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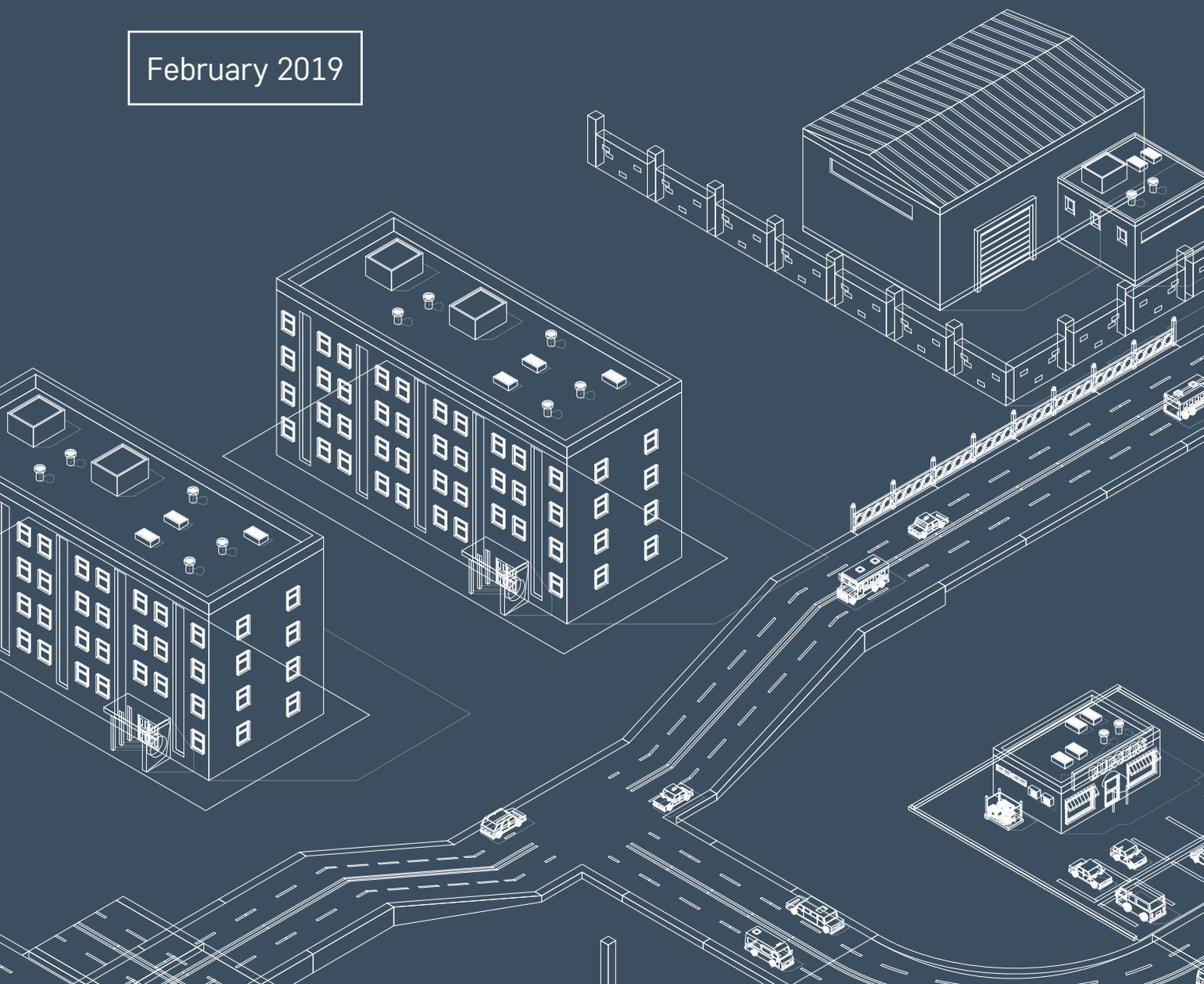


DEMOCRACYPLUS

BENCHMARKING PUBLIC PROCUREMENT

In Pristina, Gjakova/Djakovica,
Vushtrri/Vučitrn, Gjilan/Gnjilane and Peja/Peć

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PREPARED BY: Rrita Ismajli and Isuf Zejna

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ABBREVIATIONS

ACA Anti-Corruption Agency

CA Contracting Authority

CPPA Central Public Procurement Agency

CSOs Civil Society Organizations

D+ Democracy Plus

EO Economic Operator

FOI Freedom of Information

NAO National Audit Office

PPL Public Procurement Law

PPRC Public Procurement Regulatory Commission

PRB Procurement Review Body

EXECUTIVE SUMMARY

Following the first “Benchmarking Public Procurement” report published by Democracy Plus (D+) in May 2018 for five targeted municipalities in Kosovo, D+ has since been measuring the performance of municipal procurement officials. After considerable review of the indicators, D+ updated the second cycle of the “Benchmarking Report” to better assess the performance of Pristina, Gjakova/Djakovica, Vushtrri/Vučitrn, Gjilan/Gnjilane and Peja/Peć in public procurement.

This report covers the period January 2018 - July 2018, highlighting best practices, irregularities, and violations and focusing on the main developments in public procurement at the local level. The aim is to assess the extent to which the municipalities are operating according to the law, as well as to encourage officials to share good practices in public procurement.

Indicators and research methods were set according to our methodology regarding the monitoring process of public procurement. To identify irregularities and municipalities’ best practices in the most accurate of ways, D+ prepared a second and updated questionnaire for procurement officials to assess performance in public procurement. The main amendments included additional sub-indicators to the “Competition” and “Good Practices” indicators to get the most accurate results in these fields. Given the final results of the benchmarking tool, it is evident that “Civic engagement” continues to be problematic for all municipalities. It is vital that the municipalities establish inclusive mechanisms in order to create space for citizens to take active roles in monitoring procurement activities in their cities, schools, hospitals and other important projects.

The aim of the “Benchmarking Report” is twofold. Firstly, it presents comparable data on municipal public procurement practices and performances across five municipalities, and provides insightful information not only for the public, but for private companies and procurement regulatory bodies such as the National Audit Office (NAO), Public Procurement

Regulatory Commission (PPRC), Procurement Review Body (PRB) and the Anti-Corruption Agency (ACA). The findings in this report were collected through a qualitative and quantitative questionnaire, individual interviews with municipal officers, general discussions related to the public procurement system in Kosovo, and secondary sources from independent public institutions including the National Audit Office, Public Procurement Regulatory Commission, Procurement Review Body, Anti-Corruption Agency and private companies.

THE MUNICIPALITIES WERE COMPARED AND ANALYZED BASED ON THE FOLLOWING INDICATORS, FOR WHICH THE REASONING/WEIGHT IS FURTHER EXPLAINED IN THE REPORT:

- 1 **Implementation of law**
- 2 **Good practices**
- 3 **Implementation of the recommendations from oversight institutions**
- 4 **Transparency**
- 5 **Competition**
- 6 **Civic engagement**

INTRODUCTION

The first edition of the “Benchmarking Public Procurement” report provided a holistic approach to the main issues as well as good practices in public procurement at the municipal level. With the publication of procurement contracts commencing with the Municipality of Gjakova/Djakovica, and with 17 other municipalities rapidly following this practice, Kosovo made a step closer to achieving full transparency and fair competition at the municipal level in 2018. In the pursuit of this goal, D+ will complete the second edition of this report with more comparative data and analysis. By focusing on five targeted municipalities and through identifying irregularities and infringements in procurement, D+ will continue to challenge the status quo and provide constructive recommendations for better public procurement.

In the last two years, public procurement regulatory institutions and contracting authorities have taken serious steps in fighting corruption and increasing integrity of the system. The introduction of the e-procurement platform and the publication of the contracts show a good will to improve the system. However, as mentioned in the first edition of the benchmarking report, regulating the basic administrative issues and ensuring an open and transparent public procurement system requires continuous work. Moreover, engaging civil society and private businesses in the whole procurement cycle both at the municipal and central level is crucial in creating an advanced and corruption free system.

Institutional cooperation between regulatory institutions, contracting authorities and civil society continues to be a real challenge in public procurement. The lack of cooperation between the Procurement Review Body (PRB) and the Public Procurement Regulatory Commission (PPRC) impacts contracting authorities, be that through the inconsistency of the PRB’s decisions or the lack of public interpretations from PPRC.

The second edition of “Benchmarking Public Procurement” will seek to address the following questions: t

- Is contract management effective and effectively applied in public procurement at the local level?
- To what extent are municipalities implementing the recommendations from the oversight institutions?
- Are there strategies in place to include the public and civil society organizations in monitoring procurement activities?

By answering the aforementioned questions, D+ believes that this report will serve as an informative tool to formulate a holistic approach to the situation in municipal public procurement and contribute to the existing debate on tackling corruption in public procurement in Kosovo.

METHODOLOGY

Through the “*Baseline Report*” conducted at the beginning of this project, D+ analyzed the main findings and irregularities in the target municipalities. However, the main purpose of the Benchmarking Report is not only exposing irregularities or errors during the procurement activities, but also identifying best practices managed by these municipalities. Therefore, after consulting a considerable amount of research methods and various interdisciplinary schools of thought, D+ designed a unique set of benchmarking indicators to assess the performance of the municipalities, as well as to identify good practices.

As opposed to the previous methods used for the report, which were mainly based on the analysis of secondary sources such as annual reports and statistical data, the Benchmarking Report has a rather different approach. D+ prepared a qualitative and quantitative questionnaire for municipalities on aspects of procurement activities such as: implementation of the law, good practices, recommendations of the regulatory bodies, fair competition, transparency and civic engagement. Moreover, this questionnaire included sub-indicators whereby municipal officials were able to assess the level of efficiency and transparency qualitatively from 0-5, where 0 represents the weakest performance to 5 representing the strongest performance.

Each sub-indicator has a maximum of 5 points and a minimum of 0 points. These points then are added together, leading to a ranking of municipal performance. Low municipal scores indicate a weak performance in public procurement and vice versa.

The “Benchmarking Tool” altogether consists of six main indicators and 32 sub-indicators. The total number of points is explained in order in this report in accordance with each indicator. For example, the first sub-indicator (Implementation of the Law) consists of 30 points and the best performing Municipality is Peja/Peć scoring 17 points. However, it should be noted that some indicators have a maximum of 3 or 4 points such as the following sub-indicators: “Market research”, “Opinions of National Audit Office (NAO)”, “Orders from Public Procurement

Review Body (PRB)”, “Anti-Corruption Agency (ACA) opinions”, “Number of bids” and “Origin of bids”.

D+ ensured that the data provided by the municipalities are correct by validating the data with the main stakeholders such as private companies and with public independent institutions such as the NAO, PRB, PPRC and ACA. D+ also requested official information by using its legal rights to access public documents from these municipalities and simultaneously analyzed if the access to documents was provided within the legal deadline.

Other methods include individual interviews with the five procurement officials and five officials from the public information center in each municipality and interviews with private companies to gain a holistic understanding of the procurement situation at the local level. A breakdown of the data gathering process is as follows

- Benchmark indicators and questionnaire preparation;
- Analysis of questionnaire answers and data validation;
- Data collection from secondary sources available such as annual report from NAO, PRB, ACA, and PPRC for 2018;
- Discussions with PPRC officials to review in more detail the monitoring of the PPRC;
- Interview with the President of PRB, Mr. Blerim Dina;
- Discussions with public procurement officials in the five target municipalities;
- Analysis of all complaints from the economic operators addressed to contracting authorities and the PRB for 2018;
- Analysis of ACA’s opinions on the annulment of activities in municipalities.

Limitations on data gathering

Gathering data for public procurement activities is not an easy task. That is firstly due to the economic importance it has for both public officials and private companies, and secondly due to the potential illicit activities that take place through procurements. The main problem during data gathering and analysis was the municipalities' response on the given questionnaire. Not all municipalities responded in a timely fashion; many responded after the given deadline and the answers to the questionnaire were rather restrictive.

Non-disclosure of public information has been a trend since the establishment of public procurement in Kosovo. Despite the pressure from civil society, media and the international community to be open and transparent in public procurement, progress has been slow. All five municipalities have limitations when it comes to providing access to public information to other organizations, institutions, and companies. However, these five municipalities, along with 13 others, have started voluntarily publishing contracts online since August, 2018 which represents a breakthrough change in transparency of public procurement.

It is fair to argue that throughout this research report, public procurement institutions and the targeted municipalities in Kosovo should not only be able to provide access to information and other public documents, but to actively publish digital data, which are machine readable, whether anyone has requested it. Increasing access to information for large amounts of government data will open the door for new tools to be developed by different parties such as the private sector, independent developers, civil society or public institutions to aid CSOs, private companies and the public at large in identifying and preventing corruption.



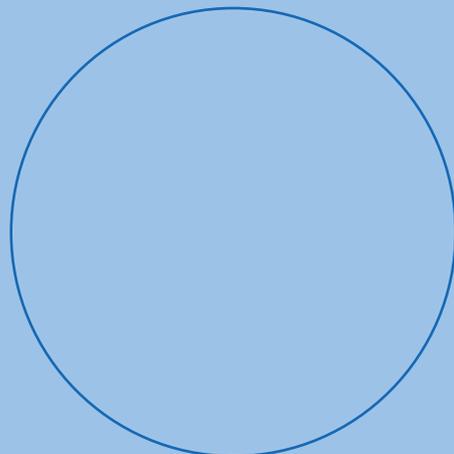
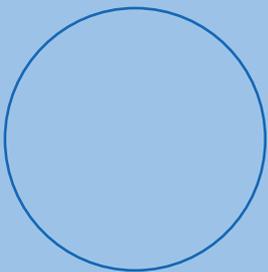
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IMPLEMENTATION OF LAW

The Implementation of Law indicator includes other sub-indicators such as “Complaints to the Contracting Authority”, “Complaints to the PRB”, “Findings from the National Audit Office”, etc. Based on our analysis, the Municipality of Peja/Peć scores the highest with 17 points out of 30. This is because it regularly respects the legal framework during procurement activities. The second highest score was observed at the Municipality of Vushtrri/

Vučitrn, scoring 13 points out of 30. The Municipalities of Pristina and Gjilan/Gnjilane scored five points each and the lowest performing municipality for this indicator was the Municipality of Gjakova/Djakovica scoring three points out of 30. This low score reflects the high number of complaints to the PRB and to the contracting authority directly, as well as violations of the law identified by the NAO.



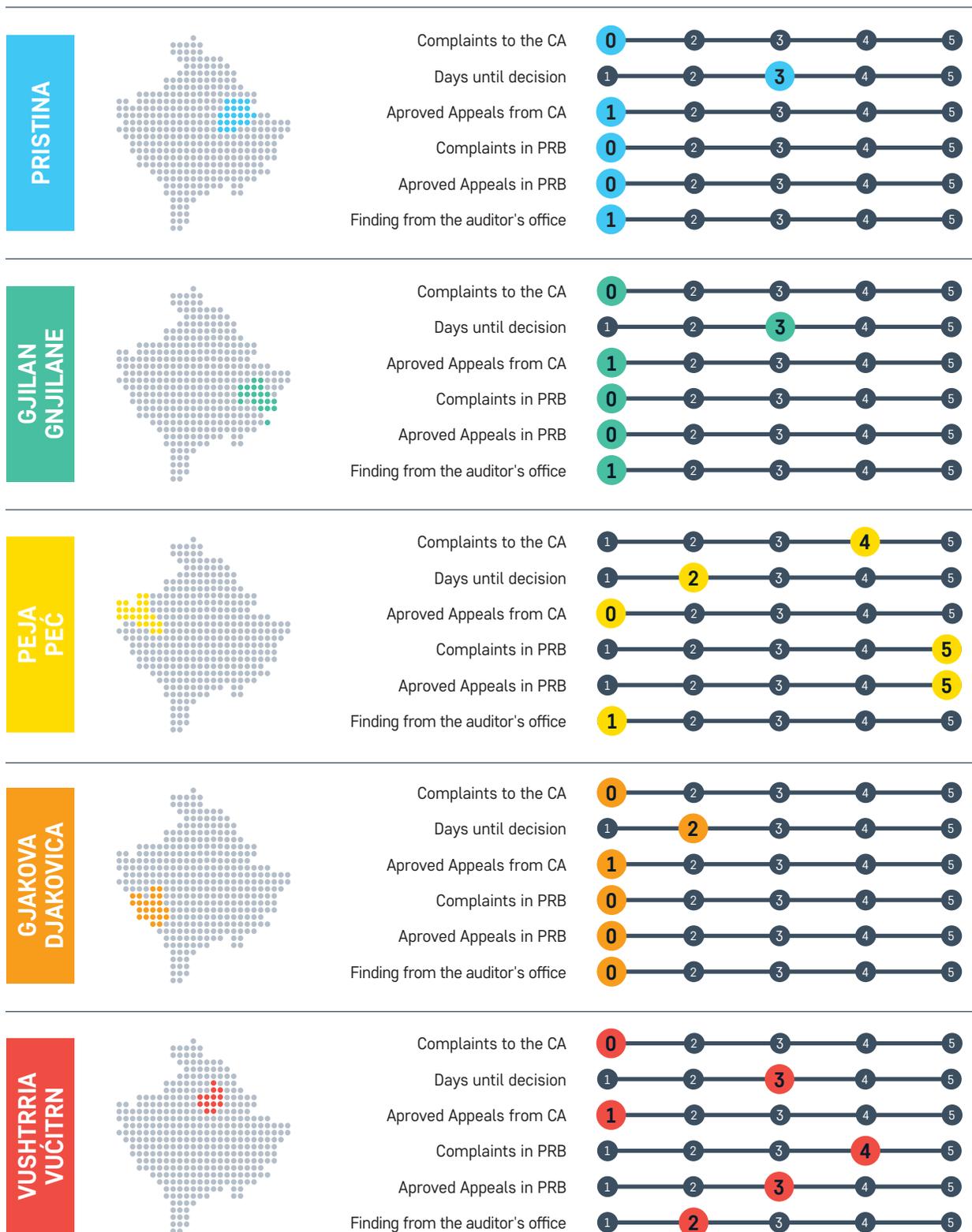


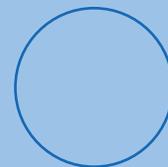
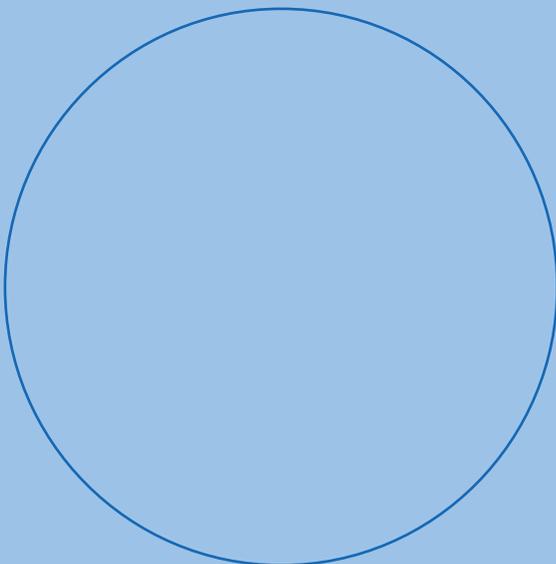
FIGURE 1. Represents the points for each municipality for "Law Implementation" indicator.



GOOD PRACTICES

For the 2nd indicator known as “Good Practices”, the best performing municipality was Vushtrri/Vučitrn. This Municipality is the most efficient in making payments and in requiring warranty of works and has higher standards for market research in comparison to other municipalities. The second ranked was the Municipality of Pristina, which is also one of the most disciplined municipalities regarding executing payments within the legal

deadline. Tied for third were the Municipality of Gjakova/Djakovica and the Municipality of Gjilan/Gnjilane both scoring 12 points. The Municipality of Peja/Peć scored 10 points out of 43. Low scores, as described in the table below, result from the lack of consultation with the private sector, lack of market research and infrequent usage of the most economically advantageous tender as a selection criterion for tender evaluation.



PRISTINA



GJILAN/GNJILANE



FIGURE 2. Represents the points for each municipality for 'Good Practices' indicator.

GOOD PRACTICES



FIGURE 2. Represents the points for each municipality for "Good Practices" indicator.

GOOD PRACTICES

VUSHTRRI/VUÇITRN



FIGURE 2. Represents the points for each municipality for "Good Practices" indicator.



IMPLEMENTATION OF THE RECOMMENDATIONS FROM OVERSIGHT INSTITUTIONS

The indicator dealing with implementation of recommendations from regulatory institutions includes various sub-indicators, such as the NAO¹ 22017 report, findings from the Internal Audit Office of the municipalities, the ACA² and direct orders from the PRB³. Within this indicator, recommendations and opinions issued by these institutions are better addressed and dealt with in the Municipalities of Gjakova/Djakovica, Vushtrri/Vučitrn and Gjiilan/Gnjilane. This indicator shows significant positive improvement for the Municipality of

Gjiilan/Gnjilane. Whereas the two weakest performing municipalities are Pristina and Peja/Peć with eight points out of 19. All five municipalities scored zero on the first sub-indicator pertaining to internal audit reports, since none of them publishes their internal audit reports. Although, this is not a legal requirement, nonetheless D+ considers to be a best practice.

- 1 NOA issues five types of opinions for budget organizations starting from the highest opinion "unmodified opinion" to the lowest which is "adverse opinion with the emphasis of matter." Other opinions include "Unmodified opinion with emphasis of matter," "Qualified opinion," and "Adverse opinion with emphasis of matter."
- 2 Anti-Corruption Agency, Opinion, available at <https://www.akk-ks.org/opinionet/99/2018/99>
- 3 Procurement Review Body, Decisions and Orders issued for contracting authorities, available at <https://oshp.rks-gov.net/?cid=1,71>



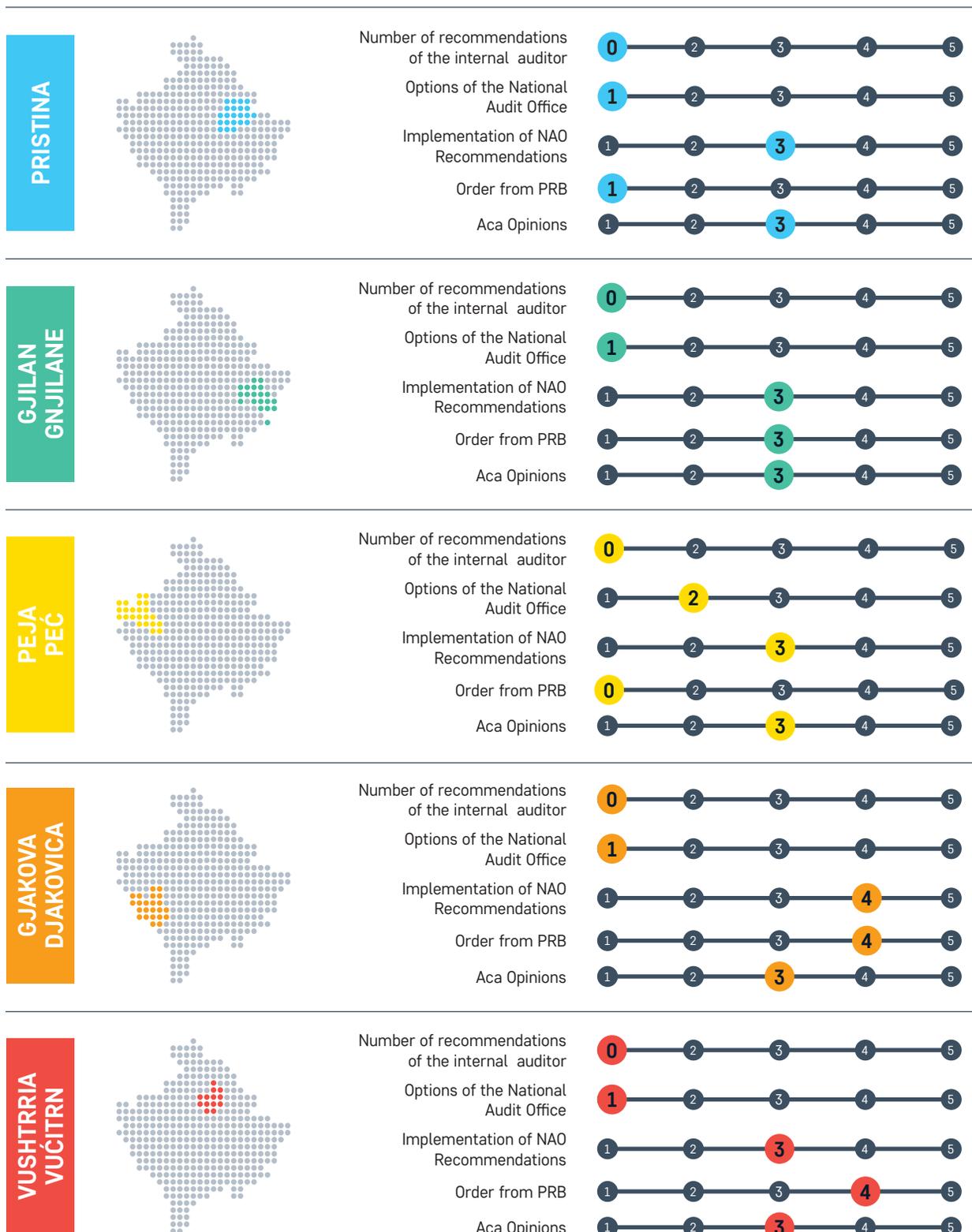


FIGURE 3. Represents the points for each municipality for "Implementation of the recommendations of the oversight institution".

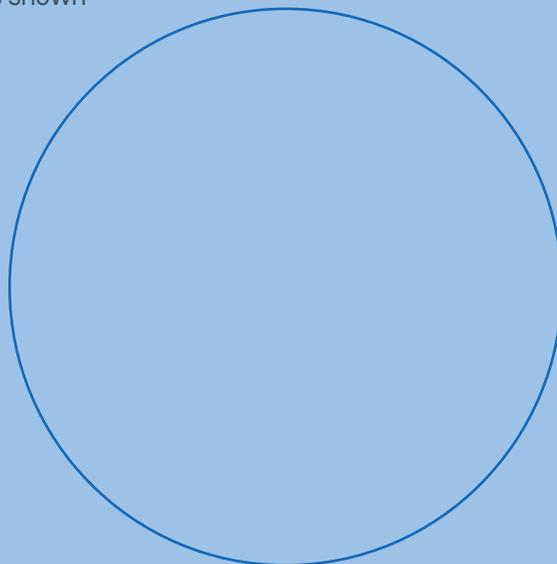
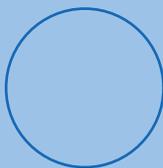


TRANSPARENCY

Another important indicator looks at transparency of procurement activities in these municipalities.

During our data analysis and questionnaire assessments, D+ identified that the Municipality of Pristina not only shares good practices in transparency but also has an “Open Data” platform in place. This initiative indeed helps the citizens of Pristina to be better informed, as well as grant the private sector the confidence to apply for public tenders. The second best performing municipality is Gjakova/Djakovica as it has shown

great commitment to transparency sub-indicators and was also the first municipality to publish its contracts. The third best performing municipality is Vushtrri/Vučitrn. The last two performing municipalities are Peja/Peć and Gjilan/Gnjilane each scoring nine points out of 15. These two municipalities should continue to improve their score by allowing citizens to have better access to public information through Freedom of Information (FOI) on daily basic requests.



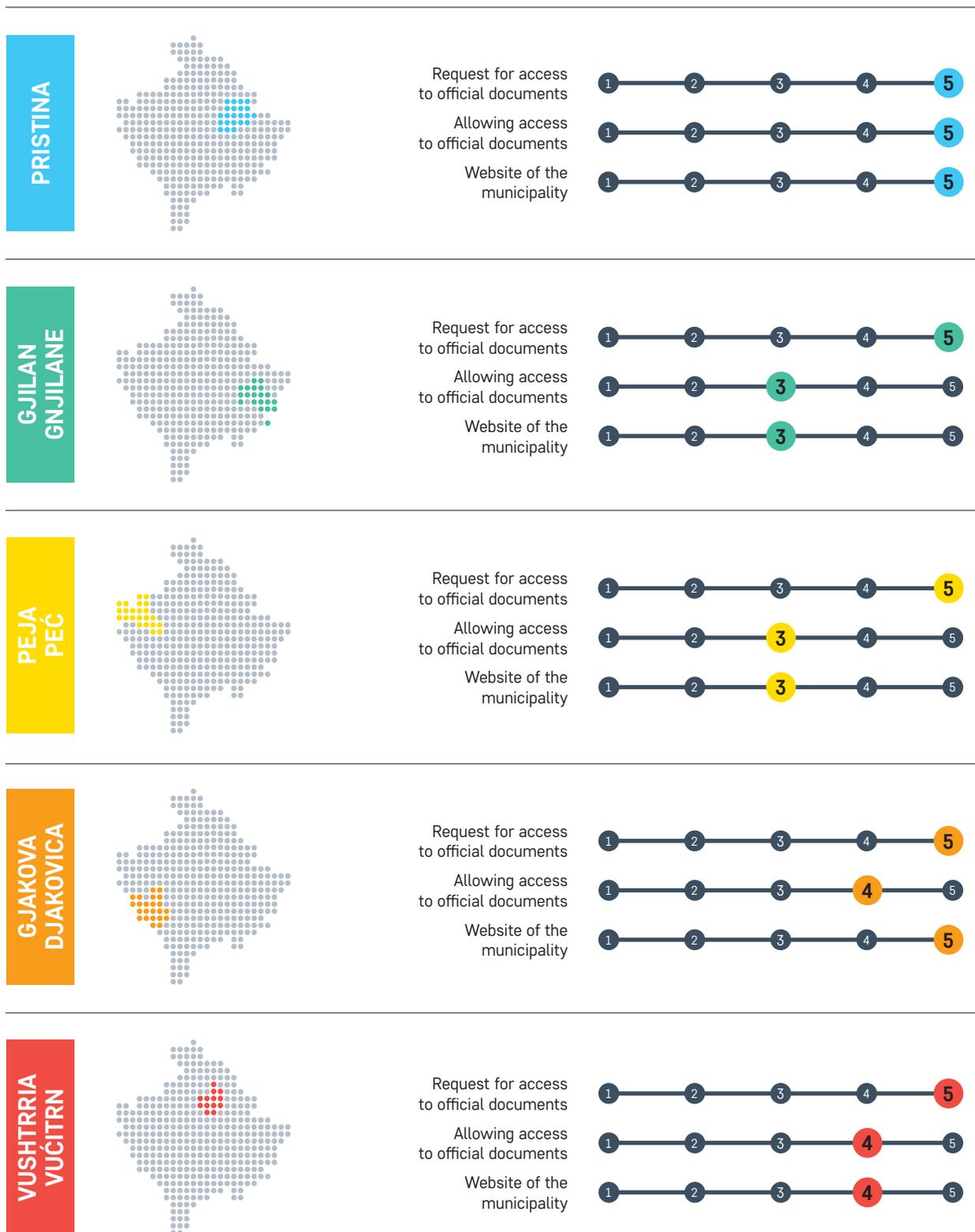


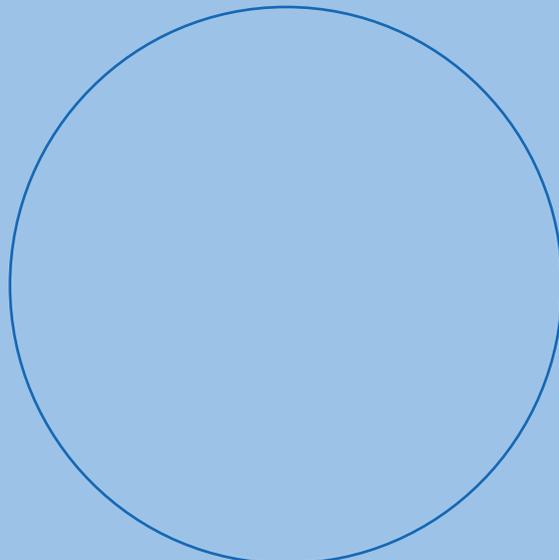
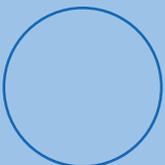
FIGURE 4. Represents the points for each municipality for "Transparency" indicator.



COMPETITION

The fifth indicator looks at the fairness of competition in public procurement. The municipalities of Kosovo should implement all the necessary procedures to ensure that competition is not undermined by political affiliations, but only directed by meritocracy and fair bidding. Regarding this, the Municipality of Pristina scored the most points in comparison with other municipalities. The Municipality of Peja/Peć made the biggest improvement in terms of competition rising from the fifth place in the previous assessment up to

the second place in this indicator. The third best performing municipalities are Vushtrri/Vučitrn and Gjakova/Djakovica as they also share sustainable practices to ensure that competition is carried out effectively and at pace. The Municipality of Gjiilan/Gnjilane has good practices in place, but more could be done to improve the number of bids and ensure that activities are carried out by a number of different companies rather than engaging the same companies simultaneously.



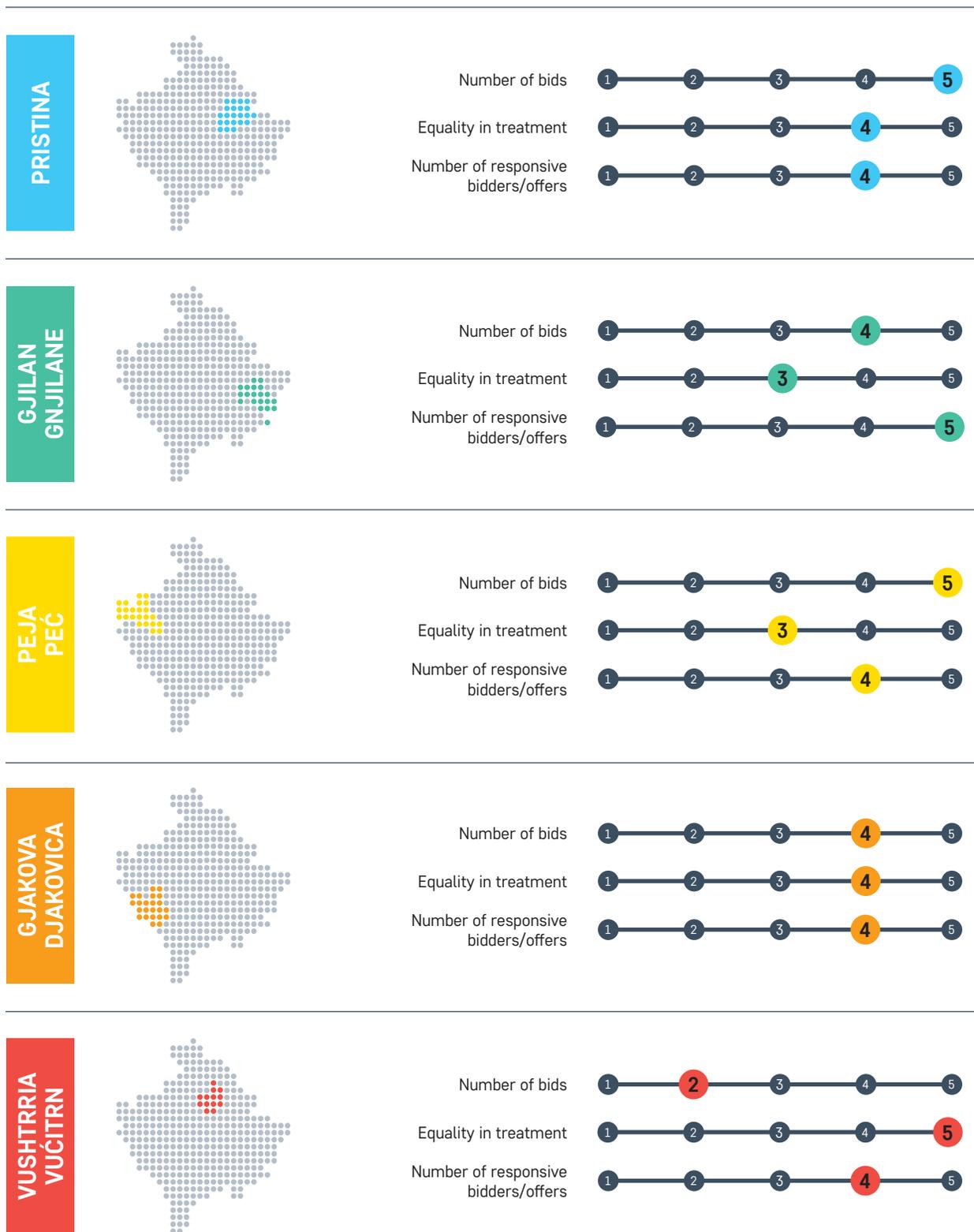


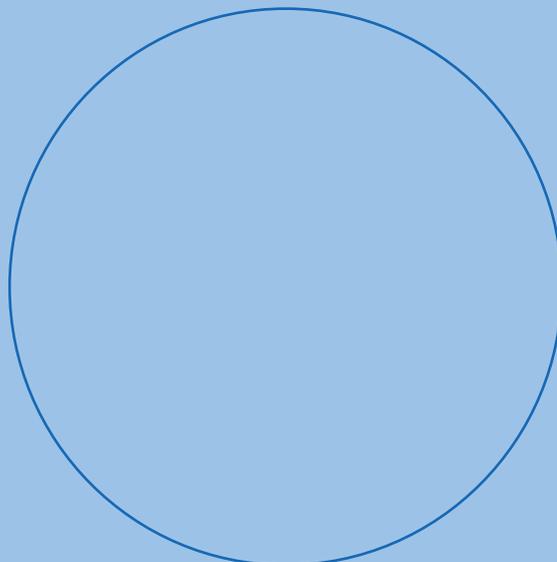
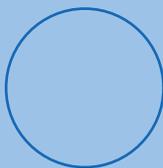
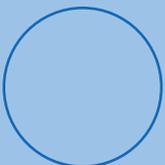
FIGURE 5. Represents the points for each municipality for "Competition" indicator.



CIVIC ENGAGEMENT

The last indicator of this tool relates to civic engagement in the public procurement cycle. Municipalities play an important role in society as a social regulator and as a purchaser in the market. Citizens, CSOs and the media potentially wield great oversight power over the public procurement process, and it is within their rights to be informed about public activities. In general, these municipalities should establish a method to interact more with the public and

ensure that citizens are engaged and informed about public works. In this area, these municipalities do not score significantly different from one another. However, as opposed to the previous assessment, significant improvements were noted in Vushtrri/Vučitrn and Gjakova/Djakovica. In general, more should be done in terms of both engaging and informing the public about procurement activities and projects.



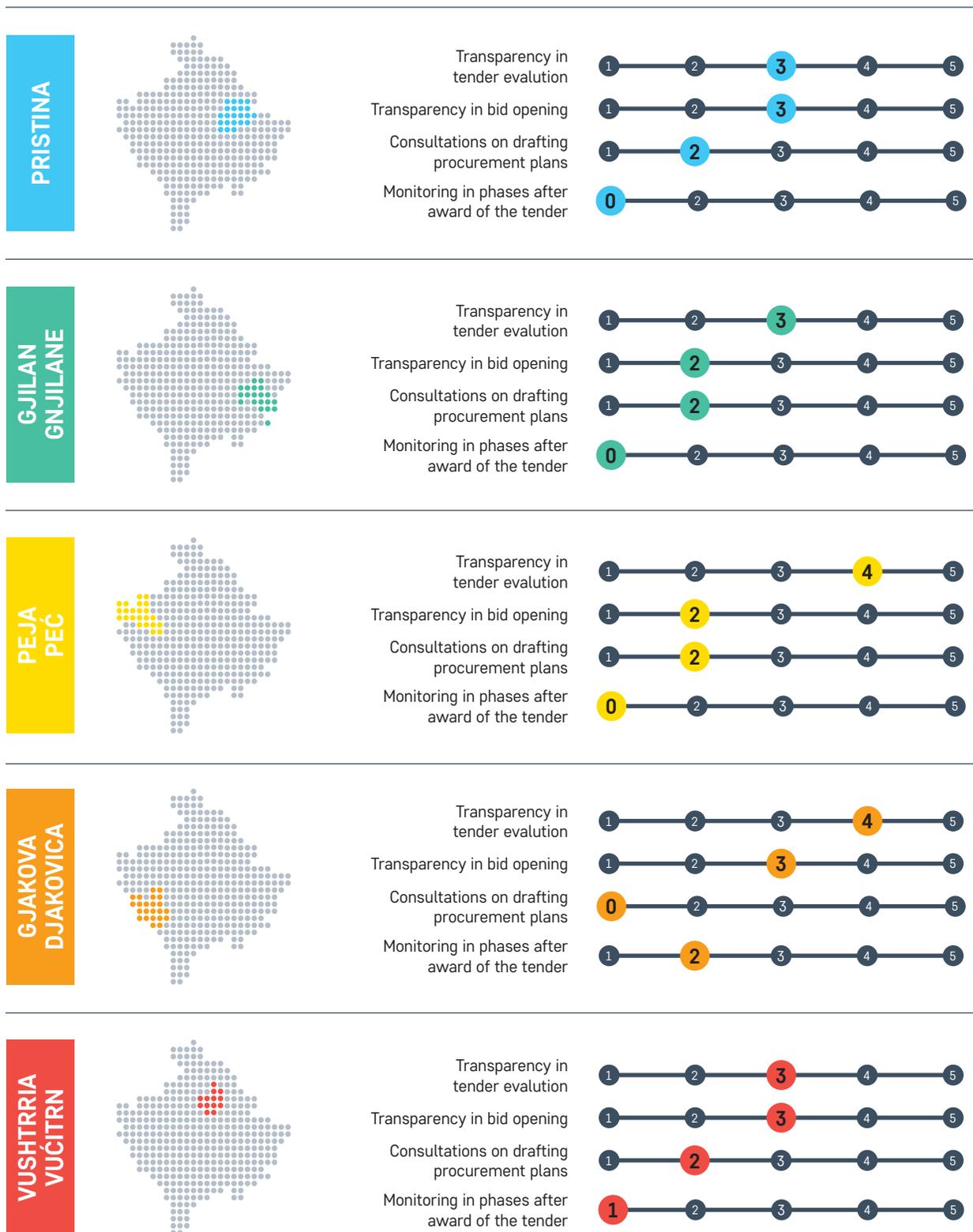


FIGURE 6. Represents the points for each municipality for "Civil Engagement" indicator.



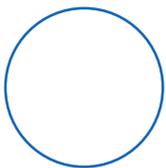
THE OVERALL SCORE

In order to comprehend the situation of public procurement in Kosovo, this report will first offer an overview of the public procurement system, commenting on the main developments and areas that require further assistance. The third and the fourth section will explain the methodological aspects of this report as, whilst preparing the research methods, limitations were faced during the data gathering process. The latter is important to be emphasized in order to help incentivize the public authorities to be more open in sharing public information and documents.

Ultimately, the first cycle of the “Benchmarking Report” provides a baseline overview of the public procurement structure in the Municipalities of Pristina, Gjakova/ Djakovica, Vushtrri/Vučitrna, Gjilan/ Gnjilane and Peja/Peć. There have been efforts to develop and sustain better public procurement, but a great deal of work

still has to be done in terms of ensuring fair competition, transparency and accountability in procurement activities. Although considerable effort was given to transparency in publishing contracts and ensuring open data visibility, more should be done during the post-tendering phase or more specifically during contract management. In respect to this, the municipalities should publish contract evaluation reports and such documents include invoices available for the public. Other important documents and reports also include evaluation reports.

To get a general overview of municipalities’ performance on this table, below is a scorecard that shows the indicators, sub-indicators and results accordingly.





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	PRISTINA	GJILAN/ GNJILANE	PEJA/ PEĆ	GJAKOVA/ DJAKOVICA	VUSHTRRI/ VUČITRINA
INDICATOR I Law Implementation	Complaints to the CA	0	0	4	0
	Days until decision	3	3	2	2
	Approved Appeals from CA	1	1	0	1
	Complaints in PRB	0	0	5	0
	Approved Appeals in PRB	0	0	5	0
	Findings from the auditor's office	1	1	1	0
	Sub-Score	5	5	17	3
INDICATOR II Good Practices	Warranty of products/works	3	1	0	1
	Market research	0	1	1	0
	Consultation with the private sector in planning	0	0	0	0
	Handling requests for changes to tender specifications	3	3	3	0
	Confiscation of execution of contracts insurance	2	0	0	0
	Implementation of quality criteria	2	0	2	0
	Efficiency in making payments	4	2	2	5
	Institutional Integrity	2	2	1	3
	Managing Contracts	4	3	1	3
Sub-Score	20	12	10	12	22
INDICATOR III Implementation of the recommendations of oversight institutions	Number of recommendations of the internal auditor	0	0	0	0
	Opinions of the National Audit Office	1	1	2	1
	Implementation of NAO Recommendations	3	3	3	4
	Orders from PRB	1	3	0	4
	ACA Opinions	3	3	3	3
Sub-Score	8	10	8	12	11

FIGURE 7. Represents the points of each municipality for all the sub-indicators.

INDICATOR IV

Transparency

	PRISTINA	G-JILAN/ GNJILANE	PEJA/ PEĆ	G-JAKOVA/ DJAKOVICA	VUSHTRRI/ VUČITRINA
Requests for access to official documents	5	5	5	5	5
Allowing access to official documents	5	3	3	4	4
Website of the municipality	5	3	3	5	4
Sub-Score	15	11	11	14	13

INDICATOR V

Competition

Number of bids	5	4	5	4	2
Equality in treatment	4	3	3	4	5
Number of responsive bidders/offers	4	5	4	4	4
Sub-Score	13	12	12	12	11

INDICATOR VI

Civic engagement

Transparency in tender evaluation	3	3	4	4	3
Transparency in bid opening	3	2	2	3	3
Consultations on drafting procurement plans	2	2	2	0	2
Monitoring in phases after the award of the tender	0	0	0	2	1
Sub-Score	8	7	8	9	9

TOTAL POINTS

69/143 57/143 66/143 62/143 79/143

Percentage

48%

40%

46%

43%

55%



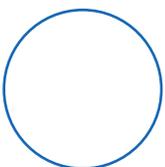
MEASURING PROGRESS

The Benchmarking Report Methodology was designed to track the progress of municipalities in public procurement practices. Good practices are adopted every year among contracting authorities because of requests from the public for more accountability, transparency and effectiveness in public finance management. Therefore, D+ considers measuring progress in public procurement practices as highly important as it provides us with evidence-based information on what is improving, and which areas need further interventions.

In May 2018, D+ published the first Benchmarking Public Procurement Report which aggregated data collected for 2017. Data showed that public procurement in Kosovo is relatively transparent

and there is a high number of bids for procurement activities. However, the level of implementation of laws was weak due to a high number of protests from the economic operators that have been upheld by the Procurement Review Body.

This report analyzes data for the first six-months of 2018, thus making it not fully comparable with the first Benchmarking Report which analyzes data for the entire year of 2017. Further contributing to this are the following factors: (1) Usually, the second part of the year has a higher volume of capital investments and therefore, more procurement activities and more potential irregularities can be identified; and (2) Some of the sub-indicators have been slightly modified and a couple of sub-indicators have been added to the methodology.





The level of implementation of laws was weak due to a high number of protests from the economic operators that have been upheld by the Procurement Review Body.

Nonetheless, to allow for comparability and trend lines D+ has rescaled the results. This allows us to observe trends for each municipality and each indicator.

Challenges in public procurement have been identified in all five municipalities also in the first half of 2018. But, significant progress has been made especially in advancing transparency as a preventive measure for corruption risks. The most important step of which

is publication of procurement plans and public contracts and making these accessible online through municipal websites, showing the will of these five municipalities to make a solid effort towards transparency. On the other hand, our data shows a decline of trends in some cases, which we mainly attribute to the fact that some sub-indicators have been modified.

PRISTINA



The comparison of the scores with the previous Benchmarking report shows that Prishtina/Priština has improved. However, some regress has been noticed with implementation of recommendations from the oversight institutions and implementing good practices. In other indicators Prishtina shows similar results with the previous report.

● Benchmarking Report 1 ● Benchmarking Report 2

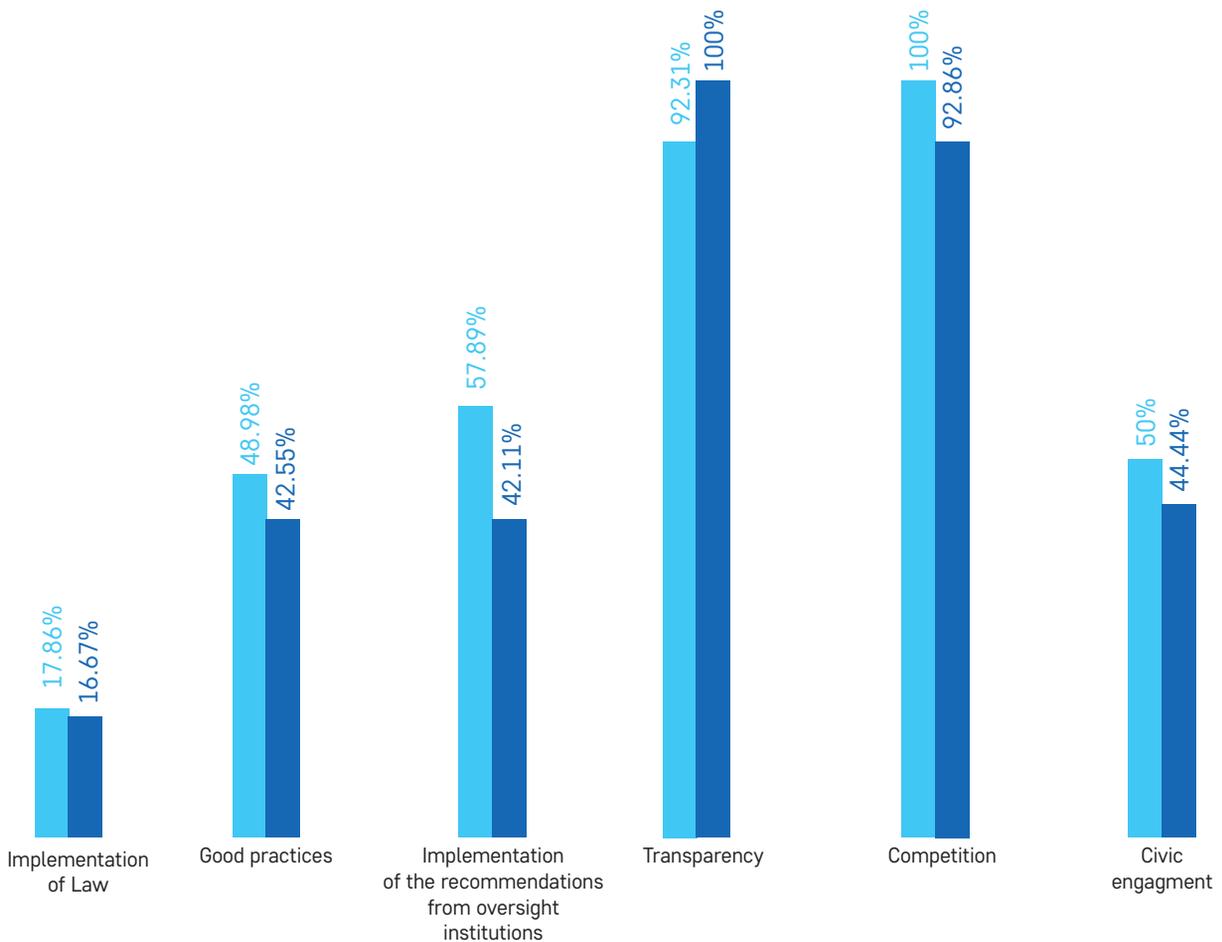


FIGURE 8. Represents the comparison of the score of Municipality of Prishtina/Priština from the two Benchmarking reports

GJAKOVA/DJAKOVICA



Gjakova/Djakovica is the first municipality that decided to open its contracts. This decision was taken as our team was filling out the second questionnaire along with the procurement office of Gjakova/Djakovica after making sure that publication of contracts does not constitute a breach of trade secret. In three out of six indicators Gjakova/Djakovica shows progress, but the most significant one remains in transparency where Gjakova/Djakovica initiated the snowball effect with the publication of contracts.

● Benchmarking Report 1 ● Benchmarking Report 2

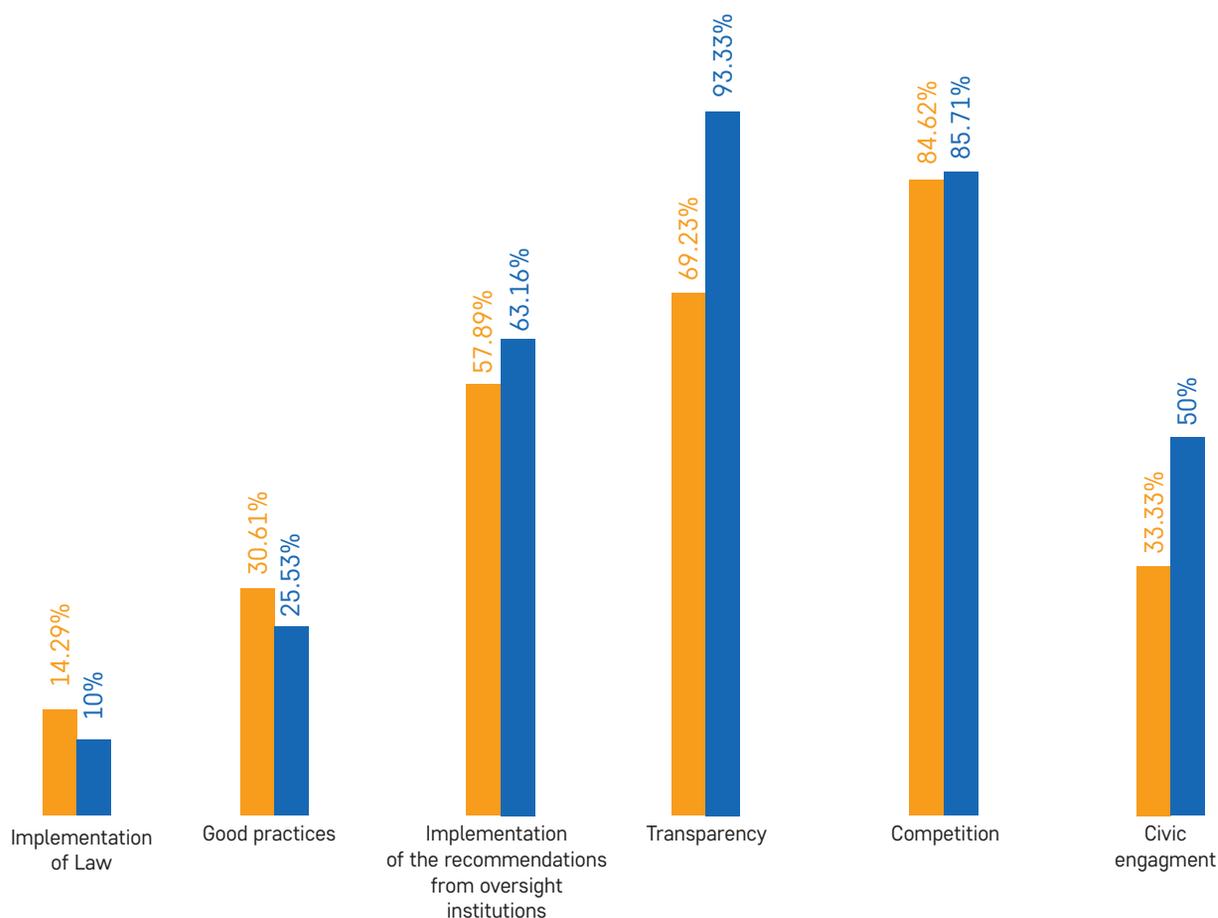


FIGURE 9.

Represents the comparison of the score of Municipality of Gjakova/Djakovica from the two Benchmarking reports

GJILAN/GNJILANE



The Municipality of Gjilan/Gnjilane throughout 2017 has struggled with the establishment of the procurement office, as most of the staff has been under criminal investigation and as a result suspended. However, despite the symbolic scores from last year, for the first six-months of 2018 data shows progress in all six indicators. This raises hope that Gjilan/Gnjilane is finally on the right path toward an accountable and professional procurement office.

Our data show that Gjilan/Gnjilane has significantly improved in transparency and the level of implementation for the recommendations for oversight institutions, and slightly increased its performance in the area of competition compared to 2017.

● Benchmarking Report 1 ● Benchmarking Report 2

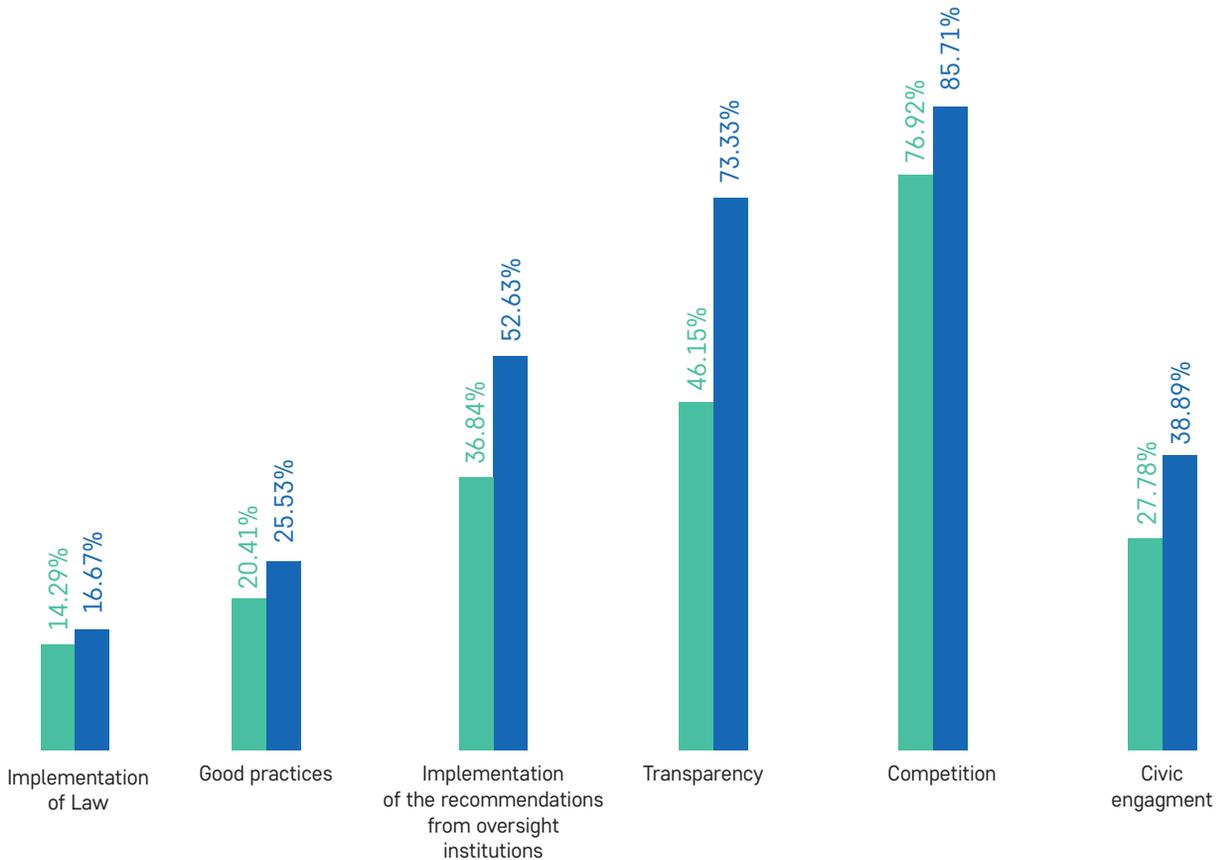


FIGURE 10. Represents the comparison of the score of Municipality of Gjilan/Gnjilane from the two Benchmarking reports

PEJA/PEĆ



The Municipality of Peja/Peć, similar to the other four municipalities, has decided to open its contracts and increase transparency in public procurement. As a result, their transparency indicator has increased from its level in the previous report. However, the two indicators that the municipality had most progress in are competition and the implementation of the law. This municipality has had less complaints from economic operators which was reflected in its improved score for this year. The only indicator with a lower score is in the implementation of the recommendations from oversight institutions.

● Benchmarking Report 1 ● Benchmarking Report 2

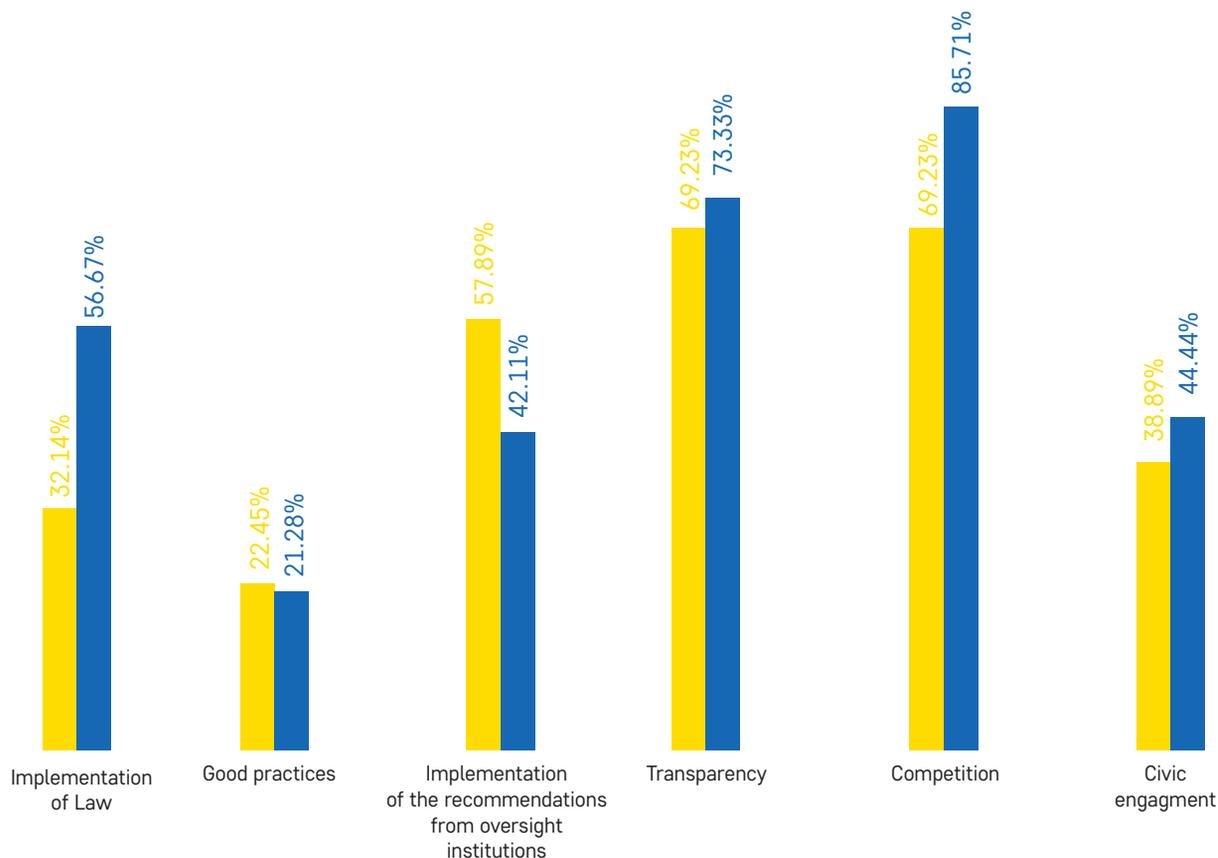


FIGURE 11. Represents the comparison of the score of Municipality of Peja/Peć from the two Benchmarking reports

VUSHTRRI/VUĆITRN



Vushtrri/Vuçitrn is the geographically smallest municipality that D+ monitors compared to the other four. This municipality has some well-established practices and performs well. In every evaluation that D+ has conducted, this municipality performed highly and is always on the top of the list. The scores for this municipality in the first half of 2018 are similar to its scores in 2017, with an improvement in civic engagement and transparency, and a slight decrease in the implementation of law and competition indicators. Yet these two indicators have been modified, and this does not necessarily mean that the municipality's performance has depreciated compared to last year.

● Benchmarking Report 1 ● Benchmarking Report 2

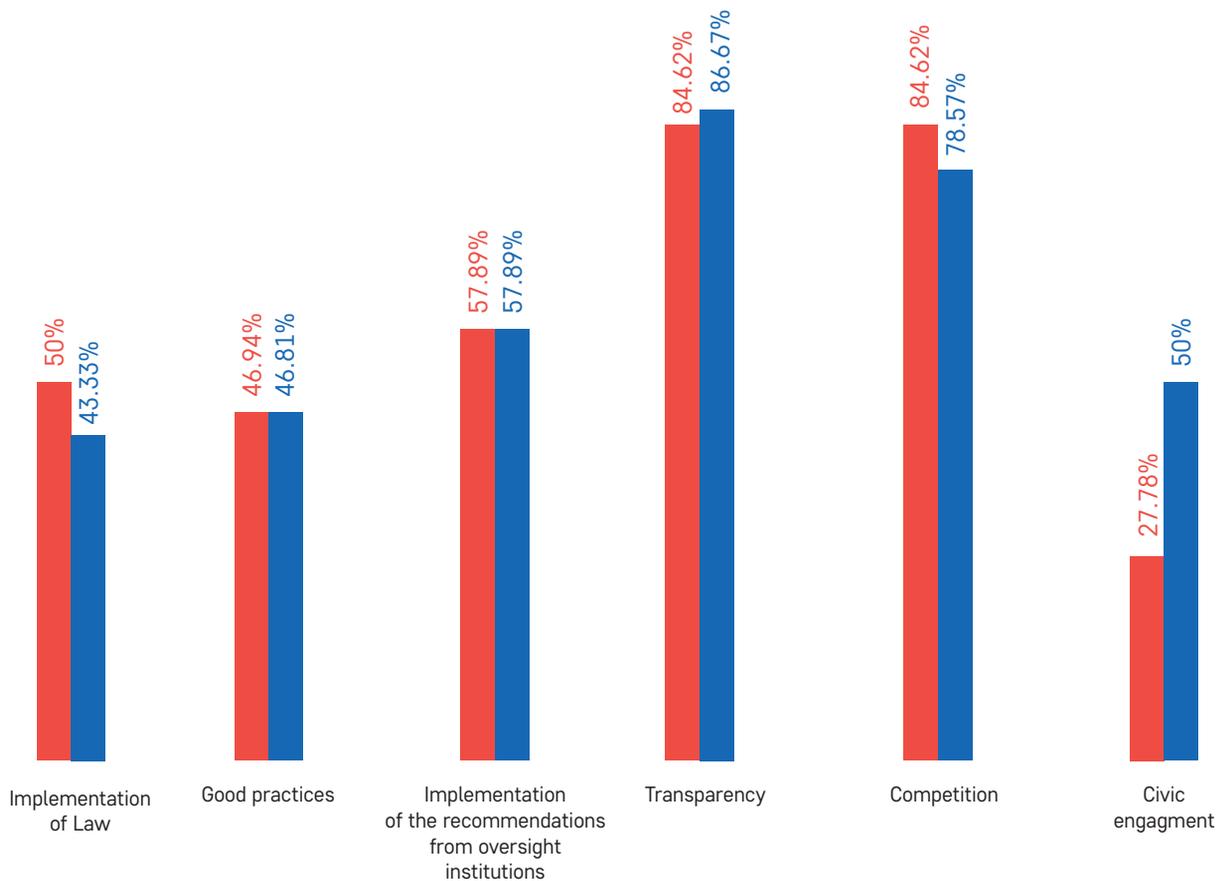


FIGURE 12. Represents the comparison of the score of Municipality of Vushtrri/Vuçitrn from the two Benchmarking reports

ANNEX

Questionnaire and scoring sub-indicators

Democracy Plus (D+) developed six (6) indicators and 33 sub-indicators, thus creating the first edition of a comparative report and analysis for five (5) Kosovo municipalities - Pristina, Gjilan, Gjakova, Peja and Vushtrri.

THIS EDITION SHALL:

- 1 **Independently and strictly evaluate the policy qualifications related to public procurement against best international practices;**
- 2 **Provide guidance on the reform and development of public procurement activities;**
- 3 **Create a process that enhances the quality of pro-competitive procurement policies;**
- 4 **Eliminate conditions or opportunities for corruption in public procurement activities.**

Instruction to complete the questionnaire

This questionnaire aims to measure the performance of activities in the Public Procurement Department at the municipal level, based on the identification and promotion of good practices. As part of each sub-section, questions of results (Levels 0-5) have been added. The evaluators are asked to accurately respond to all requests and determine a level from 0 to 5 on the evaluation question as well as a brief reasoning as to why this specific level has been set. However, please note that some of the sub-indicators do not reach the 5th level.

PERFORMANCE WILL BE MEASURED IN SIX (6) INDICATORS:

- 1 **Implementation of law**
- 2 **Good practices**
- 3 **Enforcement by oversight institutions**
- 4 **Transparency**
- 5 **Competition**
- 6 **Civic involvement**

1. LAW ENFORCEMENT

0	1	2	3	4	5
Complaints in the CA	Complaints in the CA	Complaints in the CA	Complaints in the CA	Complaints in the CA	Complaints in the CA
More than nine complaints in CA	More than seven complaints in CA	More than four complaints in CA	Less than three complaints in CA	Only one complaint in CA	No complaints in CA
Days until the decision is made	Days until the decision is made	Days until the decision is made	Days until the decision is made	Days until the decision is made	Days until the decision is made
Municipality doesn't take a decision on the complaint	Municipality takes a decision after the legal deadline	Municipality reviews the complaints within the legal deadline, but they are not published	Municipality reviews the complaints within the legal deadline, and they are published	Municipality reviews the complaints and takes decisions several days before the legal deadline, and the decisions are published	Complaints are reviewed considerably ahead of the legal deadline and decisions are published
Complaints approved by CA	Complaints approved by CA	Complaints approved by CA	Complaints approved by CA	Complaints approved by CA	Complaints approved by CA
No complaint approved in CA	Minimum number of complaints approved or under 10%	Number of complaints approved under 20%	Number of complaints approved under 30%	Complaints are approved 45%	Over half of complaints approved
Complaints in PRB	Complaints in PRB	Complaints in PRB	Complaints in PRB	Complaints in PRB	Complaints in PRB
More than 8 complaints in PRB	7-8 complaints	5-6 complaints	3-4 complaints	Minimal number of complaints in PRB 1-2	No complaints in PRB
Complaints approved in PRB	Complaints approved in PRB	Complaints approved in PRB	Complaints approved in PRB	Complaints approved in PRB	Complaints approved in PRB
Over 60% of complaints approved	Over 30% of complaints approved	Over 10% of total complaints approved	Municipality does not lose more than one or two cases in the PRB	Municipality wins disputes in the PRB, but some complaints are approved	Municipality wins all cases in the PRB
Findings from the audit office	Findings from the audit office	Findings from the audit office	Findings from the audit office	Findings from the audit office	Findings from the audit office
More than five violations identified in the high-priority auditor's report and low level of implementation of recommendations (under 40%)	More than three violations identified in the high-priority auditor's report and low level of implementation of recommendations	More than two violations identified in the auditor's report and medium level of addressing recommendations	No high-priority findings in the auditor reports, findings are medium or low priority	No high or medium priority findings in the auditor's report, whereas those from the previous year have been addressed to a large extent, over 70%	No high or medium priority findings in the auditor's report, whereas those from the previous year have been addressed to a large extent, over 80%

2. GOOD PRACTICES

0	1	2	3	4	5
Product (goods)/ work guarantee	Product (goods)/ work guarantee	Product (goods)/ work guarantee	Product (goods)/ work guarantee	Product (goods)/ work guarantee	Product (goods)/ work guarantee
Municipality doesn't request guarantee for products or work	Municipality doesn't request guarantee for products or work, although in one or two specific cases it implemented it	Municipality re-requests a guarantee only for high value investments	Municipality re-requests guarantees for most products	Municipality re-requests guarantees in most products but there no data on whether they have ever used them	Municipality requests guarantees for all products and has data that it has used them in a considerable number of cases
Market research	Market research	Market research	Market research	Market research	Market research
Municipality makes no market research	Municipality states that it does market research, but there are no written reports or evidence	The municipality does market research, but this research only includes prices	Municipality makes market research for most tenders and has written reports		
Consultation with the private sector in planning	Consultation with the private sector in planning	Consultation with the private sector in planning	Consultation with the private sector in planning	Consultation with the private sector in planning	Consultation with the private sector in planning
Municipality makes no consultations with the private sector prior to drafting tender specifications	Municipality consults with a limited number of parties, there is no inclusive process and there are no reports of the number of recommendations considered	Municipality consults with a limited number of parties, there is no inclusive process and there are data on the recommendations considered	Municipality makes sufficient consultations on planning, but there are no reports on the extent the requests are considered	Municipality had an open invitation for consultation and prepared a report on the parties' requests considered.	Municipality had an open invitation and prepared a report on the recommendations considered and the report notes that a significant number of third parties are involved in planning
Review of requests for changes to tender specifications	Review of requests for changes to tender specifications	Review of requests for changes to tender specifications	Review of requests for changes to tender specifications	Review of requests for changes to tender specifications	Review of requests for changes to tender specifications
Municipality does not consider the requests for changes of specifications	Municipality rarely consider requests for changes of specifications	Municipality considers only a few requests for changes in technical specifications	Municipality considers about 40% of recommendations for changes to specifications	Municipality considers about 50% of recommendations for changes to specifications	Municipality considers over 60% of recommendations for changes to specifications
Confiscation of contract performance insurance	Confiscation of contract performance insurance	Confiscation of contract performance insurance	Confiscation of contract performance insurance	Confiscation of contract performance insurance	Confiscation of contract performance insurance

Municipality has problems with enforcement of contracts and full execution of the obligations, but never confiscates contract performance insurances	Municipality has problems with enforcement of contracts and full execution of the obligations, but only rarely confiscates contract performance insurances	Municipality has problems with enforcement of contracts and full execution of the obligations, and for this it initiates the procedure for confiscation of contract performance insurance	Municipality has problems with enforcement of contracts and full execution of the obligations, and in most cases, it initiates the procedure for confiscation of contract performance insurances	Municipality has problems with enforcement of contracts and full execution of the obligations, and for this reason it always confiscates contract performance insurances	Municipality has no problems with the contract performance
Quality criteria implementation	Quality criteria implementation	Quality criteria implementation	Quality criteria implementation	Quality criteria implementation	Quality criteria implementation
Municipality does not apply quality criteria in the evaluation of tenders through the most economically advantageous price	Municipality has tried to apply this criterion, but the PPRC has prevented it	Municipality has applied this criterion only for consultancy services contracts	Municipality uses it in all cases it deems necessary, and the number does not exceed 5% of the total contracts	Municipality uses it in all cases it deems necessary, and the number does not exceed 10% of the total contracts	Municipality uses the most economically advantageous criterion for the purposes of quality assurance, and carefully applies it in all cases it deems necessary (at least 15% of contracts through this criterion)
Efficiency in making payments	Efficiency in making payments	Efficiency in making payments	Efficiency in making payments	Efficiency in making payments	Efficiency in making payments
There are delays in making payments and they exceed 60 days	There are delays in making payments and they exceed the 45-day deadline	Payments are made within 30 days	Municipality makes payments within 20 days	Municipality makes payments within 15 days	Municipality makes payments within 7 days
Institutional Integrity	Institutional Integrity	Institutional Integrity	Institutional Integrity	Institutional Integrity	Institutional Integrity
Municipality has no approved integrity plan and it doesn't implement any systematic measures to guarantee institutional integrity	Municipality has started drafting the integrity plan, but the plan is yet to be completed, and the working groups failed to include the civil society and citizens	Municipality has completed the integrity plan, but it has not included civil society and citizens	Municipality has drafted an integrity plan, during which phase the civil society and the citizens were little involved in giving their contribution	Municipality has drafted the integrity plan, during which phase civil society and citizens were involved in making their contribution, but there are no data on the level of implementation of this plan	Municipality has drafted the integrity plan, has included the civil society and citizens and has on the level of implementation of the plan
Contract management	Contract management	Contract management	Contract management	Contract management	Contract management
Municipality has no contract management unit, and as a result no successful completion of the contracts is ensured	Municipality does not have a contract management unit; however, it engages its officials ad-hoc to go on the field to conduct monitoring	Municipality has established a contract management directorate/entity	Municipality has outsourced oversight companies for contract enforcement	Municipality has outsourced an external service or has created an entity for contract monitoring and this has resulted in quality work	Municipality invests a considerable amount of funds in overseeing contracts and has managed to ensure very good contract enforcement

3. IMPLEMENTATION OF RECOMMENDATIONS OF OVERSIGHT INSTITUTIONS

0	1	2	3	4	5
Internal Audit	Internal Audit	Internal Audit	Internal Audit	Internal Audit	Internal Audit
Municipality does not allow access to internal auditor's report/auditing is not yet completed, within the legal deadline	Municipality allows access to the auditor's report	Municipality has an auditor, allows access to report and has an operational audit committee	Municipality has an auditor, allows access to report, has an operational committee in which has included a member of the company	Municipality allows access, and the report notes many findings, with few recommendations addressed (under 50%)	Municipality has open audit reports, operational committee and implements internal auditor's recommendations
Opinions of the National Audit Office	Opinions of the National Audit Office	Opinions of the National Audit Office	Opinions of the National Audit Office	Opinions of the National Audit Office	Opinions of the National Audit Office
Municipality did not receive an audit opinion, received an adverse or qualified opinion	Municipality has received an unqualified opinion, but with an emphasis on the issue	The municipality has received an unqualified opinion			
Implementation of NAO recommendations	Implementation of NAO recommendations	Implementation of NAO recommendations	Implementation of NAO recommendations	Implementation of NAO recommendations	Implementation of NAO recommendations
Municipality has implemented under 20% of the recommendations	Municipality has implemented under 30% of the recommendations	Municipality has implemented under 50% of the recommendations	Municipality has implemented over 65% of the recommendations	Municipality has implemented over 80% of the recommendations	Municipality has implemented all recommendations
PRB orders	PRB orders	PRB orders	PRB orders	PRB orders	PRB orders
Municipality has been punished for failing to observe decisions of the PRB, or the withdrawal of the license of the procurement officer has been requested	Municipality has remarks for non-implementation of recommendations	Municipality has complaints in several stages for the same tender in the PRB	Municipality implements most decisions of the PRB	Municipality implements all decisions of the PRB, within the legal deadline (within 10 days)	
ACA opinions	ACA opinions	ACA opinions	ACA opinions	ACA opinions	ACA opinions
Municipality has not observed one or more opinions of ACA	Municipality has not observed the opinion of ACA because there was a decision of the PRB on the same case	Municipality has observed several opinions of ACA, but violations have been repeated	Municipality has observed ACA opinions on its procurement activities		

4. TRANSPARENCY

0	1	2	3	4	5
<p>Requests for access to official documents</p> <p>Municipality does not provide data, there is no register of requests for access</p>	<p>Requests for access to official documents</p> <p>Municipality has a register, but it is not regularly completed with data</p>	<p>Requests for access to official documents</p> <p>Municipality has a register of requests and it is updated according to the number of requests</p>	<p>Requests for access to official documents</p> <p>The municipality has a designated officer who will receive requests for access to documents, but fails to respond within the legal deadline</p>	<p>Requests for access to official documents</p> <p>The municipality has a designated officer who will receive requests for access to documents, and all replies are returned within the legal deadline</p>	<p>Requests for access to official documents</p> <p>All documents in public interest are published on the website, as well as the Information Office, when it has requests, replies within the legal deadline</p>
<p>Allowing access to official documents</p> <p>Municipality doesn't offer data</p>	<p>Allowing access to official documents</p> <p>Municipality has had requests, but it has been noted there were refusals and no replies to several requests</p>	<p>Allowing access to official documents</p> <p>Municipality had requests, most of them received a reply within the legal deadline, but there were also negative responses</p>	<p>Allowing access to official documents</p> <p>The Municipality has respected the Law on Access to Documents and replied positively in all cases</p>	<p>Allowing access to official documents</p> <p>Municipality makes efforts to publish most procurement documents, including procurement plans and other documents, on the website</p>	<p>Allowing access to official documents</p> <p>Municipality has an Open Data platform, which is updated to a great extent</p>
<p>Municipal website</p> <p>Municipality does not have a functional website</p>	<p>Municipal website</p> <p>Municipality has a functional website but there aren't many data on procurement</p>	<p>Municipal website</p> <p>Municipality has a website in which it publishes some public procurement notices</p>	<p>Municipal website</p> <p>Municipality has a functional website and it publishes many procurement documents, including contract notices, contract award notices, and other data</p>	<p>Municipal website</p> <p>Municipality publishes several contracts, and project plans on the website</p>	<p>Municipal website</p> <p>Municipality publishes contracts, project plans and has a website that is interactive and allows citizens to add questions or comments</p>
<p>Deadline for publication of public procurement data</p> <p>Municipality does not publish the notices regarding its procurement activities</p>	<p>Deadline for publication of public procurement data</p> <p>Publication takes place after one month</p>	<p>Deadline for publication of public procurement data</p> <p>Publication takes place after one week</p>	<p>Deadline for publication of public procurement data</p> <p>Publication of notices takes place two days after the end of an activity</p>	<p>Deadline for publication of public procurement data</p> <p>Publication of notices is made on the same day (Immediately after the completion of the procurement activity)</p>	<p>Deadline for publication of public procurement data</p>

5. COMPETITION

0	1	2	3	4	5
Number of bids	Number of bids	Number of bids	Number of bids	Number of bids	Number of bids
Average number of bids is under 1	Average number of bids is 1.0 to 1.99	Average number of bids is 2.0 to 2.99	Average number of bids is 3.0 to 3.99	Average number of bids is 4.0 to 4.99	Average number of bids is over 5
Origin of bids	Origin of bids	Origin of bids	Origin of bids	Origin of bids	Origin of bids
Municipality does not have bids from businesses of other municipalities	In some cases, the municipality has bids from businesses from other municipalities, but their number is very limited	Municipality continuously receives bids from businesses from other municipalities	Municipality has bids from other municipalities and several them have also been awarded contracts	Municipality has over 30% of contracts with companies that are not from the respective municipality	
Equality in treatment	Equality in treatment	Equality in treatment	Equality in treatment	Equality in treatment	Equality in treatment
Municipality engages public enterprises in every case that is possible	Municipality engages public as well as private enterprises as needed for additional works	Municipality only awards contracts to public enterprises that it established itself or is a shareholder	Municipality applies the decisions of the PPRC and PRB regarding this issue and is subject to the recommendations of regulatory institutions.	Municipality makes a detailed analysis before deciding which practice it will apply, having regard to the municipal interests, services to citizens and competitiveness	For every activity, the municipality announces open procedures and public and private enterprises are equal in treatment
Number of responsive bids	Number of responsive bids	Number of responsive bids	Number of responsive bids	Number of responsive bids	Number of responsive bids
Average number of bids is under 1	Average number of bids is 1.0 to 1.99	Average number of bids is 2.0 to 2.99	Average number of bids is 3.0 to 3.99	Average number of bids is 4.0 to 4.99	Average number of bids is over 5

6. CIVIC INVOLVEMENT

0	1	2	3	4	5
<p>Transparency in bid evaluation</p> <p>Journalists or civil society organizations are not allowed to participate, or the municipality did not have cases when organizations monitored the bid evaluation</p>	<p>Transparency in bid evaluation</p> <p>Municipality declares that it allows monitoring, but in practice there have been no monitoring cases of evaluations</p>	<p>Transparency in bid evaluation</p> <p>Municipality allows monitoring but conditions the monitors by signing a statement under oath and conditions the monitors not to disclose information on what happened in committees, but may report to the municipality</p>	<p>Transparency in bid evaluation</p> <p>The municipality allows monitoring, requires the signing of the statement under oath, provided that the remarks are first sent to the municipality and in case the recommendations are not considered, they can go public</p>	<p>Transparency in bid evaluation</p> <p>Municipality allows monitoring of bid evaluations without any conditioning, but only for specialized organizations</p>	<p>Transparency in bid evaluation</p> <p>Municipality makes an open bid evaluation, where all parties can monitor the process.</p>
<p>Transparency in bid opening</p> <p>Journalists or organizations are not allowed to participate, or the municipality did not have cases when such entities monitored the bid opening</p>	<p>Transparency in bid opening</p> <p>There are no cases of monitoring the opening of bids, the municipality states it allows such a thing, but in practice it does not happen</p>	<p>Transparency in bid opening</p> <p>Municipality allows monitoring of opening of bids</p>	<p>Transparency in bid opening</p> <p>Municipality allows the monitoring of the opening of bids, and announces the day that the civil society is allowed</p>	<p>Transparency in bid opening</p> <p>Municipality publishes all notices through the online platform, allows monitoring of the opening of bids, and all minutes are published</p>	<p>Transparency in bid opening</p>
<p>Consultations in the drafting of procurement plans</p> <p>Municipality has not consulted with third parties on the drafting of procurement plans, and businesses have not been involved</p>	<p>Consultations in the drafting of procurement plans</p> <p>Municipality has conducted several consultations, but there has been no inclusive process, and there is no data on how the recommendations of such parties have been received</p>	<p>Consultations in the drafting of procurement plans</p> <p>Municipality organizes consultations with all the request units and the organizations it cooperates with</p>	<p>Consultations in the drafting of procurement plans</p> <p>The municipality has an open process of discussions on the procurement plan in which, in addition to organizations, the business community may also participate</p>	<p>Consultations in the drafting of procurement plans</p> <p>Third party recommendations are considered in the procurement plan, thus balancing the requests of the public, businesses and municipal needs, but the plan is not published</p>	<p>Consultations in the drafting of procurement plans</p> <p>Third party recommendations are considered in the procurement plan, thus balancing the requests of the public, businesses and municipal need (the plan is published online)</p>

Monitoring after the award of the tender	Monitoring after the award of the tender	Monitoring after the award of the tender	Monitoring after the award of the tender	Monitoring after the award of the tender	Monitoring after the award of the tender
Municipality does not have a method of involving citizens in post-tender award monitoring	Municipality does not have a method of involving citizens in the monitoring phase after the award of the tender, but informs the public of any irregularities	Municipality is developing a method of involving citizens in post-tender award monitoring	Municipality has a method of involving citizens in post-tender award monitoring, but it is not implemented	Municipality is developing a method of citizen involvement in post-tender award monitoring and keeps the public informed of any irregularities	Municipality has a method of involving citizens in the post-tender monitoring, and it is applied in all tenders
Awareness-raising campaign	Awareness-raising campaign	Awareness-raising campaign	Awareness-raising campaign	Awareness-raising campaign	Awareness-raising campaign
Municipality has made no efforts and has taken no steps to raise public awareness on procurement	Municipality has begun to discuss the issue of launching a public awareness raising campaign on procurement	Municipality has created a public awareness raising campaign on public procurement, which will be tested and implemented	Municipality has launched a model campaign for raising public awareness on public procurement, and it started collecting and analyzing data for this purpose	Municipality has launched a successful public awareness raising campaign on public procurement, a campaign that is being implemented	

Basic description for the level of performance outcomes

LEVEL 0	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5

Information on the evaluator

MR./ MRS.	NAME	MUNICIPALITY /DEPARTMENT	POSITION	E-MAIL	TEL. NUMBER	ADDRESS

DATE OF SUBMISSION OF THE QUESTIONNAIRE:	
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Katalogimi në botim – (CIP)

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