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Implementation of public procurement law system objectives in the light of informatization of public administration activities.

Administrative and legal aspects

A summary of the doctoral dissertation

The informatization of public administration activities in the area of public procurement is one of the most important processes of state digital transformation. This transformation includes systemic changes to entire sectors of state activity. The changes are based on information and communication technologies using the digital form of data as the main factor of development.

As a result of informatization processes, public administration generates significant data sets, including digital form. The phenomenon of a significant increase in the aggregation and the use of data is constantly growing and is associated with the dynamic increase in the use of electronic tools that enable quick processing of the collected data – also digitally. A wide use of electronic tools by the public administration is also present in the area of public procurement. Past experience shows that the use of modern information and communication technologies by the public administration may contribute to the improvement of the process of making public purchases. Therefore, the informatization of public administration activities is not without significance in the context of the goals achieved with public contracts.

The main task of this doctoral dissertation is to conduct research regarding the implementation of the objectives of the public procurement law system in the light of informatization of public administration activities. The findings regarding the impact of the informatization process on the implementation of the objectives of the public procurement law system are gaining in importance, especially in the context of the implementation of the state's purchasing policy. The objectives of the public procurement law system are determined by the procurement directives adopted in 2014, which were implemented into the Polish legal system. The national legislator decides on the selection of appropriate legal regulations enabling the achievement of the adopted goals. The Public Procurement Law Act, adopted on September

11th 2019, introduces the full scope of the mandatory electronization of the public procurement procedure. A *sine qua non* condition for determining whether the informatization of public administration activities in the area of public procurement increases the possibility of achieving the objectives of the public procurement law system, is their correct identification and characterization. Therefore, the analysis of the selected objectives of the public procurement law system will be carried out, relating primarily to classic contracts.

The thesis of this dissertation is the statement that a properly conducted process of informatization of public administration activities is currently one of the basic premises determining the implementation of the objectives of the public procurement law system. The adopted research hypotheses will aim at verifying these assumptions of the work:

- the proper use of electronic tools in public procurement increases the efficiency of spending public funds;
- the use of generally available and non-discriminatory means of electronic communication facilitates access to the market for small and medium-sized enterprises and economic operators from other countries;
- the correct use of electronic tools as part of the informatization process serves to increase the transparency of the public procurement procedure;
- informatization of public administration activities contributes to supporting for innovative public procurement.

The objectives above and the used research methods determine work's scope and internal systematics.

The first chapter will refer to the genesis of the objectives of the public procurement law system. As part of this chapter, the terminology will be unified and references will be established for the research conducted later in the work. The conducted research will also concern the process of shaping the objectives of the public procurement law system. The above will make it possible to identify the most important objectives that have been shaped in the course of the evolution of the public procurement law system.

The second chapter will cover the legal issues of the informatization process in the area of public procurement in 2004-2014, in particular the concept of informatization of public procurement, the form of electronic legal action, the semantic scope of the definition of e-procurement and the national understanding of this definition and its meaning for EU regulations on informatization public procurement. The e-government EU policy in the years

1993-2010 will also be presented, as well as the place and the role of e-procurement in the process of informatization of public administration in the European Union after 2010.

The third chapter will present the issue of electronic public procurement in the context of e-government. First, legal acts concerning development policy in Poland will be indicated, as well as the place of electronic public procurement within the development policy. The main subject of the research will concern electronic public procurement in the light of the country's development strategy and legal aspects of informatization of public administration activities in the area of public procurement in the years 1994–2004. The results of the research will lead to the indication of the importance of public procurement within the framework of the adopted plans for the informatization of public administration activities.

The fourth chapter will refer to the issue of the impact of regulations on the informatization of public procurement on the objectives of public procurement law set out in the European Union law. Mandatory electronic communication, the use of the European Single Procurement Document, the innovation partnership mode and the electronic availability of all documentation, the online repository of certificates (e-Certis), as well as the automation of annual reporting will be discussed. These are examples of instruments that the Member States of the European Union have been obliged to implement.

The last chapter will characterize the objectives contained in the current public procurement law system, including their structure. Legal institutions functioning in the national legal system concerning public procurement, whose task is to support the implementation of these goals, will also be identified. This will make it possible to define the essential features of the objectives indicated in this chapter and to present proposals for solutions that are to enable their implementation through the process of informatization. The relationship between the objectives and the principles of public procurement law will also be analyzed.

The research conducted in this dissertation made it possible to verify the hypotheses presented in the beginning. It has been shown that the informatization of public administration activities in the area of public procurement leads to increased efficiency of purchases by shortening the duration of the procedure, reducing its costs and limiting the time-consuming activities performed by the participants.

The informatization of public procurement is also a pro-development factor for the internal market of the European Union due to the opening of public procurement to cross-border participation. Moreover, it eliminates the existing limitations in accessing the documentation of proceedings prepared in paper form. Electronic public procurement also leads to removing the possibility of corruption, thus improving the level of citizens' trust in public administration.

The electronization of public procurement also makes it possible to increase the competitiveness of the entire public procurement market by facilitating the availability of information on initiated procedures and the possibility of submitting offers via the Internet. Finally, the extensive use of modern information and communication technologies in public procurement may contribute to supporting innovative public procurement.

The informatization of public administration activities in the area of public procurement is gaining strategic importance in relation to new civilization challenges, such as the fight against the effects of the SARS-CoV-2 virus pandemic, climate change or the development of innovative technologies. Therefore, there is no doubt that the full informatization of public procurement in the current reality is a priority and should be fully implemented as soon as possible, as it is currently one of the basic conditions determining the implementation of the objectives of the public procurement law system.

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