

Abstract

The main aim of this diploma thesis is to analyze the evaluation of tenders in public procurement according to their economic advantageousness and at the same time to compare the current stage of the ability of contracting authorities to evaluate this economic advantageousness compared to the stage of effect of the previous legal regulation. The background information for the topic of this diploma thesis were obtained from the legal regulation of the Czech Republic and the European Union, professional literature (legal commentaries), professional articles of periodical publications dealing with public procurement, internet sources and the case law of the Office for the Protection of Competition, administrative courts of the Czech Republic and the Court of Justice of the European Union. The analytical approach, linguistic, teleological and comparative method of legal interpretation were used.

This diploma thesis consists of six main chapters. The introductory chapter discusses the purpose and aim of the legal regulation of public procurement and in the following chapter the part of the tender procedure and the basic principles of public procurement, crucial for the whole process of public procurement. The third chapter is devoted to the core of this thesis, namely the economic advantage in the evaluation process of public procurement. The following chapters four and five discuss in detail the criteria of economic advantageousness as laid down in the Public Procurement Act. The last chapter describes the current findings, recommendations, institutes and conclusions from the Czech and foreign practice of the evaluation process in public procurement.

The contribution of this diploma thesis is the controversy over current issues in the practice of public procurement evaluation and demonstration of this situation on examples of good and bad practice from the perspective of the case law of the Office for the Protection of Competition, administrative courts of the Czech Republic and the Court of Justice of the European Union. The thesis is designed to provide an assessment of the real stage of suppliers' ability to evaluate tenders on the basis of multiple criteria so that the requirement for truly effective and economic spending of public funds is met.