

Academic Year: (2023 / 2024)

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Department assigned to the subject: Public State Law Department

Coordinating teacher: ASIS ROIG, AGUSTIN EUGENIO

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 1

OBJECTIVES

To acquire the necessary skills to assimilate the meaning of the technical aspects of the regulated sectors, such as their condition of constituting activities with network infrastructures and services that give rise to their own problems in their financing and in the organization of its operation. Related to the subject .

- Identify , manage and implement the applicable national, European and international laws .
- Discuss and solve complex legal problems that may require the application of different rules and criteria.
- Critically analyze doctrinal , administrative, legal and jurisprudential texts.
- Perform complex legal documents.
- Intervene , formulate strategies and resolve legal disputes inter-privatos or with public authorities.

DESCRIPTION OF CONTENTS: PROGRAMME

1. Public procurement foundations; its application at regulated sectors procurement.
2. Scope and definitions on public procurement and regulated sectors procurement law. Contracting authorities and entities
3. Criteria for the selection of participants: exclusion grounds and capacities
4. Procurement preparation: definition of content. Procurement documents
5. Procurement procedure principles: equally treatment. Competition, publicity, transparency and confidentiality
6. Tender procedure, specialties of the electronic procedure
7. Award of contracts: criteria, publication and effects
8. Procurement procedures: open procedure, restricted procedure, negotiated procedures, Competitive Dialogue and Innovation Partnership.
9. Special regimes: Electronic Auctions, social services and design contests by jury procedures
10. Techniques and instruments for electronic and aggregated procurement: Framework agreements, Dynamic purchasing system, Electronic catalogues, Centralized purchasing activities and central purchasing bodies an joint procurement
11. Contract performance: Subcontracting, modification of contacts during their term and termination
12. Governance and special Administrative appeal

LEARNING ACTIVITIES AND METHODOLOGY

Theoretical lectures developing key concepts supported on audiovisual media and recommended specific literature. Commented readings by the teacher about the subject (newspaper articles, reports, manuals and / or academic papers) followed of in class discussions to expand and consolidate the knowledge of the subject. Discussing and case' resolution, individually or in groups. Legal issues and cases exposition and discussion under teacher moderation. Drafting legal documents and informes. Readings of theoretical and practical materials provided by the teacher in the virtual learning platform .

In the event that it is impossible to teach face-to-face classes, teaching will be carried out entirely

online, in its synchronous mode without recording the classes, on the platforms made available by the Carlos III University of Madrid.

ASSESSMENT SYSTEM

% end-of-term-examination/test: 60

% of continuous assessment (assignments, laboratory, practicals...): 40

The evaluation system is aimed at verifying students' progress in obtaining the skills and knowledge goals defined in the title memory and which are reflected in this sheet.

- Preparation and resolve a legal case on public procurement. This elaboration has an impact both on the continuous evaluation, which will be carried out through the delivery of a first project of the report (20%) and the presentation and debate of its results in class (20%), as well as on the final evaluation in which students must deliver the final version of the report with an impact on the final grade of 30% (50% of the final evaluation). This activity could be done in a group, at the teacher's discretion.

- Completion of a final test on the knowledge that is integrated into the content of the program with a value of 30% of the overall mark (50% of the final evaluation).

- Additionally, the teacher may attribute up to 1 additional point for participation during the course, applicable only if the subject is approved through the other evaluation activities (practice + exam)

ORDINARY CALL

Summative assessment: 60%

Final assessment: 40%

EXTRAORDINARY CALL

WRITTING ASSESSMENT: 100%

BASIC BIBLIOGRAPHY

- José Luis Vicente Iglesias Comentarios a la Ley 30/2007, de 30 de octubre, de contratos del sector público, La Ley, 2008

- LUCIANO PAREJO ALFONSO Lecciones de Derecho Administrativo, Tirant lo Blanch, 2022

BASIC ELECTRONIC RESOURCES

- BOE . Código de Contratos del Sector Público: https://www.boe.es/legislacion/codigos/codigo.php?id=31&modo=1¬a=0&tab=2

- MINISTERIO DE HACIENDA . TRIBUNAL ADMINISTRATIVO CENTRAL DE RECURSOS CONTRACTUALES: <http://www.minhfp.gob.es/es-ES/Areas%20Tematicas/Contratacion/TACRC/Paginas/Tribunal%20Administrativo%20Central%20de%20Recursos%20Contractuales>

- UNIÓN EUROPEA . UNIÓN EUROPEA NORMAS Y DIRECTRICES: https://europa.eu/european-union/business/public-contracts_es