



ANNUAL REPORT

2022

TRANSPARENCY, EQUALITY, EFFICIENCY



KPP

Komisioni i Prokurimit Publik

Public Procurement Commission

Honorable Chairwoman,

Honorable MPs,

Pursuant to Article 32 of Law No. 162/2020 “On public procurement”, it is an honor to submit to the Assembly of the Republic of Albania, the annual report on the activity of the institution of the Public Procurement Commission for 2022.

Sincerely yours,

JONAI D MYZYRI

Chairman

Public Procurement Commission

Chairman's Speech

Annual reporting to the Assembly of the Republic of Albania, as well as to the interest groups, is a significant moment for the institution of the Public Procurement Commission. More than a legal obligation, it is above all an opportunity to analyze in detail the work done during the year, what was done well and what needs to be improved, not only for the institution itself, but also for the procurement system in general.

2022 was a challenging year for the institution of the Public Procurement Commission in several directions. First, the year we left behind was an important year to measure the impact and progress of the most important reform, digitalization of services, passed by the institution of the Public Procurement Commission. This reform started in the middle of the pandemic, in July 2020 and ended in October 2021. Therefore, 2022 was a crucial year to measure its indicators. In just one year, over 39% of economic operators voluntarily chose to submit complaints only electronically to the contracting authority/entities and the Public Procurement Commission. Thus, through the digitization of services, we managed to save 52,390 km of roads for economic operators who needed to submit complaints and over 50,000 \$ cost for filing complaints in writing. Through the electronic submission of acts, we managed to avoid printing of over 14,662 sheets and increase the access of economic operators to the review system. Thanks to the digitization of services, more than 26 new complaining economic operators have submitted complaints, with a total of 300 complaining economic operators for 201 out of the 400 authorities that have published procurement procedures above the limit of small purchases.

The digitalization of services as a whole has changed not only the access of economic operators to the review system, but also the behavior of interest groups, including the Public Procurement Commission itself. The digitization of services has increased the speed of decision-making, where only 10.1% of complaints were handled outside the legal deadline and shortened the time of complaint handling from 17 to 12 days. During 2022, it was noticed that the contracting authorities avoided repeating the same mistakes/problems.

Last year was challenging in terms of providing online services also due to the unforeseen and unprecedented cyber-attack that hit Albania. This unprecedented event put the Public Procurement Commission in front of an extremely difficult challenge, that of ensuring the continuation of the complaint review service. Aware of the important role in the public procurement system and the responsibilities given by law, thanks to the good organization, the work never stopped. During the time that the electronic services were inaccessible, the online public information service was transferred to the written and electronic media, to the Public Notice board located in the premises of the institution, as well as to inaccessible open digital systems.

Therefore, we would like to express our gratitude to every written and electronic media, which enabled the continuation of the publication of the activity

of the institution of the Public Procurement Commission, as an example of fruitful cooperation between public institutions and the media. Work was not interrupted during the days that the complaint submission service was enabled electronically, on the contrary, 77 complaints were registered and 89 decisions were made. After restoring online services, it was possible to prove that thanks to the secure systems, built in cooperation with the National Agency of the Information Society, there was no damage or unauthorized distribution of the data of the Electronic Complaints System and that data is secure.

Along the journey of changing the provision of the service, we have continued to provide technical assistance for economic operators and contracting authorities, approving and sending all the necessary manuals to a dedicated address to each user of the complaints system, as well as we have ensured assistance with over 2720 minutes of communication, over 340 official e-mails and communication through a free messaging system made available on our official website.

Thanks to the support of the Assembly, the second phase of digitization of the service was also completed, enabling the infrastructure building of audio recording of the Commission's hearings, more transparency in the publication of cases in the judicial process and the interaction with third-party systems and an advanced internal management system.

Second, last year was the first year that all public procurement procedures were carried out in accordance with the new law, a law which has not only been aligned with the four directives, but has also brought inherent material and procedural changes. Thus, the responsibility of the Public Procurement Commission has been even higher in handling new issues, as well as consolidating the decision-making practice.

Out of 6494 published procedures to be handled in the Electronic Procurement System, for 532 unique procedures, 794 complaints were submitted, out of which 782 complaints were submitted for public procurement procedures, 8 (eight) complaints for public auction procedures, 4 (four) complaints in the field of defense and security. Complaints were submitted by 300 unique economic operators to 201 contracting authorities. During 2022, 39% of complaints were submitted about the tender documents and 61% of them for the bid evaluation phase. Compared to 2020 and 2021, there is an awareness of economic operators regarding increasing number of complaints and at the same time regarding control and avoidance of problems from the early stage of procurement procedures, that of tender documents. During 2022, the Public Procurement Commission issued 815 decisions, of which 614 were decisions on the merits, 64 final declarative decisions, 100 intermediate decisions and 37 decisions to withdraw from the complaint, with an average time of complaint handling of 12 days, having the best indicators in the ten years of its operation. In total, 305 complaints were accepted and 307 complaints were not accepted.

After the decision-making of the Public Procurement Commission, after exercising the means of review for the administrative complaint submitted by economic operators to the Public Procurement Commission, the PPC, after examining the complaints, and based on the decision-making of the latter, has saved the state budget, an amount of 115,967,650.00 ALL without VAT, calculated as the difference of the qualified bid from the decision-making of the contracting authorities and economic operators who complained, whose complaint was accepted by the Public Procurement Commission.

During 2022, the Public Procurement Commission continued the cooperation with the Public Procurement Agency by sending cases for in-depth investigation, in which administrative violations were found by the PPC. 10 cases have been sent for investigation to the Public Procurement Agency, one of which has been referred for investigation to the Network of Coordinators Against Corruption, the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest. Moreover, during the year 2022, an administrative fine was imposed on two heads of contracting authorities, for non-cooperation with the Public Procurement Commission. Even in the past year, the work of the institution continued in terms of monitoring the implementation of decisions by the contracting authorities, where thanks to the work done, an increase in the speed of the implementation of the Commission's decisions by the contracting authorities is noticed.

The sustainability of the Commission's decision-making has also been confirmed by the Administrative Court, both in terms of the lower number of lawsuits, with only 5.5% of the Commission's decisions appealed to the Court compared to 7.8% in 2021, but also in relation to the decision-making of Court regarding these decisions.

With the aim of avoiding the repetition of the identified problems, as well as implementing the tasks assigned in the resolution of the Assembly, the cooperation with all interest groups has continued through the organization of two important workshops in cooperation with SIGMA-OECD. One of the workshops was held with the contracting authorities and the economic operators and the other one with the judicial system in cooperation with the High Judicial Council. The Commission has continued to express itself with interpretive decisions, simultaneously publishing notices on the decision-making practice of specific issues on the official website and periodic bulletins for all economic operators and contracting authorities, which is considered important for the system, as well as with the publication of monthly informative bulletins for all interest groups.

The raising and strengthening of capacities was the key word of 2022 for the institution of the Public Procurement Commission, not only with the public institutions, where training with the University of Tirana is in process and drafting a manual for economic operators and contracting authorities has started, but also with international partners. At the international level, the Commission concluded a special agreement with the National Anti-Corruption Authority of the Republic of Italy (ANAC) during the past year with the aim of raising and strengthening capacities.

Moreover, modestly, thanks to the support of the Assembly, the first library with foreign literature, free of charge, dedicated to all procurement practitioners and scientific researchers, was established in the premises of the Commission.

Strengthening the capacities of procurement officials at the national level remains the main challenge for 2022 as well, since any institutional reform or public policy cannot be implemented in isolation, without a group of qualified procurement officials.

Thirdly, the past year was quite important for the international recognition and evaluation of the reforms of the Public Procurement Commission. In September last year, on the international day of democracy, "Western Balkans Ministerial Conference on Public Administration Reforms" was held in North Macedonia. In this meeting, several awards were also awarded for the public institution performance of some of the countries of the region, including Albania. The Public Procurement Commission (PPC) was the only institution from the Republic of Albania that was awarded the award, "Trust Building in Public Administration", while the electronic complaints system was selected among the 15 best projects at the world level at the Govtech Summit, held in the Hague. Evaluation of the Commission's work has also been done by the European Commission, while the non-governmental organization, Open Contracting Partnership, based in Washington, with a focus on procurement transparency, has dedicated a special article to the history of the progress of the Public Procurement Commission.

Last, but not least, the institution of the Commission of Public Procurement has had the honor to represent the Republic of Albania, as the founding state and leader of the first network of procurement review bodies in Southeast Europe, with the membership of the procurement review bodies of Kosovo, North Macedonia, Montenegro, Bosnia and Herzegovina, Croatia, Slovenia, Romania and with a special status of the Republic of Turkey. More than an early dream of many countries, a key cornerstone of a mission that is even bigger than a dream was placed in Tirana: United, with a single language of communication and fully engaged in the fight against corruption.

There are many lessons that can be drawn from the decision-making of procurement review bodies, lessons that can serve to improve the procurement system as a whole, starting from legal issues, to issues of the law implementation, as well as different risks in repeating procedural errors.

The challenges, but also the achievements of the past year, make us both proud and humble in continuing to perform our duties, giving guarantees to all interest groups that we will continue our performance at the highest level required by the law and trusted from the Assembly, to protect legal interests, as a body that stands above the parties and with a common denominator, the passion to work impartially, legally, quickly and efficiently.

Jonaid MYZYRI
Chairman of the Public Procurement Commission

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INTRODUCTION

Presentation of the annual report, in compliance with Article 32 of Law No. 162/2020 "On public procurement", it is not just a legal obligation for the institution of the Public Procurement Commission, but also a way to be closer to interest groups. In this report, the work of 2022 is analyzed in detail, highlighting the problems and challenges of the public procurement system for the future.

This report reflects the activity of the Public Procurement Commission in the administrative review of complaints, reflecting the total number of complaints and their value for each authority or contracting entity, the type of procurement procedure, as well as the phase of the process for which the complaint was submitted, the total number of rejected complaints and their value for each contracting authority or entity, the type of procurement procedure, as well as the phase of the process for which the complaint was submitted; the total number of the accepted complaints and their value for each authority or contracting entity, the type of procurement procedure, as well as the phase of the process for which the complaint was submitted, the number of decisions of the Public Procurement Commission appealed in Administrative Court of Appeal, conditions for accepting complaints and the most common reasons for filing complaints, budget and financial performance, structure and organogram of 2022, human resources management policies, institutional relations with local and foreign partners, digitalization and the impact of the reform, evaluations of international organizations for the Public Procurement Commission, information on the problems identified in the operation of the public procurement system and proposals for their improvement, as well as achievements and challenges for the future have also been addressed.

ABOUT PUBLIC PROCUREMENT COMMISSION

Role and Status of the Public Procurement Commission

The legal function and status of the Public Procurement Commission is defined in Law No. 162/2020 "On Public Procurement". From March 31, 2021, with the entry into force of the new public procurement Law No. 162/2020 "On Public Procurement", there are no changes or additions to this law which have brought changes to the function and status of the institution of the Public Procurement Commission. In this context, the function and status of this institution have not changed and are described below.

The Public Procurement Commission (PPC) is the highest administrative body in the field of procurement, which reviews complaints about public procurement procedures, concessions/public private partnerships, public auctions and competitive procedures for granting mining permits. This body was established by Law No. 9643, dated 20.11.2006 "On Public Procurement", as amended, respectively with the Law No. 10 170, dated 22.10.2009.

The commission has the status of an independent institution, which is financed from the state budget, a status which was sanctioned by the amendments made by Law No. 47/2017, dated 13.04.2017, "On some amendments and additions to the Law No. 9643, dated 20.11.2006 "On Public Procurement" (as amended), in fulfillment of agreements with international partners, in particular with the European Union and the World Bank, as well as the objectives of the Management Strategy of Public Finances 2014-2020. Referring to the provisions of the public procurement law, the Public Procurement Commission has the legal obligation to report to the Assembly through an annual report, which is carried out at the end of the quarter of the following year and presented by the Chairman of the Commission. Moreover, at the request of the Assembly, the Public Procurement Commission can also report on shorter periods of time or on specific issues.

The new public procurement Law No. 162/2020 "On public procurement", has brought alignment with four directives, Directive 2014/24/EU of the European

Parliament and of the Council, dated February 26, 2014, "On Public Procurement"; Directive 2014/25/EU of the European Parliament and of the Council, dated February 26, 2014, "On procurement by entities operating in the water, energy, transport and postal services sectors; Council Directive 89/665/EEC, dated December 21, 1989, "On the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts", as amended;

The annual report of the Public Procurement Commission is one of the main means and ways, through which the activity of this independent institution is reflected and evidenced, as well as it ensures accountability to the Assembly of Albania and the necessary level of accountability. This report represents not only the aspects of the work, but it also a means to ensures transparency and to make its activity public, within the framework of respecting the principle of transparency, public interest, ensuring the protection of the rights of economic operators and the implementation of relevant legislation by the contracting authorities.

On the legal obligation of annual activity reporting

The annual report, including the reporting for 2022, in compliance with Article 32 of Law No. 162/2020 "On Public Procurement". Reporting on the activity of the Public Procurement Commission must include, in addition to budgetary and financial performance, human resources policies/administration, institutional relations with local and foreign partners, and detailed presentation of data on; a) the total number of complaints and their value for each contracting authority or entity, the type of procurement procedure, as well as the stage of the process for which the complaint was submitted; b) the total number of rejected complaints and their value for each contracting authority or entity, the type of procurement procedure, as well as the stage of the process for which the complaint was submitted; c) the total number of complaints received and their value for each contracting authority or entity, the type of procurement procedure, as well as the stage of the process for which the complaint was submitted; ç) the number of decisions of the Public Procurement Commission appealed to the Administrative Court of Appeal; d) the conditions for accepting complaints and the most common reasons for submitting complaints; dh) information on the problems identified in the operation of the public procurement system and proposals for their improvement.

ORGANIZATION AND OPERATION II

Rules of organization and basic principles of operation

The Public Procurement Commission, also in terms of its organization and operation, is based on the provisions of the Public Procurement Law, which in its article 30 point 5 provides that: "The detailed rules of the organization and operation of the Public Procurement Commission are approved by the Commission itself with the majority of votes of all its members". Currently, these rules on the organization and operation of the commission are detailed in the "Regulation on the organization and operation of the Public Procurement Commission", which was approved by the Commission Decision No. 766/2021, dated 13.10.2021. This regulation has enabled access to the amendments and innovations of the new public procurement law, as well as the more complete framework of the Public Procurement Commission collegial body operation organization, as well as the institution of the Commission, including the status of the Commissioner, the powers of the Chairperson and the Vice-Chairperson, the duties of the members, the administration of the institution, the principles of collegial review, the casting of lots, the preliminary activity of the commission, the determination of the agenda of the meeting, and the decision of the Commission.

A special part of this regulation, completely new, are the heads on the processes of reviewing complaints, starting from:

- 1)** The head that regulates the process of reviewing complaints related to public procurement procedures;
- 2)** Head for reviewing Concessions/PPP complaints;
- 3)** Head for reviewing complaints for accelerated reconstruction procedures;
- 4)** Head for reviewing mining permit complaints;
- 5)** Head for reviewing complaints for procedures in the field of defense and security.

Also, a number of innovations have been presented as follows:

- Provision on the right of the Public Procurement Commission to publish the call for specialists and independent experts;
- Provision of foreign economic operators, who do not know the Albanian language, to participate in hearings assisted by an interpreter, which is usually provided by the Commission list of experts, who are licensed in accordance with the legislation in force, at the request of the party.
- Provision on the conduct of open meetings/hearings, when the Commission deems it necessary, that for the resolution of the case, the presence of the parties is needed to listen to their evidence and claims;
- Provision of the contracting authority obligation to implement the decision of the Public Procurement Commission, within 5 days of receiving information;
- Provision of sanctions in case of refusal of the contracting authority or entity to cooperate with the Public Procurement Commission;
- Provision of the right of complaining economic operators, who, in the case of complaints about the tender documents, can present to the PPC their position in writing, regarding the decision-making of the commission for examining the complaint of the contracting authority, from the day after receiving information of this decision-making;

The Public Procurement Commission, in the capacity of an administrative body that reviews complaints, plays an important role through its activity in increasing the trust building of the parties through impartial decisions, guaranteeing legal protection for all participants. participants in public procurement procedures, concessions/ public private partnership procedures, public auctions, as well as competitive procedures for granting mining permits.

This practice, also based on the best practices of administrative review procedures, has its positive impact on carrying out the fairest and the most efficient procurement procedures by the contracting authorities, aiming to prevent any unlawful actions that violates the public interests in the first place, the interests of economic operators, violates the principle of transparency, equality, as well as competition, and moreover the economical, effective and efficient use of public funds.



The Method of Providing Digitized Services

During 2022, the Public Procurement Commission approved with Decision No. 329, dated 06.04.2022, "On the approval of the manual of the contracting authorities for the use of the electronic complaints system and the review of complaints through the electronic complaints system", the manual addressed to Contracting Authorities on the use and review of complaints through the Complaints System.

This manual was sent to 1350 Contracting Authorities through the postal service by document No. 766 Prot., dated 13.04.2022.

Moreover, the Public Procurement Commission approved with Decision No. 328, dated 06.04.2022, "On the approval of the economic operators' manual for the use of the electronic complaints system and the submission of complaints through the electronic complaints system", the manual addressed to the Economic Operators on the use and submission of complaints through the Complaints System.

This manual was sent to 115 the Economic Operators via e-mail, by document No. 767 Prot., dated 13.04.2022.



Administrative Institutional Organization

Administrative institutional organization is regulated by the internal regulation for the organization and operation of the Public Procurement Commission approved by the order of the Chairperson of the Public Procurement Commission No. 03, dated 11.01.2022 "On the approval of the internal regulation for the organization and functioning of the Public Procurement Commission";

This regulation defines the normative rules for the organization and internal functioning of the Institution of the Public Procurement Commission regarding the organizational structure, powers and responsibilities of the officials and employees of the Public Procurement Commission, relations between structures, administration of documentation, equipment, official schedule, rules of ethics, administration of documents, administration of personnel files.

Structure and organics 2022

The structure and organization, the number of employees, as well as the budget of the Public Procurement Commission, are approved by the Assembly, referring to the provisions of Law No. 162/2020 "On Public Procurement", Law No. 9584, dated 17.07.2006 "On salaries, rewards and structures of independent constitutional institutions and other independent institutions, created by law" (amended) and Law No. 9936, dated 26.06.2008, "On the management of the budget system in the Republic of Albania" (amended).

The structure, organization and number of current employees of the Public Procurement Commission, even for 2022, continue on the basis of the decision-making of the Assembly of the Republic of Albania with Decision No. 65, dated 29.10.2020, "On the approval of the structure, organization and categorization of positions of the Public Procurement Commission", which, according to its point 5, entered into force on 29 October 2020. With the structure approved by the decision of the Assembly No. 65/2020, dated 29.10.2020, "On the approval of structure, organization and categorization of the work positions of the Public Procurement Commission", the total number of employees continues to be the same at a total number of 36 employees. As far as the administration of the Public Procurement institution is concerned, the inspectors are already organized under the General Secretary, as well as the collegial body of the Public Procurement Commission. So the inspectors have double dependence, from the General Secretary and from the Public Procurement Commission. The number of inspectors with the new organization is 15 (fifteen) inspectors with profiles of lawyers, economists and engineers, which are necessary, considering the complexity of the issues that the commission examines.

In addition, the Directorate of Monitoring, Support Services and Finance is also in operation, which consists of two sectors, namely the Sector for Monitoring the Implementation of Decisions and the Legal Service, organized with 1 (one) Head of Sector and 2 (two) Specialists (lawyers), and the Support Services and Human Resources Sector, organized with 1 (one) Head of Sector, 6 (six) Specialists and 2 (two) Administrative Employees.

Based on the by-laws cited above, the organization and structure of the Public Procurement Commission is presented in Table No. 1.

In relation to this structure approved by the Assembly during the year 2022, the focus of the institution has been on increasing the capabilities of the staff. From January 1 to December 31, 2022, the Public Procurement Commission has announced a total of 24 recruitment procedures (including repeated procedures) which have been held in full compliance with the civil service law in force.

Position	Category	No. of Employees
Chairman		1
Secretary		1
Vice-chairman		1
Member		3
Adviser	II-b	1
Secretary General	I-b	1
Director	II-b	1
Chairman	III-a	15
Sector for Monitoring the Implementation of Decisions and Legal Service		
Sector Manager	III-a	1
Legal Specialist	III-b	2
Support Services and Human Resources Sector		
Sector Manager	III-a	1
(IT) Specialist	III-b	2
(Financial/Budget) Specialist	III-b	1
(Archive/Protocol) Specialist	IV-a	1
Literary Editor	III-b	1
Specialist of Human Resources and Foreign Relations	III-b	1
Cleaner		1
Driver		1

Table 1: Organization and categorization of work positions in the Public Procurement Commission

Specifically, until December 31, 2022, the process has been completed and 4 positions with civil servant status have been recruited as follows: 3 (three) Inspectors with a lawyer profile, 1 (one) Finance/Budget Specialist.

Also, in accordance with the decision of the Council of Ministers No. 1151, dated 24.12.2020, administrative procedures have been followed and employment contracts have been concluded for three (3) support employees, specifically (2) two operators and (1) one protocol employee.

Specifically, in the Public Procurement Commission there are a total of 20 (twenty) civil servants, most of whom have completed the mandatory training at the Albanian School of Public Administration (ASPA), pursuant to Law No. 152/2013 "On the civil servant civil" and have been confirmed as such. During the year 2022, 2 (two) employees have successfully passed the probation period, being confirmed as civil servants. One of the employees recruited during 2022 is currently in a probation period and is waiting to regularly complete the training (webinars) under the supervision of ASPA and in full compliance with the civil servant legislation in force.

Human resource management policy

The Public Procurement Commission, even during the year 2022, intends to follow a human resources policy, which focuses on the increase of capabilities and professionalism, the embodiment of values, principles, with the objective that both the members of the Public Procurement Commission and the administrative staff, be equipped with up-to-date skills and knowledge and demonstrate maximum commitment to the implementation of ethical principles, to perform their activity in accordance with the legal framework in force, as well as with maximum efficiency.

Currently, out of 31 (including two administrative employees and three support employees) employees of the Public Procurement Commission, 22 of them are women and 9 of them are men. The average age of female employees is 40 years, while for male employees it is 32 years. There are a total of 31 employees with higher education, of which 22 are women and 9 are men. There are a total of 2 employees with secondary education, of which 1 is female and 1 is male.

During the year 2022, the Public Procurement Commission has done a good management of human resources, enabling the treatment of a high number of complaints submitted by various economic operators, which for the year 2022, are slightly higher compared with the year 2021. In the Public Procurement Commission during the year 2022, there were a total of 20 (twenty) civil servants, the majority of whom completed the mandatory training at the Albanian School of Public Administration (ASPAs), pursuant to Law no. 152/2013 "On the civil servant" and have been confirmed as such. During the year 2022, 2 (two) employees have successfully passed the probation period, being confirmed as civil servants. One of the employees recruited during 2022 is currently on a probation period and is waiting to regularly complete the training under the supervision of ASPA and in full compliance with the civil servant legislation in force.

The Public Procurement Commission focuses on capacity building and in this context, in close cooperation with ASPA, regularly ensures participation in the trainings held by the latter, making the training calendars available to the staff, as well as encouraging participation in trainings according to the fields that are of interest, according to the profile and functional tasks of everyone. In order to update and enrich knowledge, as well as exchange professional experiences, the staff of the Public Procurement Commission has participated in a series of trainings and professional exchange activities, which due to the continuation of restrictions due to the Covid-19 pandemic, have been in the form of webinars or online workshops.

Training 2022

Individual trainings, conducted by ASPA and the Institute of Chartered Accountants of Albania.

January

The training held by ASPA in the form of a webinar on the topic "Albanian Administration towards the European Administrative Space"

The training held by ASPA in the form of a webinar on the topic "Membership in the EU"

The training held by ASPA in the form of a webinar on the topic "Using statistics to accurately reflect or distort reality"

February

The training held by ASPA in the form of a webinar on "European values and their application in public administration"

The training held by ASPA in the form of a webinar on the topic "Mastering Excel formulas and functions"

The training held by ASPA in the form of a webinar on the topic "Innovations of filling out the declaration before starting the task, Part I"

The training held by ASPA in the form of a webinar on the topic "Innovations of completing the periodic annual declaration in the electronic system in operation, Part II"

The training held by ASPA in the form of a webinar on the topic "Completing the self-assessment questionnaire of dependency institutions and the action plan"

The training held by ASPA in the form of a webinar on the topic "How does the electronic complaints system work?"

The training held by ASPA in the form of a webinar on the topic "Cases from practice and problems found by the Public Procurement Commission on the implementation of the criterion of the most favorable economic offer"

The training held by ASPA in the form of a webinar on the topic "Competitive dialogue and partnership for innovation in the framework of public procurement"

March

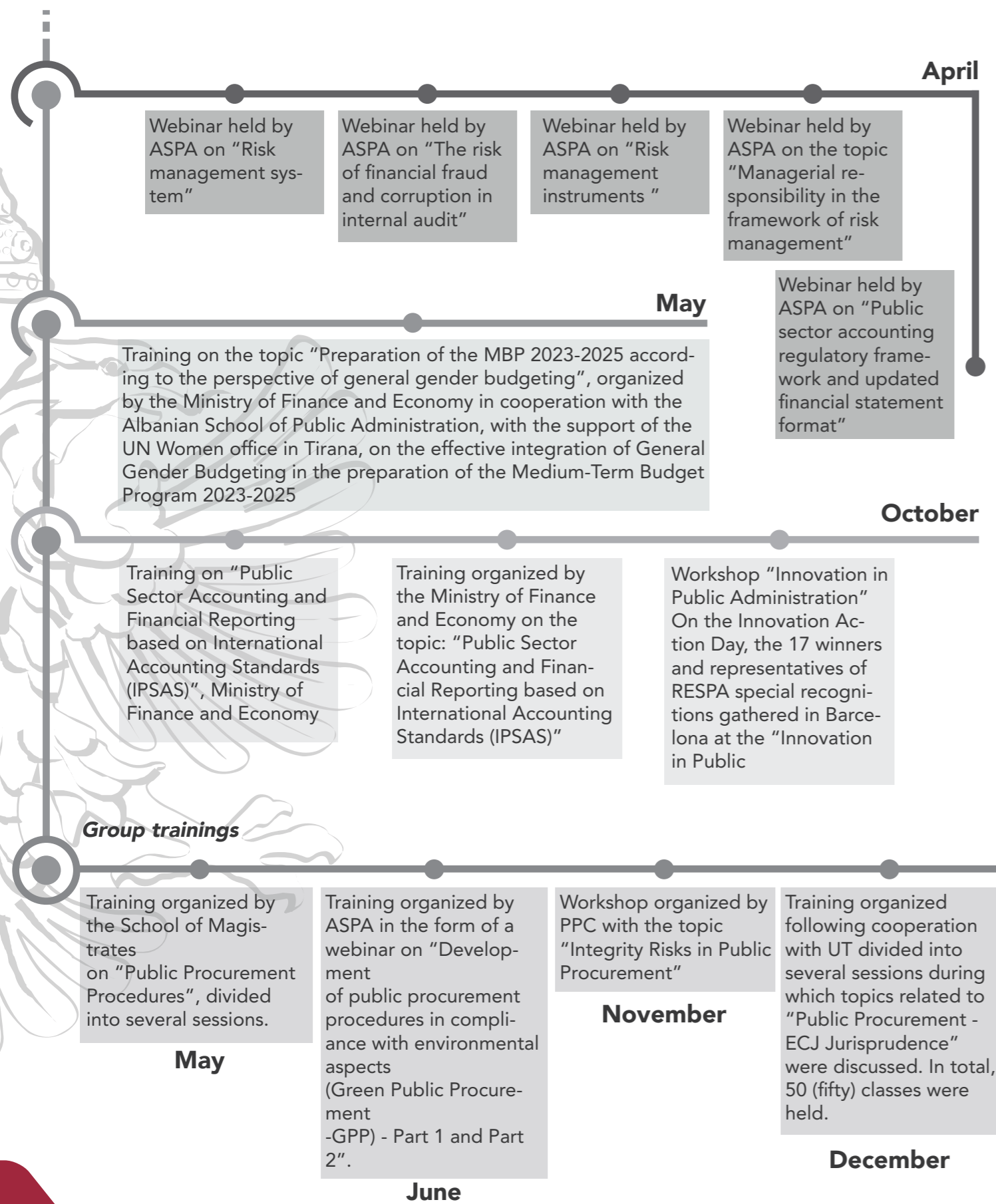
Course on "National Accounting Standards", organized in the framework of the professional training for Chartered Accountants, with certification from the Institute of Chartered Accountants of Albania

Course on "International Financial Reporting Standards", organized in the framework of the professional training for Chartered Accountants, successfully certified by the Institute of Chartered Accountants of Albania

Webinar held by ASPA on "Monitoring and reporting on the implementation of strategic documents"

The training held by ASPA on the topic "Data processing, evaluation, analysis"

continues in April



Timeline

Activity during 2022

01

**32 filed Complaints
77 Decisions taken by the PPC**

January 6, 2022: Drafting and submission of the material regarding the second contribution to the drafting of the European Commission's Report on Albania for 2022;

January 11, 2022: Approval of the internal regulation by order of the Chairman of the Public Procurement Commission No. 03, dated 11.01.2022 "On the approval of the internal regulation for the organization and functioning of the Public Procurement Commission".

02

**62 filed Complaints
55 Decisions taken by the PPC**

February 15, 2022: Reporting in the framework of the twelfth meeting of the European Union - Albania Stabilization and Association Committee.

03

**56 filed Complaints
67 Decisions taken by the PPC**

April 8, 2021: Reporting within the Annual Monitoring Report of the Public Finance Management Strategy for 2021;

April 6, 2022: Approval of the manual "On the use of the electronic complaints system and review of complaints through the electronic complaints system", for contracting authorities, with Decision No. 329, dated 06.04.2022 of the Public Procurement Commission;

April 6, 2022: Approval of the manual "On the use and submission of complaints through the electronic complaints system (ECS), for economic operators", with Decision No. 328, dated 06.04.2022";

April 19, 2022: Preparation and submission of the presentation within the reporting on Chapter V.

04

**77 filed Complaints
77 Decisions taken by the PPC**

05

**65 filed Complaints
7 Decisions taken by the PPC**

May 5, 2022: Reporting to the European Commission on the activity of the Public Procurement Commission (for 2021, as well as the first four months of 2022, within the 13th meeting of the EU-Albania Stabilization Association Subcommittee, "Internal Market and Competition including consumer and health protection";

May 11, 2022: Reporting to the Parliament of Albania - the Commission for Legal Affairs, Public Administration and Human Rights, regarding the annual activity of the institution of the Public Procurement Commission;

May 27, 2022: Organizing the second conference with the theme "Challenges of the Public Procurement System in the Republic of Albania", with the aim of dealing with and addressing the problems in the field of public procurement.

06

**85 filed Complaints
74 Decisions taken by the PPC**

June 7, 2022: Reporting at the following meeting of the Steering Committee on the National Strategy for Public Procurement (NSPP) 2020 - 2023, in which it was discussed the Draft - Monitoring report of the National Strategy for Public Procurement 2020 - 2023, for 2021.

07

**72 filed Complaints
84 Decisions taken by the PPC**

July 7, 2022: Reporting to the Assembly of Albania on the annual work of the Public Procurement Commission for 2021 regarding the fulfillment of the recommendations given by the Assembly, as well as the main directions of work for 2022;

July 18, 2022: The immediate undertaking of all measures for non-interruption of work and continuation of activity in the unprecedented situation of the downfall of online public services and other government websites, as a result of the synchronized cyber-attack. By Order No. 388, dated 18.07.2022 it is ensured the continuation of the work and the economic operators are informed about the procedure regarding the submission of the complaint, recognition of filed complaints, etc.

08

83 filed Complaints
75 Decisions taken by the PPC

Conducting hearings with representatives of the authorized representatives of the contracting authority and the authorized representatives of the economic operator regarding two issues related to the opposition to the bid evaluation and one issue related to the drafting phase of standard tender documents, pursuant to Law No. 44/2015 "Code of Administrative Procedures", as well as Articles 23, 24 and 26, of the Decision of the Public Procurement Commission No. 766/2021, dated 13.10.2021, "On the approval of the rules for the organization and functioning of the Public Procurement Commission".

09

62 filed Complaints
76 Decisions taken by the PPC

September 26, 2022: Referral of a case for administrative investigation to the Public Procurement Agency, pursuant to Law No. 162/2020, "On Public Procurement", with the PPC Decision 928/2022, dated 26.09.2022;

September 15, 2022: The participation of representatives of the Public Procurement Commission, in the explanatory session for Chapter 5 - Public Procurement, held in Brussels;
Approval of Order No. 464, dated 26.09.2022, "On the efficient use with the aim of saving electricity in the Public Procurement Commission, in support of the Plan of measures for Electricity.

10

60 filed Complaints
68 Decisions taken by the PPC

October 6, 2022: The signing of the Cooperation Agreement between the Public Procurement Commission and the High Judicial Council, with a cooperation approach in several main directions, such as the realization of workshops, conferences, joint trainings; carrying out periodic analyzes and studies; other cooperation activities in accordance with the purpose of this agreement, with the aim of contributing to raising the capacities of the respective institutions, as well as addressing the problems;

October 13, 2022: The cooperation agreement between the Public Procurement Commission and the Italian National Anticorruption Authority (ANAC) is signed in Rome, with a three-year duration, focused on the exchange of knowledge/experiences, documentation and information of both institutions in order to improve efficiency in the field of public procurement; ▶

▶ **October 18, 2022:** Sending material on important indicators of the activity of the Public Procurement Commission, within the framework of drafting the new strategy of Public Finance Management;

October 28, 2022: The Network of Procurement Review Bodies of Southeast Europe is established, with the participation of the procurement review bodies of Albania, Kosovo, Croatia, Bosnia and Herzegovina, North Macedonia, Romania, Slovenia and Montenegro. Meanwhile, the procurement review body of the Republic of Turkey enjoys a special status.

11

95 filed Complaints
79 Decisions taken by the PPC

November 3, 2022: Approval of the regulation "On the organization and operation of the Institution's Library", by order of the Chairman of the Public Procurement Commission No. 531, dated 03.11.2022;

November 16, 2022: The organization of the workshop on the topic: "Integrity Risks in Public Procurement", by the Public Procurement Commission, in cooperation with Sigma-OECD, with the aim of forming a common understanding of the risks of public procurement procedures;

November 10, 2022: Announcement of competition for completion of the annual list of experts, independent specialists and accredited laboratories, pursuant to Law No. 162/2020 "On Public Procurement", as well as Article 13 of the Decision of the Public Procurement Commission No. 766, dated 13.10.2021 "On the Approval of Rules for the Organization and Functioning of the Public Procurement Commission";

November 18, 2022: Reporting to the European Commission, following the bilateral meeting on Chapter 5, "Public Procurement", presenting a very detailed overview of the activity and work indicators of the Public Procurement Commission.

12

45 filed Complaints
82 Decisions taken by the PPC

December 5, 2022: Drafting of comments and suggestions regarding the Draft - Monitoring Report of the first half of 2022, on the problems and unrealized activities, etc.;

December 12, 2022: Approval of the "List of experts, independent specialists and accredited laboratories for 2023", with Decision No. 1237/2022, dated 12.12.2022 based on Law No. 162/2020, dated 23.12.2020 "On Public Procurement";

December 22, 2022: Conducting the online meeting of the Steering Committee of the National Strategy for Public Procurement and the approval of the report of the first six months, for the implementation of the National Strategy for Public Procurement 2020 - 2023 for 2022.

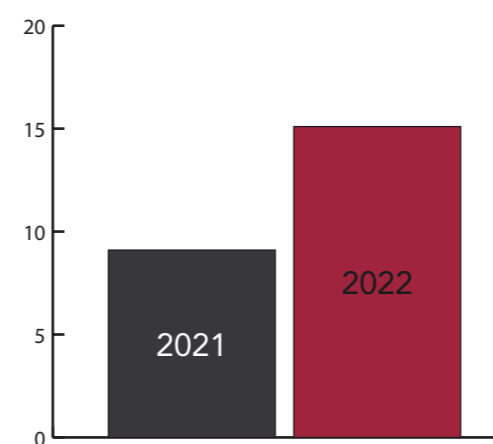
MAIN POINTS

Complaints and their type

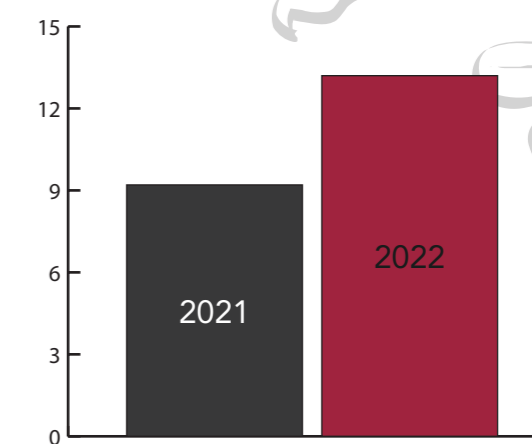
Out of **6,494** unique procedures published in the Electronic Procurement System (EPC) during 2022, which reach the total value of **170,200,854,721 ALL**, complaints about **532** unique procedures have been submitted to the Public Procurement Commission, which reach the value of **20,412,194,409 ALL**.

In total, the Public Procurement Commission received complaints about unique procedures equal to **12%** of the budget procured at the national level or **8.19%** of the unique procurement procedures published in the EPS in 2022.

In comparison with 2021, a decrease in the number of complaints in relation to the number of procedures published in the Electronic Procurement System is observed from 15.1% to 8.3%. The decrease in the number of complaints is also related to the strengthening of the decision-making stability of the Public Procurement Commission, the increase of the number of interpretive decisions of the last quarter, the communication improvement with the stakeholders. Thus, it results that thanks to the work done by the Public Procurement Commission, economic operators and contracting authorities are avoiding repeating the same problems twice. However, during 2022, an increase in the total value of the appealed procurement budget is observed from 9.2% in 2021 to 12% in 2022, thus increasing control through the institute of appeals in procurement procedures with high values.

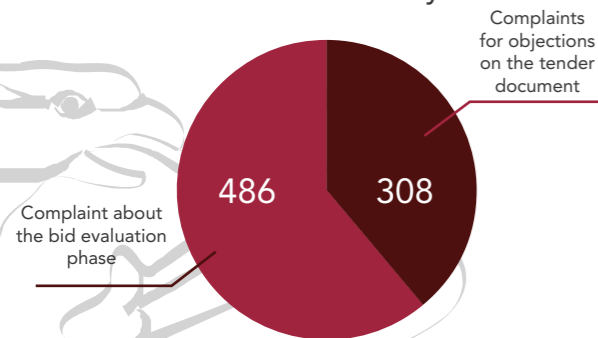
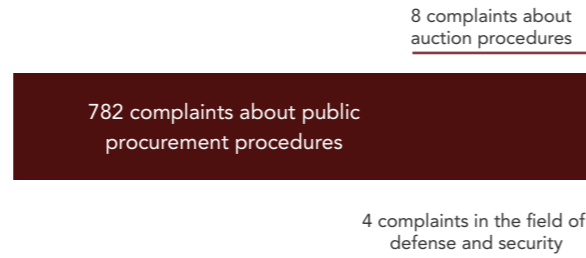


Graph 1: No. of complaints in relation to no. of procedures published in EPS



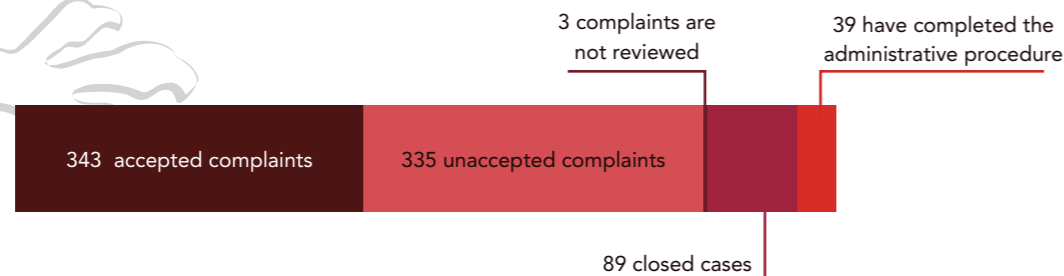
Graph 2: Total value of the complained procurement budget

During 2022, a total of 794 (seven hundred and ninety-four) complaints were submitted to the Public Procurement Commission, out of which: 782 (seven hundred and eighty-two) are complaints related to public procurement procedures, 8 (eight) complaints related to auction procedures, and 4 (four) complaints in the field of defense and security.



Out of 794 (seven hundred and ninety-four) complaints, 308 of them or about 39% are complaints filed for objections to the tender documents and 486 complaints or about 61% of them, are complaints filed for the bid evaluation stage.

Out of 794 (seven hundred and ninety-four) complaints in total submitted during 2022, as well as 70 (seventy) complaints carried over from 2021, 343 (three hundred and forty-three) complaints were accepted, 335 (three hundred and thirty-five) were not accepted, 3 (three) complaints were not taken into consideration for review; 89 cases (eighty nine) were closed, and the administrative proceedings of 39 (thirty-nine) of them were completed. Details on the value for each contracting authority, as well as the object of the contract, such as works, goods, services, etc., can be found in detail in Annex No. 1, an integral part of this report.



Digitization and increased trust in the institution of the Public Procurement Commission has brought a noticeable increase and impact in the number of unique economic operators that use the administrative review system. In contrast to 2021, where 289 economic operators filed complaints, in 2022, the number of economic operators who filed complaints was 300.

It is also found that there are 26 new economic operators in the administrative complaint system, two of which are Small Medium Sized Businesses.

6,494 unique procedures in EPS, limit fund 170,200,854,721 ALL

532 unique complaints to PPC, value 20,412,194,409 ALL 12% of the budget procured at the national level

794 complaints

782 public procurement procedures

8 complaints about auction procedures

4 complaints in defense and security field

39% (308) complaints filed for objections to the tender documents

61% (486) complaints submitted for the bid evaluation phase

70 complaints carried over from 2021

343 accepted complaints

335 unaccepted complaints

3 complaints were not reviewed

89 complaints about the case that has been closed

39 complaints about the case whose the administrative procedure has been completed

Commission's decision-making

Out of 715 (seven hundred and fifteen) decisions taken by the Public Procurement Commission during 2022, 39 of them have been challenged a lawsuit in the Court. So far, out of the total of filed lawsuits, 2 of the lawsuits submitted by the economic operator have been accepted, 3 of the lawsuits have been partially accepted and in 10 cases the lawsuit has been dismissed, keeping the same position with the Public Procurement Commission's decision-making, meanwhile 24 cases are in process. Compared to 2021, there is a decrease in the number of decisions appealed to the Administrative Court, from 7.8% of the decisions appealed in 2021, to 5.5% of the decisions appealed in 2022.

During 2022, the Public Procurement Commission increased the speed of reviewing complaints, both in terms of the total number of complaints handled beyond the deadline, as well as in the number of days of handling a complaint at the Public Procurement Commission. Therefore, if the percentage of complaints reviewed beyond the deadline was 10.8% in 2021, in 2022 the percentage of complaints reviewed beyond the deadline decreased to 10.1%, despite the slight increase in the number of complaints, and regarding the decision-making time it went from 17 days in 2021 to 12 days in 2022.

The financial effects of decision-making for complaints related to the evaluation stage - the state budget savings

During 2022, from the total number of reviewed complaints (complaints of 2022, as well as complaints of 2021 for which the Commission has issued a decision in 2022), for 492 of them, which are related to the evaluation phase, with a limit fund of 17,997,871,842 ALL without VAT, it results that:

- ▶ After the decision-making of the Public Procurement Commission, after exercising the means of review for the administrative complaint submitted by economic operators to the Public Procurement Commission, the PPC, after examining the complaints, and based on the decision-making of the latter, has saved the state budget, an amount of 115,967,650.00 ALL without VAT, calculated as the difference of the qualified bid from the decision-making of the contracting authorities and economic operators who complained, whose complaint was accepted by the Public Procurement Commission.
- ▶ In relation to the decision-making in the bid evaluation phase, it results that 33% of the complaints reviewed in this phase were accepted by the Public Procurement Commission, compared to 55% of the complaints accepted in the tender documents phase.



715 decisions

39 lawsuits filed in court

10 dismissed lawsuits

2 accepted lawsuits

3 partially accepted lawsuits

24 cases in process



Increased speed of complaints review compared to 2021

12 days decision-making time

10.1% percentage of complaints reviewed outside the deadline



After the decision, 115,967,650.00 ALL without VAT was saved to the state budget



1. Cyber-attack and institutional challenges for service continuation

2022 was a challenging year for the provision of digital services for Albania, but also for the Public Procurement Commission. As a result of the unprecedented cyber-attack that hit Albania, the National Information Society Agency was forced to immediately and temporarily close access to online public services, other government websites, online systems and platforms.

In this emergency and unprecedented situation created as a result of the temporary non-access to online public services, as well as to the website and the electronic complaint management system of the PPC through the government portal E-Albania, it ensured real-time immediate measures

for guaranteeing the stable continuation of work, the provision of public service to economic operators, contracting authorities and interested subjects, the normal activity of the Public Procurement Commission according to the legal provisions in force and the notification of EOs, CAs and any interested subject.

During the days that the electronic complaint submission service was interrupted and also the institution's official website was inaccessible, 77 complaints were registered and 89 decisions were made.



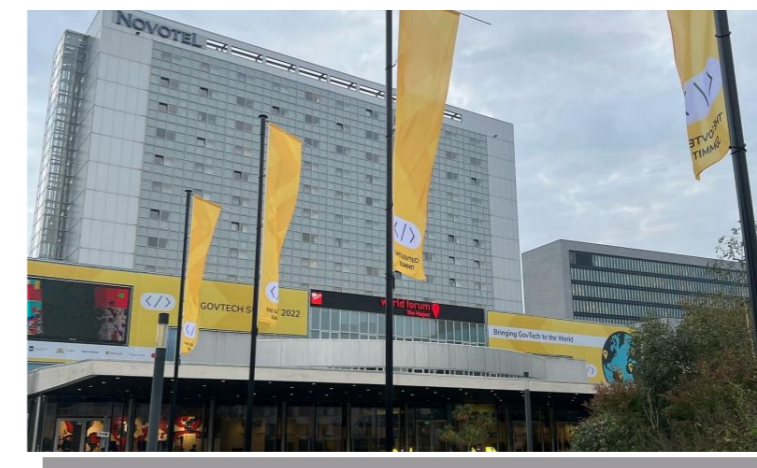
2. International evaluation

During 2022, the Public Procurement Commission was evaluated by several international organizations, in terms of its activity. Specifically:

◇ **The European Commission in the Report on Albania, dated 12.10.2022, regarding the Public Procurement Commission, cited:**

"In October 2021, the PPC launched a new electronic complaints management system, E-Complaints, for the electronic submission and management of cases, as well as the electronic signature of documents and acts. The new system provides real-time statistics, monthly newsletters and information for all interested parties, including visually impaired people, through a special access engine."

◇ **On 15.09.2022, the Public Procurement Commission won the international award: "Trust building in public administration"**



◇ **During 2022, at the Govtech Summit held in The Hague, on November 1, 2022, the Public Procurement Commission was rated among the 15 best projects worldwide with its E-Complaint System**

The Govtech Summit is the world's leading event for public sector innovation.

◇ **Open Contracting Partnership – Evaluation on the digital reform of the PPC**

Open Contracting Partnership, a non-profit organization based in the USA, has published on its official website an article dedicated to the digital reform of the PPC, the first Electronic Complaint System in Albania, which brought a series of innovations in the field of public procurement in Albania.

◇ **PPC - ANAC cooperation agreement**

In October 2022, the Public Procurement Commission and the National Anticorruption Authority (ANAC), of the Republic of Italy, signed a cooperation agreement in Rome to strengthen inter-institutional relations and to start bilateral cooperation.

◇ **Conference "Challenges of the Public Procurement System in the Republic of Albania"**

On May 27, 2022, the second conference on "Challenges of the Public Procurement System in the Republic of Albania" was organized in cooperation with SIGMA-OECD.

◇ **The workshop on "Integrity Risks in Public Procurement"**

On November 16, 2022, in cooperation with SIGMA-OECD, the Public Procurement Commission organized the workshop on the topic: "Integrity Risks in Public Procurement".

IV FINANCIAL PERFORMANCE

Implementation of the Budget of the Public Procurement Commission for 2022

Pursuant to Law No. 9936, dated 26.06.2008, "On the management of the budget system in the Republic of Albania", Law No. 115/2021, "On the 2022 budget", as amended, as well as Law No. 25/2018 "On accounting and financial statements", the planning and implementation process of the 2022 budget, as well as the budget situation with implementation indicators of the budget of the institution of the Public Procurement Commission, for the period January-December 2022, is presented as follows:

General expenses, based on the 2022 budget (including all budget items 600-601, 602-606, 231), at the end of the year, reached the value of 83,718.23 thousand ALL, from 91,258.00 thousand ALL of foreseen in the approved budget for 2022, being used to the extent of 91.73% of the annual plan or with a non-implementation of approximately 7,539.77 thousand ALL or 8.26%.

Title	Naming	The 2022 budget (in thousand ALL)	Implementation for 2022	
			in thousand ALL	in %
90	Public Procurement Commission	91,258.00	83,718,23	91.73%
01110	Public Procurement Service			

Table 2: The process of planning and implementing 2022 budget, as well as the budget situation with indicators of the budget realization of the institution of the Public Procurement Commission, for the period January-December 2022

- ▶ Item 600, "Salary", which is the first item has been used in the amount of 41,045.42 thousand ALL, out of 43,800.00 thousand ALL foreseen in the 2022 budget, that is, approximately 93.71% used.

So, we have a utilization of the salary fund in the amount of approximately **93.71%**, resulting in a non-implementation of funds in the amount of **6.29%**

- ▶ Item 601, "Contributions for Social and Health Insurance", results in a implementation in the amount of 6,006.26 thousand ALL, out of 7,360.00 thousand ALL foreseen in the 2022 budget, i.e. realized approximately 81.6%, resulting in a non-implementation of funds of 18.4%.
- ▶ Item 602, namely "Expenses for goods and services", results in an annual implementation in the amount of 12,429.18 thousand ALL out of 15,448,00 thousand ALL planned for 2022, or about 80.45% of the budget, resulting in a non-implementation of approximately ALL 3,018.82 thousand, or 19.54%.
- ▶ Item 606, namely "Transfers for family and individual budgets", results in an annual implementation in the amount of 511.65 thousand ALL from 650.00 thousand ALL provided as a special fund in the 2022 budget, or approximately 78.71% of annual plan, resulting in a non-implementation of funds of 21.29%.

Capital expenditures until the end of the year were realized in the amount of 23,725.72 thousand out of 24,000.00 thousand ALL or about **98.86%** of the annual plan, resulting in a non-implementation of funds of approximately 274.28 thousand ALL or **1.15%**.

Submissions on adequacy of funds

Based on the indicators of Table 2 below, we can conclude that the economic situation during 2022, for the Public Procurement Commission, has been more stable and at somewhat optimal levels. Taking into account the specific circumstances, the unprecedented situation caused by the cyber-attack, which was extremely challenging for the Public Procurement Commission, it is noted that there is a non-implementation of the total funds in the amount of ALL 7,539.77 or 8.26%. These changes were accompanied to some extent by eventual delays in the total utilization of funds and the development of various procurement procedures, foreseen and planned to meet the needs and requirements of the institution. However, almost all budget items have been realized within the planned measure in the Medium-Term Budget Project 2021-2023. During the month of December 2022, the allocation of additional funds was requested in article 606 in implementation of DCM No. 898, dated 29.12.2022 "On immediate financial support of employees of General Government Units and Public Higher Education Institutions to mitigate the impact of crisis". The largest measure of non-implementation is found in the current expenses for salaries and consequently for social and health insurance, due to the non-filling of vacancies in the structure. The reasons for the non-implementation of budget funds planned

for personnel expenses are related to the non-filling of vacancies approved in the structure, with Decision No. 65, dated 29.10.2020 of the Assembly of the Republic of Albania "On the approval of the structure, personnel and categorization of positions of the Public Procurement Commission", due to the end without a winner of the recruitment procedures announced by the PPC during the year 2022, the duration of the recruitment procedures, as well as due to the recent resignations of some of the employees of the institution, a situation which has influenced the creation and unplanned increase in vacant job positions. Despite this fact, the institution has carried out the most important operating expenses and investment projects planned in the Public Procurement Forecast Register for 2022 and necessary for the smooth running of its activity, using and utilizing the funds efficiently and making the work run effectively, with the aim of meeting all the needs of employees for the creation of a more suitable work environment.

So, making a summary on the sufficiency of the utilization of funds for 2022, by the Public Procurement Commission, for all budget items, the situation is presented as follows:

Item	Naming	The 2022 budget (in thousand ALL)	Implementation for 2022	
			In thousand ALL	in %
600	Salaries	43.800,00	41.045,42	93.71%
601	Social and health insurance	7.360,00	6.006,26	81.60%
602	Other goods and services	15.448,00	12.429,18	80.45%
606	Transfers for family budgets and individuals	650,00	511,65	78.71%
600-606	TOTAL Current expenses	67.258	59.992,51	89.19%
231	Capital expenditures	24.000,00	23.725,72	98.86%
231	TOTAL Current expenses	24.000,00	23.725,72	98.86%
TOTAL BUDGET		91,258.00	83.718,23	91.73%

Table 3: Use of funds for 2022 by the Public Procurement Commission

Extra-budgetary income for 2022

Indicator on extra-budgetary income

A charge is paid for Complaints to the Public Procurement Commission, provided by article 111, point 2, of Law No. 162/2020 "On public procurement".

The payment rules and fees are determined by the decision of the Council of Ministers as follows:

- ▶ Decision No. 261 dated 17.03.2010 of the Council of Ministers, "On determining the fee and the rules for its payment, in a complaint procedure, at the Public Procurement Commission", by-law which regulates the procedures and fees for complaints in the procedures of public procurement;
- ▶ Decision No. 401, dated 13.05.2015 of the Council of Ministers, "On determining the fee and the rules for its payment in a concession/public private partnership procurement procedure, at the Public Procurement Commission", by-law which regulates procedures and fees for complaints in concession/public private partnership procedures;
- ▶ Decision No. 56, dated 19.01.2011 of the Council of Ministers, "On determining the fee and the rules for its payment in a complaint procedure against public auction procedures or decisions on exemption from them, at the Public Procurement Commission", by-law which regulates procedures and fees for complaints in public auction procedures;
- ▶ Decision No. 301, dated 20.4.2016 of the Council of Ministers, "On some amendments and additions to Decision No. 320, dated 21.4.2011, of the Council of Ministers, "On the approval of the procedures and competition criteria and the deadlines for reviewing requests for obtaining Mining Permits in Competitive Areas", by-law which regulates the procedures and fees for complaints in competitive mining permit procedures.

Pursuant to the provisions of the aforementioned legal acts, in cases where at the end of the process of administrative review of the complaint, the complaint of an economic operator is accepted, the value of the paid financial fee is returned to the complainant, while in cases where at the end of the process of administrative review of the complaint, the complaint of an economic operator is not accepted, the value of the financial fee (income collected from the complaint fee as a guarantee for the procurement procedure) is transferred 100% to the State Budget.

Summary of procedures according to the object of complaints				
	Case with payment		Payment amount	
	Number	%	Amount in ALL	%
Public procurement procedure	781	98.48%	134,691,220	98.48%
Procedure in the field of defense and security	4	0.5%	1,034,835	0.5%
Auction procedure	8	1.002%	6,585,569	1.002%
TOTAL	793	100.00%	142,311,624	100.00%

Table 4: Summary of procedures according to the object of complaints

The total current expenses (600-606) at the end of 2022 were implemented to the extent of 7.35% more, compared to the current expenses of 2021.

- ▶ Item 600, "Salary", which is the first item, in 2022, was effectively used to the extent of 8.15% more compared to 2021.
- ▶ Item 601, namely "Contributions for Social and Health Insurance", during the year 2022, results in an implementation of 22.67% more, compared to the year 2021.
- ▶ Item 602, namely "Expenses for goods and services", during the year 2022, results in an implementation of 3.86% less, compared to the year 2021.
- ▶ Item 606, namely "Transfers for family budgets and individuals", during the year 2022, results in an implementation of 11.53% less, compared to the year 2021.

Total capital expenditures (231) at the end of 2022 result in an implementation of 2.98% more, compared to 2021.

In total budget terms, the general expenditures of the 2022 budget (including all budget items 600-601, 602-606, 231), compared to the general expenditures of the 2021 budget (including all budget items 600- 601, 602-606, 231), were implemented to the extent of 9.69% more.

Item	Naming	The 2022 Budget of 2022 (in thousand ALL)		Realization for 2022		The 2021 Budget of (in thousands of ALL)		Realization for 2021	
		In thousands ALL	in %	In thousands ALL	in %	In thousands ALL	in %	In thousands ALL	in %
600	Salaries	43.800,00	93.71%	41.045,42	85.56%	45,494.80	85.56%	38,927.90	85.56%
601	Social and health insurance	7.360,00	81.60%	6.006,26	58.93%	9,600.00	58.93%	5,658.20	58.93%
602	Other goods and services	15.448,00	80.45%	12.429,18	84.31%	12,750.00	84.31%	10,749.90	84.31%
606	Transfers for family budgets and individuals	650,00	78.71%	511,65	90.24%	2,305.20	90.24%	2,080.30	90.24%
600-606	TOTAL Current expenses	67.258	89.19%	59.992,51	81.84%	70,150.00	81.84%	57,416.30	81.84%
231	Capital expenditures	24.000,00	98.86%	23.725,72	95.88%	1,000.00	95.88%	958.8	95.88%
231	TOTAL Capital expenditure	24.000,00	98.86%	23.725,72	95.88%	1,000.00	95.88%	958.8	95.88%
	TOTAL BUDGET	91,258.00	91.73%	83,718,23	82.04%	71,150.00	82.04%	58,375.10	82.04%

Table 5: Comparison and realization of 2022 budget compared to 2021

Item	Naming	The 2022 Budget of 2022 (in thousand ALL)	Budget realization for 2021	Positive indicator of achievement of the 2022 budget compared to 2021
		in %	in %	in %
600	Salaries	93.71%	85.56%	8.15%
601	Social and health insurance	81.60%	58.93%	22.67%
602	Other goods and services	80.45%	84.31%	-3.86%
606	Transfers to family budgets and individuals	78.71%	90.24%	-11.53%
600 - 606	TOTAL Current expenses	89.19%	81.84%	7.35%
231	Capital expenditures	98.86%	95.88%	2.98%
231	TOTAL Capital expenditure	98.86%	95.88%	2.98%
	TOTAL BUDGET	91.73%	82.04%	9.69%

Table 6: Comparison and realization of 2022 budget compared to 2021

The right to information

The right to information is one of the fundamental rights of citizens, which is guaranteed by the Constitution of the Republic of Albania. This right is regulated by Law No. 119/2014, "On the right to information", as amended. This law enables citizens to obtain the necessary information from any public authority.

In the framework of the implementation of the obligations derived from Law No. 119/2014, "On the right to information", the Public Procurement Commission maintains and publishes the Register of Requests and Responses, which reflects all requests for information and the information provided based on requirements.

During 2022, 11 requests for information were submitted, to which the Public Procurement Commission responded within the deadline set by law. The Coordinator for the right to information maintains a continuous communication with the Commissioner for the Right to Information and Protection of Personal Data, in the framework of the continuous improvement of the transparency program. Regarding the information provided to the entities that requested information, addressed to the Public Procurement Commission for 2022, there was no complaint to the Commissioner for the Right to Information and Protection of Personal Data.

In comparative terms, referring to the 2 previous years 2020 and 2021, the number of requests for information remains at the same levels. This is because the Public Procurement Commission reflects its administrative activity in real time, through the publication of data based on open data principles. In this way, the Public Procurement Commission enables the public and interested entities to easily access all the necessary information regarding complaints or decisions of the Public Procurement Commission on its official website.

COMPARATIVE INDICATORS ON THE EVALUATION OF THE ACTIVITY OF THE PUBLIC PROCUREMENT COMMISSION

1. The time of the complaint review

In addition to significant elements, such as the proper application of the law in the process of complaint review, stability in decision-making, a key element is the time of complaint review to enable ensuring the right. It is worth noting that the Public Procurement Commission has continued with the trend of speeding up the time of the complaint review in 2022, reducing the indicator of complaints reviewed beyond the deadline. Specifically, the percentage of complaints reviewed beyond the deadline decreased from 22.1% in 2020 and 10.8% in 2021 to 10.1% in 2022, while the decision-making time was reduced from 20 days in 2020, and 17 days in 2021 to 12 days in 2022, thus increasing the speed of decision-making by 5 days during 2022.

	Complaints reviewed beyond the deadline	Complaints reviewed within the deadline	Total number of complaints	Percentage of complaints reviewed beyond the deadline
2020	164	577	741	22.1%
2021	84	692	776	10.8%
2022	82	727	809	10.1%

Table 7: Complaint review time

As it was mentioned above in the table at the level of performance indicators, it is noted that even during 2022 the trend of reduction of the percentage of complaints reviewed beyond the deadline continued. Therefore, during the period January-December 2022, the value of complaints reviewed beyond the deadline is 10.1%, while in 2021 it was 10.8%, whereas in 2020 this value was 22.1%.



2. Decisions of the Public Procurement Commission appealed to the court

On a comparative level, the number of lawsuits filed in court during 2022 is lower than the number of lawsuits filed during 2021 and 2020, while the number of CPP decisions is higher during 2022. Percentage of lawsuits filed in court in 2022 is 5.1% compared to appealed decisions in 2021, which was 7.8%, whereas in 2020 was 9.8%. Therefore, the number of decisions appealed to the court in 2022 decreased by almost 2.7% compared to 2021.

	2020	2021	2022
The total number of decisions of the Public Procurement Commission	601	676	715
Appealed to the court	59	53	39
Comparison of the number of lawsuits in 2020-2021-2022 in percentage	9.8%	7.8%	5.5%

Table 8: PPC decisions appealed to the court

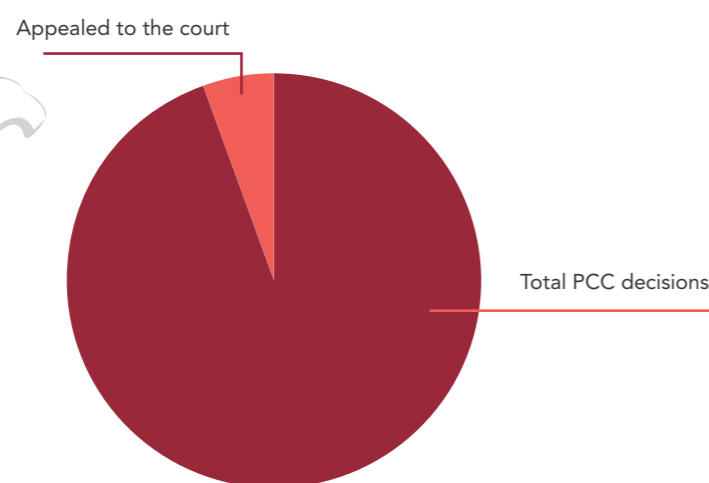
Analysis of the Court's decisions

During 2022, out of 715 decisions of the Public Procurement Commission, 39 decisions were appealed to the Court. 38 PPC decisions were appealed to the Court of Administrative Appeals and one decision was appealed to the Administrative Court of First Instance.

The most typical reasons for appealing to the court are related to procedural actions. Referring to the Law No. 44/2015 "Code of Administrative Procedures of the Republic of Albania", Law No. 162/2020 "Law on Public Procurement", as well as Decision No. 285, dated 19.5.2021 "On the approval of public procurement rules", the most typical cases brought to court by the economic operators are as follows:

- Lawsuit on the complaint submission deadline;
- Lawsuit on the return of the fee; and
- Lawsuit on the deadline within which the Contracting Authority has the obligation to announce the winner;

At the end of the judicial process in the first instance and in the appeal, the court has decided the full acceptance for 2 lawsuits and partial acceptance for 3 lawsuits, it has decided to dismiss 10 lawsuits, while other 24 lawsuits are still in the process of judicial review at first instance and in the appeal.



Graph 3: Decisions appealed to the court



3. Monitoring the implementation of 2021 and 2022 decisions

Based on the monitoring carried out for the period January 1-December 31, 2022, the Public Procurement Commission reviewed a total of 809 complaints and after the administrative review of the complaint submitted by the economic operator, it decided that the contracting authority make the modifications specified in the Decision for 343 complaints, while in 2021 it was found that the Public Procurement Commission reviewed a total of 776 complaints and after the administrative review of the complaint submitted by the economic operator, it decided that the contracting authority make the modifications specified in the decision for 327 complaints.

During 2022, the Public Procurement Commission, after exceeding the legal deadline set for the implementation of decisions by the contracting authority, sent **43 (forty-three)** requests for decision implementation to the contracting authorities, while during 2021, the number of requests sent to contracting authorities reached **60 (sixty)**.

The average speed of decision implementation by the contracting authority is 7 days from the date of sending the request for decision implementation.

Year	Accepted/ partially accepted	Sent requests for implementation	Percentage of sent requests	The average number of days from the sending of the request for implementation of the decision to the date of the implementation of the decision
2021	327	60	18%	6
2022	343	43	12.5%	7

Table 9: Monitoring the implementation of the 2021 and 2022 decisions

THE ACTIVITY OF THE PUBLIC PROCUREMENT COMMISSION IN ADMINISTRATIVE COMPLAINTS REVIEW

Review system for public procurement procedures, concessions/ppp, public auctions, defense and security procurements and mining permits

The review system for public procurement procedures in the Republic of Albania consists of two main levels, administrative review and judicial review

Specifically:

1. Administrative review
 - Contracting Authority/Contracting Entity
 - Public Procurement Commission
2. Judicial review - Albanian Judicial System
 - Administrative Court of Appeal - original jurisdiction
 - Supreme Court

The development of public procurement procedures in the Republic of Albania is regulated by Law No. 162/2020 "On public procurement", as well as other bylaws in its implementation and support.

The legal framework has provided that any economic operator that has or had an interest in a procurement procedure according to the PPL, and in cases when it is harmed or is at risk of being harmed by the actions or inactions of the contracting authority/entity, which are claimed to be in contrary to the law, has the right to complain to the contracting authority/entity and the Public Procurement Commission.

The law provides for the complaint procedure, the deadlines and the way of filing complaints.

Referring to the legislation and rules for public procurement in the Republic of Albania, the legislator has provided for two levels of appeal for the administrative review procedure, one to the contracting authority/contracting entity and the other to the Public Procurement Commission. In this way, the law guarantees the special exercise of administrative review by each institution, where firstly it gives the right to review the decision to the contracting authority/entity that carried out the procurement procedure and then to the Public Procurement Commission.

Moreover, the law provides for a special instrument for the protection of the rights of interested economic operators that may be affected by the decision-making of review bodies (the authority and the PPC) in case of complaints from economic operators.

Article 113 of the Law provides that in cases of complaints about the decisions of the authority or the contracting entity about the selection of candidates after the pre-qualification phase or for the process of the bid evaluation, the economic operators which have participated in the procurement procedure and may be violated from the submitted complaint, have the right to present their arguments regarding the latter, simultaneously to the contracting authority or entity and the Public Procurement Commission.

Legal framework in force gives the economic operators the opportunity to be informed about the complaints submitted to the Public Procurement Commission. The full complaint is published on the official website of the PPC in case of complaints about the tender documents, the reasons for disqualification in the case of complaints about the final evaluation/classification decision, or claims about the qualification/disqualification of other bidders, referring only to the criteria for which claims are made.

The complaint to the contracting authority and to the Public Procurement Commission is made according to the relevant form published in the tender documents approved by the Decision of the Public Procurement Agency.

Complaints can be submitted in writing through the postal service or submission in person to the headquarters of the institution or through the electronic service (Electronic Complaints System). ECS enables the simultaneous submission of the complaint to both institutions, to the Contracting Authority and the Public Procurement Commission.

Regarding the above, it is worth noting that as of 27.10.2021, the Public Procurement Commission has implemented the Electronic Complaints Registry system, enabling all economic operators to simultaneously submit complaints electronically to the Public Procurement Commission and the contracting authority. After the submission of the complaint in the electronic system, in accordance with the deadlines stipulated in Law 162/2020 "On Public Procurement", the complaint is immediately considered submitted to the contracting authority and the Public Procurement Commission, simultaneously to both institutions. The complaint and all its content are accessible by the contracting authority, in the Electronic Complaints System.

ECS interacts with other systems, such as that of Electronic Procurement, the National Business Center, etc.

Referring to the complaint form, the economic operator is given the opportunity to clarify the alleged violations by accompanying it with the relevant documentation.

The complainant is obliged to attach to the appeal the bank document certifying the payment of the relevant fee of the complaint.

Decision No. 261, dated 17.03.2010, of the Council of Ministers "On the determination of the fee and the rules for its payment, in a complaint procedure addressed to the Public Procurement Commission", is still in force, when the fee of 0.5% of the value of the limit fund is applied.

The payment of the fee is a necessary formal condition for complaint submission to the Public Procurement Commission. After the review of the complaint by the Public Procurement Commission, in case of full or partial acceptance, the PPC decides to return the financial fee paid by the complaining economic operator within 5 days, while in cases of rejection of the complaint, the financial fee is paid to the state budget.

After the administrative review, economic operators have the right to appeal it to the Administrative Court of Appeal and then to the Supreme Court.

Complaining to the court does not suspend the procedure, the conclusion of the contract or the execution of obligations between the parties.

Article 110 of Law No. 162/2020 "On public procurement", determines the time limits of filing a complaint according to the types of public procurement procedures:

- Complaint about tender documents: 7 Days (below the upper monetary threshold) and 10 days (above the upper monetary threshold) from the publication of the contract notice or the publication of the change of requirements in the tender documents.
- Complaint about the decision of the contracting authority of the final evaluation/classification decision within 10 days from the publication of the award notice or the publication of the cancellation notice (for procedures above the upper monetary threshold), and 7 days (below the upper monetary threshold).
- In phased procurement procedures above the upper monetary threshold, in the case of complaints about the decision of selection of candidates after the pre-qualification phase, economic operators have the right to complain within 10 days from receiving notice about this decision and 7 days (below the upper monetary threshold).
- In the case of the procedures for re-opening the competition for the conclusion of a contract, based on a framework agreement with several economic operators, with a procurement procedure above the upper monetary threshold, the deadline for filing complaints shall be 10 days from the contract award notice publication and 7 days (under the upper monetary threshold).

Special procedures:

- In the case of negotiated procurement procedures without prior contract notice publication, economic operators shall have the right to file their complaint within 30 days from the award notice publication date. If a voluntary notice has been published for transparency, economic operators shall have the right to submit their complaint within 10 days from the day of publication of this notice, regarding the fulfilment of the conditions for the use of this procurement procedure, as well as the content of the bid documents.
- In case it is found that a public contract had been concluded without conducting any of the procurement procedures provided in this law and/or in case when the award notice or signed contract notice were not published, the deadline for submitting a complaint related to this contract is 60 days from the day it is ascertained, but not later than 6 months from the date of signing the contract.

Also, the law provides for the right to appeal even for procedures of small value.

For low-value procurement procedures, economic operators have the right to complain only to the contracting authority or entity within 2 days from the contract award notice publication in the electronic procurement system (EPS) only to the contracting authority and not to the Public Procurement Commission.

Upon being informed of the submitted complaint, the contracting authority or entity suspends the continuation of the procurement procedure until the full review of the complaint is carried out. The contracting authority or entity shall issue a decision on the acceptance or rejection of the complaint within 2 days of its receipt.

Regarding the decision given by the contracting authority or entity, economic operators have the right to appeal it to the relevant court that reviews administrative disputes.

The law and by-laws also provide for the locus standi and razione temporis legitimization of economic operators within a review procedure. Referring to Article 94, Decision No. 285, dated 19.5.2021, "On the approval of public procurement rules", as amended, it is determined that any economic operator that has or had an interest in a procurement procedure according to the Public Procurement Law and when it is harmed or at risk of being harmed by the actions or inactions of the contracting authority/entity, which it claims are contrary to the law, has the right to complain to the contracting authority/entity and the Public Procurement Commission.

The time limits for submitting complaints are provided for in Article 110 of the above-mentioned law as explained above for each procedure.

Referring to the public procurement law, the contracting authorities cannot conclude a public contract before the end of the waiting period provided for in Article 96 thereof. Moreover, Article 112 of the law on public procurement provides for the suspension of the procedure in case a complaint is filed by economic operators.

Referring to Article 96, the contracting authority or entity cannot sign the contract with the winner of the procurement procedure, unless a certain period from the date of the contract award notice publication has elapsed, specifically at least 10 calendar days, in the case of procurement procedures above the upper monetary

threshold; at least 7 calendar days in the case of procurement procedures below the upper monetary threshold; at least 2 calendar days in the case of small value procurements.

The waiting period, provided above, does not apply in some cases such as: in the case of negotiated procedures without prior the contract award notice; in the case of procedures with a single bidder, who has been qualified and declared the winner; in the case of contracts concluded on the basis of a framework agreement or a purchase in the dynamic system.

In relation to the suspension of the procurement procedure due to the submission of a complaint, in accordance with Article 112 of the Law on Public Procurement, the contracting authority or entity upon receipt of the complaint, after confirming in the database published by the Procurement Commission Public that the complaint has been submitted to this institution, suspends the continuation of the procurement procedure until the complaint is fully reviewed, including the issuing of a decision by the Public Procurement Commission.

Review of concessions and public and private partnership according to Law No. 125/2013 "On concessions and public private partnership", as amended

The legal framework has provided that any economic operator, that has or had an interest in a competitive procedure and when it is harmed or is at risk of being harmed by the decision-making of the contracting authority of the concession/public private partnership, for which it claims that it has been taken contrary to this law, has the right to appeal to the Public Procurement Commission.

This law provides for the complaint procedure, the time limits and the way of submitting complaints.

Referring to the legislation on concessions and public private partnership in the Republic of Albania, the legislator has provided for the administrative review procedure only to the Public Procurement Commission.

The complaint to the Public Procurement Commission is made in writing or electronically, according to the relevant form, noting the name and address of the complainant, the reference to the specific procedure and the legal basis, where the complainant claims the violations, accompanying it with the relevant documentation and evidence, which it considers to support its complaint.

The complainant has the right to appeal the decision of the Public Procurement Commission to the relevant court that reviews administrative disputes. Complaining to the court does not suspend the competitive procedures, the conclusion of the contract, or the execution of the obligations between the parties.

Article 43, of the Law No. 125/2013, "On concessions and public-private partnership", as amended, determines the time limits for filing complaints for competitive procedures as follows:

- In the case of complaints about the documents of the competitive procedure, economic operators have the right to complain within 10 days from the day following the contract notice publication on the official website of the Public Procurement Agency.
- In the case of complaints about the final evaluation/classification decision, economic operators have the right to complain within 10 days from the day after the complainant was notified or should have been notified.

Pursuant to the Decision of the Council of Ministers, No. 56, dated 19.1.2011, "On the determination of the fee and the rules for its payment, in a complaint procedure against the concession/public private partnership procedure to the Public Procurement Commission", the payment fee is 10% of the value of bid insurance, in cases where a bid insurance is provided or 0.2% of the estimated value of the concession contract, which is appealed.

Special rules for the handling of the complaint by the Public Procurement Commission are also provided in Articles 47-55 of Decision No. 766, dated 13.10.2021, of the Public Procurement Commission, "On the approval of the rules of organization and operation of the Public Procurement Commission".

Review of procedures in the Field of Defense and Security

The review system in the Republic of Albania also includes complaints for the procedures in the field of defense and security provided for in Article 12 of Law No. 162/2020, "On Public Procurement", as well as in Law No. 36/2020, "On Procurement in the Field of Defense and Security" and Decision No. 1170, dated 24.12.2020, "On the Approval of Procurement Rules in the Field of Defense and Security".

The legal framework, respectively Article 53 provides for the procedures in the field of defense and security that "Each economic operator that has or had an interest in a procurement procedure according to this law and when it is harmed or is at risk of being harmed by the decision-making of the contracting authority, which it claims was taken in violation of this law, has the right to complain to the Public Procurement Commission." Moreover, the law provides for locus standi legitimization to set the commission in motion, even in case of those candidates as interested parties, even in cases where the contracting authority has not justified the rejection of their bid, before the announcement/sending/publication of the winner's notice.

As in the law on public procurement, also in the procurement procedures in the field of defense and security, the complaint procedure, the time limits and the way of submitting complaints are provided.

The Public Procurement Commission is the institution responsible for reviewing complaints submitted by economic operators about procurement procedures in the field of defense and security, in accordance with the provisions of this law, the legislation in force in the field of defense and security and the law on public procurement, as applicable.

Referring to the complaint form, the economic operator is given the opportunity to clarify the alleged violations, accompanying it with the relevant documents.

The complainant is obliged to attach the bank document to the complaint certifying the payment of the corresponding fee for the complaint.

Referring to the Decision of the Council of Ministers No. 261, dated 17.03.2010, "On determining the fee and the rules for its payment, in a complaint procedure to the Public Procurement Commission", a fee of 0.5% of the value of the limit fund is applied.

The payment of the fee is a necessary formal condition for submitting the complaint to the Public Procurement Commission. After the review of the complaint by the Public Procurement Commission, in case of full or partial acceptance, the PPC decides to return the financial fee paid by the complaining economic operator within 5 days, while in cases of rejection of the complaint, the financial fee is paid to the state budget.

After the administrative review, economic operators have the right to appeal it to the relevant court, which reviews administrative disputes.

Complaining to the court does not suspend the procedure, the conclusion of the contract or the execution of obligations between the parties.

Article 53, of the Law No. 36/2020, "On Procurement in the Field of Defense and Security", determines the time limits for filing complaints according to the types of public procurement procedures as follows:

- In the case of complaints about procedure documents, economic operators have the right to complain within 15 days, from the day following the contract notice publication, according to the provisions of the Code of Administrative Procedure.
- In the case of complaints about the final evaluation/classification decision, economic operators have the right to complain within 15 days, from the day following the winner's notice, according to the provisions of the Code of Administrative Procedure.
- Also, the law foresees (in Article 57) the announcement of the invalidity of contracts by the reviewing body.

The complaint to the Public Procurement Commission is made in writing, according to the relevant form, noting the name and address of the complainant, the reference to the specific procedure and the legal basis, where the complainant claims the violations, accompanying it with the relevant documentation and evidence, which it considers to support its complaint.

During the administrative review procedure, the PPC takes into consideration the legal requirements for handling the classified information.

The Law on Procurement in the Field of Defense and Security also provides for the waiting period in its Article 54. With the aim of providing interested parties with the necessary time to complain, the contracting authority cannot sign the contract with the winner of the procurement procedure unless a period of at least 15 calendar days has elapsed from the day after the award notice publication. In case of conducting the procurement procedure by electronic means, this term is shortened by 5 days.

The waiting period, provided for in the point above, does not apply in the case of:

- Procedures with negotiation, without prior contract notice announcement.
- Procedures with a single bidder, who has been qualified and declared the winner.
- Contracts based on a framework agreement with an economic operator, with all the defined criteria.

Referring to Article 53, point 7, of the Law on Procurement in the Field of Defense and Security, preliminary actions are also foreseen for the suspension of the procurement procedure by the Public Procurement Commission. Thus, upon receiving the complainant's written complaint, the Public Procurement Commission responds in writing regarding the fulfillment of the formal elements of the complaint, within 5 days, starting from the following working day. The Public Procurement Commission requests information or documentation from the contracting authority within 5 days, starting from the date of the decision on the completion of the formal elements. The latter has the obligation to respond to the request of the Public Procurement Commission within 5 days of its receipt.

Meanwhile, in Article 55 of Law No. 36/2020, "On Procurement in the Field of Defense and Security", the Public Procurement Commission, upon receiving the complaint, shall ensure that the contracting authority has suspended the procurement procedure. The Public Procurement Commission at any time after receiving the complaint and before concluding the contract, in case it does not suspend the procedure, may allow the contracting authority to continue the procedure of procurement by means of an interim order, until a final decision is made, if there is evidence that the complainant will not succeed with the complaint, when the suspension indirectly damages the public interest, the contracting authority or the bidder. In any case, the Public Procurement Commission informs the contracting authority of its decisions.

Review of public auction procedures

Referring to the legislation on auctions in the Republic of Albania, the legislator has foreseen the administrative review procedure at the selling authority and in the event that the selling authority does not consider the complaint within the time limit defined by the law or rejects it, the complainant can submit a complaint to the Public Procurement Commission.

The complaint to the Public Procurement Commission is made in writing or electronically, according to the relevant form, noting the name and address of the complainant, the reference to the specific procedure and the legal basis, where the complainant claims the violations, accompanying it with the relevant documentation and evidence, which it thinks support its complaint.

The complainant has the right to appeal the decision of the Public Procurement Commission to the relevant court, which reviews administrative disputes.

Complaining to the court does not suspend the competitive procedures, the conclusion of the contract or the execution of the obligations between the parties.

In Article 42, of the Law No. 9874, dated 14.2.2008 "On the public auction", as amended, the appeal procedure is defined:

- Any bidder may request an administrative review of the auction process, when he considers that a decision of the selling authority was made in violation of this law or other legal and by-laws in force.
- The complaint is submitted to the selling authority in writing within 7 days from the date when the complainant was notified or should have been notified of the alleged violation, according to this law.
- Upon receipt of the written complaint, the selling authority suspends the continuation of the auction procedure, until the complaint has been fully reviewed, including issuing a decision before the expiration of the time limit, defined in point 4 of this Article.
- The selling authority reviews the complaint and makes a reasoned decision within 7 days after receiving the complaint, which shall be notified to the complainant no later than the following working day.

- If the selling authority does not review the complaint within the time limit defined in point 4 of this Article, or rejects it, the complainant can submit a written complaint to the Public Procurement Commission within 7 days from the following working day, after the end of the time limit, defined in point 4 of this Article, or in case the complaint is not accepted by the selling authority, from the day when the complainant was notified by the selling authority. A written copy of the complaint shall also be sent to the selling authority...

In support of the Decision of the Council of Ministers, No. 401, dated 13.05.2015, "On the determination of the fee and the rules for its payment, in a complaint procedure against public auction procedures or decisions on exemption from them to the Public Procurement Commission", the payment fee is 0.5% of the initial value of the public auction which is being appealed.

Articles 64-70 of Decision No. 766, dated 13.10.2021, of the Public Procurement Commission, "On the approval of the rules of organization and functioning of the Public Procurement Commission" provide special rules on the ways how a complaint is handled by the Public Procurement Commission.

Review of competitive procedures of mining permit

Referring to the legislation on mining permits in the Republic of Albania, the legislator has provided for the administrative review procedure to the Public Procurement Commission.

The complaint to the Public Procurement Commission is made in writing or electronically, according to the relevant form, noting the name and address of the complainant, the reference to the specific procedure and the legal basis, where the complainant claims the violations, accompanying it with the relevant documentation and evidence, which it thinks support its complaint.

The complainant has the right to appeal the decision of the Public Procurement Commission to the relevant court, which reviews administrative disputes.

Complaining to the court does not suspend the competitive procedures, the conclusion of the contract or the execution of the obligations between the parties.

In point *dh) of the Decision of the Council of Ministers No. 320, dated 21.04.2011, "On the approval of the procedures and criteria of the competition and the time limits for the review of requests for obtaining mining permits in the competitive areas", as amended, the appeal procedure is determined:

**dh) All bidders have the right to submit a complaint, no later than 5 (five) days from the date of the announcement of the winning entity, to the Public Procurement Commission (PPC). The PPC follows administrative review procedures and administrative investigation procedures, in accordance with public procurement legislation.*

Pursuant to the Decision of the Council of Ministers No. 320, dated 21.04.2011, "On the approval of the procedures of the competition criteria and the time limits for the review of requests for obtaining mining permits in the competitive areas", as amended", the entity shall pay 10% of the bid insurance value regarding the complaint review by the PPC. In case the bid insurance was not requested, the subject shall pay 0.2% of the estimated value of the contract for obtaining the mining permit that is being complained".

Articles 71-79 of Decision No. 766, dated 13.10.2021, of the Public Procurement Commission, "On the approval of the rules of organization and functioning of the Public Procurement Commission" provide special rules on the ways how a complaint is handled by the Public Procurement Commission.

Powers of the Public Procurement Commission in the administrative review procedure

The Public Procurement Commission is the highest administrative body, which reviews complaints related to public procurement procedures, whose powers are defined in the Law on Public Procurement, as well as other by-laws in its implementation. Moreover, the powers of the Public Procurement Commission are defined in the Decision of the Public Procurement Commission No. 766, dated 13.10.2021, "On the approval of the rules for the organization and functioning of the Public Procurement Commission".

Kompetencat e Komisionit të Prokurimit Publik në rishikimin e vendimeve sipas ligjit të prokurimit publik

Referring to Article 118 of the PPL, the Public Procurement Commission, at any time after receiving the complaint and before concluding the contract, when it does not impose a suspension, may allow the contracting authority or entity to continue the procurement procedure by means of an interim decision, until a final decision is made, if the suspension indirectly damages the public interest, the contracting authority or entity or the bidder.

Moreover, the powers of the Public Procurement Commission, within the scope of a complaint review, are determined by the legislator in two procedural moments: before the conclusion of the contract and after its conclusion. Specifically:

1. Before the conclusion of the contract, the Public Procurement Commission has the right:

- to reject the complaint, due to the non-fulfillment of the formal elements necessary for its review;
- to accept the complaint and order the contracting authority or entity to cancel an action or decision wholly or partially which is issued in violation of the law;
- to reject the complaint and allow the contracting authority or entity to continue the procurement procedure, when it reasons that there are no violations of legal provisions;
- to issue a declaratory decision to close the case;
- to reject the complaint, whose object is the opposition of a decision given by the Public Procurement Commission, in case of another complaint that belongs to the same procedure, submitted by the same economic operator.

2. After the conclusion of the contract, the Public Procurement Commission, when it reasons that a decision or action of the contracting authority or entity, is contrary to any of the provisions of this law, has the right:

- to declare the signed contract absolutely invalid, in accordance with the provisions of this law;
- to order the contracting authority to shorten the duration of the contract and request its early termination;
- to take a declarative decision, based on which the judicial power can compensate the complainant, who has suffered losses or damages as a result of the violation of this law.

Moreover, the Public Procurement Commission may not declare a contract absolutely invalid even in case it was concluded not in accordance with the provisions of point 1, Article 119, of the Public Procurement Law, in cases where, after considering all relevant aspects, it is reason that the declaration of invalidity of this contract could affect essential issues of general interest.

In these cases, the Public Procurement Commission has the right to apply the implementation of other administrative measures, such as:

- punishment of the authority or the contracting entity with a fine on the violations being found;
- ordering the contracting authority to shorten the term of implementation of the contract in order to minimize the damage caused.

Also, the powers of the institution of the Public Procurement Commission are defined in the Decision of the Public Procurement Commission No. 766, dated 13.10.2021 "On the approval of the rules for the organization and functioning of the Public Procurement Commission", approved pursuant to Law No. 62/2020, "On Public Procurement" and public procurement rules.

Powers of the Public Procurement Commission in reviewing decisions in defense and security procedures

The law (Article 53 points 3, 4, 5) stipulate the powers of the procurement review body in handling complaints in the field of defense and security.

Before the conclusion of the contract, the PPC has the right:

- a) to draw an interpretation of the legal rules or principles that shall be applied to the object of the complaint;
- b) to cancel an action or decision of the contracting authority wholly or partially which is issued in violation of the law. This includes the right to remove all those technical specifications or other types of specifications, which contradict this law;
- c) to instruct the contracting authority to correct the violations and then proceed with the contract procurement procedure;
- ç) to order the cancellation of the procedures for announcing the winning contract.

After the conclusion of the contract, the PPC has the right:

- a) to draw an interpretation regarding the legal rules or principles that shall be applied to the object of the complaint;
- b) to take a declaratory decision, on the basis of which the judicial power can compensate the complainant who has suffered losses or damages as a result of the violation of this law.

Moreover, the law gives the right to the review body when it reasons that an employee of the contracting authority has committed an intentional violation, which affects the principles and purpose of this law, in addition to corrective measures specified in this law, may file a criminal complaint to the relevant bodies.

Powers of the Public Procurement Commission in reviewing decisions in concessions and public-private partnership procedures

The law (Article 43) stipulates the powers of the review body in handling complaints about concessions and public private partnership.

The provisions of the public procurement law, which regulate administrative review procedures and administrative investigation procedures, apply accordingly to the awarding of all concession and public-private partnership contracts provided for by this law.

Moreover, it (Article 44) provides that the refusal of the civil servant, the functionary or the contracting authority to provide information or to submit the documentation related to the procedure under administrative investigation, constitutes a reason for the Public Procurement Commission, the Ministry of Finance or the Public Procurement Agency, to request the taking of disciplinary measures against the responsible persons.

Kompetencat e Komisionit të Prokurimit Publik në rishikimin e vendimeve në procedurat për Ankandin Publik

The law (Article 43) stipulates the powers of the review body in handling complaints about concessions and public private partnership.

1. Upon receipt of the written complaint, the Public Procurement Commission shall ensure that the selling authority has suspended the auction procedure. After a preliminary review of the complaint, the Public Procurement Commission decides whether or not to issue an interim order, in accordance with point 2 of this Article, and informs the selling authority about this.
2. The Public Procurement Commission, at any time, after receiving the complaint and before concluding the contract, when it does not impose a suspension, may allow the selling authority, by means of an interim order, until a final decision

is made, to continue the auction procedure, if:

- a) there are indications that the complainant will not succeed with the complaint;
- b) the suspension indirectly damages the public interest, the selling authority or the bidder.

3. Before the conclusion of the contract, the Public Procurement Commission, when it judges that a decision or action of the selling authority has violated any of the provisions of this law, has the right:

- a) to draw an interpretation of the legal rules or principles that shall be applied to the object of the complaint;
- b) to cancel an action or decision of the contracting authority wholly or partially which is issued in violation of the law. This includes the right to remove all those technical specifications or other types of specifications, which contradict this law;
- c) to instruct the selling authority to correct the violations and then proceed with the contract procurement procedure;
- ç) to order the cancellation of the procedures for announcing the winning contract.

4. After the conclusion of the contract, when the Public Procurement Commission reasons that a decision or action of the selling authority is contrary to any of the provisions of this law, it has the right:

- a) to draw an interpretation about the legal rules or principles that shall be applied to the object of the complaint;
- b) to take a declaratory decision, on the basis of which the judicial power can compensate the complainant who has suffered losses or damages as a result of the violation of this law.
- c) to take measures against the responsible persons, according to the provisions of this law.

5. When the Public Procurement Commission reasons, that an employee of the selling authority has committed an intentional violation, which affects the principles and purpose of this law, in addition to the corrective measures provided for in points 1 to 4 of this Article, may file a criminal complaint to the relevant bodies.

Powers of the Public Procurement Commission in reviewing decisions in Public Auction procedures

The DCM (item 7.19, letter dh) stipulates the powers of the review body in handling complaints about mining permits.

All bidders have the right to submit a complaint to the Public Procurement Commission (PPC), no later than 5 (five) days from the date of the announcement of the winning entity. The PPC follows administrative review procedures and administrative investigation procedures, in accordance with public procurement legislation.

Data extraction and processing methodology

Regarding the extraction of statistical data, the Public Procurement Commission (PPC) is based on the sources generated through the Electronic Complaint System (ECS), the 2022 Annual Analysis published by the Public Procurement Agency (PPA), as well as the information that the PPA has made available through the official PPC e-mail.

The statistical data of this report are in accordance with the 5 (five) principles defined in the "European Statistics Code of Practice" for statistical processes. The principles are as follows:

- Relevance - meet the needs of users;
- Accuracy and reliability - data reflect reality;
- Timeliness and accuracy - statistics are published on time and accurately;
- Coherence and comparability - the data have internal consistency and contain comparison in different periods;
- Access and clarity - data are published in appropriate formats, are unbiased.

Based on the above, you can find below the statistical data of complaints made to the Public Procurement Commission for 2022.

General statistical data on the types of complaints submitted to the Public Procurement Commission

During the period January 1, 2022 - December 31, 2022, a total of 794 complaints were registered in the Public Procurement Commission, out of which 782 complaints were submitted for public procurement procedures, 8 (eight) complaints for public auction procedures, 4 (four) complaints in the field of defense and security.

The total number of complaints for unique procedures published during 2022 is 532, out of 6494 published procedures to be carried out in the Electronic Procurement System.

No.	Procedures published by PPA for 2022 ¹	Procedures published in 2022 and appealed in 2022 to the Public Procurement Commission
1	6494	532

Table 10: General statistical data

¹ See: Table 4, page 16 of the Public Procurement Agency 2022 Annual Review.

<https://www.app.gov.al/GetData/DownloadDoc?documentId=83d7547a-e8c9-4458-9321-e6eeef5324e6>

Categorization of complaints according to the total number and their value for each contracting authority, the type of procurement procedure, as well as the stage of the process for which the complaint was submitted

During 2022, complaints were submitted to the Public Procurement Commission regarding decision-making for public procurement procedures, public auctions, complaints in the field of defense and security for 201 contracting authorities out of 411, which have created procurement procedures in the Electronic Procurement System.

The Public Procurement Commission has made decisions regarding the unique complaints submitted in 2022, for unique procedures published in 2021, for which the complaint was submitted in 2022, as well as for unique procedures published in 2022, which in total, referring to the procured limit fund, reach a value of ALL 22,517,182,268, while the total limit fund for unique complaints for unique procedures published in 2022 is ALL 20,412,194,409, from the total of ALL 170,200,854,721 published for procurement, so 12% of the total limit fund published for procurement, complaints have been submitted in the relevant procedures.

Out of 6,494 unique procedures published in the Electronic Procurement System (EPS) during 2022, which reach the total value of ALL 170,200,854,721, complaints were submitted to the Public Procurement Commission for 532 unique procedures, which amount to ALL 20,412,194,409.

During 2022, a slight increase in the number of administrative complaints submitted to the Public Procurement Commission was noticed, in a total of 794 complaints, compared to the previous year 2021, during which, at the Public Procurement Commission, 768 complaints were submitted.

During 2022, November is the month with the highest number of complaints, with 95 complaints, and the month with the lowest number of complaints is January, with 32 complaints.

No.	Complaints submitted in the PPC	2020	2021	2022
1	Public Procurement Procedure	732	762	782
2	Concession	1	0	0
3	Auction	3	3	8
4	Mining Permit	5	1	0
5	Complaint in the Field of Defense and Security	-	2	4
Total		741	768	794

Table 11: Complaints by type for the years 2020, 2021, 2022

Statistical data on the total number of complaints according to the phase for which the complaint was submitted

Out of 794 (seven hundred and ninety-four) complaints submitted in total, 308 of them or about 39%, are complaints submitted for the tender documents and 486 complaints or about 61% of them, are complaints submitted for the evaluation phase of offers. Below you will find two tables with the ten contracting authorities that have the highest number of complaints for each phase.

No.	Complaints submitted in the PPC	2020	2021	2022
1	Tender Documents	216	298	308
2	Evaluation	525	470	486
Total		741	768	794

Table 12: Complaints submitted to the Public Procurement Commission in the last three years and the procedural phase for which the complaints were submitted

During 2022, the total number of contracting authorities for which a complaint has been submitted to the Public Procurement Commission is 201 (two hundred and one) out of 411 contracting authorities that have created procurement procedures with a value above the monetary limit for procedures with a small value, or for 50% of contracting authorities that have developed procurement procedures, complaints have been submitted to the Public Procurement Commission.

While the number of complaining economic operators is 300 (three hundred). Details on the limit fund for each contracting authority, as well as the object of the contract, such as work, goods, services, etc., can be found in detail in Annex No. 1, part of this report.

² See: Table 1, page 13 of the Public Procurement Agency 2022 Annual Review.

³ See: Table 42, page 58 of the Public Procurement Agency 2022 Annual Review.

No.	Contracting authority	The phase for which it is submitted		Acceptance		Rejection		To close the case/ acceptance by CA		Withdrawal of complaint	
		STD	Evaluation	DST	Evaluation	DST	Evaluation	DST	Evaluation	DST	Evaluation
1	State Agency of Centralized Procurement (former Agency of Centralized Purchases)	27	38	18	24	5	6	4	6	-	1
2	S.A. Water and Sewerage Tirana	10	18	8	4	1	9	1	1	-	4
3	Ministry of Health and Social Protection	12	13	-	1	12	9	-	-	-	2
4	Ministry of Education, Sports and Youth	2	16	-	7	2	3	-	3	-	-
5	Durrës Municipality	-	15	-	3	-	7	-	3	-	-
6	Mother Teresa University Hospital Center Tirana	4	9	2	2	1	3	1	4	-	-
7	S.A. Albanian Postal Service	12	7	8	2	1	1	1	-	-	-
8	Institute of Food Safety and Veterinary	11	1	10	-	-	1	1	-	-	-
9	Parks and Recreation Agency	7	7	6	3	1	1	-	-	-	-
10	Ministry of Defense	2	11	1	-	1	4	-	1	-	4

Table 13: The contracting authorities with the highest number of submitted complaints for 2022, the phases for which the PPC decision-making is also presented

Note: The table reflects the decision-making of the PPC until December 31, 2022. Complaints for which the PPC expressed a decision after this date will be reflected in the 2023 report

⁴ See: Table 43, page 58 of the Public Procurement Agency 2022 Annual Review.

No.	CA	Total of procurement procedures published with funding above the monetary limit for small value procedures ⁴	Total of complaint procedures with funds above the monetary limit for small value procedures	Type of contract		
				Works	Goods	Services
1	State Agency of Centralized Procurement (former Agency of Centralized Purchases)	203	32	-	16	16
2	S.A. Water and Sewerage Tirana	73	20	1	11	8
3	Ministry of Health and Social Protection	296	21	1	20	-
4	Ministry of Education, Sports and Youth	10	5	-	5	-
5	Durrës Municipality	96	11	2	4	5
6	Mother Teresa University Hospital Center Tirana	392	3	-	2	1
7	S.A. Albanian Postal Service	28	7	-	6	1
8	Institute of Food Safety and Veterinary	7	7	-	7	-
9	Parks and Recreation Agency	66	8	1	3	4
10	Ministry of Defense	69	9	3	3	3

Table 14: For the contracting authorities with the highest number of unique complaints for 2022, and of unique procedures published in the SPE in 2022, with a fund limit, above the monetary limit for small value procedures

The number of complaints submitted according to limit fund interval without VAT

Based on the general analysis, it results that the highest number of complaints was submitted for procurement procedures in limit fund intervals, between the values of 1,000,000-5,000,000 ALL, which accounts for 37.59% of the total number of complaints submitted to the Public Procurement Commission, while those for procedures with a fund limit over ALL 100,000,000 account for about 9.02% of the number of complaints.

Based on the analyses of the statistical data on the review of complaints during 2021, referring to 6 limit fund intervals of procurement procedures/auctions/mining permits and concessions/PPP, reviewed during 2021 by the Public Procurement Commission, it is found that:

- 32.03% of the complaints administered during the reporting year are related to procedures with a limit fund from ALL 1,000,001 without including VAT, up to ALL 5,000,000 without including VAT;
- 30.86% of the complaints administered during the reporting year are related to procedures with a limit fund from ALL 10,000,001 without VAT, up to ALL 50,000,000 without VAT;
- 19.27% of the complaints administered during the reporting year are related to procedures with a limit fund from ALL 5,000,001 without VAT, up to ALL 10,000,000 without VAT;
- 8.98% of complaints administered during the reporting year are related to procedures with a limit fund from ALL 50,000,001 without VAT, up to ALL 100,000,000 without VAT;
- 6.64% of the complaints administered during the reporting year are related to procedures with a limit fund over ALL 100,000,000 without VAT
- 2.21% of the complaints administered during the reporting year are related to procedures with a limit fund from ALL 0 to ALL 1,000,000, without VAT;

In brief, the statistical data, based on the limit fund, the offer guarantee, the investment value or the estimated value of the contract for each specific case by the contracting authorities, are presented as follows for the last 3 years:

2020

Limit fund intervals without VAT		Procurement procedure	
From	To	Case No.	In %
No fund limit		2	0.27
0	800,000	6	0.81
800,001	1,000,000	15	2.02
1,000,001	5,000,000	261	35.22
5,000,001	10,000,000	143	19.30
10,000,001	50,000,000	159	21.46
50,000,001	100,000,000	56	7.56
Over 100,000,000		99	13.36
Total		741	100%

2021

Limit fund intervals without VAT		Procurement procedure	
From	To	Case No.	In %
No fund limit		0	0.00
0	1,000,000	17	2.21
1,000,001	5,000,000	246	32.03
5,000,001	10,000,000	148	19.27
10,000,001	50,000,000	237	30.86
50,000,001	100,000,000	69	8.98
Over 100,000,000		51	6.64
Total		768	100%

2022

Limit fund intervals without VAT		Procurement procedure	
From	To	Case No.	In %
No fund limit		1	0.1
0	1,000,000	25	3.1
1,000,001	5,000,000	279	35.1
5,000,001	10,000,000	165	20.8
10,000,001	50,000,000	189	23.8
50,000,001	100,000,000	72	9.1
Over 100,000,000		63	7.9
Total		794	100%

Table 15: Statistical data, based on the limit fund, the offer guarantee, the investment value or the estimated value of the contract for each specific case by the contracting authorities

The unique limit fund appealed for the unique procedures published in the Electronic Procurement System in 2022 is ALL 20,412,194,409 without VAT.

	STD	Evaluation
Limit fund value (unique procedure)	7,316,228,745	12,984,514,294

Table 16: The total fund limit of the procedures according to the phase of submitting the complaint

The total of the appealed non-unique limit fund, for which the complaint was accepted for the year 2022, is 9,037,931,674 ALL without VAT, while the total of the non-unique limit fund appealed, for which the complaint was rejected, is ALL 12,371,933,932 without VAT.

	Acceptance	Rejection
Limit fund value (non-unique procedure)	9,037,931,674	12,371,933,932

Table 17: The total of the appealed non-unique limit fund

Statistical data on the total number of complaints according to the type of contract for work, goods, services

During 2022, the largest number of unique complaints are those related to unique procurement procedures for contracts for goods with a total of 486, for contracts for services with 235 complaints, followed by complaints for public works contracts with 73 complaint.

Complaint type	Submitted at the Public Procurement Commission for 2022	Published in the Electronic Procurement System in 2022 ⁵
Works	58	1,156
Goods	308	3,706
Services	166	1,632

Table 18: Statistical data on the total number of complaints according to the type of contract for works, goods, services

⁵ See: Table 47, page 60 of the Public Procurement Agency 2022 Annual Review

<https://www.app.gov.al/GetData/DownloadDoc?documentId=83d7547a-e8c9-4458-9321-e6eef5324e6>

Complaints according to the type of contract

The total number of complaints submitted for unique procedures during 2022, according to the type of contract, service, goods, works, compared to the procurement procedures published in the Electronic Procurement System during 2022, is according to the following table:

Type of Procedure	Public Works			Goods			Services		
	Number of procedures published in EPS ⁸	Number of appealed procedures	Type of Procedure	Number of procedures published in EPS ⁷	Number of appealed procedures	Type of Procedure	Number of procedures published in EPS ⁶	Number of appealed procedures	Type of Procedure
Open procedure	502	27	Open procedure	854	72	Open procedure	286	27	Open procedure
Limited above the upper monetary limit for construction	0	-	Limited above the upper monetary limit for construction	0	-	Limited above the upper monetary limit for reconstruction	1	-	Limited above the upper monetary limit for reconstruction
Open above the upper monetary limit	39	3	Open above the upper monetary limit	556	64	Open above the upper monetary limit	248	26	Open above the upper monetary limit
Open Simplified	541	20	Open Simplified	2289	160	Open Simplified	899	96	Open Simplified
Consulting Service/ Design Competition	0	-	Consulting Service/ Design Competition	0	-	Consulting Service/ Design Competition	89	5	Consulting Service/ Design Competition
Limited	11	4	Limited	2	2	Limited	3	2	Limited
Limited above the upper monetary limit	0	-	Limited above the upper monetary limit	5	2	Limited above the upper monetary limit	15	1	Limited above the upper monetary limit
Limited for Reconstruction	62	4	Limited for Reconstruction	0	-	Limited for Reconstruction	79	2	Limited for Reconstruction
Limited above the upper monetary limit for Reconstruction	1	-	Limited above the upper monetary limit for Reconstruction	0	-	Limited above the upper monetary limit for Reconstruction	3	-	Limited above the upper monetary limit for Reconstruction

Table 19: Complaints according to the type of contract

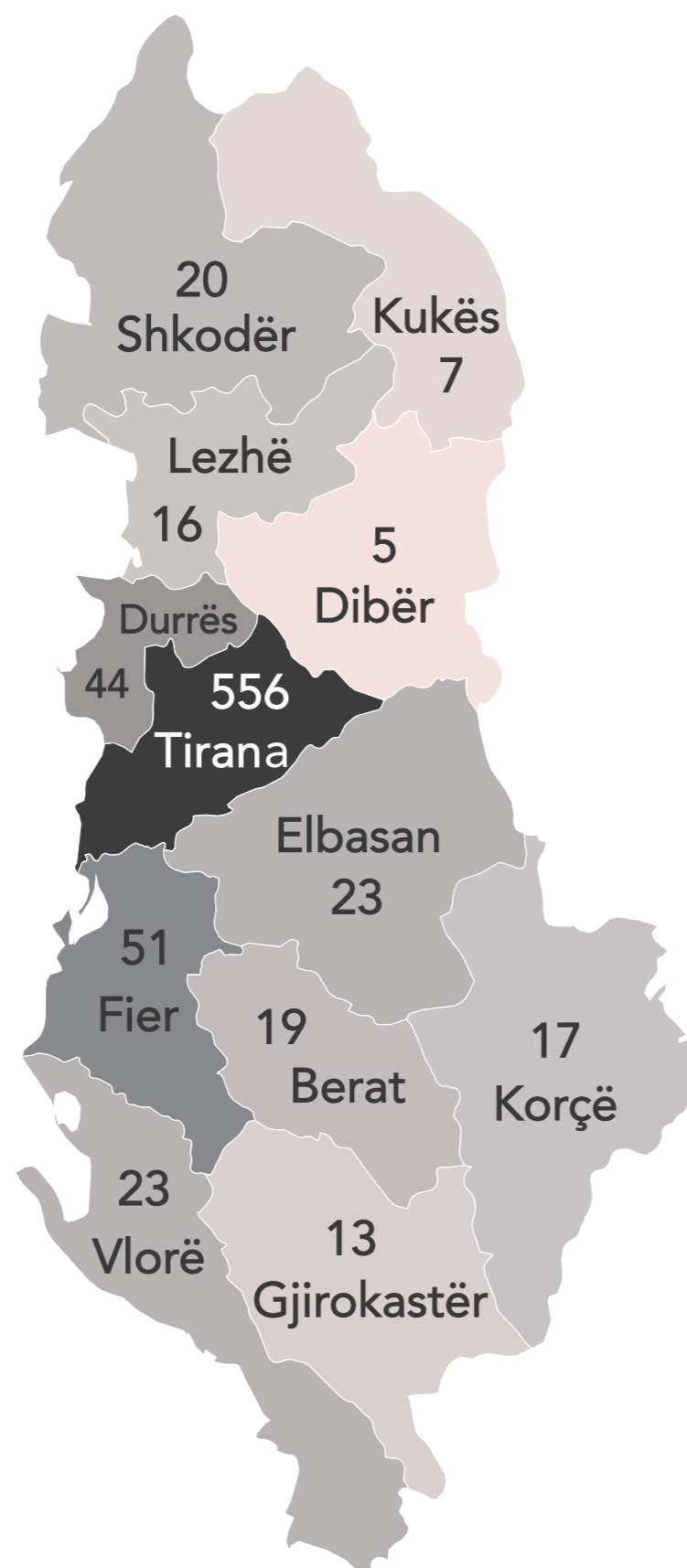
⁶ See: Table 5, page 18 of the Public Procurement Agency 2022 Annual Review.

<https://www.app.gov.al/GetData/DownloadDoc?documentId=83d7547a-e8c9-4458-9321-e6eef5324e6>

⁷ See: Footnote 6 | ⁸ See: Footnote 6

Statistical data on the distribution of complaints by county for contracting authorities

Tirana	556
Fier	51
Durrës	44
Vlora	23
Elbasan	23
Shkodra	20
Berat	19
Korça	17
Lezha	16
Gjirokastra	13
Kukës	7
Dibra	5



The decision-making of the Public Procurement Commission, regarding the acceptance or rejection of complaints for the complaints reviewed during 2020, 2021, 2022 is presented in the following table:

Year	Accepted		Rejected		Non-review		Withdrawal from complaint		Case Closed	
	No.	%	No.	%	No.	%	No.	%	No.	%
2020	354	46.5%	361	47.4%	28	3.7%	18	2.4%	-	-
2021	327	42.1%	343	44.2%	31	4%	21	2.7%	56	7%
2022	343	42.4%	335	41.4%	3	0.4%	39	4.8%	89	11%

Table 20: Presentation of the decision-making of the Public Procurement Commission, regarding the acceptance or rejection of complaints for the complaints reviewed during 2020, 2021, 2022

The decision-making of the Public Procurement Commission regarding the acceptance or rejection of complaints for the complaints reviewed during 2022 according to the type of contract type is as follows:

Type of contract	Full or partial acceptance of complaints	Rejection of complaints	To close the case/acceptance by the contracting authority	Withdrawal of complaint
Works	23	38	5	9
Goods	236	191	55	13
Services	84	106	29	17
Total	343	316	89	39

Table 21: The decision-making of the Public Procurement Commission on complaints reviewed during 2022

Declaratory decisions where the contracting authority partially accepts the appeal	Final declaratory decisions where the contracting authority fully accepts the complaint/s	Decisions on the merit	Decisions on withdrawal of complaints
100	64	614	37

Table 22: Statistical data on the decision-making of the Public Procurement Commission

No.	Acceptance/ Rejection	STD	Evaluation
1	Acceptance	167	138
2	Rejection	87	220

Table 23: The report of acceptance and rejection of complaints by the Public Procurement Commission, according to the procedural phase of their submission

Monitoring of decision implementation and punishment measures

It results that during 2022, the Public Procurement Commission, during its decision-making, found violations in public procurement procedures by contracting authorities and economic operators in 10 (ten) cases, which were referred for administrative investigation to the Public Procurement Agency, one of which has been referred for administrative investigation to the Public Procurement Agency, the Network of Anti-Corruption Coordinators, the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest.

Based on the in-depth investigation of the 10 (ten) referred cases, the Public Procurement Agency on 1 (one) of them decided to propose to the head of the contracting authority to take administrative measures against the person responsible for procurements, on 1 (one) decided to propose to the head of the CA to take administrative measures against the person responsible for procurement and members of the KVO and on another 1 (one) of them, the exclusion of economic operators from participating in public procurement procedures for 12 months.

In addition to the cases sent for administrative investigation during 2022, the Public Procurement Commission imposed an administrative fine on 2 (two) heads of contracting authorities, as they refused to cooperate with the Public Procurement Commission.

No.	PPC decisions sent for administrative investigation to PPA during 2022	Status		
		In process	Dismissed	Decision-making
1	PPC 139/2022			Drawing the attention of the CA, as it should have presented ample reasons that led to the cancellation of the procedure
2	PPC 140/2022			Drawing the attention of the CA, as it should have presented ample reasons that led to the cancellation of the procedure
3	PPC 197/2022			
4	PPC 198/2022			
5	PPC 398/2022			Proposing the head of the CA to take administrative measures against the person responsible for procurement
6	PPC 527/2022			
7	PPC 714/2022			Proposing the head of the CA to take administrative measures against the person responsible for procurement and the members of the BEC
8	PPC 928/2022			Proposing the head of the CA to take administrative measures against the members of CRC
9	PPC 964/2022			
10	PPC 1038/2022			Economic operator excluded for 12 months

Table 24: Results of the administrative investigation of the Public Procurement Agency for the cases referred by the Public Procurement Commission

No.	PPC Decision	Administrative Measure: Fine
1	PPC 360/2022	50,000
2	PPC 1147/2022	50,000

Table 25: Administrative decisions, where the Public Procurement Commission has decided to take the administrative measure of fine

Interpretive decisions

Even during 2022, the Public Procurement Commission has continued with the publication on the official website of periodical bulletins, for all economic operators and contracting authorities, as well as announcements on decision-making practice in specific issues, important for the system and with the aim of avoiding repeating the identified problems.

Pursuant to Article 24, point 3, of Law No. 162/2020, "On public procurement", which stipulates that the Public Procurement Commission makes decisions on complaints presented to it and interprets the rules or legal principles that must be applied to the object of the complaint, which are applied to the extent they are valid in future decision-making, the Public Procurement Commission expressed itself with some interpretive decisions as follows:

PPC Decision 97/2022, dated 26.01.2022

This decision addressed important issues in relation to the obligation of the contracting authority to verify the completion of the formal elements of the complaint and the notification for the correction of lacks in accordance with point 3, Article 111, of Law 162/2020, "On public procurement". Depriving the complaining economic operator of the opportunity given by the law to correct one of the necessary formal elements seriously violates one of the basic rights in public procurement procedures, which is the right to complaint, which leads to the cancellation of the procedure.

PPC Decision 199/2022, dated 25.02.2022

This decision addressed important issues, especially in relation to the procedural moment of starting the complaint deadlines, for phased procurement procedures, in accordance with point 3, of Article 110, of law 162/2020 "On public procurement".

PPC Decision 231/2022, dated 09.03.2022

This decision addressed important issues, especially in relation to the obligation of the economic operator to comply with the necessary formal elements for the submission of the complaint, one of which is the bank document, which certifies the payment of the corresponding fee for the complaint, in accordance with point 2, of Article 111, of Law 162/2020, "On public procurement". If the complaint is not corrected within 2 days from the notification of the contracting authority, it is considered as not submitted.

PPC Decision 355/2022, dated 19.04.2022

This decision addresses the case in which the Contracting Authority, in the "Request" section, in the Electronic Procurement System, adds a new qualification criterion, which is not provided in the tender documents, and the evaluation was carried out based on this criterion.

PPC Decision 397/2022, dated 29.04.2022

This decision addressed important issues, especially regarding the obligation of the contracting authority, before the publication of the notification of the winner and the start of the complaint period, to ask the first qualified bidder to submit the evidentiary documents provided in Article 26 of Decision No. 285, dated 19.05.2021, of the Council of Ministers, "On the approval of public procurement rules", amended.

PPC Decision 608/2022, dated 28.06.2022

This decision addressed issues related to the case of submitting abnormally low offers, and on the obligation of the economic operator/s to submit concrete documentation regarding the method of construction of the offer in accordance with the law on public procurement.

PPC Decision 714/2022, dated 26.07.2022

This decision addressed important issues, especially regarding the legality of the procedural actions of the contracting authority or contracting entities, pursuant to Article 26 of Decision No. 285, dated 19.05.2021, of the Council of Ministers, "On the approval of public procurement rules", as amended.

PPC Decision 727/2022, dated 28.07.2022

This decision addressed important issues, especially in the drafting of technical specifications, which must avoid any form of discrimination, whether visible or hidden, pursuant to Article 36, point 1, paragraph 4, of Law No. 162/2020, "On public procurement", and enable equal treatment for all candidates/bidders and not serve as obstacles to open competition in public procurement.

PPC Decision 729/2022, dated 29.07.2022

This decision addressed important issues, especially in relation to the legitimacy of the economic operator for submitting a complaint to the Public Procurement Commission, in accordance with Article 114, point 6, of Law 162/2020 "On Public Procurement".

PPC Decision 783/2022, dated 12.08.2022

This decision addressed important issues, especially in relation to the procedural moment of document search, in terms of fulfilling the criteria through the "Summary Self-Declaration Form", in accordance with Article 26, of Decision No. 285, dated 19.05.2021 of the Council of Ministers, "On the approval of public procurement rules", as amended.

PPC Decision 813/2022, dated 25.08.2022

This decision addressed important issues, especially regarding the legality of the actions of the contracting authority or contracting entities that reject the offer, since the offer is abnormally low. The contracting authority did not comply with the procedural steps provided by the law, in accordance with Article 93, point 3, of Law 162/2020, "On public procurement" and Article 82, point 4 of Decision No. 285, dated 19.05.2021 of the Council of Ministers, "On the approval of public procurement rules", as amended.

PPC Decision 849/2022, dated 02.09.2022

This decision addressed important issues, especially in relation to the actions of the contracting authority for the verification of administered samples. The contracting authority has not shown due care regarding the storage and administration of samples during the process of their verification/testing.

PPC Decision 861/2022, dated 07.09.2022

This decision addressed important issues, especially regarding the disqualification of the economic operator, due to the non-submission of the evidentiary documentation in accordance with the declarations given in the Summary Self-Declaration Form. The economic operator has failed to submit information to the contracting authority on the date determined by the contracting authority according to the provisions of Article 26, of the decision of the Council of Ministers No. 285, dated 19.05.2021, "On the approval of public procurement rules", as amended.

PPC Decision 869/2022, dated 09.09.2022

This decision addressed important issues, especially in the submission of the complaint before the deadline by the economic operator, referring to Article 110, point 2, of the law 162/2020 "On public procurement".

PPC Decision 923/2022, dated 23.09.2022

This decision addressed issues regarding the legality of the actions of the contracting authority, for the repeated disqualification of the complaining economic operator, in violation of the legal provisions, contrary to Article 2, of Law 162/2020, "On Public Procurement". The verification of the documentation of the economic operator was not carried out within the legal deadlines, but after the publication of the announcement of the winner.

PPC Decision 1013/2022, dated 18.10.2022

This decision addressed important issues, especially in relation to the procedural moment of starting the complaint deadlines, where the complaining economic operator has submitted a complaint to the contracting authority and the Public Procurement Commission before the deadline provided in accordance with Article 110, point 4, of Law 162/2020, "On public procurement".

PPC Decision 1018/2022, dated 20.12.2022

This decision addressed important issues, especially in relation to the way of fulfilling the qualification criteria through the "Summary Self-Declaration Form" provided for in Article 26 of Decision No. 285, dated 19.05.2021, of the Council of Ministers, "On the approval of public procurement rules", amended.

PPC Decision 1120/2022, dated 16.11.2022

PPC Decision 1197/2022, dated 02.12.2022

This decision addressed important issues, regarding the legitimization of the economic operator for submitting a complaint to the Public Procurement Commission, referring to Article 53 of Law No. 36/2020 "On procurements in the field of defense and security"

Monitoring the implementation of decisions

Pursuant to Law 162/2020 "On Public Procurement", the decisions taken by the Public Procurement Commission are administratively final. Law No. 162, dated 23.12.2020 "On Public procurement", in its Article 131 expressly provides that: "The refusal of the contracting authority to cooperate with the Public Procurement Commission, the Public Procurement Agency, charges the head of the contracting authority with responsibility and is punished from these institutions with a fine". This specific provision clarifies the binding power of the decisions of the Public Procurement Commission as administratively final.

The timely implementation of the decision-making of the Public Procurement Commission is directly related to the elements of a regular legal process of the parties in the process, as well as on the other hand, it protects the highest public interest, for the timely receipt of works/goods/services and avoiding the use of negotiated procedures. The special structure for monitoring and verifying the implementation of the PPC decisions continued monitoring of the implementation of the PPC decisions even during 2022. Thanks to this structure, during 2022 it is noticed that **the timely implementation of decisions of the Public Procurement Commission has increased significantly.**

Based on the monitoring carried out for the period January 1-December 31, 2022, the Public Procurement Commission reviewed a total of 809 complaints and after the administrative review of the complaint submitted by the economic operator, it decided that the contracting authority make the modifications specified in the Decision for 343 complaints, while in 2021 it was found that the Public Procurement Commission reviewed a total of 776 complaints and after the administrative review of the complaint submitted by the economic operator, it decided that the contracting authority make the modifications specified in the decision for 327 complaints.

During 2022, the Public Procurement Commission, after exceeding the legal deadline set for the implementation of decisions by the contracting authority, sent 43 (forty-three) requests for decision implementation to the contracting authorities, while during 2021, the number of requests sent to contracting authorities reached 60 (sixty).

The monitoring instrument for the implementation of decisions, through a special and dedicated structure, has thus increased the speed of implementation of decisions by the contracting authorities of the decisions of the Public Procurement Commission.

The average speed of decision implementation by the contracting authority is 7 days from the issuance of the decision of the Public Procurement Commission.

The awareness of the contracting authorities for the time implementation of the decision of the Public Procurement Commission has also contributed to the reduction of the cases of using negotiation procedures without prior announcement of the contract notice.

Problems found during the review of the annexes

The problems identified recently in the operation of the public procurement complaint system

Public Procurement Commission has positioned itself recently as a body for administrative review of procurement procedures, independent of the executive power, as required by contemporary standards of public finance management.

This development dynamic confronts the Public Procurement Commission with important challenges in terms of improving its performance, closely related to its object of activity, but at the same time, due to the powers that the Public Procurement Commission has in identifying problematic phenomena at the system level, it gives this institution the opportunity to contribute to the overall improvement of the public procurement system.

General evaluation:

- ▶ Even during **2022** it results a high number of high complex complaints submitted to the Public Procurement Commission.
- ▶ During **2022**, it results that the long-standing problem of abuse of administrative complaint instruments for public procurement by guarding and physical security companies, which has caused a significant overload of the Public Procurement Commission over the years, has decreased. In **2022**, only **9** complaints were registered, or in other words **1.1%** of the total number of complaints, compared to **3%** in the previous year, for procurements in the field of guarding and physical security.

One of the reasons that brought about the decrease in the number of complaints is the performance of physical security and safety services for contracting authorities/entities by the state company "Illyrian Guard" JSC in accordance with Decision No. 177, dated 4.4.2019 of the Council of Ministers "On the creation of the company "Illyrian Guard" JSC and on the Determination of the Public Authority Representing the State as the Owner of the Shares of this Company"

- ▶ Since the digitization of the submission service of complaints and arguments, as well as thanks to the information campaigns carried out by the Public Procurement Commission, the problem of complaint submission of **2021** referring to complaint forms that are not in force or that refer to the former law has not been identified.
- ▶ Referring to the complaint submission form, there found cases in which the economic operators did not submit their complaint according to the form.
- ▶ During **2022**, it is noticed an increase in the awareness of the contracting authorities in cooperating with the Public Procurement Commission in terms of the submission of the required information and the implementation within the legal deadlines of the Commission's decision.

Në drejtim të funksionimit të sistemit të ankimit për prokurimin publik, janë identifikuar problematikat në vijim.

10 Problems of contracting authorities

In a significant number of cases, it has been found that the contracting authorities are not sufficiently informed about the amendments made to the public procurement law, especially in terms of the complaint procedure. The ten typical errors/problems of contracting authorities are presented as follows:

1. Drafting by the contracting authorities of vague, evasive special qualification criteria, which have brought ambiguity, confusion in the bid evaluation process and/or inequality in the treatment of the rights and obligations of economic operators.
2. Drafting of technical specifications by the contracting authorities, contrary to Article 36 of Law No. 162/2020, "On public procurement", as amended. During the decision-making process, several violations of Article 36 of the Law on Public Procurement were found, especially in terms of the drafting of technical specifications, not relying on one of the methods provided for in the law. Also, in some cases inconsistencies between the technical specifications

and the procurement procedure documents have been found, where in the technical specifications the alternatives are allowed, while in the documents of the procurement procedure they are not accepted.

3. Procedural violations committed by the contracting authority in the bid evaluation phase; In some cases, violations were found in terms of arguing the reasons for disqualification, in accordance with the law on public procurement and the Code of Administrative Procedures. The contracting authorities mainly refer only to the criterion, which is claimed not to be fulfilled, but without giving detailed arguments.

Also, on the part of the Public Procurement Commission, there have been cases of non-argumentation of the evaluation with points, in cases of using the most favorable economic offer, as a criterion for determining the winning offer.

4. Carrying out the process of administration, treatment and verification of samples by the contracting authority, not in accordance with the legislation on public procurement;

Also, in the decision-making of the Public Procurement Commission, cases of testing of samples by contracting authorities/entities in non-accredited laboratories in accordance with sectoral legislation have been found.

5. Errors in the calculation of the limit fund, especially in public procurement procedures, where the calculation of the limit fund had to be carried out with reference to other official prices, recognized by the relevant institutions in accordance with Article 76, of Decision No. 285, dated 19.5.2021, of the Council of Ministers, "On the approval of procurement rules".

6. The problem on the part of the contracting authorities not knowing well the amendments to Law No. 162/2020, "On public procurement", still continues, especially on the procedural moment of the beginning of the appeal deadlines.

7. The problem of the contracting authorities not performing the procedural actions required by the law, for the communication between the contracting authority and the economic operators, for the correction of the lacks of the complaint still continues.

8. The problem of the contracting authorities not performing the procedural actions provided for by Article 114, "On handling the complaint by the contracting authority or contracting entity", of Law No. 162/2020, "On Public Procurement", by the contracting authorities for the notification of the decision-making on the handling of the complaint, not only to the complaining economic operators, but also to the interested entities still continues.

9. Problems on the procedural actions of the contracting authorities, of carrying out verifications of the declarations of the participating economic operators declared in the Summary Self-Declaration Form.

10. In some cases, the lack of providing full clarifications by the contracting authorities to the clarification requests of the complaining economic operators has also become problematic.

10 procedural problems/errors found in the complaints of economic operators

In a significant number of cases, it has been found that economic operators are not sufficiently informed about the form, deadlines and procedures defined by the law of the administrative complaint for public procurement. In many cases, this leads to the non-acceptance of submitted complaints, simply for the fact that they do not meet the formal criteria. The ten typical errors/problems of contracting authorities are presented as follows:

1. A recurring problem from last year is that of non-compliance with the complaint deadlines by economic operators, not fully recognizing the provisions of Law No. 162/2020 "On public procurement". There have been cases of submitting complaints as soon as they are aware of the classification of offers and without waiting for the publication of the notification of the winner or the notification of the procedure cancellation, in cases when there is no qualified offer.

2. Economic operators have submitted their complaint without submitting the payment form, which is a necessary condition for the validity of the complaint.

3. The economic operators, in the capacity of the interested subject, affected by the decision-making of the contracting authority, have submitted a complaint to the contracting authority and the Public Procurement Commission, not exhausting the scale of presenting arguments to the contracting authorities and the PPC, according to the provisions of the point 1 of Article 113.

4. When submitting complaints to contracting authorities/entities, economic operators have not clearly identified the object of the complaint and their claims.

5. Economic operators are not clear on the differences between requests for clarification of procurement procedure documents and requests for changes to special qualification criteria/technical specifications. Pursuant to the public procurement law, in any case, the clarification of the tender documents will not be considered an addition, reduction or change of the requirements defined by the contracting authority or entity in the tender documents.

6. In the case of detection of abnormally low offers, in the sense of Article 93, of Law No. 162/2020 "On public procurement", economic operators have failed to submit complete arguments regarding the economic side of the construction of the offer in accordance with the provisions of the law.

7. Economic operators in some cases, after reviewing the complaint by the contracting authority/entity and in the procedural phase of the review of the complaint by the Public Procurement Commission, resubmit a complaint about the authority's decision-making.

8. Economic operators are not sufficiently familiar with the amendments to the public procurement law regarding the deadlines for submitting complaints in the case of the provisions of Article 114, point 5, of Law No. 162/2020 "On public procurement", amended.

9. The economic operators have submitted to the Public Procurement Commission, complaints regarding the procurement procedures of small value, for which referring to Article 116, of the Law No. 162/2020, "On public procurement" as amended, are not within the scope of the Public Procurement Commission's review.

10. Material errors of economic operators, in terms of providing the required information for each section of the self-declaration summary form. Also, errors were observed in the declaration of the economic offer in public works procurement procedures.

5 Reasons for canceling procurement procedures

The total number of complaints reviewed during 2022 was 809 (eight hundred and nine), out of which 61 or 50 unique procedures were cancelled by the Public Procurement Commission, which decided to cancel the public procurement procedures. According to the Public Procurement Commission, the main reasons that led to the cancellation of the procedure are as follows:

1. Drafting of special and unclear, evasive qualification criteria by the contracting authorities, which have led to lack of clarity, confusion in the process of evaluation of offers and/or inequality in the treatment of the rights and obligations of economic operators.
2. Drafting of technical specifications by contracting authorities contrary to Article 36 of Law No. 162/2020 "On Public Procurement", as amended.
3. Procedural violations committed by the contracting authority in the revaluation bid stage;
4. Carrying out the process of administration, handling and verification of samples by the contracting authority not in accordance with the legislation on public procurement;
5. Errors in the calculation of the limit fund, especially in the public procurement procedures, where the calculation of the limit fund had to be calculated referring to other official prices, recognized by the relevant institutions in accordance with Article 76 of Decision no. 285 dated 19.5.2021 of the Council of Ministers "On the approval of public procurement rules", as amended. Repeated cases of violations have been found by the Local Government Units in the calculation of the costs of performing the urban waste cleaning/collection service in accordance with Decision No. 319, dated 31.5.2018, "On the approval of measures for the costs of integrated waste management".

Measures taken and proposals for their improvement

1. The Public Procurement Commission has taken all the necessary measures to inform economic operators and contracting authorities about the procedural moment of the beginning of the complaint deadlines, through the publication on the official website of the complaint procedures referring to Law No. 162/2020 "On public procurement", as well as with the publication of the notification, for taking interpretative decisions in accordance with Article 24 point 3 of Law No. 162/2020 "On public procurement", explained in detail also in this report.
2. Also, in 2022, the Public Procurement Commission in cooperation with SIGMA-OECD held a joint conference with economic operators and contracting authorities, on the problems identified in the procurement system and their improvement. Also, in cooperation with SIGMA-OECD and the Supreme Judicial Council, a joint training was held with judges and representatives of the judicial system.
3. During 2022, the Public Procurement Commission has periodically drawn up monthly activity bulletins, in which it has also reflected the problems found in decision-making.
4. A special online information campaign has been developed for economic operators on how to submit electronic complaints to the Public Procurement Commission.

Trainings are encouraged, both for public procurement officials and for employees of economic operators. We estimate that a special training curriculum and a specific certification level for procurement officers, the procurement unit/officer, the bid evaluation committee/offer evaluation officer, as well as the manager of public contracts would bring significant impact on the procurement system.

Proposals for improving the public procurement system through legal changes

Regarding the amendments in Law No. 162/2020 "On public procurement"

During 2021, 419 complaints were submitted to the Public Procurement Commission, referring to Law No. 162/2020 "On public procurement". During the daily work of the Public Procurement Commission, several issues have been identified, so we propose the amendment of these articles, with the aim of continuous improvement of the public procurement legislation.

We propose amendments to Article 109 of Law No. 162/2020 "On Public Procurement", adding the right to set in motion the Public Procurement Commission (regulation of legal interest-substantial legitimation (ad causam)).

Also, in relation to the provisions of point 2 of Article 115 of Law No. 162/2020, we have found that taking a declarative decision for the part accepted by the contracting authority and continuing the review for the rest of the complaint, in cases where the contracting authority has partially accepted the appeal, have no impact on the procurement procedures, as again the procurement procedure remains suspended until a final decision. We think that such an administrative act does not bring any effect on the administrative review procedures, on the contrary, it unnecessarily burdens the members and staff of the Public Procurement Commission. Regarding the closing of the case for the accepted part of the complaint and continuing with the rest, the Public Procurement Commission can express itself in the final decision.

Regarding the above, we propose the repeal of point 2, of Article 115, of Law No. 162/2020.

Point 2, of Article 134, of the Law, No. 162/2020 "On public procurement", it provides that: "Sub-legal acts issued pursuant to Law No. 9643, dated 20.11.2006, "On public procurement", as amended, which do not conflict with this law, will be applied until the issuance of sub-legal acts in implementation of this law. Any other sub-legal acts, which contradicts this law, is repealed."

In this particular case, we propose taking measures to issue a new sub-legal act in implementation of the law, the Decision of the Council of Ministers "On determining fees and the rules for their payment in a complaint procedure, at the Public Procurement Commission".

Court proceedings related to the decisions of the Public Procurement Commission for the period January 2022-December 2022

As the highest administrative body in the field of reviewing complaints for public procurement procedures, the decision of the Public Procurement Commission is administratively final. With the entry into force of the Law No. 162/2020 "On public procurement", the parties affected by the decision-making of the Public Procurement Commission have been given the right to appeal directly to the Administrative Court of Appeal in Tirana, which exercises initial jurisdiction.

The total number of decisions of the Public Procurement Commission for the year 2022, (which includes final declarative decisions, substantive decisions and decisions to withdraw from the appeal), is 715. Referring to the total number of these decisions, for only 39 of them, the entities affected by the decision-making of the Public Procurement Commission have filed lawsuits in court, which constitute only 5.1% of the total number of decisions.

Out of 39 lawsuits filed, 1 lawsuit was filed in the Administrative Court of First Instance in Tirana and 38 lawsuits were filed in the Administrative Court of Appeal in Tirana, which, pursuant to Law No. 162/2020 "On public procurement", is already examining lawsuits brought against the decisions of the PPC with initial jurisdiction. Out of 39 lawsuits filed, in 2 cases the plaintiff is a contracting authority, while in 37 cases the plaintiff is an economic operator. In 1 of the cases, the same decision of the PPC was appealed, by 3 different plaintiffs (so, 3 plaintiffs for 1 decision of the PPC). In 6 cases, the same plaintiff appealed 2 PPC decisions (i.e. 6 plaintiffs for 12 PPC decisions). In 1 case, the same plaintiff appealed 3 decisions to the PPC (i.e. 1 plaintiff for 3 decisions of the PPC).

At the end of the judicial process in the first instance and in the appeal, the court decided to accept 5 lawsuits, dismissed 10 lawsuits, while another 24 lawsuits are still in the process of judicial review, in the first instance and in the appeal.

Në analizë të proceseve gjyqësore, referuar vendimeve të gjykuara të përfunduara në shkallën e parë dhe në apel, vërehet se Gjykata Administrative, ka mbajtur të njëjtin qëndrim me Komisionin e Prokurimit Publik në 25.6 % të çështjeve të përfunduara dhe ka shfuqizuar vendimmarrjen e Komisionit të Prokurimit Publik vetëm në 12.8 % të çështjeve të përfunduara.

Bearing in mind that until the date of submission of this report, there are 24 cases in the judicial process, the decisions of the Administrative Court of Appeal, which have upheld the decisions of the Public Procurement Commission, are significantly higher in number, compared to the annulled decisions.

From the Administrative Court of First Instance, we have a decision on the complaint submitted by an economic operator to this court, for which the court has decided to accept the lawsuit. The Public Procurement Commission has appealed the decision of the Administrative Court of First Instance to the Administrative Court of Appeal.

The review of the data of court cases highlights the fact that the Public Procurement Commission is a body that has created stability in decision-making and also indicates a consolidation of positions, either of the Public Procurement Commission or of the courts for similar cases. This conclusion is reached not only because of the high percentage of confirmation by the court of this decision compared to the annulled decisions, but also by evaluating the low number of lawsuits, compared to the decisions made by the Public Procurement Commission.

VII DIGITALIZATION OF SERVICES

Digitalization of services and access by interest groups

Digitization of the complaint submission and review process as part of the agenda and strategic objective of digitizing the services of the Government of the Republic of Albania, following the strategic objectives approved by the decision of the Council of Ministers no. 850, dated 04.11.2020, "For the approval of the National Strategy for Public Procurement 2020 - 2023 and the Action Plan for its Implementation" Measure 5.4: Establishing the complaints system for the PPC (e-complaints), has continued in 2022 with the first phase of the update (up date) of the "Complaint Submission and Review System, designed to include/integrate into the digitization process also other internal administrative processes, as follows:

- the integration of budgetary and financial control of the institution, including the generation of invoices for collection in financial accounting records;
- judicial management, digitized follow-up of PPC decisions appealed to the court, including decisions of the judicial system;
- audio recording of open sessions (hearings);
- automation of the voting process;
- digitalization of human resources processes and dates.

Also, in relation to this phase, financing has been made possible from the 2022 budget of the Albanian state and with letter no. prot. 270, dated 14.02.2022, has been delegated again to the National Agency of the Information Society, as the competent institution in the field of technology, to draft the terms of reference and develop the procurement procedures for the selection of the specialized operator related to the project "Phase complementary, for the integration of internal administrative processes with the delivery system and review of complaints (ERP system)", referring to point 5, of article 67, "Concentrated procurement and delegation of procurement" of the decision of the Council of Ministers no. 285, dated 19.05.2021, "On the approval of public procurement rules" as amended. This procedure was concluded with the conclusion of the contract no. prot. 25, dated 01.09.2022, fully implemented during 2022.

The impact of digitalization

The digitalization of services has provided quite positive results in terms of transparency and accessibility and therefore the credibility of operators towards the institution of the Public Procurement Commission. Digitalization of services has fundamentally changed the behavior of interest groups and all actors of the administrative review system.

Changes in the behavior of economic operators

Economic operators find it easier and more accessible to submit a complaint to contracting authorities/entities and the Public Procurement Commission, reducing time and money. Through the Electronic Complaints System, in just a few minutes local and foreign economic operators can submit a complaint to both institutions at the same time. During 2022, although, as a transitory period, it is still not mandatory to submit complaints only electronically, again over 39% of economic operators freely chose to submit complaints electronically.

Digitalization and increased trust in the institution of the Public Procurement Commission has brought a significant increase and impact in the number of economic operators that use the administrative review system. In contrast to the year 2021, in which 289 economic operators submitted complaints, in 2022, 300 economic operators submitted complaints.

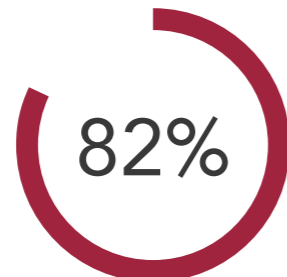
Also, it is observed that there are 26 new economic operators in the administrative appeal system, two of which are Small Medium Businesses.

During 2022, the institution of the Public Procurement Commission conducted a digital questionnaire with economic operators. **169** economic operators answered the questions of the Public Procurement Commission.

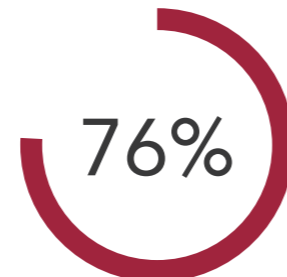
Analyzing the data shows that:



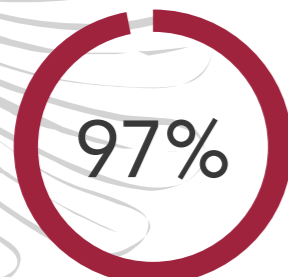
of 55 surveyed companies agree that transparency encourages businesses to participate in public procurement



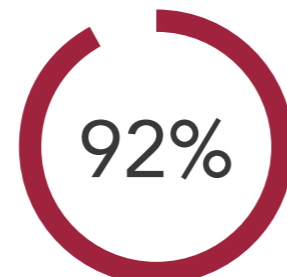
state that the electronic complaints system increases impartiality when reviewing complaints and making decisions about them



state that the electronic system of complaints is more effective for businesses compared to the analogue system



92% of respondents state that the information provided makes the complaints process more transparent and informative, and that the information provided in this way is useful for data analysis and/or other analytical purposes.



state that the information provided on the website helped them better understand the process of submitting a complaint

Graph 4: Changes in the behavior of economic operators

Speed of interaction and reduction of costs

Through the Electronic Complaints System, domestic and foreign economic operators can submit complaints at any time, at any hour, 7 days a week. The system has significantly reduced costs for economic operators. The institution of the Public Procurement Commission, has carried out an analysis of the effects of the Electronic Complaints System in terms of cost reduction.

Considering the number of complaints submitted electronically, as well as the city of the headquarters where the economic operator that submitted a complaint, the headquarters of the Public Procurement Commission and the headquarters of the contracting authorities/entities are located, the analysis shows that there is a reduction of approx:



52,390km

for economic operators to submit complaints

6810.7

liters

fuel saving



Saving

1,362,140.00 ALL

only as the cost of transportation services, fuel, etc., while the total calculable cost savings is over USD 50,000

Electronic signature of acts

The Electronic Complaints System allows economic operators to sign complaints electronically. The Electronic Complaints System shows an environmentally friendly approach, as it has avoided printing only by economic operators for **14,662** pages, which were administered electronically.

Changes in the behavior of the Public Procurement Commission

The digitalization of services has also changed the behavior of the institution of the Public Procurement Commission. The digitalization of services has increased the speed of decision-making, where only 10.1% of complaints have been addressed beyond the legal deadline and has shortened the time for examining complaints from 17 to 12 days. At the end of the review of the complaint, the Public Procurement Commission takes a decision in the Electronic Complaints Management System, as well as signs with an electronic signature and seal the acts which are notified to the parties.

During 2022, the institution of the Public Procurement Commission conducted a questionnaire with its staff. 73% out of 11 surveyed by the PPC staff say that the transition to transparent data for all interested subjects has made the work and mission of the PPC more effective and 100% agree that with the new system of complaints, they can address more complaints within the legal deadline; and 90% agree that the new system has improved and increased communication with economic operators.



73% surveyed by PPC staff say that the transition to transparent data for all interested subjects made the work and mission of the PPC more effective



100% agree that with the new complaints system, they can address more complaints within the legal deadline



90% agree that the new system has improved and increased communication with economic operators

Changes in the behavior of contracting authorities

The electronic complaints system gives the contracting authorities the opportunity to review complaints submitted by economic operators, in real-time. In addition, the contracting authority has the opportunity to communicate with the economic operator to fill in the shortcomings of the complaint through ECS, to inform the Public Procurement Commission and economic operators about the decision-making process for reviewing complaints, as well as to be informed about the decision-making of the Public Procurement Commission. A special section in the authority profile also stores the history of complaints and their addressing. During 2022, it has been noticed that contracting authorities are avoiding repeating the same mistakes/problems.

Digitalization had an impact on:

Increasing transparency as a tool in the fight against corruption

Increasing the trust of economic operators towards the complaint review body

Faster and more transparent cooperation/interaction between the actors involved in the process

Reduction of costs for the parties involved in the process, mainly economic operators but not only them

Efficiency in providing the service of the complaint submission and review

Access and interaction with economic operators and contracting authorities

Data on the number of clicks on the official website of the Public Procurement Commission

WWW The website of the Public Procurement Commission has been clicked 554,341 times, with the most clicked sections:

- Complaints → **108293**
- Complaints in review → **10789**
- History of decisions → **107087**
- Online Library → **682**
- Notifications → **9199**
- Vacancies → **2829**
- Help and Support Manuals → **1109**
- Help and Support Questions/Answers → **693**
- Help and Support Video tutorial → **543**

Hand The clickability of the aforementioned sections is carried out by several types of electronic devices, namely:

- Desktop → **441553**
- Tablet → **16113**
- Smartphone → **41792**
- Other → **54883**



Access by persons with disabilities

The website of the Public Procurement Commission has been accompanied by a special search engine for people with vision disabilities, color blindness, low resolution and total blindness. This service is among the first to be offered by an official website of public institutions in Albania.

During 2022, the special search engine for persons with disabilities was used in 464 cases, respectively for the following modalities:

- ☾ High Contrast → **89**
- ⚙ Highlight → **92**
- ☾ Low Lighting → **88**
- TT Increase font → **83**
- 🗣 Voice → **112**

Technical assistance for economic operators and contracting authorities

The Directorate of Monitoring, Support Services and Finance during 2022, has offered the service of technical assistance to contracting authorities and economic operators.

Users of the electronic complaints system

Specifically, **340 official e-mails** have been sent regarding the use of the electronic complaints system and the individual notification of contracting authorities for the submission of online complaints, **over 149 messages** in the dedicated chat in real time and **over 2720 minutes of communication** through a telephone line.

INTER-INSTITUTIONAL COOPERATION AND ACTIVITIES

The cooperation agreement between the Public Procurement Commission and the National Anti-Corruption Authority

In October 2022, the Public Procurement Commission and the National Anti-Corruption Authority (ANAC) signed a cooperation agreement in Rome, Italy, to strengthen inter-institutional relations and start bilateral cooperation. The cooperation agreement, which has a duration of three years, includes the exchange of knowledge, documentation and information by both institutions, focusing on improving efficiency in the field of public procurement and to strengthen the rule of law. The institutions will cooperate by sharing experiences from the respective anti-corruption and transparency legislation. Professional training courses, conferences, business trips on issues related to public procurement and high-level meetings will also be organized to discuss strategies and areas of bilateral cooperation.

Network establishment of public procurement review bodies

With the aim of exchanging experiences and mutual support in facing challenges in matters of procurement, cooperation, exchange of opinions and knowledge on special legal and important issues, Albania, Kosovo, Croatia, Bosnia and Herzegovina, North Macedonia, Romania, Slovenia and Montenegro signed the Agreement on the Network Establishment of Procurement Review Bodies of South-East Europe on October 28, 2022, in Tirana, with the aim of improving cooperation, exchanging experiences, opinions and knowledge on specific legal and significant issues in order to implement and exercise the statutory powers properly and effectively.

In this event organized by the Public Procurement Commission of Albania, in the capacity of the initiator for the establishment of this network, in the Palace of Brigades, in Tirana, high leaders in the field of public procurement of these countries participated as well as representatives of Constitutional institutions and international organizations in Albania.

The establishment of this network for Albania, Kosovo, Montenegro, North Macedonia, Bosnia and Herzegovina, Slovenia, Romania, Croatia and Türkiye, which share not only good neighborly relations, important commercial exchange, interaction of economic operators in the procurement procedures, cultural and historical value, as well as similarity in legislation, constitutes an added value and challenge in mutual cooperation in general and in particular in law enforcement and the fight against corruption.

As all the countries of this network have aligned public procurement legislation with those of aquie communitate, they have changed the rules and ways of developing public procurement procedures, making them more transparent, more comprehensive, simultaneously increasing public and economic operators access, the cooperation and exchange of experiences and approaches to challenges in this field will enable a significant impact on the procurement chain of network countries, increasing efficiency and effectiveness, transparency, as well as guaranteeing integrity and public trust in procurement procedures.



Albania on the path of EU integration reform



Mr. Hubert Perr, Head of European Union Cooperation in Albania

The Head of the Delegation of the European Union in Albania, Mr. Hubert Perr, congratulated on the creation of this important network, as well as thanked Albania, as the founding state and leader of the first network of South-Eastern European procurement review bodies for the organization of this event.

"I am happy and truly appreciate it, that representatives of the government and the parliament are here among us, as it makes all countries reflect and see how important cooperation is between institutions that play different roles, including procurement. Based on my personal experience as the Head of the Delegation of the European Union in Albania and from my experiences in other countries and embassies, we have had many procurement procedures, so I want to express my appreciation for all the challenges you have undertaken, among them the digitalization of these procedures." – Mr. Perr stated in his speech.



Mrs. Ermonela Felaj, Deputy Speaker of the Assembly of Albania

The Deputy Speaker of the Assembly, Mrs. Ermonela Felaj, considered the establishment of the South-East European Procurement Review Bodies network and the signing of Memorandums with the counterpart institutions of countries such as Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia, Romania, Slovenia, as an important event in the work of the Public Procurement Commission.

Ms. Felaj also expressed her appreciation regarding the digitalization reform undertaken by the Public Procurement Commission, emphasizing that the implementation of the e-complaint system has already given this institution a measure of transparency.

"The progress report of the European Commission in 2022, submitted to the Parliament through the ambassador of the European Union, has dedicated a special recognition to the Public Procurement Commission, as Albania is considered to be prepared in the Public Procurement processes." – Mrs. Felaj stated in her speech.

Standardization of services in PRB



Mrs. Milva Ekonomi, Minister of State for Standards and Services

Minister of State for Standards and Services, Mrs. Milva Ekonomi started her speech first by expressing the joy she had experienced together with other representatives from Albania, during the meeting organized by RESPA and SIGMA in North Macedonia, on the international day of democracy, during the "Ministerial of the Western Balkans on Reforms in Public Administration" and the Public Procurement Commission (PPC) was the only institution from the Republic of Albania that was awarded the prize

"Special recognition for trust in the public administration for the E-Complaints system".

"This shows that the systems we are building are at the service of all interested individuals and i would like to express my gratitude for the support that Open Contracting Partnership has given to the Procurement Commission in creating this standard, but I also appreciate the efforts that are being made to build these systems. In order to achieve this award, a lot of work was needed by the Public Procurement Commission, as not only was this system built, but various trainings were conducted so that the interested parties receive the appropriate information on how it works." – stated Mrs. Ekonomi.



President of ANAC, Mr. Giuseppe Busia

The president of ANAC, Mr. Giuseppe Busia, congratulated all the members of the network for this initiative they have undertaken and in the capacity of the president of the National Anti-Corruption Agency in Italy, offered his support in this mission, to be together in the fight against corruption.

Mr. Busia said in his speech that Public Procurement is one of the most dangerous areas in terms of corruption and to win the fight against corruption they must be united and transparent.

"The implementation of the electronic complaint review system is in the interest of all interested parties, both economic operators and contracting authorities, but also for civil society in general, and I have full confidence that the exchange of experiences and information on the operation of internal systems, identification of common challenges and needs as well, finding solutions and improvement that will bring transparent data to governance, are decisive elements in our fight against corruption." – stated Mr. Busia.

PPC-HJC cooperation agreement

On 06.10.2022, the institution of the Public Procurement Commission and the High Judicial Council signed a Cooperation Agreement between the two respective institutions. This Agreement approach is the cooperation in several main directions such as: workshops, conferences, joint trainings; carrying out periodic reviews and studies; other cooperation activities which are in accordance with the purpose of this agreement, contributing to capacity building, as well as addressing problems.

Additional memorandum of cooperation

In the Memorandum of Cooperation, signed on 05.10.2020 between the Public Procurement Commission (PPC) and the Open Contracting Partnership (OCP), during 2022, the parties have agreed that the areas of cooperation will include the organization of the International Procurement Conference 2023 in Tirana, Albania, which will gather regional and world leaders in the field of procurement. With this additional agreement, the Open Contracting Partnership will be in the role of an active participant in this event and will use its network and contacts to set up, communicate and support this International Conference.

Events

February 2022

Stabilization-Association Committee, European Union - Albania - On February 15, 2022, the twelfth meeting of the Stabilization-Association Committee, European Union - Albania took place.

May 2022

Head of PPC, participation and reporting for 2021, as well as the first 4 months of 2022 at the 13th meeting of the Subcommittee on Stabilization and Association, Chapter V, 'Internal market and competition including consumer and health protection' EU- Albania in Brussels. The representatives of the European Commission evaluated the results achieved by the Public Procurement Commission, as well as the work done in relation to the digitalization process of E-Complaints services, the new website, as well as the standards achieved regarding transparency in the Commission's activity according to open data principles.

May 2022

PPC invited to the public debate on the amendment of the procurement law in the Republic of Montenegro. Upon the invitation of the State Commission for the Protection of Rights in Public Procurement Procedures and the Ministry of Finance of the Republic of Montenegro, on May 17, 2022, the Public Procurement Commission participated in the public debate on proposals for amending the Public Procurement Law in Montenegro.

May 2022

The areas of transparency, technology and innovation in the field of public procurement - Conference in Amsterdam organized by the Open Contracting Partnership in cooperation with the Dutch Government and the Open State Foundation. In Amsterdam, on May 30 and 31, one of the most important conferences was held in the field of Public Procurement, as a powerful tool to achieve social impact and environmental transition. This important event was organized by the Open Contracting Partnership in cooperation with the Dutch Government and the Open State Foundation.

June 2022

Meeting of the Steering Committee of the National Strategy for Public Procurement In this meeting, dated 07.06.2022, the following were presented:

- Foreseen activities of NSPP 2020-2023;
- Monitoring Report for 2021;
- Additions and amendments to the Regulation "On the Steering Committee of the National Strategy for Public Procurement 2020 - 2023";

After the discussions, the Steering Committee decided: Approval of the "Monitoring Report 2021" and the approval of some additions and amendments to the Regulation "On the Steering Committee of the National Strategy for Public Procurement 2020 - 2023"

June 2022

The Public Procurement Commission also participated in the first National Anti-corruption conference organized by the Government of the Republic of Albania, on June 14, 2022. A special presentation was also dedicated to the impact of the Electronic Complaints System, the digitalization of services as a means of fighting corruption.

June 2022

Environmental Management in Public Procurement - Milieukontakt Albania - Slovak Environment Agency. On 23 June 2022, the Public Procurement Commission, in the premises of the Tirana International Hotel, was part of the meeting organized by Milieukontakt Albania in cooperation with its partner, the Slovak Environment Agency on the topic "Inclusion of environmental management criteria in Public Procurement".

September 2022

Chapter 5 - Public Procurement - Brussels. On 15 September 2022, representatives of the Public Procurement Commission participated in the explanatory session for Chapter 5 - Public Procurement, held in Brussels, in which experts from the European Union, representatives from the Albanian state and the state of North Macedonia were present.

September 2022

The 16th Procurement, Integrity, Management and Openness Forum (PRIMO) On 20 September 2022, the Chairperson of the Public Procurement Commission, Mr. Jonaid Myzyri, participated in the second day of the forum as part of the panel "Unique examples of supporting resilient recovery through the behavioral aspect including complaints".

During the development of this conference, representatives of about 19 countries and foreign collaborators took part, addressing important topics of public procurement, organized in several panels, sharing examples and unique experiences.

October 2022

Workshop "Innovation in Public Administration" On October 28, on the Innovation Action Day, the 17 winners and representatives of RESPA's special recognitions gathered in Barcelona at the workshop "Innovation in Public Administration".

During the workshop, participants worked in groups and practiced how to define and build an innovation action plan for the public sector, focusing on design thinking, knowledge and solutions, prototypes and solutions".

The Public Procurement Commission (PPC) is the only institution from the Republic of Albania that was awarded the "Special recognition for trust in the public administration for the E-Complaints system".

November 2022

"Integrity Risks in Public Procurement" – workshop

On 16 November 2022, the Workshop was organized at the Rogner Hotel on the topic: "Integrity Risks in Public Procurement".

The aim of this workshop was to help form a common understanding of the problematic risks of public procurement procedures, with the opportunity to exchange views between participants and guest speakers. Participants included representatives from the Administrative Court of Appeal, the Special Court of Appeal for Corruption and Organized Crime, the Administrative College of the Supreme Court, the Administrative Court of Appeal, the Special Court of Appeal for Corruption and Organized Crime, Legal Advisors Attached to the Administrative College of the Supreme Court, Legal Assistant of the Administrative Court of Appeal, Participants from the Supreme Judicial Council, Supreme Court, National Bureau of Investigation, Public Procurement Commission.

November 2022

"Bilateral meeting of the review for Chapter 5 "Public Procurement" in Brussels The Public Procurement Commission, represented by the Chairperson of the PPC, Mr. Myzyri, on 18 November 2022, presented to the European Commission following the bilateral meeting on Chapter 5 "Public Procurement", a very detailed overview of the institution he leads. In his speech, Mr. Myzyri gave a complete presentation of the operation of the PPC, clearly explained the procedure for filing a complaint, the legal provisions and how the European directives are implemented/absorbed/applied for each case.

December 2022

“The meeting for the approval of the first six-month report for the implementation of the National Strategy for Public Procurement 2020-2023 for the year 2022”. On December, an online meeting was held with the Steering Committee of the National Strategy for Public Procurement.

December 2022

PPC participated in the Round Table with Business organized by the Competition Authority, on the topic “Legislative framework for a more active role of the Competition Authority in public procurement procedures”

May 27, 2022 - organized and developed by the Public Procurement Commission, the second conference on “Challenges of the Public Procurement System in the Republic of Albania”, a conference which for 2022, was organized in cooperation with SIGMA - OECD.

The institution of the Public Procurement Commission, on May 27, 2022, organized the second conference, on the topic: “Challenges of the Public Procurement System in the Republic of Albania”, a conference which this year was supported and organized in cooperation with SIGMA-OECD.

This conference raised various issues related to public procurement procedures, found by the Public Procurement Commission during 2021. About 300 economic operators and contracting authorities participated physically and online in the conference.

Mrs. Ekonomi, Minister of State for Service Standards, in her speech, described the conference as the completion of another dimension in the standards of public services. **“The dimension of risk analysis is a step that must be taken in the digital age apart from the challenge of human resources”** – the minister highlighted. Mrs. Ekonomi closed her speech by saying that the challenges of the future should be placed in the digital background, which is changing at every moment.

Mr. Perr, representative from the EU Delegation in Albania, emphasized the importance of the private sector in the field of procurement and the importance of understanding all the rules of the field, in order to make the procurement procedure effective.

Mr. Perr praised the implementation of the EU directives in the new procurement law, a fact that shows that Albania is serious and has taken the field of procurement to another level.

The conference continued with the speech of Mr. Karolis Granickas, who showed that when Open Contracting began cooperation with the PPC, they analyzed the institution’s activity process, realizing that data or technology can help in the functioning of the Commission, in a more efficient and smooth way. This process shows that it doesn’t start with technology or data, but with the change we want to see.

Currently, Open Contracting Partnership assists the Public Procurement Commission and what is expected and observed even now is:

- more institutional efficiency,
- more satisfaction from businesses,
- less corruption,
- successful feedback and complaints,
- more competition and diversification of suppliers,
- more effectiveness and efficiency in results,
- more trust.

The conference was attended by representatives of contracting authorities, economic operators, the academic community, the media, both in person and online through the zoom platform.



Conference results

The Public Procurement Commission highlighted three important issues for public procurement:

1. The first is related to the establishment of a body of certified public procurement officials

- The challenge of the public procurement system as a whole, including that of the Public Procurement Commission, is to strengthen the capabilities and human elements of procurement officials.
- A body of procurement officials certified by contracting authorities, economic operators, procurement review bodies, would bring a significant impact on the procurement system in Albania.
- Designing a special training curriculum and a specific certification level for procurement officials would bring a significant impact on the procurement system.
- The profession of the procurement officer should also be regulated by law.

2. Secondly, the creation and consolidation of national standards in public procurement

- Given that in 2021, a high number of complaints were found regarding the documents of the procurement procedure, which are related to the way of drafting technical specifications for specific procedures, we propose to encourage the drafting of National Standards (NS) for a group of goods of general use, which would affect the way the technical specifications are drawn-up by the contracting authorities.

3. Thirdly, the strengthening of cooperation between the institutions involved in the public procurement procedures and the Competition Authority is also important.

- Encouraging competition in procurement procedures is more than a legal provision, it is the goal and spirit that should accompany a procurement procedure, so more training sessions were proposed for all subjects by the Competition Authority, as well as drafting of a new manual of signals of prohibited agreements in public procurements.

The representatives of economic operators highlighted the need to create unified standards in public procurement procedures, as well as for continuous training of economic operators and contracting authorities.

On November 16, 2022, a Workshop on: "Integrity Risks in Public Procurement". was organized. Participants were judges from the Supreme Court, the Administrative Court of Appeal, the Special Court of Appeal for Corruption and Organized Crime, participants from the High Judicial Council, the National Bureau of Investigation, SIGMA - OECD, as well as the Public Procurement Commission. The purpose of this workshop was to help form a common understanding of the problematic risks of public procurement procedures, with the opportunity to exchange views between participants and invited speakers, where corruption in public procurement in Albania was discussed and how we can prevent it.

The judge of the Special Court of Appeals for Corruption and Organized Crime clarified the competence of special courts for the trial of the criminal offense "violation of the equality of participants in public tenders or auctions", provided by Article 258 of the Criminal Code.



Communication bridges with stakeholders

Reporting to the assembly

Reporting to the Assembly of Albania, in a Plenary Session and to the Law Commission is considered a fulfillment of the legal obligation to report as well as it serves to set a communication bridge with this constitutional institution. During this reporting are presented the problems and the requests for support for addressing the problems and institutional needs of the complaint review body regarding public procurement procedures.

Annual conference with contracting authorities and economic operators

During 2022, PPC organized in cooperation with SIGMA-OECD, the annual procurement conference with contracting authorities with physical and online participation. As a communication bridge where the problems of the parties involved in the complaint review process, optional approaches for addressing the problems, findings and recommendations for legal solutions and necessary reforms related to public procurement challenges are highlighted.

Monthly bulletin and interpretative decisions

Even during 2022, PPC published monthly reports on its activity. The report has been sent electronically to all contracting authorities/entities and economic operators. The report contains information on the monthly activity of the Public Procurement Commission in relation to complaints, their distribution by regions, the decision-making process, interpretive decisions and information on institutional activities.

Workshop with the judicial system

During 2022, based on the cooperation agreement with the High Judicial Council, the PPC organized a workshop in cooperation with SIGMA-OECD. This workshop was attended by representatives of the judicial system, from the administrative court of first instance, Court of Appeal, the Special Court of Appeal for Corruption and Organized Crime, the Supreme Court and representatives of the National Bureau of Investigation.

Awareness campaign for promoting e-complaint system

As a tool for promotion, information and awareness on the use of E-Complaint, the Digital Complaint Submission by Economic Operators as well as the use of Review System, a system that enables speed in the filing process, transparency on the decision-making process, cost reduction, realized through a publication campaign in 3 national digital media for a period of 1 month, October - November 2022 within 24 hours.

Web, LinkedIn and Twitter

Economic operators, contracting authorities/entities and interest groups were introduced to the activity of the Public Procurement Commission through the publication of information on the official web site, as well as on social networks. All activities were shown in live stream on the official YouTube account of the Public Procurement Commission as well as on the official website of the Public Procurement Commission.

ON THE IMPLEMENTATION OF THE ASSEMBLY RESOLUTION

The Assembly of Albania has approved the resolution "On the evaluation of the activity of the Public Procurement Commission for the year 2021", part of which are some recommendations to be fulfilled by the Public Procurement Commission for the year 2022. Regarding the fulfillment of the recommendations presented in this resolution, the Public Procurement Commission has reported to the Parliament of Albania with documents with No. 2902 prot., dated 30.12.2022. Below you will find a full report on the implementation of the recommendations of this resolution.

Regarding the recommendation:

"Invest at full capacity to reduce the number of complaints reviewed outside the legal deadlines, following the improving trend of 2021", despite the increase in the number of complaints compared to 2021 and the unprecedented situation caused by the cyber-attack that the Public Procurement Commission faced, the number of complaints handled outside the deadline has decreased to 10.1% (according to data updated until 31.12.2022), following the downward trend reached during 2021. This recommendation is fully achieved and work continues to further reduce the number of complaints handled outside the deadline.

This recommendation has been fully implemented ◀◀

Regarding the recommendation:

"Fill vacant positions by recruiting qualified professionals in the field as a factor that directly affects the increase in efficiency and quality of decision-making of the PPC, and at the same time continue the work on employee training in order to continuously increase and strengthen professional capabilities", the Public Procurement Commission has followed the recruitment procedures to fill vacant positions by recruiting 4 (four) civil servants, 3 (three) legal inspectors and 1 (one) finance specialist. As for trainings and capacity building activities, the Commission, in addition to encouraging employees and creating the opportunity to participate in individual trainings, the development of conferences and workshops on public procurement issues also for the year 2022 in cooperation with the University of Tirana enabled the two-week training on the topic "On procurement issues/cases handled by the European Court of Justice".

This recommendation has been fully implemented ◀◀

in terms of training and capacity building; in terms of recruitments, in addition to the completed recruitments, the recruitment process continues for some remaining vacancies.

Regarding the recommendation:

"Continuously engage in informing economic operators and contracting authorities through the organization of information tables/campaigns, as well as design training curricula for procurement officials, with the aim of reducing the number of complaints not accepted for reasons of non-fulfillment of formal criteria, as well as to influence the improvement of the quality of work by the contracting authorities", we would like to inform that: with the aim of handling and addressing problems in the field of public procurement, the Commission has already turned the organization of the annual conference "On the challenges of public procurement" into a tradition, by holding on 27 May 2022 the second conference on "Challenges of the Public Procurement System in the Republic of Albania", where representatives of a significant number of contracting authorities and economic operators, as well as representatives of international organizations, participated. Also, in cooperation with the University of Tirana (according to the agreement with No. 3138/4 prot., dated 12.12.2022, and with no. 2429/2 Prot., dated 12.12.2022, the Commission has compiled a manual for the process of handling complaints, which will to serve and will come to the aid of the procurement officials, and in support of article 24, point 3 of Law No. 162/2020 "On public procurement", has issued some decisions such as: Decision No. 97, dated 26.01.2022, Decision No. 199, dated 25.02.2022, as well as Decision No. 231, dated 09.03.2022, on the interpretation of the provisions, applicable as far as they are valid in future decision-making.

This recommendation has been fully achieved ◀◀

Regarding the recommendation:

"Increase efforts to raise the awareness of economic operators for the use of the new online complaint submission system through the unified government portal e-Albania, as well as approve the manuals for the use of the electronic complaints system". In relation to this recommendation, several actions have been taken, such as: continuous assistance to economic operators for submitting online complaints by the Commission staff; publicity campaign in the media for several weeks in the months of October, November 2022, with the aim of making operators aware of the online submission of complaints, and, through Decision No. 328, dated 04.06.2022, "On the approval of the manual of economic operators for the use of the electronic complaints system and the submission of complaints through the electronic complaints system", The Public Procurement Commission has approved the manual for the use of the electronic complaints system and the submission of complaints through the electronic complaints system. This manual helps operators with the process of applying for a complaint and argument.

This recommendation has been fully achieved ◀◀

Regarding the recommendation:

“Cooperate closely with the Public Procurement Agency to enable the creation of the same standards in handling similar cases, and at the same time, the PPA should take into consideration the problems of complaints by creating a working model.”

The Commission continuously sends cases for further administrative investigation to the Public Procurement Agency in order to establish the same standards in similar cases. The Commission has sent 10 (ten) cases for administrative investigation throughout the year 2022.

This recommendation has been fully achieved ◀◀

Regarding the recommendation:

“Following the digitalization process, the PPC should work on the implementation of the second phase for the integration of internal administrative processes in the system of submitting and reviewing complaints” we would like to inform you that in relation to this recommendation, through document No. 270 prot., dated 14.02.2022, as the competent institution in the field of technology, the National Agency of the Information Society has been delegated the task to draft the terms of reference and develop the procurement procedures for the selection of the specialized operator related to the project “Complementary phase for the integration of internal administrative processes with the submission and the review of complaints system (ERP system), where following the procedure, a contract dated 01.09.2022 was signed, which has been fully concluded.

This recommendation has been fully achieved ◀◀

Regarding the recommendation:

“Continue monitoring the implementation of the decisions of the Public Procurement Commission, in order to increase the awareness of state administration institutions regarding the obligation to implement the decisions of the Public Procurement Commission, as an obligation related to a regular legal process for the parties in the process and which protects the public interest”, we would like to inform you that the monitoring process is rigorously followed and has given results, since compared to 2021, where **60 (sixty) requests** were sent after exceeding the legal deadline, for the implementation of decisions to the contracting authorities, in 2022 (until 22.12.2022), **43 (forty-three) requests** for implementation of the decision were sent. It seems that the monitoring process has influenced the contracting authorities, immediately implementing the decisions of the Public Procurement Commission.

This recommendation has been fully achieved ◀◀

Regarding the recommendation:

“The Commission should increase cooperation with the High Judicial Council, the High Prosecution Council, the School of Magistrates for the creation of joint training curricula, for magistrates and procurement officials”, we would like to inform you that the Public Procurement Commission, in implementation of this recommendation signed the cooperation agreement with No. 2183 prot., dated 06.10.2022, and No. 5230 prot., dated 06.10.2022, with the High Judicial Council, the object of which is the cooperation within the framework of increasing capabilities. Following this agreement, on 16 November 2022, the Commission organized the Workshop on the topic: “Integrity Risks in Public Procurement”, where representatives of the High Judicial Council, NBI, judges of the Court of Administrative Appeal, as well as officials and employees of the Public Procurement Commission participated.

This recommendation is in progress ◀◀

X REGULATORY ACTS

During 2022, the institution of the Public Procurement Commission, in order to support the administrative work processes with regulatory acts, worked on the drafting and approval of several administrative acts. During 2022, the following acts were drafted and approved:

- ▶ Internal regulation for the organization and operation of the Public Procurement Commission approved by the order of the Chairperson of the Public Procurement Commission No. 03, dated 11.01.2022, "On the approval of the internal regulation for the organization and operation of the Public Procurement Commission"; This regulation defines the normative rules for the organization and internal functioning of the Institution of the Public Procurement Commission regarding the organizational structure, powers and responsibilities of the officials and employees of the Public Procurement Commission, relations between structures, administration of documentation, equipment, official schedule, rules of ethics, administration of documents, administration of personnel files;
- ▶ Manual "On the use of the electronic complaints system and review of complaints through the electronic complaints system", for contracting authorities, approved by Decision No. 329, dated 06.04.2022 of the Public Procurement Commission;
- ▶ Manual "On the use and submission of complaints through the electronic complaints system (SAE), for economic operators", approved by Decision No. 328, dated 04.06.2022";
- ▶ Normative act for the continuity of the service for the situation caused by the cyber-attack - Order No. 338, dated 18.07.2022 "On taking measures for the notification of contracting authorities, economic operators and interested entities related to the activity of the Public Procurement Commission, due to the situation created as a result of the cyber-attack on online public services and other government sites";
- ▶ Regulation for the operation of the library of the Public Procurement Commission, approved by Order No. 531, dated 03.11.2022, "On the approval of the Regulation on the organization and functioning of the Library of the Public Procurement Commission.

THE FIRST LIBRARY WITH FOREIGN LITERATURE DEDICATED TO PUBLIC PROCUREMENT

The Public Procurement Commission by Order No. 531, dated 03.11.2022, "On the approval of the Regulation on the organization and operation of the Library of the Public Procurement Commission, in November 2022, approved the regulation on the organization and operation of the institution Library, an innovation in the field of procurement in the Republic of Albania.

This library was established in the context of increasing the capabilities of all interested entities, as a very important element in the proper functioning of the procurement chain, thanks to the support of the Assembly of the Republic of Albania, and is dedicated to contracting authorities, economic operators, students and teachers, for research, study and scientific purposes, as well as for all those who want to deepen their knowledge in the field of public procurement with foreign literature.

All economic operators and contracting authorities were notified of the operation of this library, through a notice published near the premises of the Public Procurement Commission, as well as on the institution official website.

Also, 197 (one hundred and ninety-seven) economic operators were notified via email and about 1,010 (one thousand and ten) contracting authorities in writing.

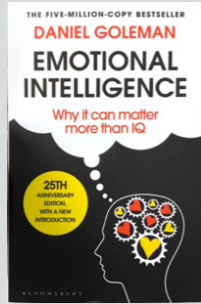
In the Library section, on the official website of the Public Procurement Commission, any interested person has the opportunity to reserve the books they want to read online or near the premises of the institution, as well as to familiarize themselves with the regulation on the use of the library..

The first reservation for some of the book titles that are part of the current list below, which will continue to be enriched from time to time with new titles, was made on November 14, 2022.



Essentials of Negotiation

Roy J Lewicki



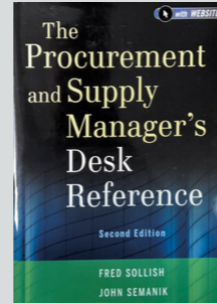
Emotional Intelligence
Why It Can Matter More than IQ

Daniel Goleman



The Procurement Value Proposition
The Rise of Supply Management

Gerard Chick & Robert Handfield



The Procurement and Supply Manager's Desk Reference
2nd Edition

Fred Sollisht & John Semanik



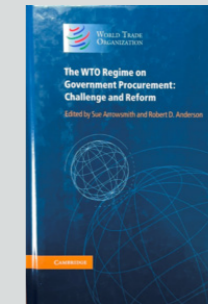
Transatlantic Defence Procurement

Luke R. A. Butler



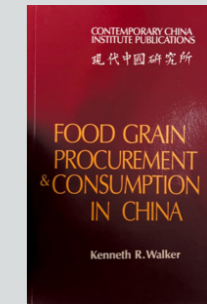
Sustainable Public Procurement under EU Law

Beate Sjøfjell & Anja Wiesbrock



The WTO Regime on Government Procurement, Challenge and Reform

Sue Arrowsmith & Steen Treumer



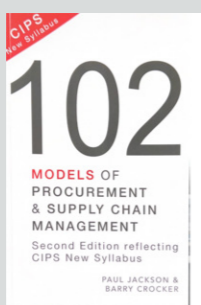
Food Grain Procurement and Consumption in China

Jenneth R. Walker



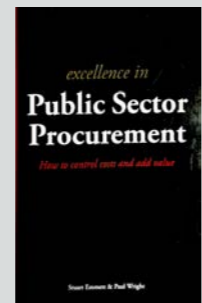
The Tech Contracts Handbook

David W. Tollen



102 Models of Procurement and Supply Chain Management

Paul Jackson & Barry Crocker



Excellence in Public Sector Procurement

Stuart Emmett & Paul Wright



Competitive Dialogue in EU Procurement

Sue Arrowsmith & Steen Treumer



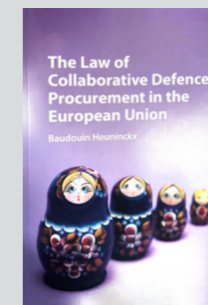
Procurement by International Organizations

Elisabetta Morlino



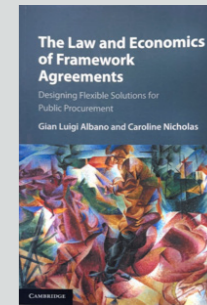
Social and Environmental Policies in EC Procurement Law

Sue Arrowsmith & Peter Kunzlik



The Law of Collaborative Defence Procurement in the EU

Baudouin Heuinckx



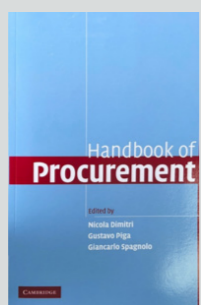
The Law and Economics of Framework Agreements

Gian Luigi Albano & Caroline Nicholas



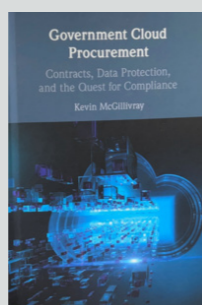
Damages in EU Public Procurement Law: 6

Hanna Schebesta



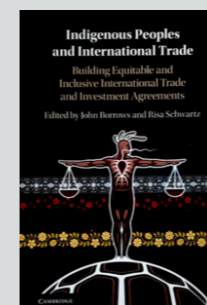
Handbook of Procurement

Nicola Dimitri



Government Cloud Procurement, Contracts, Data Protection, and the Quest for Compliance

Kevin McGillivray



Indigenous Peoples and International Trade

John Borrows & Risa Schwartz



The Law and Practice of the Ireland

Christopher McCrudden



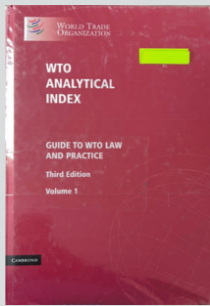
The Comprehensive and Progressive Trans-Pacific Partnership

Baudouin Heuinckx



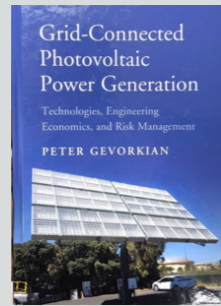
Supply Chain Management

Bowon Kim



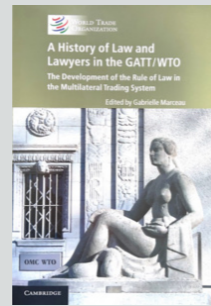
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Grid-Connected Photovoltaic Power Generation

Peter Gevorkian



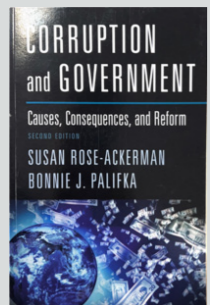
A History of Law and Lawyers in the GATT/WTO

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Health Systems Governance in Europe

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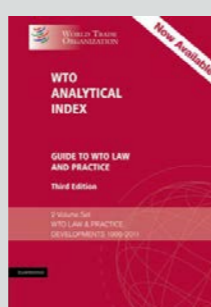
Corruption and Government

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Public Procurement Regulation in Africa

Quinot and Sue
Arrowsmith



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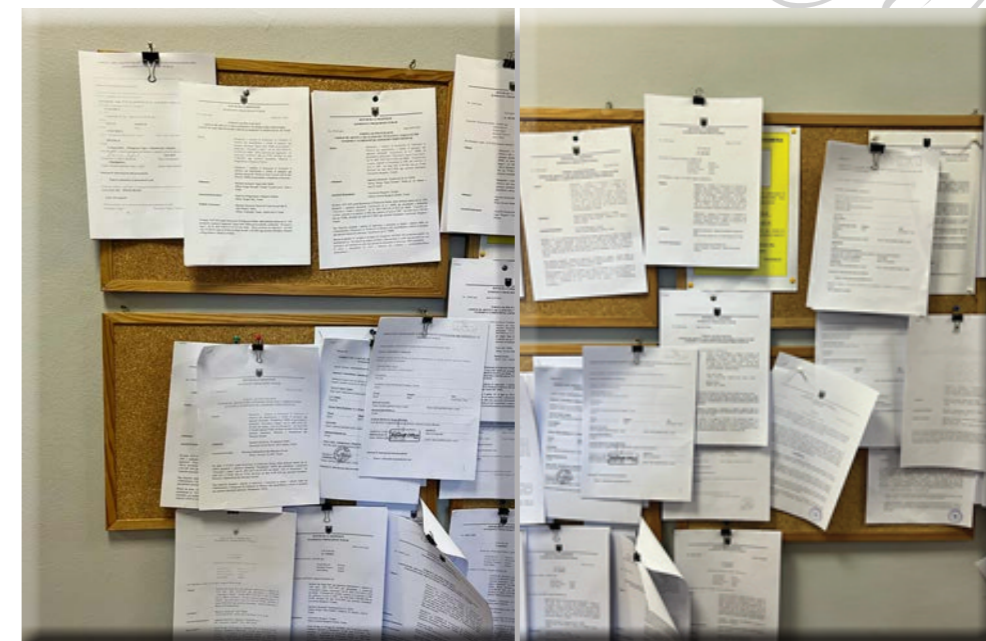
CHALLENGES AND ACHIEVEMENTS

Cyber-attack and institutional challenge for service continuity

The year 2022 was a challenging year for the provision of digital services for Albania, but also for the Public Procurement Commission.

The National Agency of the Information Society, on Sunday, 17.07.2022, through a public announcement, informed about the unforeseen and unprecedented cyber-attack that hit Albania, due to which it was forced to shut down immediately and temporarily access to public online services, other government sites, online systems and platforms.

As a result of this unprecedented event, the Public Procurement Commission found itself facing an extremely difficult challenge, that of ensuring the continuity of the complaint review service.



Public Procurement Commission, based on the provisions of Law No. 44/2015, dated 30.04.2015, "Code of Administrative Procedures of the Republic of Albania", Law No. 162/2020 "On public procurement"; the decision of the Council of Ministers No. 285, dated 19.05.2021, "On the approval of public procurement rules", as amended; Decision of the Public Procurement Commission No. 766, dated 13.10.2021, "On the adoption of rules for the organization and functioning of the Public Procurement Commission",

by Order No. 338, dated 18.07.2022, "On taking measures for the notification of contracting authorities, economic operators and interested subjects related to the activity of the Public Procurement Commission, due to the situation created as a result of the cyber-attack on online public services and other government sites",

in this emergency and unprecedented situation which resulted from the temporary lack of access to online public services, as well as to the website and the electronic complaint management system of the PPC through the government portal E-Albania, ensured the taking of immediate measures

to guarantee the stable continuation of work, the provision of public service to economic operators, contracting authorities and interested subjects, of the normal activity of the Public Procurement Commission, according to the legal provisions in force and the notification of EOs, CAs and any interested entity.

For this reason, pursuant to Order No. 338, dated 18.07.2022, from Monday, dated 18.07.2022, and until the end of the situation, taking into consideration the impossibility of notification through the official website "kpp.al" or other official websites that the Public Procurement Commission manages in other online networks such as: LinkedIn, Youtube, etc., the PPC enabled the **publication of the notification on the procedure for the management of online complaints and the activity of the Public Procurement Commission, until the restoration of online public services**, in some of the most followed newspapers, most accessible to the general public and with the largest national circulation, in the electronic media and in the section of Public Notices, located at the premises of the institution, as well as in the public google drive for the publication of complaints, created at the e-mail address kpp.info@gmail.com.

Throughout this period, the work of the institution of the Public Procurement Commission continued in a stable manner and in full implementation of the provisions of the law "On public procurement", the obligations for the publication of complaint forms, notices in function of the complaint, as well as complaints register were fulfilled. For the days that the electronic complaint submission service was interrupted and also the official website of the institution was inaccessible, 77 complaints were registered and 89 decisions were made.

International recognition

During the year 2022, the Public Procurement Commission received the recognition of several international organizations, in terms of its activity. Specifically:

The European Commission in the Report on Albania, dated 12.10.2022, on the Public Procurement Commission has cited:

"EU rules ensure that the public procurement of goods, services and works in each member state is transparent and open to all EU companies, on the basis of non-discrimination and equal treatment."

Efficient review system

The Constitution and the Public Procurement Law contain provisions on legal review remedies that are largely in line with the Directive. The system of legal remedies is easily accessible to economic operators, without discrimination, although it is subject to a defined fee.

The PPC is an independent review body with 36 positions, six of which are vacant, and deals with complaints related to public procurement procedures. Its decisions can be appealed to the Administrative Court of Appeal. The processing of complaints within the legal deadline further improved in 2021 to 89.2% (compared to 78% in 2020) with a similar number of complaints received (768, compared to 741 in 2020).

In October 2021, the PPC launched a new electronic complaints management system, E-Complaints, for the electronic submission and management of cases, as well as the electronic signature of documents and acts. The new system provides real-time statistics, monthly bulletins and information to all stakeholders, including the visually impaired, through a dedicated access engine.

The capacity of the PPC and the Administrative Court to deal with a large number of complaints should be further improved. As a result of a cooperation agreement concluded between the PPC and the University of Tirana on the development of specialized courses in public procurement training, the PPC staff completed a 13-week certified training course (with different topics) from September to December 2021.

On 15.09.2022, the Public Procurement Commission wins the international award: "Trust in public administration"

On 15.09.2022, on the International Day of Democracy, in North Macedonia, the "Ministerial of the Western Balkans on Public Administration Reforms" was held".

At this meeting, several awards were also given for the performance of public institutions for some of the countries in the region, including Albania. The Public Procurement Commission (PPC) was the only institution from the Republic of Albania that was awarded the award.

"Special recognition for trust in public administration for the E-Complaint system"



The Public Procurement Commission in October 2021 has introduced the first electronic complaints system in Albania, which has made it possible for all complaints about the procedures of Public Procurement, Public Procurement for Reconstruction, Concessions and Public Private Partnership, Public Auctions and Competitive Tenders for Mining Permits, to be submitted in electronic form through the unique government platform E-Albania.

Through this system, on November 26, 2021, the application of the first electronic complaint in the new system was also carried out.

According to RESPA, this initiative demonstrates a clear dedication to improve the functioning of public administration, continuously and more effectively. Some tangible results have been counted, such as the decrease in the number of complaints, the corresponding estimated costs, the increase in quality, and the number of complaints in the initial phase has decreased. Under these conditions, the process is totally digitized, easy, accessible and transparent, throughout all its phases. It is an excellent case, which increases confidence in a particular area of government such as public procurement.

In this sense, for the Public Procurement Commission, this award is an encouragement to move further along the path of reforms.

The Public Procurement Commission with the E-Complaint System was rated among the 15 best projects worldwide at the Govtech Summit, held in The Hague

The Govtech Summit is the world's leading event for public sector innovation



The E-Complaint system was selected among the 15 best projects worldwide by the jury of the GOVTECH summit, which was held in The Hague on November 1, 2022, thus placing Albania on the map of the global initiative, with a clear mission, "Excellence in supporting GovTech innovation". The Public Procurement Commission of the Republic of Albania was part of the SME procurement round table, organized by Public and MasterCard, in which global experts participated, who shared and discussed their ideas and perspectives.

During the presentation of the E-Complaint electronic system, the chairman of the Public Procurement Commission spoke clearly about the difficulties left behind with the old complaint system, as well as about the innovations brought by this new system, which in itself is also an innovation in the field of public procurement.

This Summit was attended by 2,500 participants from all over the world, where there were discussions and exchanges of ideas and experiences with global policy makers, founders, investors and digital leaders from more than 40 countries.


Governments are committing to digital transformation, technology is penetrating the public sector, and we are facing crises that require innovative solutions. We know the great potential that technology has to address these challenges, what we need now are open discussions about how we can apply technology equitably, efficiently and ethically to make it work for everyone.

Open Contracting Partnership Evaluation of the PPC digital reform

Open Contracting Partnership, a non-profit organization based in the USA, one of the international partner institutions of the Public Procurement Commission, has published on its official website, an article dedicated to the digital reform of the PPC, the first Electronic Complaint System in Albania, which brought a series of innovations in the field of public procurement in Albania.

Through this system, all complaints for the procedures of Public Procurement, Public Procurement for Reconstruction, Concessions and Public Private Partnership, Public Auctions and Competitive Tenders for Mining Permits, are submitted in electronic form through the unique government platform E-Albania.

In this article, all the challenges faced by public procurement in Albania, when the entire process of submission of complaints was carried out physically, as well as the innovations brought by this system when it was put into operation, are dealt with in detail. This reform has been recognized, supported and appreciated not only in Albania, where it originated, but also by its international partners.

 <https://www.open-contracting.org/2022/11/22/how-albanias-e-complaints-system-reduces-red-tape-for-government-suppliers/> (The original article published by Open Contracting Partnership and the following material translated into Albanian)

How Albania's electronic E-Complaint system reduces red tape for economic operators

Challenge

The process followed by economic operators in Albania to make complaints about public procurement was slow, expensive and non-transparent.

Open access in public procurement

The government, with the recommendation of the Public Procurement Commission (PPC), introduced new legislation and an electronic system that allows economic operators to submit complaints online and the PPC to manage the process digitally and transparently. PPC publishes real-time complaints about procurement procedures on its website, together with a database, which are transparent to interested parties for their follow-up. Also, PPC now publishes PDF copies of decisions dating back to 2010.

Trainings inside and outside the country are helping to develop the skills of economic operators and contact authorities to use the system.

Results

Fewer PPC decisions have been appealed to court, halving from 10% in 2020 to 4-5% as of July 2022.

Economic operators who use the E-Complaint system save about US\$300-1000.

Fewer decisions on the PPC are beyond the deadline, so we have a halving from 2020 to 2022, from 22.1% to 10.1%.

The electronic system was used for 35% of complaints during the implementation period, including 12 operators who submitted complaints for the first time.


The new archive of online complaints and the transparency of PPC activity have strengthened trust among interested parties: 74.6% of economic operators think that the system is more efficient, while 82.3% think that it increases impartiality in decisions on complaints.

Complaints from businesses bidding on tenders are a valuable way to uncover corruption and other issues in the public procurement system, as well as promoting fair competition. If not managed well and transparently, they can also unnecessarily delay decisions and the implementation of contracts.


In Albania until recently, operators who wanted to submit complaints about procurement procedures needed a lot of patience and pockets full of money. Before 2021, the entire process was done physically and in hardcopy. Imagine a business owner in a northern city who wanted to file a complaint against a contracting authority in the south.


First, they would have to travel to the contracting authority and submit a physical copy of the complaint, a usually voluminous file of hundreds of pages. They then had to travel to the capital, Tirana, to pay a fee at the bank and submit the slip together with their complaint to the offices of the Public Procurement Commission, where they had to wait for hours due to overcrowding. Moreover, in one out of three cases, the authorities could not review the complaint before the official deadline. These red tapes cost business owners who filed complaints about \$300-\$1,000 a year, according to a study conducted by the Public Procurement Commission, in a country where the average monthly wage is about \$450 (Calculation: Economic Operators - typically filed 5 to 10 complaints each year and each cost US\$50).

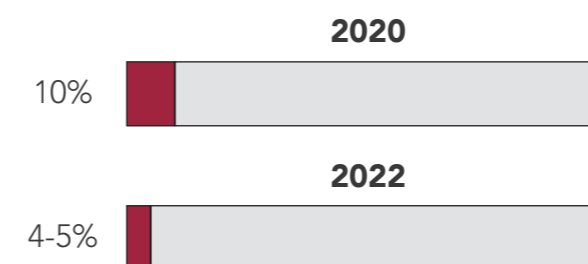
Also, it was a tiring job for PPC staff, who had to check voluminous documents by hand, increasing the risk of making mistakes. For these files, three large premises were needed in the building where the PPC offices are located, but the new electronic complaints system reduced these difficulties.

 **Fewer PPC decisions are appealed to court, halving from 10% in 2020 to 4-5% as of July 2022**

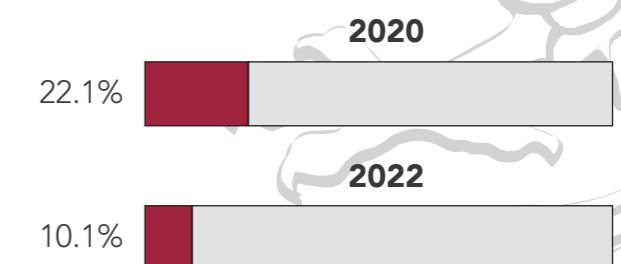
 **Economic operators who use the E-Complaint system save about US\$300-1000**

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 **The electronic system was used for 35% of complaints during the implementation period, including 12 operators who submitted complaints for the first time**



Graph 5: Decisions of the PPC appealed to the court



Graph 6: Decisions on the PPC beyond the deadline

How it started and how it continues...

Until 2021, economic operators in Albania had to submit complaints printed on paper, which could be about 800 pages. Complaints can now be submitted electronically and viewed in a public registry.

From the beginning of 2021, economic operators can submit complaints online by accessing E-Albania, the government platform for public services. This has reduced costs by 0.5% of the value of the procedure, which is designed to prevent abuse of the system and return the financial fee if the complaint is accepted.

The use of the E-Complaint system has saved economic operators about \$50,000 in transportation costs, more than 2,200 liters of fuel, and 11,000 sheets of paper.

The review process at PPC is also digital and officers use the case management system to document decisions in real time.

It is not only more efficient, but also significantly more transparent, explains the chairman of the PPC, Mr. Jonaid Myzyri. All complaints and new decisions are immediately published on the official website of the PPC. Users can set simple search filters and download data in JSON format. It is also the first government platform in Albania that enables access for users with visual problems. For a short period during the second quarter of 2021, use of the new system has been voluntary.

Key statistics of 2022

Based on the surveys conducted by the Public Procurement Commission, the following conclusions were reached:

- ▶ 93% of the 55 surveyed companies agree with the fact that transparency encourages businesses to participate in public procurement
- ▶ 82% state that the electronic complaints system increases fairness when handling complaints and making decisions about them
- ▶ 76% state that the electronic complaint system is more time efficient for businesses compared to the analogue system
- ▶ 97% of 92% of respondents state that the information provided makes the complaints process more transparent and informative, and that the information provided as open data is useful for data analysis and/or other analytical purposes
- ▶ 92% of them state that the information provided on the website helped them better understand the process of submitting a complaint
- ▶ 73% of 11 PPC staff surveyed state that the transition to transparent data for all stakeholders has made the PPC's work and mission more effective; 100% agree that with the new complaints system, they can handle more complaints within the legal deadline; and 90% agree that the new system has improved and increased communication with economic operators
- ▶ Procesi i vendimmarrjes është gjithashtu më i shpejtë. Duhet mesatarisht 12 ditë për të shqyrtuar një ankesë në krahasim në vitin 2020, ku mesatarisht nevojiteshin 20 ditë
- ▶ Complaints considered after the legal deadline have fallen significantly, from 22.1% in 2020, to 10.8% in 2021, and 9.8% since July 2022

Also, **the Chairman of the Public Procurement Commission, Mr. Jonaid Myzyri, has been announced as one of the winners of Open Contracting for 2022.**

OBJECTIVES FOR THE FUTURE II

Aiming to remain focused on fulfilling its duties, provided in detail in the public procurement legislation, the specific objectives of the Public Procurement Commission for 2023 are the following:

1. In terms of digitalization, transparency and service provision

Raising the awareness of economic operators on the ease of using the new online complaint submission system, through the unique government portal E-Albania.

Follow-up of training for all new procurement staff on the use of the Electronic Complaints System.

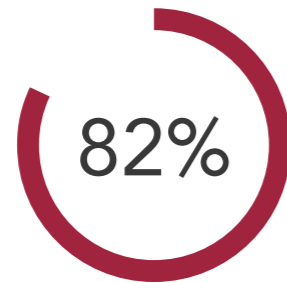
In terms of digitalization, the aim is the development of the third phase of the digitalization of the work processes of the Public Procurement Commission, including the digitalization of the archive of the years 2010 - 2020, of the decisions of the Public Procurement Commission, with the creation of a mobile application in Android and IOS for accessing the activity, building the server room and creating a one stop shop for assistance for economic operators and contracting authorities. Also, it is intended that, in cooperation with international organizations, decision-making for the period 2010 - 2020 will be published in open data format.

Conducting an in-depth analysis of the Electronic Complaints System and the Complaints Management System compared to best practices to see the possibility of their improvement.

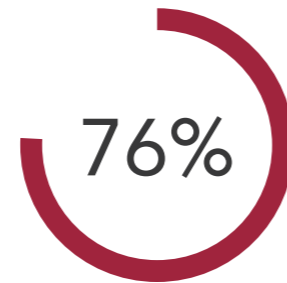
Expanding the current library of the Public Procurement Commission with new titles of literature in the field of procurement, to help contracting authorities and economic operators, as well as all interested subjects.



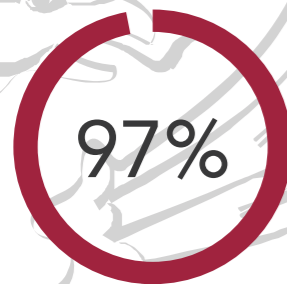
of 55 surveyed companies agree with the fact that transparency encourages businesses to participate in public procurement



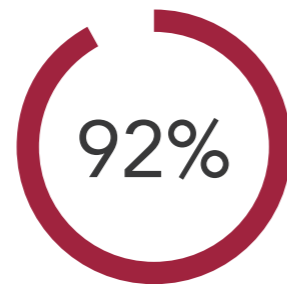
state that the electronic complaints system increases impartiality when examining complaints and making decisions about them



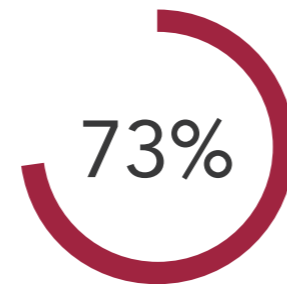
state that the electronic system of complaints is more effective for businesses compared to the analogue system



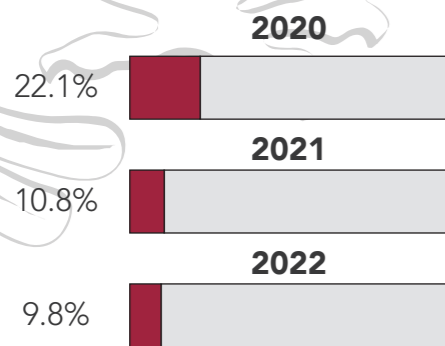
92% of respondents state that the information provided makes the complaints process more transparent and informative, and that the information provided in this way is useful for data analysis and/or other analytical purposes



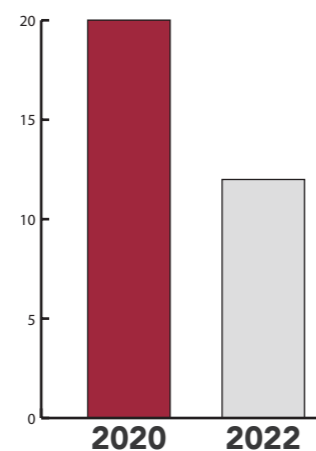
state that the information provided on the website helped them better understand the process of submitting a complaint



out of 11 respondents from the PPC staff say that the transition to transparent data for all interested subjects has made the work and mission of the PPC more effective and 100% agree that with the new system of complaints, they can address more complaints within the legal deadline; and 90% agree that the new system has improved and increased communication with economic operators



Complaints reviewed after the legal deadline have dropped significantly



The decision-making process is faster

Graphs 7: Key statistics of 2022

2. In terms of increasing the capacities of procurement staff

Drafting and approval of two manuals for the legal procedure for submission and review of complaints for economic operators and contracting authorities, in order to avoid the repetition of procedural errors, in cooperation with the University of Tirana and SIGMA - OECD.

Realization of information campaigns in cooperation with business chambers, to present the innovations of the administrative review system to economic operators.

Continuing to increase and strengthen the professional skills and capacities of both the members of the Public Procurement Commission and the support staff.

In-depth training of Public Procurement Commission officials on the decisions and practices of the European Court of Justice in the field of public procurement through group trainings, organized by SIGMA-OCED, as well as the possibility of study visits.

Increased commitment towards consolidating the capacities of the network of staffs responsible for procurement, who, being the observers of the applicability of the law in their institutions, will also increase the public trust in the decision-making of the institutions in which they are part.

It is intended that during the year, a conference will be held with the economic operators and the contracting authorities, regarding the issues of the procurement system.

Strengthening cooperation with the National Anti-Corruption Authority (ANAC) of the Republic of Italy, in terms of exchanging experiences and good practices in the field of administrative review.

Cooperation with the judicial bodies, the High Judicial Council, the High Prosecutorial Council, the School of Magistrates, for the creation of joint training curricula, magistrates - procurement staff.

Realization of joint trainings in cooperation with the HPC and the HCJ for the discussion of procurement issues PPC-magistrates.

3. In terms of the decision-making process and the smooth functioning of the institution work

Increasing speed, quality, and strengthening consistency in the decision-making of the Public Procurement Commission.

Following the process of monitoring the implementation of the decisions of the Public Procurement Commission, which aims to increase the awareness and clarity of the state administration institutions regarding the role they have in the implementation of public procurement legislation and the obligation to implement the decisions of the Public Procurement Commission, which are administratively final;

Fulfilling the obligations that belong to the Public Procurement Commission, as the body of administrative review of public procurements, in terms of the realization of commitments related to the EU membership process and the relevant periodical reports;

In order to achieve its mid-term objectives, the Public Procurement Commission, on the occasion of the annual report to the Assembly of the Republic of Albania on the progress of the work, welcomes the requests, suggestions and eventual remarks from the Assembly, but also the necessary support for growth and strengthening of capabilities, in implementation of its legal powers, as an independent, competent, impartial institution in the protection of the public interest, in the good administration of public funds, as well as the legal rights of every economic operator and interested parties for the smooth functioning of the public procurement system.

Approval of the user manual of the Complaints Management System for the staff of the Public Procurement Commission institution.

4. At the level of international relations of the institution

Fulfillment of objectives as founding members and leaders of the first network of Procurement Review Bodies of Southeast Europe. Also, the identification of problems in the administrative review system and the possibility of their improvement through the sharing of experiences with other member countries of the network.

Submission of the request for obtaining observer status in the Network of Procurement Review Bodies of the European Union.

5. At the level of national/international activities

Organization of the Conference on Open and Sustainable Procurement in Europe, in Albania, in cooperation with international partners, Open Contracting Partnership, the Government of the Kingdom of the Netherlands and the Government of the Republic of Italy.

ANNEX

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Consumer Protection Agency	23,834,700	DST	Goods	Acceptance	651	12-Jul-22
Parks and Recreation Agency	12,922,914	DST	Service	Non-acceptance	217	3-Mar-22
Parks and Recreation Agency	1,666,667	DST	Service	Acceptance	278	25-Mar-22
Parks and Recreation Agency	15,833,333	DST	Work	Partially accepted	731	29-Jul-22
Parks and Recreation Agency	3,332,800	DST	Service	Partially accepted	637	6-Jul-22
Parks and Recreation Agency	3,332,800	DST	Service	Partially accepted	799	17-Aug-22
Parks and Recreation Agency	1,083,217	DST	Goods	Acceptance	1017	19-Oct-22
Parks and Recreation Agency	1,083,217	DST	Goods	Acceptance	1017	19-Oct-22
Parks and Recreation Agency	1,666,667	Evaluation	Service	Acceptance	501	27-May-22
Parks and Recreation Agency	35,833,333	Evaluation	Service	Acceptance	732	22-Jul-22
Parks and Recreation Agency	1,666,000	Evaluation	Goods	Acceptance	857	7-Sep-22
Parks and Recreation Agency	1,497,800	Evaluation	Goods	Non-acceptance	1242	13-Dec-22
Parks and Recreation Agency	1,083,217	Evaluation	Goods			
Parks and Recreation Agency	1,083,217	Evaluation	Goods			
Parks and Recreation Agency	1,083,217	Evaluation	Goods			
Youth Agency	5,720,000	Evaluation	Service	Non-acceptance	937	28-Sep-22
Funeral Services Agency	6,430,654	Evaluation	Goods	Non-acceptance	659	13-Jul-22
Berat Public Services Agency	24,999,990	Evaluation	Goods	Non-acceptance	1143	22-Nov-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Berat Public Services Agency	24,999,990	Evaluation	Goods			
Elbasan Public Services Agency	36,948,348	DST	Goods	Complaint is withdrawn	983	7-Oct-22
Economic Support Agency	2,000,000	DST	Goods	Acceptance	305	1-Apr-22
Economic Support Agency	2,000,000	Evaluation	Goods	Acceptance	458	13-May-22
National Environment Agency	3,466,973	Evaluation	Goods	Non-acceptance	817	26-Aug-22
National Agency of Information Society	1,189,952,395	Evaluation	Service	Non-acceptance	1197	2-Dec-22
National Agency of Information Society	174,996,374	Evaluation	Service	Non-acceptance	1293	23-Dec-22
National Tourism Agency	4,166,216	DST	Goods	Acceptance	926	26-Sep-22
National Tourism Agency	4,166,216	DST	Goods	Acceptance	926	26-Sep-22
National Tourism Agency	4,166,216	DST	Goods	Non-acceptance	1044	26-Oct-22
National Tourism Agency	4,166,216	Evaluation	Goods			
National Tourism Agency	4,166,216	Evaluation	Goods			
National Agency of Protected Areas	28,642,700	DST	Service	Partially accepted	1069	4-Nov-22
National Agency for Water Supply, Sewerage and Waste Infrastructure	2,273,790	Evaluation	Service	Non-acceptance	900	19-Sep-22
National Agency for Water Supply, Sewerage and Waste Infrastructure	14,166,667	Evaluation	Service			
Agency for Dialogue and Co-governance	3,905,561	DST	Goods	Complaint is withdrawn	143	8-Feb-22
Agency for Dialogue and Co-governance	3,905,561	DST	Goods	Partially accepted	165	15-Feb-22
State Agency for Statement Procurement	367,940	Evaluation	Goods	Acceptance	134	4-Feb-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
State Agency for Statement Procurement	2,465,150	Evaluation	Goods	Acceptance	135	4-Feb-22
State Agency for Statement Procurement	1,546,000	Evaluation	Goods	Acceptance	136	4-Feb-22
State Agency for Statement Procurement	366,900	Evaluation	Goods	Acceptance	137	4-Feb-22
State Agency for Statement Procurement	2,558,653	DST	Service	Acceptance	372	22-Apr-22
State Agency for Statement Procurement	147,864,532	DST	Goods	Partially accepted	383	27-Apr-22
State Agency for Statement Procurement	25,193,760	DST	Service	Partially accepted	624	4-Jul-22
State Agency for Statement Procurement	15,764,800	DST	Service	Partially accepted	625	4-Jul-22
State Agency for Statement Procurement	23,805,160	DST	Service	Partially accepted	628	4-Jul-22
State Agency for Statement Procurement	14,474,400	DST	Service	Partially accepted	623	4-Jul-22
State Agency for Statement Procurement	25,193,760	DST	Service	Case closed	624	4-Jul-22
State Agency for Statement Procurement	14,474,400	DST	Service	Case closed	623	4-Jul-22
State Agency for Statement Procurement	15,764,800	DST	Service	Case closed	625	4-Jul-22
State Agency for Statement Procurement	23,805,160	DST	Service	Case closed	628	4-Jul-22
State Agency for Statement Procurement	23,805,160	DST	Service	Partially accepted	628	4-Jul-22
State Agency for Statement Procurement	7,208,789	Evaluation	Goods	Case closed	198	25-Feb-22
State Agency for Statement Procurement	11,190,161	Evaluation	Goods	Case closed	197	25-Feb-22
State Agency for Statement Procurement	5,484,259	DST	Goods	Partially accepted	552	9-Jun-22
State Agency for Statement Procurement	3,115,542	DST	Goods	Acceptance	551	9-Jun-22
State Agency for Statement Procurement	11,190,161	Evaluation	Goods	Acceptance	248	10-Mar-22
State Agency for Statement Procurement	61,533,711	Evaluation	Goods	Acceptance	249	10-Mar-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
State Agency for Statement Procurement	7,208,789	Evaluation	Goods	Acceptance	247	10-Mar-22
State Agency for Statement Procurement	34,691,225	Evaluation	Goods	Acceptance	246	10-Mar-22
State Agency for Statement Procurement	60,967,172	Evaluation	Goods	Acceptance	244	10-Mar-22
State Agency for Statement Procurement	26,355,605	Evaluation	Goods	Acceptance	240	10-Mar-22
State Agency for Statement Procurement	38,009,074	DST	Service	Acceptance	613	28-Jun-22
State Agency for Statement Procurement	37,477,510	DST	Goods	Partially accepted	880	12-Sep-22
State Agency for Statement Procurement	37,477,510	DST	Goods	Partially accepted	876	9-Sep-22
State Agency for Statement Procurement	2,071,333	DST	Goods	Partially accepted	970	5-Oct-22
State Agency for Statement Procurement	4,165,600	DST	Service	Non-acceptance	914	22-Sep-22
State Agency for Statement Procurement	51,358,800	DST	Service	Partially accepted	994	11-Oct-22
State Agency for Statement Procurement	46,795,767	DST	Goods	Partially accepted	1087	8-Nov-22
State Agency for Statement Procurement	86,415,494	DST	Goods	Non-acceptance	1161	24-Nov-22
State Agency for Statement Procurement	170,000,000	Evaluation	Goods	Non-acceptance	302	1-Apr-22
State Agency for Statement Procurement	86,415,494	DST	Goods	Non-acceptance	1161	24-Nov-22
State Agency for Statement Procurement	12,629,721	DST	Service	Partially accepted	1190	1-Dec-22
State Agency for Statement Procurement	3,232,130	DST	Service	Acceptance	1248	15-Dec-22
State Agency for Statement Procurement	3,232,130	DST	Service	Acceptance	1248	15-Dec-22
State Agency for Statement Procurement	636,277,492	DST	Goods	Non-acceptance	1182	1-Dec-22
State Agency for Statement Procurement	772,121,465	DST	Goods	Non-acceptance	1183	1-Dec-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
State Agency for Statement Procurement	132,776,585	Evaluation	Service	Acceptance	381	26-Apr-22
State Agency for Statement Procurement	90,323,370	Evaluation	Service	Case closed	316	5-Apr-22
State Agency for Statement Procurement	63,194,001	Evaluation	Goods	Acceptance	387	28-Apr-22
State Agency for Statement Procurement	314,572,580	Evaluation	Goods	Acceptance	411	29-Apr-22
State Agency for Statement Procurement	168,101,564	Evaluation	Goods	Acceptance	410	29-Apr-22
State Agency for Statement Procurement	162,774,376	Evaluation	Goods	Acceptance	407	29-Apr-22
State Agency for Statement Procurement	34,988,077	Evaluation	Goods	Acceptance	349	15-Apr-22
State Agency for Statement Procurement	166,637,440	Evaluation	Goods	Acceptance	606	27-Jun-22
State Agency for Statement Procurement	56,618,866	Evaluation	Goods	Non-acceptance	391	29-Apr-22
State Agency for Statement Procurement	137,991,275	Evaluation	Service	Acceptance	463	16-May-22
State Agency for Statement Procurement	85,500,704	Evaluation	Goods	Non-acceptance	527	3-Jun-22
State Agency for Statement Procurement	32,453,736	Evaluation	Goods	Case closed	494	26-May-22
State Agency for Statement Procurement	2,558,653	Evaluation	Service	Non-acceptance	550	9-Jun-22
State Agency for Statement Procurement	90,323,370	Evaluation	Service	Case closed	555	14-Jun-22
State Agency for Statement Procurement	82,800,746	Evaluation	Service	Acceptance	933	27-Sep-22
State Agency for Statement Procurement	15,611,112	Evaluation	Goods	Complaint is withdrawn	679	21-Jul-22
State Agency for Statement Procurement	32,453,736	Evaluation	Goods	Acceptance	801	17-Aug-22
State Agency for Statement Procurement	137,991,275	Evaluation	Service	Acceptance	923	23-Sep-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
State Agency for Statement Procurement	34,947,051	Evaluation	Goods	Non-acceptance	828	30-Aug-22
State Agency for Statement Procurement	38,009,074	Evaluation	Service	Acceptance	1065	4-Nov-22
State Agency for Statement Procurement	38,009,074	Evaluation	Service	Non-acceptance	1065	4-Nov-22
State Agency for Statement Procurement	24,682,600	Evaluation	Service	Case closed	969	5-Oct-22
State Agency for Statement Procurement	66,646,899	Evaluation	Goods	Acceptance	1051	27-Oct-22
State Agency for Statement Procurement	4,091,349	Evaluation	Service	Acceptance	1232	12-Dec-22
State Agency for Statement Procurement	6,065,130	Evaluation	Goods	Non-acceptance		
Agrokredit.sha	1,233,203	DST	Goods	Non-acceptance	1162	24-Nov-22
Agrokredit.sha	2,500,000	DST	Service	Non-acceptance	1198	2-Dec-22
Science Academy	3,500,000	DST	Service	Non-acceptance	661	13-Jul-22
Academy of Albanological Studies, Tirana	7,500,000	Evaluation	Goods	Non-acceptance	1078	7-Nov-22
Academy of Albanological Studies, Tirana	7,500,000	Evaluation	Goods	Acceptance	1078	7-Nov-22
Albanian Gas Service Company Sh.a	4,255,928	DST	Service	Complaint is withdrawn	187	22-Feb-22
Albanian Gas Service Company Sh.a	4,255,928	Evaluation	Service	Acceptance	308	4-Apr-22
ALBCONTROL SH.A (ish A.N.T.A)	84,175,068	Evaluation	Service	Acceptance	294	30-Mar-22
ALBCONTROL SH.A (ish A.N.T.A)	3,332,091	DST	Goods	Case closed	669	15-Jul-22
ALBCONTROL SH.A (ish A.N.T.A)	2,853,333	Evaluation	Goods	Non-acceptance	1026	20-Oct-22
Civil Aviation Authority	2,967,506	Evaluation	Work	Case closed	348	15-Apr-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Durrës Municipality	4,166,660	Evaluation	Service	Case closed	676	18-Jul-22
Durrës Municipality	950,000	Evaluation	Service	Non-acceptance	547	9-Jun-22
Durrës Municipality	2,472,686	Evaluation	Service	Case closed	737	1-Aug-22
Durrës Municipality	4,088,333	Evaluation	Goods	Non-acceptance	649	12-Jul-22
Durrës Municipality	4,166,000	Evaluation	Work	Non-acceptance	616	29-Jun-22
Durrës Municipality	33,322,000	Evaluation	Goods	Acceptance	690	22-Jul-22
Durrës Municipality	6,638,300	Evaluation	Goods	Acceptance	710	25-Jul-22
Durrës Municipality	62,490,403	Evaluation	Work	Acceptance	708	25-Jul-22
Durrës Municipality	4,166,000	Evaluation	Work	Non-acceptance	835	30-Aug-22
Durrës Municipality	2,472,686	Evaluation	Service	Non-acceptance	1062	3-Nov-22
Durrës Municipality	2,988,992	Evaluation	Service	Non-acceptance	1047	26-Oct-22
Durrës Municipality	4,166,660	Evaluation	Service			
Durrës Municipality	2,472,686	Evaluation	Service			
Elbasan Municipality	1,666,666	Evaluation	Goods	Case closed	299	31-Mar-22
Elbasan Municipality	10,937,832	Evaluation	Service	Non-acceptance	231	9-Mar-22
Elbasan Municipality	4,906,583	DST	Work	Acceptance	1090	9-Mar-22
Elbasan Municipality	6,902,800	Evaluation	Goods			
Fier Municipality	4,897,140	DST	Goods	Acceptance	978	7-Oct-22
Fier Municipality	1,221,780	DST	Goods	Partially accepted	1205	2-Dec-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Fushë Arrëz Municipality	1,404,780	Evaluation	Goods	Acceptance	549	9-Jun-22
Gjirokastër Municipality	11,666,657	Evaluation	Goods	Non-acceptance	922	23-Sep-22
Gjirokastër Municipality	12,123,198	Evaluation	Work	Non-acceptance	1185	1-Dec-22
Gjirokastër Municipality	48,561,521	Evaluation	Work			
Gjirokastër Municipality	11,666,657	Evaluation	Goods	Non-acceptance	922	23-Sep-22
Gramsh Municipality	1,517,265	DST	Goods	Non-acceptance	867	8-Sep-22
Gramsh Municipality	9,062,750	Evaluation	Goods	Non-acceptance	1113	15-Nov-22
Himarë Municipality	8,333,333	DST	Work	Non-acceptance	845	1-Sep-22
Himarë Municipality	169,973,379	Evaluation	Service	Acceptance	474	16-May-22
Himarë Municipality	119,700,663	Evaluation	Service	Acceptance	475	16-May-22
Himarë Municipality	119,700,663	Evaluation	Service	Acceptance	475	16-May-22
Kamëz Municipality	437,807,824	Evaluation	Work	Complaint is withdrawn	209	1-Mar-22
Kamëz Municipality	6,983,333	DST	Goods	Non-acceptance	532	7-Jun-22
Kamëz Municipality	5,800,000	DST	Goods	Non-acceptance	633	5-Jul-22
Kamëz Municipality	17,666,667	DST	Goods	Non-acceptance	1230	9-Dec-22
Kamëz Municipality	17,666,667	DST	Goods	Partially accepted	1207	2-Dec-22
Kamëz Municipality	6,066,666	Evaluation	Goods	Acceptance	384	28-Apr-22
Kamëz Municipality	17,666,667	DST	Goods	Acceptance	1298	27-Dec-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Kamëz Municipality	6,983,333	Evaluation	Goods	Non-acceptance	534	7-Jun-22
Kamëz Municipality	5,388,743	Evaluation	Service	Non-acceptance	636	6-Jul-22
Kavajë Municipality	550,395,505	Evaluation	Service	Non-acceptance	1208	2-Dec-22
Korçë Municipality	1,170,143	Evaluation	Service	Non-acceptance	1089	9-Nov-22
Kukës Municipality	4,342,500	Evaluation	Service	Non-acceptance	373	22-Apr-22
Kukës Municipality	1,420,000	DST	Goods	Partially accepted	296	30-Mar-22
Kukës Municipality	21,000,000	Evaluation	Goods	Complaint is withdrawn	502	27-May-22
Kukës Municipality	2,080,000	Evaluation	Goods	Partially accepted	813	25-Aug-22
Kukës Municipality	5,000,000	Evaluation	Goods	Case closed	840	31-Aug-22
Kukës Municipality	2,080,000	Evaluation	Goods	Non-acceptance	1077	7-Nov-22
Kurbın Municipality	2,416,667	Evaluation	Goods	Non-acceptance	781	12-Aug-22
Kurbın Municipality	2,416,667	Evaluation	Goods	Acceptance	781	12-Aug-22
Kurbın Municipality	2,416,667	Evaluation	Goods	Acceptance	781	12-Aug-22
Kurbın Municipality	2,416,667	Evaluation	Goods	Acceptance	781	12-Aug-22
Lezhë Municipality	1,001,572	Evaluation	Service	Non-acceptance	773	11-Aug-22
Lezhë Municipality	250,814,497	Evaluation	Work	Acceptance	631	5-Jul-22
Lezhë Municipality	6,249,635	Evaluation	Goods	Non-acceptance	591	24-Jun-22
Librazhd Municipality	1,041,521	DST	Goods	Partially accepted	341	12-Apr-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Librazhd Municipality	1,041,521	DST	Goods	Partially accepted	341	12-Apr-22
Lushnje Municipality	49,968,489	Evaluation	Service	Non-acceptance	110	28-Jan-22
Lushnje Municipality	39,535,612	DST	Service	Non-acceptance	1269	20-Dec-22
Lushnje Municipality	58,167,291	Evaluation	Work	Non-acceptance	1272	21-Dec-22
Maliq Municipality	283,881	Evaluation	Service	Non-acceptance	388	28-Apr-22
Maliq Municipality	376,444	Evaluation	Service	Non-acceptance	389	28-Apr-22
Maliq Municipality	3,323,300	Evaluation	Goods	Non-acceptance	1251	15-Dec-22
Mallakastër Municipality	7,716,599	Evaluation	Goods	Acceptance	1042	26-Oct-22
Mat Municipality	20,833,333	DST	Goods	Case closed	516	31-May-22
Mirditë Municipality	8,270,812	Evaluation	Work	Acceptance	353	15-Apr-22
Mirditë Municipality	7,488,280	Evaluation	Service	Partially accepted	853	6-Sep-22
Mirditë Municipality	7,488,280	Evaluation	Service	Non-acceptance	1146	22-Nov-22
Patos Municipality	1,041,667	Evaluation	Goods	Non-acceptance	304	1-Apr-22
Patos Municipality	34,008,535	Evaluation	Work	Acceptance	397	29-Apr-22
Patos Municipality	1,041,667	Evaluation	Goods	Non-acceptance	440	12-May-22
Patos Municipality	34,008,535	Evaluation	Work	Acceptance	714	26-Jul-22
Patos Municipality	81,153,184	Evaluation	Work	Non-acceptance	1129	22-Nov-22
Patos Municipality	81,153,184	Evaluation	Work	Non-acceptance	1129	22-Nov-22
Patos Municipality	1,373,508	Evaluation	Work	Acceptance	1186	1-Dec-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Patos Municipality	2,900,000	Evaluation	Work			
Peqin Municipality	1,394,450	DST	Goods	Acceptance	368	22-Apr-22
Përmet Municipality	11,507,560	Evaluation	Work	Non-acceptance	1217	9-Dec-22
Pogradec Municipality	116,850,640	DST	Work	Non-acceptance	906	20-Sep-22
Pogradec Municipality	108,524,683	DST	Work	Non-acceptance	902	19-Sep-22
Pogradec Municipality	5,666,666	DST	Work	Complaint is withdrawn	1213	5-Dec-22
Prrenjas Municipality	38,236,028	Evaluation	Work			
Pustec Municipality	29,094,956	Evaluation	Work	Non-acceptance	1231	12-Dec-22
Pustec Municipality	29,094,956	Evaluation	Work	Non-acceptance	1231	12-Dec-22
Roskovec Municipality	3,332,975	Evaluation	Goods	Case closed	336	12-Apr-22
Roskovec Municipality	2,042,900	Evaluation	Goods	Case closed	338	12-Apr-22
Roskovec Municipality	2,083,000	Evaluation	Goods	Case closed	337	12-Apr-22
Roskovec Municipality	4,166,000	Evaluation	Goods	Case closed	335	12-Apr-22
Roskovec Municipality	1,666,650	Evaluation	Goods	Non-acceptance	707	25-Jul-22
Roskovec Municipality	78,583,225	Evaluation	Work	Case closed	1032	21-Oct-22
Sarandë Municipality	213,750,000	DST	Service	Acceptance	1033	21-Oct-22
Sarandë Municipality	5,146,667	Evaluation	Goods	Acceptance	716	26-Jul-22
Shkodër Municipality	422,632,380	DST	Service	Non-acceptance	392	29-Apr-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Shkodër Municipality	105,658,095	DST	Service	Acceptance	1166	24-Nov-22
Shkodër Municipality	871,650	Evaluation	Goods	Non-acceptance	566	16-Jun-22
Shkodër Municipality	3,180,833	Evaluation	Service	Non-acceptance	800	17-Aug-22
Shkodër Municipality	3,180,833	Evaluation	Service	Non-acceptance	800	17-Aug-22
Skrapar Municipality	1,375,000	DST	Goods	Partially accepted	1220	9-Dec-22
Tiranë Municipality	42,278,577	Evaluation	Work	Acceptance	195	23-Feb-22
Tiranë Municipality	38,301,832	DST	Work	Non-acceptance	929	26-Sep-22
Tiranë Municipality	72,388,535	DST	Goods	Partially accepted	1076	7-Nov-22
Tiranë Municipality	397,773	Evaluation	Service	Non-acceptance	1304	29-Dec-22
Tiranë Municipality	413,710	Evaluation	Service	Non-acceptance	1295	23-Dec-22
Tiranë Municipality	252,382	Evaluation	Service			
Tiranë Municipality	218,329	Evaluation	Service	Non-acceptance	1291	23-Dec-22
Tiranë Municipality	91,516,148	Evaluation	Work			
Vau Dejës Municipality	2,583,333	DST	Service	Case closed	264	18-Mar-22
Vau Dejës Municipality	1,500,000	DST	Goods	Case closed	485	24-May-22
Vau Dejës Municipality	6,750,000	Evaluation	Service	Non-acceptance	1270	20-Dec-22
Vau Dejës Municipality	6,750,000	Evaluation	Service	Non-acceptance	1271	20-Dec-22
Vau Dejës Municipality	108,411,298	Evaluation	Work	Non-acceptance	1290	23-Dec-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
General Directorate of Material Reserves of the State	52,095,393	Evaluation	Goods			
General Directorate of Material Reserves of the State	52,095,393	Evaluation	Goods			
General Directorate of Roads and Public Lighting of Tirana	508,075	Evaluation	Goods	Non-acceptance	821	19-Aug-22
General Directorate of RTSH	11,260,600	Evaluation	Service	Non-acceptance	325	6-Apr-22
General Directorate of RTSH	11,260,600	Evaluation	Service	Non-acceptance	385	28-Apr-22
General Directorate of RTSH	13,585,740	DST	Goods	Partially accepted	920	23-Sep-22
General Directorate of RTSH	11,100,330	DST	Goods	Non-acceptance	976	7-Oct-22
General Directorate of RTSH	21,748,515	DST	Goods	Partially accepted	1040	25-Oct-22
General Directorate of RTSH	169,716,576	DST	Service	Non-acceptance	1081	8-Nov-22
General Directorate of RTSH	4,789,845	Evaluation	Goods	Non-acceptance	539	8-Jun-22
General Directorate of RTSH	4,789,845	Evaluation	Goods	Non-acceptance	645	12-Jul-22
General Directorate of RTSH	11,100,330	Evaluation	Goods	Non-acceptance	1156	24-Nov-22
General Directorate of Road Transport Services of Tirana	3,479,117	DST	Service	Case closed	52	17-Jan-22
General Directorate of Road Transport Services of Tirana	39,600,000	DST	Goods	Acceptance	704	22-Jul-22
General Directorate of Road Transport Services of Tirana	124,719,448	Evaluation	Goods	Acceptance	612	28-Jun-22
General Directorate of Road Transport Services of Tirana	39,600,000	DST	Goods	Partially accepted	704	22-Jul-22
General Directorate of Road Transport Services of Tirana	9,246,013	DST	Goods	Complaint is withdrawn	1111	15-Nov-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
General Directorate of Road Transport Services of Tirana	39,600,000	Evaluation	Goods			
General Directorate of Road Transport Services of Tirana	39,600,000	Evaluation	Goods			
General Directorate of Road Transport Services of Tirana	785,033,803	Evaluation	Work			
General Directorate of Road Transport Services of Tirana	785,033,803	Evaluation	Work			
General Directorate of Local Taxes and Fees of Tirana	6,657,720	Evaluation	Service	Acceptance	584	23-Jun-22
General Directorate of Local Taxes and Fees of Tirana	6,657,720	Evaluation	Service	Non-acceptance	584	23-Jun-22
General Directorate of Local Taxes and Fees of Tirana	7,500,000	DST	Service	Case closed	1117	16-Nov-22
Directorate of Government Services	2,959,282	Evaluation	Goods	Complaint is withdrawn	454	13-May-22
Directorate of Government Services	2,959,282	Evaluation	Goods	Non-acceptance	528	3-Jun-22
Directorate of Government Services	9,780,372	DST	Service	Partially accepted	192	22-Feb-22
Directorate of Government Services	2,959,282	DST	Goods	Partially accepted	232	9-Mar-22
Directorate of Government Services	2,658,400	DST	Service	Non-acceptance	253	16-Mar-22
Directorate of Government Services	2,658,400	DST	Service	Non-acceptance	317	5-Apr-22
Directorate of Government Services	4,198,561	Evaluation	Goods	Non-acceptance	595	24-Jun-22
Directorate of Government Services	5,706,539	Evaluation	Goods	Non-acceptance	772	11-Aug-22
Directorate of Services, Memaliaj	4,950,750	Evaluation	Work	Acceptance	1165	24-Nov-22
Directorate of Kukes Regional Hospital	98,150	Evaluation	Goods	Partially accepted	1091	9-Nov-22
Directorate of Kurbin Regional Hospital	1,000,000	Evaluation	Service	Acceptance	1221	9-Dec-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Directorate of the Diplomatic Corps Service	1,631,330	DST	Service	Non-acceptance	507	27-May-22
Directorate of the Diplomatic Corps Service	1,590,270	Evaluation	Service	Non-acceptance	1275	21-Dec-22
Directorate of Berat Regional Hospital	11,926,033	DST	Goods	Non-acceptance	1048	27-Oct-22
Directorate of Durres Regional Hospital	700,000	Evaluation	Goods	Case closed	362	20-Apr-22
Directorate of Durres Regional Hospital	6,220,000	DST	Goods	Case closed	862	7-Sep-22
Directorate of Durres Regional Hospital	2,943,333	DST	Goods	Case closed	866	8-Sep-22
Directorate of Durres Regional Hospital	1,775,517	DST	Goods	Acceptance	1160	24-Nov-22
Directorate of Durres Regional Hospital	1064077	Evaluation	Goods	Non-acceptance	871	8-Sep-22
Directorate of Durres Regional Hospital	2,744,000	Evaluation	Service	Non-acceptance	993	11-Oct-22
Directorate of Durres Regional Hospital	16,666,460	Evaluation	Goods			
Directorate of Shkoder Regional Hospital	35,204,000	Evaluation	Goods	Non-acceptance	276	25-Mar-22
Directorate of Shkoder Regional Hospital	2,049,367	DST	Goods	Acceptance	1029	20-Oct-22
Directorate of Shkoder Regional Hospital	2,612,254	Evaluation	Goods	Acceptance	629	4-Jul-22
Directorate of Shkoder Regional Hospital	2,049,367	Evaluation	Goods			
Directorate of Vlore Regional Hospital	9,453,557	Evaluation	Goods	Acceptance	394	29-Apr-22
Directorate of Vlore Regional Hospital	1,490,864	Evaluation	Service	Non-acceptance	269	24-Mar-22
Directorate of Vlore Regional Hospital	7,459,267	DST	Service	Case closed	208	28-Feb-22
Directorate of Vlore Regional Hospital	7,459,267	DST	Service	Non-acceptance	313	4-Apr-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Directorate of Vlore Regional Hospital	7,459,267	DST	Service	Non-acceptance	717	26-Jul-22
Directorate of Vlore Regional Hospital	9,453,557	DST	Goods	Partially accepted	742	2-Aug-22
Directorate of Irrigation and Drainage of Lezha	3,600,000	Evaluation	Goods	Case closed	358	20-Apr-22
Directorate of Irrigation and Drainage of Lezha	3,600,000	Evaluation	Goods	Case closed	359	20-Apr-22
Directorate of Irrigation and Drainage of Lezha	3,600,000	Evaluation	Goods	Non-acceptance	569	16-Jun-22
Regional Directorate of Pre-University Education of Durres	1,666,666	DST	Service			
Regional Directorate of Pre-University Education of Fier	12,550,000	DST	Goods	Non-acceptance	594	24-Jun-22
Regional Directorate of Pre-University Education of Fier	3,425,000	Evaluation	Service	Complaint is withdrawn	1212	5-Dec-22
Regional Directorate of Pre-University Education of Fier	3,425,000	Evaluation	Service	Case closed	1299	28-Dec-22
Regional Directorate of Pre-University Education of Korçë	52,887,832	Evaluation	Work	Acceptance	711	25-Jul-22
Regional Directorate of DSO of Fier	149,936,016	Evaluation	Goods	Non-acceptance	1222	9-Dec-22
Regional Directorate of DSO of Gjirokastra	9,750,636	Evaluation	Service	Case closed	416	5-May-22
Regional Directorate of DSO of Gjirokastra	9,750,636	DST	Service	Non-acceptance	225	8-Mar-22
Regional Directorate of DSO of Shkoder	80,000,000	Evaluation	Goods	Non-acceptance	1073	7-Nov-22
Regional Directorate of DSO of Tirana	107,879,200	Evaluation	Goods	Acceptance	542	9-Jun-22
Regional Directorate of DSO of Tirana	107,879,200	DST	Goods	Non-acceptance	256	16-Mar-22
Regional Directorate of DSO of Tirana	112,440,000	Evaluation	Goods	Non-acceptance	925	26-Sep-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Regional Directorate of DSO of Tirana	112,440,000	Evaluation	Goods	Non-acceptance	925	26-Sep-22
Regional Directorate of DSO of Tirana	199,407,912	Evaluation	Goods			
Regional Directorate of Road Transport Services of Tirana	8,503,326	Evaluation	Work	Non-acceptance	777	11-Aug-22
Regional Directorate of the National Employment Service of Korca	1,303,635	Evaluation	Service	Non-acceptance	395	29-Apr-22
Regional Directorate of Road Transport Service of Tirana	8,503,326	Evaluation	Goods	Non-acceptance	668	14-Jul-22
Regional Directorate of Social Insurance of Durres	5,833,333	Evaluation	Goods	Acceptance	975	5-Oct-22
Regional Directorate of Social Insurance of Fier	1,333,333	DST	Service	Partially accepted	412	29-Apr-22
Regional Directorate DSO of Kukes	7,979,000	Evaluation	Goods	Non-acceptance	826	29-Aug-22
General Directorate of Material Reserves of the State	52,095,392	DST	Goods	Non-acceptance	1235	12-Dec-22
ECO Tirana	2,086,666	DST	Service	Partially accepted	1296	23-Dec-22
ECO-ELB sh.a	30,450,000	DST	Goods	Acceptance	456	13-May-22
ECO-ELB sh.a	2,250,000	DST	Service	Non-acceptance	1058	3-Nov-22
National Housing Authority of Tirana	1,829,000	Evaluation	Goods	Non-acceptance	691	22-Jul-22
Energy Regulator Authority	4,155,000	Evaluation	Goods	Non-acceptance	634	5-Jul-22
Compulsory Health Care Insurance Fund of Tirana	1,979,957	Evaluation	Goods	Non-acceptance	191	22-Feb-22
Compulsory Health Care Insurance Fund of Tirana	9,097,221	Evaluation	Goods	Non-acceptance	157	11-Feb-22
Compulsory Health Care Insurance Fund of Tirana	9,097,221	Evaluation	Goods	Acceptance	157	11-Feb-22
Compulsory Health Care Insurance Fund of Tirana	4,142,774	Evaluation	Goods	Acceptance	327	6-Apr-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Court of Appeal of Tirana	1,610,000	DST	Goods	Non-acceptance	816	26-Aug-22
Supreme Court	11,665,561	DST	Service	Partially accepted	548	9-Jun-22
Supreme Court	5,666,660	DST	Goods	Partially accepted	1027	20-Oct-22
Supreme Court	5,666,667	DST	Goods	Partially accepted	1249	15-Dec-22
Supreme Court	9,683,010	Evaluation	Service	Non-acceptance	930	27-Sep-22
Supreme Court	9,683,013	Evaluation	Service	Non-acceptance	930	27-Sep-22
Special Court of First Instance for Corruption and Organized Crime	1,130,718	DST	Goods	Non-acceptance	500	27-May-22
Judicial District Court of Tirana	13,400,000	Evaluation	Work	Non-acceptance	506	27-May-22
Judicial District Court of Tirana	1,983,433	Evaluation	Goods	Non-acceptance	491	2-May-22
Judicial District Court of Tirana	1,500,000	Evaluation	Goods	Non-acceptance	603	24-Jun-22
Judicial District Court of Tirana	1,200,000	DST	Goods	Partially accepted	200	25-Feb-22
Judicial District Court of Tirana	8,266,216	DST	Work	Partially accepted	1118	16-Nov-22
Judicial District Court of Tirana	3,431,113	DST	Service	Acceptance	1224	9-Dec-22
Constitutional Court	3,333,330	DST	Service	Partially accepted	473	16-May-22
Albanian Railways s.a	1,636,800	DST	Goods	Partially accepted	865	7-Sep-22
Albanian Railways s.a	200,224,996	Evaluation	Service			
ILLYRIAN GUARD SH.A	7,988,433	Evaluation	Goods	Acceptance	355	19-Apr-22
ILLYRIAN GUARD SH.A	5,385,600	DST	Service	Acceptance	997	11-Oct-22
ILLYRIAN GUARD SH.A	4,967,200	DST	Goods	Partially accepted	973	5-Oct-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
ILLYRIAN GUARD SH.A	4,967,200	Evaluation	Goods	Non-acceptance	1154	24-Nov-22
ILLYRIAN GUARD SH.A	7,977,781	Evaluation	Goods	Acceptance	1239	13-Dec-22
ILLYRIAN GUARD SH.A	7,977,781	Evaluation	Goods			
Inspectorate of Territory Protection, Tirana	4,235,578	DST	Goods	Case closed	1209	5-Dec-22
Inspectorate of Territory Protection, Tirana	4,235,578	Evaluation	Goods			
Technical and Industrial State Inspectorate	8,422,967	Evaluation	Service	Non-acceptance	390	29-Apr-22
Technical and Industrial State Inspectorate	8,422,967	Evaluation	Service	Case closed	499	27-May-22
Institution of Execution of Criminal Decisions Lezha	12,534,270	DST	Service	Acceptance	212	3-Mar-22
Institute of Forensic Medicine	12,000,000	DST	Goods	Partially accepted	727	28-Jul-22
Institute of Construction	8,700,000	DST	Goods	Non-acceptance	1155	24-Nov-22
Institute of Public Health Tirana	98,150	Evaluation	Goods	Acceptance	1074	7-Nov-22
Food Safety and Veterinary Institute	18,592,269	Evaluation	Goods	Non-acceptance	323	6-Apr-22
Food Safety and Veterinary Institute	18,592,269	DST	Goods	Acceptance	523	3-Jun-22
Food Safety and Veterinary Institute	18,592,269	DST	Goods	Partially accepted	523	3-Jun-22
Food Safety and Veterinary Institute	23,500,500	DST	Goods	Partially accepted	836	30-Aug-22
Food Safety and Veterinary Institute	2,499,000	DST	Goods	Partially accepted	834	30-Aug-22
Food Safety and Veterinary Institute	2,499,000	DST	Goods	Partially accepted	834	30-Aug-22
Food Safety and Veterinary Institute	23,500,500	DST	Goods	Partially accepted	836	30-Aug-22
Food Safety and Veterinary Institute	18,700,000	DST	Goods	Case closed	852	2-Sep-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Food Safety and Veterinary Institute	50,287,500	DST	Goods	Partially accepted	895	14-Sep-22
Food Safety and Veterinary Institute	50,287,500	DST	Goods	Partially accepted	895	14-Sep-22
Food Safety and Veterinary Institute	27,300,500	DST	Goods	Partially accepted	965	4-Oct-22
Food Safety and Veterinary Institute	27,484,000	DST	Goods	Partially accepted	963	4-Oct-22
Institute of Statistics	224,622,384	Evaluation	Goods	Acceptance	703	22-Jul-22
Institute of Statistics	224,622,384	Evaluation	Goods	Acceptance	703	22-Jul-22
Institute of Statistics	1,650,000	Evaluation	Service	Non-acceptance	611	28-Jun-22
Institute of Statistics	4,999,833	DST	Service	Partially accepted	505	27-May-22
Institute of Statistics	1,650,000	Evaluation	Service	Case closed	1141	22-Nov-22
Institute for the Study of Crimes of Communism	1,782,803	DST	Goods	Non-acceptance	1016	19-Oct-22
Institute for the Study of Crimes of Communism	1,782,803	Evaluation	Goods	Non-acceptance	1223	9-Dec-22
KESH SHA	31,148,000	Evaluation	Goods	Non-acceptance	790	15-Aug-22
High Judicial Council	47,500,000	DST	Service	Partially accepted	309	4-Apr-22
High Judicial Council	2,993,000	Evaluation	Service	Non-acceptance	1184	1-Dec-22
High Judicial Council	11,128,000	Evaluation	Goods	Case closed	425	9-May-22
High Judicial Council	83,333,333	DST	Service	Partially accepted	870	8-Sep-22
High Judicial Council	83,333,333	DST	Service	Partially accepted	870	8-Sep-22
District Council of Gjirokastra	3,916,033	Evaluation	Work	Non-acceptance	889	14-Sep-22
Multi-sport Club of Korça	250,000	DST	Service	Non-acceptance	650	12-Jul-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Ministry of Defence	54,944,196	Evaluation	Goods	Case closed	913	22-Sep-22
Ministry of Defence	45,572,433	Evaluation	Goods			
Ministry of Defence	45,572,433	Evaluation	Goods			
Ministry of Defence	617,945,702	Evaluation	Work	Complaint is withdrawn	1181	30-Nov-22
Ministry of Defence	5,659,246	Evaluation	Service	Complaint is withdrawn	1229	9-Dec-22
Ministry of Health and Social Protection	158,972,395	Evaluation	Work	Complaint is withdrawn	402	29-Apr-22
Ministry of Health and Social Protection	158,972,395	Evaluation	Work	Complaint is withdrawn	402	29-Apr-22
Ministry of Health and Social Protection	26,442,968	Evaluation	Goods	Non-acceptance	842	31-Aug-22
Ministry of Health and Social Protection	26,442,968	Evaluation	Goods	Acceptance	842	31-Aug-22
Ministry of Health and Social Protection	74,366,773	Evaluation	Goods	Non-acceptance	671	15-Jul-22
Ministry of Health and Social Protection	2,719,483	Evaluation	Goods	Non-acceptance	672	15-Jul-22
Ministry of Health and Social Protection	28,952,281	Evaluation	Goods	Non-acceptance	673	16-Jul-22
Ministry of Health and Social Protection	61,325,799	Evaluation	Goods	Non-acceptance	919	23-Sep-22
Ministry of Health and Social Protection	45,416,190	Evaluation	Goods	Non-acceptance	839	31-Aug-22
Ministry of Health and Social Protection	125,970,069	Evaluation	Goods	Non-acceptance	850	2-Sep-22
Ministry of Health and Social Protection	6,220,613	DST	Goods	Non-acceptance	472	16-May-22
Ministry of Health and Social Protection	2,053,768	DST	Goods	Non-acceptance	470	16-May-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Ministry of Health and Social Protection	5,857,906	DST	Goods	Non-acceptance	617	29-Jun-22
Ministry of Health and Social Protection	2,306,286	DST	Goods	Non-acceptance	466	16-May-22
Ministry of Health and Social Protection	1,252,030	DST	Goods	Non-acceptance	465	16-May-22
Ministry of Health and Social Protection	1,167,385	DST	Goods	Non-acceptance	468	16-May-22
Ministry of Health and Social Protection	1,200,087	DST	Goods	Non-acceptance	467	16-May-22
Ministry of Health and Social Protection	1,126,741	DST	Goods	Non-acceptance	471	16-May-22
Ministry of Health and Social Protection	2,817,056	DST	Goods	Non-acceptance	469	16-May-22
Ministry of Health and Social Protection	1,863,148	DST	Goods	Non-acceptance	504	27-May-22
Ministry of Health and Social Protection	1,082,864	DST	Goods	Non-acceptance	493	26-May-22
Ministry of Health and Social Protection	3,427,428	DST	Goods	Non-acceptance	503	27-May-22
Ministry of Health and Social Protection	103,707,450	Evaluation	Goods			
Ministry of Health and Social Protection	74,366,773	Evaluation	Goods	Non-acceptance	766	9-Aug-22
Ministry of Health and Social Protection	2,719,483	Evaluation	Goods	Non-acceptance	765	9-Aug-22
Decor and Events Sector of Tirana	4,000,000	DST	Service	Acceptance	444	13-May-22
Decor and Events Sector of Tirana	4,000,000	DST	Service	Non-acceptance	675	15-Jul-22
Decor and Events Sector of Tirana	4,000,000	DST	Service	Non-acceptance	677	18-Jul-22
Public Services Sector of Berat	5,911,753	Evaluation	Goods	Non-acceptance	718	26-Jul-22
Public Services Sector of Berat	4,255,860	DST	Goods	Non-acceptance	689	22-Jul-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Public Services Sector Fier	4,969,800	Evaluation	Goods	Non-acceptance	421	6-May-22
Public Services Sector Fier	10,000,000	Evaluation	Service	Non-acceptance	1309	30-Dec-22
Industrial Sector No. 1 Tirana	3,000,000	Evaluation	Goods	Non-acceptance	831	30-Aug-22
Road Sector of Durres	9,943,574	DST	Goods	Acceptance	762	8-Aug-22
Health Care Local Unit of Shkodra	3,000,000	Evaluation	Goods	Acceptance	415	4-May-22
Health Care Local Unit of Tirane	11,547,068	DST	Goods	Partially accepted	1096	10-Nov-22
Health Care Services Operator	24,729,065	Evaluation	Goods	Acceptance	787	15-Aug-22
Health Care Services Operator	14,813,312	Evaluation	Goods	Non-acceptance	736	1-Aug-22
Health Care Services Operator	10,062,292	Evaluation	Goods	Case closed	1257	15-Dec-22
Electric Power Distribution Operator Group sh.a	32,922,188	Evaluation	Goods	Non-acceptance	364	21-Apr-22
Electric Power Distribution Operator Group sh.a	59,423,158	Evaluation	Goods	Acceptance	887	14-Sep-22
Electric Power Distribution Operator Group sh.a	39,750,000	DST	Service	Case closed	533	7-Jun-22
Electric Power Distribution Operator Group sh.a	1,048,176,705	DST	Work	Non-acceptance	545	9-Jun-22
Electric Power Distribution Operator Group sh.a	22,698,893	DST	Service	Partially accepted	1138	22-Nov-22
Transmission System Operator OST	2,300,000	Evaluation	Goods	Non-acceptance	201	25-Feb-22
Transmission System Operator OST	2,300,000	DST	Goods	Partially accepted	62	19-Jan-22
Transmission System Operator	1,101,076	Evaluation	Goods	Acceptance	1012	18-Oct-22
Transmission System Operator	16,209,216	DST	Goods	Non-acceptance	786	15-Aug-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Albanian Postal Service s.a	89,664,000	Evaluation	Service	Acceptance	928	26-Sep-22
Albanian Postal Service s.a	89,664,000	DST	Service	Acceptance	133	2-Feb-22
Albanian Postal Service s.a	89,664,000	DST	Service	Non-acceptance	235	9-Mar-22
Albanian Postal Service s.a	33,972,532	DST	Goods	Case closed	761	8-Aug-22
Albanian Postal Service s.a	28,918,530	DST	Goods	Partially accepted	759	8-Aug-22
Albanian Postal Service s.a	33,972,532	DST	Goods	Acceptance	761	8-Aug-22
Albanian Postal Service s.a	33,972,532	DST	Goods	Partially accepted	874	9-Sep-22
Albanian Postal Service s.a	25,417,000	DST	Goods	Partially accepted	946	29-Sep-22
Albanian Postal Service s.a	14,717,900	DST	Goods	Partially accepted	1170	24-Nov-22
Albanian Postal Service s.a	2,900,000	DST	Service	Acceptance	1280	12-Dec-22
Albanian Postal Service s.a	33,972,532	DST	Goods			
Albanian Postal Service s.a	20,544,080	DST	Goods			
Albanian Postal Service s.a	2,000,000	DST	Goods	Partially accepted	1308	29-Dec-22
Albanian Postal Service s.a	28,918,530	Evaluation	Goods			
Albanian Postal Service s.a	25,417,000	Evaluation	Goods			
Albanian Postal Service s.a	25,417,000	Evaluation	Goods			
Albanian Postal Service s.a	1,030,000	Evaluation	Goods	Non-acceptance	1262	16-Dec-22
Albanian Postal Service s.a	33,972,532	Evaluation	Goods			
Water and sanitation Sector s.a Berat-Kuçova	14,997,912	Evaluation	Goods	Non-acceptance	401	29-Apr-22
Water and sanitation Sector s.a Berat-Kuçova	14,997,912	Evaluation	Goods	Non-acceptance	401	29-Apr-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Water and sanitation Sector s.a Fier	3,927,566	Evaluation	Goods	Non-acceptance	251	11-Mar-22
Water and sanitation Sector s.a Fier	4,103,333	Evaluation	Goods	Partially accepted	829	30-Aug-22
Water and sanitation Sector s.a Fier	9,500,000	Evaluation	Service	Complaint is withdrawn	1306	29-Dec-22
Water and sanitation Sector s.a Kavaja	3,700,000	DST	Goods	Partially accepted	398	29-Apr-22
Water and sanitation Sector s.a Lezha	7,150,000	DST	Goods	Partially accepted	378	22-Apr-22
Water and sanitation Sector s.a Lushnja	3,570,000	Evaluation	Goods	Non-acceptance	886	13-Sep-22
Water and sanitation Sector s.a Mallakastra	2,599,800	Evaluation	Goods	Acceptance	775	11-Aug-22
Water and sanitation Sector s.a Saranda	3,600,000	Evaluation	Goods	Case closed	1066	4-Nov-22
Water and sanitation Sector s.a Saranda	10,000,000	Evaluation	Goods	Non-acceptance	1219	9-Dec-22
Water and sanitation Sector s.a Saranda	3,600,000	DST	Goods	Partially accepted	888	14-Sep-22
Water and sanitation Sector s.a Saranda	10,000,000	Evaluation	Goods	Non-acceptance	1219	9-Dec-22
Water and sanitation Sector s.a Saranda	10,000,000	Evaluation	Goods	Non-acceptance	1219	9-Dec-22
Water and sanitation Sector s.a Shkoder	6,141,456	Evaluation	Goods	Acceptance	607	27-Jun-22
Water and sanitation Sector s.a Tirana	8,672,689	Evaluation	Goods	Non-acceptance	193	23-Feb-22
Water and sanitation Sector s.a Tirana	1,706,667	Evaluation	Goods	Non-acceptance	218	3-Mar-22
Water and sanitation Sector s.a Tirana	2,893,972	Evaluation	Goods	Acceptance	298	30-Mar-22
Water and sanitation Sector s.a Tirana	7,872,500	Evaluation	Goods	Acceptance	455	13-May-22
Water and sanitation Sector s.a Tirana	72,114,844	Evaluation	Goods	Acceptance	457	13-May-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Water and sanitation Sector s.a Tirana	7,773,333	Evaluation	Goods	Non-acceptance	540	9-Jun-22
Water and sanitation Sector s.a Tirana	608,089	Evaluation	Service	Complaint is withdrawn	535	7-Jun-22
Water and sanitation Sector s.a Tirana	1,293,427	Evaluation	Service	Non-acceptance	660	13-Jul-22
Water and sanitation Sector s.a Tirana	622,847	Evaluation	Service	Complaint is withdrawn	537	7-Jun-22
Water and sanitation Sector s.a Tirana	1,153,934	Evaluation	Service	Complaint is withdrawn	536	7-Jun-22
Water and sanitation Sector s.a Tirana	3,405,192	Evaluation	Service	Complaint is withdrawn	541	9-Jun-22
Water and sanitation Sector s.a Tirana	261,334,753	Evaluation	Work	Case closed	583	23-Jun-22
Water and sanitation Sector s.a Tirana	72,114,844	Evaluation	Goods	Non-acceptance	626	4-Jul-22
Water and sanitation Sector s.a Tirana	7,773,333	Evaluation	Goods	Acceptance	726	28-Jul-22
Water and sanitation Sector s.a Tirana	82,250,000	Evaluation	Goods	Non-acceptance	861	7-Sep-22
Water and sanitation Sector s.a Tirana	58,000,000	Evaluation	Goods	Non-acceptance	861	7-Sep-22
Water and sanitation Sector s.a Tirana	56,000,000	Evaluation	Goods	Non-acceptance	861	7-Sep-22
Water and sanitation Sector s.a Tirana	9,741,608	Evaluation	Service	Non-acceptance	1013	18-Oct-22
Water and sanitation Sector s.a Tirana	1,706,667	DST	Goods	Case closed	36	13-Jan-22
Water and sanitation Sector s.a Tirana	4,003,700	DST	Service	Partially accepted	366	21-Apr-22
Water and sanitation Sector s.a Tirana	196,250,000	DST	Goods	Partially accepted	447	13-May-22
Water and sanitation Sector s.a Tirana	4,003,700	DST	Service	Non-acceptance	722	27-Jul-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
Water and sanitation Sector s.a Tirana	6,883,333	DST	Service	Acceptance	760	8-Aug-22
Water and sanitation Sector s.a Tirana	6,883,333	DST	Service	Partially accepted	1075	7-Nov-22
Water and sanitation Sector s.a Tirana	16,010,022	DST	Goods	Acceptance	1260	16-Dec-22
Water and sanitation Sector s.a Tirana	63,270,000	DST	Goods	Partially accepted	1196	1-Dec-22
Water and sanitation Sector s.a Tirana	71,630,000	DST	Goods	Partially accepted	1192	1-Dec-22
Water and sanitation Sector s.a Tirana	78,840,000	DST	Goods	Partially accepted	1194	1-Dec-22
Sh.A Ujësjetllës Kanalizime Vlorë	12,000,000	DST	Goods	Case closed	1049	27-Oct-22
Sh.A Ujësjetllës Kanalizime Kamëz	1,245,750	Evaluation	Goods	Acceptance	525	3-Jun-22
Sh.A Ujësjetllës Kanalizime Kamëz	2,857,680	Evaluation	Goods	Acceptance	715	26-Jul-22
Sh.A Ujësjetllës Kanalizime Kamëz	2,857,680	Evaluation	Goods	Non-acceptance	988	11-Oct-22
Sh.A Ujësjetllës Kanalizime Kamëz	2,857,680	DST	Goods	Partially accepted	354	15-Apr-22
Sh.A Ujësjetllës Kanalizime Lushnje	1,762,500	DST	Service	Partially accepted	955	30-Sep-22
Sh.A Ujësjetllës Kanalizime Lushnje	1,762,500	DST	Service	Case closed	955	30-Sep-22
Printing and publishing services	1,833,333	Evaluation	Service	Non-acceptance	211	3-Mar-22
The cleaning service of the premises of Albcontrol s.a	84,175,068	Evaluation	Service	Complaint is withdrawn	293	30-Mar-22
SHISH State Intelligence Service	6,976,666	Evaluation	Service	Non-acceptance	521	3-Jun-22
SHISH State Intelligence Service	2,378,703	DST	Goods	Partially accepted	291	29-Mar-22
SHISH State Intelligence Service	5,374,804	DST	Goods	Partially accepted	400	29-Apr-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
"Memorial" Regional Hospital Fier	8,862,945	Evaluation	Service	Acceptance	701	22-Jul-22
"Memorial" Regional Hospital Fier	8,862,945	Evaluation	Service	Non-acceptance	1250	15-Dec-22
"Memorial" Regional Hospital Fier	8,862,945	Evaluation	Service	Non-acceptance	1250	15-Dec-22
"Memorial" Regional Hospital Fier	8,862,945	DST	Service	Partially accepted	998	11-Oct-22
University Hospital of Trauma	10,888,560	Evaluation	Goods	Acceptance	148	10-Feb-22
University Hospital of Trauma	3,158,067	Evaluation	Goods	Acceptance	873	9-Sep-22
University Hospital of Trauma	2,900,000	DST	Goods	Acceptance	102	28-Jan-22
University Hospital Shefqet Ndroqi Tirana	20,733,000	Evaluation	Goods	Acceptance	849	2-Sep-22
University Hospital Shefqet Ndroqi Tirana	8,895,850	Evaluation	Goods	Non-acceptance	938	28-Sep-22
Tirana Parking	1,417,167	Evaluation	Goods	Non-acceptance	851	2-Sep-22
Tirana Parking	10,194,040	DST	Goods	Non-acceptance	361	20-Apr-22
Tirana Parking	2,218,141	DST	Goods	Case closed	484	23-May-22
Aleksander Moisiu University Durres	4,013,256	Evaluation	Goods	Partially accepted	553	9-Jun-22
Aleksander Moisiu University Durres	6,764,000	Evaluation	Service	Acceptance	894	14-Sep-22
Aleksander Xhuvani University Elbasan	20,832,853	Evaluation	Service	Complaint is withdrawn	859	7-Sep-22
Aleksander Xhuvani University Elbasan	1,560,457	Evaluation	Goods	Non-acceptance	1041	26-Oct-22
Agriculture University of Tirana	2,500,000	Evaluation	Service	Complaint is withdrawn	678	21-Jul-22
Agriculture University of Tirana	1,618,750	DST	Goods	Case closed	657	12-Jul-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
University of Tirana	8,476,581	DST	Goods	Acceptance	124	2-Feb-22
University of Tirana	4,070,315	DST	Service	Case closed	83	24-Jan-22
University of Tirana	4,044,066	DST	Service	Acceptance	640	8-Jul-22
University of Tirana	7,134,107	Evaluation	Goods	Partially accepted	1300	28-Dec-22
University of Tirana	7,134,107	Evaluation	Goods	Complaint is withdrawn	1297	27-Dec-22
University of Tirana	4,044,066	DST	Service	Acceptance	640	8-Jul-22
University of Tirana	7,134,107	DST	Goods	Partially accepted	971	5-Oct-22
University of Tirana	14,755,926	DST	Goods	Acceptance	1060	3-Nov-22
Ismail Qemali University Vlorë	4,166,540	DST	Goods	Complaint is withdrawn	980	7-Oct-22
Tirana Polytechnic University	5,375,000	Evaluation	Goods	Non-acceptance	924	23-Sep-22
Tirana Polytechnic University	6,149,815	DST	Goods	Acceptance	73	21-Jan-22
Tirana Polytechnic University	6,149,815	DST	Goods	Acceptance	73	21-Jan-22
Tirana Polytechnic University	4,540,134	DST	Goods	Partially accepted	1071	4-Nov-22
Tirana Polytechnic University	2,674,867	DST	Goods	Partially accepted	1116	16-Nov-22
General Prosecutor Office	25,188,829	Evaluation	Goods	Non-acceptance	451	13-May-22
General Prosecutor Office	7,975,028	Evaluation	Service	Non-acceptance	770	9-Aug-22
General Prosecutor Office	64,806,607	Evaluation	Work	Complaint is withdrawn	1142	22-Nov-22
General Prosecutor Office	28,448,842	DST	Goods	Partially accepted	261	18-Mar-22

Authority Contractor	Fund Limit	Type of complaint	Category	EO Decision	Decision Number	Decision Date
General Prosecutor Office	7,975,028	DST	Service	Case closed	558	15-Jun-22
General Prosecutor Office	7,998,400	DST	Service	Case closed	724	28-Jul-22



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