

Abstract

Supervision over public tenders

This diploma thesis focuses on explanation and evaluation of the activity of the Office for the Protection of Competition as the authority entitled to assess compliance with the Act no. 137/2006 Coll., on Public Contracts, during the process of public procurement. The thesis evaluates quality of legislative regulation on the supervision over public tenders and attempts to define problematic aspects of the matter and tries to suggest their solution.

After an introductory part the thesis is divided into three main chapters. The goal of the first chapter is to provide necessary outline of terminology used by the Act no. 137/2006 Coll., on Public Contracts, including the key term of supervision over public tenders and the outline of the basic principles which the whole system of public procurement proceedings stands on. The first chapter also considers important aspects of previous and current legislation.

In chapter two I deal with the functioning of supervising activity over public tenders. It was necessary to outline general concepts of supervision including their advantages and disadvantages. Furthermore, this chapter focuses on outlining the scope of activities by which the Office for the Protection of Competition provided and which have been significantly clarified thanks to amendment to the Act on Public Contracts (no. 55/2012 Coll.). Following part of the chapter is devoted to the procedure of objections against the actions of contracting authorities and their consideration by these authorities, as it is the key prerequisite of filing a proposal for the initiation of proceedings. Throughout the final part of the second chapter, the proceeding provided by the Office for the Protection of Competition to evaluate whether the Act on Public Contracts has been breached are being followed. The ways of initiation of administrative proceeding are being concerned and evaluated along with the corrective and punitive measures at the supervising body's disposal. This chapter also includes an outline of appeal measures that are available to subjects of the administrative proceedings.

The third chapter consists of an analysis of appeal measures against decisions of the supervising body, in case a decision is unlawful. The conditions under which the relevant subjects can initiate proceeding at general administrative courts and the supreme administrative court.

The aim of the final chapter is to summarise the whole thesis. The chapter consists of evaluation of current legislation and the conclusions reached by this thesis.