UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Public Procurement

Academic Year 2024/2025

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

Public Procurement (02335)

5. Scientific Area

6. Curricular Year

4th

7. Type of Curricular Unit / Semester

1st Semester

FUNDAÇÃO MINERVA CULTURA - ENSINO E INVESTIGAÇÃO CIENTÍFICA

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8. Class type and workload (work time)

Theoretical classes:	30,00
Practical classes:	15,00
Theoretical-Practical Classes	
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Prof. Doutor ANTÓNIO MIGUEL FERRO CATELA TEIXEIRA

12. Assistants

Drª SILVIA MARIA GALVÃO TELLES FRANCO PULIDO PEREIRA

13. Teaching Language

Portuguese

14. General Objectives

Providing the alumni with precise knowledge on public procurement, enabling them to apply the most relevant provisions of the Código dos Contratos Públicos (Public Procurement Code), published 2008

15. Specific Objectives

Providing the alumni with the resolutions of different public procurement issues, through a practical approach

16. Skills to be acquired

Working and applying the most relevant provisions of the CCP

17. Teaching Methodology

The alumni will work the legal solutions described in the specific text elaborated for them.
Real cases will be privileged.

18. Course Unit Program

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1. Introduction.
2. The most relevant notions in public procurement discipline.
3. The internal organization of the Código dos Contratos Publics.
4. Historical evolution of Portuguese law on public procurement.
5. Historical evolution of Community and Union law on public procurement.
6 .Court of Justice jurisprudence on public procurement.
7. Legal technique for assuring the receiving of EU solutions in Portuguese law.
8. General principles biding the Public Administration.
9. The Portuguese Court of Auditors.
10. Definition of public contract.
11. Administrative law contracts and the CCP.
12. Different notions of contract in EU and Portuguese law.
13. Excluded contracts.
14. The contracting in the special sectors.
15. Value thresholds for the public contracts.
16. Definition of awarding entities.
17. The contractual entities declaration to contract.
18. Criteria for the application of contratual procedures. From open procedure to direct settlement.
19. COVID pandemics and public procurement.
20. Basic and contractual price.
21. The private party declaration to enter into a contratual relation.
22. Pré-contratual declaration.
23. In-house contracting.
24. Awarding criteria and abnormally low price.
25. Administrative law contracts.
26. Legal powers granted to the awarding entities o shape the execution of the public contracts.
27. Objetive variation, complementary works, supplies and services rendering.

19. Assessment Methods

The evaluation of the alumni performance will be assessed through the execution of two written examinations.

20. Didactic Resources

A specific support text will be elaborated for the use of the alumni, covering all the discipline scope.

21. Sustainability Objectives

Providing information relating to the interaction between the public procurement requirements and the sustainability goals

22. Keywords

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Public procurement
Awarding entity
Administrative law contract
Open procedure
Direct settlement

23. Main Bibliography

Author(s):	Pedro Costa Gonçalves		
Title:	Direito dos Contratos Públicos		
Edition:	4ª	Year:	2020
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Miguel Assis Raimundo		
Title:	Direito dos Contratos Públicos		
Edition:	1ª	Year:	2022
Local:	Lisboa		
Publisher:	AAFDL Editora		

Author(s):	Gonçalo Guerra Tavares		
Title:	Comentário ao Código dos Contratos Públicos		
Edition:	1ª	Year:	2019
Local:	Coimbra		
Publisher:	Almedina		

24. Complementary Bibliography

Author(s):	José Manuel Oliveira Antunes		
Title:	CCP, regime de erros e omissões		
Edition:	2ª	Year:	2009
Local:	Coimbra		
Publisher:	Almadina		

Author(s):	Maria João Estorninho		
Title:	Direito Europeu dos Contratos Públicos		
Edition:	1ª	Year:	2006
Local:	Coimbra		
Publisher:	Almedina		

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UNIVERSIDADE LUSÍADA
LISBOA

Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'CONTRATOS PÚBLICOS': Academic Year 2024/2025
Autor / Author	Prof. Doutor ANTÓNIO MIGUEL FERRO CATELA TEIXEIRA
Classificação / Classification	-
Descritores / Descriptors	-
Colaborador(es) / Colaborator(s)	-
Data Hora / Date Time	
Formato de dados / Data Format	Texto / Text, PDF
Estatuto de utilização / Usage	Acesso público / Public Access
Relação / Relation	Version 1,0

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11. Regent

Prof. Doutor MIGUEL CHAVES RIBEIRO ASSIS RAIMUNDO

12. Assistants

Drª SILVIA MARIA GALVÃO TELLES FRANCO PULIDO PEREIRA

13. Teaching Language

Portuguese

14. General Objectives

- Knowledge of the structuring principles of Portuguese public procurement law

15. Specific Objectives

- Ability to analyse and approach judgments (especially from the Court of Justice of the European Union, which are of paramount importance in matters of public procurement) and doctrinal articles critically

16. Skills to be acquired

- Solving legal problems (in the form of hypotheses and practical cases), equipping students with the tools to act in different professional contexts related to public procurement law (as judges, lawyers, legal counsel in contracting entities or economic operators)

17. Teaching Methodology

Theoretical-practical teaching in plenary classes

18. Course Unit Program

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INTRODUCTION ? THE UNITY OF PUBLIC CONTRACTS

0.1. Public action and contract (and competition): brief historical reference
0.2. The unity of public contracts

PART I ? FORMATION OF PUBLIC CONTRACTS

§ 1.º - PUBLIC PROCUREMENT AS A SYSTEM:
VALUES, INTERESTS, MODELS, PRINCIPLES, GOVERNANCE AND CONTROL

1.1. Values, interests and models: the diversity of administrative law goals applied to contracts
1.2. General principles and specific public procurement principles. The application of principles
1.3. Strategic public procurement
1.4. Integrity concerns and risks in public procurement. Conflicts of interest
1.5. Governance of the sector (reference)

§ 2.º - THE PROVINCE OF PUBLIC PROCUREMENT

2.1. The entities whose contracts concern public procurement law (?subjective coverage?)
2.2. The contracts pertaining to public procurement law (?objective coverage?)
2.3. Some central issues for the understanding of the objective coverage: public sector contracts; financial support contracts; pre-commercial procurement; others
2.4. Diminished competition: contracts for social services and other specific services
2.5. Contracts excluded from the coverage of the public procurement rules: essential regulatory options. A minimum regime composed of principles
2.6. The territorial scope of portuguese public procurement law (reference)

§ 3.º - DEFINITION OF THE OBJECT OF THE CONTRACT AND INITIAL DECISIONS OF THE PROCEDURE

3.1. The importance of the definition of the object and the influence of principles. Planning. Advertisement of intentions of entering into public procurement procedures
3.2. Pre-procedural activity and entailing restraints: especially, preliminary market consultations
3.3. The value of the contract. Choice of the award procedure
3.4. Choice of the award procedure in special sectors. Other specific rules
3.5. Unity and fractioning of the object of the contract: the problem of the artificial splitting of contracts; the award of parts of an homogeneous object in different award procedures; the duty to consider division of contracts into lots

§ 4.º - AWARD AND SELECTION CRITERIA

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4.1. The definition of essential parameters of assessment. The emerging topic of the excess of transparency
4.2. Maximum price as approximate market price. Abnormally low price or cost, as the threshold of suspicion of a tender
4.3. Award criterion and its application. The link to the subject matter of the contract. Characteristics of the tender and characteristics of the applicant.
4.4. Social, environmental and innovation criteria. Life-cycle costing
4.5. The matter of the need of objectivity in award criteria. Questions of separation of powers in the (judicial) control of award criteria

§ 5.º - ECONOMIC AGENTS WHO CAN PARTICIPATE IN AWARD PROCEDURES

5.1. The definition of the universe of competitors: between the law and the options of the contracting entity
5.2. Economic agents prevented from participating. Self-cleaning: proportionality and competition in action.
5.3. Selection criteria

§ 6.º - THE SEQUENCE OF AWARD PROCEDURES

6.1. General rules and specific rules for each procedure. The e-procurement model
6.2. Award procedures. Open procedure, restricted procedure, competitive invitation procedures, direct award. Reference to negotiated procedures, competitive dialogue, innovation partnerships and design contests
6.3. The procurement documents. Changes to the procurement documents
6.4. Access and secrecy in award procedures
6.5. Analysis and evaluation of tenders: giving reasons for the decision. The jury
6.6. Exclusion grounds. Correction of tenders
6.7. Award of the contract. The decision to cancel the procedure. The duty to enter into the contract
6.8. Signing of the contract

§ 7.º - AGGREGATION AND RATIONALIZATION MECHANISMS (reference)

PART II ? THE EXECUTION OF PUBLIC CONTRACTS

§ 8.º - LIFE OF THE CONTRACT (I): IN GENERAL

8.1. Determination of the legal sour

19. Assessment Methods

Teaching more focused on the practical and application components in smaller class lectures and OT (based in hypothesis and case law analysis) and troubleshooting. Oral participation in class to solve hypothesis and present case law is valued.

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20. Didactic Resources

Diverse use of different methodologies: lectures, analysing and commenting on scholarship and case law, solving practical cases, debates.

21. Sustainability Objectives

Contribute to a more sustainable public procurement by providing attention to the elements of the system more linked to fostering such concerns (technical specifications, green award criteria, selection criteria linked to environmental performance).

22. Keywords

Public
Contracts
Contracting
Authorities
Administrative
Contracts

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23. Main Bibliography

Author(s):	Raimundo, Miguel Assis		
Title:	Direito dos Contratos Públicos		
Edition:	1.ª	Year:	2022
Local:	Lisboa		
Publisher:	AAFDL		

Author(s):	Costa Gonçalves, Pedro		
Title:	Direito dos Contratos Públicos		
Edition:	6.ª	Year:	2023
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Sánchez, Pedro Fernández		
Title:	Direito da Contratação Pública		
Edition:	2.ª	Year:	2024
Local:	Lisboa		
Publisher:	AAFDL		

24. Complementary Bibliography

Author(s):	Guerra Tavares, Gonçalo		
Title:	Código dos Contratos Públicos Comentado		
Edition:	2.ª	Year:	2022
Local:	Coimbra		
Publisher:	Almedina		

Author(s):			
Title:			
Edition:		Year:	
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