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SUMMARY OF THE DOCTORAL DISSERTATION

"PROVISION OF SERVICES BY PUBLIC ADMINISTRATION IN THE FORMULA OF PUBLIC-PRIVATE PARTNERSHIP"

The subject of the dissertation is a comprehensive analysis of activities undertaken by the public administration in the field of providing services in the public-private partnership (PPP) formula on the basis of the Act of 19 December 2008 on public-private partnership, the Act of 11 September 2019 Public Procurement Law and the Act of 21 October 2016 on the concession contract for construction works or services. The activities of the administration are discussed at the following stages: preparatory proceedings, selection of a private partner and conclusion of a PPP contract. These activities, mostly unregulated in law, undertaken on the basis of the principle of efficiency and benefits for the public interest, are carried out by public entities on the basis of a free decision.

Chapter 1 of the work focuses on presenting the transformations that the administration has undergone over the centuries, and various concepts of providing services by the administration. On the basis of criticism of one of them (*new public management*), a public-private partnership developed. The next chapter describes various PPP models, which are characterized by cooperation between a public entity and a private partner based on a long-term contract, covering several stages, e.g.: design, construction and management of the created infrastructure. The cooperation is based on the division of tasks and risks, and the remuneration of a private partner does not have to come only from public funds, but also from the fees a partner collects from users, in connection with the conducted activity. It is also pointed out that the principles of PPP are regulated differently in the European Union countries, and the detailed rules for the implementation of partnership are defined primarily in *soft law* acts, which allows public entities a lot of freedom in their actions, and at the same time makes them uncertain as to the correctness of the procedure.

The law in force in Poland defines the most important principles and concepts in the field of PPP, and most of the activities leading to the conclusion of a PPP contract are taken by

administration entities on the basis of free decisions based on guidelines and experience from other projects. Such a proceeding requires the support of an institutional coordination system at various levels of administration, which is described in chapter 3 of the work. The resolution on the conduct of so-called PPP policy by the government as well as cooperation between administrative bodies and various institutions regarding the dissemination of the PPP formula is discussed in detail. Equally important is the control of implemented projects at various stages, which is the subject of consideration in this chapter.

This area of analysis is also covered by subsequent chapters, describing problematic issues related to the activities of a public entity in the field of preparing a PPP project for implementation (chapter 4), activities related to the procedure for selecting a private partner (chapter 5) and activities related to the conclusion and contract management (Chapter 6). Most space is devoted to the analysis of the decision-making basis of the public entity and various ways of acting based on experience and *soft law* acts, and their results in terms of effectiveness and benefits for the public interest.

The last, 7th chapter contains final reflections on the summary of the most important issues raised in the work, and also presents *de lege ferenda* postulates regarding regulation of issues in law, that would allow administration entities to take actions leading to the conclusion of a public-private partnership agreement more effectively and with greater certainty.