

Abstract

Selected issues of public procurement

This thesis deals with analysis of the course of simplified sub-limit proceedings which is one of the types of public tenders according to Act No. 137/2006, Public Procurement Act, as amended (hereinafter referred to as the “Act”). The main object of the thesis is a broad analysis of course of action of the principal within the respective public tender. The thesis focuses on legal regulation “de lege lata” and points out selected issues in daily practise.

Following the brief introduction, first chapter focuses on historical development of legal positivism in the the area of public tenders in the Czech Republic. Regarding the particular statutes preceding the Act, the thesis mainly searches for types of public tenders with similar features to the current legal regulation of simplified underlimit proceedings. Second and third chapter focuses on fundamental principles of public procurement and determines fundamental terms used by the Act which is necessary for better understanding of the subject matter.

The following main part of the thesis describe particular stages of the sub-limit proceedings, from its very beginning, i.e. from the moment of despatch of the call on initiation of the public tender until its completion.

On the basis of analysis of the legal regulation of the simplified sublimited proceedings it is possible to conclude that the proceedings in question provides simplification and acceleration of the public tender. Unlike the rest of the types of public tenders, it can decrease administrative burden and therefore save costs of the principal for the procurement. With regard to these characters the simplified sub-limit proceedings is used very often by principals and very probably it will remain as the sole type of public tender also in the new Public Procurement Act. The legislative process of the new Public Procurement Act which shall ensue from so called third generation directions has not been closed at the date of completion of this thesis. However, from the explanatory report we can assume that the author of the new Public Procurement Act intends at least to maintain the current frequency of use of this type of public tender.