FACULTY OF LEGAL STUDIES

CURRICULUM

Approved by:
Dean:

LW 325

LEGAL REGIME FOR PUBLIC PROCUREMENT

Adopted: Adopted: Protocol No. 8 of 26 September 2023 by the Academic Council of the Faculty of Legal Studies

Lecture: Ass. Professor Boyan T. Georgiev, PhD

ANNOTATION

The subject 'Legal regime of public procurement' is devoted to issues in the field of public procurement, concessions and management of state and municipal property (public and private), as well as property included in the property of public enterprises. Its main goal is to familiarize students with the concepts of public-private partnership and administrative contracts, with the mechanisms for their implementation, as well as the competence, functions and responsibilities of state administrative bodies and private law entities in the process of management of public property and public funds.

PRIMARY GOALS

The main purpose of the discipline is to form knowledge about the peculiarities related to the legal status of administrative treaties as one of the main forms of administrative activity in which the real definition and satisfaction of the needs of society is carried out. The discipline aims to draw attention to the basic normative statements related to the public-private partnership regime from the point of view of administrative law and administrative procedure.

Students are offered for analysis both basic normative acts and some important subordinate normative acts establishing the legal regime of public procurement and concessions. In order to clarify some legal theoretical and law, applied controversial issues related to administrative negotiation, special attention is paid to the analysis of court decisions and practical cases.

For the achievement of the scientific goal and the tasks set out before the discipline, general scientific methods of knowledge and scientific synthesis, as well as private methods of study, are used, namely comparative, historical and logic legal.

PREREQUISITES

The discipline is part of the public law sciences and complements the students' knowledge of the way public procurement and concessions work and the peculiarities of administrative contracts as a form of administrative activity.

STATUS AND STRUCTURE

Speciality	Statute	Credits	Full Time				Part Time			
			L	S	P	Tota	L	S	P	Tota
Law	Selectable	3	30			30	30			30
State and Local Administration - Master	Selectable	6					30			30

COURSE

Subject 1. Development of public procurement and concession legislation. Characteristics of the implemented reforms.

Subject 2. Comparative legal aspects of the public-private partnership. Basic principles of European Union law applicable to the processes for the disposal of public funds in the Member States.

Subject 3. A concept of an administrative contract. Mixed factual composition and administrative acts as a source of bond relations.

Subject 4. The concept of mixed factual compositions in the award of concessions and public procurement. Terminological clarifications and basic legal concepts in view of the current European and Bulgarian law in the field of concessions and public procurement.

Subject 5. Rental of state and municipal property. The first preparatory stage. Second real stage. Third subsequent stage.

Subject 6. Legal status of bodies and officials in the system of public-private partnership. Distinguish between public and state administration. Bodies and services of the Central State Administration and local self -government in the field of concessions and public procurement. Granting concessions and award of municipal contracts.

Subject 7. Concession contract. Implementation of concession. Production for the conclusion of the concession contract; performance of the concession contract; subcontracting contract; amendment of the concession contract; termination of the concession contract.

Subject 8. Appeal. A claim for invalidity of the concession contract. A claim for awarding benefits.

Subject 9. Public procurement rules. Valuable thresholds. Estimated value of the public procurement. Orders.

Subject 10. Public procurement procedures. Completion of the procedure. Special rules for public procurement from sectoral contracting authorities.

Subject 11. Public Procurement Agency. Management and control.

Subject 12. Identification of irregularities in the award of public contracts. Appeals against public procurement procedures.

Subject 13. Imposition of penalties after contracts for public procurement or concession contracts. Imposing sanctions under European legislation. Imposition of penalties with Competition Protection Commission decisions. Imposition of penalties with decisions of the Supreme Administrative Court.

Subject 14. Administrative-criminal liability under the Concessions Act and the Public Procurement Act. Implementation of the Law on Administrative Offences and Penalties. Responsibility for failure to comply with the decisions and definitions of the Commission for Protection of Competition.

Subject 15. Indirect judicial review by the civil courts in mixed factual situations.

PLANNED LEARNING ACTIVITIES AND TEACHING METHODS

In the planned lectures and exercises, in addition to traditional methods, interactive learning methods are applied, such as discussion (conversations; brainstorming; panel discussions; debates; role-playing), situational (solving cases; simulations) and others.

During lectures and seminars, activities aimed at stimulating the student's creative activity are provided. Individual and collective tasks are assigned as follows:

- Creative projects and assignments. Role playing games to simulate real situations.
- Creating presentations that combine text and images.
- Creative writing on legal topics - essays, research on a specific topic, etc.
- Role-playing games that stimulate the ability to make decisions. Activities to develop critical thinking.
- Participation in debates on current topics that encourage students to explore different points of view and to formulate their own arguments.
- Analysing legal cases and proposing solutions.
- Using different techniques to generate new ideas.

A list of individual tasks is available for each student who are developed through the semester. The graduate is held at the end of the semester.

EVALUATION METHODS

It shall be conducted on an ongoing and final basis. During lecture and seminar hours, the participation of each student in solving set individual and group tasks is evaluated. A significant part of them were developed in the Moodle system. The maximum number of points a student can receive from the current assessment is 1.

The final assessment is multi-component. A complex evaluation of the theoretical knowledge demonstrated during the semester exam and of the practical skills in solving legal cases and the performance of assigned tasks during the lectures and/or semester classes is performed. The semester exam in the discipline is conducted in written and/or oral form. The maximum number of points a student can get from it is 5. The final grade is formed based on the sum of the points obtained from the current assessment and the exam.

The work of the students is evaluated by a semester exam, which is conducted in oral or written (development of questions from the performance) form. In addition to the result of the semester examination, the results of the developed coursework are also considered when forming the final grade. This is also the final grade that the student receives.

RECOMMENDED LITERATURE

Regulatory acts:

1. Constitution of the Republic of Bulgaria
2. Code of administrative procedure
3. European charter of local government
4. Law on Administration
5. Law on administrative offences and penalties
6. Law on Regulatory Acts

7. Law on Concessions

8. Public procurement act

9. State property act

10. Municipal property act

11. Local Government and Local Administration Act

12. Law on public enterprises

13. Law on Financial Management and Control of the Public Sector

14. Law on measures against money laundering

Literature:

1. Draganov J., I. Goranova, S. Radev, K. Vladimirova, The mixed factual compositions in concessions, public procurement and other forms of management and disposal of public funds and property (European and national dimensions), S., 2024.

2. Balabanova H. The administrative contract under the Bulgarian legislation, S., 2017.

3. Georgiev A. Legal regime of public enterprises, in Bulgaria, S., 2021.

4. Goranova I. Administrative Law of Public Procurement, S., 2008.

5. M. Markov, E. Dimova, Current public procurement issues, S., 2010.

6. Lazarov K. Administrative Law, S., Feneya, 2011.

7. Lazarov K., I. Todorov, Administrative process, S., 2022.

8. Kostov D., D. Hhrusanov, Administrative Law of the Republic of Bulgaria, General Part, S., 2008.

9. Kostov D., D. Hhrusanov, Administrative process of the Republic of Bulgaria, S., 2011.

FACULTY OF LEGAL STUDIES

EXAMINATION QUESTIONNAIRE :

LW 325

LEGAL REGIME FOR PUBLIC PROCUREMENT

Lecture: Ass. Professor Boyan T. Georgiev, PhD

1. Development of the legislation in the field of public procurement and concessions.
2. Basic principles of European Union law applicable to the processes of disposal of public funds in the Member States.
3. Concept of an administrative contract.
4. Mixed factual compositions in the award of concessions and public procurement.
5. Legal status of bodies and officials in the system of public-private partnership.
6. Rental of state and municipal property. Legal acts of the managing authorities.
7. Granting of concessions and awarding of public contracts.

8. Conclusion of a concession contract. Execution of concession.
9. Appeal. A claim for invalidity of the concession contract. A claim for damages.
10. The award procedure of public procurement. Public procurement rules.
11. Procurement procedures for public contracts.
12. Special rules for public procurement from sectoral contracting authorities.
13. Public Procurement Agency. Command and control.
14. Identification of irregularities in the award of public contracts.
15. Proceedings for appealing the procurement procedures.
16. Imposition of sanctions after concluded contracts for public procurement or concession contracts.
17. Administrative-criminal liability under the Concessions Act and the Public Procurement Act.
18. Indirect judicial control exercised by the civil courts in the mixed factual panels.

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6. Lazarov K. Administrative Law, S., Feneya, 2011.
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