

Uniwersytet Śląski

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Title: Strategic Goals of Public Procurement in Poland - an Evolutionary Approach.

Doctoral thesis in legal studies. Supervisor: prof. dr hab. Michał Kania.

Abstract

The main subject of the doctoral dissertation is the effectiveness of public procurement. The aim of the study is to determine what are the goals of public procurement in Poland and whether the new law (Prawo zamówień publicznych) is an adequate tool to achieve these goals. This paper assumes that public procurement can ensure effective spending of public funds while supporting the socio-economic development of the state. The main goal of the study is to obtain the answer, among others, to the following questions: What is a goal and how to define it? What is the role of goals in shaping a public procurement system? What are the goals of the public procurement system in Poland? What is the etymology of procurement goals? What is the function of the rules in relation to procurement objectives?

The first chapter consists of theoretical and philosophical considerations on the definition of a goal, an adequate goal and the means and legal instruments for their implementation. It provides the theoretical basis for the concepts used in the dissertation. The second chapter describes the development of the public procurement system in European law since the 1970s. An in-depth analysis of the development of the procurement system in the EU shows the process of shaping current goals and uniting them with the public procurement system. Chapter three presents the considerations on specific public procurement principles as means to achieve strategic goals, including the key principle of efficiency. This chapter helps to define what these principles are, what their role is in the hierarchy of law and in achieving strategic goals. Chapter four includes considerations on the development of the public procurement system in Poland from the time of the first royal orders until today, with particular emphasis on the period in which Poland's activities were aimed at adjusting national regulations to the requirements of EU law. Chapter five is an in-depth analysis of public procurement law instruments in Poland in terms of implementation of strategic goals. Chapters one to four help determine what a goal is, how to define it, and how to make a correct assessment. The analysis carried out in chapter five consists of the assessment of

these instruments: whether they are adequate means to achieve the goals.

Considerations included in the dissertation are to confirm that the effective spending of public funds is inextricably linked with supporting the socio-economic development of the state, including a balanced economic policy favouring the prevention of social and economic exclusion. The conducted research allowed the author to establish that the current strategic goals of public procurement are: pro-environmental procurement – ensuring sustainable development based on the effective use of natural resources and the use of environmentally friendly solutions; pro-social procurement – based on the assumption that the labour market should be safe and flexible, and procurement may affect the creation of new jobs, culture and development centres, and the functioning of specific social groups; innovative procurement – used by states to obtain new (unavailable on the market) products or services to increase the efficiency of existing products.

The study confirms that the objectives of public procurement are not limited only to the subject of public procurement, i.e. purchase of supplies, services or construction works while maintaining the conditions of fair competition and equal treatment of contractors. They are also an important tool for ensuring constant economic growth of the state, in particular by pursuing a sustainable economic policy conducive to preventing social and economic exclusion.