



Ministry of Foreign Affairs

Tendering in Italy

Guide on Italian public procurement procedures
below and above the European thresholds

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TENDERING IN ITALY

GUIDE ON ITALIAN PUBLIC
PROCUREMENT PROCEDURES
BELOW AND ABOVE THE
EUROPEAN THRESHOLDS



TENDERING IN ITALY

GUIDE ON ITALIAN PUBLIC PROCUREMENT PROCEDURES BELOW AND ABOVE THE EUROPEAN THRESHOLDS

1	PUBLIC PROCUREMENT IN ITALY – INTRODUCTORY STATEMENTS	3
1.1	INTRODUCTION	3
1.2	READING GUIDE	4
2	PUBLIC PROCUREMENT PROCEDURES	5
2.1	PREPARATION OF PROCEDURES: COMMON STANDARD	5
2.2	THE EU THRESHOLDS AND CHOICE OF PROCEDURES	6
2.2.1	THE OPEN PROCEDURE	9
2.2.2	THE RESTRICTED PROCEDURE	9
2.2.3	THE COMPETITIVE PROCEDURE WITH NEGOTIATION	10
2.2.4	THE COMPETITIVE DIALOGUE AND THE INNOVATION PARTNERSHIP	10
2.2.5	THE NEGOTIATED PROCEDURE WITHOUT PRIOR PUBLICATION	11
2.2.6	THE DIRECT ASSIGNMENT	11
2.3	CHARACTERISTICS OF PUBLIC PROCUREMENTS PROCEDURES IN THE MAIN SECTORS	14
2.3.1	INFRASTRUCTURE, LOGISTICS AND TRANSPORT SECTOR	17
2.3.2	MARITIME SECTOR	20
2.3.3	WATER SECTOR	22
2.3.4	GREEN ECONOMY AND WASTE SECTORS	27
2.3.5	HEALTHCARE SECTOR	32
2.3.6	ICT SECTOR	34
2.4	THE “MORANDI BRIDGE MODEL”	36
3	CONSIP AND P.A. PAYMENTS	37
3.1	THE ELECTRONIC MARKET OF THE PUBLIC ADMINISTRATION AND THE DYNAMIC ACQUISITION SYSTEM	37
4	POINTS OF INTEREST	39
4.1	TERMS AND DEADLINES	39
4.2	TENDERING CRITERIA	39
4.3	THE ASSESSMENT/AWARDING PROCESS	40
4.4	DISPUTES	43
5	GENERAL RECOMMENDATIONS AND TIPS	44
5.1	PRACTICAL EXPERIENCE AND FEATURES OF THE ITALIAN MARKET	44
5.2	RECOMMENDATIONS AND OPPORTUNITIES FOR DUTCH COMPANIES AND BEST PRACTICES	45

ANNEX I TABLE OF FIGURES

ANNEX II DETAILS ON ITALIAN TENDER LAW

ANNEX III ITALIAN TENDERING PLATFORMS, AUTHORITIES AND ASSOCIATIONS

ANNEX IV GLOSSARY

1. PUBLIC PROCUREMENT IN ITALY – INTRODUCTORY STATEMENTS

1.1. INTRODUCTION

For the realization of public works and the purchase of goods, assets and government services, the Italian Public Administrations must avail themselves of public procurements to ensure transparency, competition, meritocracy and equal opportunities for the relevant operators. In order to increase the chances of being qualified for a tender in Italy, adequate knowledge of Italian procurement procedures is therefore recommended.

The aim of this Guide, which has been written for Dutch companies that are interested in Italian public tenders, is becoming a reference tool for participation in Italian public procurement procedures of works, goods and services both below and above the European thresholds.

Besides setting out a detailed description of the different types of tender procedures and their own phases, as provided in the first chapters, the Report also focuses on the main procurement sectors and indicates, with the cooperation of five experts, both recent statistics and possible future business' perspectives in six strategic market sectors.

In such context, a significant development is currently represented by the Recovery and Resilience Plan (the “PNRR”), approved by the Italian government under the Euro 800 billion Next Generation EU Plan aimed at relaunching the EU system after the pandemic crisis (hereinafter, the “Plan”).

The PNRR provides for an allocation of more than Euro 222 billion in order to recover and relaunch the Italian economy and, in addition to these resources, one should also keep in mind the supplemental amount of Euro 13 billion, made available by the *Recovery assistance for cohesion and the territories of Europe* (the “React EU”), which has to be spent during the period 2021-2023.

The above-described situation clearly represents an excellent opportunity for doing business in Italy and will likely attract many foreign companies to the Italian market.

After a description of the main sectors, which will be affected by the future investments, the Report provides an insight into e-procurement and explains a newly developed payment system of the Public Administration, namely “*pagoPA*”.

The Report then continues with a brief overview of the main points of interest and attention for companies operating in the public procurement sector and provides practical suggestions for participation in an Italian tender process. Such suggestions are aimed at preparing Dutch companies well for entry into the Italian market and for facing the mechanisms of the Italian Public Administration.

In conclusion, the large amount of funds that will be injected into the Italian economy over the next few years will certainly render Italy an interesting market for foreign companies. However, one should also realize another factor which will stimulate the Italian economy; the pandemic crisis caused a sudden and relevant process of simplification and acceleration of the public procurement procedures. Such factor should be taken into account when evaluating participation in public procurement procedures. This Guide wishes to provide Dutch companies with general market information and useful tips regarding public tenders in Italy. Its descriptions of the tender procedures, the six most important tender sectors and of the main tender platforms, authorities and associations are aimed at helping Dutch companies prepare their access to the Italian public tenders.

We hope this Guide will be useful and if you need any other information or support, please do not hesitate to contact the Embassy of The Kingdom of The Netherlands and its partners that helped preparing the Guide and are listed on the Guide's final page.

1.2. READING GUIDE

Italian public procurements are governed by the national **Public Procurement Code**¹ (hereinafter, the "PPC"), which implemented the applicable European Directives² in this sector and integrated them with specific national provisions.

This Guide will cover the aspects of public procurements, both in the ordinary and special/utilities sectors (the latter being represented by energy, water, transportation, and postal services) as provided for by the PPC and will thus not address concession contracts.

Chapter 2 of this Guide will briefly describe the Italian Procurement Law, thereby particularly focusing on the EU thresholds as well as on the different types of procedures provided by the law, highlighting some practical issues regarding the following main procurement sectors:

- Infrastructure, logistics and transport sector;
- Maritime sector;
- Water sector;
- Green economy and waste sector;
- Healthcare sector; and
- ICT sector.

This chapter also contains a reference to the Morandi bridge case, focusing the attention especially on its tendering method and timeline.

Chapters 3 and 4 will examine some specific points of interest, such as:

- a clear explanation of the electronic market and the functioning of Consip;
- a brief reference to the payment system of the Public Administration;
- a focus on the relevance of the tender terms and deadlines;
- a description of the main Italian tendering and awarding criteria; and
- an overview related to the dispute resolution.

Chapter 5 will conclude the Guide by offering several practical recommendations and suggestions for Dutch companies wishing to participate in an Italian public procurement procedure, thereby underlining business opportunities and identifying the best practices.

Annexes II and III will complete such analysis by providing, on one hand, detailed information concerning the Italian tender law and by listing, on the other hand, useful contacts of both private and public institutions that are involved in this sector.

1 Legislative Decree no. 50, dated 19 April 2016 (https://www.codiceappalti.it/Home/Legge/?legge=Italian_Procurement_Code).

2 Directives with numbers 2014/23/EU (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0023&from=en>), 2014/24/EU (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0024&from=EN>) and 2014/25/EU (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0025&from=ES>).

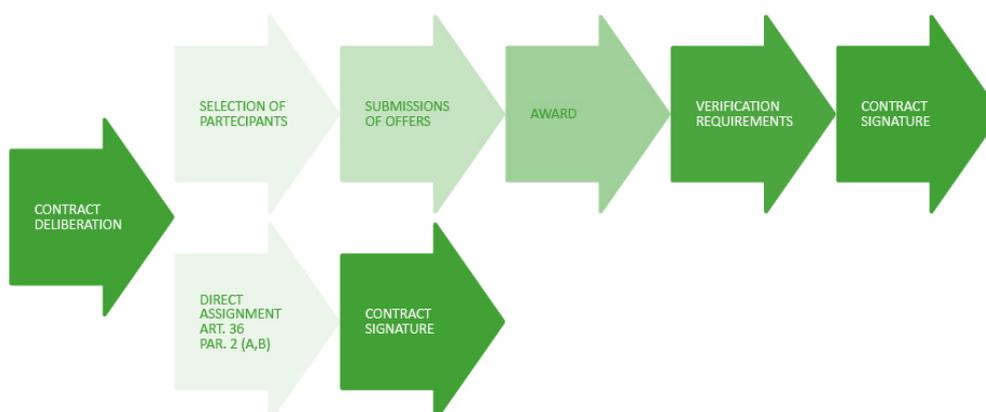
2. PUBLIC PROCUREMENT PROCEDURES

Please note that the Italian public procurement process is *de facto* divided into five phases:

- planning and preparation of the procedure;
- choice of the procedure;
- awarding of the public contract;
- stipulation of such contract;
- performance of the public contract.

The focus of this Guide is on the first three phases only, which are generally described in the subsequent chapters and set out in more detail in Annex II.

Fig. 1 - Main phases of public procurement procedure.



2.1. PREPARATION OF PROCEDURES: COMMON STANDARD

Before launching a procurement procedure, the contracting authorities (hereinafter, the “**Contracting Entities**” or the “**Public Authorities**”) can decide to conduct a preliminary market consultation aimed at informing economic operators of their procurement plans and requirements. Furthermore, such Public Authorities prepare the technical specifications, providing for the characteristics required for works, services or supplies.

The Contracting Entities make their intentions of the planned procurements subsequently known through the publication of a prior information notice. This notice should contain the relevant information provided for by the PPC and be published on such Contracting Entities’ websites.

Except for the negotiated procedure without prior publication and the direct assignment (which are described below), all procedures initiate with a call for competition. Such call is made by means of a contract notice, which must have

the requirements set out in the PPC and be drafted based on the models prepared by the National Anticorruption Authority (hereinafter, “ANAC”)³.

The following phase is represented by the publication of the notice, which must be transmitted by electronic means to the Publications Office of the European Union⁴ and published by it, in accordance with the PPC, no later than five days after the transmittal date. Moreover, the notice should also be published, at a national level, on the website of the Contracting Entity, on the contract notice digital platform of ANAC, as well as in the Italian Official Journal (*La Gazzetta Ufficiale*)⁵. Starting from the notice publication date, the Contracting Entities must offer, free of charge and through electronic means, unrestricted and full direct access to the procurement documents.

Please note that when the relevant Public Authorities wish to use procedures that impose a selection, such entities should immediately send a written tender submittal invitation to the selected candidates.

For additional information on the main characteristics of the above-mentioned common standards, we refer to Annex II⁶.

2.2. THE EU THRESHOLDS AND CHOICE OF PROCEDURES

The choice among all the existent procedures depends on several factors, but primarily on the value of the public procurement contract. As a matter of fact, the PPC sets out the following **thresholds**⁷ provided by the EU for the determination of the type of procedure to be used:

In ordinary sectors:

- Euro 5,350,000 for public works contracts;
- Euro 139,000 for public good supply and service contracts awarded by central governmental Contracting Entities (as listed in Annex III⁸) and design contests organized by such Entities;
- Euro 214,000 for public good supply and service contracts awarded by sub-central governmental Contracting Entities (as listed in Annex III⁹) and design contests organized by such Entities;
- Euro 750,000 for public services contracts for social and other specific services listed in PPC.

³ ANAC (<https://www.anticorruzione.it>) is an important independent Institution that supports the Public Administrations in rendering tender procedures transparent and in safeguarding the prevention of corruptive practices. Before participating in a public procurement, a bidding company must register with ANAC by opening an account. Public procurement procedures, in fact, provide for the payment of a fee through the ANAC platform and obtaining a so-called company pass. Both the payment receipt and the company pass are fundamental parts of the documents the operator must submit for participation in the public procurement.

The simplification decree, described in chapter 2.3, attributes broader functions to ANAC which are aimed at promoting efficiency, supporting the development of best practices, facilitating the exchange of information between contracting authorities and monitoring the entire public procurement sector; ANAC also has powers of control by giving recommendations or taking precautionary and sanctioning measures, as well as by adopting policy acts, such as guidelines, standard calls for competition, contract models and other regulatory instruments which have binding effect.

⁴ <https://op.europa.eu/en/home>.

⁵ <https://www.gazzettaufficiale.it/>.

⁶ Page 1 of Annex II.

⁷ The value of the thresholds is intended net of value-added tax (VAT) and is periodically redefined by the EU Commission: the last adjustment, valid for the two-year period 2020-2021, came into effect in January 2020.

⁸ Page 4-5 of Annex III.

⁹ Page 4-5 of Annex III.

In special sectors (mentioned in chapter 1¹⁰):

- Euro 5,350,000 for public works contracts;
- Euro 428,000 for public good supply and service contracts awarded by central or sub-central governmental Contracting Entities and design contests organized by such Entities;
- Euro 1,000,000 for public services contracts for social and other specific services listed in PPC.

For additional information concerning the thresholds and the methods for calculating the procurement’s estimate value we refer to Annex II.

In order to provide an overview, the thresholds have been set out in the charts below:

Fig. 2 - Brief overview of EU thresholds

AUTHORITY	CONTRACT TYPE		VALUE
CENTRAL GOVERNMENT AUTHORITIES	Works contracts, subsidized works contracts		€5,350,000
	All services concerning social and other specific services listed in detail in Annex IX ¹¹ of the PPC		€750,000
	All subsidized services		€214,000
	All other service contracts and all design contests		€139,000
	All supply contracts awarded by contracting authorities not operating in the defense sector		€139,000
	Supply contracts awarded by contracting authorities operating in the defense sector	Concerning products listed in Annex VIII ¹² of the PPC	€139,000
		Concerning other products	€214,000
SUB-CENTRAL CONTRACTING AUTHORITIES	Works contracts, subsidized works contracts		€5,350,000
	All services concerning social and other specific services listed in Annex IX ¹³ of the PPC		€750,000
	All other service contracts, all design contests, subsidized service contracts, all supply contracts		€214,000

¹⁰ Page 1 of chapter 1.

¹¹ Examples of services listed in Annex IX are: health, social and related services; administrative social, educational, healthcare and cultural services; compulsory social security services; benefit services; other community, social and personal services; religious services; hotel and restaurant services; legal services; other administrative services and government services; provision of services to the community; prison-related services, public security and rescue services; investigation and security services; international services; postal services; miscellaneous services.

¹² Examples of products listed in Annex VIII are: mineral fuels; mineral oils; bituminous substances; inorganic chemicals; organic chemicals; pharmaceutical products; fertilizers; cosmetic or toilet preparations; soap; photographic and cinematographic goods; miscellaneous chemical products; wood and articles of wood; paper-making material; printed books, newspapers; ceramic products; glass and glassware; boilers, machinery and mechanical appliances; electrical machinery and equipment; railway and tramway locomotives; vehicles; ships, boats and floating structures; musical instruments; furniture.

¹³ See footnote 11.

The following scheme shows the number of public procurements in Italy with a value exceeding the amount of Euro 40,000.00 during the period January 2019 - August 2020.

Fig. 3 - Public procurement in Italy above Euro 40,000.00

JANUARY - DECEMBER 2019	NO. OF CONTRACTS	VALUE (IN EUR)	AVERAGE VALUE (IN EUR)
ORDINARY SECTORS			
Supplies	42,956	53,539,487,612	1,246,380
Works	42,229	24,528,259,913	580,839
Services	49,256	58,767,120,999	1,193,096
SPECIAL SECTORS			
Supplies	7,601	13,503,555,961	1,776,550
Works	4,757	10,391,037,309	2,184,368
Services	10,634	14,333,811,047	1,347,923
TOTAL	157,433	175,063,272,841	1,111,986
JANUARY- AUGUST 2020	NO. OF CONTRACTS	VALUE (IN EUR)	AVERAGE VALUE (IN EUR)
ORDINARY SECTORS			
Supplies	35,365	44,123,074,511	1,247,65
Works	24,461	14,645,369,509	598,723
Services	27,955	25,564,191,914	914,477
SPECIAL SECTORS			
Supplies	4,784	6,398,199,984	1,337,416
Works	2,857	14,383,347,072	5,034,423
Services	6,178	6,517,621,125	1,054,973
TOTAL	101,600	111,631,804,115	1,098,738

Scientific research¹⁴ shows that most of the Italian public tendering procedures remain below the European thresholds.

When awarding public contracts having a value equal to or higher than the above-mentioned EU thresholds, Contracting Entities can normally choose among one of the **two “ordinary” procedures**, being:

- the open procedure;
- the restricted procedure.

In addition, but only in specific cases set out in the PPC, they can also resort to the **four “negotiated” procedures**, being:

- the competitive procedure with negotiation (also known as negotiated procedure with prior call for competition);
- the competitive dialogue;
- the innovation partnership;

¹⁴ According to the data collected in 2015 by the Internal Market and Services Directorate-General, called “DG MARKT” (being one of the European Commission’s Directorates-General for specialised services), 80% of all the Italian procedures involved at that time values inferior to the EU thresholds.

- the negotiated procedure without prior publication.

In the event a notice is required, the type of proceeding selected will be indicated in such notice. When the public procurement contract value is **lower** than the EU thresholds, Contracting Entities may, in addition to the ordinary and the negotiated procedures, also chose the direct assignment, which is substantially a private agreement (see description below, in chapter 2.2.6.¹⁵).

The general data collected by ANAC concerning the public procurements procedures having a value exceeding € 40,000.00 and finalized in Italy during the year 2019¹⁶, shows the following division: 25% represented open procedures; 2.5% restricted procedures; 3.6% competitive procedures with negotiation; 46.5% negotiated procedures without prior publication and 19% direct assignments¹⁷.

The six procedures and their related requirements are shortly examined and schematically outlined below and additional information has been provided in Annex II¹⁸.

2.2.1. THE OPEN PROCEDURE

In open procedures any interested economic operator may submit a bid in response to a call for competition. The bid must be accompanied by information showing that the operator fulfills the qualitative selection requisites requested by the Contracting Entity.

The minimum time limit to submit bids to the Contracting Entity is 35 days from the date on which the contract notice was published, while the maximum time limit to submit offers differs from case to case, depending on the specific deadline set by each call for competition.

Please note that this procedure (as well as the restricted one) is *de facto* mandatory in the event of public works contracts with a value which ranges between Euro 1,000,000 and the amount of the EU threshold set for a specific sector (the maximum amount being Euro 5,350,000, see chapters 1.1 and 2.2 above¹⁹). This procedure is widely used in the event of a public procurement with a value exceeding the EU thresholds.

2.2.2. THE RESTRICTED PROCEDURE

The restricted procedures also start with a call for competition. However, the Contracting Entity may also use the prior information notice, as described above, as call for competition, provided that the notice fulfills all the conditions set out by the PPC (in this case, the economic operators that have expressed their interest following the publication of the prior information notice will subsequently be invited to confirm their interest in writing upon receipt of an invitation to confirm interest).

Any economic operator can submit a request to participate in response to such call but only those economic operators subsequently selected and invited by the Contracting Entity to file a bid and participate in the tender can do so.

Requests to participate in the tender must contain information showing that the operator fulfills the requirements of the Contracting Entities based on the qualitative selection requisites indicated in the call. The Contracting Entity will examine the requests and the relevant information received and will subsequently invite at least five selected operators based on the received documentation to submit the bids ²⁰.

¹⁵ Page 7 of chapter 2.2.6.

¹⁶ <https://dati.anticorruzione.it/superset/dashboard/appalti/>.

¹⁷ The remaining 3,4% concerned other types of procedures (as the competitive dialogue and the innovation partnership).

¹⁸ Pages 1 to 3 of Annex II.

¹⁹ Page 1 of chapter 1.1 and pages 2-3 of chapter 2.2.

²⁰ The non-selected party has the right to request the relevant contracting authority the reason(s) for not having been selected.

The minimum time limit for receipt of requests to participate is 30 days from the date when the call for competition was sent by the Contracting Entity (or, when a prior information notice is used as a means of calling for competition, from the transmittal date of the invitation to confirm interest).

If, after such request, the economic operator is invited by the Contracting Entity to submit a bid, then the operator has a minimum time limit of 30 days from the date on which the invitation to tender was sent, to do so.

The maximum time limit to submit offers, instead, is different from case to case, depending on the specific deadline set by each call for competition.

Please note that also the restricted procedures are, together with the open ones, the frequently used procedures for public contracts having a value exceeding the EU thresholds.

2.2.3. THE COMPETITIVE PROCEDURE WITH NEGOTIATION

The competitive procedure with negotiation (also called negotiated procedure with prior publication) starts with a call for competition. Also in this case, the Contracting Entity may use the prior information notice as call for competition. This procedure may be used in the specific cases set out in the PPC (as described in Annex II²¹).

In this procedure, any economic operator may submit a request to participate in response to a call for competition. However, only economic operators that have, after submittal of a participation request to participate, been selected and invited by the Contracting Entity to submit a bid, can do so and such bid will constitute the basis for the following negotiations.

The minimum time limit for receipt of requests to participate is 30 days from the transmittal date of the call for competition sent by the Contracting Entity (or, when a prior information notice is used as a means of calling for competition, from the transmittal date of the invitation to confirm interest).

The minimum time limit for tendering the bids is 30 days from the date on which the Entity sent the invitation. The maximum time limit to submit offers differs instead from case to case, depending on the specific deadline indicated by each call for competition.

The Contracting Entities can negotiate the economic operators' initial plus all subsequently submitted bids with the aim of improving their content (the minimum requirements and the award criteria can however not be subject to negotiation). Contracting Entities can also avoid negotiations and award the contracts based on the initial bids (provided that this right has been indicated in the call for competition).

Although less recurring than the open and the restricted procedures, the competitive procedure is nevertheless regularly used when Contracting Entities intend to reduce the selection range.

2.2.4. THE COMPETITIVE DIALOGUE AND THE INNOVATION PARTNERSHIP

The competitive dialogue and the innovation partnership are the least recurring procedures but, conversely, probably the most interactive and pragmatic ones.

It should be noted that both procedures can only be used in the specific cases set out in the PPC (as described in Annex II²²).

The first-mentioned procedure can be initiated by a Contracting Entity to propose a self-defined need, for example when it concerns large infrastructural or particularly complex projects. The latter can instead be used when the Public Authority needs to purchase a good or service that is still unavailable in the market.

²¹ Page 2 of Annex II.

²² Page 2 of Annex II.

In both cases, any economic operator may submit a request to participate in response to a contract notice by providing the information for qualitative selection that is requested by the Contracting Authority.

Both procedures foresee a minimum time limit for the receipt of participation requests, amounting to at least 30 days from the sending date of the contract notice.

Only those economic operators invited by the Contracting Entity following its assessment of the provided information may participate in the dialogue or in the partnership.

2.2.5. THE NEGOTIATED PROCEDURE WITHOUT PRIOR PUBLICATION

Differently from the two ordinary procedures and the competitive procedure, the negotiated procedure without prior publication does not initiate with a publicly published call for competition. Such procedure may be used exclusively in the specific cases provided for by the PPC, for example when the competition aspect is totally absent for technical reasons (see detailed description in Annex II²³) and it is especially used when the contract's value is relatively low.

On condition that a prior motivation, containing the proof of the existence of all the legal requirements, is provided, Contracting Entities may always choose the negotiated procedure for public works contracts with a value which ranges between a minimum of Euro 150,000 (since the direct assignment procedure may be used for procurements with an inferior value) and a maximum of Euro 1,000,000 (as the ordinary procedures must be used for procurements with a superior value).

In this circumstance, the Contracting Entity identifies at least ten or fifteen economic operators for selection (if the related value ranges between Euro 150,000 and Euro 350,000, at least ten operators are required, while this number is increased to fifteen if the value ranges between Euro 350,000 and Euro 1,000,000). Economic operators are to be consulted based on the information gathered from the market concerning their economic, financial, technical, and professional qualifications. After the Contracting Entity has examined the information provided as a response to the call for competition, it selects at least five economic operators for negotiations, and it subsequently concludes such negotiations with the choice of the contractor.

2.2.6. THE DIRECT ASSIGNMENT

When the value of the public procurement does not reach the EU threshold and is thus considerably low, Italian legislation grants the Public Authorities the possibility to opt for an alternative and even more rapid type of public tendering procedure, which does not provide for any competitive comparison between the potential contractors, namely the direct assignment.

In this procedure, all the common standards mentioned in chapter 2.1 above do not apply. As a matter of fact, this procedure has substantially the features of a private agreement.

The direct assignment can be used:

- for public works/supplies/services contracts having a value lower than Euro 40,000: in such a case, even without prior consultation of a plurality of economic operators, Contracting Entities can award public contracts by using this simplified and informal procedure, which only requires the Contracting Entity to perform a general market survey prior to assigning the contract;
- for public works contracts with a value ranging between Euro 40,000 and Euro 150,000, as well as for public supplies/services contracts with a value ranging between Euro 40,000 and the amount of the EU thresholds (both in ordinary and special sectors, as specified in chapter 1 above): in such cases, before awarding the contract, Contracting Entities must either perform a prior evaluation of at least three estimates or engage in a prior consultation with more than five economic operators.

In addition, when using the direct assignment procedure, Public Authorities must act in compliance with the EU principles of non-discrimination, transparency, proportionality, and publicity.

For more detailed information on the direct assignment procedure please refer to Annex II²⁴.

To clarify the Public Entities' options to select the procedures once more, we have listed them in the following charts²⁵.

Fig. 4 - Summary of public procurement procedures in ordinary sectors²⁶.

WORKS CONTRACTS (VALUE IN EUR)	
< 40,000	Direct assignment (Article 36, paragraph 2, letter a of the PPC)
=> 40,000 < 150,000	Direct assignment, after evaluation of 3 estimates (art. 36, paragraph 2, letter b of the PPC)
=> 150,000 < 350,000	Negotiated procedure without prior publication, after a consultation with at least 10 economic operators (art. 36, paragraph 2, letter c) and art. 63, paragraph 6 of the PPC)
=> 350,000 < 1,000,000	Negotiated procedure without prior publication, after a consultation with at least 15 economic operators (art. 36, paragraph 2, letter c-bis) and art. 63, paragraph 6 of the PPC)
=> 1,000,000 < 5,350,000	Open procedure (art. 36, paragraph 2, letter d) and art. 60 of the PPC)
=> 5,350,000	Open or Restricted procedure (art. 59, 60 and 61 of the PPC)
SERVICES AND SUPPLIES CONTRACTS (VALUE IN EUR)	
< 40,000	Direct assignment (art. 36, paragraph 2, letter a of the PPC)
=> 40,000 < 214,000	Negotiated procedure without prior publication, after a consultation with at least 5 economic operators (art. 36, paragraph 2, letter b of the PPC)
=> 40,000 < 750,000 (for the services listed in Annex IX ²⁷ of the PPC)	Negotiated procedure without prior publication, after a consultation with at least 5 economic operators (art. 36, paragraph 2, letter b of the PPC)
=> 214,000 < 750,000 and => 750,000	Open or Restricted procedure (art. 60 and 61 of the PPC)

24 Page 3 of Annex II.

25 Except for the competitive dialogue and the innovation partnership procedures, being the least recurring procedures because they can only be used for specific cases set out in the PPC (see for more information in Annex II).

26 With specific regard to the public procurement procedures to be initiated on or before 30 June 2023, Law no. 120/2020 provides for the following derogations, especially related to the direct assignment and the negotiated procedure without publication:

- The extension of the faculty to adopt the direct assignment without having previously consulted any economic operator, also not to evaluate an estimate of the procurement value, with respect to tender contracts having a value below Euro 150,000 (for works contracts) or Euro 139,000 (for service or supply contracts);
- The decrease, from 10 or 15 to 5, of the number of economic operators that must be consulted in the event of negotiated procedures without prior publication for works contracts with a value varying between Euro 150,000 and Euro 1,000,000; and
- The increase of the threshold of Euro 1,000,000 up to the maximum EU threshold (namely, Euro 5,350,000) to allow for the adoption of the negotiated procedure without prior publication also for very large works contracts (in the event the Euro 5,350,000 threshold is reached, at least 10 economic operators must have been priorly consulted).

27 The following are examples of the services listed in Annex IX: social services; postal services; food services; security services; HR services.

Fig. 5 - Key elements and main steps of different public procurement procedures.

A) "ORDINARY" PROCEDURES		
<ul style="list-style-type: none"> Open (A1) and Restricted (A2) procedures 		
B) "SPECIAL" / NEGOTIATED PROCEDURES		
<ul style="list-style-type: none"> Negotiated procedure with prior publication / Competitive procedure with negotiation (B1) 		
<ul style="list-style-type: none"> Negotiated procedure without prior publication (of call for competition) (B2) 		
<ul style="list-style-type: none"> Competitive dialogue (B3) 		
A1) OPEN PROCEDURE		
STEP	CONTRACTING ENTITY	ECONOMIC OPERATORS
1	Publication of the call for competition	
2		Submission of bid
3	Verification of requirements and bids	
A2) RESTRICTED PROCEDURE		
Step	CONTRACTING ENTITY	ECONOMIC OPERATORS
1	Publication of the call for competition	
2		Submission of request to participate
3	Verification of requirements and inviting the selected operators to submit a bid	
4		Submission of bid
5	Nomination of the Commission to evaluate the bids	
B1) NEGOTIATED PROCEDURE WITH PRIOR PUBLICATION / COMPETITIVE PROCEDURE WITH NEGOTIATION		
STEP	CONTRACTING ENTITY	ECONOMIC OPERATORS
1	Publication of the call for competition	
2		Submission of bid
3	Negotiation of the bids aimed at adapting to the requirements of the call for competition and identifying the best bid	

B2) NEGOTIATED PROCEDURE WITHOUT PRIOR PUBLICATION		
STEP	CONTRACTING ENTITY	ECONOMIC OPERATORS
1	Identification of the economic operators (at least 10/15)	
2		Submission of bid
3	Negotiation of the bids aimed at adapting to the requirements of the call for competition and identifying the best bid	
B3) COMPETITIVE DIALOGUE		
STEP		CONTRACTING ENTITY
1	Open dialogue	Publication of the call for competition
2		
3		Selection of the candidates and initiation of the dialogue
4		
5		Preparation of the final specifications
6		Appointment of the Commission to evaluate the bids
7	Traditional tender procedure	Presentation of a bid based on executive level solutions

2.3. CHARACTERISTICS OF PUBLIC PROCUREMENTS IN THE MAIN SECTORS

The general set of rules provided by the PPC and examined in the previous chapters also governs the public procurements described in the selected sectors indicated below.

Please note however that Part I, Title VI of the PPC, which governs “public procurements in special sectors” and has implemented Directive 2014/25/EU, contains additional and specific rules related to some of the sectors described below as they are considered “special”.

Based on the data collected by ANAC²⁸, the Italian procurement market²⁹ showed a value exceeding Euro 175 billion during the year 2019, represented by 157,433.00 contracts. Almost 23,000 of such contracts, having a total value of more than Euro 38 billion, concerned the special sectors. The largest part of the procurements published per type of product refers to the ICT and healthcare sectors, and this mainly in the Central North of Italy.

In fact, what catches the eye when examining the European data³⁰ is the major impact of the medical sector (especially considering the pandemic emergency period this is also understandable), which represented 23.3% of the

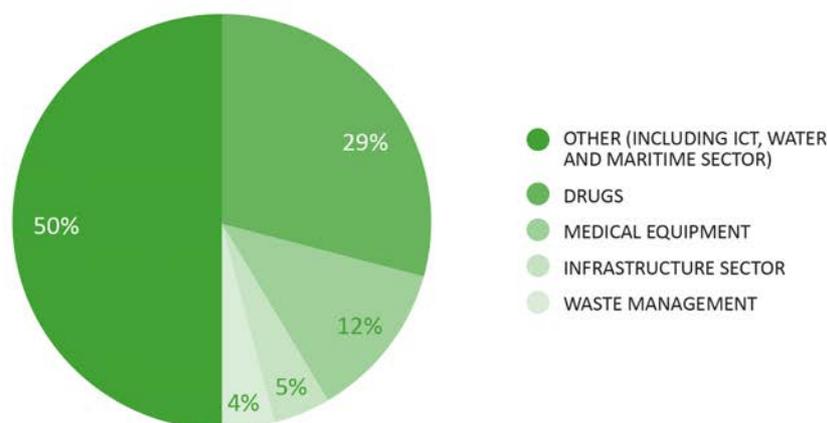
²⁸ Reference is made to ANAC’s four-months period reports for the year 2019.

²⁹ The reference is made to all the public procurements in Italy during 2019 having a value exceeding Euro 40,000.00.

³⁰ <https://etendering.ted.europa.eu/cft/cft-search.html>.

tenders published in the EU last year. This result is also confirmed at a national level, as an analysis³¹, performed by the Italian Ministries and ANAC, of the number of public procurement procedures held during 2020 shows that almost 41% of them concerned the healthcare sector, thereby representing mostly medicines (29.2%) and medical equipment (11.7%). Only 5.1% of the procurements were related to the infrastructure sector and 3.8% to waste management. The remaining part, being more than 50% and including *inter alia* ICT, water and maritime sectors, is quite fragmented.

Fig. 6 – Data (rounded up) on Italian public procurement sectors (2019)



As an additional remark, we can highlight that Law Decree no. 77, dated 31 May 2021³², concerning the governance of the National Recovery and Resilience Plan (herein defined as “PNRR”)³³, also contains specific references to the simplification of the public procurement provisions. This Decree represents a first measure aimed at speeding up the implementation of the public works envisioned by the PNRR and the main innovations foreseen by the decree for the procurement sector are the following:

- Gradual raising and subsequent abolition of any cap applied to subcontracting. In particular, until 31 October 2021, despite the currently applicable regulations (which contain a limit of 30%), the value of a subcontract cannot exceed 50% of the overall amount of the contract for works, services or supplies while, from 1 November 2021, any quantitative limit will be eliminated with respect to subcontracting;
- Extension from 31 July 2021 to 30 June 2023 of the derogation from the PPC’s direct assignment provisions, as introduced during the pandemic in order to speed up and simplify the procedures. The most important derogation represents the increase of the threshold below which the direct assignment is permitted, since the threshold remains € 150,000.00 (instead of the prior limit of € 40,000.00) as established during the pandemic) and this for two more years;
- Bonuses and fines for the Contracting Entity based on the performance of PNRR-related public contracts. In particular, both "acceleration bonuses" and penalties will be provided, respectively for each day in advance

31 <https://www.serviziocontrattipubblici.it/SPInApp/it/bandi.page>.

32 <https://www.gazzettaufficiale.it/eli/id/2021/05/31/21G00087/sg>.

33 https://www.mef.gov.it/en/focus/documents/PNRR-NEXT-GENERATION-ITALIA_ENG_09022021.pdf.

Through this Plan Italy allocates Euro 222,1 Billion (Euro 191.5 of which financed by the European Union and the other Euro 30 that will be borrowed directly by Italy on the markets for complementary projects that do not fit neatly into the European Commission's criteria).

of the contractual term and for the possible delay in the fulfillment (up to a maximum of 20% of the contract amount);

- The obligation, for all the Contracting Entities with more than 15 employees, to submit a report concerning the staff situation, thereby referring to the inclusion of women and young persons involved in the business' activities and processes. The violation of this obligation entails penalties and the inability to participate in further procedures for 12 months.

The PNRR is made up of the following 6 missions, which in turn assemble 16 components and 48 lines of intervention, selecting the projects with the greatest impact on the economy and employment:

I. Digitization, Innovation, Competitiveness and Culture	Euro 49.2 billion
II. Green Revolution and Ecological Transition	Euro 68.6 billion
III. Infrastructures for Sustainable Mobility	Euro 31.4 billion
IV. Education and Research	Euro 31.9 billion
V. Social Inclusion and Cohesion	Euro 22.4 billion
VI. Healthcare	Euro 18.5 billion

2.3.1. INFRASTRUCTURE, LOGISTICS AND TRANSPORT SECTOR



This sector is considered a “special sector” and regulated in detail, at a national level, by the provisions of Part I, Title VI of the PPC. Most infrastructural public procurements fall below the EU thresholds, which confirms the general statistics pointed out in chapter 2.2 above.³⁴

The Public Contracts Service³⁵ (hereinafter, “**SCP**”) of the Ministry of Sustainable Infrastructures and Mobility, established in partnership with the Conference of Regions and Autonomous Provinces and the Institute for Procurement Innovation and Transparency³⁶ (hereinafter, “**ITACA**”), collects and publishes information regarding:

- notices, calls for competition and outcomes of public works, services and supplies contracts;
- two-year programs on purchase of goods and services and three-year programs on public works, as well as the related annual updates; and
- a registry of unfinished works.

SCP is entirely provided online and organized on a national as well as on a regional basis and it creates a network system among the Ministry of Sustainable Infrastructures and Mobility, on the one hand, and the Regions and Autonomous Provinces, on the other hand, allowing the relevant economic operators to access the provided services through the network’s points of contact.

ANAS S.p.A.³⁷ (hereinafter, “**ANAS**”) is a company responsible for the construction, management and maintenance of Italy’s most important road and motorway network. The road network managed by ANAS amounts to approximately 33,000 km³⁸.

³⁴ Page 3 of chapter 2.2.

³⁵ <https://www.serviziocontrattipubblici.it/SPInApp/>.

³⁶ <https://www.itaca.org/nuovosito/index.asp>.

³⁷ <https://www.stradeanas.it/it>.

³⁸ We refer to the section of Anas’ website which lists their tenders https://www.stradeanas.it/it/appalti/rilevanza_comunitaria.

In order to provide an illustrative picture of the types, numbers and amounts of procurements currently published in the infrastructure sector, some synthetic statistics collected by ANAS for the month of January 2021 have been reported below. Such statistics show, during that month, 494 public procurements for engineering and architecture services, representing a total value of almost Euro 186 million. Among these procurements, 271 consisted of tenders for design-only services (with an annual increase of 11.1%, compared to January 2020), representing a total amount of Euro 47.6 million (which shows an annual increase of 1.2% in value compared to January 2020).

The largest number of procurements published within January 2021 concerned services for environmental works (96 tenders), followed by analysis and survey services (84 tenders) and services for construction works (74 tenders). In terms of value, the analysis and survey services ranked first with a value of Euro 89.6 million, followed by services for environmental works (Euro 14.1 million) and services for construction works (Euro 13.9 million).

Municipalities can be considered the Contracting Entities which published the most procurements during January 2021, namely 338 tenders for a total value of Euro 49.2 million, while the National Public State Administrations only published 32 tenders, having a total value of Euro 21.9 million.

The Contracting Entities which published the main tenders in January 2021 were:

- Autostrade per l'Italia S.p.A.³⁹, a company which manages and maintains a large number of highways in Italy, with published procurements totaling Euro 62.9 million;
- Invitalia s.p.a.⁴⁰, an agency falling under the Italian Ministry of Economics and Finance, which is also concerned with construction works and relaunching industrial areas, with published tenders representing an amount of Euro 8.5 million;
- Municipality of Genova, with published services that reached a value of Euro 7.1 million;
- Sardinia Region, with procurements having a value of Euro 6.6 million.

Recent developments in this sector are represented by the Prime Minister's appointment, in April 2021, of 29 Extraordinary Commissioners to manage 57 public works (having a value of Euro 82.7 billion and relating, among others, to railway, port, highway and metro projects) that were blocked due to project and executive delays and as a result of the complexity of the relevant administrative procedures⁴¹. In June 2021, an additional list with 44 public works to be unlocked through temporary receivership was drawn up and submitted to the relevant Parliamentary Committees. To accelerate the implementation of this second tranche of works, the appointment of 13 extraordinary commissioners is expected. If the Parliament were to give its assent, the number of public works under temporary receivership of Extraordinary Commissioners would amount to 101, with a total value of EUR 95.9 billion, of which EUR 28.7 billion allocated to the North (30%), Euro 27.2 billion to the Centre (28%) and 40 billion to the South of the country (42%)⁴².

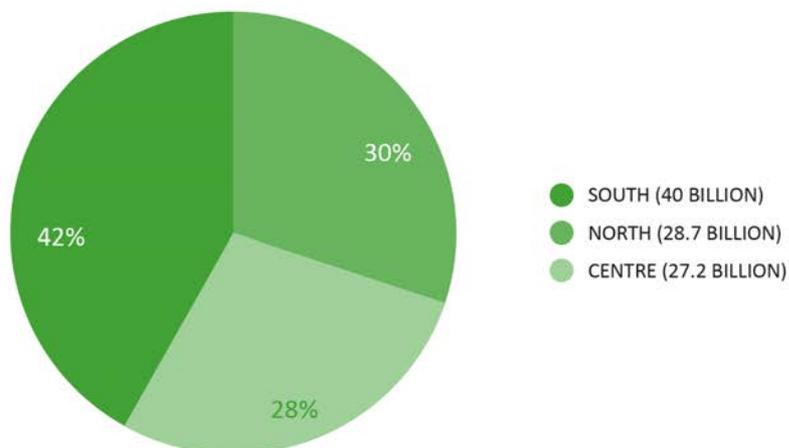
³⁹ <https://www.autostrade.it/it/home>.

⁴⁰ <https://www.invitalia.it/>.

⁴¹ The appointment was performed based on Law Decree no. 32/2019 "Sblocca cantieri" (unlock construction sites), converted into Law no. 55 of 14 June 2019 and entered into force on 18 June 2019, and Law Decree no. 76 of 16 July 2020.

⁴² For more information see: https://www.mit.gov.it/sites/default/files/media/notizia/2021-06/sintesi_CS_Commissari.pdf.

Fig. 7 – Territorial distribution of public works (2021)



The PNRR shows, in combination with the Simplification Decree, important objectives for the Italian railway and the road networks. The first one represents substantial investments in railway capacity and connectivity, aimed at shifting more traffic of passengers and freight from road to railways. The identified interventions include the following railway routes: Naples-Bari, Palermo-Catania-Messina, Salerno-Reggio Calabria, Brescia-Verona-Vicenza, Liguria-Alpes and Verona-Brenner, Rome-Pescara, the strengthening of the Orte-Falconara and Taranto-Metaponto-Potenza-Battipaglia.

Secondly, with the aim to fight climate change, the Italian government wishes to adapt and modernize the road system through an advanced digital monitoring system. In order to achieve such goals, the ownership of infrastructures, such as bridges and viaducts, will be transferred from the Regions and Municipalities to the State.

Moreover, the risk assessment process of existing bridges, viaducts, and overpasses, will be performed and this will ensure the homogeneity of classification and risk management, safety assessment and monitoring of such infrastructures.

2.3.2. MARITIME SECTOR



This sector is similarly considered a special sector and disciplined in detail, at a national level, by the provisions of Part I, Title VI of the PPC. Most maritime sector procurements fall within the so-called "Maritime works and dredging works" category, which relates to interventions carried out both in fresh and sea water. They concern, for example, works relating to ports and their plants, protection of the coastal territory and submarine works.

One of the main references for port matters is Law no. 84 of 28 January 1994⁴³ regarding the "Reorganization of port legislation". Such law governs port organization and activities, adapting them to the objectives of the general transport plan. This plan is aimed at ensuring a unified direction for transport policy and at coordinating and harmonizing the State and the Regions' exercise of responsibilities and the implementation of their administrative interventions. The abovementioned law defines port organizations and establishes the qualification of national seaports into categories and classes, as well as the administrative competences of the various bodies, based on the different categories and classes of ports, which are the following:

- category I: ports, or specific port areas, aimed at military defence and State security;
- category II, class I: ports, or specific port areas, with an international economic importance;
- category II, class II: ports, or specific port areas, with a national economic importance; and
- category II, class III: ports, or specific port areas, with a regional and interregional economic importance.

⁴³ <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1994;84>.

Ports, or the specific port areas referred to in category II, classes I, II and III, have the following functions:

- commercial;
- industrial and petroleum;
- passenger service;
- fishing vessels;
- tourism and pleasure.

With regard to the planning and implementation of port works, the administrative functions are managed at a national level with reference to ports of category I and II, class I, as well as for works of pre-eminent national interest for the security of the State and for coast protection, while the administrative functions for maritime works involving ports of category II, classes II and III are mainly organized at a regional level.

The State is always responsible for carrying out harbour works aimed at military defence and State security, as well as for the construction of major harbour infrastructural works having an international or national economic importance. However, apart from the category I ports, Regions are usually also involved in the construction and the management of major infrastructural works. The intervention of the Municipalities and the participation of the Port Authorities are often also required, and such Entities make their own resources available.

In this context, public procurements can thus be activated at various levels and by several categories of Contracting Authorities: Ministry of Sustainable Infrastructures and Mobility, Regional and Municipal administrations and even Port Authorities.

The data collected by ANAC during the last quarter of the year 2019 shows that Ports and Interports, the Ministry of Sustainable Infrastructures and Mobility and the Ministry of Ecological Transition, registered together, in 2019, finalized public procurement procedures (exceeding the Euro 40,000.00 threshold) for a value of Euro 6,389,747,249.00.

Assoporti⁴⁴, an association consisting of the Port Authorities and the Union of the Italian Chambers of Commerce, provides for the publication of calls for competition related to the maritime sector⁴⁵.

With specific reference to the amount allocated by the PNRR to this sector, we wish to highlight the Euro 0.36 billion destined to the item “intermodality and integrated logistics” contained in the third mission (being “Infrastructures for Sustainable Mobility”). This item, in detail, provides for the enhancement of the Italian port system’s competitiveness in the fields of sustainability and development of intermodal infrastructures. In particular, the Plan includes interventions for the environmental sustainability of the ports.

The so-called “green ports project” aims at rendering port activities sustainable and compatible with urban port contexts by financing interventions with the aim to improve the efficiency and reduce the energy consumption of port structures and activities. Other key aspects of the project are the promotion of the environmental sustainability of the port areas and the conservation of the naturalistic heritage and biodiversity. The interventions also concern the digitization of the logistics’ chain and digital innovation for airport systems.

Annex III⁴⁶ sets out in more detail the links of the main tendering platforms that operate in this field.

⁴⁴ <https://www.assoporti.it/it/home/>.

⁴⁵ The website of Assoporti contains a section dedicated to public procurement in the relevant sector but it does not cover all the publications. For more information see also pages 5-6 of Annex III.

⁴⁶ Page 5-6 of Annex III.

2.3.3. WATER SECTOR



The municipal water sector, being one of the special sectors, has likewise been disciplined in detail by the national government through provisions of Part I, Title VI of the PPC. The procurements in this sector are also organized regionally.

The open and restricted procedures are most frequently used in this sector (the first one especially when the value of the procurement is relatively high). As regards to the Entities operating in the water sector, it seems that local Public Administrations (such as Metropolitan Cities and Municipalities) are the most involved.

Since this Guide focuses, in addition to municipal water, also on coastal erosion and hydrogeological instability, Directive 2007/60/EU (the so-called “Floods Directive”)⁴⁷ will also be described. The Floods Directive is particularly relevant for the coastal erosion and hydrogeological instability “sub-sectors” because it addresses both the delimitation of areas that are subject to marine floods, as they have various return times, and the standardization of such floods.

Please note that the Contracting Authority named “Commissioner against Hydrogeological Disaster of the Region” is the Regional Entity competent for the supervision of coastal erosion and hydrogeological instability. We wish to point out the statistics study results of the main authorities/associations in this sector, namely Utilitalia⁴⁸ (the National Federation that unites the companies operating in the public services relating to water, environment, electricity, and gas), Legambiente⁴⁹ (probably the most well-known Italian environmentalist association) and the Italian Institute for Environmental Protection and Research (hereinafter, “ISPRA”)⁵⁰.

⁴⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32007L0060&from=IT>.

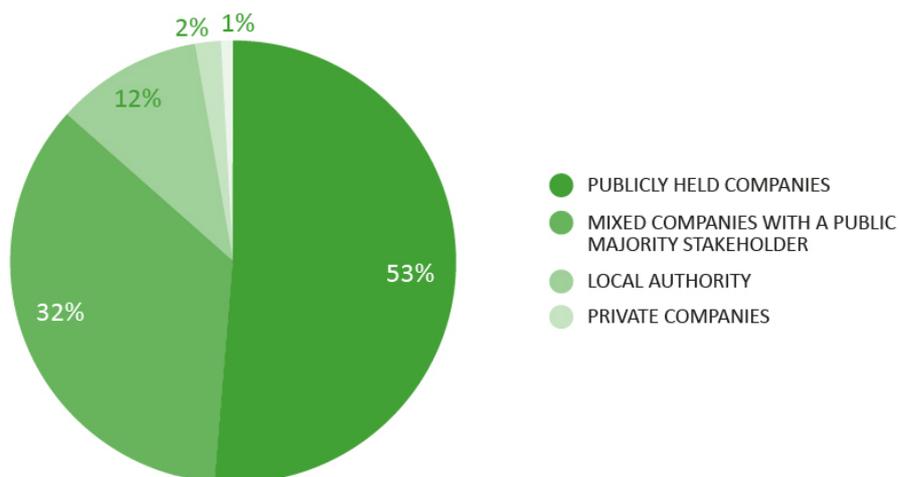
⁴⁸ <https://www.utilitalia.it/>.

⁴⁹ <https://www.legambiente.it/>.

⁵⁰ <https://www.isprambiente.gov.it/it>.

Firstly, a brochure⁵¹ prepared by Utilitalia in 2019 concerning "distribution to the national population based on the type of water service manager" certifies that: 53% of the resident population in Italy is entirely serviced by publicly held companies; 32% by mixed companies with a majority stakeholder that is Public Authority; 12% directly by the local Authority (the so-called in-house management); 2% by private companies and only 1% by mixed companies with a majority stakeholder that is a privately held company.

Fig. 8 – Italian water service suppliers (2019)

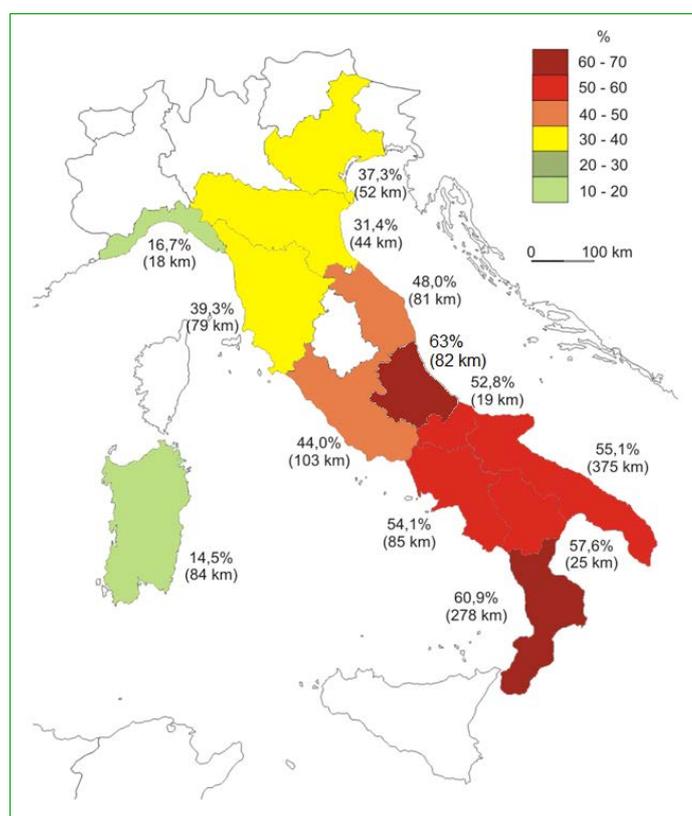


Another report⁵², drafted by Legambiente in July 2020 and particularly addressing coastal erosion and hydrogeological instability issues, indicates that 50% of Italian sandy coasts are affected by erosion: in 50 years, an average of 23 meters of beach depth along a coastline of 1750 km (equal to 40 million square meters of beaches) have been lost. The main causes of the very significant coastline losses that have occurred in recent decades can be explained by the consumption of soil through the construction of buildings and new port infrastructures or of rigid structures to protect the coasts.

51 <https://www.utilitalia.it/brochure/brochure-eng.pdf>.

52 <https://www.legambiente.it/wp-content/uploads/2020/11/Ecosistema-Urbano-2020.pdf>.

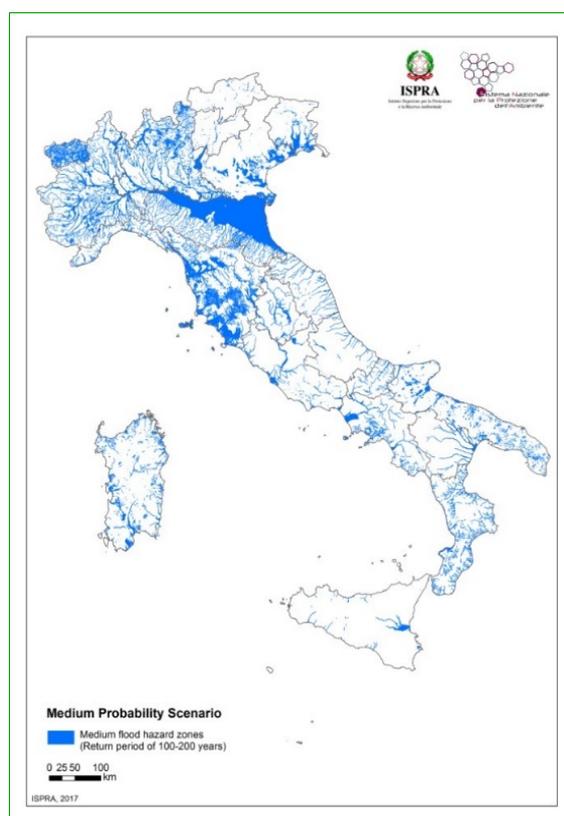
Fig. 9 – Level of coastal erosion per region (2020)



Moreover, ISPRA has created the mapping of areas with hydraulic danger indicated by the District Basin Authorities based on data collected during the year 2017. Such mapping is carried out based on the following three possible scenarios: major hazard (P3, which means frequent floods), with a return time varying between 20 and 50 years; average hazard (P2, which means infrequent floods), with a return time varying between 100 and 200 years; and low hazard (P1, which means low probability of floods or of extreme event scenarios).

The areas in Italy with major hydraulic hazard amount to 12,405 km² (4.1% of the national territory), the zones with medium danger represent 25,398 km² (8.4%) and those with low danger 32,961 km² (10.9%). The following figure illustrates the P2 areas.

Fig. 10 – Map of “P2” areas (2017)



The data emerging from the abovementioned studies must be necessarily interpreted in the light of the mission of “Protection of Land and Water Resources”, considering that the PNRR has allocated Euro 15.03 billion to such goal. This fund will mainly be used for the safety of the territory, intended as the availability of water resources, the elimination of soil and water pollution and the mitigation of hydrogeological risk. These goals are fundamental for protecting the health of citizens and for attracting businesses, investors and tourists.

Italy is facing an increasing water crisis. To ensure water supply, it is critical to understand how the supply is organized and how this precious resource can be managed more efficiently.

The PNRR identifies five main challenges to face:

- the significant negative impact of hydrogeological instability on the population and on the economic and productive fabrics of Italy;
- the delays in implementing hydrogeological risk reduction projects, due to the complexity and length of tender procedures;
- the fragmented and inefficient management of water resources characterized by high losses due to rundown and inefficient infrastructure;
- the sewerage and purification infrastructures not being in line with EU Directives, especially in the South of the country;
- the lack of digital, smart, and organic management of information and monitoring systems.

The investments that the PNRR reserves for this sector could lead to the green transition by promoting a more efficient and sustainable use of water resources and by preventive actions against the risks associated with climate change. In addition, it could offer many opportunities to Italian and foreign companies that are interested in working with the public sector.

Finally, while underlining that water losses represent a major challenge in the management of water supply (since 37,3% of the supply does not reach the final users, generating severe economic and environmental impacts), the statistics nevertheless show that Regions characterized by intense urbanization and intensive agriculture (such as Lombardy and Emilia-Romagna) or by dry, coastal, or low water areas (such as Sardinia, Puglia, and Tuscany) follow the best practices in wastewater re-use in Italy.

Annex III⁵³ sets out the links to the main tendering platforms operating in this sector.

2.3.4. GREEN ECONOMY AND WASTE SECTORS



This sector has not been included by the PPC in the special sectors but is becoming more and more relevant and its discipline will probably evolve rapidly over the years. This sector is organized regionally.

Also in the green economy and waste sectors the open and restricted procedures are the most frequently used proceedings (the first one especially when the value of the procurement is relatively high).

Green economy plays an essential role for Italian economic development, both due to its important contribution to production and employment and the manner it integrates with the remaining industrial system. Italy aims to invest, as of 2020, in the following strategic sectors: energy and climate, circular economy, green city and territory, mobility, and agri-food.

In February 2021, the Italian government established the new "Ecological Transition" Ministry to handle matters relating to circular economy, action against climate change, energy efficiency, improving air quality and sustainable development, international environmental cooperation, environmental assessment and authorisation and environmental rehabilitation.

According to the PNRR, to the "Green Revolution and Ecological Transition" will receive the largest share of resources (namely Euro 68.9 billion). In particular, the resources allocated to the ecological transition will be divided into four components:

I. **Sustainable agriculture and circular economy** for a value of **Euro 7 billion**

The goals of this component are the following:

- achieving a sustainable agri-food chain, improving the competitiveness of farms and their climate-environmental performance, and strengthening the logistic infrastructure of the sector.
- rendering the waste management system performant, with emphasis on production of secondary raw materials to be used in different industrial sectors, thereby minimizing waste disposal.

- implementing the circular economy paradigm, minimizing environmental impact also regarding the global warming (reduction of pollutants and CO₂) and creating jobs linked to the green economy. Circular economy principles should also be applied to the agricultural sector by implementing practices to convert waste into biogas and biomethane.

II. Renewable energy, hydrogen, and local sustainable mobility for a value of **Euro 18.22 billion**

The overall aim of this component is to achieve the strategic goals established in The European Green Deal strategy⁵⁴ and in the Italian National Energy and Climate Plan⁵⁵ that are in force, leveraging reforms and investments in two main sectors (energy and transportation), which are together responsible for approximately 50% of the global greenhouse gas emissions in Italy.

III. Energy upgrading and renovation of buildings for a value of **Euro 29.55 billion**

The aims of this component are:

- green transition: the energy requalification of buildings can reduce energy consumption, increase energy efficiency and reduce greenhouse gas emissions of CO₂, improving environmental and health performance.
- jobs and growth: efficiency improvements and redevelopment of buildings stimulate investment, create new jobs, promote the adoption of digital technologies, and improve the real estate portfolio, thereby supporting enterprises in the real estate sector.
- social resilience: the interventions to improve the efficiency of buildings aim at renovating the existing building stock and at alleviating the energy shortage issues by reducing energy bills, while at the same time improving the affordability of housing and living conditions.

IV. Protection of land and water resources for a value of **Euro 15.03 billion**

The safety of the territory, intended as the availability of water resources, the elimination of soil and water pollution and the mitigation of hydrogeological risk, is a fundamental aspect for protecting the health of citizens and for attracting businesses, investors, and tourists.

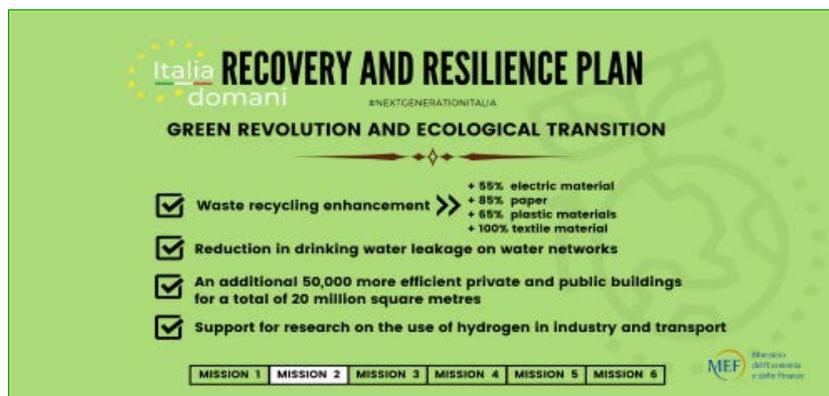
The goals of this component are:

- preventing and contrasting the effects of climate change on hydrogeological instability phenomena and on the vulnerability of the territory in urban areas;
- guaranteeing the security of water supply for drinking, irrigation and industrial purposes and the reduction of water dispersions;
- ensuring the sustainable management of water resources along the entire cycle and the improvement of the environmental quality of inland and maritime waters.

⁵⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019DC0640&from=IT>.

⁵⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018R1999&from=EN>.

Fig. 11 – PNRR main goals



In order to promote green economy measures and contain the excessive use of natural resources, the PPC confirms the environmental provisions of Law no. 221/2015 and renders the so-called Green Public Procurement (hereinafter, “GPP”)⁵⁶ tool mandatory.

GPP is an environmental policy tool, promoted by the Ministry of Environment and implemented by all the Public Administrations, which aims at promoting the development of a product and services market with a reduced environmental impact. It is thus imposed through the level of public demand, contributing, in a decisive way, to the achievement of the main EU strategies, such as the efficient use of resources or the circular economy.

Adhering to GPP, Public Administrations aim both at rationalization of purchases and consumption as well as at increasing the environmental quality of their supplies.

Public Authorities which operate in sectors generating a large purchase volume (such as construction, paper, vehicles, interior furnishings, urban furniture etc.) have to apply, based on the conditions of the PPC, “minimum environmental criteria” (hereinafter, “CAMs”)⁵⁷. Such CAMs define the requirements established for the various phases of the purchasing process and aimed at identifying the best solution from an environmental point of view. In particular, in order to prove the qualitative and environmental characteristics of a product, Contracting Entities must in many cases request certificates from the bidding parties.

A report⁵⁸ published by the Italian Green Procurement Observatory at the end of 2020 concerning the number of green public procurement proceedings in Italy contains an in-depth study of the adoption degree of the above-mentioned CAMs as shown by the Public Administration. The data collected generally shows that, despite their compulsoriness, only one out of four Municipalities effectively adopts CAMs in their tender procedures and then only in 80% of the cases. Many Public Administrations apparently consider the main challenge for the Municipalities in applying the CAMs to be their ability to “transform” the contract based on such criteria into a “green contract”. According to the Observatory, this challenge can be explained by some Contracting Authorities’ lack of training and difficulties in drafting calls for competition. It should however be added that the training level of the Public Administrations’ staff on GPP issues is improving so that the risk of having the tenders be declared invalid due to failure of adopting the CAMs will decrease in the future.

The CAMs are traditionally the most applied to tenders involving paper, since ecological paper has been the symbol of the current change; in fact, 70.8% of the Municipalities has adopted it. In the energy services sector, on the other hand, only 29.3% of Municipal Administrations has adopted CAMs and this even though this sector is eligible for larger cost reductions through CAMs. Moreover, within the construction sector (17.9% of the invested public capital) and the management of public green (only 27.7% of the Public Authorities), CAMs are not often applied. Finally, with respect

⁵⁶ <https://www.mite.gov.it/pagina/gpp-acquisti-verdi>.

⁵⁷ <https://www.mite.gov.it/pagina/i-criteri-ambientali-minimi>

⁵⁸ https://www.legambiente.it/wp-content/uploads/2020/10/I-numeridel-Green-Public-Procurement-in-Italia_rapporto2020.pdf

to the waste management service, the administrations, which claim to have always adopted CAMs, represent 32.1%, being a significantly higher percentage compared to 2018, when such percentage reached only 19.3%.

As regards to the Entities operating in the green economy sector, it seems that local Public Administrations (especially the Municipalities) are the most frequently involved and are quite active in the application of CAMs.

The Italian GP Observatory shows that the following cities have an application percentage of monitored CAMs ranging between 80% and 99%: Aosta, Bari, Bolzano, Brescia, Ferrara, Gorizia, Livorno, Lucca, Macerata, Milan, Modena, Monza, Oristano, Padua, Reggio Emilia, Rimini, Treviso, and Udine.

With reference to the volume of business in the green sector, please note that if, as hypothesized by Legambiente, all the CAMs were to be applied as planned (which is unfortunately not yet the case), a turnover of Euro 170 billion could be envisioned in each of the above-mentioned sectors. It however seems that currently only Euro 40 billion of public expenditure has been performed based on the GPP.

The PNRR provides for the adoption of additional CAMs for cultural events, scheduled to be enacted by the end of 2021. The aim of adopting these new criteria is to improve the ecological footprint of such events (as exhibitions, festivals, cultural and musical events) funded, promoted and/or organized by Public Authorities. The application of these criteria will allow the dissemination of more sustainable technologies and products.

A report⁵⁹ on urban waste published by ISPRA in January 2021 represents a very important document for the waste sector. It illustrates the data, related to the year 2019, regarding the production and separate collection of municipal waste, as well as those related to the monitoring of the waste collection preparation, its reuse and the recycling objectives by the Municipalities. According to such data, Italy produces around 30 million tons of urban waste each year. This trend has been quite stable over the years but 2019 showed a slight decrease of 0.3 % compared to 2018 (- 80 thousand tons).

During the entire period analyzed in ISPRA's Reports (2015-2019), the percentage of differentiated urban waste collection in Italy increased from 47.50% in 2015 to 61.3%, in 2019, with an increase of 3.1 points compared to the percentage of 2019-2018. The data on differentiated waste collection by geographical macro areas shows a clear distance between Northern and Southern Italy (represented by +20% for the North).

Recent studies showed that Italy was, with respect to 2020, the European country showing the highest percentage of collected waste recycling. It has a recycling rate of 79%, compared, for example, to France, which has reached 56%, the United Kingdom, at 50%, and Germany at 43%.

In 2018, the Italian urban sludge production (comprising domestic or a mix between industrial and domestic wastewater) represented around 3.1 million tons, with Lombardy accounting for the largest part of the sludge production (14.2%). The treatment of wastewater generated by the industrial sector produced about 775 tons of sludge, 8% of which is defined as dangerous by the relevant industry due to its chemical content.

The European Union Circular Economy Action Plan⁶⁰, adopted in 2015, has established a concrete and ambitious action programme that will help solve issues related to the 'products' life cycle'. The plan recognises public procurement as a key driver of transition to the circular economy and outlines several actions to facilitate the integration of circular economy principles into the GPP.

Although Italy is making progress in transitioning to the circular economy compared to The Netherlands, a national circular procurement plan does however not yet exist. An attempt is being made (through the increase of "skill building" for Public Administrations aimed at creating a circular procurement culture) to develop a method of redesigning the process. In such process, the purchase of services is preferred over those of goods. In addition, the assessment of the life cycle of products and services and the market analysis are used as an approach in the preliminary stages of the purchasing process. Some sustainability criteria have been defined, for example in the construction and furniture CAMs, which encourage the circularity of purchases.

⁵⁹ <https://www.isprambiente.gov.it/it/pubblicazioni/rapporti/rapporto-rifiuti-speciali-edizione-2021>.

⁶⁰ https://eur-lex.europa.eu/resource.html?uri=cellar:8a8ef5e8-99a0-11e5-b3b7-01aa75ed71a1.0012.02/DOC_1&format=PDF.

Please note that the Italian Region of Piemonte is collaborating, together with other ten European partners, on an “Interreg project” aimed at improving resource-efficient economy policies. It represents a European Project for Circular Procurement named CircPro⁶¹. The partnership’s final aim is to ensure that circular procurement will become an established practice of the procurement procedures within the partnership’s regions and the metropolitan cities.

Finally, it must be highlighted that the PNRR allocates Euro 2.10 billion to rendering the waste management system performant and sustainable. Please note that Euro 1.50 billion of these funds will be used for new plants and to revamp existing waste treatment plants. This intervention impacts the revamping of existing installations and the construction of new waste treatment plants for the enhancement and closure of the waste cycle, the reconversion, through tender interventions, of industries, such as chemistry, towards the replacement of polluting raw materials with recycled materials, and on the ecological transition of Southern Italy.

There is an extreme heterogeneity between regions in the North and South of the country when it comes to plant equipment for waste management. The location of the plants, mainly concentrated in the North, creates significant flows of waste from the Center-South to the North: the Center exports about 550,000 tons, corresponding to 38% of the quantities collected, and the South about 420,000 tons, corresponding to 30% of the collected waste. The strengthening of the plant equipment is not only necessary to bridge the gap between the Central and Southern regions but also of the one existing between the Northern regions, and the lack of service in some large metropolitan areas in Central and Southern Italy: overall, about 1.3 million tons of waste have been processed in plants in regions other than those where they were produced.

The need to reduce the production of waste has emerged when examining the unsorted urban waste as well as the development of effective models of separate collection. One of the main challenges is, in fact, increasing the “quality” of produced waste, also to close the circular economy cycle.

During September 2020, Italy already implemented the EU Directives of the “Circular Economy Package” with the following urban waste recycling targets: at least 55% by 2025, at least 60% by 2030, at least 65% by 2035 and a restriction on their disposal in landfills to a maximum of 10% by 2035. In line with this reference framework, Italy’s circular economy project proposals aim at filling the structural gaps that hinder the development of the waste sector.

The main goals of the interventions are:

- improving the management of urban solid waste and implementing the circular economy paradigm. Such improvement is obtained by adopting new legislation to define the national strategy for the circular economy and to regulate the organization and operation of the waste/recycled material traceability system;
- implementing highly innovative “flagship” projects⁶² throughout the national territory;
- collecting and recovery of Waste Electrical and Electronic Equipment (WEEE) aimed at a collection of 70% of the weight of such waste and the simultaneous recovery of 100% of the collected waste;
- closing the management cycle of the purification sludge produced by the treatment of urban wastewater based on innovative recovery techniques involving nitrogen and phosphorus; Maximizing the exploitation of outgoing wastewater flows by creating synergies with the treatment of other types of waste for which there is an unsatisfied recovery demand;
- creating treatment centers for the recovery of waste produced by large users (ports, airports, railway stations, hospitals, school buildings), such as packaging waste, kitchen and canteen waste, WEEE, bulky items, mattresses, road sweeping waste, hazardous municipal waste, and waste from the health and veterinary sector.

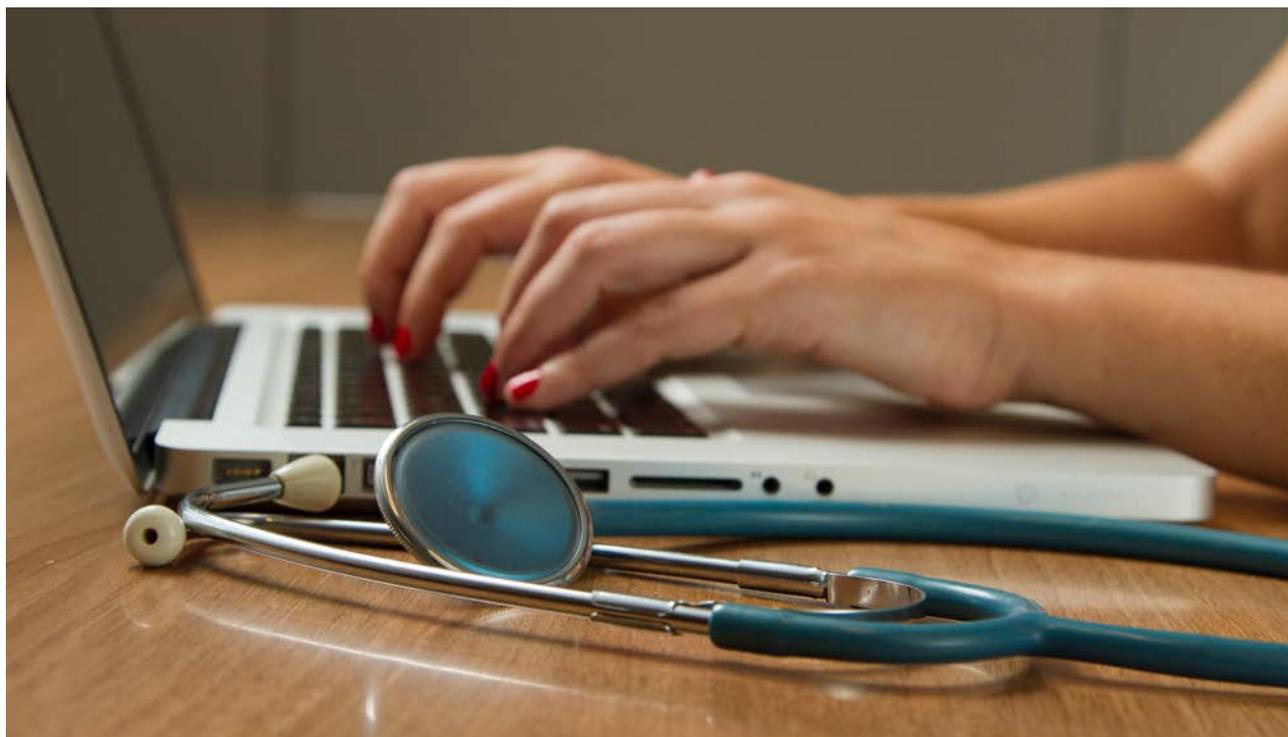
Annex III⁶³ contains the links of the main tendering platforms operating in these sectors.

61 <https://www.interregeurope.eu/circpro/>.

62 <https://www.flagshipproject.eu/>.

63 Pages 6-7 of Annex III.

2.3.5. HEALTHCARE SECTOR



This sector is likewise not included in the special sectors. Procurement procedures in healthcare sector are thus, at a national level, subject to the same general rules set out in the PPC, as described in the above-mentioned chapters and applying to supply of goods, services, and execution of public works. In addition to the general rules contained in the PCC, each individual contractor selection procedure is also further disciplined by its call for competition and related specifications, which act as *lex specialis* and govern each single public procurement.

Please note that this sector is very regionally oriented. Scientific research⁶⁴ shows that during the last five years approximately 75% of the Italian public procurements procedures in this sector remained below the European thresholds. The open procedure was the most frequently used selection method while the direct assignment was surprisingly rarely applied. The last-mentioned procedure represented less than 5% of the initiated procedures (even though such percentage is expected to increase after the pandemic due to the constant and urgent requests for medical devices since last year).

Given the fact that the Italian National Health Service has shown, during the pandemic, elements of relative weakness compared to the other main EU States, the Italian government is currently planning to invest substantially in the healthcare sector. However, despite the Italian Ministry of Health's wish for a major governmental investment, aimed at achieving a stronger National Health Service (an amount of Euro 68 billion has been mentioned), the Government is currently planning a project based on which among the Euro 191.5 billion of the EU "Recovery Fund" that has been reserved for Italy, Euro 15.6 billion (4.6%) would be destined to the healthcare sector, and specifically focusing on renewing territorial assistance, as a measure of prevention, and improving the digitalization of the healthcare system aimed at monitoring the population.

The main scope of the Plan is to provide equal access to the Public Sanitary System. The PNRR will invest in the local assistance centres that are active in 1,288 community houses and in 381 hospitals. The home assistance has to be improved in order to reach 10% of the population over 65th years old and 602 operational assistance centres will be activated.

⁶⁴ The main source is ANAC.

As already stated, the government will invest in the upgrade of technological devices both for diagnosis and treatments through the acquisition of 3,133 new equipment tools, and plans to improve the electronic health archives to allow for a better collection of data.

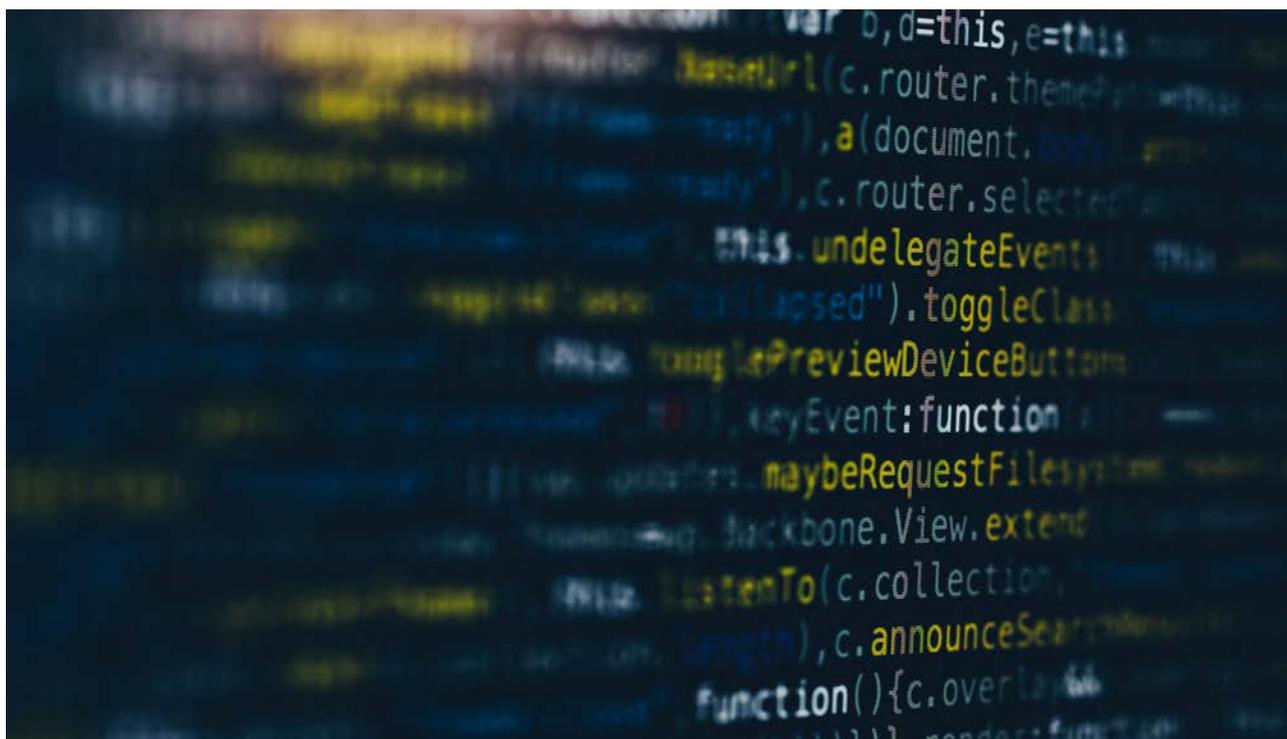
For the purposes of reimbursement, medicines have been classified into three bands, based on the person/Entity that is responsible for the payment:

- Class A (medicines' costs borne by the National Health Service);
- Class H (medicines provided by the National Health Service, only in hospitals);
- Class C (medicines to be paid by the citizen);
- The Italian Medicines Agency (hereinafter, “AIFA”) periodically publishes the lists of Classes A and H medicines;
- Class A) medicines: includes medicines for the treatment of chronic diseases for which a satisfactory and accredited efficacy has been ascertained;
- Class H) medicines: includes medicines that can be supplied by the National Health Service only in hospitals, dispensed through hospital pharmacies and through local pharmacies, based on procedures defined by a decree of the Minister of Health;
- Class C) medicines: includes drugs that do not fall within Class A), with the exception of non-prescription drugs with free access to public advertising, as they are not subject to governmental controlled pricing (so-called “Over the counter” medicines, hereinafter “OTC”);
- Class C-bis) medicines: non-prescription drugs with access to public advertising (OTC).

The procurement procedures only concern Class H drugs. Italian public procurements for the supply of medical devices and drugs are mainly launched by hospitals or client centers and they are published on the various telematic platforms listed in Annex III⁶⁵.

65 Page 7 of Annex III.

2.3.6. ICT SECTOR



As this sector is also not included among the special sectors, procurement procedures in ICT sector are, similarly as above, generally governed by the PPC. Please note that the relevant legal framework is completed by various secondary sources, which include Ministerial decrees and specific guidelines issued by ANAC. The powers of this Entity have been consistently broadened by the PPC with the aim of providing detailed rules on peculiar matters involving technologies.

For the purposes of the optimization and rationalization of the IT purchases and to achieve annual cost savings, the Italian government provided (based on a measure aimed at contrasting the effects of the unpredictable pandemic emergency) for an exception in purchasing ICT, by allowing the Public Administrations to purchase, until 31 December 2021, IT goods and services through the negotiated procedure without prior publication. Such procedure, as explained in more details in Annex II, can be used in circumstances when, for reasons of extreme urgency arising from events that are unforeseeable for the Public Authority, the terms for open procedures or for restricted procedures or for competitive procedures with negotiation cannot be respected.

The statistics contained in the 2019-2021 Three-Year Plan for information and communication technology in Public Administrations⁶⁶ traces the ongoing rationalization of public spending. The requalification of the ICT expenditure and the optimization of the purchase channels by Regions, as well as by central and local administrations, shows, during the 2018-2019 spending period, a trend of homogenization when reviewing the rationalization of spending. According to a survey made by the Agency for Digital Italy (hereinafter, “AgID”)⁶⁷ on 2018, the estimated public ICT expenditure exceeds Euro 3 billion per year.

The data collected by in 2016 the same Institution showed that the expenditure was in line with those recorded on the average during period 2013-2015, while 2017 and, above all, 2018 showed a significant growth (equal to 36%), especially with respect to the administrations located in the centre and south of Italy.

With respect to the data of “central” Public Administrations, which showed a substantial stability up to 2017 (with deviations of less than 1%), an increase of about 27% took place in the year 2019, when compared to 2018, and this data is thus in line with the general data shown above. However, the situation of the local Public Administrations considered as a whole (namely Metropolitan Cities and related Capital Municipalities) appears quite different, since

⁶⁶ https://www.agid.gov.it/sites/default/files/repository_files/three_year_plan_for_it_in_public_administration_2019-2021.pdf.

⁶⁷ <https://www.agid.gov.it/>.

the process of reducing the spending on ICT goods and services has continued over time and equals to a decrease of about - 6.5% per year. In fact, according to the data collected by AgID, the Entities most frequently involved in the ICT sector are, in descending order, Central Public Administration, Regions and Local Public Administrations (meaning Metropolitan Cities and Municipalities).

Please note that the PNRR allocates Euro 49.2 billion to the mission of “Digitization, Innovation, Competitiveness and Culture” (Mission 1). The general goal of this mission is giving a "decisive boost to the relaunch of the country's competitiveness and productivity", through investments guaranteeing a decisive leap in the quality of the country's digitization process. The mission covers some broad intervention sectors, including:

- digitization and modernization of the Public Administration;
- justice reform;
- innovation of the production system;
- creation of the ultra-broadband;
- investment in tourism and cultural heritage.

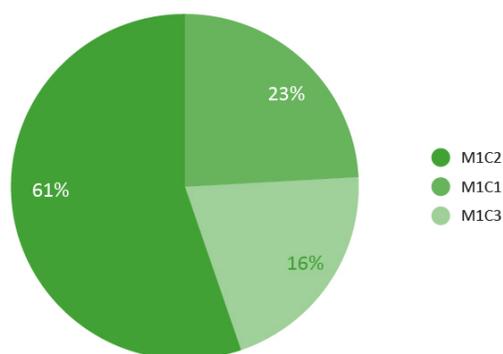
The mission's intervention is developed around three design components:

- Digitization, Innovation and Security in the Public Administration;
- Digitization, Innovation and Competitiveness of the Production System;
- Tourism and Culture 4.0.

Fig. 12 – Mission 1 overview⁶⁸

M1	DIGITIZATION, INNOVATION, COMPETITIVENESS, CULTURE AND TOURISM	PNRR (A)	REACT EU (B)	COMPLEMENTARY FUND (C)	TOTAL (A+B+C)
M1C1	Digitization, Innovation and Security in the PA	9.75	0.0	1.40	11.15
M1C2	Digitization, Innovation and Competitiveness of the Production System	23.89	0.8	5.88	30.57
M1C3	Tourism and Culture 4.0	6.68	0	1.46	8.13
TOTAL MISSION 1		40.32	0.8	8.74	49.86

⁶⁸ Expressed in billion euros. Source: <https://www.camera.it/temiap/allegati/2021/07/19/OCD177-5020.pdf>.



Finally, it must be highlighted that digitization is one of the transversal themes provided by the PNRR as it also recurs in the other missions involving various sectors including:

- The infrastructure sector as a whole, from energy to transport, where monitoring systems with sensors and data platforms represents an innovative archetype of asset quality and safety management (Missions 2 and 3);
- The education sector, especially relating to teaching programs, administrative functions and quality of the buildings (Mission 4);
- The healthcare sector, especially with respect to hospital infrastructures and medical devices in order to ensure the best level of health care for all citizens (Missions 5 and 6).

2.4. THE “MORANDI BRIDGE MODEL”

To proceed as fast as possible with the re-construction of the collapsed *Morandi* bridge, the Italian government appointed a Special Commissioner, thereby granting him with particular and broad powers. The figure of the Commissioner assumed the position that is normally performed by the Contracting Entity, and he was placed in the position to operate beyond the limits provided for by the PPC.

Please note however that the Special Commissioner did not apply a different procedure, but used an existing one, namely the above-mentioned negotiated procedure without prior publication (although, as mentioned above, it is traditionally rarely applied in the Italian national system). Even if such procedure is, similar to the direct assignment, not preceded by a call for competition, it is nevertheless one of the procedures provided for by the PPC and recognized at EU level; hence it does not represent an “extraordinarily different” proceeding.

In the light of the above, the term *Morandi model*, or *Genova model*, as labelled by the media and aimed at highlighting the choice of a different and “new” manner of public tendering in Italy, is perhaps slightly misleading. The expediency of the process was generated by the chosen proceeding (i.e. the negotiated procedure without prior publication), which is faster than the other procedures that are preceded by a call for competition, and the traditional timing of which would not have been opportune due to the extreme urgency created by an unforeseeable event.

The fact that the realization of the new *Morandi* bridge was completed much more rapidly compared to the Italian standard time cannot be denied; the works were concluded only two years after its collapse, while according to the data relating to 2018, it takes on average 4 years to realize a public work in Italy. This aspect probably impressed both the insiders and the media the most and represented the real reason why the idea of a *Morandi model* emerged.

3. CONSIP AND P.A. PAYMENTS

3.1. THE ELECTRONIC MARKET OF THE PUBLIC ADMINISTRATION AND THE DYNAMIC ACQUISITION SYSTEM.

The Public Information Services Concessionaire (hereinafter, “**Consip**”)⁶⁹ is a joint stock company founded in 1997 and entirely owned by the Ministry of Economy and Finance, which operates at the exclusive service of the Public Administration and in the interest of the State. It is entrusted with the task of managing and developing of the Ministerial IT services. Its corporate mission is to render the use of public resources more efficient and transparent, providing administrations with tools and skills to manage their purchases and stimulating private companies to compete when servicing to the public system.

Consip operates in three main areas:

- the “Public Administration Rationalization Program”, which offers administrations e-Procurement tools for managing their purchases;
- the procurement of specific "tender projects", for individual administrations and for several administrations aimed at supporting the implementation of the Italian digital agenda;
- the development of specific projects, assigned by law or administrative acts, and based on experience gained in the management of complex initiatives, in terms of spending review, process rationalization and innovation in the Public Administration.

In developing its business, Consip is characterized by a completely innovative organizational model, which focusses on the administrations’ needs and attention for market dynamics, while keeping in mind maximum transparency and effectiveness.

The average annual purchasing program capacity amounts to approximately Euro 48 billion, but the total value of the activities that are actually carried out by Consip represents a lower amount, namely about Euro 8 billion.

In order to carry out cost rationalization, Consip uses four tools:

- the Convention;
- the Framework Agreement;
- the Electronic Market of the Public Administration (herein referred to us, “**MePA**”)⁷⁰; and
- the Dynamic Acquisition System (hereinafter, “**SdaPA**”)⁷¹.

Through the Convention, a particular framework agreement in which both the prices and the technical characteristics of goods and services have been already set, Consip signs with the prevailing participant a contract for the supply of goods and/or services to the Public Administration. The properly said Framework Agreement, instead, brings together several administrations with various companies to negotiate and define the clauses of the contracts that will be awarded within a certain time frame, also covering the prices and quantities to be supplied. Finally, MePA and SdaPA are e-procurement platforms, which operate respectively below and above the EU thresholds, and through which companies can, while divided by category, negotiate with individual administrations. In other words, one could state that they represent a kind of e-Bay for administrations, putting the latter in direct contact with a series of suppliers with the aim to achieve 'leaner' purchases. The saving scope through management by Consip is threefold and has an

⁶⁹ <https://www.consip.it/>.

⁷⁰ https://www.acquistinretepa.it/opencms/opencms/chisiamo_strumenti_ME.html

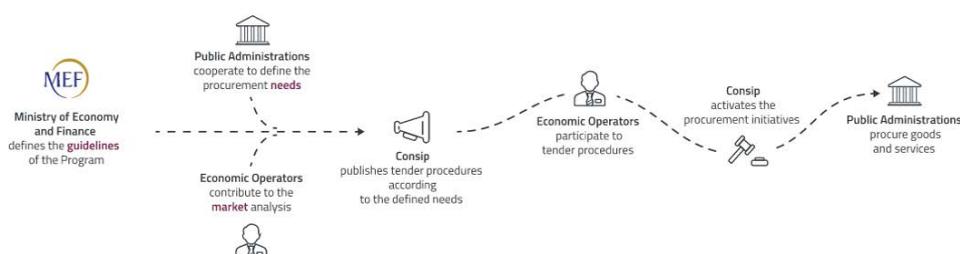
⁷¹ https://www.acquistinretepa.it/opencms/opencms/chisiamo_strumenti_SD.html

impact on the management costs of the tenders, the supply times and the scale economies that allow for better prices.

The purchasing and negotiation tools that Consip makes available to Public Administrations allow such Entities to choose from a wide range of goods and services needed to satisfy such administration's ordinary procurement needs. Today, in fact, public spending "controlled" through Conventions, Framework Agreements, MePA and SdaPA, covers the most important product categories in the context of the Public Administration's consumption at "intermediate level" (i.e. mostly the local Contracting Entities). Concretely, each registered Public Administration can, through the MePA, consult the electronic catalogue to compare and purchase goods and services offered by one of the authorized suppliers. In particular, the relevant entity can purchase goods and services directly, either by accepting the terms proposed by the companies or by negotiating such terms with one or more suppliers to receive "customized" offers.

Companies registered in the system therefore enjoy major benefits because they are also able to receive orders from selected Public Administrations across the Italian Republic. As an example, at the end of the last January, Consip concluded the tender for the supply of needles and syringes to Public Administrations, for an economic value of Euro 36 million in two years. Since January, the common syringe for injections (syringe with needle with safety mechanism) therefore costs throughout Italy, from euro 0.049 to euro 0.063 (depending on the size), with a 70% reduction compared to the base auction price.

Fig. 13 – "Scheme of the electronic market"



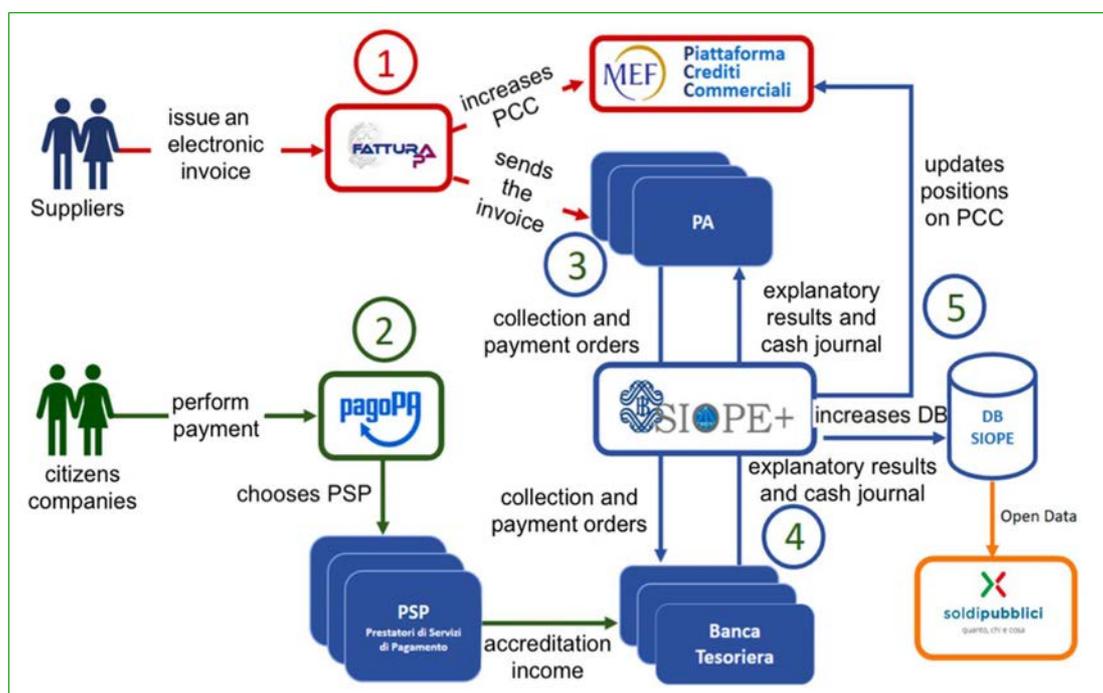
Please note that all Public Administrations are required to pay invoices within 30 days from the date of receipt, with the only exception of the National Health Service entities, for which the payment term is set at 60 days. Compliance with these deadlines is a crucial factor for the proper functioning of the national economy and is part of compliance with the EU Directives on the payment of trade debts, over which the European Commission carries out a timely and strict control. Recently, also due to the introduction of the electronic invoicing system, which has become mandatory for all Public Administrations since March 2015, the number of Public Administrations that pay suppliers with an average time-span which is longer than those required by current legislation has been significantly reduced.

The Platform "pagopa"⁷² automatically acquires all the electronic invoices issued to Public Administrations and records the payments made and communicated by the individual administrations directly from the exchange system of the Revenue Agency. In order to remediate the cases in which these payment data are not communicated by the Public Administrations, another platform, called "SIOPE+"⁷³ and which represents an information system that allows the automatic acquisition of payment data, has also been developed.

⁷² <https://www.pagopa.gov.it/>

⁷³ <https://www.bancaditalia.it/compiti/tesoreria/plus-siope/index.html>.

Fig. 14 – “pagoPA” system of payments



4. POINTS OF INTEREST

4.1. TERMS AND DEADLINES

In Italy, the procedural times of public procurements can, on average, be long. Such inefficiency can be mainly ascribed to bureaucratic formalities. When setting deadlines for the receipt of requests to participate and for the bids, Contracting Entities particularly take two aspects into account: the complexity of the single public procurement contract and the time required to prepare the offers.

In relation to the procedures, the PPC sets out minimum deadlines, granting a term of almost 30/35 days, both for sending in the initial requests to participate as well as for the subsequent submission of bids. Such terms can be shortened to 15/10 days in the event of a state of urgency or when the bids are submitted through an electronic procedure. Contracting Entities must also communicate the awarding of the contract within a certain period (between 5 and 15 days) to the selected bidder and, in the meantime, inform all the unselected bidders of their exclusion, indicating the relevant reasons.

Additional information on such terms can be found in Annex II⁷⁴.

4.2. TENDERING CRITERIA

A. Economic Operators

Economic operators which offer the execution of work, supply of products or performance of services are eligible to participate in public procurement procedures.

74 Pages 3-4 of Annex II.

Economic operators can be:

- a natural or legal person;
- a public entity;
- a group of such persons or entities, including any temporary grouping of enterprises⁷⁵,
- an entity without independent legal status, including an European economic interest grouping.

Consortia are also included within the group of economic operators allowed to participate in public procurement procedures (for a detailed description see Annex II⁷⁶).

If it is necessary for the performance of the contract, the Contracting Entity can request the grouping of economic operators to take on a certain legal form after having been awarded the public contract.

B. Selection criteria

In order to participate in public procurement procedures, economic operators must meet the following criteria:

- suitability to pursue the professional activity;
- economic and financial standing; and
- technical and professional ability.

The afore-mentioned requirements should be related and proportionate to the subject matter of the public contract.

The PPC also provides for the possibility to avail oneself of the capacities of other parties (such as a consortium/ATI partner) in order to qualify for the possession of the criteria under letters (b) and (c) above (this is referred to as the so-called '*avvalimento*'). The PCC also lists grounds to exclude an economic operator from the participation in the procurement procedure (such aspects are described in detail in Annex II⁷⁷).

4.3. THE ASSESSMENT/AWARDING PROCESS

A. Award criteria

The awarding and performance of the public contract must be executed based on the principles of transparency, economics, timeliness, and comity as well as of non-discrimination, free competition, proportionality, and publicity. The Contracting Entity cannot limit the competition between the competitors in order to encourage or disadvantage some competitors.

Before awarding a public contract, the Contracting Entity must verify that:

- the offer complies with the requirements and conditions indicated in the call for competition and invitation to confirm interest as well as with the tender documentation;
- no ground exists to exclude the tendering party; and
- the relevant economic operator complies with the selection criteria.

⁷⁵ As better explained in Annex II (see the subsequent footnote), consortia between companies are frequently formed and are called "*Consorti stabili*" when they are composed of at least 3 partners that have agreed to join forces in public works, services and supplies contracts for a period of at least 5 years and incorporating a common corporate structure for this purpose. A temporary group of companies ("*ATI*") is instead an entity without an independent legal status, created by conferring a mandate upon an enterprise (which is part of this group) that, as result, becomes the representative of the other tenderers (that are part of this temporary grouping) towards the contracting entity.

⁷⁶ Pages 4-5 of Annex II.

⁷⁷ Pages 5-6 of Annex II.

The Contracting Entity awards the contract based on the criteria of:

- the lowest price or
- the most economically advantageous tender.

When applying the first criteria, the Public Authorities only take into account the economic component of the bid: the contract is awarded to the bidder that offers the lowest price.

The second criteria must instead be identified based on:

- the best price-quality ratio; or
- the tendered price or the cost of the product⁷⁸, thereby using a cost-effectiveness approach, such as life-cycle costing. For a description of life-cycle costing we refer to Annex II⁷⁹.

The best price-quality ratio must be assessed based on criteria linked to the subject-matter of the relevant public contract (including qualitative, environmental and/or social aspects). Such criteria may for instance comprise:

- quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading plus other conditions that are relevant thereto;
- organization, qualification and experience of the staff assigned to perform the contract in the event that the quality of the assigned staff can have a significant impact on the contract's performance level;
- after-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.

The PPC provides for certain specific cases in which the most economically advantageous tender must necessarily be identified based on the best price-quality ratio⁸⁰.

The Contracting Entity can decide not to award the tender when no offer results advantageous and adequate in relation to the subject matter of the public contract. This power must however have been indicated in the call for competition.

⁷⁸ The difference between the cost and the price is that the price represents the economic disbursement for purchasing the goods or the service, while the cost includes, in addition to the price, the charges generated by the public procurements (for example disposal costs).

⁷⁹ Pages 6-7 of Annex II.

⁸⁰ For example in the event the contract to be stipulated concerns engineering and architectural services and, in general, technical, and intellectual services, of a value equal or exceeding Euro 40,000.

Fig. 15 - Awarding criteria overview

A) LOWEST PRICE CRITERION	
TYPE OF TENDER	APPLICATION OF THE CRITERION
LUMP SUM (FIXED PRICE)	Percentage reduction of the sum initially indicated in the tender as the basis price or bid at unit prices
MEASUREMENT	Percentage reduction of the sum initially indicated in the tender as the basis price or bid at unit prices
LUMP SUM AND MEASUREMENT	Bid at unit prices
B) CRITERION OF THE MOST ECONOMICALLY ADVANTAGEOUS TENDER	
When the contract is awarded with the criterion of the most economically advantageous bid, the call for competition establishes the criteria for evaluating the bid (related to the nature, object, and characteristics of the contract), which can be:	
A)	Quantitative: <ul style="list-style-type: none"> the price
B)	Qualitative: <ul style="list-style-type: none"> the technical credit the aesthetic and functional characteristics the environmental characteristics and the containment of energy consumption and environmental resources of the work

B. Awarding Committee

The technical and economical evaluation of the bid is entrusted to an Awarding Committee composed of an uneven number of commissioners (which cannot be exceeded five commissioners).

The commissioners must be selected by the Contracting Entity from experts listed in a Register maintained by ANAC. The President of the Awarding Committee must be selected from the chosen commissioners.

The Contracting Entity can appoint the commissioners from its own body when

- the public contract has a value inferior to the thresholds mentioned in chapter 2.2 above⁸¹ and
- the public contract does not represent any specific complexity.

The PPC sets out all the requirements that must be met for an appointment as commissioner (see Annex II⁸²).

C. Conclusion of the public contract

Once the competitor has been awarded the public contract, the parties must sign such contract within 60 days, except when a different term for the signature has been provided for in the call for competition or been agreed upon by the parties.

⁸¹ Pages 2-3 of chapter 2.2.

⁸² Page 7 of Annex II.

The agreement can generally not be entered into by the parties before expiration of 35 days from the date it has been awarded (there are some exceptions, such as when a sole bid has been submitted or accepted and the call for competition has not been contested by a competitor, or in the event that this contestation has been rejected).

If the contract is not entered into by the parties within the established term, the contractor is not bound to stipulate this agreement but entitled to reimbursement for the incurred costs.

The PPC also provides for the obligation of the bidder to deliver a guaranty as security for performance under the submitted bid. For additional information regarding this phase, see Annex II⁸³.

4.4. DISPUTES

Any dispute arising from, or related to, awarding procedures of public works, services, and supplies, including relevant claims for damages, falls within the exclusive jurisdiction of the Administrative Courts and the relevant administrative procedure is governed by the Italian Code of the Administrative Procedure (Legislative Decree no. 104/2010)⁸⁴.

In particular, the awarding of contracts and other acts relating to the public procurement procedures may be challenged by filing a complaint with the competent Regional Administrative Court. The Regional Administrative Court decides in the first instance, and its decision may be challenged by an appeal to the Council of State. The appellate decisions of the Council of State may be challenged before the Italian Supreme Court (but only for specific limited reasons set out by law, such as disputes regarding jurisdiction).

The administrative procedure relating to the public procurements is characterized by rules aimed at favouring, on the one hand, the rapidity and effectiveness of the process and, on the other hand, reducing the proceedings pending before the courts.

A review before the competent Regional Administrative Court must generally be requested within 30 days after publication of the award notice. The procedure is generally concluded, depending on the complexity of the case, with the precautionary hearing, at the end of which the judge issues a simplified judgment. In the event that the procedure cannot be concluded at the precautionary hearing, the judge must issue the final judgment within 15 days from the hearing for the discussion and such term can be extended to 30 days in the event that the reasoning of the judgment is particularly complex.

Furthermore, unless serious violations occur (such as when a contract was awarded without prior publication of the contract notice), the Judge who orders the annulment of the public contract's awarding can also decide not to declare the contract without effects and only order the losing party to compensate the damages caused to the plaintiff.

First instance decisions must be appealed to the Council of State within a 30-day term starting on the date on which such decision was communicated or served upon the appellant.

To reduce litigation, the PPC also provides for alternative dispute resolution procedures which can be pursued as an alternative recourse compared to the court. Such procedures consist, for example, in entering into settlement agreement or involving a technical consultation panel, which are for certain cases specifically provided for in the PPC. Another possibility is applying to ANAC to obtain a pre-litigation opinion on issues raised during the tender procedure, which will be binding upon the parties.

ANAC may also undertake direct legal action to challenge the acts related to the public procurement procedures issued by any Contracting Entity if it deems that such acts violate the rules governing public procurements.

Furthermore, it is also possible to submit a dispute deriving from the performance of the public contracts for works, supply, and services to an arbitration procedure (the call for competition must indicate whether the disputes arising from the public procurement contract will be subject to arbitration). Both ANAC's pre-binding litigation opinion and the arbitrators' decision may subsequently be challenged before the competent Regional Administrative Court.

⁸³ Page 7 of Annex II.

⁸⁴ After execution of a public contract, any dispute arising from its performance falls instead within the jurisdiction of the Italian Civil Court, unless it is related to the awarding procedure (see, *inter alia*, Italian Supreme Court sentence no. 7219, dated 13 March 2020).

5. GENERAL RECOMMENDATIONS AND TIPS

5.1. PRACTICAL EXPERIENCE AND FEATURES OF THE ITALIAN MARKET

It is advisable for an entrepreneur who is interested in participating in a tender in Italy to carefully examine the Italian PPC in advance.

Engage a reliable partner and/or expert

This Guide provides a general overview on Italian public procurements procedures, but the practice represents additional rules and customs plus decisions to be taken. This is the reason why hiring an expert is recommendable, at least in the preliminary phase of the procedure, as such expert can assist in obtaining a complete overview of the type of procedure that the operator wishes to participate in. In addition, a foreign operator must also face communication issues plus cultural and legal barriers. Involving a reliable Italian partner who has more knowledge of the market and the regulations, knows the Italian culture and has worked on public procurement contacts is advisable.

An Italian expert can, during the preliminary phase, verify the accuracy of fulfilment with the formal requirements and, if needed, even by providing a statistical analysis of the results produced in similar procedures. Such expert can also represent the tendering party as a delegate during the public sessions of the tender operations.

Take-out a subscription with a company that researches published public procurements

Since e-procurement platforms and Contracting Entities are numerous, it is advisable to take out a yearly subscription with a specialized company that regularly performs research on the publication of public procurement procedures and will supply the details and documentation of such procedures daily with respect to the company's sector(s) of interest. This will allow an operator to filter, review and respond to the procedures published during the previous day.

Obtain an analysis of the competition

It is important for Dutch companies that approach the Italian market for the first time to understand the commercial structure of the sector in Italy in which the company plans to operate and even more so if the Dutch company intends to participate in a public tender. Italy is a highly technological country with many specialized parties that supply to the industry and to the Public Authorities. As a result, before entering the Italian market, a Dutch company should receive a thorough analysis of its competitors to understand their strength and level of introduction within the Public Administration. Once this knowledge has been gained, the Dutch operator can better establish its technical proposition and pricing level and determine in which Regions such operator wishes to participate in public procurement tenders. The price or a discount percentage is very often the award criterium for public procurements. Experience shows that Dutch entrepreneurs often underestimate Italian regulations and competition. It is therefore recommendable to take the necessary time to initiate the activity in Italy and to become well informed.

Build personal relationships and understand the business culture

Since Italy has a relations' culture, it is important to build personal relationships in this country, not only with commercial contacts, such as agents or importers, but also with the procurement department of the Entity one wishes to supply to and with other customers. This means that a Dutch operator cannot only rely on sending emails, but also needs to dedicate value time to personally maintain the Italian contacts. The Italian society also values hierarchy and, when doing business, it is recommended to try and reach the highest decision-making levels of the (potential) customers. Last, but not least, Dutch entrepreneurs tend to seek quick results with respect to a new market, while in Italy strong investment in time and effort is needed to be accepted as a supplier or business partner.

Gain an understanding of the contractual conditions and participation requirements

Please be aware that payment terms in Italian procurement contracts can differ enormously from the Dutch payment conditions. Due to recent legislation⁸⁵, the Public Authorities' payments terms of Public Entities have however been reduced but not all Contracting Entities do already comply with the new terms.

Furthermore, many calls for competition contain clauses that cannot always be easily complied with by foreign bidders and a bank guarantee or insurance bond is often requested, with long pay-back periods.

⁸⁵ See for more information pages 3-4 of Annex II.

Italian public procurements request that all documentation to be provided, be translated into the Italian language, and, in certain cases, a certified translation is needed. It can happen that the procurement term will be extended due to unexpected circumstances, putting the operator in the position to pay its bank during the extension for the issued guaranty while awaiting selection or, if selected, the order. We thus strongly recommend hiring an expert also to understand the various technicalities and pitfalls, and who, if necessary, takes care of translating the necessary documentation into Italian.

Register with ANAC

As mentioned above in chapter 2.1., ANAC is an important independent Institution that supports the Public Administration. Before participating in any kind public procurement procedure with a value over Euro 40,000, a bidding company must register with ANAC.

Enquire about Italy through European and Italian Platforms

For the purposes of increasing one's knowledge about the Italian market, it could be interesting visiting *Your Europe*, an EU website which aims at assisting citizens in performing acts in other European countries thereby avoiding unnecessary inconvenience and red tape regarding moving, living, studying, working, shopping or simply travelling abroad.

Collecting a broader range of information and focusing therefore not only on cross-border services, but also on national services, such website highlights with respect to Italy the following groups of services for businesses to be offered in Italy in this country:

- developing and running a business;
- taxation;
- selling in the EU;
- human resources;
- product requirements;
- financing and funding; and
- dealing with customers.

Such services are generally managed and offered to the public by the Chambers of Commerce and the competent Public Authorities, such as the Ministry of Economy Development, the Italian Revenue Agency, the National Institute of Social Security (INPS)⁸⁶ and the Italian Competition Authority (AGCM)⁸⁷.

5.2. RECOMMENDATIONS AND OPPORTUNITIES FOR DUTCH COMPANIES AND BEST PRACTICES

Recommendations and opportunities in some sectors:

With specific regard to the water sector, please note that water scarcity issues are generally more prominent in the Southern Regions. However, water saving measures are also needed in the North to manage the strong urbanization and intensive agriculture. The reuse of treated wastewater could be essential for the reduction of water scarcity. In Italy, to date, almost all wastewater from urban and industrial treatment plants is discharged into water basins without exploiting the potential for reuse.

There being a great inducement for water efficiency, water reuse systems (such as decentralized wastewater treatment systems), participating in tenders published in this sector can be useful and there is currently not much competition in Italy in this sector.

The Authorities which operate in the so-called "Optimal Territorial Areas" (hereinafter, "ATO") aim at guaranteeing an optimal supply of drinking water, promoting quality but also safeguarding water resources while simultaneously respecting the environment. Such Authorities also wish to protect the consumer by encouraging the entry of

⁸⁶ <https://www.inps.it/>.

⁸⁷ <https://www.agcm.it/>.

additional parties into the market, given that the operators of the integrated water service operate in a monopoly (we refer to sectors such as collection, abduction, and distribution of water, as well as collection and purification of wastewater). In Italy, 90 ATOs are responsible for management of economic and environmental resources at the local level. Monitoring the ATO websites, on which public tenders regarding municipal water management are published, is thus certainly recommendable.

As for the green economy and waste sector, one should firstly consider the application of the already mentioned CAMs⁸⁸ as they are mandatory for all the Contracting Entities. An operator wishing to enter in this segment should study such criteria and the categories that are being applied.

Please note that the Italian area is known for its scarcity of raw materials, which is the reason why Italy is well ahead in the circular use of materials. Since the recycling and reuse of resources is a fundamental priority of the country, presenting technology for the circular economy and for the reuse of materials represents a major opportunity in Italy.

Please note with regard to waste that the reuse of sewage sludge is a crucial element of the integrated water system's sustainable management. Keep in mind that due to dredging, wastewater (both municipal and industrial) and agriculture, sludge is considered waste in Italy and subject to several strict regulations. Dutch companies could play a key role in collaborating with the Italian Public Authorities, which currently need support in the treatment of wastewater and sludge purification.

As regards the healthcare sector, please note the high probability that the main goal will, during the next two or three years, remain the prevention systems related to viruses, medical protective devices, and filtering systems plus the increase of their demands. In any event, also surgical activities, which were not performed during the period of pandemic, must take place during the next years. Due to the postponement of many urgent interventions over the last year, there will probably also be an increase in the demand of orthopedic and cardiology devices.

In the ICT sector, the urgent need to renew the management of public e-procurement processes through the effective use of technology has been repeatedly evoked over the last years and even more so in recent months.

The ICT sector currently has a higher priority, as confirmed by the amount of Euro 49.2 billion allocated by the PNRR, *inter alia* for the mission of Digitization (and this also to restart the procurement sector in a rapid and homogeneous manner). In fact, a potential management renewal of the public e-procurement processes would favor greater efficiency and quality of public spending, would ensure an increased allocative capacity of the administrations, and contribute to a more correct use of the available resources.

Please consider that a focus on the e-procurements sector can be advisable as ICT represents an essential and strategic tool to launch the economy and create long-term sustainable value. This is even more accurate now that the "Ultra Broadband Development Plan"⁸⁹ has been launched, together with other interventions, such as the digitalization of Public Administration, a system aimed at sustainability, transparency, equal opportunities for suppliers and defense against mafia infiltration.

Best Practices & Roadmap

Please find below a list of best practices aimed at participating successfully in Italian public procurements:

Engaging an Italian partner

As already pointed out in chapter 5.1⁹⁰, the support of a local expert is highly recommended.

Registration in the required registers and obtaining certifications relating to the sectors of interest

Subject to the economic operator's specific sector of interest, the opportunities to obtain certifications or to enrol in certain registers to participate in tenders that may be published, should be evaluated.

⁸⁸ See for a detailed description page 2 of chapter 2.3.4.

⁸⁹ https://www.agid.gov.it/sites/default/files/repository_files/documenti_indirizzo/progetto-strategico-autorizzato-dalla-commissione-europea.pdf.

⁹⁰ At the start of such chapter (page 1 of chapter 5.1).

Individual companies could consider the opportunity of registering and qualifying for the electronic market of the Italian Public Administration (MePa)⁹¹.

Monitoring published tenders and the progress of each tender

Through the following instruments:

- Official Journal of the European Commission;
- Official Journal of the Italian Republic;
- Websites of Ministries and other Public Administrations;
- Subscription with an information service (various operators provide information services on published tenders with continuous monitoring activities, Annex III⁹² for some examples).

Definition of the acquisition strategy and selection of the “relevant tender”

Using for example one of the information service providers on tenders, one can often select the types of contracts that are relevant for one’s business and therefore only receive notifications of tenders that are of interest.

Verification of the requirements and feasibility analysis of the public contract

- Verification of the general requirements and of the exclusion conditions;
- Examination of the specific technical requirements for each tender;
- Evaluation of the risks.

In the event of non-compliance with the requirements, which will be examined during this second phase, one could consider, provided it has been permitted by the call for competition, to establish a temporary association with companies which allow the participant to meet such requirements.

Acquiring SOA certification

Economic operators need this certification when participating in public works contracts with an amount exceeding Euro 150,000.

The relevant certificate, issued by specific Certification Body Company⁹³ (SOA) for the duration of five years and renewable, certifies the ability of an operator to execute certain categories of contracts (it can cover 52 categories of works) and specific rankings with reference to the monetary value of the works (it includes 10 rankings). Annex II⁹⁴ lists the categories and rankings.

Please note that the law requires foreign companies to only obtain the SOA when they have a branch in Italy. It should however be underlined that, even when foreign economic operators are not obliged to possess the SOA certificate, such certification could in any event also be convenient. In fact, without the SOA certification, the operators need to demonstrate in detail in each tender that they satisfy the requirements for participating in the procedure that must be demonstrated by any Italian company without such certification.

Finally, please note that the following graphics show the most relevant tender’s documents as well as an example of a tender regulation (“*disciplinare di gara*”).

91 As described in chapter 3.1.

92 Pages 3-4 of Annex III.

93 <https://www.attestazionesoa.it/attestazione-soa/>

94 Pages 7 to 9 of Annex II.

Fig. 16 – List of tender documents

TENDER MAIN DOCUMENTS	
•	Call for competition (A)
•	Tender regulation (B)
•	Procurement's special specifications
•	Project
(A) CALL FOR COMPETITION'S DOCUMENTS	
•	Subject of the public procurement (including the amount of the intervention)
•	Public Administration data
•	Terms for the submission of the bids
•	Participation requirements
•	Consideration/Payment
•	Categories of works
•	Type of the procedure
•	Award criteria
•	Assessment criteria
•	Bids opening methods
(B) TENDER REGULATION'S DOCUMENTS	
•	Subject of the Tender (including the amount of the intervention)
•	Public Administration data
•	Terms for the submission of the bids
•	Participation requirements
•	Consideration/Payment
•	Categories of works
•	Subcontracting categories (and relative amount)
•	Awarding criteria
•	Assessment criteria
•	Motivational criteria
•	Formula for the attribution of points
•	Description of the tender procedure
•	Manner to exclude anomalous bids

Fig. 17 – Example of tender regulation

DISCIPLINARE DI GARA

GARA EUROPEA A PROCEDURA APERTA PER L'APPALTO: MI 184/20 "Intervento sulla S.S. 38 "dello Stelvio"
- Accessibilità Valtellina - Lotto 4: nodo di Tirano. Tratta "A" (svincolo di Bianzone – svincolo La Ganda) e Tratta "B" (svincolo La Ganda – Campone in Tirano) e relativo servizio di monitoraggio ambientale in corso d'opera".

 **TIPO DI PROCEDURA:**

 **CRITERIO DI AGGIUDICAZIONE:**

RIFERIMENTO NORMATIVO:

Aperta
Contratto chiuso
Offerta Economicamente più vantaggiosa

D. lgs. 18 aprile 2016, n. 50, così come modificato dal Decreto Legge n. 76 del 16 luglio 2020 (c.d. Decreto Semplificazioni), convertito, con modificazioni, nella Legge 11 settembre 2020, n. 120, pubblicata sulla GURI n. 228 del 14 settembre 2020

CODICE GARA: MI 184/20
CODICE CIG: 8567387F65
CODICE CUP: F31B16000520001

INFORMAZIONI GENERALI
PUBBLICAZIONI DEL BANDO DI GARA

Il bando di gara relativo al suddetto appalto è stato:

- inviato alla G.U.U.E. in data 24/12/2020
- pubblicato sulla Gazzetta Ufficiale della Repubblica Italiana – Serie Speciale – n. 152 del 30/12/2020;
- pubblicato sul sito informatico del Ministero delle Infrastrutture e dei Trasporti;
- pubblicato sul sito Internet aziendale www.stradeanas.it;
- pubblicato sul Portale Acquisti ANAS <https://acquisti.stradeanas.it>;
- pubblicato su due quotidiani nazionali e due quotidiani regionali.

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The information contained in this Guide is solely aimed at briefly providing general market information, which is also subject to future changes. As a result, the Guide is not suitable as a basis for the preparation of a tender or the execution of a contract with a public entity. We strongly advise you to engage an expert consultant in the event you wish to participate in an Italian public tender or to execute an agreement with the public authorities. The Embassy of the Kingdom of The Netherlands in Rome is therefore not liable for any damage, losses or other consequences that could arise from the use of information contained in this Report for another purpose than gaining general market information.

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ANNEX I TABLE OF FIGURES

Fig. 1	<i>Main phases of public procurement procedure</i>	5
Fig. 2	<i>Brief overview of EU thresholds</i>	7
Fig. 3	<i>Public procurements in Italy above Euro 40,000.00</i>	8
Fig. 4	<i>Summary of public procurements procedures in ordinary sectors</i>	12
Fig. 5	<i>Key elements and main steps of different public procurement procedures</i>	13-14
Fig. 6	<i>Data (rounded up) on Italian public procurement sectors (2019)</i>	15
Fig. 7	<i>Territorial distribution of public works (2021)</i>	19
Fig. 8	<i>Italian water service suppliers (2019)</i>	23
Fig. 9	<i>Level of coastal erosion per region (2020)</i>	24
Fig. 10	<i>Map of “P2” areas (2017)</i>	25
Fig. 11	<i>PNRR main goals</i>	29
Fig. 12	<i>Mission 1 overview</i>	35-36
Fig. 13	<i>Scheme of the electronic market</i>	38
Fig. 14	<i>“pagoPA” system of payments</i>	39
Fig. 15	<i>Awarding criteria overview</i>	42
Fig. 16	<i>List of tender documents</i>	48
Fig. 17	<i>Example of tender regulation</i>	49

ANNEX II DETAILS ON ITALIAN TENDER LAW

APPLICABLE LAWS

- **Directive 2014/24/EU** concerning public procurement procedures in ordinary sectors
- **Directive 2014/25/EU** concerning public procurement procedures in special sectors, being gas and heat, electricity, water, transports, ports and airports services, postal services

Legislative Decree No. 50 dated 18 April 2016 (Public Procurement Code – “PPC”) which implemented the two above-mentioned EU Directives in Italy and also provides for applicable national rules.

DETAILED INFORMATION WHICH INTEGRATES THE MAIN GUIDE⁹⁵

2.1 PREPARATION OF PROCEDURES: COMMON STANDARD

As mentioned in the Guide, both the prior information notice and, where required, the call for competition, should contain the relevant information provided for by the PPC. Please note that the prior information notice and the call for competition must contain:

- the name, telephone number, fax number and e-mail address of the contracting entity;
- the internet address or website where all the procurement documents will be fully, directly and freely accessible;
- a description of the main activities performed by the contracting entity;
- a summary description of the public procurement; and
- the publication date (Annex XIV, part I, letter B and C of the PPC).

In addition, the call for competition must indicate whether the bids may be submitted for one, for several or all the lots (art. 51 of the PPC)⁹⁶. In the event the contracting entity decides not to divide the contract into lots, it must justify such choice. Contracting Entities may limit the number of lots that can be awarded to one bidder provided that the maximum number of lots per bidder has been indicated in the call for competition.

The procurement documents of the Contracting Entities must also list the objective and nondiscriminatory criteria or rules that will be applied to award the lots in the event the application of the awarding criteria would result in one tenderer being awarded more lots than the maximum number that had originally been set.

2.2 THE EU THRESHOLDS AND CHOICE OF PROCEDURES

As mentioned in the Guide, the EU thresholds, as periodically redefined by the EU Commission, concretely determine what type of procedure can be used for each public procurement.

The method for calculating the value of a public contract is based on the total payable amount (estimated at its maximum) as assessed by the Contracting Entity⁹⁷ and quantified at the time the call for competition is sent or, in procedures which initiate without a prior call for competition, at the moment the assignment process is started (art. 35, par. 4 and following of the PPC).

The calculation also depends on the object of the public procurement. For example, for public works contracts, the estimated value is based on the amount of the works as well as on the supplies and services, which are needed to

⁹⁵The numbers of the chapters below refer to the corresponding chapters in the Guide.

⁹⁶Please note that the possibility to divide a contract into lots is mainly aimed at facilitating the access of microenterprises and small- and medium-sized enterprises to the procurement procedures.

⁹⁷If a contracting entity is made up of separate business units, the calculation is based on the total estimated value for all the business units.

execute the works. In the hypothesis of public services contracts, instead, the estimated value is based on the amount of the premium (in case of insurance services) or the amount of the fees and commissions (in case of banking and financial services).

2.2.3 THE COMPETITIVE PROCEDURE WITH NEGOTIATION

The specific cases in which the competitive procedure with negotiation may be used are the following:

(a) with regard to works, supplies or services, if one or more of the following criteria occur:

- the needs of the contracting entity cannot be met without adaptation of readily available solutions;
- such needs include design or innovative solutions; (iii) the public procurement cannot be awarded without prior negotiations due to particular circumstances related to the nature, the complexity or the legal and financial characteristics of the object of the public contract or because of connected risks;
- the technical specifications cannot be established with sufficient precision by the Contracting Entity with reference to a standard, European Technical Assessment, common technical specification or technical reference within the meaning set out by the PPC; and
- the needs of the Contracting Entity cannot be met without adaptation of readily available solutions, which imply design or innovative solutions.

(b) in the event that, in response to an open or a restricted procedure with regard to works, supplies or services, only irregular or unacceptable bidders have submitted bids (art. 59, par. 2, of the PPC).

In such situations, the Contracting Entities shall not be required to publish a contract notice provided, however, that tenderers that satisfy the criteria set out in the PPC and submitted, during the prior open or restricted procedure, bids in compliance with the formal requirements of the procurement procedure, will be included in the relevant procedure.

2.2.4 THE COMPETITIVE DIALOGUE AND THE INNOVATION PARTNERSHIP

The competitive dialogue can be used in the same process set out for the competitive procedure with negotiation and described above.

Contracting authorities can resort to the innovation partnership procedure when the need to develop innovative products, services or works and to subsequently purchase the resulting supplies, services or works, cannot be satisfied through solutions that are already available on the market (art. 65 of the PPC).

The procurement documents of the contracting authorities should set out the minimum requirements that all bidders must meet. The requisites should be described in a sufficiently precise manner to allow the economic operators' identification of the solution's nature and scope and, as a result, such operators' determination whether participation in the procedure would be feasible.

2.2.5 THE NEGOTIATED PROCEDURE WITHOUT PRIOR PUBLICATION

The specific cases in which the negotiated procedure without prior publication may be used in public works, supplies and services contracts are the following:

- in the event no (suitable) offers⁹⁸ or requests to participate⁹⁹ have been submitted in response to an open procedure or a restricted procedure;
- when the works, supplies or services can only be provided by a specific economic operator for the reasons listed in the PPC (for example the absence of competition due to technical reasons or when the procurement aims at the creation or the acquisition of a unique art work or artistic performance); and
- cases in which, for extreme urgent reasons caused by unforeseeable events or which cannot be attributed to the contracting authority, the time limits for the open, restricted and competitive procedures cannot be complied with (art. 63, par. 2, of the PPC).

2.2.6 THE DIRECT ASSIGNMENT

This type of procedure can be used only in specific cases in which the contract's value is generally below Euro 40,000 (art. 36, par. 2, lett. a) and b) of the PPC).

Although the Contracting Entities are in such cases not obliged to provide an adequate motivation about the choice of the contractors to whom they will award the procurements, the direct assignment must in practice be preceded by a prior informal analysis or market condition survey. In addition, such Entities must perform a prior evaluation of the received fee quotes in order to select the operator who satisfies the possible the needs of the Public Administration in the best manner.

However, from a legislative point of view, the need for maximum simplification of procedures must be reconciled by the contracting entities with compliance with certain criteria that govern the awarding of public contracts, such as the ones related to transparency and impartiality.

3.1 CONSIP

As mentioned, Consip is owned by the Ministry of Economy and Finance and entrusted with the management and development of the Ministerial IT services. For this reason, Consip has, since 2003, been managing MePA, an electronic commerce tool that allows the Italian Public Administrations to purchase goods and services at an amount below the EU thresholds.

Each registered Public Administration can consult, through the MePA, the electronic catalogue, to compare and purchase goods and services offered by one of the authorized suppliers. In particular, the public entity can purchase goods and services directly, either by accepting the terms proposed by the companies, or by negotiating such terms with one or more suppliers to receive "customized" offers.

The companies which are registered in the system thus enjoy major benefits because they can receive orders from selected Public Administrations across the Italian Republic.

4.1 TERMS AND DEADLINES

As indicated in the Guide, the PPC sets out minimum deadlines for submitting the initial requests to participate as well as for the subsequent submission of bids (namely 35 days in open procedures and 30 days in restricted procedures).

The terms can be shortened in the following ways:

⁹⁸ Please note that an offer is not considered appropriate when it does not have any relevance with respect to the contract and is therefore manifestly inadequate to satisfy the contracting authority's needs and requirements specified in the procurement documents.

⁹⁹ Please note that a request to participate is not considered appropriate when the concerned economic operator must or can be excluded pursuant to Article 80 of the PPC or does not meet the selection criteria established by the contracting authority based on Article 83 of the PPC.

TENDERING IN ITALY ANNEX II

- if the Contracting Authority had submitted a prior information notice (which notice was not used as a means of call for competition) more than 35 days but less than 12 months before the submission of the call for competition (and such notice contains all the elements provided for by Annex XIV, part I, letter B of the PPC, as listed in chapter 2.1 above), the abovementioned terms can be shortened to 15 days (in case of open procedures) or to 10 days (in case of the restricted procedures);
- if a state of urgency occurs (in both procedures), the term for sending the initial requests to participate can be shortened to 15 days, while the term for the submission of bids can be shortened to 10 days; and
- if the bids are submitted through an electronic procedure (i.e. certified electronic e-mails), the abovementioned terms can, only in case of open procedures, be reduced from 35 to 30 days.

The same terms set out for the restricted procedure also apply to the competitive procedure with negotiation (art. 62 PPC), the competitive dialogue (art. 64 PPC) and the innovation partnership (art. 65 PPC). No terms and deadlines are set out for the negotiated procedure without prior publication or for the direct assignment due to the special characteristics of such procedures (which, as results from articles 36, par. 2, and 63 of the PPC, are similar to a private agreement).

Finally, please note that the Contracting Entity must, within a maximum term of 5 days, communicate the following data to the relevant operators:

- the awarding of the contract, both to the selected contractor and to remaining unselected bidders;
- the exclusion from the awarding, to all the unselected bidders;
- the possible decision to not award the contract, to all the bidders; and
- the date on which the contract was entered into with the selected bidder(s) to all the operators whose bids were admitted (see art. 76 of the PPC).

In addition, if requested by one of the interested bidders, the Contracting Entity must indicate, within a maximum term of 15 days, the following information to both the unselected bidders whose bids were admitted and to the excluded bidders: the development of the procedure (including details about the negotiations with all the different bidders), the characteristics and the benefits of the selected bid, the name of the chosen contractor and the relevant reasons for the exclusion of the other bidders.

4.2 TENDERING CRITERIA

A. ECONOMIC OPERATORS

The following persons and/or entities fall within the definition of economic operators (art. 45 PPC):

- Entrepreneurs and companies;
- Consortia between cooperative companies¹⁰⁰ and between handcrafting business;
- Consortia “stabili”, that can be also incorporated as consortia companies, among entrepreneurs, commercial companies and production/works cooperative companies. The consortia “stabili” are composed of at least 3 partners that agreed to join forces in public work, service and supply contracts for a period of at least 5 years, incorporating for this purpose a common corporate structure;

¹⁰⁰ The creation of this type of consortium is aimed at performing an economic activity organized as enterprise by using the manpower of each cooperating partner.

- Temporary grouping of tenderers, created by the persons/entities indicated in letters a), b) and c)¹⁰¹;
- A business combination between enterprises participating in a network contract¹⁰²; and
- Entities that have incorporated a European economic interest grouping.

The Contracting Entity can require the legal person to indicate in the bid or in the application for participating in the procedure the name and the professional qualifications of the individuals who will perform the contract.

The technical and financial eligibility criteria of the **Consortia** indicated in letters (b) and (c) above must be met and proven by the Consortia partners based on the requirements provided by the PPC (except for those related to the availability of the equipment and average annual manpower, which, although owned by the individual entities that compose the consortium, are assigned to the consortium).

The PPC requires, with respect to the consortia indicated in letter (c) above, that the technical-organizational and economic-financial eligibility criteria met by the individual entities that compose the consortium are assigned to the latter within the first 5 years after its incorporation.

As far as the temporary grouping of participants is concerned, article 48 of the PPC¹⁰³ distinguishes between vertical and horizontal temporary grouping. A vertical temporary grouping of participants is composed of economic operators with a lead group representative having a different professional expertise than those possessed by the principals (the single principal may also have a professional expertise that is different from the one possessed by the other principals). It represents a grouping of economic operators, and the lead group representative performs the works belonging to the prevailing category¹⁰⁴, while the principals perform works belonging to the separable categories¹⁰⁵.

The horizontal temporary grouping of participants is the grouping of economic operators that possess the same professional expertise since the grouping is aimed at executing works belonging to the same category.

The combination between the vertical temporary grouping and the horizontal temporary grouping leads to the mixed temporary grouping of participants.

The participants are jointly liable towards the Contracting Entity, as well as the sub-contractor and supplier of the temporary grouping. Nevertheless, participants who perform separable works are liable only for the works executed by them, while the lead group representative is jointly liable with each of them for their execution.

Both the temporary grouping of competitors and the ordinary consortia are also allowed to submit the bid before their incorporation. In this case, the bid must be signed by the participants who intend to create respectively the temporary grouping and the ordinary consortium. Moreover, the bid must show the commitment of the participants to confer the mandate to one of them upon awarding of the tender.

B. SELECTION CRITERIA

An economic operator that does not have the requirements set out in letter (b) and (c) of chapter 4.2 B of the Guide, which are necessary to participate in such public procurement¹⁰⁶, can avail itself of the capacities of other entities (including participants in a temporary grouping of participants) regardless of the legal nature of the relationship it

101 This is an entity without an independent legal status, created by conferring a mandate upon an enterprise (which is part of this grouping) that, as result, becomes the representative of the other tenderers (which participate in this temporary grouping) towards the contracting entity.

102 With this type of contract, two or more enterprises undertake to execute one or more economic activities falling within their respective corporate purposes to increase their mutual innovative capacity and competitiveness in the market.

103 The provisions set out by article 48 PPC also apply to the business combination between enterprises participating in a network contract.

104 This represents the category that qualifies and identifies the principal works to be executed.

105 This is the category that represents the other works to be executed.

106 For example, the requirements relating to economic and financial standing and the technical and professional ability.

maintains with the other entities¹⁰⁷ (the so called *'avvalimento'*, see art. 89 of the PPC). The economic operator can however not rely on the capacity of other entities in the following situations:

- To prove the inexistence of the exclusion grounds provided by article 80 of the PPC (see below);
- To provide for the lack of the professional competence;
- To rely on the competence, which is necessary to execute works that are technically complex and require an elevated level of technologic competence, when the value of such works represents more than 10% of the total value of the object of the public procurement¹⁰⁸;
- To rely on the requirement of registration with the national register of environmental managers provided for by article 212 of the legislative decree no. 152/2006;
- To rely on the qualification required for a contract that is related to the cultural sector and then with respect to certain categories;
- With regard to the criteria related to educational and professional qualifications provided for by Annex XVII, part II, letter f), of the PPC or to professional experience, the economic operator may rely on the capacity of these persons only if such persons perform the works that directly necessitate these criteria;
- To provide for the lack of the qualification requirements¹⁰⁹.

The grounds to exclude an economic operator from the participation in the procurement procedure are, by way of example, criminal conviction for certain crimes (such as, conspiracy, mafia type-association, terrorist offences etc.), noncompliance with the legislation concerning health and safety at work, a serious breach of fiscal obligations and the bankruptcy of the economic operator (see art. 80 PPC, which also applies to subcontractors).

4.3 THE ASSESSMENT/AWARDING PROCESS

A. AWARDING CRITERIA

As mentioned in the Guide, the criteria of the most economically advantageous tender must be identified based on the best-price quality ratio or on the price or the cost, using a cost-effectiveness approach, such as lifecycle costing. Lifecycle includes the following lifecycle related costs of a product, service or works:

(a) costs, borne by the contracting entity or other users, such as:

- costs relating to acquisition;
- costs of use, such as consumption of energy and other resources;
- maintenance costs and,
- end-of-life costs, such as collection and recycling costs.

(b) costs caused by environmental external effects that are linked to the product, service or works during its life cycle, provided that their monetary value can be determined and verified; such costs may include the cost of greenhouse gas and other pollutant emissions plus other climate change mitigation costs.

¹⁰⁷ The economic operator may enter into an agreement with another economic operator based on which the latter undertakes to provide to the other party with the necessary requirements to participate in the public procurement.

¹⁰⁸ These works are listed in the Ministerial Decree no. 248/2016.

¹⁰⁹ The qualification requirements (for example, to be shown with a certificate based on the European law related to UNI EN ISO 9000) are those provided by ANAC for performance of certain works. The competent entity authorized by ANAC must certify that the economic requirements are being met.

B. AWARDING COMMITTEE

For the purposes of being appointed as commissioner, a person must:

- not have performed and/or not be in a position to perform in the future any technical-administrative chore with regard to the contract that must be awarded;
- not have assumed, during the previous two years, a public administrator role with regard to the contract that must be awarded by the Contracting Entity;
- be in compliance with art. 35 of Legislative Decree no. 165/2001, concerning the prevention of corruption related to the establishment of committees and to the assignment of functions; with the provisions of art. 51 of the Italian Code of Civil Procedure, concerning the cases in which the judge must refrain from rendering a judgment (such as, he/she is the husband/wife of one of the involved parties), and of art. 42 of the PPC, concerning conflicts of interest;
- not have approved illegitimate acts based on fraud or gross negligence in his/her capacity as commissioner of a previous awarding committee. Please note that fault and gross negligence should be ascertained by a court.

At the time of appointment, the appointed commissioners must declare the inexistence of the afore-mentioned incompatibility and abstention causes.

The appointment of the commissioners must be performed after the expiration of the term established for filing the bids.

C. CONCLUSION OF THE PUBLIC CONTRACT – GUARANTEE

The bidder must guarantee its bid by providing a guarantee equaling 2% of the base price. The Contracting Entity can reduce the amount of the guarantee to 1 % or increase it to 4% with the aim of rendering such guarantee more proportional to the object of the public contract and to the related risk.

The term of the guarantee must be at least 180 days starting from the submission of the bid (such term can be reduced or increased by the Contracting Entity when it presumes that the duration of the awarding procedure will have a longer or shorter duration).

The amount of the guarantee can be reduced under certain circumstances, for example if the competitor has a quality certification (see art. 93 of the PPC).

5.2 RECOMMENDATIONS AND OPPORTUNITIES FOR DUTCH COMPANIES IN EACH SECTOR AND BEST PRACTICES

Below please find the ten SOA rankings, which are based on certain procurement value amounts:

- I up to € 258,000;
 - II up to € 516,000;
 - III up to € 1,033,000;
 - III-bis up to € 1,500,000;
 - IV up to € 2,582,000;
 - IV-bis up to € 3,500,000;
 - V up to € 5,165,000;
 - VI up to € 10,329,000;
 - VII up to € 15,494,000; and
 - VIII over € 15,494,000.
-

TENDERING IN ITALY ANNEX II

As regards the categories of works, the following thirteen rankings are related to general works:

- OG 1 Civil and industrial buildings;
- OG 2 Restoration and maintenance of property subject to protection;
- OG 3 Roads, motorways, bridges, viaducts, railways, subways;
- OG 4 Works of art in the subsoil;
- OG 5 Dams;
- OG 6 Aqueducts, gas pipelines, oil pipelines, irrigation and evacuation works;
- OG 7 Maritime and dredging works;
- OG 8 River works, defense, hydraulic and reclamation works;
- OG 9 Plants for the production of electricity;
- OG 10 Plants for high/medium voltage transformation and for the distribution of electricity in alternating and direct current and public lighting systems;
- OG 11 Technological systems;
- OG 12 Works and plants for reclamation and environmental protection; and
- OG 13 Naturalistic engineering works.

In addition, the following additional 35 categories related to specialized works are provided:

- OS 1 Earthworks;
 - OS 2-A Decorated surfaces of immovable cultural heritage and movable cultural heritage of historical, artistic, archaeological and ethno-anthropological interest;
 - OS 2-B Movable cultural assets of archival and book interest;
 - OS 3 Water-sanitary systems, kitchens, laundries;
 - OS 4 Electromechanical conveyor systems;
 - OS 5 Pneumatic and anti-intrusion systems;
 - OS 6 Finishing of general works in wood, plastic, metal and glass materials;
 - OS 7 Finishing of general construction and technical works;
 - OS 8 Waterproofing works;
 - OS 9 Systems for luminous signs and traffic safety;
 - OS 10 Nonluminous road signs;
 - OS 11 Special structural equipment;
 - OS 12-A Road safety barriers;
 - OS 12-B Rockfall barriers, snow stops and the like;
-

TENDERING IN ITALY ANNEX II

- OS 13 Prefabricated reinforced concrete structures;
 - OS 14 Waste disposal and recovery plants;
 - OS 15 Cleaning of marine, lake and river waters;
 - OS 16 Plants for electricity production plants;
 - OS 17 Telephone lines and telephone systems;
 - OS 18-A Structural components in steel;
 - OS 18-B Components for curtain walls;
 - OS 19 Installations of telecommunication networks and transmission and treatment;
 - OS 20-A Topographic surveys;
 - OS 20-B Geo-gnostic investigations;
 - OS 21 Special structural works;
 - OS 22 Drinking and purification plants;
 - OS 23 Demolition of works;
 - OS 24 Green and urban furniture;
 - OS 25 Archaeological excavations;
 - OS 26 Special flooring and superstructures;
 - OS 27 Electrical traction systems;
 - OS 28 Heating and air conditioning systems;
 - OS 29 Railway armament;
 - OS 30 Internal electrical, telephone, radiotelephone and television systems;
 - OS 31 Systems for suspended mobility;
 - OS 32 Timber structures;
 - OS 33 Special covers;
 - OS 34 Anti-noise systems for mobility infrastructures; and
 - OS 35 *Interventions with low environmental impact.*
-

ANNEX III ITALIAN TENDERING PLATFORMS, AUTHORITIES AND ASSOCIATIONS

1. USEFUL TOOLS FOR FINDING PUBLIC PROCUREMENTS

A. FREE ACCESSIBLE SOURCES

EU Official Journal – EUR-Lex

<https://eur-lex.europa.eu/oj/direct-access.html?locale=it>

Italian Official Journal

<https://www.gazzettaufficiale.it/>

Tenders and contracts: <https://www.gazzettaufficiale.it/30giorni/contratti>

Regional Official Bulletin – B.U.R.

Below please find the links to all the Italian Bulletins.

Abruzzo

<http://bura.regione.abruzzo.it>

Molise

<http://www3.regione.molise.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/18>

Basilicata

<http://burweb.regione.basilicata.it/bur/ricercaBollettini.zul>

Piemonte

<http://www.regione.piemonte.it/governo/bollettino/abbonati/2020/corrente>

Calabria

http://www.consiglioregionale.calabria.it/portale/BancheDati/BURC/BURC_I_II_Form

Puglia

<http://burp.regione.puglia.it>

Campania

<http://burc.regione.campania.it/eBurcWeb/publicContent/home/index.iface>

Sardegna

<http://www.regione.sardegna.it/bollettino>

Emilia-Romagna

<https://bur.regione.emilia-romagna.it/ricerca>

Sicilia

<http://www.gurs.regione.sicilia.it/Indicep1.htm>

Friuli Venezia-Giulia

<https://bur.regione.fvg.it/newbur>

Toscana

<https://www.regione.toscana.it/burt>

Lazio

<http://www.regione.lazio.it/bur/?vw=ultimibur>

Trentino Alto-Adige

<http://www.regione.taa.it/burtaa/it/default.aspx>

Liguria

<http://www.burl.it>

Umbria

<https://bur.regione.umbria.it/web/guest>

Lombardia

<https://www.bollettino.regione.lombardia.it/wps/portal/site/BURL>

Valle d'Aosta

https://www.regione.vda.it/affari_legislativi/bollettino_ufficiale/default_i.asp

Marche

<https://www.regione.marche.it/Entra-in-Regione/BUR>

Veneto

<https://bur.regione.veneto.it/BurvServices/pubblica/HomeConsultazione.aspx>

Public Administration electronic market – MePa

<https://www.acquistinretepa.it/opencms/opencms/>

Ministry of Infrastructure and Transport

<https://www.serviziocontrattipubblici.it/SPInApp/it/bandi.page>

Ministry of the Environment, Land and Sea Protection and Ecological Transition

<https://www.minambiente.it/archivio-bandi>

ANAC – Italian Public Contract database

<https://dati.anticorruzione.it/#/home>

Public Administration territorial sites

Please find below the links to all the related local public entities.

REGIONS

Abruzzo

<https://www.regione.abruzzo.it/content/bandi-di-gara-e-contratti>

Campania

<http://www.regione.campania.it/regione/it/amministrazione-trasparente-fy2n/bandi-di-gara-e-contratti>

Molise

https://cloud.urbi.it/urbi/progs/urp/ur1UR033.sto?DB_NAME=I1200158&NodoSel=44

Basilicata

<https://www.regione.basilicata.it/giunta/site/giunta/department.jsp?dep=100435&area=1462492&level=1>

Friuli Venezia-Giulia

<https://www.regione.fvg.it/rafvfg/cms/RAFVFG/GEN/amministrazione-trasparente/FOGLIA11>

Trentino Alto-Adige

<http://www.regione.taa.it/appalti/default.aspx>

Liguria

<https://www.regione.liguria.it/amministrazione-trasparente/bandi-di-gara-e-contratti.html>

TENDERING IN ITALY ANNEX III

Emilia-Romagna

<https://trasparenza.regione.emilia-romagna.it/bandi-di-gara-e-contratti>

Toscana

<https://www.regione.toscana.it/regione/amministrazione-trasparente>

Umbria

<https://www.regione.umbria.it/archivio-bandi-di-gara-e-contratti>

Marche

<https://www.regione.marche.it/Amministrazione-Trasparente/Bandi-di-gara-e-contratti>

Lazio

http://www.regione.lazio.it/rl_amministrazione_trasparente/?vw=contenutiDettaglio&cat=1&id=130

Puglia

<https://trasparenza.regione.puglia.it/bandi-di-gara-e-contratti>

Calabria

<https://www.regione.calabria.it/website/bandiregione>

Sicilia

http://pti.regione.sicilia.it/portal/page/portal/PIR_PORTALE/PIR_Ammtrasparente/PIR_Bandiecontratti

Sardegna

<https://www.regione.sardegna.it/j/v/2592?&s=1&v=9&c=10756&nodesc=2&na=1&vs=1>

Valle d'Aosta

https://www.regione.vda.it/amministrazionetrasparente/bandigaraecontratti/default_i.aspx

Piemonte https://trasparenza.regione.piemonte.it/en_GB/bandi-di-gara-e-contratti

Lombardia

<https://www.regione.lombardia.it/wps/portal/istituzionale/HP/istituzione/amministrazione-trasparente/bandi-di-gara-e-contratti>

Veneto

<https://www.regione.veneto.it/amministrazione-trasparente>

METROPOLITAN CITIES

Bari

<https://www.cittametropolitana.ba.it/provinciaba/s2magazine/index1.jsp?idPagina=2>

Messina

<https://www.cittametropolitana.me.it/trasparenza/default.aspx>

Bologna

https://www.cittametropolitana.bo.it/portale/Amministrazione_trasparente_indice/Bandi_di_gara_contratti_e_programma_acquisti

Milano

<https://www.cittametropolitana.mi.it/portale/amministrazione-trasparente/index.html>

Cagliari

<http://www.cittametropolitanacagliari.it/web/cmdca/bandi-di-gara-e-contratti>

Napoli

<https://www.cittametropolitana.na.it/amministrazione-trasparente>

Catania

<https://trasparenza.cittametropolitana.ct.it/web/citta-metropolitana-di-catania/trasparenza>

TENDERING IN ITALY ANNEX III

Palermo

http://www.cittametropolitana.pa.it/provpa/provincia_di_palermo/amministrazione_trasparente/00011966_Ammministrazione_Trasparente.html

Firenze

<https://www.cittametropolitana.fi.it/amministrazione-trasparente>

Reggio Calabria

<https://www.cittametropolitana.rc.it/amministrazione-trasparente>

Genova

<https://www.cittametropolitana.genova.it/it/aree/bandi-gare-concorsi>

Torino

<http://trasparenza.cittametropolitana.torino.it>

Roma

<https://www.cittametropolitanaroma.it/homepage/amministrazione-trasparente/bandi-di-gara-e-contratti>

Venezia

<https://cittametropolitana.ve.it/trasparenza/amministrazione-trasparente.html>

B. PAID SUBSCRIPTION PLATFORMS TO FIND PUBLIC PROCUREMENTS

Below please find links to some of the companies that offer, subject to subscription, databases on calls for competition and Italian public procurements.

<https://www.rogaitalia.com>

<http://www.bandidigara.org>

<https://mondoappalti.it>

<https://www.soloappalti.it>

<https://www.telemat.it>

<https://www.tuttoappalti.it>

<https://infoplus.gare.it>

<https://www.ufficioappalti.com>

<https://www.banchedati.biz/index.php>

<https://www.presidia.it>

<https://gare.it>

<https://www.bandiegare.it>

<http://www.infoappalti.it/gare/index.htm>

<https://www.lavoripubblici.it/gare-progettazione-lavori>

<https://www.alboappalti.it>

<http://www.cercappalti.it>

<https://www.infogare.com>

<https://www.infoappalti.com/sezioni/appalti/appalti-lavori-pubblici.htm>

<https://www.gareitalia.it>

https://www.arug.it/?gclid=Cj0KCOiAk53-BRD0ARIsAJuNhpvpey1yiX-D-fAddXTNjALD_CbDuyF7X0KcNMdZgCf4aEuGmQfp2O8aAq_0EALw_wcB

2. ITALIAN TENDERING PLATFORMS

Agency for Digital Italy - AGID

<https://www.agid.gov.it/en/platforms/procurement>

Regional and Provincial e-procurement platforms
Below please find links to the main local e-procurement platforms.

Abruzzo

<https://www.crabruzzo.pro-q.it>

Molise

<https://eproc.regione.molise.it/portale/index.php>

Provincia Autonoma di Trento

https://www.servizionline.provincia.tn.it/portal/server.pt/community/portale_dei_servizi/895?breadcrumbstreetag=true

Basilicata

<https://www.sua-rb.it/PortaleAppalti/it/homepage.wp>

Piemonte

<https://arpa-piemonte.acquistitelematici.it>

Provincia di Vicenza

<https://portalegare.provincia.vicenza.it/portale>

Calabria

<https://sisgap.regione.calabria.it/fwep/protected/home.jsp?page=login>

Puglia

<http://www.empulia.it/tno-a/empulia/SitePages/Home.aspx>

Città Metropolitana di Bologna

https://www.cittametropolitana.bo.it/urp/Avvisi_e_concorsi/Avvisi

Campania

<https://www.sviluppocampania.it>

Sardegna

<https://www.sardegnaecat.it/esop/ita-ras-host/public/web/login.jst>

Città Metropolitana di Genova

<https://sua.cittametropolitana.genova.it/content/elenco-fornitori-telematico>

Emilia-Romagna

https://piattaformaintercenter.regione.emilia-romagna.it/portale_ic

Sicilia

<https://appalti.regione.sicilia.it/PortaleAppalti/it/homepage.wp>

Città Metropolitana di Milano

<http://www.sintel.regione.lombardia.it/eprocdata/auctionDetail.xhtml?id=113469471>

Friuli Venezia-Giulia

<https://eappalti.regione.fvg.it/web/index.html>

Toscana

<https://start.e.toscana.it/consiglio-toscana>

Città Metropolitana di Napoli

<https://pgt.cittametropolitana.na.it/portale/index.php/bandi>

Lazio

<https://centraleacquisti.regione.lazio.it>

Umbria

https://app.albofornitori.it/alboeproc/albo_umbriadc?idEnte=10

Città Metropolitana di Roma

<https://portalegare.cittametropolitanaroma.it/portale/index.php/registrazione>

Liguria

<https://appaltiliguria.regione.liguria.it>

Valle d'Aosta

<https://inva.i-faber.com/identity/auth/login?exlink=https%3A%2F%2Finva.i-faber.com%2F sourcing>

Città Metropolitana di Torino

https://app.albofornitori.it/alboeproc/albo_cittametropolitanatorino

Lombardia

<https://www.arca.regione.lombardia.it/wps/portal/ARCA/Home/e-procurement/piattaforma-sintel>

Veneto

<https://www.azero.veneto.it/piattaforma-sintel>

Città Metropolitana di Catania

<https://appalti.cittametropolitana.ct.it/PortaleAppalti/it/homepage.wp?actionPath=/ExtStr2/do/FrontEnd/Bandi/listAllInCorso.action¤tFrame=7>

Marche

https://gtmultie.regione.marche.it/PortaleAppalti/it/ppgare_bandi_lista.wp?_csrf=A08LUK0TF006B631XWV902L3A6T43LJ5

Provincia Autonoma di Bolzano

<https://www.bandi-altoadige.it>

Città Metropolitana di Firenze

<https://start.toscana.it/identity/auth/login?exlink=https%3A%2F%2Fstart.toscana.it%2F sourcing>

Utilities Platforms and Associations

1. TRANSPORT

https://www.stradeanas.it/it/appalti/rilevanza_comunitaria

Anas, the “Autonomous National Company for the roads”, is responsible for the construction, management and maintenance of the Italy’s most important road and motorway network. The road network managed by ANAS amounts to approximately 33,000 km.

2. MARITIME

<https://www.assoporti.it/it/associazione/gare-e-concorsi-delle-autorita-portuali>

Assoporti, which publishes the calls for competition and the public procurements related to the maritime sector, is an association consisting of the Port Authorities and the Italian Union of Chambers of Commerce.

TENDERING IN ITALY ANNEX III

Please find below the links to the main Port Authorities.

1) *Port System Authority of the Western Ligurian Sea - ports of Genoa, Savona and Vado Ligure.*

<https://www.portsofgenoa.com/it>

2) *Port System Authority of the Eastern Ligurian Sea - ports of La Spezia and Marina di Carrara.*

<https://www.adspmarligureorientale.it>

3) *Port system authority of the Northern Tyrrhenian Sea - ports of Livorno, Capraia, Piombino, Portoferraio, Rio Marina and Cavo.*

<https://www.portialtotirreno.it>

4) *Port system authority of the Central-Northern Tyrrhenian Sea - ports of Civitavecchia, Fiumicino and Gaeta.*

<https://www.portidiroma.it>

5) *Central Tyrrhenian Sea Port System Authority - ports of Naples, Salerno and Castellamare di Stabia.*

<https://adsptirrenocentrale.it>

6) *Port system authority of the Southern Tyrrhenian and Ionian seas and the Strait - ports of Gioia Tauro, Crotona, Corigliano calabro, Taureana di Palmi, Villa San Giovanni, Messina, Milazzo, Tremestieri, Vibo Valentia and Reggio Calabria.*

<http://www.porto.messina.it>

7) *Port system authority of the Sardinian sea - ports of Cagliari, Foxi-Sarroch, Olbia, Porto Torres, Golfo Aranci, Oristano, Portoscuso-Portovesme and Santa Teresa di Gallura.*

<http://www.adspmaredisardegna.it>

8) *Port system authority of the Western Sicily sea - ports of Palermo, Termini Imerese, Porto Empedocle and Trapani.*

<https://www.adspalermo.it>

9) *Port System Authority of the Eastern Sicily Sea -ports of Augusta and Catania.*

<https://www.adspmaresiciliaorientale.it>

10) *Port system authority of the Southern Adriatic Sea - ports of Bari, Brindisi, Manfredonia, Barletta and Monopoli.*

<https://www.adspmam.it>

11) *Ionian Sea Port System Authority - port of Taranto.*

<http://www.port.taranto.it/index.php/it>

12) *Port system authority of the Central Adriatic Sea - ports of Ancona, Falconara, Pescara, Pesaro, San Benedetto del Tronto and Ortona.*

<https://www.porto.ancona.it/it>

13) *Port system authority of the Central-Northern Adriatic Sea - port of Ravenna.*

<http://www.port.ravenna.it>

14) *Port system authority of the Northern Adriatic Sea - ports of Venice and Chioggia.*

<https://www.port.venice.it/it>

3. WATER, GREEN ECONOMY AND WASTE

<https://www.utilitalia.it/default.aspx>;

<https://www.legambiente.it/>; and

<https://www.isprambiente.gov.it/it>

TENDERING IN ITALY ANNEX III

Utilitalia, which publishes the calls for competition and the public procurements related to the water and waste sector, is an association that unites the main companies operating in the public services of environment, water, electricity and gas.

Legambiente is an Italian environmentalist association with roots in the antinuclear movement that was developed in Italy and throughout the Western world during the second half of the '70s. In more than 35 years of activity, Legambiente has organized many environmental monitoring and awareness raising campaigns and volunteering activities regarding air quality, sea pollution and marine litter.

ISPRA, the “Institute for Environmental Protection and Research”, is a public entity which supports the activities carried out by the Ministry of the Environment and provides statistics in the relevant sectors.

4. HEALTH

<https://www.aifa.gov.it/autorizzazione-dei-farm>

AIFA, the “Italian Drug Agency”, is the public healthcare authority that grants marketing authorization to drugs. It operates independently, under the supervision of the Ministry of Health, and collaborates with the Regions and the National Health Institute.

5. ICT

<https://www.agid.gov.it>

AgID, the “Agency for Digital Italy”, is a public authority which aims at pursuing the highest level of technological innovation in the organization and development of the public administration.

3. OTHER USEFUL LINKS AND CONTACTS

Extended list of contracting authorities: links and contacts

Consip S.p.a.

<https://www.consip.it>

E-mail: postaconsip@postacert.consip.it

Net4market

<https://www.net4market.com>

E-mail: csamed@pec.csamed.it

REGIONS

Abruzzo

<https://www.regione.abruzzo.it/content/bandi-di-gara-e-contratti-1>

E-mail: soggetto.aggregatore@pec.regione.abruzzo.it

Basilicata

<https://www.regione.basilicata.it/giunta/site/giunta/department.jsp?dep=2976768>

E-mail: dg.stazione.unica.appaltante@cert.regione.basilicata.it

Calabria

<https://www.regione.calabria.it/website/ugsp/stazioneunicaappaltante>

E-mail: osservatorio.sua@pec.regione.calabria.it

Campania

<https://pgt.regione.campania.it/portale>

E-mail: oopp.campaniamolise@pec.mit.gov.it

TENDERING IN ITALY ANNEX III

Emilia-Romagna

<https://intercenter.regione.emilia-romagna.it/agenzia/cosa-facciamo/stazione-appaltante>

E-mail: intercenter@postacert.regione.emilia-romagna.it

Friuli-Venezia Giulia

https://www.regione.fvg.it/rafvfg/cms/RAFVG/GEN/soggetto_aggregatore/#:~:text=La%20Regione%20autonoma%20Friuli%20Venezia,26.

E-mail: cuc@certregione.fvg.it

Lazio

http://www.regione.lazio.it/rl_centrale_acquisti

E-mail: centraleacquisti@regione.lazio.legalmail.it

Liguria

<https://www.regione.liguria.it/bandi-e-avvisi/gare/gare-aperte.html>

E-mail: suar@regione.liguria.it

Lombardia

<https://www.ariaspa.it/wps/portal/Aria/Home/cosa-facciamo/acquisti/soggetto-aggregatore>

E-mail: protocollo@pec.ariaspa.it

Marche

<http://suam.regione.marche.it>

E-mail: regione.marche.suam@emarche.it

Molise

<http://www3.regione.molise.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/15262>

E-mail: regionemolise@cert.regione.molise.it

Piemonte

<https://www.scr.piemonte.it>

E-mail: info@scr.piemonte.it

Puglia

<https://www.innova.puglia.it/soggetto-aggregatore>

E-mail: innovapuglia@pec.rupar.puglia.it

Sardegna

<https://www.regione.sardegna.it/j/v/2582?s=1&v=9&c=14810&na=1&n=10>

E-mail: pres.crc.ras@pec.regione.sardegna.it

Sicilia

http://pti.regione.sicilia.it/portal/page/portal/PIR_PORTALE/PIR_LaStrutturaRegionale/PIR_AssessoratoEconomia/PIR_DipBilancioTesoro/PIR_Infoedocumenti/PIR_Amministrazionetrasparente/PIR_CentraleUnicadiCommittenza

E-mail: ragioneria.economia@regione.sicilia.it

Toscana

<https://www.regione.toscana.it/-/profilo-di-committente>

E-mail: regionetoscana@postacert.toscana.it

Valle D'Aosta

<https://sites.google.com/a/invallee.it/cuc/home/Funzioni/soggetti-aggregatori>

E-mail: appalti@cert.invallee.it

Veneto

<https://www.azero.veneto.it/bandi-di-gara-fornitori>

E-mail: crav@azero.veneto.it

MAIN CITIES

TENDERING IN ITALY ANNEX III

Bolzano

[http://www.provincia.bz.it/it/contatti.asp?shield_id=6756&orga_orgaid=6756" \ \ "shields6756](http://www.provincia.bz.it/it/contatti.asp?shield_id=6756&orga_orgaid=6756)

E-mail: agenturauftraege.agenziaappalti@pec.prov.bz.it

Trento

http://www.appalti.provincia.tn.it/sogg_aggregatore

E-mail: serv.appalti@pec.provincia.tn.it

Vicenza

<https://www.provincia.vicenza.it/ente/stazione-unica-appaltante/bandi>

E-mail: provincia.vicenza@cert.ip-veneto.net

Brescia

<https://www.provincia.brescia.it/istituzionale/organigramma/ufficio-stazione-appaltante>

E-mail: cucbrescia.bs@pec.provincia.bs.it

Bologna

https://www.cittametropolitana.bo.it/urp/Soggetto_aggregatore

E-mail: cm.bo@cert.cittametropolitana.bo.it

Genova

<https://sua.cittametropolitana.genova.it>

E-mail: ufficiogare@cittametropolitana.genova.it

Milano

https://www.cittametropolitana.mi.it/SUA/bandi_SUA

E-mail: protocollo@pec.cittametropolitana.mi.it

Napoli

<https://www.cittametropolitana.na.it/stazione-unica-appaltante-contatti?inheritRedirect=true>

E-mail: contratt@cittametropolitana.na.it

Roma

<https://www.cittametropolitanaroma.it/homepage/la-citta-metropolitana/struttura-organizzativa/uffici-centrali/sviluppo-strategico-e-coordinamento-del-territorio-metropolitano/sua>

E-mail: sua@pec.cittametropolitanaroma.gov.it

Torino

<http://www.cittametropolitana.torino.it/servizi/appalti/gare.shtml>

E-mail: servizio.contratti@cert.cittametropolitana.torino.it

Catania

https://www.cittametropolitana.ct.it/servizi/soggetto_aggregatore.aspx

E-mail: protocollo@pec.cittametropolitana.ct.it

Firenze

<http://www.cittametropolitana.fi.it/appalti-gare-concorsi-ed-espropri/procedure-di-gara>

E-mail: cittametropolitana.fi@postacert.toscana.it

OTHER USEFUL LINKS

<https://contrattipubblici.org/glossario>

<http://webtelemaco.infocamere.it/newt/public.htm>

<https://www.impresainungiorno.gov.it/web/l-impresa-e-l-europa/doing-business-in-italy>

<https://www.agenziaentrate.gov.it/portale/home>

<https://telematico.adm.gov.it/TelematicoFunzioniDiAccessoWEBNG/FunzioniDiAccessoServlet?UC=10/SC=1/ST=1>

<https://en.agcm.it/en>

<https://www.inps.it/nuovoportaleinps/default.aspx?itemdir=46284>

<https://www.istat.it>

https://europa.eu/european-union/about-eu/funding-grants_it

http://store.uni.com/catalogo/index.php/?josso_back_to=http://store.uni.com/josso-security-check.php&josso_cmd=login_optional&josso_partnerapp_host=store.uni.com

ANNEX IV GLOSSARY

Accordo Quadro	Framework Agreement
Affidamento diretto	Direct assignment
Agenzia delle Entrate	Italian Revenue Agency
Agenzia Italiana del Farmaco	“AIFA” – Italian Pharmaceutical Agency
Agenzia per l’Italia Digitale	“AgID” – Agency for Digital Italy
Aggiudicazione	Awarding
Ambito Territoriale Ottimale	“ATO” – Optimal Territorial Ambit
Appalti/Acquisti Verdi	“GPP” – Green Acquisitions/Tenders
Appalto pubblico	Public procurement
Approvvigionamento elettronico	E-procurement
Autorità centrali	Central governmental Contracting Entities
Autorità Garante della Concorrenza e del Mercato	“AGCM” – Italian Competition Authority
Autorità locali	Subcentral governmental Contracting Entities
Autorità Nazionale Anticorruzione	“ANAC” – National Anti-corruption authority
Avviso di preinformazione	Prior information notice
Azienda Nazionale Autonoma Strade Statali	“ANAS” – National Autonomous State Street Enterprise
Bando di gara	Call for competition/Contract notice
Capacità economica e finanziaria	Economic and financial standing
Capacità tecniche e professionali	Technical and professional capacity
Codice degli Appalti Pubblici	Public Procurement Code (“PPC”)
Commissario Speciale	Special Commissioner
Commissione di aggiudicazione	Awarding Committee
Concessionaria Servizi Informativi Pubblici	“Consip” – Central Public Purchasing Body
Consiglio di Stato	Council of State
Consultazioni preliminari di mercato/indagine di mercato	Preliminary market consultation/market survey
Controversie	Disputes

Convenzione	Convention
Corte di Cassazione	Supreme Court
Costi del ciclo di vita	Lifecycle costs
Criteri Ambientali Minimi	“CAM” – Minimum Environmental Criteria
Criteri di aggiudicazione (dell'appalto)	Award criteria
Criteri di gara	Tendering criteria
Criteri di selezione (dell'offerta)	Selection criteria
Criterio del Prezzo più basso	Criteria of the lowest price
Criterio dell'offerta economicamente più vantaggiosa	Criteria of the most economically advantageous tender
Dialogo competitivo	Competitive dialogue
Disposizioni comuni	Common standards
Domanda di partecipazione	Request to participate
Ente Pubblico	Public Entity
Enti senza personalità giuridica	Entity Without Independent Legal Status
Gruppo Europeo di Interesse Economico	European Economic Interest Grouping
Invito a manifestare/confermare interesse	Invitation to show/confirm interest
Invito a presentare offerte	Invitation to tender
Istituto Nazionale della Previdenza Sociale	“INPS” – National Social Security Institute
Istituto per l'Innovazione e Trasparenza degli Appalti e la Compatibilità Ambientale	“ITACA” – Institute for Innovation, Tender Transparency and Environmental Compatibility
Istituto Superiore per la Protezione e la Ricerca Ambientale	“ISPRA” – Superior Institute of Environmental Protection and Research
Mercato elettronico della Pubblica Amministrazione	“MePA” – Electronic Market of the Public Administration
Offerente/operatore selezionato	Selected bidder/operator
Offerta	Bid/offer
Operatore economico/offerente	Economic operator/bidder/tenderer
Partenariato per l'innovazione	Innovation partnership
Persona Fisica	Natural Person
Persona Giuridica	Legal Person
Piano di sviluppo della banda larga	Ultra-broadband development plan
Procedura aperta	Open procedure
Procedura competitiva con negoziazione	Competitive procedure with negotiation

Procedura di gara	Tender procedure
Procedura negoziata senza previa pubblicazione di un bando di gara	Negotiated procedure without prior publication
Procedura ristretta	Restricted procedure
Procedure negoziate	Negotiated procedures
Procedure ordinarie	Ordinary procedures
Processo di valutazione/aggiudicazione	Assessment/awarding process
Pubblicazione del bando	Publication of notice
Raggruppamenti Temporanei di Imprese	Temporary Grouping of Enterprises
Requisiti di idoneità professionale	Suitability to pursue the professional activity
Selezione del contraente/appaltatore	Choice of the contractor/tenderer
Servizio Contratti Pubblici	“SCP” – Public Contracts Service
Settori ordinari	Ordinary sectors
Settori speciali	Special/Utilities sector
Sistema dinamico di acquisizione della Pubblica Amministrazione	“SdaPA” – Dynamic acquisition system of the Public Administration
Società Organismi di Attestazione	“SOA” – Certification Body Company
Soglie europee	European thresholds
Specifiche tecniche	Technical specifications
Stazione appaltante	Contracting Authority/Entity
Tecnologie dell’Informazione e della Comunicazione	“ICT” (sector)
Tribunale Amministrativo Regionale (“TAR”)	Regional Administrative Court

* This Annex contains only the juridical/technical terms mentioned in the Guide. The translations of other terms can be found by using internet tools such as DeepL, Google Translate and WordReference.

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