

PROCUREMENT PROCESS IN LOGISTICS OF AVIATION

Ján Ferenc – Peter Čokina

The article summarizes the knowledge of the procurement of the Slovak Republic following the laws of the European Union. It describes the history of the procurement, the different procurement processes discussed and specified legislative procurement standards. In recent years, were added procurement in electronic form. The article also analyzed the procurement documentation and the process of e-procurement.

K e y w o r d s: procurement, procurer, contracting, candidate, applicant, e-procurement

1 INTRODUCTION

Due to constant problems in the procurement process in SR is needed in these processes to increase transparency, **non-discrimination** and ensure a level playing field candidates efficiency of public spending, justice and information. These are necessary changes and improvements related to enhancing competencies of the Public Procurement Office, based on the extension of the obligation to inspect the office of procurement process, increasing awareness of the contracts to be issued by publication on the Authority's website, as well as lowering the threshold, which is linked to the possibility of award non-priority services subliminal process.

On the issue of procurement of aviation is very important to point out procurement processes and problems that could arise in procurement logistics aviation.

2 ANALYSIS HISTORY PROCUREMENT PROCESS

One of the first countries in Central and Eastern Europe, which regulated public procurement legislation in a modern way by tender in market conditions, the Czechoslovak Republic.

In the postwar period, the contract issue resolved "General conditions of construction" of 1947. They pay to short story "Economic Law" of 1972, which were amended certain provisions of the tender, and the so-called restricted public promise. The provision of the tender was subsequently amended law. [1]

After 1990, there was a need to issue a new document that would fill a gap in the legislation procedure. First first 10th 1990 issued by Department of rationalization in building "construction tender love" in the form of guidelines, which set out the procedures and conditions for the procurement of buildings in the Czech Republic. Slovak version was received SNR as "Tender procedure works." Subsequently issued additional regulations governing the procurement, such as Government Regulation no. 219 of 31 3rd 1992 on the procedure for public procurement of construction, which existed only in the Slovak Republic. Oblige him to elaborate on the circumstances of each department, the goods and services.

Slovak Government in regard to the European Union in 1993 gave instruction to develop modern law on public procurement, which meets the need of the young Slovak Republic and compatibility to public procurement in the European Union.

He began to bring forth the first law on public procurement. Expert team of the Ministry of Construction SR and construction and after the reorganization of the central authorities in the legislative work has extraordinary international support. [1]

The process for selecting the contractor in the Slovak Republic in 1993 elaborated on the basis of the draft Model Law Commission of the United Nations Economic Law, UNCITRAL. Because not previously been treated in detail the procedure for selecting the contractor juried by law, the proposal respects this fact and to his texts are reproduced in full in only provisions that provide mostly basic principles of procurement: transparency in the procurement process, **non-discrimination** and ensuring equal job conditions, the efficiency of public spending.

Editing forms of procurement, as well as the number of transformation has been adapted to the market conditions of the Slovak Republic. The draft law on public procurement of goods, services and Public Works (Public Procurement Act) was adopted on 1 10th 1993, the National Council of the Slovak Republic, the Gazette was published under number 263/1993 Z. of. and entered into force on 1 First 1994th.

The main part of the Act dealing with the basic terms and concepts tender procurement procedures, such as restricted and negotiated procedures, quotation and direct entry. Direct entering as an extraordinary form of the contract and the State supervision of public procurement.

On the initiative of members of the National Council of the Slovak Republic with the participation of 15 April 1994 Public Procurement Act amended by the Act of the National Council of the Slovak Republic no. 81/1994 Z. of. in the two provisions that govern the financial limits for the use of quotation and direct entry.

To prepare the inclusion of the associated countries of Central and Eastern Europe into the EU internal market has been on 3 May 1995 issued so. White Paper. White paper consisted of two parts. The first part analyzed in general terms the purpose, context and character of the process of convergence to the right of the associated countries with Community law. The second

part contained annex, a detailed overview of Community law in the internal market. Appendix section 12, concerning procurement in the first and second stage envisaged introduction of the *acquis communautaire* in the field of public procurement.

Contracting authorities and bidders obtained from the law of the Slovak experience with various procurement competitions. On the one hand, the experience gained from successful and fair competition, on the other hand, the experience of competing dishonest and manipulated, experience with bribery, corruption. These experiences, along with the need to zoom in public procurement in Slovakia, European Union legislation led to the need to develop new Slovak Public Procurement Act on what is now trying to Law no. 25/2006 Coll procurement and amending certain laws, as amended, and related implementing regulations.

3 DEFINITION OF CONTRACT

The gradual acquisition of positive and negative experiences in public procurement shall govern and specified a definition and procurement. Procurement procedures are in accordance with the Public Procurement Act, which will award contracts for supplies, contracts for building works, service contracts, and concession contest.

Public procurement is actually efficient management of the resources of the state budget, as the operation of agencies and organizations that are linked to the state budget are annually spent considerable funds.

When procurement is to apply the principle of transparency, equal treatment and non-candidates and candidates, the competition in compliance with the principles of economy in the spending of funds.

Public Procurement Act in its provisions states that appropriations may be used only for specified purposes and to cover critical needs and measures arising from special regulations. And it is necessary to ensure maximum efficiency and effectiveness of their use. Since the Budget Law is a law on the management of public finances and peace of that provision to the financial aspects of the contract. This is confirmed by the applicable provisions of the Public Procurement Act, which emphasize price as the first and sometimes the only criterion, while reducing the weight and importance of other criteria. [2]

For those outside the criteria of price applicable law does not impose any requirements which may cause problems in practice. Because of the described approach shows a tendency efficiency spending in the other possible tendencies, this can be characterized as a fiscal or budget-law.

4 DISTRIBUTION METHODS, METHODS AND PRACTICES

The various types of procurement of goods, services and works mainly differ in the methods and procedures used because of the volume of funds for procurement. Based on these facts is different and each contract has its own specifics.

4.1 Acquisition

Procurement of goods, services or works, except for the simplest needs a long process of identification (determining) the need to adopt and take delivery of the goods, services or construction putting into operation (commissioning of the investment project in the planned activities). This process is often referred to as "the procurement cycle," respectively. for delivery as a "supply chain".

"Procurement cycle" means a sequence of activities performed during the procurement process. [3]

4.2 Financial Limits

The law will govern the procurement procedure as below-and above-threshold depending on the type of entity, the contract and the amount of estimated value. The financial limit applies to the estimated cost to the contract without value added tax, which amount is determined by the authority on its experience with previous purchases.

The order is above the limit, below the limit, threshold or low value depending on the estimated value of the contract. [3]

5 DOCUMENTATION

Documentation is an important material that is used to ensure the monitoring process of the contracting in the procurement process from the planning stage, through the choice of a contractor for a contract in the case of contracts above the limit to the actual performance of the contract. The contractor selection process is used in relation to the potential objections and controls over the procurement process and is used for internal control purposes. It is an important input monitoring process even after the conclusion of the contract, and any follow-up resolution of litigation.

The contracting authority and contracting entity must record and archive all documents that arise in the procurement procedures. The procedure used for each procurement is a contracting authority shall maintain documentation.

The contracting authority and contracting entity shall register all documents and documents used in the procurement process and keep them five years since the expiry of the tender. The documentation of the justification for the use of the negotiated procedure or a competitive dialogue using an accelerated restricted procedure or the negotiated procedure. [4]

6 ELECTRONIC TENDER

The procurement is now most often discussed on electronic auctions as one of the possible solutions for effective management of public finances. No e-procurement, is not only an electronic auction. On the contrary, electronic auctions are often only the last step of the procurement process. And while the focus is on electronic auctions, other - often more important issues and challenges of e-procurement are getting into the background.

E-procurement is the process of computerization the procurement procedure, simply put, is the process of computerization. [5]

7 E-PROCUREMENT

One of the systems that provide electronic communication process steps of the procurement phase, especially the whole stage award, including the e-auction e-procurement, which is operated by the Public Procurement Office. The system allows to plan the award of the contract to create the notice sent to them on-line for publication in the European Journal of procurement, as well as the Slovak Journal of procurement. Interested in the contract can download documents electronically, so the contracting entity for any candidate not print documents and distribute them. The small saving sight. The candidate has the opportunity to explain the stage to present the issue to the specifications and conditions set out in the notice of public procurement by electronic means. The contracting authority has the option to publish electronically through the explanations to the questions, which accelerates and simplifies communication between the contracting authority and candidates / applicants. By authority receives inputs in the same structured way, the possibility of easier to read, evaluate, compare. Creation of appropriate questionnaires, however, requires good preparation procurement.

Tendering is supported by electronic communication. Candidates have the option to submit bids electronically. After the initial evaluation of the tenders, the contracting authority / entity to proceed with

an electronic auction to reduce the price compared to the prices mentioned in the tenders. So candidates who meet the conditions of participation and requirements for subject matter are invited to participate in the electronic auction, which aims to reduce the prices of suppliers to a minimum.

The support of electronic communications in public procurement has been developed e-procurement system. The system is managed by the Office serves as a central portal for the award.

Public Procurement Act allows the use of new techniques for electronic procurement effective process of procurement, particularly in relation to time and financial savings, pro-competitive, the development of competition and increasing transparency in public procurement. Allows the use of environmental aspects with

a positive impact on the environment, it also introduced the possibility of using a centralized procurement. [6]

8 CONCLUSION

The fact that we are in spending their own money behave economically, we do not need any law or directive. A different situation arises, however, when it comes to public money and therefore "not ours." Our behavior and actions are much more generous and no worries

The contracting authority and contracting entity should have an interest in the funds. Used with the greatest effect, because almost every entity in our society and even aircraft, whether civil or military, a shortage of funds. This is reason enough to make the issue of procurement of aviation increased focus.

State statutory law to form a 25/2006 Z. z. procurement and amending certain laws on the supply of goods and related business rules determine how to proceed with the procurement of goods, services and works. The aim is to achieve effective social and economic security needs by choosing the best supplier for compliance with the principles of public procurement law, transparency, non-discrimination and equal treatment, as well as competitiveness and accountability. One of the main objectives of the procurement processes is that the implementation of the procurement of public finances has been under public scrutiny. Contract with the selected contractor has authority to ensure that it obtains the object of the contract in the required time and quality at the best possible price and that the risks arising from the contract will be distributed in an equitable manner.

No law and no method will not improve the procurement process, if a rule is not fully respected in practice.

BIBLIOGRAPHY

- [1] HLAVÁČOVÁ S., JUDr. a kolektív: Výklad zákona o verejnom obstarávaní, Unika, Bratislava, 2004
- [2] BAKAY M., Ing. a kolektív: Školiaca metodológia: pre žiadateľov o získanie odbornej spôsobilosti na verejné obstarávanie. Bratislava 2001. ISBN 80-968435-9-1
- [3] TVRDOŇ J., Ing. a kolektív: Verejné obstarávanie od A do Z, Verlag Dashöfer, 2008
- [4] Zákon NR SR č. 25/2006 Z. z. zo 14. decembra 2005 o verejnom obstarávaní a o zmene a doplnení niektorých zákonov
- [5] UNIKA, kolektív autorov, Úplné znenie zákona č. 25/2006 Z. z. o verejnom obstarávaní a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a vykonávacie predpisy s komentárom, 2011
- [6] Metodická príručka, Nový zákon o verejnom obstarávaní č. 25/2006 Z. z., Košice, 2006

AUTHORS' ADDRESSES

Ferenc Ján, Ing., PhD.
Technical university of Košice
Faculty of aviation
Rampová 7, 041 21 Košice
e-mail: jan.ferenc@tuke.sk

Čokina Peter, Ing.
Technical university of Košice
Faculty of aviation
Rampová 7, 041 21 Košice
e-mail: cokina.peter@gmail.com