

SUMMARY

Key Words: organized bidding, contract, state defense order, energy service contract.

Subject matter: Civil regulation of tenders.

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The relevance of the research topic At present, in Russia, concluding an agreement through tendering is one of the priority areas for the development of contract law and civil law relations in general. Holding tenders promotes the growth of free competition among participants, reduces the risk of corruption. Trading in modern economic conditions is one of the most complex legal and economic institutions. Bidding in civil law is a fairly broad topic for research, including organized bidding, bidding in the framework of enforcement proceedings, state and municipal procurement. The greatest difficulty is state and municipal procurement. The legal regulation of tenders should not allow the possibility for the emergence and manifestation of a conflict of interest. However, it should be noted that the regulatory framework for bidding is fragmented. In the Civil Code of the Russian Federation (hereinafter referred to as the Civil Code of the Russian Federation), only three articles are devoted to this institute (Articles 447-449), and the scope of application of the trading institute is huge and cannot be reduced to these relations. In each particular industry, regulation is carried out by issuing by-laws, which often contradict each other. This situation does not contribute in any way to the stability of legal relations arising from tendering.

Judicial practice testifies that problems and contradictions remain in the most basic issues - about the methods of conducting tenders, the controversial characteristics of goods and services, the legal nature of claims for protecting competition, the legal consequences of declaring tenders invalid, etc. The difficulties are also associated with the fact that bidding requires a comprehensive analysis of civil, procedural, executive and other branches of legislation, since a single legal regulation of the bidding process in the field of private and public law is missing.

The above determines the choice of this topic for writing the final qualifying work, its relevance and importance.

The purpose of the work: research and analysis of civil regulation of tenders.

Objective: to give a general description of the bidding, to analyze the regulatory legal acts in the bidding field, to analyze the mechanisms and methods of civil regulation of bidding.

The theoretical and practical significance of the research consists in a detailed study of problematic issues in the legislation governing tenders. On the basis of the provisions formulated in the presented study, a significant improvement of the legislation regulating tenders is proposed.

Results of the study:

1. In civil law, the bidding system is relatively separate, has its own characteristics and principles, on which the functions are based. The following types of bidding: auction, tender, request for proposals and request for quotations. These types of bidding are competitive. Purchasing from a single supplier is a non-competitive way to conclude a contract.
2. At the present stage of development of tenders, the issue of civil status of bidders remains a problem.
3. Conclusion of a contract based on the results of tendering is a complex and multi-stage procedure, which contains a lot of nuances and in many ways infringes on the rights of the contract executors.
4. Judicial practice shows that there is no unified approach to the consideration of cases on tenders; the approaches of the courts remain different with respect to the same essence of the matter.
5. The state defense order is one of the specialized categories of tenders, which are subject to specially developed regulatory legal acts, is subject to special control and has a separate open account for settlements.
6. Energy service contracts in the entire trading system for FZ-44 are the least developed area, have low attractiveness for budget organizations, but are an attractive area of development for

better development of the enterprise economy, effective energy saving and energy consumption. of existing legislation governing maintenance obligations is of particular importance.

Recommendations:

1. To amend the legislation, specifying the concepts of “customer”, use a single system for bidding, reduce the time of signing contracts through an electronic platform, use official sources and information resources for monitoring prices, distinguish between the concepts of “identical” and “homogeneous” for transparency methods definitions of bidders.
2. To distinguish between the powers of authorities and their competence in the field of bidding, with the aim of eliminating duplication of powers and unnecessarily cluttering the bidding system.
3. To develop a unified approach in judicial practice on public bidding.