

Abstract

This master's thesis deals with the topic of design contest as an instrument of the Act No. 134/2016 Coll., on public procurement, as amended, and explores the topic in its entirety, especially taking into account the practical obstacles to the implementation of design contests.

The aim of this thesis is to comprehensively analyze the legal framework of the design contest both in theory and practice and, by doing so, to approach a relatively marginal yet interesting topic within the area of public procurement and draw attention to its problematic or unclear aspects. The thesis also takes into consideration the decision-making practice of the Office for the Protection of Competition as a body supervising the award of public contracts and compliance with specific public procurement procedures under the Act No. 134/2016 Coll., on public procurement, as amended. Increased attention is paid to the architectural design contests due to the numerical superiority over other types of contests. This is also the reason why this thesis takes into consideration the influence of the Czech Chamber of Architects as a professional self-governing organization.

The thesis is divided into five main parts. The first and second parts are more of a theoretical nature, while the other parts are focused on practice and they also address controversial issues that arise from the practical implementation of design contests.

At first, the legal regulation of public procurement in the Czech Republic is briefly and generally introduced in order to place the design contest in the context of the relevant legal regulation. Further the design contest itself is described mainly in theory, focusing on individual legal provisions, including their possible difficulties. The following part of the thesis describes the course of the contest chronologically from the beginning to the end and includes some remaining theoretical aspects, as well as the practical area of the timeline of the implementation of the design contest. The next and key part of the thesis focuses solely on debatable and unclear areas of the design contest, the solution of which is often ambiguous and creates space for discussion. This chapter includes topics such as the anonymity of participants and their designs, the extent of subjectivity during the evaluation of contest designs, the issue of exclusion of participants, introduction of mandatory electronic communication in connection with the submission of designs and the possibility of dividing contests into lots. The last chapter is devoted to the negotiated procedure without prior publication as a type of procurement procedure often used in connection with the design contest. This chapter also highlights some topics whose solution is not always clear, such as the possibility of using a negotiated procedure without prior publication

in connection with a design contest, the possibility of canceling it or changing a participant of a design contest and a negotiated procedure without publication.