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Characteristics of the remedies provided under the Public Procurement Law

Summary

Analysis of the legal nature of the remedies provided by law public procurement law aims to introduce the basic problems and identify ways to overcome them. In addition, the basic arrangement of institutions of both the public interest and the private interest to correctly understand the practical problems. Analysis of legal protection is not possible without an indication of the characteristics of the ruling body which is the KIO. In the literature are presented two different ways of classifying the indicated institutions. The solution to this initial question allows to determine whether the proceedings by the KIO has administrative or civil nature. To assess the legal status of the KIO requires a reference to both the achievements of EU law and national law including constitutional law. Legal remedies provided by law cited includes two institutions: the appeal and complaint. The first of the indicated remedies considered by a specialized institution, the KIO. The judgments and orders terminating the appeal issued by the KIO to the parties and participants of the appeal may be appealed against to the district court having jurisdiction over the registered office or place of residence of the contracting authority. Through the indicated property highlights the hybrid nature of the procedure which makes use of the provisions on legal institutions from other procedures, administrative and civil liability. Heterogeneity of the procedures can also result in a interpretation's problem in the regulation which does not explicitly expressed in legal texts and has to be inferred from other norms. Specific inconsistency of legal protection established on the basis of the public procurement system is vindicated furthermore different regulations in this regard, the Act on Concessions for Construction works and services which is considered to be a directory, set the shaping system of public procurement law in Poland. It issues were also analyzed in terms of constitutional doubt what makes effective regulation.

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