



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria -Vlada-Government

Ministria e Transportit dhe Postë Telekomunikacionit
Ministarstvo za Saobraćaj Postu i Telekomunikacije
Ministry of Transport and Communications

Pursuant to authority vested in him, under UNMIK Regulation 2001/19, Section 1.3 (d), of 19 September 2001 on the Executive Branch of Provisional Institutions of Self-Government in Kosovo, for the purpose to increase efficiency, quality of work, reliability and eventual conflict of interest eluding in road infrastructure sector.

The Minister, hereby issues an:

ADMINISTRATIVE INSTRUCTION NO. 2008/3
ON SUPERVISION, TECHNICAL ACCEPTANCE AND TEST OF
COMPLETED WORKS OF ROAD INFRASTRUCTURE

Article 1

- (1) Supervision, technical acceptance and test of roads, road structures may be carried out by a committee of internal experts nominated by MTC, further in this text “Experts Committee”, or a legal person engaged under LPPK, further in this text “Legal Person”.
- (2) The Ministry of Transport and Communications due to lack of internal capacities will hire external experts for supervision, rights and responsibilities will be regulated under a special contract according to the law on public procurement.

Article 2

- (1) Legal person for supervision, technical acceptance and test of completed works in road infrastructure sector, means a selected entity meeting determined terms and competencies which shall be defined by rules and procedures of tender under LPPK.

- (2) A legal person, based on a contract with MTC, will exercise supervision of works, road, road structures technical acceptance and test of completed works in road infrastructure sector, in professional and impartial basis.
- (3) Members of the Experts Committee for supervision of works, technical acceptance of road, road structures and test of completed works in road infrastructure sector, have to be qualified persons and of specialized knowledge in road infrastructure sector, of the field in construction, road traffic safety and similar.
- (4) Composition of the Committee shall be set out by a decision of the Ministry.

Article 3

- (1) The rights, responsibilities, obligations on works to be performed between a legal person for supervision, technical acceptance and test of completed works and MTC shall be regulated under a special contract.
- (2) Reimbursement of a legal person on works performed shall be carried out according to legislation in power.

Article 4

Supervision, technical acceptance and test of completed works in road infrastructure sector can not exercise members belonging to legal person and Experts Committee nominated by MTC.

Article 5

Legal person or Experts Committee for supervision, technical acceptance and test of completed works in road infrastructure shall report to Department of Road Infrastructure and Directorate of Roads for each project separately, a copy of such a report shall be forwarded to the Minister and Permanent Secretary.

Article 6

Legal person or Experts Committee shall make evaluation and detailed verification of works in progress by the contractor for carrying out works. For work positions completed, a legal person or Experts Committee is obliged to introduce a written report to Department of Road Infrastructure and Directorate of Roads, a copy of such report shall be forwarded to the Minister and Permanent Secretary.

Article 7

Legal person or Experts Committee shall carry out evaluation and a detailed verification of works completed in road infrastructure sector, technical and financial issues and based upon evaluation shall accept, supplement or reject the works concluded.

Article 8

- (1) A request for construction works' supervision shall be made from the Directorate of Roads through Department of Road Infrastructure, prior beginning of construction works.
- (2) Any member of a legal person carrying out supervision, technical acceptance and test of completed works can not participate in the staff list or be linked anyhow with the contractor carrying out construction works.

Article 9

- (1) A request for technical acceptance and test of road or road structures shall make Directorate of Roads through Department of Road Infrastructure before constructions have been completed, at latest 15 days prior a public road, road section, road structures respectively are completed.
- (2) Contractor of works may lay down a request for road acceptance, road structures respectively, if Department of Road Infrastructure and Directorate of Roads within the deadline stipulated under the present Administrative Instruction haven't made such a request.

Article 10

- (1) A legal person shall perform supervision of construction works, following the dynamic plan for works realization and positions descriptions approved by the contractor and MTC.
- (2) For any adjustment of the dynamic plan and of positions, either in content, quantity and quality, the Directorate of Roads or Department of Road Infrastructure must be informed.

Article 11

A legal person shall carry out technical inspection or test of completed works; shall set up a plan and start works for technical acceptance or test and for that shall inform in written the Permanent Secretary, works contractor and other participants in construction, whereas a copy shall be forwarded to the Minister.

Article 12

- (1) The same legal person can not carry out supervision and technical acceptance or test.
- (2) During technical acceptance or test, expert of the supervisory legal person shall be a member of the experts committee.

Article 13

Department of Road Infrastructure, Directorate of Roads or Department of Procurement and the contractor are obliged to make available technical-investment documentation together with the Main Design, to a legal person or Experts Committee for supervision.

Article 14

Department of Road Infrastructure, Directorate of Roads or Department of Procurement and the contractor are obliged to make available technical-investment documentation together with all adjustments carried out during construction: projects, daybook, construction books, used material attest certificates, documents on material and construction analysis, results from examinations of bridge testing loads, viaducts and other structures as well as other documents related to road construction, to a legal person or Experts Committee for technical acceptance.

Article 15

- (1) During technical acceptance of a public road and road structures from a legal person or Experts Committee, are obliged to take part also representatives of the Department of Road Infrastructure, Directorate of Roads, work contractors and supervisors and head technician of works at particular road sections, respectively specific road structures.
- (2) Representatives of Department of Road Infrastructure, Directorate of Roads, supervisors and contractors are obliged to provide to legal person or Experts Commission for technical acceptance, necessary clarifications and provide the necessary technical data with regard to construction.
- (3) In the event of technical acceptance, it may take part, upon request of a legal person or Expert Committee, the project designer who compiled technical-investment documentation of the public road, particular road section or road structures.
- (4) In the event the contractor and project supervisor provide not at all or partially provide information or delay or provide inaccurate data, legal person shall immediately inform Directorate of Roads, Department of Road Infrastructure, Department of Procurement and Permanent Secretary, and in this occasions the Ministry of Transport and Communications shall undertake actions according to the contract and law in force.

Article 16

- (1) Technical acceptance shall be carried out according to rule, after completion of the construction of the entire public road and all road structures.
- (2) Technical acceptance may be carried out also after completing construction of given public road section, in case such section is integral part and it may be submitted for traffic use.

- (3) Technical acceptance of bridges, viaducts, over-passing, under-passing, tunnels, defense walls, structures for under water rock settlement, drainage, other building and structures of higher construction in a public road as well as other greater and more complicated structures or structures making an independent technical integrity after construction is completed.

Article 17

- (1) Upon technical acceptance it is recognized that a public road, road section and road structures are completed in compliance with technical-investment documentation, with standards established and technical normative that all technical conditions have been met and pertinent technical qualities have been achieved for a safe and open traffic in the road.
- (2) Upon technical acceptance shall be inspected regularity of a public road, road sections and road structures in a technical – construction point of view.

Article 18

From the technical point of view of the construction, through technical inspection of a public road, road section and road structures shall be certified:

- i. Construction stability of the road, bridges, viaducts and other structures in road;
- ii. Carrying capability of a road and structures in a road from the axle load point of view;
- iii. Application of technical elements and normative on road construction;
- iv. Application of technical measures to protect road;
- v. Road construction and road structures technical regularity;
- vi. Carrying out tests in loads and other analysis in a bridge, viaduct, over-passing, defense walls and other structures of the same to certify their reaction against impacts which shall be provoked from vehicles circulating above such objects.

Article 19

From technical point of view of circulation, technical supervision of a public road, road section and road structures, specifically shall be certified that:

- i. Road quality has been achieved which enables circulation on a traffic forecasted speed, load and volume ;
- ii. Crossroads with railways and other roads as well as visibility triangle have been executed correctly;
- iii. There is an open profile and a necessary visibility in a road;
- iv. The required pertinent traffic marking, road signs and guides has been installed, whereas in dangerous spots safety measures have applied.
- v. There are in international roads, motorways and other roads of high traffic volume, places regulated to stop vehicles outside traffic lanes, extended parking places, resting place and other surfaces for circulation needs.

Article 20

- (1) A legal entity selected for technical acceptance, is tasked to hold Minutes for work of experts committee for technical acceptance. In Minutes taken for the work of technical acceptance committee should take note of: all members name of the selected committee for technical acceptance, time, venue, flow and way of work of legal entity and committee, type of documentation made available to legal entity and its findings.
- (2) The Minutes taken upon work of the legal entity commission shall sign commission members, investor's representatives and contractors and other persons, which have been present in the course of work of the legal entity commission.

Article 21

- (1) After completion of work, a legal person of Experts Committee of technical acceptance shall draft a report for technical inspections carried out in a public road, road section or structures and will forward a written report to Department of Road Infrastructure and Directorate of Roads, Permanent Secretary and a copy to Minister.
- (2) Report of the technical acceptance commission should contain: authority title which nominated the commission, decision number on commission establishing, names of commission members, name of employer and works contractors and name of their representatives which took part at commission work, venue and time of commission work, subject of technical acceptance, finding, opinion and propositions of the legal person commission and also separate opinions of commission members if there is any.
- (3) With technical acceptance report shall be enclosed Minutes of legal person commission or Experts Committee works as well.

Article 22

- (1) Legal person or Experts Committee for technical acceptance are tasked that in the technical acceptance report provide findings and an opinion for the existence of conditions for a safe and open traffic in public roads and for possibilities to use road, road section and road structure for traffic undistracted, about technical – construction errors in a public road, road section and road structure, for possibilities to eliminate such errors and time needed to adjust them.
- (2) In case in a public road, road section or road structure have been found errors, the legal person commission will provide an opinion if the public road, road section, road structures respectively might be delivered for traffic after error elimination or having in mind type and nature of errors, and prior to their elimination to undertake necessary measures to secure later works performance for eliminating errors.

Article 23

- (1) Legal person for technical acceptance or attest will propose that a public road, road section, road structure respectively will be delivered for traffic, if findings are that the road meets all technical – construction and technical – circulation conditions for a safe and open traffic.
- (2) In case in a public road, road section, road structures respectively there are errors which due to type and nature have no impact in traffic circulation safety, commission for technical acceptance will propose that the public road, section or structure is delivered to traffic, under obligation that errors are eliminated at later stage within the deadline and works for eliminating errors are carried out under required safety measures. Due needs, the commission will propose safety measures additionally to be applied in the interest of traffic safety in the course of works performance at a later stage to eliminate errors.
- (3) In case during technical acceptance there are found errors in a public road, section or road structure which have an impact directly to road stability and put in question traffic circulation safety, a legal person for technical acceptance will propose that delivery for traffic of the road, road structure respectively, will be carried out only after errors will be eliminated.

Article 24

- (1) On basis of a proposal of a legal person or Experts Committee, Department of Road Infrastructure will recommend to Permanent Secretary to approve elimination of errors found during technical acceptance and about delivery of a public road, road section and structures of a public road for circulation.
- (2) In case public road, road section, road structures respectively are delivered for use, which have errors due to type and nature which have no impact in safety and open circulation, the Permanent Secretary will set a deadline to eliminate errors and safety measures, if necessary, to be taken in the interest of traffic safety while carrying out works to eliminate errors.

Article 25

- (1) In case for a reason of irregularities found, a public road, road section or road structure haven't been delivered for use, contractor is obliged that within a term of 15 days from the day the later works have been carried out to eliminate errors, request additional technical acceptance.
- (2) In case a public road, road section or road structure containing errors has been delivered for use, Department of Road Infrastructure will set a deadline to eliminate errors and technical acceptance of later works carried out will be performed.

Article 26

- (1) Permanent Secretary will authorize a legal person or Experts Committee once again carries out technical acceptance from the point of view of completed works only, to eliminate errors in a public road, road section or road structure.
- (2) Technical acceptance from paragraph 1 of this Article shall be carried out due to the rules, a legal person for technical acceptance, due to volume and importance of completed works, type of structure respectively in which elimination of errors have been performed. If necessary, it may be set that later technical acceptance of completed works in eliminating errors in a public road, road section or road structure.

Article 27

The present Administrative Instruction shall repeal Administrative Instruction 2007/2 on amendments and supplementation of Administrative Instruction No 2006/4 on Supervising, Technical Admission and test of performed works in road infrastructure and Administrative Instruction for supervising, technical admission and test of performed works in road infrastructure.

Article 28

The present Administrative Instruction shall enter in force on the **31.03.2008.**

Fatmir Limaj,
Minister