

ABSTRACT

The goal of my diploma thesis is to complexly analyze the institute of estimated value of a public procurement and issues related to it, while reflecting relevant decisions of the authorities competent to reviewing a public procurement, that is the Court of Justice of the European Union (the European Court of Justice), the Supreme Administrative Court, the Regional Court in Brno and the Office for the Protection of Competition. The relevant case-law is mentioned in the whole text in accordance with scheme of thesis as it is described below. Doctrinal interpretations are also taken into account.

Among the most common mistakes made by contracting authorities, who are required to act in accordance with Act no. 137/2006 Coll., is wrongly determined estimated value of a public procurement. In this context it is necessary to point out that the determination is very important especially for the right categorization of contracts according to their values, which affects how strict conditions would apply for the specific contract.

The work is conceived as a summary of the decision-making practice. This kind of conception was chosen primarily because of the fact that the Czech Republic (and other obliged countries) are required to implement the new procurement directives of the European Union (until April 2016). Due to this fact, the new act regulating public procurement is expected to be adopted as it is, by the time of completion of this work, discussed in the Senate.

The thesis is divided into four parts. The first part briefly presents the issue of the estimated value of a public procurement, describing the legislation and its importance in the context of the Public Procurement Act. The second part deals with determination of the estimated values in general and also specifically to individual types of a public procurement (construction works, services and supplies). The third part describes the problems of public procurements and their illegal dividing below the financial limits as they are set in the Public Procurement Act, which the contracting authorities, consciously or unconsciously, commits to avoid more strict regime while awarding the public procurement. The fourth part contains a brief analysis of the applicability of the conclusions made

by authorities mentioned in this paper in relation to the new act regulating public procurement.