

Specifics aspects of sector public procurement

Abstract

This diploma thesis describes the Czech legal regulation of sectoral public procurement. The aim is to provide a comprehensive view of this issue. Legislation of sectoral public procurement is a sector of public procurement law which is also specific in that it also affects private entities.

The thesis is divided into two basic parts. The first part describes the key topics of awarding sectoral public procurement. There is described the principle of determining the sectoral public contract, the difference of this concept compared to the previous legislation, the identification of persons who can become public contracting authorities and the definition of other terms that are typical for sector public public sector contracts. Furthermore, the issue of relevant activities in the gas, heating, electricity, water, transport, land use areas, airport and port services, postal services and mining is described in detail. The analysis of related case law is also described in the context of determining relevant activities.

The second part analyses the special provisions for the award of sectoral public contracts public sector contracts, which is regulated by special provisions against the general regime. Particular attention is paid to the exceptions for negotiated procedures with publication, negotiated procedure without publication and restricted procedure. A separate chapter is devoted to a detailed description of the qualification system, which is a sector-specific institute. Furthermore, there is a chapter dealing with the issue of concurrence of activities and also the issue of publishing contracts concluded in the framework of the award of sectoral public contracts. Exceptions are also described in this section when the sectoral procurement procedure does not apply to the award of a sectoral public contract.

The conclusion of the thesis outlines the perspective of the legal regulation of the award of sectoral public contracts and the thesis on the further development of the scope of this legal branch.

Keywords:

sectoral public procurement, tender, relevant activities, law on public procurement