Abstract

The main aim of this diploma thesis is to provide a comprehensive analysis of selected institutes related to the tender price in the award procedures of public contracts in the light of the new Act No. 134/2016 Coll., on public procurement, with its main focus on evaluation of impacts of the new legislation and identification of its potential risks, while its partial focus lies in comparison with previous legislation, i.e. Act No. 137/2006 Coll., on public procurement, as amended, and assessment of usage of up to now decision practice of the Office for the Protection of Competition and case law of administrative courts.

The first chapter deals with a brief overview of the public procurement legislation, its aims and purposes and identification of elementary characteristics of the award procedures of public contracts. The subject of the second chapter is to analyze preliminary market consultation from the general point of view and simultaneously to provide an analysis with a focus on its application, practical execution, benefits and drawbacks related thereto and its influence on the procurement procedures. The third chapter deals with the estimated value of public contracts, rules of its calculation, the issue of division of public contracts and its influence on tender prices. The fourth chapter focuses on general characteristics of the procedure of evaluation of tenders and changes to the award procedures of public contracts related to the possibility of executing of the evaluation of tenders prior to the assessment of compliance with the selection criteria. Furthermore, the chapter deals with the new approach of the contract award criteria being solely the economical advantageousness of the tender and the new effort to increase frequency of the usage of the price-quality ratio. The last fifth chapter describes the new adaptation of abnormally low tender price including the possibility to determine the abnormally low tender price in advance and facultative and obligatory exclusion in the case of its existence.