



## Tomáš Halfar

Associate

In the field of the public sector, Tomáš Halfar specialises primarily in public procurement and concessions. He provides comprehensive legal advice in connection with the preparation of public procurement conditions and management of public procurement procedures on the part of contracting authorities, and participation in public procurement procedures on the part of suppliers. Tomáš has represented a number of clients in proceedings before the Office for the Protection of Competition and in administrative proceedings. He also deals with the preparation of expert legal opinions and analyses in substantive and procedural law issues.

In his practice, Tomáš mostly deals with projects in the field of information technology, construction, or specific supplies and services procured under the regime of public contracts and utilities sector contracts.

Prior to joining our law firm, he gained experience in analytical and methodological positions at the Supreme Court and the Office for the Protection of Competition.

### Projects

- comprehensive support to the contracting authority after the initiation of review proceedings before the Office for the Protection of Competition
- legal advice to the contracting authority in a specific reconstruction project using Yellow book FIDIC contract terms and successful defence of the client's procedure before the Office for the Protection of Competition
- drafting the supplier's objections and motion against the contracting authority's procedure for selecting a competing supplier for the public contract
- assessing the possibility of defending the rights of a person affected by a decision of a European Union institution before the General Court of the Court of Justice of the European Union
- drafting the supplier's objections and motion against the set procurement conditions for the public contract
- advising on the contracting authority's decision on objections to the decision to select a supplier for a public works contract for the construction of bridge structures
- legal advice and follow-up administration of the implementation of a dynamic purchasing system
- drafting a legal opinion on modifications of obligations under the public works contract and on the relation of the separate procurement procedures in terms of the fulfilment of the characteristics of a single functional unit
- legal assessment of a public-private partnership (PPP) project, including successful defence of the project in proceedings before the Office for the Protection of Competition
- preparing the subsidy recipient's statement in the context of a tax audit to investigate a suspected breach of budgetary discipline
- preparing an opinion on the validity of the contractor's claim for payment for additional works under a design-build contract
- preparing a legal opinion on the applicability of the exemption from the obligation to proceed at the conclusion of a contract in one of the types of procurement procedures under the Public Procurement Act, including an assessment of the correctness of the transposition of the Directive of the European Parliament and the Council and its direct applicability
- preparing a statement in the review proceedings concerning the decision on temporary withdrawal of parts of land intended for the fulfilment of forest functions
- analysis of the applicability of the conceptual features of concession contracts to the intention of cooperation between a public entity and an association with a public benefit activity
- legal and organisational support to the contracting authority in the preparation and conduct of the preliminary market consultation and the processing of its results for the purposes of the public procurement documentation
- preparing the supplier's application to the Office for the Protection of Competition for the imposition of a ban on proceeding with the award of a public contract outside the regime of the Public Procurement Act
- preparing a statement with the supplier's objection to the qualification conditions in the Swedish procurement procedure
- legal assessment of the applicability of an exemption from the obligation to proceed in one of the types of procurement procedures on the grounds of protection of classified information
- analysis of the company's long-term contracts concluded prior to its acquisition with regard to the possibility of transferring rights and obligations in connection with the rules for changing the supplier under public procurement contracts
- preparing a legal opinion on the fulfilment of the conditions for vertical or horizontal cooperation of contracting authorities (in-house)
- assessing the conditions for setting up a joint venture in the form of a European Economic Interest Grouping

- preparing an opinion on the applicability of an exemption from the obligation to proceed in one of the types of procurement procedures on the grounds of special security measures provided for in other legal regulations
- legal support of the contracting authority in the procurement procedure according to the best value approach / best value procurement method
- preparing a legal opinion on the rules and conditions for individual reasons for modifications of obligations under public procurement contracts

## **Membership in professional associations**

Czech Bar Association

## **Languages**

Czech, English

## **Education**

Masaryk University, Faculty of Law, Brno (2016), Mgr. (Master of Laws)

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