PUBLIC PROCUREMENT

MSc Degree in Municipal Management

MSc Degree in Legal Studies (Solicitors)

Code: 21103

Main Scientific Area: Business Law

Lecturer: Ricardo Alexandre Sousa da Cunha

Language of Instruction: Portuguese

Regime: S2

Contact Hours: 30h Total Workload: 110h

ECTS: 5,0

Objectives

Is objective of UC to provide students with a comprehensive knowledge of the legal regime of Public Procurement, from a theoretical and practical point of view, which allows the acquisition of a minimum core of necessary skills that enable them to work professionally with public procurement procedures.

At the end of this course, sudents should be able to identify the mains principles that underlie Public Procurement procedures, the several stages and steps that preceed a public contract, identifying and applying the most relevant european and internal legislation, such as the Public Contracts Code.

Learning Outcomes

Students will be lead to master the main concepts, principles and legal rules that aplly, being able to solve practical problems on the subject. At the end of the course, they should be able to:

- Identity the origin of Portuguese Public Procurement Law in the Eurpean Law;

- Know and apply the genneral principles and legislation;

- Identify the actors and the object of Public Procurement;

- Identify and select the pre-contract procedures;

- Know the exceptions: excluded contracts and excluded contractual activity;

- Master the criteria for contracting selection and non-adjudication causes;

- Know contract execution and jurisdicional control.

Course Contents

Chapter I - Theoretical and normative framework of Contract Law in Public Administration in Portugal1. The concepts

of administrative contract and public contract2. The principles of public procurement3. The Community Directives4. The Public Contracts Code (CCP) 5. The State Budget LawsChapter II - The subjects and the object of public procurement 1. The object of public procurementa) The concepts of public contract and administrative contract b) Excluded contract

s2. The subjects of public procurementa) The concepts of contracting authority, public contractor and public law body;b) Inter-administrative contracts;c) Contracting excluded: non-competitive contracting and in house contracting. Chapter III - Award procedures1. The list of pre-contractual procedures2. Criteria for choosing the procedure 3. The progress of award procedures4. Applicable legal regime: the CCP and the “new CCP”Chapter IV - Effectiveness and validity of public contracts1. Validity assumptions. 2. Addictions.3. Practical perspective. Examples. Legal cases.

Recommended Bibliography

ESTORNINHO, M. J. (2006), Direito Europeu dos Contratos Públicos, Almedina;

FONSECA, I. C. M. (2009), Direito da Contratação Pública - uma introdução em dez aulas, Almedina, Coimbra;

OLIVEIRA, M. E OLIVEIRA, R.E. (2016) “Concursos e Outros Procedimentos de Contratação Pública”, Almedina;

TAVARES, G. G. DENTE, N. M. (2008), Código dos Contratos Públicos, Âmbito da Sua Aplicação,

Almedina;

VIANA, C. (2008), Os Princípios Comunitários na Contratação Pública, Coimbra Editora, 2007; "A

Globalização da Contratação Pública e o Quadro Jurídico Internacional", in Estudos da Contratação Pública, Coimbra Editora

Learning and Teaching Methods

The methodologies to be used throughout the teaching of the Public Procurement Law curricular unit should take into account their specificities, especially considering the complexity and increasing importance of public procurement in Public Management, this curricular unit being fundamental for the future exercise of a professional activity in the area.The UC will have a very theoretical slant, required by the nature of the subjects, in order to provide students with the necessary knowledge to achieve the defined objectives, particularly the knowledge of the basic concepts, principles and norms of Public Procurement Law and the Code of Contracts Public. In order to facilitate the comprehension of the contents, some case studies and jurisprudence will be presented and practical activities will be developed, in the context of the class and on the Moodle Platform, also encouraging students to develop oriented research on some themes. The acquisition of the expected skills should be further developed through careful study of the material available on the platform, namely the documents with the thematic content defined for the UC, specific articles on the topics under analysis, as well as texts recommended by the teacher.

Assessment Methods

A continuous assessment model is adopted, in which the participation of students in the activities developed in class and their ability to develop research on the subjects taught will be evaluated.

The learning demonstrated by each student will be classified at the end of the course on a scale of 0 to 20 values. For this purpose, the following components and weightings are defined in the final classification:

Completion of a research work on the subjects taught: 70%

Presentation and defense of the work developed: 30%