

11. SUMMARY

Public procurement contracting in the Czech Republic is carried out according to the Act on public procurement. Contracting authorities of public procurements are entities of public law (state, region, municipality or another legal person of public law) as well as private persons if they order contracts paid by a public contracting authority at least by one half (that means subsidised contracting authorities) or carry out the so-called relevant activity (that means sector contracting authorities).

The Act on public procurement regulates the actual contracting as well as supervision above contracting. Contracting is one of six types of contracting process. It is about a pre-contracting process that must be kept before entering into a contract by each entity, which is a contracting authority of public procurement. Supervision above contracting is done by the Office for the Protection of Competition.

We divide public procurements according to the subject of fulfilment and also according to the expected value. If it is according to the subject of fulfilment, these are public procurements above the limit, under the limit and small scope ones. If it is according to the expected value, these are public procurements for services, supplies and construction works.

Public procurements are paid from public funds. The reason for legal regulation is elimination of risks connected with corruption, favours and uneconomical disposal of public funds. When contracting a public procurement, the contracting authority is obliged to keep the principle of transparency, equal treatment and discrimination prohibition.

Certain corruption risks are connected with contracting of public procurements. Introduction of so-called blacklists seems as an appropriate solution, which would exclude those suppliers from the possibility to realise a public procurement, who mentioned false data during proof of qualification in the past. On the contrary, I would assess introduction of criminal responsibility of legal entities as unadvisable.

An amendment to the Act on public procurement is being prepared at current time. The aim of the amendment is to transpose the EC supervisory guideline among other things. This amendment should further introduce the mentioned blacklists and simplify the contracting process.

Klíčová slova (Keywords):

veřejná zakázka, zadávací řízení, zadavatel

public procurement, award procedure, tender holder