

„Proving qualification requirements in public tenders“

This rigorous thesis deals with the regulation of public procurement law with an emphasis on skills. In the Czech Republic is newly effective law No. 134/2016 Coll., about public procurement which was accepted in the context of the new European procurement directives. The law on public procurement, respectively provision relating to proof of qualification, is based on the Directive of the European Parliament and Council Directive 2014/24/EU on public procurement, which repeals a previous procurement Directive 2014/18/EC. The new European procurement directives follows the trend of full computerization of public procurement, when this has obviously affected or soon will affect proof of qualification in public procurement.

This rigorous thesis was taken into account previous legislation, when it was confronted with the new legislation. The authority during the procurement have to take into account current decision-making practise of supervisory authorities. It would seem that this duty is repealing now, because the decision-making practise of the law on public recruitment is still very poor. The opposite is true and I try to point out in this rigorous thesis. The authority could use existing decision-making practise adequately in many situations relating to the Public Procurement Act.

The objective of this rigorous thesis was not consistent description of the new legislation on public procurement, but the approach qualifications under the new legislation with regard to the use of existing judiciary law, while clarifying the new legal concepts in the field of public procurement qualifications with reference to their possible pitfalls.

The rigorous thesis is divided into ten chapters. The first chapter contains introduction to the definition of cited objective above. The next chapter contains public procurement law in general. After that I deal with qualifications. Least but not last chapter contains basic competence, professional competence, economic qualifications and technical qualifications.

Other chapters include treatment of below-limit public procurement when for below-limit scheme applies different rules than for over-limit. The rules are usually milder because the authority has greater flexibility during terms and conditions creation. The next chapter contents the assessment of qualifications and the last chapter of this rigorous thesis include conclusion.