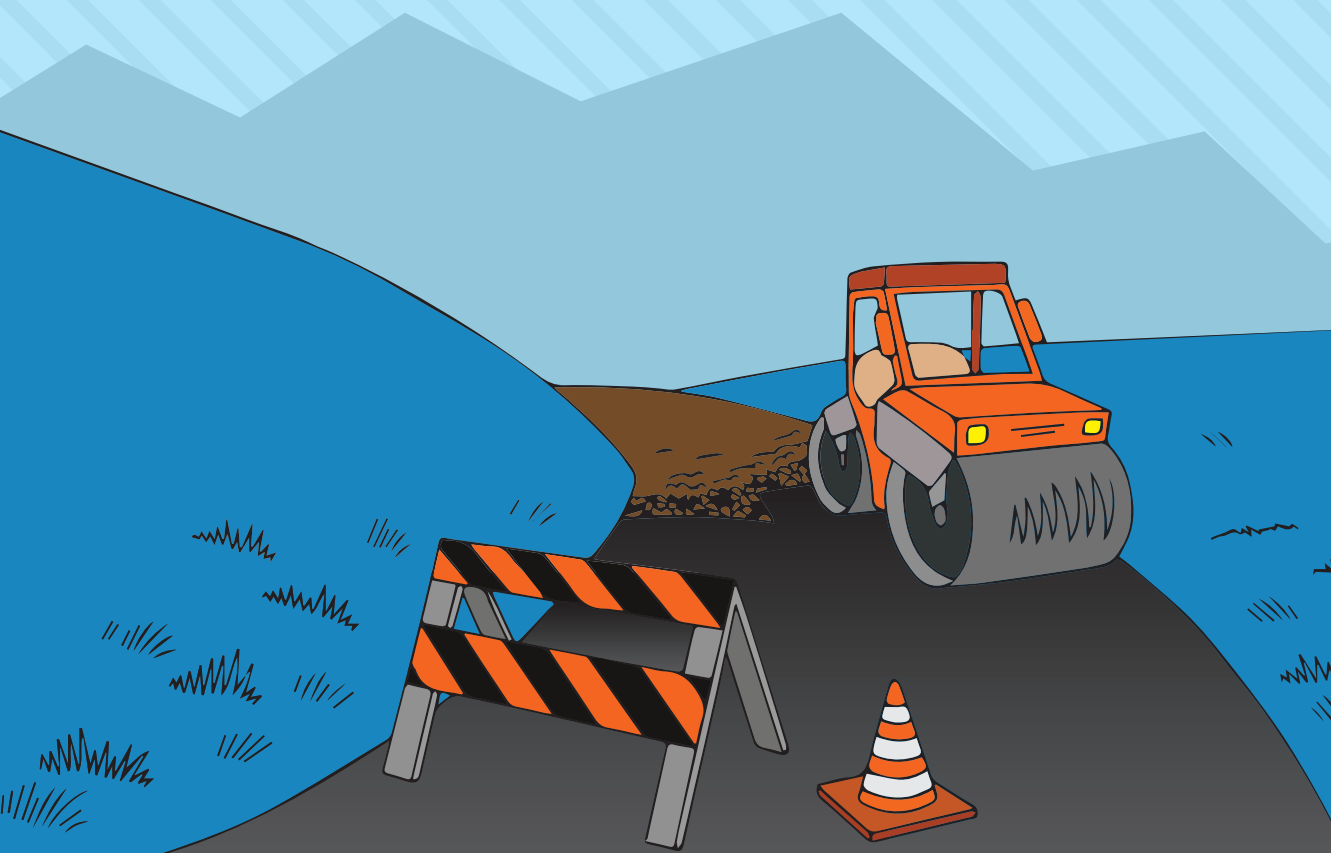


MONITORING REPORT ON PROCUREMENT ACTIVITIES
ASPHALTING OF LOCAL ROADS IN VILLAGE VITOMERICË



This report was prepared by the Monitoring Group of Non-Governmental Organizations from Peja region.

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INTRODUCTION

This report is drafted by the Monitoring Group by Non-Governmental Organizations from the Region of Peja, with those that gained knowledge and practical skills through applied learning workshops on monitoring public procurement, organized by CiviKos Platform supported by USAID Transparent, Effective and Accountable Municipalities activity in Kosovo (USAID TEAM)

The Monitoring group has monitored the tender “Asphalting of Local Roads in Village Vitomericë”. This tender was initiated by the contracting authority Municipality of Peja. This project was planned for completion in 2018/19. The majority of the budget for this tender is funded by the Ministry of Infrastructure (MI), but the procurement for this tender was conducted by the Municipality of Peja. According to the budget of this project, the amount from the MI was 160,720.00 € in 2018, while in 2019 the MI planned to provide 15,000.00 €. The Municipality of Peja plans to cover the remaining 48,150.20 €.

METHODOLOGY

The Monitoring group, a group of civil society organizations that has benefited from applied learning workshops, has been using an integrated methodology for monitoring this procurement activity. Initially, the selection of the tender for monitoring by the Monitoring group was made according to automatic selection indicators, such as “the price of the winning bid higher than the predicted value of the contract” and “relevance of the project to the community”. During the monitoring phase, qualitative analysis of relevant documents containing primary official data of the procurement activity, interviews with the officer in charge of procurement, and monitoring of the worksite (site where the project is implemented/contract is applied) were conducted.

The Monitoring group has assessed the implementation of the law and public procurement regulations based on a key indicator for assessing the implementation of the law during procurement phases when all necessary documents were reviewed and analyzed.

In addition, two field visits were conducted to examine activities, such as repairs and paving of the roads included in the tender. During the second field visit that was conducted on April 10th, a representative of the Vitomirica community notified by Mr. Xhemë Berisha was present to show paved roads.

Indicator: Procurement activity includes all the required data according to the Law on Public Procurement (LPP) and Rules and Operational Guidelines on Public Procurement (ROGPP).

Evaluation of the activity under this indicator is made by analyzing the contents of the following documents:

1. Final procurement planning
2. Request for initiation of a procurement activity by requesting unit
3. Statement of needs and definition of availability of funds (B04)
4. Contract Notice (B05)
5. Tender Dossier (B17)
6. Pre-measurements and predictions
7. Registry of economic operators (OE) that have accepted the tender dossier (B13)
8. Registry of submitted tenders
9. Decision on establishment of the opening Commission
10. Minutes of the opening of tender (B12)
11. Decision on establishing the commission for evaluation of tenders
12. Report of tender Assessment (B36)
13. Notification for contract award (B08)
14. Contract
15. Decision on the appointment of the project manager
16. Contract Management Plan.

Participants of the series of workshops were:

NAME AND SURNAME	ORGANIZATION
Abedin Imami	Syri i Vizion
Tahire Gashi	OJQ Zana
Florida Gashi	OJQ Koha
Majlinda Kelmendi	Lets do it Peja
Ilirjana Kastrati	Era Group
Adelina Kastrati	Era Group
Dorina Glllogjani	GWY- YMCA

The Monitoring group acquired all these documents through requests for access to public documents and the public procurement electronic platform.

The Monitoring group met five times in the offices of NGO Syri i Vizionit on:

- Day I - 29.01.2019,
- Day II - 14.03.2019,
- Day III - 25.03.2019,
- Day IV - 10.04.2019,
- Day V - 11.04.2019.

The Monitoring group, facilitated by Arton Demhasaj from NGO COHU, downloaded all the documents from the electronic procurement platform and analyzed all documents. Monitoring group also performed worksite visits. After analyzing all the documents, the report on findings was sent to the Municipality of Peja for comments. After this process, the report was finalized.

The goals of these workshops are:

- To engage local NGOs in monitoring municipal level tenders;
- To train NGOs to analyze tender findings and identify the potential abuse of public procurement supported directly by the employed facilitators, and;
- To enable NGOs to prepare and publish reports on their findings during the monitoring of municipal-level public procurement.

TENDER BACKGROUND

On 05.10.2018, through an open procedure, the Municipality of Peja opened the tender for a work contract to pave local roads in the village of Vitomerice with the procurement number **635-18-6672-5-2-1**. The criterion for awarding the contract was the responsible tender with the lowest price. The Ministry of Infrastructure and the Municipality of Peja provided **271.436.50 €** for this tender.

The Monitoring group found the tender dossier, pre-measurements, predictions, and bidders on e-procurement web pages. However, two documents were missing: the contract and the bidding evaluation report. The Group has requested these documents from the Contracting Authority through the procedures required by the Law on Access to Public Documents.

The Monitoring group analyzed the tender dossier, viewed the criteria, and researched the winning tender.

The winning company was **“Asfalti” Sh.p.k** with a bid valued at **223.870,20 €**

Below the table with the competing companies:

No.	Name and address of the Economic Operator	Total bid value
1.	N.N., „Asfalti” Sh.p.k., 600017546	223.870,20 €
2.	N.T.SH.N. „Arfa”, 600201040	231.429,55 €
3.	“JOOS & KRASNIQI -BAZE “SH.P.K., 600490198	232.908,00 €
4.	”Menti” Shpk, 600017835	237.583,75 €
5.	“Mirusha Company” Sh.p.k, 600048137	246.956,80 €
6.	„Lika Trade” Sh.p.k., 600026555	257.334,75 €
7.	„Benita Company” Sh.p.k., 600233308	259.242,75 €

EVALUATION COMMISSION

The selection criterion for the winner was the responsive tender with the lowest price. Based on e-procurement data, it was verified that all bidding operators were responsive. Based on the evaluation commission report, it was found that all economic operators met the conditions and were considered responsive. Therefore, the Evaluation Commission awarded the contract to the operator with the lowest price: **Asfalti Sh.p.k** with the price **223.870,20 €**.

The Evaluation Commission recommended “Asfalti” Sh.p.k. for this tender on 08.10.2018.

This Evaluation Commission is comprised of Milot Belegu – President of the Commission, Granit Abdullahu – Member and Milot Gashi – Member.

The “Asphalting of road in Vitomerië” project is divided into three parts: the asphalting of roads $b=4.0$ m², wide with the following dimensions: road length $L=(m^2)$ 730, width $b=(m^2)$ 4.0 digging width $b=(m^2)$ 5.0; asphalting of roads $b= 3.5$ m², wide with the following dimensions: road length $L=(m^2)$ 3850, width $b=(m^2)$ 3.5 and digging width $b=(m^2)$ 4.5; and asphalting of roads $b= 3.0$ m wide with the following dimensions: road length $L=(m^2)$ 1630, width $b=(m^2)$ 3.0 and digging width $b=(m^2)$ 4.0.

Difficult access to public documents

Based on the existing documents on the e-procurement page and official communication with the Municipality of Peja procurement office, Monitoring group found that non-winning bidders did not submit complaints to the Municipality’s contracting authority. EOs did not submit any complaint to PRB either.

Since the contract was not published on e-procurement page, the Monitoring group filed a request for access to physical official documents to obtain a copy of the contract. The request was filed on 31.01.2019.

On 12th February 2019, the Monitoring group received an answer from Ms. Ariana Lukaj, officer for access to official documents at the Municipality of Peja, who notified the Group that the request had been approved and that it could go to the Procurement Office at any time. On February 20th, the documents were offered to Monitoring group to view them at the Procurement Office. However, as the Monitoring group needed to analyze it the contract, they asked that it be provided physically along with the tender dossier. They were promised that, within the week, the requested documents would be copied. However, after 15 days, the Monitoring group did not receive a response from the Municipality. On March 7th, the monitoring sub-group visited the procurement office again. After hearing an explanation for the delay, the group received the same promise.

On March 14th, Monitoring group sent another request for access to the dossier and information on the names of constructed roads and any complaints from the economic operators.

As they were not invited to go to take the documents on March 22nd, they went again to the procurement office and stayed there until the documents were copied for them and they received the contract and the bid evaluation report.

Municipality of Peja took fifty days to provide two basic documents needed to monitor the public procurement process. Thus, there was a violation of the law on access to public documents, which requires the institution to grant access to documents within seven days. In more complex cases, an additional seven days may be required, making the legal maximum period to grant access fifteen days.

Based on the monitoring by the Monitoring group, the main findings are:

- *Different dates of the tender insurance validity in the contract and the tender dossier and different dates within the contract.*
- *In one instance in the contract (page 14), the validity lasts until 31.01.2019 and in the dossier until 31.01.2020. This mismatch is also found within the contract that contains different dates.*
- *The names of the local roads planned for construction and asphaltting are not noted in the contract or the tender dossier.*
- *In the transparency part, we had delays to access to official documents (thirty seven working days).*

On March 25th, the Monitoring group conducted the first field visit. Since the roads had no name signs, we contacted the contract manager Mr. Agron Nikqi who said he would send a worker to show us the asphalted roads. That person never came but by phone he advised us on the roads. After consulting locals, we found some of the roads were not properly leveled.

On April 10th, we met with the procurement manager Mr. Xhemë Berisha who, in response to the question on road names in Vitomericë, stressed that, at the time the work started, the roads had not been named yet. The Municipality of Peja was still in the process of naming the roads. For this reason, the names are not specified in the contract or tender dossier.

Regarding the different dates, he stressed that it was a technical error but without specifying the measures that will be undertaken to correct the error or hold those responsible accountable.

RECOMMENDATIONS

After monitoring this tender, the monitoring organizations have drafted the following recommendations for the contracting authority of the Municipality of Peja and its public procurement office:

1. The procurement office, in cooperation with the requesting entities, should publish tenders (tender dossiers) with accurate data, including the exact names of roads that will be asphalted. In cases when roads have no names, names that the community uses should be used to enable monitoring of the asphaltting of the roads and easier identification of the contract.
2. The Mayor should ensure that the procurement office does not make any basic mistakes, such as the errors on dates, as they may lead to cancellation of tenders and project delays. Dates in this tender should be placed carefully to ensure that the same dates and deadlines specified in the tender dossier are also entered in the contract with the economic operator.
3. The deadline for completing the work should be set more realistically and accurately.
4. Municipal officials should be more cooperative and transparent with non-governmental organizations, especially in response to requests for access to official documents.

