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PUBLIC PROCUREMENT AND CONTRACTING

RIGHT

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Contents

PUBLIC PROCUREMENT AND CONTRACT LAW 3

1. Introduction 7

2. Public procurement and contract law..... 10

3. Principles of public procurement – transparency, equal access, economy and efficiency 14

4. Types of public contracts – supplies, services, construction works and concession contracts.....

5. The public procurement process – preparation, selection, evaluation and conclusion of the contract.....

6. Participants and their roles – contracting authority, tenderers, suppliers and supervisory authorities.....

7. Legal framework and regulation – national legislation, European directives and international standards 25

8. Contract law in public procurement – conclusion, content and legal effects of contracts 27

9. Ensuring the fulfillment of contracts – guarantees, sanctions, warranty periods and monitoring compliance with conditions 30

10. Dispute Resolution and Redress – Authorization of Participants, Administrative and Judicial Review, Arbitration.....

11. Ethics and responsibility in public procurement – Conflict of interest, corruption and transparent procedures 36

12. Practical examples and case studies – application of laws and contractual rules in real projects 39

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13. Conclusion..... 42

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1. Introduction

Public procurement and contract law form a key part of modern economic and administrative environment because they ensure efficient, transparent and legal procedure for the procurement of goods, services and construction works by public institutions. Public Procurement is a process aimed at obtaining necessary performance under conditions that respect the principles equal access, economy, efficiency and transparency, while ensuring protection public interest. The legal framework for this process is defined by national legislation, European directives and international standards that set the rules for preparation, announcement, evaluation and conclusion of contracts. Orders can be of various nature and are usually distinguish by subject – supplies, services, construction work or concession contracts – each type has its own specific process procedures, qualification requirements suppliers and bid evaluation rules. Participants public procurement are primarily contracting authorities who

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define the subject, conditions and selection criteria, applicants
and suppliers who submit bids, and authorities
supervision that ensures legality and transparency
process. Contract law plays a crucial role in this context
role because it regulates the conclusion of public contracts
contracts, their content, rights and obligations of the contracting parties
parties and the legal effects of these contracts. The contracts contain
detailed terms of performance, deadlines, price agreements,
penalties for non-compliance and guarantees, with their correct implementation
construction is essential to minimize risks and
ensuring efficient and high-quality performance. An important
It also includes ensuring control and supervision of
fulfilling contractual terms, which includes
quality monitoring, meeting deadlines, financial
compensation and possible corrective actions in case of violation
obligations. Dispute resolution and redress within the framework of public
contracts are also key because participants have
the possibility of exercising the right to file objections and complaints
and avail of administrative or judicial review, as appropriate
arbitration procedures to protect their rights. Ethics and

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responsibilities are an integral part of the assignment public procurement, with emphasis on prevention of conflicts of interest, corruption, unfair competition and support for transparent procedures. Practical applications and case studies show how theoretical rules and legal regulations work in real practice, how can they be orders are effectively planned, evaluated and implemented with regard to quality, price, legality and public interest. Overall, it can be said that the interconnection of public procurement and contract law creates a systematic framework for responsible, efficient and legally secure procurement of public services, goods and construction works, which protects the rights of participants, ensures transparency and contributes to sustainable and effective development public sector.

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2. Public procurement and contract law

Public procurement and contract law form a complex a legal and administrative framework that ensures effective, transparent and legal procedure for purchasing goods, services and construction works by public institutions, and at the same time protects the rights of all participants in the process and public interest. The public procurement process is designed so as to achieve economical use public funds, equal access for all potential suppliers and maximizing quality and effectiveness of implemented projects. Legal framework public procurement is made up of a combination of national legislation, European directives and international standards that determine the obligations of contracting authorities, qualification criteria for applicants, rules for announcement, evaluation of bids and conclusion of contracts, and establish mechanisms for control, supervision and resolution disputes. Public contracts can be divided according to their nature subject of performance for supplies, services, construction works and concession contracts, each type having specific

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procedures and requirements, such as different conditions
supplier qualifications, bid evaluation methods and
legal regime of contracts.

The participants in the process are the contracting authorities who define the subject of the contract, establish criteria for evaluation, deadlines and conditions of performance, applicants and suppliers who submit bids submit necessary documentation and are required to comply the specified conditions, and also the supervisory authorities that they check the legality and transparency of the process, including compliance with ethical standards and anti-corruption regulations corruption and conflict of interest. Contract law is inextricably linked linked to public procurement, because it sets out rules for concluding contracts, their content, legal effects, rights and obligations of the contracting parties, ensuring performance and sanctions for breach of terms. Contracts must contain clearly defined deadlines, prices conditions, warranty obligations, mechanisms for resolution changes during performance and procedures in case of non-performance or

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delays, thus providing legal certainty and minimizing risks for both the client and the supplier.

Control and monitoring of contract performance is essential to ensure quality, safety and economy of implemented projects. It includes monitoring compliance schedule, technical standards, environmental and safety regulations, financial arrangements and other obligations arising from from the contract. In the event of a breach of contractual or legal obligations, there are redress mechanisms, sanctions and the possibility of using administrative or judicial review, arbitration or objections that provide participants with tools to protect their rights and ensure fair procedure.

Ethical aspects and responsibility in contracting public procurement are also key. Contracting authorities and Participants are obliged to act honestly, to prevent conflicts of interest, unfair competition and corruption and to ensure transparency of all procedures. This supports public trust, increases the legitimacy of decision-making and

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ensures that public funds are used
effectively and responsibly. Practical experience and studies
cases show that the correct application of the principles
public procurement and contract law allows
plan and implement projects that are not only
technically and economically efficient, but also legally
safe, ethically responsible and sustainable.

Overall, it can be stated that the interconnection of public
procurement and contract law creates a system that
allows you to coordinate legal, administrative,
technical and ethical aspects of public procurement
services, goods and construction works. This system
ensures that projects are implemented with due regard to
public interest, protection of public funds,
compliance with the law, transparency and sustainability, and
at the same time provides participants with clearly defined rights
and obligations, control and redress mechanisms, which leads to
towards effective, responsible and long-term
sustainable functioning of the public sector.

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3. Principles of public procurement – transparency, equal access, economy and efficiency

Principles of public procurement orders are basic rules to ensure that public funds are used efficiently, legally and in the public interest. Transparency is a key principle that requires all phases to the tender process were open and understandable for the public and participants, which includes publishing information about upcoming contracts, criteria evaluation, selection results and reasons for accepting or rejecting offers. Equal access ensures that that all applicants have the same conditions for participation and evaluation, without discrimination or preference, and allows fair competition that promotes quality and competitiveness of offers. Economy is focuses on ensuring optimal use of public resources, i.e. achieving the highest possible value for finances spent, minimizing unnecessary costs

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and preventing waste of resources in procurement services, goods or construction works. Efficiency includes the ability to process public procurement achieve set goals including delivering quality performance on time and in accordance with the terms of the contract, while the process is organizationally and administratively manageable, with minimal complications and unnecessary delays. These principles are mutually reinforcing complement and together create a framework for responsible and fair public procurement, while promote public trust, ensure legal and transparent procedures and contribute to sustainable and the effective functioning of the public sector. Compliance these principles require systematic planning, rigorous control, clearly defined procedures and responsible approach of all participants in the process, from contracting authorities, suppliers and supervisory authorities, and administrative control.

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4. Types of public contracts – supplies, services, construction works and concession contracts

Public contracts can be classified according to the nature of the subject of performance into several basic types, each type having specific process requirements, legal framework and assessment methods Tenders. Supply orders include the purchase of goods, materials, technologies and equipment needed for the activities of public institutions, the key being clear specification of required properties, quantities and quality, so that offers can be compared objectively and choose the most economically advantageous solution. Orders for services relate to the provision of professional, technical, advisory, administrative or other services, where the provider's qualifications are important, professional competence and ability to deliver services in the required scope and quality. Construction works are contracts for the implementation of construction projects, reconstructions, modifications and repairs of buildings or infrastructure where they are key

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technical standards, project documentation, meeting deadlines, job safety and environmental standards. Concession agreements are a special type of contract in which the contracting authority is authorized to transfer the right to a private entity operation of a public service or infrastructure in exchange for payment, either in the form of a financial performance, or by providing the ability to collect fees from users; this type of contract combines elements of public interest and investment responsibility of the private subject. Each type of public contract requires specific approach to announcement, evaluation of offers and contracting, with the aim of ensuring equal access, economy, transparency and efficiency, and at the same time compliance with legal regulations and ethical principles and protection of the public interest. Distinguishing types of contracts allows clients to plan processes correctly, apply appropriate evaluation rules qualifications and offers and effectively manage the risks associated with implementation of projects, while also providing applicants with

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clear criteria and conditions for participation in the competition. This
A systematic approach ensures that public funds
are used effectively, projects are implemented
quality and all parties to the process have defined
rights and obligations, which supports public trust and
long-term sustainability of the public sector.

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5. Public procurement process – preparation, selection, evaluation and conclusion of the contract

The public procurement process is a comprehensive and structured procedure that includes several interconnected phases, the aim of which is ensure effective, transparent and lawful selection supplier and subsequent implementation of the project in accordance with public interest. The first phase is the preparation of the contract, during which the contracting authority determines the subject of performance, technical and qualitative requirements, financial framework, deadlines and criteria for evaluating bids, and ensures that all conditions were in accordance with legal regulations and principles of transparency, economy and equality

The preparation also includes ensuring the necessary documentation, including project plans, technical specifications, budgets, environmental assessment and other requirements necessary for assessment of the quality and economic feasibility of the offer.

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The second phase is the announcement and selection itself.
contract, when the contract is published and the tenderers have
the opportunity to register, submit your offers and prove
qualification. The contracting authority assesses the eligibility of candidates,
their professional qualifications, financial and technical
capabilities, and verifies whether the offers meet the required
conditions. This is followed by the bid evaluation phase, during which
which individual offers are compared according to
predetermined evaluation criteria, for example
quality, price, delivery dates or environmental
parameters, and a supplier is selected that provides
the best ratio of price, quality and other relevant factors
parameters.

The final stage of the process is the conclusion of the contract, where
which precisely define the rights and obligations of both
parties, performance schedule, price conditions, guarantees,
sanctions for failure to comply with contractual obligations and
mechanisms for control and supervision of contract implementation.
The contract serves as the legal framework for the performance of the contract and
ensures that both the supplier and the contracting authority have clear

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established duties and responsibilities, and provides tools for resolving potential disputes. The entire process public procurement is therefore designed to combined legal, technical and economic aspects, ensure the effective use of public funds, minimized risks and promoted transparency and public confidence in the contracting authority's decision-making. Effective and a well-managed public procurement process allows to achieve the project objectives, protect the public interest, to adhere to the principles of economy and sustainability and ensure that the result will be of high quality, timely and legally safe.

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6. Participants and their roles – contracting authority, tenderers, suppliers and supervisory authorities

Public procurement participants form the core of the whole the tender process and their roles are precisely defined in order to ensure transparency, fairness conditions and effective implementation of the contract. The contracting authority is the main initiator and organizer of the process that determines the subject of the contract, quality requirements, deadlines, budget and evaluation criteria, ensures preparation of documentation and decides on the selection the most suitable offers. The contracting authority is also responsible for compliance with legal regulations, principles transparency, equal access and economy, and his/her activities include communication with applicants, providing additional information and resolving objections or complaints during the procedure. Tenderers and suppliers represent the other side of the process; the candidates participates in the tender by submitting bids and demonstrate their qualifications, technical and financial

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capabilities, and suppliers implement the order after the contract is closed contracts. Their duties include the fulfillment of contractual conditions, compliance with deadlines and technical standards, cooperation with supervisory authorities and possible implementation of corrective measures in case of non-compliance requirements.

Another essential part of the process are the authorities supervision that ensures legality and regularity procedure, they control compliance principles transparency, equal access, economy and ethics, and oversee the prevention of corruption and conflicts of interest. These bodies can provide recommendations, implement inspections, resolve complaints and objections, and in case of violations rules to apply sanctions or recommend remediation.
Mutual cooperation between the contracting authority, bidders, suppliers and regulators is key to a smooth the course of the tender process, risk minimization, ensuring the quality and safety of implemented projects and protection of the public interest. Overall, the participants in the process forms a system whose proper coordination and responsible

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an all-party approach allows public procurement to be implemented effectively, fairly, transparently and in compliance with legal and ethical standards.

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7. Legal framework and regulation – national legislation, European directives and international standards

The legal framework and regulation of public procurement is formed by a combination of national legislation, European directives and international standards, which together ensure that procurement processes are transparent, efficient, fair and in accordance with public interest. National legislation provides specific rules and procedures that contracting authorities must to be followed during preparation, announcement, evaluation and contracting, including qualification conditions candidates, evaluation criteria, deadlines and obligations for monitoring and controlling the implementation of contracts. European directives, in particular the public procurement directive contracts, establish uniform rules for Member States, which promote the free movement of services and goods, equal supplier access, process transparency and harmonization of legal procedures across European countries Union. International standards, for example standards based on

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from OECD recommendations or standards for ethical public procurement, provide a framework for good practice, fighting corruption, ensuring ethical and economical practices and support for sustainable development. This combined legal framework creates clear rules for all participants in the process, allows effective supervision of compliance with regulations and provides tools for dispute resolution and redress irregularities. Consistent respect for national, European and international regulation ensures that public contracts are implemented fairly, transparently and economically, minimizes the risk of legal disputes and supports public and supplier confidence in the system procurement. Overall legal framework and regulation forms the basis for responsible and effective use public funds and enable the connection of legality, economy, ethics and quality throughout the process public procurement.

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8. Contract law in public procurement – conclusion, content and legal effects of contracts

Contract law in public procurement is a key element that ensures legal certainty, the definition rights and obligations of the contracting parties and the proper functioning the entire procurement process. Contracting represents the phase where the contracting authority and the selected supplier formally confirm their obligations and terms of performance, whereby the contract is established on the basis of a transparent selection procedure and must respect the legal requirements set for public procurement. Contents The contract is carefully formulated and includes detailed definition of the subject of performance, technical and qualitative specifications, pricing arrangements, schedules and implementation deadlines, obligations of the parties in the area safety, environmental standards and any other conditions related to the performance of the contract. The treaty also establishes mechanisms to ensure performance, such as advances, bank guarantees, penalties for

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delay or failure to comply with contractual terms, and
procedures for dealing with changes during the execution of the contract.

The legal effects of a contract are essential to ensure
enforceability of obligations and protection of the rights of participants.
The Treaty creates a legally binding framework that
allows the contracting authority to control performance, request
remedy the breach of obligations and, if necessary, apply
sanctions, and provides the supplier with certainty regarding
expected performance and terms of cooperation. Contractual
The law also regulates the procedure for resolving disputes,
possibility of appeal, compensation for damages and possible legal action
or arbitration review, thereby ensuring the protection of both
parties and supports a transparent and fair solution
conflicts. A properly structured contract is therefore
not only a tool of legal protection, but also a practical
a tool for risk management, effective project implementation and
maintaining the quality, safety and economy of public
contracts. Overall, contract law in public
contracts, it connects legal, administrative and
practical aspects of order implementation, supports

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responsible and transparent conduct of all participants and creates a stable framework for successful and sustainable completion of projects, while protecting the public interest and ensures the efficient use of public funds.

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9. Ensuring the fulfillment of contracts – guarantees, sanctions, warranty periods and monitoring of compliance with conditions

Ensuring the fulfillment of contracts in public procurement is a key mechanism that allows the contracting authority protect the public interest, minimize risks and ensure, that the supplier fulfills all its obligations in accordance with the contract and legal regulations. One of the main instruments is the provision of guarantees, for example in the form of bank guarantees, advances or other financial instruments that give the contracting authority certainty that in in case of failure to fulfill obligations, it will be possible to apply compensation for damages or losses incurred.

Sanctions are another important element of security, including contractual penalties, withdrawal from the contract, compensation for damages or other legal actions that motivate suppliers to perform properly and protects the contracting authority from the financial and organizational impacts of delays or poor quality performance. Warranty periods are specified for individual types of performance, especially for construction

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works and technology supplies, and determine the period for which it is the supplier is obliged to eliminate defects or deficiencies, thus ensuring long-term quality and safety of the completed work.

Checking compliance with the terms of the contract is an integral part of ensuring performance and includes continuous monitoring of deadlines, quality, technical parameters, environmental and safety standards, financial compensation and fulfillment of other obligations arising from the contract. Control mechanisms can be implemented by internal departments contracting authority, external inspections or independent by professional bodies and their aim is to identify in a timely manner any risks, deficiencies or breaches of contractual obligations conditions and ensure a quick remedy. This comprehensive The contract performance assurance system combines legal, financial, technical and organizational tools, thereby minimizing risks of non-performance, ensures the quality and safety of performance and promotes transparency and trust in the process public procurement. Effective use of guarantees, sanctions,

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warranty periods and control mechanisms allows contracting authorities to protect public funds, ensure proper order fulfillment and creates a stable and predictable framework for the implementation of projects in accordance with the principles economy, efficiency and public interest.

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10. Dispute Resolution and Redress – authorization of participants, administrative and judicial review, arbitration

Dispute resolution and redress in public procurement is a crucial part of the entire tender process, because it ensures the protection of the rights of participants, transparency and fair decision-making in the case irregularities, violations of rules or non-compliance contractual obligations. The participants in the contracts have the right to file objections and complaints if they believe that their legal or contractual interests have been violated, for example, when evaluating offers, selecting a supplier or in the performance of a contract. Administrative review provides participants the opportunity to contact the relevant authorities contracting authorities or other supervisory institutions that examine legality and correctness of the procedure, evaluate objections and may recommend correction or reversal of the decision, if deficiencies or violations of the rules are found.

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Judicial review is another legal tool where
the participant may file a lawsuit with the courts that assess
the legality of the contracting authority's decision and compliance
legal regulations, and in the event of errors being detected
courts can annul the decision, order a retrial
of the tender procedure or to order compensation for damages. Arbitration
management can be used especially in situations where
the contract allows for dispute resolution through
an independent arbitration body, which often provides
faster, more flexible and professionally specialized solutions
conflicts between the client and the supplier.

Dispute resolution and redress mechanisms are designed to
to minimize the risk of abuse of the process,
promote transparent and fair decision-making and
at the same time ensure that public funds are used
effectively and in accordance with contractual and legal requirements
conditions. The entire system allows participants to defend
their rights, maintain a fair competitive environment and ensure that
that the implementation of public contracts is carried out legally, ethically

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and with respect for the principles of economy, equality access and efficiency.

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11. Ethics and responsibility in public procurement – conflict of interest, corruption and transparent procedures

Ethics and responsibility in public procurement contracts represent an essential pillar that ensures public trust, a fair competitive environment and efficient use of public funds. The key aspect is the prevention of conflicts of interest, where both the contracting authorities and Contract participants may not disclose their personal or financial interests over the public interest, and must transparently declare all ties that would could influence the decision-making or selection of the supplier. Corruption is one of the biggest risks in the public sector contracts, and therefore legal and ethical standards stipulate obligations to prevent its occurrence, for example through control mechanisms, audits, independent supervisory authorities and clearly defined procurement procedures. Transparent procedures

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include publishing information about upcoming contracts, conditions of participation, evaluation criteria and the results of the selection procedures so that candidates and the public had an overview of the progress and justification decision.

The responsibility of contracting authorities and participants is reflects not only on compliance with legal and contractual obligations, but also into ethical behavior, which minimizes the risk of unfair competition and supports fair and effective decision-making. Ethical principles include fair and impartial evaluation of bids, respecting the rights of all participants, ensuring economical and transparent use of funds and prevention of practices that could harm the public interest. Systematic adherence to ethics and responsibility creates an environment of trust, reduces the risk of legal disputes and financial losses and supports long-term sustainability and the quality of public procurement. Overall, ethics and responsibility integrates legal, administrative and moral process dimensions, thus ensuring that public procurement

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orders are not only carried out efficiently and economically, but also fairly, transparently and in accordance with public interest.

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12. Practical examples and case studies – application of laws and contractual rules in real projects

Practical examples and case studies in public assignments allow students and professionals understand how legal regulations and contractual rules apply in real projects and what challenges they can occur during their implementation. Analysis of specific projects shows how contracting authorities prepare documentation, they set technical and quality requirements, determine evaluation criteria and procedures for selecting suppliers, and at the same time demonstrates how candidates present offers, demonstrate qualifications and respond to additional requirements of the client. Case studies often illustrate differences between types of public contracts, for example between supplies, services, construction works and concession contracts, and show how they differ

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evaluation procedures, contractual arrangements and mechanisms performance checks.

Practical examples also allow us to observe how the principles of transparency, equal treatment and access, economy and efficiency, and how they are addressed problems, such as disputes between the contracting authority and supplier, breach of contract, suggestions and complaints from participants or the need for administrative and judicial review. An important part of the case studies is also an example of the use of contract enforcement, for example through advances, guarantees, sanctions or warranty periods, and their impact on successful implementation project. Practical examples also emphasize the importance of ethics and accountability, show how conflict of interest, corruption or insufficiently transparent procedures can affect the outcome of the engagement and point out the measures that lead to to remedy and prevent risks.

Overall, the application of laws and contractual rules in real projects provides valuable experience that help to understand not only theoretical principles, but also

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practical tools and strategies for effective assignment public procurement. Students and experts alike are teaches how to assess risks, plan processes, resolve disputes and optimize project management so that the results are high-quality, economical, transparent and in accordance with public interest and legal norms. Such practical approach promotes comprehensive understanding public procurement and contract law and prepares participants to real-life situations they may encounter in professional practice.

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13. Conclusion

Public procurement and contract law represent a comprehensive system aimed at ensuring effective, transparent, fair and legal procurement of goods, services and construction works in the public sector. This The system connects legal, administrative, technical and ethical aspects of procurement, with its operation is based on a solid legal framework formed by national legislation, European directives and international standards. Principles transparency, equal access, economy and efficiency provide basic orientation for both the contracting authority and participants in the process and allow public funds to were used effectively and in the public interest.

Participants in the process – contracting authorities, bidders, suppliers and supervisory authorities – have clearly defined roles, responsibilities and rights, which allows for coordinated cooperation, minimizing risks and achieving quality results. Contract law provides the legal framework for concluding contracts, defining their content, ensuring performance

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and the application of sanctions, while enabling dispute resolution through objection proceedings, administrative or judicial review and arbitration. Ensuring the performance of contracts through guarantees, sanctions, warranty periods and control mechanisms protect the public interest and supports high-quality, safe and economical design orders.

Ethics and responsibility are integral parts of the whole process, because conflict of interest, corruption or lack of transparency can fundamentally influence the outcome of public procurement. Transparent, honest and impartial conduct by all of participants supports public trust, fair competition and long-term sustainability of the public sector. Practical examples and case studies show how theoretical principles and legal regulations work in real situations projects, allow you to identify risks, optimize processes and gain valuable experience for effective management public procurement.

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Overall, the connection of public procurement and contract law creates a robust system that ensures that public sector projects are planned and implemented with regard to legality, efficiency, quality, ethics and public interest. This system provides clearly defined rights and obligations for participants, control and redress mechanisms, and supports transparent and responsible use of public means. Compliance with principles, rules and ethical standards leads to an efficient, fair and sustainable functioning of the public sector, and at the same time creates trust between contracting authorities, suppliers and the public, which is key to long-term quality and success public projects.

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