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In accordance with Article 36, paragraph 1, subparagraph 1.4, and pursuant to Article 73 of the Law No. 03/L-209 on Central Bank of the Republic of Kosovo, the Executive Board of the Central Bank of the Republic of Kosovo, at the meeting held on 27 July 2021, approved the following:

RULE OF PROCUREMENT IN THE CENTRAL BANK OF THE REPUBLIC OF KOSOVO

CHAPTER I

GENERAL PROVISIONS FOR PROCUREMENT ACTIVITIES

Article 1

Purpose and scope

1. This Rule is intended to provide the most efficient, transparent and fair manner of using Central Bank funds for procurement activities by defining the rules and conditions to apply, the procedures to follow, the rights to respect and the obligations to meet by the entities that participate or are interested in procurement activities at the Central Bank.
2. This Rule shall apply to all procurement activities of goods, services and works in the Central Bank of the Republic of Kosovo.

Article 2

Definitions

1. Terms used in this Rule shall have the following meanings:
 - 1.1. **“Central Bank”** means the Central Bank of the Republic of Kosovo;
 - 1.2. **“Procurement”** means the purchase, rental or any other contracting of goods, services or works for the Central Bank;
 - 1.3. **“Contract”** means the contract entered into in written by the Central Bank with one or more bidders, with the execution works, supply of products or provision of services as its object;
 - 1.4. **“Work Contract”** means a contract which has either the execution of works or the design and also the performance of works as its object of execution. **“Work”** means the

result of construction or technology works taken as a whole, sufficient for the fulfillment of an economic or technical function;

- 1.5. **“Supply Contract”** means the contract which has the purchase, rental, borrowing or loan, with or without purchase option, of products as its object. A contract with the supply of products as its object, which, as the case may be, also covers maintenance and installation operations, is considered a “Supply Contract”;
- 1.6. **“Service Contract”** means the contract, other than work and supply contracts, which has the provision of services as its object. A contract that has both products and services as its object is considered a “Service Contract” if the calculated value of the services in question exceeds that of the products covered by the contract. A contract that has the services that include activities pertaining to occasional works to the main object of the contract as its object is considered a Service Contract;
- 1.7. **“Framework Contract”** means a written agreement between the Central Bank and one or more suppliers, aimed at determining the conditions regulating the contracts that will be awarded during a certain period, in particular according to the price and needs for the foreseen amount;
- 1.8. **“Authorizing Officer”** means the person authorized by the Governor of the Central Bank responsible for initiating a procurement activity;
- 1.9. **“Bidder”** means any natural or legal person or public entity or group of persons and/or bodies that bid in the market, namely, bid for the execution of works, products or services. The bidder which submitted a request to participate in a restricted or negotiated procedure or in a competitive dialogue is considered a “candidate”. The candidate who submitted a tender is considered a “tenderer”;
- 1.10. **“Open procedure”** means a procurement procedure in which any interested bidder may submit a tender;
- 1.11. **“Restricted procedure”** means a procurement procedure in which any bidder may apply for participation and only candidates invited by the Central Bank may submit the tender;
- 1.12. **“Negotiated procedure”** means a procurement procedure in which the Central Bank takes into consideration the bidders of its choice and negotiates the terms of the contracts with one or more of them;
- 1.13. **“Direct or single-source procurement”** means a procurement procedure, in which the Central Bank, no aiming the disregard of other procedures, enters into a relationship and requests a proposal (bid) from only one bidder;

- 1.14. **“Competitive dialogue”** means a procurement procedure in which any bidder may apply for participation, whereby the Central Bank conducts a dialogue with the candidates accepted in that procedure, aiming the development of one or more appropriate options that are able to fulfill its requirements;
- 1.15. **“Dynamic procurement system”** means a procurement procedure with a completely electronic process for making ordinary purchases, the characteristics of which, as generally available in the market, meet the requirements of the Central Bank. The system is limited in duration and is open throughout its validity period for any bidder who meets the selection criteria and who has submitted a tender in compliance with the specification;
- 1.16. **“Electronic auction”** means an iterative process that includes an electronic device to display new prices, revised reductions and/or new values related to certain elements of tenders, which occurs after the first and complete evaluation of tenders, enabling their ranking according to automatic evaluation methods;
- 1.17. **“Invitation to Tender”** means the invitation sent to bidders for tender submission and which specifies the procedure, Central Bank requirements, contracting criteria and conditions;
- 1.18. **“International tender”** means the tender developed according to the procedures defined under this Rule and is used when the goods, services or works to be procured are not provided by local sources and there is not enough competition at home;
- 1.19. **“Procurement Evaluation Commission”** means the commission designated for the bid review, evaluation and comparison in the procurement process according to this Rule;
- 1.20. **“Written”** or **“in writing”** means any term consisted of words or numbers that may be read, reproduced and then communicated. It may include information transmitted or stored by electronic means;
- 1.21. **“Days”** means calendar days
- 1.22. **“Language of communication”** means the official languages in the Republic of Kosovo (Albanian/Serbian) and the English language in international tender procedures.

Article 3

Exemptions

1. This Rule shall not apply to the following contracts:
 - 1.1. Procurement of banknotes and coins;

- 1.2. Issuance, sale, purchase or transfer of securities or financial instruments and financial services related to these transactions;
 - 1.3. Operation with accounts and external transactions; and
 - 1.4. Employment contracts between the Central Bank and its personnel concluded in accordance with the Central Bank's Employment Policy.
2. The contracts, regardless of their value, which the Central Bank may award in cases where the following services are their object, shall be exempted from this Rule:
 - 2.1. Hotel and restaurant services;
 - 2.2. Legal services;
 - 2.3. Security and investigative services;
 - 2.4. Education and professional education services for staff;
 - 2.5. Services for recreational, cultural and sports activities;
 - 2.6. Renting and buying real estate;
 - 2.7. Postal services.

Article 4

General principles

Each procurement procedure shall be implemented in accordance with the general principles of transparency and publicity, equal access and equal treatment, as well as the principles of non-discrimination and fair competition.

CHAPTER II

PROCUREMENT PROCEDURES

Article 5

Procurement planning and procurement procedures at the Central Bank

1. Procurement planning for procurement activities in the Central Bank shall be made for a period of twelve (12) months. Procurement planning shall identify the supplies, services and works that the Central Bank intends to procure during the next fiscal year.

2. When carrying out the procurement activities, the Central Bank shall use one of the procedures defined according to this Rule.

3. The Central Bank shall implement in principle the open procurement procedure.

Article 6 **Open procedure**

1. The open procedure shall begin with the publication of the Contract Notice. The publication shall be made on the website of the Central Bank, as well as in one of the national newspapers with the largest circulation. Upon publication of the Contract Notice, all interested parties may request the Tender Dossier and submit the Bid. The Central Bank shall disseminate the Tender Dossier within three (3) days from the day of receipt of the request, provided that the request is made in time before the expiration of the deadline for the submission of tenders.

2. The Contract Notice shall specify the time limit for submission of the request for the Tender Dossier by the interested parties. Candidates shall submit their tenders within the deadlines set by the Central Bank and shall include all the documentation requested by the Central Bank.

3. The Central Bank shall conclude contracts with the tenderer who best fulfills the criteria for awarding the tender specified in the Contract Notice/Invitation to Tender.

Article 7 **Restricted procedure**

1. The Central Bank may apply a restricted procedure if:

1.1. The requirements of the Central Bank can be defined in such detail that the tenders may be compared with each other and the contract may be awarded without further negotiations with the bidders, and

1.2. The number of tenders needs to be limited for administrative reasons or due to the procurement nature.

2. Upon publication of the Contract Notice, the interested parties may apply for participation in the restricted procedure within the deadline specified in the Contract Notice and provide the documentation requested by the Central Bank.

3. The Central Bank shall verify the candidates' eligibility and evaluate if the requests meet the selection criteria specified in the Contract Notice. The Central Bank shall invite at least two (2) eligible candidates who meet the selection criteria to submit the tender, provided that a sufficient number of candidates who meet the selection criteria are available. The Invitation to Tender shall be simultaneously submitted in writing to all the candidates invited to submit the tender.

4. Invited tenderers/bidders shall submit their tender within the deadline set by the Central Bank and shall include all documentation required by the Central Bank.
5. The Central Bank shall conclude contracts with the tenderer who best fulfills the criteria for awarding the contract specified in the Invitation to Tender.

Article 8

Negotiated procedure

1. The Central Bank shall implement the negotiated procedure only in these special cases:
 - 1.1. If the nature of the related works, supplies or services or related risks allows no preliminary setting of general prices;
 - 1.2. If the nature of the services or works is such that the specifications cannot be verified with sufficient precision in order to allow the contract awarding through the selection of the best tenderer according to the rules set in the open or restricted procedures.
2. The Central Bank may also use the negotiated procedure when no eligible tenders are received in response to an open or restricted procedure (or to a competitive dialogue), as long as the original terms of the contract are not substantially changed. The Central Bank may not publish a new Contract Notice if the negotiated procedure exclusively includes all tenderers who have applied in the earlier procedure, who have fulfilled the selection criteria and submitted their tenders in accordance with the formal tender requirements. If no tenders are submitted or the tenders submitted do not meet the tender formal requirements, the Central Bank may initiate the negotiated procedure without notice in accordance with Article 38 of this Rule.
3. Upon publication of the Contract Notice, interested bidders may request to participate in the negotiated procedure. Such request shall be submitted within the deadline specified in the Contract Notice.
4. The Central Bank shall verify the tenderers eligibility and evaluate whether the requests meet the selection criteria specified in the Contract Notice. The Central Bank shall invite at least three eligible candidates who meet the selection criteria to submit the tender, provided that a sufficient number of candidates who meet the selection criteria is available. The Invitation to Tender shall be simultaneously submitted in writing to all candidates invited to submit the tender.
5. Upon evaluating the tenders, the Central Bank shall negotiate with the tenderers in order to align their tender with its requirements.
6. The Central Bank shall start negotiations:
 - 6.1. With the highest-ranking bidders. If the negotiations with the highest-ranking tenderers fail, the Central Bank shall negotiate with the next ranked tenderers; or
 - 6.2. Simultaneously with all the tenderers which submitted a tender that essentially fulfills the technical and functional requirements of the Central Bank. In this case, the number of tenderers

accepted for negotiations may be subject to a continuous staged reduction, applying the contract award criteria specified in the Contract Notice or Invitation to Tender.

7. Before the initiation of the negotiations, the Central Bank shall inform all tenderers how the negotiations are conducted. During the negotiations, the Central Bank shall provide all tenderers invited for negotiations with equal treatment.

8. The Central Bank may invite tenderers to submit their revised tender.

9. The Central Bank shall contract the tenderer who best meets the criteria specified in the Contract Notice or in the Invitation to Tender.

Article 9

Procedure for price quotation

1. The Central Bank shall apply the procedure for price quotation when the calculated value does not exceed the threshold set in Article 16, paragraph 3, subparagraph 3.1 of this Rule for supplies and services and Article 16, paragraph 3, subparagraph 3.2 of this Rule for work contracts.

2. The number of bidders invited to quote must be sufficient to ensure effective competition in the contract and must not be less than two (2).

3. Invitations to Quote shall be distributed simultaneously to potential bidders. The Tender Dossier shall be attached to the invitation. The minimum time limit for submitting price quotes shall be five (5) calendar days from the day the invitations are distributed.

4. Bidders that have not been invited to quote may request an invitation from the Central Bank, which must send the invitation to the operators in question. These requests shall not affect the date set for the submission of quotations.

5. Bidders who have not been invited by the Central Bank to quote, but have received a copy of the invitation or information about the procedure from another party, shall have the right to submit a price quotation. The price quotation submitted by such economic operator shall receive the same treatment as other bidders.

Article 10

Minimum value purchase procedure

1. The Central Bank may apply the minimum value purchase procedure for the purchase of goods, services and/or works. The procurement officer shall contact at least three (3) economic operators of the goods, services or works in question. The Central Bank shall be obliged to

document the operators contact, generating the register of the contacted economic operators. After having contacted at least three (3) bidders and not receiving three bids, the Central Bank shall continue with a responsive bid.

2. The Central Bank shall select the bidder who offers the lowest price, which will implement the procurement activity.

3. For the purpose of this Article, the minimum value shall be considered the value that does not exceed five thousand (5,000) euros.

4. For the amount up to two thousand five hundred (2,500) euros, the Central Bank may not establish an evaluation commission.

5. For small or minimal purchases, the value of which is expected to be less than five hundred (500) euros, the Central Bank may not implement a procurement procedure. In any case, such purchases shall be made directly, always keeping in mind the criterion of value for money and ensuring the quality of supply, service or work in favour of the Central Bank.

Article 11

Direct procurement

1. Direct procurement shall be applied:

1.1. In cases where, in the absence of competition for technical reasons, the goods, services or works are provided only by one operator or when a contractor has the exclusive right to the goods, services or works;

1.2. For delivery of goods and/or services from the previous contractor made either as a replacement or as an addition to the existing goods and/or services and when a change of the contractor forces the Central Bank to procure goods and/or services which do not fulfill compatibility requirements with existing goods or services. This is for a value not greater than thirty (30%) percent of the initial contract price and when the need for this addition arises during the contract performance, up to three (3) months upon its completion;

1.3. In cases when the supplementary construction services, which are not included in the initial contract, due to contingencies have become necessary and separation of the supplementary replacement services from the initial contract is difficult for technical or economic reasons. This is for a value not greater than thirty (30%) percent of the initial contract price and when the need for this addition arises during the contract performance, up to three (3) months upon its completion;

1.4. For new construction services, which consist of the repetition of similar construction services, which are according to the basic project, provided that for this project the initial contract was concluded on bases of the open or restricted procedure. This for a value not greater

than thirty (30%) percent of the price of the initial contract and when the need for this addition arises during the contract performance, up to three (3) months after its completion;

1.5. To continue consultancy services for which the initial contract has been satisfactorily performed and the continuation of these services may bring economic advantages and effectiveness;

1.6. For purchases or services related to the personal quality of the candidate-individual (such as paintings, sculptures, programming, consultancy, translations, etc.);

1.7. For the continuation of design services related to other services performed before, which if given to a new entity, infringe the copyright;

1.8. For cases of purchase of goods or services under extremely favourable conditions, which appear in a short time. This provision shall be applied in cases of unusual sales by legal or natural persons which normally are not suppliers. This provision shall not be applied to ordinary procurements from regular bidders;

1.9. For urgent needs for goods, works or services caused by circumstances beyond the control of the Central Bank and when the time available to solve the urgent need is not sufficient for the normal development of other procurement procedures defined in this Rule;

1.10. For goods and/or services, which for technical or reliability reasons must be purchased or performed by the previous contractor;

1.11. For the purchase of goods and/or services offered by exclusive manufacturers requested to be purchased directly from the manufacturer for the reason of benefiting from technical effectiveness and economic advantages;

1.12. When such a procedure, except for the above cases, is approved in writing by the Governor of the Central Bank or his/her authorized representative;

1.13. For the continuation of the services of third parties to the Central Bank, for which the previous contract has been satisfactorily performed and as long as the continuation of the provision of these services by the same contractor guarantees the safety of life of the employees of the Central Bank and/or the institution itself. The decision of the Authorizing Procurement Officer to use direct procurement procedure according to this subparagraph shall be based in each case on the written report of the employee authorized for the contract management or implementation, if the contract has been satisfactorily performed.

Article 12

Framework agreements

1. The Central Bank may use framework agreements in cases where it regularly concludes contracts for similar supplies, services or work without being able to define the accurate delivery time and/or detailed requirements.
2. In order to conclude a contract that represents a framework agreement, the Central Bank shall follow the procedures defined according to this Rule for all stages up to the conclusion of the framework agreement.
3. In cases when the Central Bank shall decide to conclude a framework agreement with several suppliers, it initially awards at least two contracts, provided that a sufficient number of suppliers meet the criteria for selection and award. The Contract Notice shall specify the scope and number of contracts to be awarded. Contracts based on the framework agreement shall be awarded in accordance with the procedures defined in this Article.
4. When a framework agreement is concluded with a single supplier, the contracts based on that agreement shall be awarded within the limits of the conditions specified in the framework agreement. As far as needed, the Central Bank may request in writing from the supplier to supplement its initial tender. These supplementary bids shall not cause substantial differences in terms and conditions specified in the framework agreement.
5. When the Central Bank concludes framework agreements with several suppliers, the contracts may be awarded either:
 - 5.1. By implementing the criteria specified in the framework agreement without reopening the competition, or
 - 5.2. If such criteria are not defined, the Central Bank may reopen the competition for suppliers with which the framework agreement is in place.
6. In the latter case, the Central Bank shall award the contract in accordance with the following procedures:
 - 6.1. The Central Bank invites the suppliers in writing to submit the tender within the deadline specified in the request for proposal. The request for proposal must also specify the criteria based on which the contracts shall be awarded;
 - 6.2. Suppliers must submit their tender in writing within the deadline set by the Central Bank, and
 - 6.3. The Central Bank awards the contract to the tenderer who has submitted the best tender based on the award criteria specified in the request for proposal.

Article 13

Dynamic procurement/purchasing system

1. The Central Bank may procure goods, services and works for common use through dynamic purchasing systems. Unless otherwise specified in this Article, the Central Bank shall follow and apply the rules of open procedure.
2. In order to create a dynamic purchasing system, the Central Bank shall:
 - 2.1. publish the Contract Notice that shows that the dynamic purchasing system has been used and contains the reference to the internet address where tender terms can be found;
 - 2.2. offer unlimited, direct and complete access to the tender terms and any additional document through electronic means, upon publication of the notice and until the system expires;
 - 2.3. set the tender terms among other things, the criteria for selection and award, the nature of the preliminary purchase according to that system, as well as all the information related to the purchasing system, the electronic equipment used and the technical connection agreements and specifications.
3. The system shall be open throughout its duration for any supplier which meets the selection criteria and has submitted an expressive tender in accordance with the tender terms. Tenderers may improve their indicative tender at any time, provided they continue to adhere to the tender terms.
4. After accepting the indicative tenders, the Central Bank shall verify within a reasonable time the eligibility of the tenderers and the fulfilment of the selection criteria. It shall also check whether the indicative tenders fulfil the tender terms. The Central Bank shall notify the tenderers within the shortest time possible whether they are accepted or no into the dynamic purchasing system.
5. Each specific contract, the value of which is above the thresholds defined in Article 16 of this Rule, shall be subject to a special Invitation to Tender. Before issuing this invitation, the Central Bank shall issue a Contract Notice in a national newspaper with the largest circulation in the country, inviting all interested tenderers to submit the indicative tender within a deadline that cannot be shorter than fifteen (15) days from the day the notice was sent. The Central Bank shall firstly evaluate all indicative tenders received within the specified period and then continue with tendering.
6. After the completion of the evaluation, the Central Bank shall invite all the tenderers accepted into the system to submit the tender within a reasonable time. The Central Bank shall award the contract to the tenderer who submitted the best tender based on the award criteria defined in the

Contract Notice for the establishment of the dynamic purchasing system. If necessary, these criteria may be more precisely formulated in the Invitation to Tender.

7. If the value of a specific contract is below the thresholds of Article 16 of this Rule, the Central Bank may invite five (5) or three (3) tenderers accepted into the system in accordance with the procedure set forth in Article 38 of this Rule.

8. A dynamic purchasing system may not last more than four (4) years, except in well-reasoned cases.

Article 14 **Electronic auctions**

1. In addition to the procurement procedures defined by this Rule, the Central Bank may amend the tendering procedures through the electronic auction provided that the specifications can be determined precisely.

2. The electronic auction shall be based:

2.1. only on prices when the contract is awarded to the lowest price, or

2.2. on new prices and/or values of the characteristics of the tenders mentioned in the specification when the contract is awarded to the most economically advantageous tender.

3. If the Central Bank decides to implement an electronic auction, this fact shall be mentioned in the Contract Notice. In addition, the Invitation to Tender shall include, among others, the following details:

3.1. Characteristics, the values of which are subject to the electronic auction, provided that these characteristics are measurable and may be expressed in numbers or percentages;

3.2. Any limit of the values that can be presented, resulting from the specifications related to the object of the contract;

3.3. Information that is made available to tenderers during the electronic auction and as needed, when it is available to them;

3.4. Relevant information regarding the electronic auction process;

3.5. The conditions according to which the tenderers are able to bid and in particular, the minimum changes, which are required for the bid, as needed;

3.6. Relevant information regarding the electronic devices used and the arrangements and technical specifications for connection.

4. The electronic auction shall be initiated only after the presentation of the initial evaluation of the tenders. All tenderers who have submitted acceptable tenders shall be invited simultaneously

by electronic means to present their new prices and/or new values. The invitation shall contain all the relevant information regarding the individual connection to the used electronic devices and indicate the date and time of the start of the electronic auction. The electronic auction may be held in several continuous phases. The electronic auction may not start earlier than two (2) working days after the date when the invitations were sent.

5. When the contract is awarded on the basis of the most economically advantageous tender, the invitation shall be accompanied by the result of a complete evaluation of the respective tenderer. The invitation shall also indicate the mathematical formula used in the electronic auction to determine the reclassification based on the new prices and/or new values presented. This formula shall incorporate the measurement of all the criteria set for determining the most economically advantageous tender, as mentioned in the Contract Notice or in the tender documents; however, for that purpose, each limit shall be previously reduced to a specific value. When variants are authorized, another formula shall be given for each variant.

6. During each phase of the electronic auction, the Central Bank shall communicate at least sufficient information to all tenderers to enable them to determine their respective eligibility at any time. Also, it may communicate other information related to the prices or other values presented, as well as at any time it may notify the number of participants in that stage of the auction. However, the Central Bank shall not reveal the identities of the tenderers at any stage of the electronic auction.

6. The Central Bank shall close the electronic auction after the deadline specified in the invitation to participate in the auction. The deadline may be expressed as a specific date and time or as a period of time that must pass after the presentation of the last bid with new prices or values. The Central Bank shall indicate in the invitation the schedule for each phased auction.

7. After the closing of the electronic auction, the Central Bank shall award the contract based on the results of the electronic auction.

CHAPTER III

COMMON PROVISIONS FOR ALL PROCUREMENT PROCEDURES

Article 15

Calculation of the contract estimated value

1. The calculation of the contract value shall be based on the total of all applicable taxes and duties. The calculation shall include related costs, in particular costs related to alternative points, contract renewals, premium, rate, interest payments and travel and accommodation costs, prices or payments for candidates or tenderers.

2. The evaluation must be valid at the moment the Central Bank decides on the appropriate procurement procedure.

3. No procurement may be divided for the purpose of avoiding the implementation of the procedures defined according to this Rule.
4. The calculation of the foreseen value of the work contracts shall be based on the total costs related to the execution of the works, including the value of the supplies necessary for the execution of the works, which are made available to the contractor by the Central Bank. The costs related to the design and planning of the works shall also be calculated as part of the foreseen value of the work contracts.
5. Regarding contracts for the continuous supply of goods and services, the value taken as a basis for calculating the preliminary value of the contract, as necessary, shall be as follows:
 - 5.1. In the case of fixed-term contracts: the total value for the entire term;
 - 5.2. In the case of non-fixed-term contracts: monthly value multiplied by forty-eight (48).
6. In the case of subsequent contracts for supply, services and work of the same type, the calculation of the foreseen value of the contract shall be based on the current value of the subsequent contracts given during the previous twelve (12) months. The calculation shall be adjusted, if possible, taking into account the changes in quantity or value that are expected to occur during the twelve (12) months upon initial contract.
7. If the contract is divided into several parts or if several awarded contracts are too interconnected and have the same tasks as their objective, then the total value of all parts or individual contracts shall be taken into consideration.
8. The value of the framework agreements shall be calculated on the basis of the total maximum calculated value of all the previous contracts for the general term of the framework agreement.

Article 16

Classification of contracts by value

1. Contracts with total calculated value equal to or exceeding the threshold amounts specified in paragraph 3 of this Article shall be tendered in accordance with the procedures defined in Chapter II of this Rule.
2. Contracts with total calculated value below the threshold amounts specified in paragraph 3 of this Article shall be tendered in accordance with the procedures determined according to Articles 9 and 10 of this Rule.
3. The threshold amounts that apply shall comply with the following definitions:
 - 3.1. For supply and service contracts, the threshold shall be fifteen thousand (15,000) euros,
 - 3.2. For work contracts, the threshold shall be thirty thousand (30,000) euros.

4. The classification of contracts by value shall be defined as follows:

4.1. Minimum value contracts shall be considered contracts of five hundred (500) to five thousand (5,000) euros.

4.2. The following contracts shall be considered low value contracts:

4.2.1. Supply and service contracts of five thousand (5,000) to fifteen thousand (15,000) €,

4.2.2. Work contracts from five thousand (5,000) to thirty thousand (30,000) €.

4.3. Medium value contracts shall be considered the following contracts:

4.3.1. Supply and service contracts from fifteen thousand (15,000) to one hundred and twenty-five thousand (125,000) €,

4.3.2. Work contracts from thirty thousand (30,000) to five hundred thousand (500,000) €.

4.4. High value contracts shall be considered the following contracts:

4.4.1. Supply and service contracts over one hundred and twenty-five thousand (125,000) €.

4.4.2. Work contracts, threshold over five hundred thousand (500,000) €.

Article 17

Request for procurement

1. Each procurement procedure shall begin with the submission of a request to the Procurement Division. The request shall include the following data:

1.1 Clear and complete requirements related to the object of the procurement, required to be implemented, expressed quantitatively and accompanied by the relevant argumentation from the requesting department/division;

1.2. Requirements and/or technical and functional specifications responsibly drafted based on needs;

1.3. The required fund planned in the budget of the corresponding calendar year for the object of procurement;

1.4. The request shall be submitted signed by the Authorizing Officer.

Article 18
Procurement announcement

1. In the cases of implementation of a procedure provided under Article 6 of this Rule, the Central Bank shall publish the Contract Notice on the same date both on its official website and in a national newspaper with the largest circulation in the country. When needed, the Central Bank may publish announcements in other relevant media. In case of inconsistency between two different versions of the announcement, the version published on the official website of the Central Bank shall be authentic and prevail over other versions.
2. The Central Bank may also publish a “preliminary notice” with information about the general foreseen value of the contracts by service category or product groups and the essential characteristics of the work contracts it intends to award during a budget year.
3. The contract estimated value shall be defined in the Contract Notice and in the Tender Dossier.

Article 19
Invitation to Tender

1. The Invitation to Tender shall contain at least the following data:
 - 1.1. Procurement number/reference in the published contract announcement;
 - 1.2. The formal requirements of the tender, in particular the deadline for accepting tenders, the address to which the tenders must be sent, the language or languages in which the tenders must be drawn up, the form in which the tender is presented and the period during which the tender must remain valid; and
 - 1.3. The options related to the complementary works, services and supplies, as well as the number of possible renewals and extensions, if any;
 - 1.4. The list of documents to be presented by tenderers; and
 - 1.5. The respective weight given to the criteria for awarding the contract or, as necessary, the order of descent according to the importance of such criteria, if they are not given in the Contract Notice.
2. The Invitation to Tender shall include:
 - 2.1. A copy of the specifications according to Article 25 of this Rule that define the requirements of the Central Bank or in the case of the negotiated procedure, a copy of the request for proposal that defines the needs of the Central Bank; and
 - 2.2. A copy of the draft contract, with terms and general conditions;

2.3. Any documentation considered relevant by the Central Bank. If these documents are made available by electronic means, the Invitation to Tender shall specify how tenderers can access them.

3. The terms of the Invitation to Tender according to paragraph 1 and 2 of this Article shall not apply to the procedures for price quotation and purchases with minimum value.

Article 20 Procurement numbering

1. Every procurement activity must be coded by the Central Bank with a “procurement number” for quick identification and for purpose monitoring, statistical analysis, etc.
2. The procurement number shall consist of:

Table No. 1.

Procurement number	
1	Identification of the Central Bank
2	Identification of the procurement year
3	3-digit serial number starting with 001 each calendar year
4	Three-digit code for the type, value and procurement procedure

3. Codes for the type of procurement shall be presented in the following table:
Table No. 2.

Code for the type of procurement	
1	Supply
2	Services
3	Work

4. The code for the procurement value shall be as shown in the following table:
Table No. 3.

Code for the procurement value	
1	Large value
2	Medium value
3	Low value
4	Minimum value

5. The code for the procurement procedure shall be as follows:

Table No. 4.

Code for the procurement procedure	
1	Open procedure
2	Restricted procedure
3	Negotiated procedure
4	Procedure for quotation of prices

5	Procedure for purchase with minimum value
6	Direct procurement

Article 21

Communication with candidates and tenderers

1. During the tendering procedure, candidates and tenderers shall communicate only with contact persons designated by the Central Bank. The Central Bank shall specify in the Contract Notice and/or in the Invitation to Tender the means that will be used for communication. Means of communication shall be generally available and non-discriminatory.
2. Candidates/tenderers shall submit their requests/tenders in writing in accordance with the requirements specified in the Contract Notice/Invitation to Tender.
3. The Central Bank may implement electronic tendering procedures. In such a case, the Contract Notice shall specify in particular the formal requirements to be met by the candidates/tenderers and show how to access the electronic platform. The Central Bank may determine that it accepts only electronic requests/tenders.
4. Candidates/tenderers may submit to the Central Bank in writing their questions regarding the Contract Notice, Invitation to Tender or supporting documents in accordance with the terms specified in the Contract Notice or Invitation to Tender. The Central Bank shall respond to such questions within reasonable deadlines and communicate the responses to all candidates/tenders anonymously if they are related to them.
5. The Central Bank shall ensure that the information provided by candidates and tenderers is handled and stored in accordance with the principle of confidentiality.

Article 22

Deadlines for accepting requests for participation and accepting tenders

1. When setting the deadlines for accepting tenders and requests for participation, the Central Bank shall take into account in particular the complexity of the contract and the time needed to draft the tenders, without prejudice to the minimum deadlines set by this Article.
2. In the case of open procedures, the minimum deadline for accepting tenders is ten (10) days from the date when the Contract Notice is sent.
3. In case of restricted procedures, negotiated procedures:
 - 3.1. the minimum deadline for accepting the request for participation is ten (10) days from the day the contract notice is sent; and
 - 3.2. the minimum deadline for accepting tenders is ten (10) days from the date the Contract Notice is sent.

4. The deadlines for the acceptance of tenders can be shortened by five (5) days if the Central Bank provides sufficient justification and with the prior approval of the Authorizing Officer.
5. If, in an open procedure, the Invitation to Tender, although requested in time, is not given within six (6) days, or when the tenders may only be submitted after the on-site visit or after the on-site inspection of the documents that support the Invitation to Tender, the deadlines for the acceptance of tenders may be extended in order for all economic operators to have time to prepare the tenders.
6. In the case of restricted procedures and negotiated procedures, the Central Bank may implement an accelerated procedure where due to the urgent need the deadlines specified in this Article are deemed to be impractical. In such a case, the following minimum terms shall apply:
 - 6.1. The deadline for accepting requests for participation, which cannot be less than five (5) days from the date the Contract Notice is sent;
 - 6.2. The deadline for accepting tenders, which cannot be less than five (5) days from the date the Invitation to Tender is accepted.
6. Before the expiration date, the Central Bank may extend the deadlines specified in the Contract Notice or the tender documentation if it modifies the tender documentation or in other well-reasoned cases.

Article 23

Requests for additional documentation and clarifications

After opening the requests for participation or tenders, the Central Bank may ask candidates or tenderers to submit, within a certain time limit, additional, clarifying or supplementary information or documentation that is completely missing or appears to be missing, or is wrong. These requests must be made in full compliance with the principles of equal treatment and transparency, in particular, they must not lead to any preferential treatment, or give a competitive advantage, or change the conditions of a request or tender.

Article 24

Correction of tender documentation

1. If the Central Bank finds out, before the expiration of the deadlines for submission of requests or tenders, any mistake, any lack of accuracy, any omission or any type of error in the text of the Contract Notice, Invitation to Tender or accompanying documents, it shall correct the mistake and inform all candidates or tenderers properly.
2. If candidates or tenderers consider that the requirements of the Central Bank specified in the Contract Notice, Invitation to Tender or supporting documents are incomplete, contradictory or unlawful, they shall immediately notify the Central Bank in writing of their concerns. The

candidate/tenderer must notify of their concerns without excessive delay after becoming aware of the irregularity or after being able to know about it. The Central Bank may then correct or supplement the requirements as per request or oppose the request giving the reasons for this. Objections to the requirements of the Central Bank which have not been communicated to the latter without excessive delay may not be raised at a later stage.

Article 25

Technical specifications

1. The Central Bank shall submit in the Tender Dossier all the technical specifications with which each tender must comply with. The Central Bank shall compile the technical specifications again in such a way that they are in line with the purpose of the procurement, non-discriminatory and aimed at ensuring the best possible access for all tenderers.
2. In general, there should be no request or reference to the technical specifications of the brand or name, the patent, the drawing or type, the origin of the manufacturer or the service provider. Notwithstanding this paragraph, the Central Bank may, in special cases, draft technical specifications or make such a special reference, if it is not possible to compile a sufficiently precise and understandable specification of the subject of the relevant contract, in accordance with paragraph 1 of this Article, provided that its reference is accompanied by the words “or equivalent”.
3. The Central Bank, according to the concrete object of the procurement, judging and arguing its own importance, the nature of the work, the technical or specific conditions of the requested goods or the existence of a strategy or policy approved by the Central Bank, and supported as the case may be in the arguments made in the request for procurement of the respective department, may specify the brands of goods, either as a “*brand name*” category or as an individualized brand, obtaining in each case the written approval from the Authorizing Officer. In the procurement of goods with an individualized brand, the commission shall intend to procure directly with the manufacturer or, according to the latter's notification, with its authorized representative.
4. The Central Bank may specify preferred functions, performance or other specifications, as sub-criteria, based on which tenderers are evaluated for the most economically advantageous tender.
5. In special cases, specialists outside the Central Bank may be hired to draft the technical specifications in exchange for the corresponding remuneration.
6. The requesting unit shall be responsible for compiling the technical specifications in accordance with the requirements of this Rule.

Article 26
Bid security

1. The Central Bank may include in the tender documents the condition of bid security in the form of a bank guarantee or a guarantee issued by insurance companies licensed by the Central Bank. The value of this security must be three (3) to five (5) percent of the value of the contract, but not less than one thousand (1,000) euros. The condition for bid security shall be mandatory in case the Central Bank requires this for the open and restricted procedure. The Central Bank, subject to the specific object of the procurement, may also stipulate this condition for other procurement procedures.
2. The bid security shall be confiscated by the Central Bank when:
 - 2.1. A bidder withdraws their bid within the validity period of the bid;
 - 2.2. A winning bidder withdraws from the contract or is unable to secure the fulfilment of the contract obligations, in case such security is required;
 - 2.3. It possesses verified facts that the tenderer in question has provided the Central Bank with substantively erroneous or misleading information.
3. If the event that could cause the confiscation of the bid security has not occurred, the Central Bank, upon request, shall return the funds or documents that have been deposited in the form of bid security, in accordance with the conditions of the respective tender.

Article 27
Selection criteria

1. The Central Bank shall specify in the Contract Notice the criteria for the selection and approval of candidates/tenderers to perform the contract. The selection criteria shall be related to the economic, financial, technical or professional capacity of the candidate or tenderer.
2. The Central Bank may set minimum capacity levels below which candidates or tenderers cannot be selected. These minimum levels shall be specified in the Contract Notice, as well as in the Invitation to Tender.
3. The Central Bank may require from candidates or tenderers to prove that they are authorized to perform the contract according to local laws, which is evidenced through inclusion in the commercial or professional register or in the declaration or certificate of oath, membership to a specific organization, clear authorization, etc.
4. The Central Bank shall specify in the Contract Notice and/or in the Invitation to Tender the documents that must be submitted by the candidates or tenderers as proof of their financial, economic, technical and professional capacity. The requested documentation shall be within

the scope of the object of the contract and take into account the legitimate interests of the suppliers, especially regarding the protection of their business and technical secrets.

5. If for any special reason that the Central Bank considers reasonable, the candidate or tenderer is unable to provide the requested documents, they may prove their capacity by other means that the Central Bank considers appropriate.

6. A bidder may, where necessary, even for a special contract, rely on the capacities of other entities, regardless of the legal nature of the connections it has with them. In that case, he/she must prove to the Central Bank that he/she has the necessary resources available to perform the contract. Under the same conditions, a temporary grouping of suppliers may be based on the capacities of the participants in the group.

Article 28 **Awarding criteria**

1. The Central Bank shall specify in the Contract Notice and/or in the Invitation to Tender whether the contract will be awarded to the tenderer who offers the most economically advantageous tender or to the tenderer who offers the lowest price.

2. If the contract is awarded to the tenderer with the most economically advantageous bid, then the Central Bank shall specify in the Contract Notice or in the Invitation to Tender, or in the case of the negotiated procedure, in the request for participation:

2.1. the qualitative criteria against which the tenders are evaluated, which must be related to the subject matter of the contract in question and may include, for example, quality, technical merits, aesthetic and functional characteristics, environmental characteristics, running costs, cost efficiency, after-sales services and technical assistance, delivery date and delivery period or completion period; and

2.2. relative weighting that is given to each of the selected criteria for determining the most economically advantageous tender. These weights may be expressed taking into account the degree of maximum proper extension. If, according to the assessment of the Central Bank, the weighting is not possible for reasons of demonstration, it shall list the criteria in decreasing order of importance.

Article 29 **Evaluation - general issues**

1. The Central Bank shall evaluate all tenders according to the awarding criteria referred to in Article 28 of this Rule after having:

1.1. verified the formal tender requests;

- 1.2. verified the eligibility of tenderers as referred to in Article 31 of this Rule;
 - 1.3. assessed the fulfilment of the selection criteria referred to in Article 27 of this Rule.
2. The Central Bank shall award the contract to the tenderer who best meets the awarding criteria.
 3. Requests and tenders shall not be opened before the deadline for their submission. Requests and tenders shall be opened in the presence of at least two (2) members who are appointed by the Procurement Division and minutes shall be kept for the opening. Unless otherwise specified, candidates or tenderers may not participate in the opening.
 4. In the procedures where the evaluation criterion is the appropriate bid with the lowest price, in cases where two or more bids with the same price are submitted, the Economic Operator / tenderer who submitted the offer first to the Central Bank shall be declared as the winner.
 5. The evaluation process and the result shall be documented in an evaluation report.

Article 30

Evaluation Commission

1. The Evaluation Commission shall be appointed *ad hoc* by the Governor or his/her authorized representative, consisting of at least three (3) members (from different organizational units), with the proposal of the Procurement Division. The Evaluation Commission shall be assisted by an official of the Procurement Division.
2. The function of the Evaluation Commission shall be to evaluate and compare the bids timely submitted by the tenderers/candidates. The bids shall be evaluated and compared in accordance with the procedures and criteria defined in the Contract Notice/Tender Dossier and the contract shall be awarded to the highest-ranking tenderer.
3. The following principles should create the basis for the appointment and operation of the Evaluation Commission:
 - 3.1. The members of the Commission must fulfil the requirements regarding eligibility, they must sign a written declaration (Declaration under oath).
 - 3.2. All members of the Commission must keep the business information secret.
 - 3.3. The Central Bank shall appoint a chairperson of the Commission among the members of the Commission, who directs its work and ensures compliance with this Rule.
 - 3.4. The decision on the appointment of the Commission shall clearly present the tasks that must be executed by the Commission, which in no case limit the independence of the decision-making process.

3.5. The procedure for evaluation and comparison of tenders shall be carried out by the Evaluation Commission within the shortest time possible and not more than fifteen (15) days from the opening of the bids. Only in exceptional and justified cases, especially with contracts of a complex nature, this period may be extended for an additional period of ten (10) days. The tender evaluation process shall begin immediately after the end of the tender opening process and no later than ninety-six (96) hours after the end of the tender opening process.

3.6. The Commission shall begin operating from the day of approval of the decision related to its establishment until the completion of all tasks given by the Central Bank in writing, or until the decision can be taken to terminate the procurement procedure. In the event that one or more members of the Commission are unable to participate in the Commission's meeting due to objective reasons and circumstances, they shall be replaced in the same way as they were appointed.

3.7. The Commission shall take its decisions in meetings by simple majority of votes in an open voting.

3.8. The Central Bank shall have the right to invite, on its own or at the initiative of the Commission, external experts when technical or specialized knowledge is required for the subject of procurement and which are otherwise not found within the Central Bank. Such experts must accept in writing the protection of secret business information.

3.9. At the end of its task, the Commission shall give to the Procurement Officer a recommendation along with a report on its work and a statement with the reasons that support that recommendation.

3.10. The final decision on awarding the contract shall remain under the responsibility of the Procurement Officer. The Procurement Officer may accept or reject the Commission's recommendation. In case the Commission's recommendation is rejected, the Procurement Officer shall explain the reasons in writing and inform the Governor or his/her authorized representative. This explanation shall be part of the register of procurement activities.

Article 31

Eligibility of candidates/tenderers

1. All natural and legal persons who are residents or located in the Republic of Kosovo shall have the right to participate in the tendering procedures of the Central Bank. Tender procedures shall also be open under equal conditions to all natural and legal persons who are not residents of the Republic of Kosovo or come from other countries. Suppliers from other countries may be admitted to participate at the sole discretion of selection of the Central Bank.

2. Temporary partnership groups may participate in a tender procedure under the conditions specified in the Contract Notice or in the Invitation to Tender. The Central Bank may require

such groups to adopt a specific legal form if the contract is awarded to them, if this form is necessary for the proper performance of the contract.

3. The Central Bank shall exclude candidates or tenderers from participating in a tender procedure if they have been subject to any final judgment for fraud, corruption, money laundering, involvement in criminal organizations or any other illegal activity that damages the financial interests of the country and the Central Bank.

4. The Central Bank may exclude candidates or tenderers from participation at any time if:

4.1. They have gone bankrupt or are in liquidation, their work is administered by the courts, they have entered into an agreement with creditors, they have stopped business activity, they are subject to the procedure related to these issues, or they are in a similar situation as a result of the same procedure previously stipulated in the legal framework of the country;

4.2. They have been convicted with a final judgment for offenses related to their professional conduct;

4.3. They were found guilty of serious professional violations;

4.4. They have not fulfilled their obligations regarding the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or those of the country of the Central Bank or those of the country where the contract is performed.

4.5. They have been declared by a court or (arbitration) to have committed a serious breach of contract as a failure to adhere to their contractual obligations after another tendering procedure;

4.6. Managers, personnel or their intermediaries are subject to a conflict of interest;

4.7. They are guilty of misuse when providing the information requested by the Central Bank;

4.8. They have contacted other candidates or tenderers with the aim of limiting the competition.

5. Candidates or tenderers must prove that they are not in any of the aforementioned situations and/or provide the evidence specified in the Contract Notice or Invitation to Tender. If such circumstances arise during the procedure, the respective candidate/tender shall notify the Central Bank without delay.

Article 32

Exceptionally low tenders

1. The Central Bank may reject a tender that is exceptionally low in relation to the goods, works or services offered.
2. Before rejecting such tenders, the Central Bank may request in writing the details of the constituent elements of the tender which it considers relevant. The details mainly have to do with the issues defined below:
 - 2.1. The economy of the production process, service provision or construction method;
 - 2.2. Selected technical solutions or any exceptionally favourable condition that is available to the tenderer;
 - 2.3. The originality of the tenderer;
 - 2.4. The implementation of procedures related to the protection of labour relations and working conditions in force in the place where the work, service or supply is performed. The Central Bank may verify those constituent parts of the elements taking into account the clarifications and evidence received.
3. If the tenderer has received aid from the state, the Central Bank can reject the tender only on the basis of this reason, unless the tenderer is able to prove, within the sufficient time limit set by the Central Bank, that the aid was given to him/her legally and in compliance with procedures and decisions specified in legal acts and other rules for state aid.

Article 33 **Re-evaluation**

In the event that, until the announcement of the winner, the Governor or his/her authorized person or the Procurement Officer finds irregularities, defects, deficiencies or violations during a procurement procedure, then that procedure shall be suspended and re-evaluation shall be requested by the Evaluation Commission.

Article 34 **Notification of decisions on contract awarding or rejection**

1. As soon as the Central Bank finds it suitable, it shall notify in writing all candidates or tenderers regarding its decision to award and/or reject the contract.
2. The notice for awarding the contract shall be made at least five (5) days before the signature of the contract by the Central Bank; this requirement shall not apply to contracts with small and minimal value.

3. Candidates and tenderers may, within five (5) days of receiving the contract awarding or tender rejection notice, request from the Central Bank to give them the reasons for the rejection of their request or tender.
4. The Central Bank may not provide certain information if the release of such information affects the legitimate business interests of other bidders, hinders the implementation of the law or is in conflict with public interests.
5. Any bidder who wants to know the reasons why his/her bid was not selected may request an explanation from the Procurement Division. The Procurement Division may provide, within three (3) days, a written explanation why such bid was not selected.
6. In addition, the Central Bank shall publish the award notice on its official website regarding the result of the procurement procedure.

Article 35

Contract performance security

1. The Central Bank may require from the tenderers who have been awarded the contract to deposit a performance security as a prerequisite for the signature and entry into force of such contract.
2. The Central Bank shall ensure that the amount of any performance security required under paragraph 1 of this Article is equal to at least ten percent (10%) of the contract value.
3. If no event that could cause the confiscation of the contract performance security occurred, the Central Bank, upon the tenderer's request, shall return the funds or documents that have been deposited in the form of performance security, in accordance with the terms of the respective tender.
4. In addition to the condition of the contract performance security according to paragraph 1 of this Article, the Central Bank may also apply other contract security conditions, subject to the object of the contract.

Article 36

Duration and extensions

1. The term of the contract, including extensions, shall not exceed the period of four (4) years, with the exception of cases where the object of the contract or any legitimate reason justifies the extension of the term.
2. If a contract is concluded for a certain term, this term may be extended longer than the initial term under the following conditions:

- 2.1. the Contract Notice, or in the case of the procedure according to Article 8 of this Rule, the Request for Proposal, provides for the possibility of extension;
 - 2.2. possible extensions are well justified;
 - 2.3. possible extensions were taken into account when calculating the value of the contract in accordance with Article 15 of this Rule.
3. The total number of extensions must not exceed the term of the initial contract.
 4. Except for the provisions of this Article, the duration of the contract with an external auditor shall not exceed an uninterrupted period longer than five (5) years, after which period the external auditors must be replaced.

Article 37
Additional supplies, services and works

1. The Central Bank may request additional supplies, services or works from the contractor to whom the initial contract was awarded, provided that:
 - 1.1. the documentation of the tender issued for the additional supplies, services or work, provides that as an option; and
 - 1.2. additional supplies, services or works are taken into account during the calculation of the value of the contract in accordance with Article 15 of this Rule.

2. In addition, the Central Bank may request from the initial contractor additional supplies, services or works that become necessary for the fulfilment of the purpose of the contract as a result of unforeseen circumstances, provided that:
 - 2.1. additional supplies, services or works cannot be technically or economically separated from the initial contract without major difficulties; or
 - 2.2. supplies, services or works, although separate from the performance of the initial contract, are essentially necessary for its performance. However, the total value of supplies, services or additional works as a rule does not exceed thirty percent (30%) of the initial contract amount.

3. If the conditions determined according to paragraphs 1 and 2 of this Article are not met, contracts for supplies, services or additional work may only be awarded in accordance with Articles 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Rule.

CHAPTER IV

PROCUREMENTS UNDER THE THRESHOLD LEVEL

Article 38
Procedure without publication of notice

1. Contracts, the calculated total value of which is below the thresholds specified in Article 16 paragraph 3 of this Rule, shall be awarded in accordance with the procedure according to this Article.

2. If the value of the contract exceeds or is equal to seven thousand (7,000) euros for goods and services or fifteen thousand (15,000) euros for work, the Central Bank shall invite at least five (5) eligible bidders, if available, to submit the tender. If the total estimated value of the contract is below these thresholds, but is equal to or over five thousand (5,000) euros, the Central Bank

shall invite at least three (3) suppliers, if available, to submit the tender. In both cases, the procedure shall comply with Article 9 of this Rule.

3. The Central Bank shall select the bidders to participate in the tendering procedure from the list of registered bidders or when there is no such list in place, based on the proper analysis of the market. The selection of eligible bidders is subject to the selection of the Central Bank itself. Lists of registered bidders shall be open to any interested supplier who offers the types of supplies, services and works for which the list was compiled. The Central Bank shall regularly announce through appropriate means the possibility to register in these lists.

4. Alternatively, the Central Bank may publish the Contract Notice on its website using appropriate media. In this case, the Invitation for Quotation shall be sent to all bidders who have expressed their interest to participate within the specified deadline.

5. Accepted tenders shall be evaluated according to the criteria defined in the Invitation for Quotation. The Central Bank shall award the contract to the tenderer who best meets the criteria specified in the Invitation to Quote.

CHAPTER V

FINAL PROVISIONS

Article 39

Signing of contracts

All procurement contracts shall be signed by the Governor or by the person authorized by him/her.

Article 40

Cancellation of procurement procedures

1. The Central Bank may cancel a procurement procedure at any time before signing the contract, not giving candidates or tenderers the right to request any compensation.

2. The decision of the Central Bank for cancellation shall comply with the principles defined in Article 4 of this Rule.

3. In all cases of cancellation, the Central Bank shall notify the candidates/bidders of this cancellation without being obliged to give the reasons for this cancellation.

Article 41
Complaint procedure

1. In the procurement procedures according to Chapter II of this Rule, candidates/bidders may object in writing the Central Bank's decision to reject their request or tender within five (5) days of receiving the notice specified in Article 34 of this Rule. The complaint shall include all supporting information and reasoned objections.
2. The complaint shall be reviewed by the Complaints Commission. If the Commission finds that the complaint is well-founded, then corrective measures shall be taken, which, as per the case, may include: the return of the procedure for re-evaluation or the cancellation of the procedure, otherwise the complaint is rejected. The Central Bank shall notify the complainant in writing of its decision within twenty (20) days after receiving the complaint. The decision shall contain the reasons grounding its decision.
3. Upon receipt of the complaint, the Central Bank shall suspend the procurement procedure and after handling the complaint, it shall notify the complainant in writing of its decision.
4. All complaints shall be handled by the Commission established *ad hoc* by the Governor or his/her authorized representative based on the professional nature and technical specifications of the respective tender. The members of the Evaluation Commission may not be appointed as members of the Commission for handling complaints.
5. Complaints shall be submitted through the Procurement Division, which after handling the complaint, shall submit to the Complaints Commission all the relevant documents, including the reasoning related to the ground of the complaint.
6. The Procurement Division, within two (2) days from the receipt of the complaint, shall notify the Governor or his/her authorized representative regarding the establishment of the Commission for complaint handling.

Article 42
Internal list of excluded bidders

1. At the proposal of the Procurement Division, the Commission established *ad hoc* by the Governor or his/her authorized person shall decide on the exclusion from Central Bank procurement for a period of one (1) year to three (3) years of:
 - 1.1. bidders and candidates who have submitted false documents or information for their qualification according to the requirements of Article 31 of this Rule;
 - 1.2. bidders announced as winners who have withdrawn from the contract;

- 1.3. contractors with whom the contract was terminated for non-compliance with the contractual conditions.
2. The Procurement Division shall manage and administer the list of excluded bidders in accordance with the provisions of this Rule.

Article 43
Jurisdiction

The competent court shall have exclusive jurisdiction for any dispute between the Central Bank and the supplier related to the implementation of the procurement procedure. If the complaint procedure is available according to Article 41 of this Rule, the complainant shall wait for the decision of the Central Bank regarding the complaint before submitting the matter to the Court. The specified deadlines shall start running from the receipt of the decision on the complaint.

Article 44
Tender Dossier

All forms and other additional documentation of the Tender Dossier shall be drawn up by the Procurement Division in accordance with the requirements arising from this Rule and as such will be stored by this Unit.

Article 45
Transitional provisions

All procurement activities initiated before the entry into force of this Rule shall be processed according to the procurement rules that were in force at the time of their submission to the Central Bank.

Article 46
Entry into force

This Rule shall enter into force on 1 September 2021. Upon the entry into force of this Rule, the Procurement Rules at the Central Bank of the Republic of Kosovo approved on 16 December 2016, and any other provision that conflicts with this Rule, shall be repealed.

[signed]
Fehmi Mehmeti
Chairman of the Executive Board