

The status of persons placing public contracts in specific sectors

Abstract

The topic of the thesis is the position of the utilities contracting authority. Although the new regulation, ie Act No. 134/2016 Coll., On Public Procurement, as amended (the "Act") does not explicitly include the term "utilities contracting authority", the concept of public procurement regarding utilities has remained de facto preserved. To emphasize not only this but also some other vital facts, the thesis compares the contemporary legislation with the previous legal regulation of the matter.

At the same time, the thesis attempts to take a comprehensive approach to the area of public sector (utilities) procurement and its specifics, in particular through comparisons of legislation affecting the award of utilities public procurement and other public procurement in general.

In the first part of the thesis I define concepts that are fundamental to the subject of this thesis, ie terms such as "contracting authority", "public contract", "dominant influence", "special or exclusive rights" or "relevant activity".

Other parts of the thesis are devoted mainly to utilities specifics and "reliefs". Gradually, I first draw attention to the obligation of the contracting authority to award only an above the threshold utilities public procurement in the procedure according to the Act, and then I am discussing specific exceptions for the award of utilities public contracts in individual types of award procedures. Particular attention is paid to the newly established qualification system institute.

The conclusion is devoted to the evaluation of the legal regulation of the utilities contracts and the evaluation of essential changes brought about by the adoption of the new regulation.

Keywords: Utilities contracting authority, utilities public procurement, procurement procedure