court.</p> <p>***Procurement Review Body</p> <p>Available at: https://e-prokurimi.rks-gov.net/Home/Documents/Legislation/Ligjet/eng/PPL%20consolidated.pdf</p>
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