**PROCUREMENT REVIEW BODY**

***According to Articles 109 of Law No. 04/L-042, Law on Public Procurement of the Republic of Kosovo, amended and supplemented with the law No. 04/L-237, law No. 05/L-068 and law No. 05/L-092***

A complaint against the: *(Write name of Contracting Authority)*

For the procurement activity No. of PA:*(Write number of the Procurement Activity)*

Regarding the tender for *(Write contract title as in Tender Dossier)*

**COMPLAINT**

**1. Complainant’s***\** **identification**

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Write full name of your company)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Address)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Place) (Postal Code)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Phone number) (Fax Number)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Full name of the representative of your company)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Electronic address)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Date of submission of the complaint) (Signature and stamp)*

*\*Complainant shall mean an interested party filing a complaint.*

**2. Lawyers identification**

*The complainant may file a complaint by himself or by his Lawyer. If the complaint is filed by his Lawyer, then the authorisation of the representative must be attached with the PROCURE.*

*Write information as follows:*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Name of lawyer)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Full address)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Phone number) (Fax number)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Electronic address)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Date of submission of the complaint) (Signature and stamp)*

**3. Information on procurement activity**

*[Write a short description regarding the date and place where the “Contract Notice” or “Design Contest Notice” has been published and, if applicable, “Contract Award Notice” “Design Contest Results Notice” or “Cancellation notice of the procurement activity” if applicable, deadline for tender submission, date and time of commencement of Tender Opening process, and contract award criteria.]*

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**4. Process of Tender Opening,** *if applicable*

*Have you participated in the process of Tender Opening? If yes, specify briefly the process of Tender Opening.*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Yes** | |  | | --- | |  | |  |  | **No** | |  | | --- | |  | |

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**5. Notification to Eliminated Tenderers,** *if applicable*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Yes** | |  | | --- | |  | |  |  | **No** | |  | | --- | |  | |

**6. Preliminary Settlement of Disputes**

*Have you made a request for review to the CA regarding the reasons for your elimination? and a written responded with AK about this? If yes, provide brief details on this fact:*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Yes** | |  | | --- | |  | |  |  | **No** | |  | | --- | |  | |

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| If yes, provide details on this fact and attach a copy of the decision adopted by the CA during the preliminary settlement of disputes in accordance with Article 108A of the PPL. |

**7. Violated provisions by Contracting Authority**

*Specify provision or provisions of the PPL that have allegedly been violated by the Contracting Authority from the moment of Contract/Design Contest Notice publication, and if applicable until the conclusion of this procurement activity with the Publication of Contract Award Notice or Design Contest Result Notice or Cancelation Notice.*

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*\*\* According to the Article 118 of the PPL, PRB shall reimburse your fee if the complaint is approved as grounded. The PRB may require an additional penalty of up to 5,000 Euro in cases where the PRB determines that all or whichever of allegations set forth in such complaint was frivolous, false or misleading.*

**8. Detailed declaration on the facts and arguments**

*Describe factual circumstances that provide allegation for violation of the PPL provisions. Provide clear and detailed declaration for the facts and arguments that invoke each base of your complaint.*

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**9. Material damages**

*Describe the manner how alleged violation has caused, or threatens to cause material damage to the complainant,* *if claims for compensation are included*

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**10. List of attached documents (proofs)**

*If applicable, attach to the Complaint the documents listed below:*

1. *a copy of the publication for the “Contract Notice” or “Design Contest Notice”*
2. *a copy of the publication for the “Contract Award Notice” or “Design Contest Result Notice” or “Cancellation Notice”*
3. *a copy of the letter of the elimination of the tenderer/candidate/ letter to unsuccessful tenderer/ letter of non-qualification*
4. *a copy of the minutes of the public tender opening, if applicable*
5. *attach a copy of the decision of the contracting authority issued during the preliminary resolution of disputes in accordance with Article 108A; and*
6. *submits an evidence of payment of the complaint fee, described in Article 118 of this Law.*
7. *all your correspondences with the contracting authority including e-mails and every written information in relation to this procurement activity, and with every allegation submitted in the complaint.*

*\*\*\*According to section 111.2 of PPL, the complainant, shall file the original of the complaint to the PRB and simultaneously, a copy to the Contracting Authority by the most rapid means possible.*