

LEGISLATIVE DECREE 31 December 2024, n. 209

Republishing the text of the legislative decree of 31 December 2024, n. 209, containing: «Supplementary and corrective provisions to the code of public contracts, pursuant to Legislative Decree 31 March 2023, n. 36.», accompanied by the relevant notes. (Legislative decree published in the Ordinary Supplement no. 45/L to the Official Journal - Series general - n. 305 of 31 December 2024). (25A00154)

(Official Journal no. 17 of 22-1-2025 - Ordinary Supplement no. 3)

Effective as of: 22-1-2025

Warning:

The text of the legislative decree is being republished 31 December 2024, n. 209, accompanied by the relevant notes, pursuant to of art. 8, paragraph 3, of the implementing regulation of the consolidated text of the provisions on the promulgation of laws, on the issuing of the decrees of the President of the Republic and on the publications officers of the Italian Republic, approved by Presidential Decree 14 March 1986, n. 217.

The value and effectiveness of the legislative act remain unchanged. transcribed here.

THE PRESIDENT OF THE REPUBLIC

Having regard to Articles 76 and 87 of the Constitution; Having regard to Law No. 400 of 23 August 1988, containing «Regulation of the Government activity and organization of the Presidency of the Council of Ministers" and, in particular, Article 14;

Having regard to Law 21 June 2022, n. 78, containing «Delegation to the Government in "public procurement matters" and, in particular, Article 1, paragraph 4, which provides that "Within two years from the date of entry into force of each of the legislative decrees referred to in paragraph 1, the Government can make any corrections and additions it deems necessary. The practical application makes it necessary or appropriate, with the same procedure and in compliance with the same principles and guidelines of referred to in this Article»; Having

regard to Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of contracts concession;

Having regard to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC;

Having regard to Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement procedures for public bodies providers in the water, energy, transport and postal services and repealing Directive 2004/17/EC; Having regard to

Legislative Decree 31 March 2023, n. 36, containing the «Code of public contracts pursuant to Article 1 of Law 21 June 2022, no. 78, delegating the Government in matters of contracts public»;

Considering the need to avail of the option provided for by the cited article 1, paragraph 4, of law 21 June 2022, n. 78;

Having seen the preliminary resolution of the Council of Ministers, adopted at the meeting of 21 October 2024;

Having acquired the opinion of the Unified Conference referred to in the article 8 of Legislative Decree 28 August 1997, n. 281, issued on 3 December 2024;

Having heard the opinion of the Council of State expressed by the Commission special of November 27, 2024;

Having acquired the opinions of the competent committees of the Chamber of Deputies deputies and the Senate of the Republic;

Having seen the resolution of the Council of Ministers, adopted in meeting of 23 December 2024;

On the proposal of the President of the Council of Ministers and of the Minister of Infrastructure and Transport, in agreement with the Ministers for European Affairs, PNRR and Cohesion Policies, for institutional reforms and regulatory simplification, for the disability, foreign affairs and international cooperation, of the interior, justice, defense, economy and finance, business and Made in Italy, the environment and energy security, employment and social policies and culture;

E m a n a

the following legislative decree

Art. 1

**Amendments to Article 8
of legislative decree 31 March 2023, n. 36**

1. In Article 8, paragraph 2, of the Legislative Decree of 31 March 2023, n. 36, at the end of the second period, the following are added: words: «according to the procedures set out in Article 41, paragraphs 15-bis, 15-ter and 15-quater».

Art. 2

**Amendments to Article 11
of legislative decree 31 March 2023, n. 36**

1. In Article 11 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) paragraph 2 is replaced by the following:

«2. In the initial tender documents and in the decision of to contract referred to in Article 17, paragraph 2, the contracting authorities and the granting bodies indicate the collective agreement applicable to the dependent personnel employed in the activity which is the object of the contract or of the concession carried out by the company also in a prevalent manner, in compliance with paragraph 1 and Annex I.01.»;

b) after paragraph 2, the following is inserted: «2-bis. In the presence of separable, secondary, ancillary or subsidiary, if the related activities are different from those which are the main object of the contract or of the concession and refer to a threshold equal to or greater than 30 percent, to the same homogeneous category of activities, the stations contracting authorities and granting bodies also indicate in the documents referred to in paragraph 2 of the national and territorial collective agreement of work in force for the sector and for the area in which they are carried out the work performances, stipulated by the employers' associations and of the most representative employers in the national plan, applicable to personnel employed in such performances.»; c)

in paragraph 3, the words «The economic operators» are replaced by the following: «In the cases referred to in paragraphs 2 and 2-bis, the economic operators»;

d) in paragraph 4, second period, the following are added at the end:
following words: ", in accordance with Annex I.01".

Art. 3

Amendments to Article 14 of legislative decree 31 March 2023, n. 36

1. Article 14, paragraph 11, of the legislative decree of 31 March 2023, n. 36, the words: «without applying the provisions of the code» are replaced by the following: «with the methods provided for the assignments referred to in Book II, Part I.»

Art. 4

Amendments to Article 15 of Legislative Decree 31 March 2023, n. 36

1. In Article 15, paragraph 2, of the Legislative Decree of 31 March 2023, n. 36, after the second period the following is inserted: «Remains in any case, it stops the possibility for the contracting authorities, in case of proven shortage in its staff of personnel in possession of the requirements set out in Annex I.2., to appoint the RUP among the employees of other public administrations.».

Art. 5

Amendments to Article 17 of legislative decree 31 March 2023, n. 36

1. In Article 17 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 3, first period, after the words: «the entities grantors» the following are inserted: «proceed to the publication of the initial tender documents and»; b) after paragraph 3 the following is inserted:

«3-bis. Annex I.3 indicates the maximum term that must elapse between the approval of the project and the publication of the tender notice or sending of invitations to tender.».

Art. 6

Amendments to Article 18 of Legislative Decree 31 March 2023, n. 36

1. In Article 18 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: in paragraph 1, second period, after the words: «In the event of negotiated procedure or for direct awards,» are insert the following: «the contract can also be stipulated»;

in paragraph 3, in the paragraph, the word: «thirty-five» is replaced from the following: «thirty-two» and, in letter d), the words: «, to pursuant to Article 55, paragraph 2" are abolished.

Art. 7

Amendments to Article 19 of Legislative Decree 31 March 2023, n. 36

1. In Article 19, paragraph 3, of the Legislative Decree of 31 March 2023, n. 36, the words: «of the contracting authorities and of the granting bodies» are replaced by the following: «used by the contracting authorities and by the granting bodies».

Art. 8

Amendments to Article 23 of Legislative

Decree 31 March 2023, n. 36

1. In Article 23 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 5, second period, the words: «also concern the direct assignments to companies» are replaced by the following: «they also concern, in accordance with the transparency objectives referred to in Article 28, the assignments to companies»;

b) in paragraph 7, the words: «ANAC carries out» are replaced by following: «the ANAC or the contracting authorities carry out».

Art. 9

Amendments to Article 24 of Legislative

Decree 31 March 2023, n. 36

1. In Article 24, paragraph 3, of the Legislative Decree of 31 March 2023, n. 36, after the first period the following is inserted: «To the rules and to the interoperability obligations, provided for under Article 23, paragraph 3, the provisions which cannot be opposed regulate the individual databases that feed the Database national public contracts body.».

Art. 10

Amendments to Article 26

of legislative decree 31 March 2023, n. 36

1. In Article 26 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) paragraph 1 is replaced by the following:

«1. The methods of certification of the technical requirements of the digital procurement platforms based on the criteria of referred to in paragraph 2, as well as the conformity of said platforms with what provided for by article 22, paragraph 2, are established by AGID agreement with ANAC, the Presidency of the Council of Ministers, Department for Digital Transformation and the Agency for national cybersecurity.»; b) paragraph 2 is replaced by the following:

«2. With the same provision referred to in paragraph 1, taking into account taking into account international industry standards, the following are identified: requirements and qualifications required for procurement platforms digital in order to demonstrate compliance with the above platforms to the national digital procurement ecosystem, as well as information security.»;

c) in paragraph 3, after the words: «issued by AGID» are insert the following: «to the platforms that possess the requirements and of the titles referred to in paragraph 2».

Art. 11

Amendments to Article 35 of Legislative

Decree 31 March 2023, n. 36

1. In Article 35 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 4, letter a), the following are added at the end:

words: «, also resulting from discoveries, innovations, projects protected by industrial property rights, as well as content "highly technological";

b) after paragraph 5 the following is added:

«5-bis. When submitting offers, operators economic transmit to the contracting station and to the granting bodies consent to data processing via the virtual file

of Article 24, in compliance with the provisions of the code in matter of personal data protection, pursuant to the decree Legislative Decree 30 June 2003, no. 196, for the purposes of verification by of the contracting authority and of the granting body of the possession of the requirements referred to in Article 99, as well as for other purposes provided for by this code.».

Art. 12

Amendments to Article 38 of legislative decree 31 March 2023, n. 36

1. In Article 38 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) paragraph 3 is replaced by the following:

«3. In cases other than those referred to in paragraph 2, the proceeding administration, the contracting authority or the granting body shall convene, for the purposes of the approval of the technical and economic feasibility project as well as the location of the work, a conference of services simplified pursuant to Article 14-bis of Law 7 August 1990, n. 241, in which all the interested administrations participate, therein including the regions, autonomous provinces, municipalities affected by the work and the administrations responsible for environmental protection, heritage cultural, landscape and health. For the purposes of this article, for works under state jurisdiction, the Office of the Superintendent interregional for public works can act as proceeding administration, after signing an agreement pursuant to of Article 15 of Law No. 241 of 1990 with a public administration, when it is not required to express an opinion to the pursuant to paragraphs 4 and 5.»;

b) in paragraph 4, first period, the words: «The contracting station» are replaced by the following: «The proceeding administration, the contracting station»; c) in

paragraph 5, second period, the words: «The contracting station «contracting authority» are replaced by the following: «The administration proceeding, the contracting station»; d) in

paragraph 6, the words: «the contracting station» are replaced by the following: «the proceeding administration, the station contracting

authority»; e) in paragraph 7, the words: «the contracting authority» are replaced by the following: «the proceeding administration, the station contracting entity»;

f) in paragraph 11, after the words: «different administrations» are insert the following: «by the proceeding administration,».

Art. 13

Amendments to Article 39 of Legislative Decree 31 March 2023, n. 36

1. In Article 39 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 3,

the words: "in the economic and financial document" are replaced by the following: «in the programming document, updated, as a rule, on an annual basis, called "Document of strategic infrastructure planning (DPIS)"»;

b) in paragraph 9, after the words: «Coordination Committee» are insert the following: "chaired by a Prefect,";

c) after paragraph 9, the following is added at the end:

«9-bis By decree of the Minister of the Interior, in agreement with the Minister of Justice and with the Minister of Infrastructure and of transport, the operating methods and the composition of the Committee referred to in paragraph 9. Pending the adoption of the decree referred to in the first period, the provisions continue to apply

provisions of the decree of the Ministry of the Interior of 21 March 2017, published in the Official Journal 6 April 2017, no. 81.».

Art. 14

Amendments to Article 41 of legislative decree 31 March 2023, n. 36

1. In Article 41 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 3, last period, the following are added at the end: following words: «drafted by the information flow coordinator of referred to in Article 1, paragraph 3, of Annex I.9»; b) in paragraph 4, the first sentence is replaced by the following: «To for the purposes of applying Article 28, paragraph 4, of the Code of cultural and landscape assets, pursuant to Legislative Decree 22 January 2004, n. 42 and pursuant to the European Convention for the protection of the archaeological heritage, signed in Valletta on 16 January 1992 and ratified pursuant to Law 29 April 2015, n. 57, for public works contracts, preventive verification of archaeological interest, is carried out with the procedural methods referred to in Annex I.8.»; c) after

paragraph 5 the following is inserted:

«5-bis. As an alternative to what is provided for in paragraph 5, the contracts for ordinary and extraordinary maintenance work, except for extraordinary maintenance interventions which provide for the renewal or replacement of structural parts of the works or systems, can be entrusted, in compliance with the contractor selection procedures, based on the project technical-economic feasibility consisting at least of the documents referred to in Article 6, paragraph 8-bis of Annex I.7. The execution of the the aforementioned works may be independent of the drafting and approval of the executive project.»;

d) in paragraph 6:

1) at letter b), the following words are added at the end: «referred to in Article 43»; 2) after

letter g), the following is added:

«g-bis) in cases of adoption of methods and tools of digital information management, incorporates information requirements developed to achieve level objectives project and defined in the information specifications attached to the design guidance document.»; e) in paragraph 8, letter c) is

replaced by the following:

«c) whether management methods and tools are used digital information of constructions, develops an in-depth analysis of the information content in line with the objectives of the relevant design level compliant with what is specified in the information specification;»; f) after

paragraph 8 the following is inserted:

«8-bis. In the event of external assignment of one or more levels of design, the design contracts stipulated by the stations contracting authorities and granting bodies provide in express clauses the reintegrative benefits which the employee is required to provide, by way of a settlement, designer to specifically remedy errors or omissions in the design that emerged during the executive phase, such as to prejudice, in whole or in part, the realization of the work or its future use. Any agreement that excludes or limits the designer's liability for errors or omissions in the design that compromises, in whole or in part, the realization of the work or its future use.»; g) in paragraph 13:

1) in the first period, the word: «cost» is replaced by following: «average cost» and after the words: «employers comparatively more representative, the following are inserted: «taking into account the size or legal nature of the undertakings,»;

2) in the second period, the word: «cost» is replaced by following: «average cost»; 3) in the third period, the words: «prepared price lists» are replaced by the following: «updated price lists prepared annually» and the words: "are authorized not to apply those regional» are replaced by the following: «are expressly authorized by the Ministry of Infrastructure and Transport not to apply the regional ones»; h) in paragraph 15, the second period is deleted; i) after paragraph 15, the following are added: «15-bis. In implementation of Articles 1, paragraph 2, first

period, and 8, paragraph 2, second period, the determined fees according to the modalities of Annex I.13 are used by the contracting authorities and grantors for the purposes entities eat of the identification of the amount to be used as the basis for the tender for the assignments referred to in Article 108, paragraph 2, letter b), including of the fees, as well as of the additional, fixed and non-fixed expenses and charges variables. The contracting authorities proceed to the award of the the aforementioned contracts on the basis of the offer criterion most economically advantageous identified on the basis of the best quality/price ratio in compliance with the following criteria:

a) for 65 percent of the amount determined pursuant to the first period, the price element takes the form of a fixed price, as provided for in Article 108, paragraph 5;

b) the remaining 35 percent of the amount to be used as a basis for the tender may be subject to a reduction at the time of presentation of the offers. The contracting authority defines the relative score to the economic offer according to the calculation methods referred to in the article 2-bis of Annex I.13 and establishes a maximum ceiling for the economic score, within the limit of 30 percent. 15-ter. The provisions regarding exclusion remain unchanged of the anomalous offers referred to in Article 54, paragraph 1, third period. 15-quer. For contracts for engineering and architecture entrusted pursuant to Article 50, paragraph 1, letter b), the fees determined according to the methods of Annex I.13 can be reduced by a percentage not exceeding 20% hundred.».

Art. 15

Amendments to Article 43 of Legislative Decree 31 March 2023, n. 36

1. In Article 43 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) to paragraph 1:

1) the first period is replaced by the following: «Starting from from 1 January 2025, contracting authorities and granting bodies adopt digital information management methods and tools constructions for the design and construction of new works construction and for interventions on existing buildings with estimate of the estimated cost of works exceeding 2 million euro or to the threshold of Article 14, paragraph 1, letter a), in case of interventions on buildings referred to in article 10, paragraph 1, of the cultural heritage code, pursuant to the legislative decree of 22 January 2004, n. 42.»; 2) in the second period, the word: «uso» is replaced by following: «adoption»; b) in paragraph 4: 1) letter b) is replaced by the following: «b) the criteria to ensure uniformity of adoption of the methods and tools for digital information management constructions;»; 2) letter c) is replaced by the following: «c) the measures necessary for the implementation of the processes of

digital information management of constructions, including forecast of the interoperability of the property register of each contracting station or granting body with the archive national IT system for public works and with the systems institutional information for investment reporting public;»); 3) in

letter f), the word: «use» is replaced by following: «adoption» and the following words are added at the end: «of the buildings».

Art. 16

Amendments to Article 45 of legislative decree 31 March 2023, n. 36

1. In Article 45 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) to paragraph 2:

1) in the first period, the words "by employees" are replaced from the following: «from its own staff»;

2) in the third period, the words "by its employees" are replaced by the following: "by its own staff";

b) paragraph 4 is replaced by the following:

«4. The incentive referred to in paragraph 3 is paid by the service manager in charge of the competent structure or from other manager appointed by the individual administration, having heard the **RUP, which ascertains and certifies the specific technical functions carried out by the recipient of the incentive referred to in paragraph 2. The incentive overall accrued by each staff unit during the course of the relevant year, also for activities carried out on behalf of other administrations, cannot exceed the economic treatment gross annual total received by the same unit of staff. The excess, unpaid incentive increases the resources referred to in paragraph 5. For the administrations that adopt the methods and tools for digital information management constructions referred to in Article 43 the limit referred to in the second period has increased by 15 percent. It also increases the resources referred to in paragraph 5, the part of the incentive that corresponds to performances not carried out by its own staff, because they are entrusted to staff external to the administration itself or without** of the certification of the manager or service manager.»;

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c) in paragraph 7, letter a), the words "of the employees" are replaced by the following: «of the staff»;

d) in paragraph 8, first period, the words "to employees" are replaced by the following: «to the staff».

Art. 17

Amendments to Article 49 of legislative decree 31 March 2023, n. 36

1. In Article 49 of Legislative Decree 31 March 2023, n. 36, the paragraph 4 is replaced by the following: «4. In justified cases, with reference to the market structure and the actual absence of alternatives, after checking the accurate execution of the previous one contract as well as the quality of the service provided, the outgoing contractor may be reinvited or be identified as direct assignee.».

Art. 18

Amendments to Article 50 of Legislative Decree 31 March 2023, n. 36

1. In Article 50 of Legislative Decree 31 March 2023, n. 36,

after paragraph 2, the following is inserted: «2-bis. Contracting authorities publish on their own website the initiation of a consultation pursuant to paragraph 1, letters c), d) and and).».

Art. 19

Amendments to Article 53 of Legislative Decree 31 March 2023, n. 36

1. In Article 53 of Legislative Decree 31 March 2023, n. 36, after paragraph 4, the following is added: «4-bis. The provisional and definitive guarantee shall not be subject to the reductions provided for by Article 106, paragraph 8, and the increases provided for by Article 117, paragraph 2.».

Art. 20

Amendments to Article 56 of legislative decree 31 March 2023, n. 36

1. In Article 56, paragraph 1, of the Legislative Decree of 31 March 2023, n. 36, after letter n) the following are inserted: «n-bis) concerning the purchases: 1) of forced ammunition, for the purposes of the mandatory proof of firearms, prior to the marketing of the latter, as well as the related firing cabins; 2) the equipment necessary for the resistance tests, to the impact of projectiles fired from firearms, relating to armoured windows and glass, helmets, jackets, components of armoured cars, vans and similar; 3) spare parts relating to the equipment referred to in number 2); n-ter) relating to maintenance services relating to equipment referred to in letter n-bis), number 2);».

Art. 21

Amendments to Article 57 of Legislative Decree 31 March 2023, n. 36

1. In Article 57 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) paragraph 1 is replaced by the following:

«1. For the awarding of contracts for the procurement of works and services other than those of an intellectual nature and for the concession contracts, contracting authorities and bodies grantors include in the tender notices, notices and invitations, in the compliance with the principles of the European Union, specific clauses social with which they are requested, as necessary requirements of the offer, measures aimed among other things at:

a) ensure equal opportunities between generations, genders and of work inclusion for people with disabilities or disadvantaged, the employment stability of the employed personnel, taking into account the type of intervention, with particular reference to the cultural heritage and landscape sector;

b) ensure the application of collective agreements national and territorial sector, in accordance with the article 11.»; b)

after paragraph 2, the following is added: «2-bis. Annex II.3 provides for reward mechanisms and tools to achieve equal generational and gender opportunities and to promote the inclusion in the workplace of people with disabilities or disadvantaged people.»;

c) the heading is replaced by the following: «Social clauses of the

tender notices, notices and invitations and selection criteria energy and environmental sustainability".

Art. 22

Amendments to Article 59 of legislative decree 31 March 2023, n. 36

1. In Article 59 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 1, after the first period, the following is inserted:

«In the cases referred to in this paragraph, the decision to contract referred to in Article 17, paragraph 1, indicates the programming needs based on a survey of market access needs for the awarding of works, services and supplies. In the cases referred to in paragraph 4, letter a), the decision to contract also indicates the percentages of entrustment to the various economic operators in order to ensure conditions of effective remuneration for individuals implementing contracts.»

b) after paragraph 5 the following is added:

«5-bis. When in the process of stipulating the implementing contracts of the agreement it is not possible to preserve the contractual balance and it is not possible to restore it through renegotiation in accordance with objective good faith, pursuant to Article 12, paragraph 1, letter b), the economic operator has the right to do so or of the contracting authority not to proceed with the stipulation. When in execution phase of the individual contracts implementing the agreement it is possible to preserve the contractual balance and it does not result it is possible to restore it through an objective renegotiation good faith, without prejudice to the right of the contracting authority or of the contractor to invoke its termination due to excessive onerousness supervening, without prejudice to the provisions of Article 122, paragraph 5, of the code.».

Art. 23

Amendments to Article 60 of Legislative Decree 31 March 2023, n. 36

1. In Article 60 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 1, the following words are added at the end:

«referring to the services covered by the contract»; b) paragraph 2 is replaced by the following:

«2. These clauses do not introduce changes that alter the general nature of the contract or framework agreement; they are activated at occurrence of particular conditions of an objective nature, which determine:

a) a change in the cost of the work, either upwards or downwards decrease, exceeding 3 percent of the total amount and operate at 90 percent of the value exceeding the 3 percent variation applied to the services to be performed;

b) a change in the cost of the supply or service, increasing or decreasing by more than 5 percent of the amount overall and operate at 80 percent of the value exceeding the 5 percent variation applied to the benefits from execute.»;

c) after paragraph 2 the following is inserted:

«2-bis. For service and supply contracts, the following remains unchanged ability to insert into the contract, in addition to the clauses referred to in paragraph 1, ordinary mechanisms for adjusting the contract price to the inflation rate conventionally identified between the parties. In this hypothesis, the price increase recognized by virtue of the ordinary mechanisms for adjusting the contract price are not considered in the calculation of the variation in the cost of the service or

of the relevant supply, pursuant to paragraph 2, letter b), for the purposes of the activation of the price review clauses.»; d) in paragraph 3:

1) in the paragraph, the words: "processed by ISTAT" are suppressed;

2) letter a) is replaced by the following:

«a) with regard to work contracts, the synthetic indices identified pursuant to paragraph 4-quater»;

3) in letter b), after the words: «the indexes» the following are inserted: the following: ", even disaggregated,";

e) paragraph 4 is replaced by the following: With a provision adopted by the «4. Infrastructure and Transport Authority, after consulting ISTAT, the

from the

Ministry

following are adopted:

individual cost indices of the processes, based on the typologies homogeneous as per Table A of Annex II.2-bis, for the determination of the synthetic indices identified pursuant to the paragraph 4-quater.»;

f) after paragraph 4 the following are inserted: «4-bis. The price indices referred to in paragraph 3, letter b), are published, together with the relevant calculation methodology, on the institutional portal of ISTAT in compliance with the relevant European and national regulatory provisions on communication and dissemination of official statistical information.

4-ter. In relation to service and supply contracts which, in due to the reference sectors, they have specific indexes of determination of the price variation, the same remains true possibility of referring to the same indexes also in replacement of those provided for in paragraph 3, letter b). The the provisions of paragraph 1 do not apply to procurement of services and supplies whose price is determined on the basis of a indexing.

4-quater. Annex II.2-bis regulates the methods of application of price review clauses, taking into account of the nature and product sector of the contract, and of the indexes available and specifies the payment methods, even in consideration of the possible recourse to subcontracting.».

Art. 24

Amendments to Article 61

of legislative decree 31 March 2023, n. 36

1. In Article 61 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 1, the word:

«those» is deleted and the words: «of

the aforementioned economic operators» are deleted; b) paragraph 2 is repealed; c) after paragraph 2, the following

is inserted: «2-bis. For contracts of an amount lower than the thresholds of

referred to in Article 14, except in the cases referred to in Article 48, paragraph 2, taking into account the object and characteristics of the performance or the reference market, the contracting authorities and Granting bodies may reserve the right to participate to the procurement and concession procedures or may reserve them **execution to small and medium-sized enterprises.»;**

d) in paragraph 4, the first sentence is deleted; e) paragraph 5 is repealed.

Art. 25

Amendments to Article 62

of legislative decree 31 March 2023, n. 36

1. In Article 62 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

- a) paragraph 1 is replaced by the following:
«1. All contracting authorities, without prejudice to the obligations of use of purchasing and trading tools provided for by the current provisions on spending containment, can proceed directly and autonomously with the acquisition of supplies and services of an amount not exceeding the thresholds established for the direct assignments, and the assignment of works of an amount equal to or less than 500,000 euros. They can also place orders at rely on purchasing tools made available by the power plants of qualified clients and by the aggregating entities.»;
- b) in paragraph 2, the words: "the procedures" are replaced by following: «the tenders»; c)
in paragraph 3, first period, after the words: «to obtain the qualification and discipline» the following are inserted: «the incentives, as well as»; d) in
paragraph 4, the words: «as well as for the coordination, in charge to ANAC, of the aggregator subjects» are replaced by the following: «as well as to regulate the coordination, by ANAC, of the aggregators and central purchasing bodies»;
- e) in paragraph 5, in the paragraph, the words: «of this article and in the paragraph 8 of Article 63» are deleted; f) in paragraph 6:

- 1) in letter a), after the words: «using a» are insert the following: «contracting station or»;
- 2) in letter b), the words: «referred to in Article 3, paragraph 1, letter z), of Annex I.1» are deleted;
- 3) in letter c), the words: «contracts for services and supplies» are replaced by the following: «awarding of contracts for services and supplies»;
- 4) in letter f), the words: «of letters b) and c)» are replaced by the following: «of letters c) and d)»; 5) in letter g), the word: «affidante» is replaced by following: «trustee»;
- g) after paragraph 6 the following is inserted:
«6-bis. Non-qualified contracting authorities may proceed with the acquisition of supplies, services and works by resorting to a qualified contracting authority or central purchasing body also for procedures involving amounts lower than the thresholds referred to in the paragraph 1.»;
- h) in paragraph 7, the paragraph is replaced by the following: «In relation to the qualification requirements possessed, the power plants commissioning.»; i)
in paragraph 9, the words: «other modality regulating the relationships based on the legal nature of the power plant «commissioning» are replaced by the following: «specific agreement»;
- l) in paragraph 15, the words: «of the principle of good performance of the administrative action» are replaced by the following: «of the principle of results»;
- m) in paragraph 17, in the first period, after the words: «from the articles from 146 to 152» the following are inserted: «, as well as the entities contracting authorities which are not contracting authorities and private entities required to comply with the provisions of the code»; n)
in paragraph 18, the words: «The design» are replaced from the following: «Without prejudice to the provisions of paragraph 1, the design,".

Art. 26

Amendments to Article 63 of legislative decree 31 March 2023, n. 36

1. In Article 63 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 2, in the paragraph, the words: «and the assignment» are

replaced by the following: ", the assignment and the execution"; b) paragraph 6 is replaced by the following:

«6. Contracting authorities and central purchasing bodies may be qualified even just for the design and assignment of works or for the design and assignment of services and supplies or, under the conditions indicated in Annex II.4, for the sole purpose execution of works or services and supplies.»; c) after paragraph 6

the following is inserted:

«6-bis. Qualified contracting authorities that carry out procurement activities for other contracting authorities and power plants of qualified clients plan their activity in compliance of the principle of loyal cooperation.»;

d) paragraph 8 is replaced by the following:

«8. The qualification requirements for the execution are indicated separately in Annex II.4.»;

e) paragraph 10 is replaced by the following:

«10. In relation to paragraph 7, letter b), and to the formation of the personnel preparatory to the qualification for the execution, the National School of Administration defines the requirements and methods for the accreditation of public or private entities, which carry out training activities, carrying out verification, even at sample, of the existence of the requirements themselves and provides for the consequent accreditation activities as well as the revocation of the same in cases of proven lack of requirements.».

Art. 27

Amendments to Article 67 of legislative decree 31 March 2023, n. 36

1. In Article 67 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) paragraph 1 is replaced by the following:

«1. The technical and financial capacity requirements for admission to the procurement procedures of the subjects referred to in Articles 65, paragraph 2, letters b), c) and d), and 66, paragraph 1, letter g), are governed by Annex II.12, without prejudice to the fact that for the consortia referred to in Article 65, paragraph 2, letter d): a) for service and supply contracts, the following are included:

cumulatively in the head of the consortium even if owned by the individual consortium companies;

b) for the works contracts that the consortium carries out exclusively with its own structure, without designating the companies executors, the requirements possessed in their own right are computed cumulatively with those owned by the consortium companies;

c) for the contracts for works that the consortium carries out through the consortium members indicated in the tender, the requirements are possessed and proven by the latter on their own, or through the use of pursuant to Article 104.»;

b) paragraph 2 is repealed; c) in

paragraph 3, first period, the words: «referred to in the articles 65, paragraph 2, letter d)» are replaced by the following: «referred to in Articles 65, paragraph 2, letters b), c) and d)» and the words: «from consortium member executor» are replaced by the following: «from "executing consortium member";

d) in paragraph 4:

1) in the first period, the words: «through the consortium members indicated» are replaced by the following: «through the consortium members indicate»;

2) in the second period, the words: «to its members» are replaced by the following: «to its consortium members»; 3) the third period is replaced by the following: «The consortia of referred to in Articles 65, paragraph 2, letters b), c) and d) and 66, paragraph 1, letter g), indicate in the offer for which consortium members the consortium competes. When the designated consortium member is, in turn,

a consortium referred to in Article 65, paragraph 2, letters b) and c), is also required to indicate, in the offer, the consortium members for which contributes.»;

4) in the fourth period, the words: «of the designated consortium member» are replaced by the following: "of the designated consortium members";

e) paragraph 5 is replaced by the following:

«5. Consortia of cooperatives and consortia between companies artisans can participate in the tender procedure, without prejudice to the provisions of Articles 94 and 95 and paragraph 3 of this article, using its own requirements and, among these, making use of the means of work, the equipment and the average staff in the availability of the consortium members that constitute them.»;

f) paragraph 7 is replaced by the following:

«7. Only the requirements can be used for the purposes of support matured by the same consortium on its own and of such requirements is specific indication provided in the qualification certificate SOA. Participation in more than one stable consortium is prohibited.».

Art. 28

Amendments to Article 70 of legislative decree 31 March 2023, n. 36

1. In Article 70, paragraph 4, letter f), of Legislative Decree 31 March 2023, n. 36, the following words are added at the end: «, unless the tender notice expressly provides for this possibility, identifying its operational limits».

Art. 29

Collaboration Agreement

1. After Article 82 of Legislative Decree 31 March 2023, n. 36, the following is inserted:

«Article 82-bis. - Collaboration agreement

1. Contracting authorities may include in the tender documents referred to in Article 82 the outline of a collaboration agreement multilateral with which the parties involved to a significant extent in the execution phase of a contract for works, services or supplies, regulate the forms, methods and objectives of the mutual collaboration in order to pursue the principle of result referred to in Article 1, through the definition of mechanisms for the contextual examination of public and private interests involved aimed at preventing and reducing risks and at resolution of disputes that may arise in the execution of the agreement. The collaboration agreement does not replace the main contract and other contracts connected to it, **instrumental to the execution of the contract and does not integrate its contents.**

2. The draft agreement is drawn up in accordance with the Annex II-6-bis, and defines, in consideration of the object of the contract main, the main and collateral objectives of the collaboration, in compliance with the principle of trust referred to in Article 2, also indicating any bonuses planned for the achievement of the same objectives.

3. Following the award, the contracting authority submits the collaboration agreement for signature **at the** of the contractor and other parties involved to a significant, identified pursuant to Article 2 of the Annex II-6 bis. The agreement regulates the modalities of accession of the further economic operators involved in the execution phase in a time after the signing of the same.

4. In order to monitor the effects produced by the provisions referred to in this article, the contracting authorities shall communicate to the platform of the Public Contracts Service referred to in Article 223, paragraph 10, the collaboration agreements stipulated following the

awarding phase. The Public Contracts Service monitors the results achieved in the implementation phase through the agreement collaboration and periodically reports to the Control Room of which in Article 221.».

Art. 30

Amendments to Article 92 of Legislative

Decree 31 March 2023, n. 36

1. In Article 92, paragraph 2, letter c), of Legislative Decree 31 March 2023, n. 36, the following period is added at the end: «In such cases, the contracting authority shall give timely publicity of the notice regarding the extension on its institutional website.».

Art. 31

Amendments to Article 99

of legislative decree 31 March 2023, n. 36

1. In Article 99 of Legislative Decree 31 March 2023, n. 36, after paragraph 3 the following is added: «3-bis. In the event of malfunction, even partial, of the virtual file of the economic operator or platforms, databases or interoperability systems connected to it pursuant to of Article 24, thirty days after the proposal of award, the competent body is authorized to order. However, the award, which is immediately effective, subject to acquisition of a self-certification from the offeror, made pursuant to of the consolidated text of legislative and regulatory provisions in administrative documentation matter, pursuant to the decree of President of the Republic 28 December 2000, n. 445, which certifies the possession of the requirements and the absence of the causes of exclusion which, due to the aforementioned malfunction, it was not possible to verify within the aforementioned deadline using the methods indicated in the paragraphs 1 and 2. **The obligation to conclude the agreements within a reasonable time frame remains in place.** checks on the possession of the requirements. If, following the control, it is ascertained that the assignment has been made to an operator without the requirements, the contracting authority, without prejudice to the applicability of the current provisions regarding exclusion, revocation or cancellation of the award, of ineffectiveness or termination of the contract and of liability for false declarations made by the offeror, withdraws from the contract, without prejudice to the payment of the value of the services carried out and the reimbursement of any expenses incurred for the execution of the remaining part, within the limits of the utilities achieved, and proceeds to report to the competent authorities.».

Art. 32

Amendments to Article 100 of Legislative

Decree 31 March 2023, n. 36

1. In Article 100 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) the words: "regulation referred to in the sixth period of paragraph 4", wherever they occur, are replaced by the following: "regulation of referred to in Article 226-bis, paragraph 1, letter b)"; b) in paragraph 11, first period, the words: «matured in the three-year period previous» are replaced by the following: «matured in the best three years of the last five preceding years" and, in the third period, the words: «in the previous three years» are replaced by the following: "in the last ten years."

Art. 33

Amendments to Article 103 of Legislative

Decree 31 March 2023, n. 36

1. Article 103, paragraph 1, of the legislative decree of 31 March 2023, n. 36, the following changes are made:

(a) the paragraph is replaced by the following: «1. For contracts of works with a value equal to or greater than Euro 20,658,000, in addition to requirements referred to in Article 100, the contracting authority may request additional requirements:»;

b) letter a) is replaced by the following: «a) to verify the economic-financial capacity of the economic operator: in this case the latter provides the significant economic-financial parameters required, certified by auditing firms or other designated entities that support the technical assessments of the body itself certification, from which the exposure emerges unequivocally financial statement of the economic operator at the time he participates in a tender;».

Art. 34

Amendments to Article 104 of Legislative

Decree 31 March 2023, n. 36

1. In Article 104 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 4, the words:

«or by ANAC» are deleted; b) paragraph 12 is replaced by the following:

«12. Only in cases where the use is aimed at improve the offer, it is not allowed to participate in the same the auxiliary company and the one that uses the resources from it made available, unless the first one does not demonstrate in concrete and with adequate documentary support, at the time of submission of your application, that there are no connections such as to bring both companies back to the same center decision-making. The contracting authority may however ask both companies clarifications or document additions, assigning a suitable non-extendable deadline for this purpose.».

Art. 35

Amendments to Article 106

of legislative decree 31 March 2023, n. 36

1. In Article 106 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 3, the second sentence is replaced by the following: «The surety bond must be issued and digitally signed; it must also be verifiable electronically at the issuer or managed in all phases through the use of platforms operating with technologies based on distributed ledgers pursuant to of Article 8-ter, paragraph 1, of Legislative Decree 14 December 2018, n. 135, converted, with amendments, by law 11 February 2019, n. 12, or on qualified electronic registers pursuant to the Regulation (EU) No. 910/2014. The platforms, operating with technologies based on distributed ledgers or on electronic ledgers, are compliant with the characteristics established by AGID with the provision referred to in Article 26, paragraph 1.»; b) in paragraph 8:

1) in the third period, after the words: «pursuant to paragraph 3» the following are inserted: «or through electronic verification on the website of the broadcaster»; 2) in the fourth period, the words: "and according to" are replaced from the following: «, second and third».

Art. 36

Amendments to Article 108 of Legislative

Decree 31 March 2023, n. 36

1. In Article 108 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 4, the words:

«objective criteria, such as the aspects qualitative, environmental or social,' are replaced by the following: «objective criteria, of economic, social and environmental impact.»;

b) in paragraph 7:

1) after the third period, the following is added: «In the supply contracts or in mixed contracts containing elements of a supply contract, tender notices, notices, invitations may provide for reward criteria aimed at encouraging the provision of construction products which are part of a trade scheme emissions for the reduction of greenhouse gas emissions.»;

2) in the fourth period, the words: «The provisions of the third period» are replaced by the following: «The provisions of referred to in the third and fourth periods».

c) in paragraph 11, after the words: «offer of works» the following are inserted: the following: «or performances».

Art. 37

Repeal of Article 109 of Legislative Decree 31

March 2023, n. 36

1. In Legislative Decree 31 March 2023, n. 36, Article 109 is repealed.

Art. 38

Amendments to Article 110 of Legislative

Decree 31 March 2023, n. 36

1. In Article 110, paragraph 4 of the Legislative Decree of 31 March 2023, n. 36, letter b), the words: «to the charges» are replaced by following: «at costs».

Art. 39

Amendments to Article 111 of Legislative

Decree 31 March 2023, n. 36

1. In Article 111 of Legislative Decree 31 March 2023, n. 36, paragraph 1 is replaced by the following:

«1. Contracting authorities that have signed a contract public or a framework agreement relating to a call for tenders or a notice published pursuant to Articles 84 and 85 send a notice according to the methods of publication of the same articles 84 and 85, in accordance in Annex II.6, Part I, letter D, relating to the results of the award procedure, within thirty days of signing of the contract or framework agreement.».

Art. 40

Amendments to Article 116

of legislative decree 31 March 2023, n. 36

1. In Article 116 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) paragraph 4 is replaced by the following:

«4. To carry out the work testing activities:

a) the contracting authorities and the granting bodies which are

Public administrations appoint one to three selected testers among its own staff or among the staff of other administrations public, with qualification related to the typology and characteristic of the contract, in possession of the requirements of morality, competence and professionalism. The testers employed by the same administration belong to functionally independent structures; b) contracting authorities and granting bodies which are not

public administrations appoint one to three testers, of which at least one must be identified among the staff of public administrations. All testers must possess qualification related to the type and characteristics of the contract and requirements of morality, competence and professionalism.»;

b) after paragraph 4 the following are inserted: «4-bis. Among the personnel units of the contracting station or of other public administrations is also identified structural tester for the preparation of the static test. Due to proven shortages in the staff of the contracting station, or in cases of particular technical complexity, the contracting authority may check the possibility of appointing the tester among the employees of other public administrations by also formulating at the same time, a specific request to at least three administrations, and, in the event of no response within thirty days, assign the task in the manner provided for by the code. The compensation due for the testing activity and content for the personnel of the same administration within the scope of the incentive referred to in Article 45, while for the staff of other administrations public is determined pursuant to Article 29, paragraph 1, of Annex II.14.

4-ter. The tester or the testing commission, for works of particular complexity, at any time, may decide to avail themselves, with adequate justification, of a secretariat technical-administrative person with specific skills for the investigative and organizational support activities. The member or the members of the technical-administrative secretariat are chosen by the tester or by the president of the commission. The costs of the secretarial services are the responsibility of the tester or members of the testing commission and are paid in accordance with the procedures set out in Article 29-bis of Annex II.14.»;

c) in paragraph 5, second period, after the words: «the stations «contracting entities» the following are inserted: «and the granting bodies»;

d) in paragraph 6:

1) in letter a), the words: «and, for works contracts public of an amount equal to or greater than the relevance thresholds European, to those retired in the region or regions where it is the service activity was carried out» are deleted; 2) after letter a) the following is inserted:

«a-bis) to ordinary, administrative and accounting magistrates, and to retired state attorneys and solicitors who at any time titles have occurred during the awarding or execution phase of the contract being tested or which have other reasons for conflict of interest referred to in Article 16;»;

3) letter b) is replaced by the following:

«b) to employees belonging to the public sector roles administration in service or in retirement treatment for the what are the reasons for conflict of interest referred to in the article 16;»;

e) in paragraph 11, second period, the words: «Such expenses» are replaced by the following: «The costs relating to the technical checks "mandatory".

Art. 41

Amendments to Article 119 of Legislative

Decree 31 March 2023, n. 36

1. In Article 119 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 2, after the fourth period, the following are inserted:

«Subcontracting contracts are stipulated, in an amount not less than 20 percent of subcontractable services, with small and medium enterprises, as defined in Article 1, paragraph 1, letter o) of Annex I.1. Economic operators may indicate in the own offer a different threshold of performance entrustment **which is intended to be subcontracted to small and medium-sized enterprises for reasons related to the object or to the characteristics of the performances or to the reference market.**»;

b) after paragraph 2, the following is inserted: «2-bis. In subcontracting contracts or subcontracts communicated to the contracting authority pursuant to paragraph 2 and the inclusion of price review clauses is mandatory to the services or work which are the object of the subcontract or of the subcontract and determined in accordance with the provisions of the Articles 8 and 14 of Annex II.2-bis, which are activated upon occurrence of particular objective conditions of which in Article 60, paragraph 2.»; c) in paragraph

8, the words: «paragraph 5» are replaced by **following: «paragraph 6»;**

d) in paragraph 12:
the second period is replaced by the following: «The subcontractor, for the services entrusted to subcontractors, is required to apply the same collective labor agreement as principal contractor, or a different collective agreement, as long as it guarantees employees the same economic protections and regulations than those applied by the contractor, if the activities the object of subcontracting coincide with those characterising the object of the contract or concern the services relating to the category prevailing. In the cases referred to in Article 11, paragraph 2-bis, the subcontractor, for the services entrusted to subcontractors, is required to apply the collective labor agreement identified pursuant to of the same article 11, paragraph 2-bis, or a different contract collective, as long as it guarantees employees the same protections economic and regulatory aspects of the contract identified pursuant to the the aforementioned paragraph 2-bis.»;

e) in paragraph 17, the following period is added at the end: «In case in which the execution of the subcontracted services is **subject to further subcontracting, the latter shall be subject to the following provisions:** provisions set forth in this Article and in other Articles of the code on subcontracting.»;

f) in paragraph 20, the following period is added at the end: «I certificates referred to in the second period can be used for obtain or renew the qualification certificate only from part of the subcontractors.».

Art. 42

Amendments to Article 120 of Legislative Decree 31 March 2023, n. 36

1. In Article 120 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) in paragraph 1, letter c) is replaced by the following:
«c) for changes during the works, to be understood as changes that became necessary during the execution of the contract for effect of the following unforeseeable circumstances by the contracting authority, without prejudice to the further cases provided for in the sector legislation: 1) the needs arising from new legislative provisions or regulations or subsequent provisions of authorities or bodies responsible for the protection of relevant interests;
2) extraordinary and unpredictable natural events and cases

of force majeure affecting the goods subject to the intervention;

3) discoveries, unexpected or unforeseeable with due care diligence in the design phase; 4) difficulties in execution arising from causes

geological, water and similar, not foreseeable by the parties on the basis of to the technical-scientific knowledge consolidated at the time of the design.»; b) paragraph 7

is replaced by the following:

«7. They are not considered substantial, without prejudice to the limits deriving from the sums available in the economic framework and from the provisions referred to in letters a) b) and c) of paragraph 6, the amendments to the project or the contractual changes proposed by the station contracting entity or by the contractor with whom, in compliance with the functionality of the work:

a) ensure savings compared to initial forecasts, to be used as compensation to cope with variations in increase in manufacturing costs; b) equivalent or improved solutions are implemented in economic, technical or completion time terms of the work, therein including the subsequent possibility of using materials, components or technologies that did not exist at the time of design which can determine, without increasing costs, significant improvements in the quality of the work or part of it, or reduction of completion times; c) the interventions imposed

by the works manager for the resolution of technical issues that emerged during the execution of the works can be financed with the resources included in the framework economic of the work.";

c) after paragraph 15, the following is added: «15-bis. Without prejudice to the provisions of Article 41, paragraph 8-bis, the contracting authorities verify in contradiction with the designer and contractor errors or omissions in the design executive which prejudice, in whole or in part, the realization of the work or its future use and identify timely executive design solutions consistent with the principle of results.».

Art. 43

Amendments to Article 123 of Legislative

Decree 31 March 2023, n. 36

1. Article 123, paragraph 1, of the legislative decree of 31 March 2023, n. 36, the words: «in Annex II.14» are replaced by following: «in Article 11 of Annex II.14.».

Art. 44

Amendments to Article 125 of Legislative

Decree 31 March 2023, n. 36

1. Article 125, paragraph 1, of the legislative decree of 31 March 2023, n. 36, the first, second, third and fourth periods are replaced by the following: «On the value of the procurement contract and' calculated the amount of the advance payment of the price equal to 20 per one hundred. An increase may be foreseen in the tender documents of the advance payment of up to 30 percent. In the case of works contracts, the advance payment, calculated on the amount of the entire contract, is paid to the contractor within fifteen days from the actual start of the service, corresponding to the delivery of the works even in the case of starting the execution in via urgently, pursuant to Article 17, paragraphs 8 and 9. For contracts of amount exceeding 500 million euros, the advance payment referred to in first period is paid to the contractor, in derogation of what provided for in the third period, in compliance with the deadlines defined in the

contract, taking into account the activity schedule. In case of recourse to the integrated contract pursuant to Article 44, the advance payment of the price is calculated and paid separately for the design and execution of the works. These provisions do not apply to the supply and service contracts indicated in Annex II.14. For multi-annual service contracts and supplies the amount of the advance must be calculated on the value of the performance of each accounting year, established in the payment schedule, and is paid within fifteen days from the actual start of the first useful service relating to each year, according to the performance schedule.».

Art. 45

Amendments to Article 126 of Legislative

Decree 31 March 2023, n. 36

1. In Article 126 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 1, the words: "between 0.3 per thousand and 1 per thousand» are replaced by the following: «between 0.5 per one thousand and 1.5 per

thousand"; b) paragraph 2 is replaced by the following:

«2. For works contracts the contracting authority provides in the tender notice or in the call for tenders which, if the completion of the work takes place ahead of the established deadline contractually, an acceleration bonus is recognized for every day in advance. The amount of the premium is commensurate, in limits of the available sums, indicated in the economic table of the intervention under the heading 'unforeseen events', the days in advance and in proportion to the amount of the contract or services contractual, in accordance with the criteria defined in the documents race and according to time brackets and performance thresholds progressive, and is paid following the conclusion of the testing operations, provided that the execution of the works is in accordance with the obligations undertaken and that the safety conditions to protect employed workers in the execution. The contracting authority recognizes a premium of acceleration determined on the basis of the criteria indicated in the second period even if the contractual term is legitimately extended, if the completion of the works occurs in advance with respect to the extended deadline. The deadline referred to in the third period is calculated from the date originally foreseen in the contract.";

c) after paragraph 2, the following is added: «2-bis. Contracting authorities may provide in the notice or in the tender announcement the recognition of the bonus even in the case of service and supply contracts, where compatible with the subject of the contract. In this case, the contracting authority determines, in the tender notice or in the tender announcement, the criteria for the recognition of the acceleration prize and for the determination of the relevant amount.».

Art. 46

Amendments to Article 136 of Legislative

Decree 31 March 2023, n. 36

1. In Article 136 of Legislative Decree 31 March 2023, n. 36, after paragraph 4, the following is inserted: «4-bis. For the execution of contracts in the defence and the provisions of Article 10 do not apply to safety 119, paragraph 2, fifth period.».

Art. 47

Amendments to Article 141 of Legislative

Decree 31 March 2023, n. 36

1. In Article 141 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) to paragraph 3:

1) after letter g), the following is inserted: «g-bis)

within the scope of Book II, Part V, Title IV, Article 106;»;

2) letter i) is replaced by the following: «i) within the scope

of Book II, Part VI, Articles 113, 116, 117, 119, 120, paragraphs

1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, 122 and 125;»;

3) after letter i) the following is added: «i-bis)

within Book V, Part I, Title II, Articles 215 to

219.»; b)

after paragraph 3, the following is inserted: «3-bis. For research and development services, the following applies:

as provided for in Article 135.»; c) in paragraph 4, letter a) is deleted.

Art. 48

Amendments to Article 147 of Legislative

Decree 31 March 2023, n. 36

1. In Article 147 of Legislative Decree 31 March 2023, n. 36, after paragraph 2 the following is added: «2-bis. Contracts excluded from the application of the code stipulated for the supply of energy and fuels intended for the production of energy from contracting stations or granting bodies who carry out the activities referred to in paragraph 1.».

Art. 49

Amendments to Article 162 of Legislative

Decree 31 March 2023, n. 36

1. Article 162, paragraph 1, of the legislative decree of 31 March 2023, n. 36, the words: «Pursuant to Article 141, paragraph 4, letter a), the stations» are replaced by the following: «The stations» and is added, at the end, the following period: «The contracting authorities and the granting bodies can use the qualification system established by another contracting authority or granting body or by other third party body, giving appropriate communication to the operators economic stakeholders.».

Art. 50

Amendments to Article 169 of Legislative

Decree 31 March 2023, n. 36

1. Article 169, paragraph 1, of the legislative decree of 31 March 2023, n. 36, after the words: «special exclusive rights may» the following are inserted: «, in compliance with the criteria of which in Article 98.».

Art. 51

Amendments to Article 170 of Legislative

Decree 31 March 2023, n. 36

1. Article 170, paragraph 2, of the legislative decree of 31 March 2023, n. 36, the following amendments are made: a) in the first period, after the words: «supply contract» are

insert the following: «or a mixed contract containing elements of a supply contract»;

b) in the second period, the words: «the relevant documentation» are replaced by the following "a report accompanied by the related documentation»;

c) after the second period the following is inserted: «The report referred to in the second period is attached to the provision of award.".

Art. 52

Amendments to Article 172 of Legislative

Decree 31 March 2023, n. 36

1. Article 172, paragraph 1, letter b), of the legislative decree March 31, 2023, n. 36, the words: «of Article 76» are replaced from the following: «of Article 158».

Art. 53

Amendments to Article 174 of Legislative

Decree 31 March 2023, n. 36

1. In Article 174, paragraph 3, first period, of the decree legislative 31 March 2023, n. 36, after the words: «the figures of the concession,» the following are inserted: «also in the forms of project finance,».

Art. 54

Amendments to Article 175 of Legislative

Decree 31 March 2023, n. 36

1. In Article 175 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) paragraph 3 is replaced by the following: «3. In the cases of projects of state interest or projects financed with contribution paid by the State, for which it is not already foreseen that CIPESS expresses itself, the granting bodies interested in develop projects according to the partnership formula public-private, the amount of works or services of which is amount equal to or greater than 50 million euros, require an opinion not **binding for the purposes of the preliminary assessment referred to in paragraph 2,** to the Advisory Unit for the implementation of the guidelines for the regulation of public utility services (NARS), sending at the same time the documentation also to the Ministry of Economy and of Finance - Department of the General Accounting Office of the State. The Nars, after having acquired the assessments of the Department of General Accounting Office of the State which must be expressed within 25 days from the request, it will decide within the following 20 days. If the granting body intends to depart from the opinion given, it is **required to provide adequate justification, giving an account of the reasons for the** decision and indicating, in particular, the method of accounting adopted. The above opinion must be requested before the publication of the tender notice in the case of a project public initiative or before the declaration of feasibility in the case of a private initiative project. The Prime Minister of ministers, after the preliminary evaluation, may submit the Contract outline for the opinions of the Higher Council of Works public and of the Council of State, also for the evaluation of profiles other than that of convenience.»; b) paragraph 4 is deleted; c) in paragraph 7, first period, the following are added modifications:

1) after the words: «Department for Programming and

"coordination of economic policy" the following is inserted:

«(DIPE)»; 2)

after the words: «on the contracts stipulated» the following are inserted:

following: «which involve the construction of works or jobs, such as condition of effectiveness»;

d) after paragraph 9, the following is added: «9-bis. The DIPE, in agreement with the ANAC and the Ministry of Economics and Finance - Department of Accounting State General, approves standard contracts in the field of public-private partnership, with reference to the contracts referred to to Parts II, III, IV and V of this Book.».

Art. 55

Amendments to Article 177 of Legislative

Decree 31 March 2023, n. 36

1. In Article 177 of Legislative Decree 31 March 2023, n. 36, paragraph 3 is replaced by the following: «3. Operational risk, relevant for the purposes of qualifying the economic transaction as concession, is that which derives from external factors, not subject to the control of the parts. They do not detect the risks associated with bad management, to contractual breaches by the economic operator or to cause of force majeure.».

Art. 56

Amendments to Article 192 of Legislative

Decree 31 March 2023, n. 36

1. In Article 192 of Legislative Decree 31 March 2023, n. 36, paragraph 3 is replaced by the following: «3. In the case of works of state interest or financed with a contribution paid by the State, for which the expression of opinion is not already provided for of CIPESS, the revision is subject to the prior opinion of the binding of the Advisory Unit for the implementation of the guidelines Guide to the regulation of public utility services (NARS). In other cases, the granting body has the right to submit the review following the prior opinion of the NARS. If the granting body intends to depart from the opinion given, it is required to provide adequate motivation, giving an account of the reasons for the decision and indicating, in particular, the accounting method adopted.».

Art. 57

Replacement of Article 193 of Legislative Decree

31 March 2023, n. 36

1. Article 193 of Legislative Decree 31 March 2023, n. 36, is replaced by the following:

«Art. 193 - (Assignment procedure) - 1. The assignment in granting of works or services through project finance can take place on private initiative, in the cases referred to in paragraph 3, even for proposals not included in the partnership programming public-private as per article 175, paragraph 1, or on initiative of the granting body, in the cases referred to in paragraph 16, for proposals included in the partnership programming public-private as per article 175, paragraph 1.

2. For the purposes of submitting a proposal pursuant to paragraph 1, an economic operator can present to the granting body a preliminary expression of interest, accompanied by the request for information and data necessary for preparing the proposal. The granting body communicates to the economic operator the existence of a public interest prior to the preparation of the proposal; in this case, the requested data and information are transmitted

to the economic operator and are made available to all interested parties through publication in the "Transparent Administration" section of their institutional website.

3. Economic operators may submit to the granting bodies, in their capacity as promoter, proposals relating to the construction of works or services under concession, developed on private initiative for the construction of interventions not included in the planning of the public-private partnership referred to in Article 175, paragraph 1. The proposals submitted pursuant to the first period are not subject to the obligation of prior submission of an expression of interest pursuant to paragraph 2 and prior publication of a notice pursuant to paragraph 16. Each proposal contains a feasibility project, drawn up in accordance with Article 6-bis of Annex I.7., a draft agreement, the certified economic-financial plan, and the specification of the characteristics of the service and management and the indication of the requirements of the promoter. The economic-financial plan includes the amount of expenses incurred for the preparation of the proposal, including the rights on intellectual works. Institutional investors referred to in Article 32, paragraph 3, of Legislative Decree No. 78 of 31 May 2010, converted, with amendments, by Law No. 122 of 30 July 2010, as well as the entities referred to in Article 2, number 3), of Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 and other interested economic operators, may formulate the proposals referred to in the first period, without prejudice to the need, in the subsequent tender for the awarding of works or services, to associate or form a consortium with other economic operators in possession of the requirements requested by the tender, if they do not have them. Institutional investors and other interested economic operators, during the tender, may satisfy the request for economic, financial, technical and professional requirements by making use, even entirely, of the capabilities of other entities. Institutional investors and other interested economic operators may also undertake to subcontract, even entirely, the services covered by the concession contract to companies in possession of the requirements set out in the tender notice, provided that the name of the subcontractor is communicated, with its consent, to the granting body within the deadline for submitting the offer.

4. After verifying the public interest in the proposal and its consistency with the planning of the public-private partnership referred to in Article 175, paragraph 1, the granting body shall give notice in the "Transparent Administration" section of its institutional website of the submission of the proposal and shall also indicate a deadline, not less than sixty days, commensurate with the complexity of the project, for the submission by other economic operators, in their capacity as proposers, of proposals relating to the same intervention, drawn up in compliance with the provisions of paragraph 3.

5. Within forty-five days of the expiry of the deadline referred to in paragraph 4, the granting body, on the basis of the principles set out in Book I, Part I, Title I, identifies in a comparative form, on the basis of criteria that take into account the feasibility of the proposals and the correspondence of the projects and the related economic and financial plans to the needs of the granting body, one or more proposals, submitted pursuant to paragraph 3 or paragraph 4, to be submitted to the evaluation procedure referred to in paragraph 6.

6. The granting body communicates to the interested parties the proposal or proposals identified pursuant to paragraph 5, gives notice thereof on its institutional website and invites, if necessary, the promoter and the proponents to make the necessary changes to the feasibility project, the economic-financial plan and the draft agreement for their approval. In this phase, the granting body has the right to call a preliminary service conference pursuant to

of Article 14, paragraph 3, of Law No. 241 of 7 August 1990. If the promoter or proponents do not make the changes and additions required to incorporate the indications of the granting body within the deadline indicated by the latter, the proposals are rejected with a reasoned provision. Within sixty days, which may be extended up to ninety days for proven investigative needs, the granting body concludes, with a reasoned provision, the evaluation procedure, which, in the event of multiple proposals admitted, is carried out in a comparative form. The provision is published on the institution's institutional website and is communicated to the interested parties.

7. The feasibility project selected pursuant to paragraph 6 shall be integrated, if necessary depending on the object of the intervention, with the additional documents required by Article 6 of Annex I.7 also for the purposes of the relative submission to the approval procedure pursuant to Article 38. The technical and economic feasibility project for the works or the project referred to in Article 4-bis of Annex I.7 for the services, once approved, shall be included among the programming tools of the granting body.

8. Following approval, the technical and economic feasibility project, for the assignment of works, or the project referred to in Article 4-bis of Annex I.7, for the assignment of services, together with the other documents of the proposal, including a summary of the economic-financial plan, are placed at the basis of the tender within the timeframes set out in the programming. The transparency obligations are fulfilled pursuant to Article 28, in compliance with the provisions on confidentiality referred to in Article 35 and the derogations relating to classified contracts referred to in Article 139. The award criterion is the most economically advantageous offer identified on the basis of the best quality-price ratio.

9. The legal configuration of the promoter or proposer may be modified and integrated up to the deadline for submitting offers. In the tender notice, the granting body shall provide that the promoter or proposer may exercise the right of pre-emption, within the terms set out in paragraph 12.

10. Competitors, including the promoter and the proponent, in possession of the subjective requirements set out in the tender notice, present an offer containing the certified economic-financial plan, the specification of the characteristics of the service and management, the improvements to the technical-economic feasibility project and any changes to the draft agreement used as the basis for the tender, according to the indicators set out in the tender notice. The offers are accompanied by the guarantees referred to in Article 106.

11. The granting body:

- a) examines the offers that have been received within the deadline indicated in the notice;
- b) draws up a ranking and appoints the entity that has submitted the best offer as the successful tenderer; c) submits for approval the next project level developed by the successful tenderer.

12. If the promoter or the proposer is not awarded the contract, he may exercise, within fifteen days of the communication of the award, the right of pre-emption and become the awardee if he declares that he undertakes to fulfill the contractual obligations under the same conditions offered by the successful tenderer. If the promoter or the proposer is not awarded the contract and does not exercise the pre-emption right, he is entitled to payment, at the expense of the successful tenderer, of the amount of the expenses for the preparation of the proposal, including also the rights on intellectual works. The total amount of the reimbursable expenses cannot exceed 2.5 percent of the value of the investment, as deduced from the feasibility project used as the basis for the tender. If the promoter or the proposer exercises the pre-emption right, the original awardee is entitled to payment, at the expense of the promoter or

of the proposer, of the amount of documented expenses and actually incurred for the preparation of the offer in the limits referred to in the third period.

13. In relation to the specific type of work or service, the granting body may provide for award criteria, aimed at enhancing the contribution of each offer to the objectives of innovation, development and digitalisation.

14. The chambers of commerce, industry, crafts and agriculture, within the scope of the purposes of social utility and promotion of the economic development pursued by them, can join the submission of proposals referred to in paragraphs 3, 4 and 16, without prejudice their decision-making autonomy.

15. The successful tenderer provides the guarantee referred to in Article 117. From the date of commencement of the exercise of the service by The dealer is required to pay a deposit, which is renewable annually, as a guarantee for penalties relating to failure or inaccuracy fulfillment of all contractual obligations relating to the management of the work, to be provided in the amount of 10 percent of the cost annual operating year and with the methods set out in the article 117. Failure to present such security constitutes a serious offence. breach of contract.

16. The granting body may, by means of a public notice, request private individuals to promote initiatives aimed at achieving granting, through project financing, interventions included in the public-private partnership programming tools, of which in Article 175, paragraph 1, by submitting, within a deadline not less than sixty days, of proposals drawn up in compliance of the provisions of paragraph 3. The economic operators interested in respond to the notice may request the granting body to provide documentary integrations for better formulation of the proposals. Any additional documentation prepared by the institution grantor are transmitted to the economic operator and are made available to all interested parties through publication in the "Transparent Administration" section of its institutional website.

17. The granting body evaluates the proposals submitted pursuant to the paragraph 16 and places the feasibility project at the basis of the tender selected, together with the other documents of the proposal, including a summary of the economic and financial plan, in compliance with the provisions referred to in paragraphs 5, 6, 7 and 8. The tender procedure is carries out in accordance with paragraphs 10, 11, 12 and 13. The subject the successful tenderer provides the guarantees referred to in paragraph 15.».

Art. 58

Amendments to Article 197 of Legislative

Decree 31 March 2023, n. 36

1. Article 197, paragraph 1, of the legislative decree of 31 March 2023, n. 36, the words: «of the standard tender notices and standard contracts drawn up by the Regulatory Authority of the sector" are replaced by the following: «of the standard tenders prepared by ANAC and of the standard contracts prepared by the DIPE, in agreement with the Regulatory Authority of sector and with the Ministry of Economy and Finance - Department of the General Accounting Office of the State.».

Art. 59

Amendments to Article 201

of legislative decree 31 March 2023, n. 36

1. In Article 201 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 1, the words: «of the standard tender notices and standard contracts prepared by the Regulatory Authority of the sector" are replaced by the following: «of the standard notices prepared by ANAC and

of the standard contracts prepared by the DIPE, in agreement with the Authority of sector regulation and with the Ministry of Economy and Finance finance - Department of the General Accounting Office of the State»;

b) in paragraph 2, the words: «of the standard tender notices and standard contracts drawn up by ANAC» are replaced by the following: «of the standard tender notices prepared by ANAC and the standard contracts prepared by DIPE, of concert with the sector regulatory authority and with the Ministry of Economics and Finance - Department of Accounting general of the state.».

Art. 60

Amendments to Article 202 of Legislative

Decree 31 March 2023, n. 36

1. Article 202, paragraph 1, of the legislative decree of 31 March 2023, n. 36, the words: «of the standard tender notices and standard contracts drawn up from ANAC» are replaced by the following: «of the standard tender notices prepared by ANAC and the standard contracts prepared by DIPE, of concert with the sector regulatory authority and with the Ministry of Economics and Finance - Department of Accounting general of the state».

Art. 61

Amendments to Article 209 of Legislative

Decree 31 March 2023, n. 36

1. The following amendments are made to Article 209, paragraph 1, letter b): following changes:

a) in paragraph 1 of Article 121, subsection 1, the words: «in the Official Journal Official Journal of the European Union or in the Official Journal of the Italian Republic, wherever they occur, are abolished;

b) in paragraph 6 of Article 121, the words: «in the Official Journal official of the European Union or in the Official Journal of the Italian Republic", wherever they appear, are suppressed.

Art. 62

Amendments to Article 215 of Legislative

Decree 31 March 2023, n. 36

1. In Article 215 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in paragraph 1, in the first period, the following are added at the end: following words: "in order to guarantee the independence of judgment and assessment";

b) in paragraph 1, the second period is replaced by the following: «For works aimed at the construction of public works, including those achieved through concession or concession contracts public-private partnership, of an amount equal to or greater than thresholds of European relevance the constitution of the college is mandatory.»; c) in

paragraph 2, the first period is replaced by the following: "The technical advisory board expresses opinions or adopts decisions possibly having the value of a contractual award pursuant to of Article 808-ter of the Code of Civil Procedure.».

Art. 63

Amendments to Article 216 of Legislative

Decree 31 March 2023, n. 36

1. In Article 216 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) paragraph 1 is replaced by the following: «1. In the cases of registration of reservations, of proposed variations and in relation to any other technical dispute or controversy that arises during the performance of a contract for works with an amount equal to or greater than the thresholds of European relevance, the acquisition of the opinion is mandatory or, on unanimous request by the parties for a determination by the panel. If the parties also agree that the decisions of the panel assume the nature of a contractual award pursuant to Article 808-ter of the Code of Civil Procedure, the possibility of exercising it is precluded of the amicable agreement for the decision on the reserves.»; b) in paragraph 2, the following period is added before: «The acquisition of the opinion is mandatory in cases of contractual termination.»; c) the heading is amended as follows: «Opinions and decisions "mandatory"».

Art. 64

Amendments to Article 217 of Legislative Decree 31 March 2023, n. 36

1. In Article 217 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) paragraph 1 is replaced by the following: «1. When the acquisition of the opinion or determination is not mandatory, the decisions of the technical advisory board take on the nature of contractual award pursuant to Article 808-ter of the Code of civil procedure if the parties, following the appointment of the President and no later than the time of the establishment of the college, not have otherwise provided. The possibility that the pronouncement of the technical advisory board takes on the nature of a contractual award and' excluded in cases where a ruling on the resolution is required, on the forced suspension or on the methods of continuation of the works.»; b)

paragraph 2 is replaced by the following: «2. If the parties, pursuant to in accordance with the provisions of paragraph 1, exclude that the determination may be valid as a contractual award, the same, even if optional, in any case it produces the effects referred to in paragraph 3 of Article 215.»; c) the heading is amended as follows: «Optional determinations».

Art. 65

Amendments to Article 219 of legislative decree 31 March 2023, n. 36

1. In Article 219 of Legislative Decree 31 March 2023, n. 36, after paragraph 1, the following is added: «1-bis. The contract is considered executed on the date of signing of the test or regular execution deed, unless there are no reservations or other requests regarding the testing same; in the latter case, the college is dissolved with the adoption of the relative pronouncement.».

Art. 66

Amendments to Article 221 of Legislative Decree 31 March 2023, n. 36

1. Article 221, paragraph 3, of the legislative decree of 31 March 2023, n. 36, the second, third and fourth periods are deleted.

Art. 67

Amendments to Article 222 of Legislative Decree 31 March 2023, n. 36

1. In Article 222 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) in paragraph 7, the second sentence is deleted; b) in paragraph 10, the words: «relevant for the attribution of the reputation of the company referred to in Article 109, or» are deleted.

Art. 68

Amendments to Article 223 of Legislative
Decree 31 March 2023, n. 36

1. In Article 223, paragraph 2, letter f), of the Legislative Decree March 31, 2023, n. 36, the words: «feasibility projects and «final» are replaced by the following: «feasibility projects **technical and economic**».

Art. 69

Amendments to Article 225
of legislative decree 31 March 2023, n. 36

1. In Article 225 of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) after paragraph 5, the following is inserted: «5-bis. Without prejudice to the provisions of Annex II.18 in merit in the design and management of works concerning the assets cultural, until the adoption of the decree referred to in Article 226-bis, paragraph 2, letter gg), for the sole purposes of article 19, paragraph 2 of the same Annex II.18, the management of the works, the support technician to the activities of the RUP and the competent manager training of the three-year program may include, in place of a restorer of cultural heritage qualified under the current legislation, subjects in possession, on the date of entry into force of Legislative Decree 18 April 2016, n. 50, of a at least five years' experience in technical management of works public and with specific skills consistent with the intervention.»;

b) paragraph 14 is repealed.

Art. 70

Insertion of Article 225-bis to Legislative Decree 31
March 2023, n. 36

1. In Legislative Decree 31 March 2023, n. 36, after Article 225 the following is inserted: «Art. 225-bis. -
(Further transitional provisions)

1. The provision referred to in Article 26, paragraph 1, on certification of digital procurement platforms is adopted by AGID, in agreement with ANAC, the Presidency of the Council of Ministers, Department for Digital Transformation and the Agency for national cyber security within sixty days from the date of entry into force of this provision.

2. The provisions of Article 43 on the adoption of methods and tools for digital information management of constructions do not apply to programming procedures higher than thresholds referred to in Article 14 already started on the date of entry into force of this provision for which the feasibility document of the design alternatives pursuant to of Article 2, paragraph 5, of Annex I.7.

3. The provisions of Article 67, in the text in force on the date referred to in Article 229, paragraph 2, continue to apply to ongoing proceedings. To this end, for ongoing proceedings **They mean the procedures and contracts for which notices or announcements with which the procedure for selecting the contractor is called for have been published before the effective date of this**

provision or, in the case of contracts without publication of notices or announcements, procedures and contracts in relation to which, on the date of entry into force of this provision, are Notices to submit offers have already been sent.

4. The provisions of Article 193, the entry into force of which force coincides with the date of entry into force of this provision, do not apply to project finance procedures in progress on the same date. To this end, for proceedings in progress they mean the procedures for which it was submitted by a promoter of a feasibility proposal for the construction of interventions through project financing or the granting body has published notices soliciting private individuals to become promoters of initiatives aimed at the implementation of projects included in the public-private partnership programming tools.

5. The provisions of Articles 215 to 219 and in Annex V.2, the entry into force of which coincides with the date of entry into force of this provision shall apply, in absence of an express contrary will of the parties, even to colleges already established and operating on the same date, with the exception of those relating to service and supply contracts already established on the date of entry into force of this disposition."

Art. 71

Amendment of Article 226 of Legislative

Decree 31 March 2023, n. 36

1. In Article 226 of Legislative Decree 31 March 2023, n. 36, after paragraph 3 the following is inserted: «3-bis. Starting from the date of entry into force of this provision, article 12 of the legislative decree of 28 March is repealed 2014, n. 47, converted, with amendments, by law 23 May 2014, n. 80.».

Art. 72

Rationalisation of the discipline of attachments and consequent coordination provisions

1. In Legislative Decree 31 March 2023, n. 36, after Article 226 the following is inserted:

«Art. 226-bis. - (Regulatory simplification provisions) - 1.

With one or more regulations adopted pursuant to Article 17, paragraph 1, of the law of 23 August 1988, n. 400, can be repealed and replaced the following attachments:

a) I.3 - Terms of the procurement procedures, on proposal of the Minister of Infrastructure and Transport, having heard the Minister for public administration;

b) II.12 - Qualification system and requirements for contractors, on the proposal of the Minister of Infrastructure and of transport, after consulting ANAC.

2. With one or more regulations adopted pursuant to Article 17, paragraph 3 of Law 23 August 1988, n.400, may be repealed and replaced the following attachments:

a) I.01 - Collective agreements, by decree of the Minister of infrastructure and transport, in agreement with the Minister of work; b)

I.2 - Activities of the RUP, with a decree of the Minister of infrastructure and transport;

c) I.5 - Elements for the planning of works and services. Standard schemes, with a decree of the Minister of Infrastructure and of transport, in agreement with the Minister of Economy and finances, after consulting the Inter-ministerial Committee for Economic Planning and Sustainable Development (CIPRESS), in agreement

with the Unified Conference; d) I.6 -

Mandatory public debate, by decree of Minister of Infrastructure and Transport, after hearing the Minister of the environment and energy security and the Minister of culture; e)

I.7 - Minimum contents of the requirements framework, of the document of feasibility of the design alternatives, of the document of address of the design, of the technical feasibility project and economic and of the executive project, with a decree of the Minister of infrastructure and transport, having heard the Superior Council of public works;

f) I.8 - Preventive verification of archaeological interest, with decree of the Minister of Infrastructure and Transport, of concert with the Minister of Culture, having heard the Council superior of public works; g) I.9 - Digital

information management methods and tools of construction, with a decree of the Minister of Infrastructure and of transport; h) I.10

- Technical activities covered by the appropriations provided for individual procedures, by decree of the Minister of infrastructure and transport, having heard the Superior Council of public works;

i) I.11 - Provisions relating to the organisation, skills, operating rules, as well as further powers of the Higher Council of Public Works, by decree of the Minister of Infrastructure and Transport, having heard the Higher Council of Public Works;

l) I.13 - Determination of parameters for design, by decree of the Minister of Justice, in agreement with the Minister of infrastructure and transport; m) I.14 - Criteria for

the formation and updating of price lists regional, with a decree of the Minister of Infrastructure and transport, after consulting the Superior Council of Public Works and the National Institute of Statistics (ISTAT), as well as after agreement at the Permanent Conference for Relations between the State, the regions and autonomous provinces of Trento and Bolzano;

n) II.1 - Lists of economic operators and surveys of market for the awarding of contracts of an amount lower than thresholds of European relevance, with a decree of the Minister of infrastructure and transport, following the opinion of the ANAC;

o) II.2 - Methods for calculating the anomaly threshold for the automatic exclusion of offers, by decree of the Minister of infrastructure and transport, following the opinion of the ANAC;

p) II.2-bis - Methods of application of the clauses of price revision, with a decree from the Minister of Infrastructure and of transport; q) II.3

- Social clauses and reward mechanisms to achieve equal opportunities between generations and genders and to promote the inclusion of people with disabilities or people in the workplace disadvantaged, by decree of the President of the Council of Ministers, on the proposal of the Delegated Authority for Equal Opportunities and for disabilities, in agreement with the Minister of Infrastructure and transport, the Minister of Labour and Social Policies;

r) II.4 - Qualification of contracting authorities and central purchasing bodies, with a decree of the President of the Council of ministers, on the proposal of the Minister of Infrastructure and transport, after consulting ANAC, following an agreement at the Conference unified;

s) II.5 - Technical specifications and labelling, by decree of Minister of Infrastructure and Transport; t) II.6 - Information in notices and calls for tenders, by decree of Minister of Infrastructure and Transport;

u) II.6-bis - Collaboration agreement, with decree of Minister of Infrastructure and Transport; v) II.7 - Characteristics relating to the publication, with

decree of the Minister of Infrastructure and Transport;

z) II.8 - Test reports, quality certifications,

means of proof, online register of certificates and costs of the cycle

life, by decree of the President of the Council of Ministers, on

proposal of the Minister of Infrastructure and Transport;

aa) II.9 - Information contained in invitations to candidates,

by decree of the Minister of Infrastructure and Transport;

bb) II.11 - Professional or commercial registers for operators

economic interests of other Member States, by decree of the President of the

Council of Ministers on the proposal of the Minister for Foreign Affairs

European, where appointed; cc) II.13

- Certifications or marks relevant for the purposes of

reduction of the guarantee, by decree of the Minister of

infrastructure and transport, in agreement with the Minister

of the Environment and Energy Security and the Minister for

European affairs;

dd) II.14 - Management of works and management of execution

of contracts. Methods of carrying out the activities of the phase

executive. Testing and verification of conformity, with decree of

Minister of Infrastructure and Transport, having heard the Council

higher public works; ee) II.16 - Information at

European level relating to the

modification of contracts in progress, by decree of

Minister of Infrastructure and Transport, in agreement with the

Minister for European Affairs;

ff) II.17 - Replacement canteen services, by decree of

Minister of Business and Made in Italy, in agreement with the

Minister of Infrastructure and Transport;

gg) II.18 - Qualification of subjects, planning and

testing in the cultural heritage sector, with a decree from the Minister

of culture, in agreement with the Minister of Infrastructure and

transport;

hh) II.19 - Research and development services, by decree of

Minister of Universities and Research in agreement with the Minister

of businesses and Made in Italy;

ii) II.20 - Procurement and procedures in the defence and security sectors,

by decree of the Minister of Defense, adopted in agreement with the

Minister of Infrastructure and Transport;

II) IV.1 - Information to be included in the concession notices

referred to in Article 182, by decree of the Minister of Infrastructure and

of transport; mm) V.1 -

Compensation of referees, by decree of the Minister

of infrastructure and transport, after hearing the Arbitration Council

referred to in paragraph 4 of Article 214;

nn) V.2 - Procedure for establishing the Advisory Board

technical, with a decree of the Minister of Infrastructure and

transport, after consulting the Higher Council of Public Works;

oo) V.3 - Methods of forming the Control Room, with

decree of the President of the Council of Ministers, in agreement with the

Minister of Infrastructure and Transport, having heard the ANAC and the

Unified Conference.

3. Annex I.4 - Stamp duty relating to the stipulation

of the contract can be repealed and replaced by a decree of the

Minister of Economy and Finance. Annex II.15- Criteria for

determining the costs of laboratory tests and

technical checks can be repealed and replaced with a decree

of the Minister of Infrastructure and Transport, adopted on

proposal of the Superior Council of Public Works.

4. The attachments referred to in paragraphs 1, 2 and 3 replaced pursuant to

this article are repealed with effect from the date of entry into force

force of the respective provisions referred to in the same paragraphs 1, 2 and

3, which replace them entirely, also as an attachment

to the code. The same provisions indicate in the title the article

of this code which provides the substantive discipline of

reference."

2. The following amendments are made to Legislative Decree 31 March 2023, no. 36: following changes:

a) in Article 15, paragraph 5, the last sentence is deleted; b) in Article 17, paragraph 3, the last sentence is deleted; c) in Article 18, paragraph 10, the third sentence is deleted; d) in Article 37, paragraph 7 is repealed; e) in Article 40, paragraph 2 is repealed; f) in Article 41: 1) in paragraph 2, the second sentence is deleted; 2) in paragraph 4, the second sentence is deleted; 3) in paragraph 13, the fourth sentence is deleted; 4) in paragraph 15, the third sentence is deleted;

g) in Article 43, paragraph 5 is repealed; h) in Article 45, paragraph 1, the last sentence is deleted; i) in Article 47, paragraph 4, the last sentence is deleted; l) in Article 50, paragraph 3 is repealed; m) in Article 54, paragraph 3 is repealed; n) in Article 61, paragraph 5 is repealed; o) in Article 62, paragraph 3, the last sentence is deleted; p) in Article 70, paragraph 3, letter a), number 4), the last sentence is deleted;

period is deleted; q) in Article 71, paragraph 5 is repealed; r) in Article 84, paragraph 1, the last period is deleted; s) in Article 89, paragraph 2, the last period is deleted; t) in Article 100:

1) in paragraph 3, the last sentence is deleted; 2) in paragraph 4, the last sentence is deleted;

u) in Article 105, paragraph 1, the last sentence is deleted; v) in Article 106, paragraph 8, the last sentence is deleted; w) in Article 114, paragraph 5, the last sentence is deleted; z) in Article 116, paragraph 11, the fourth sentence is deleted; aa) in Article 120, paragraph 14, third sentence is deleted; bb) in Article 131, paragraph 6, the last sentence is deleted; cc) in Article 133, paragraph 1, the last sentence is deleted; dd) in Article 135, paragraph 3 is repealed; ee) in Article 136, paragraph 4, the last sentence is deleted; ff) in Article 182, paragraph 2, the last sentence is deleted; gg) in Article 213, paragraph 15, the last sentence is deleted; ll) in Article 215, paragraph 1, the last sentence is deleted; mm) in Article 221, paragraph 1, the last sentence is deleted.

Art. 73

Insertion of Annex I.01 to the Legislative Decree of 31 March 2023

1. In Annex I.1 "Definitions of subjects, contracts, procedures and tools" of the legislative decree of 31 March 2023, n. 36, preface the following:

"Annex I.01 Collective agreements

(Article 11, paragraphs 2 and 4)

Article 1 (Scope of application)

1. This Annex regulates the criteria and methods for the identification, in the calls for tenders, in the invitations and in the decision of contract referred to in Article 17, paragraph 2, of the Code, of the contract national and territorial collective to be applied to the staff employed in works, services and supplies subject to public procurement and concessions, in force for the sector and for the area in which it is located carry out the work performances, stipulated by the associations of employers and employees are comparatively more representative at the national level and the one whose scope of application is strictly connected to the activity in question of the contract or concession carried out by the company even in a

prevailing as per article 11, paragraphs 1 and 2, as well as for the submission and verification of the declaration of equivalence of protections pursuant to Article 11, paragraph 4. This Annex It also regulates the criteria and methods for identifying, in the tenders, invitations and decisions to contract referred to in article 17, paragraph 2, of the code, of collective agreements applicable pursuant to Article 11, paragraph 2-bis, as well as for the submission and verification of the relevant declaration of equivalence of the protections pursuant to Article 11, paragraph 4.

Article 2 (Identification of the applicable collective agreement)

1. For the purposes of Article 11, paragraphs 1 and 2, of the Code, the contracting authorities and granting bodies identify the contract national and territorial collective work applicable to the dependent personnel employed in the contract or concession after evaluating: a) the close

connection of the scope of application of the collective agreement with respect to the services covered by the contract or of the concession, to be carried out also in a prevalent manner, pursuant to of paragraph 2;

b) the criterion of greater comparative representativeness on national plan of employers' and providers' associations work, pursuant to paragraph 3.

2. For the purposes of paragraph 1, letter a), the contracting authorities or the granting bodies: a) identify

the activity to be carried out by indicating in the calls for tenders, in the invitations and in the decision to contract in article 17, paragraph 2, of the respective ATECO code, according to the classification of economic activities adopted from ISTAT, possibly also in comparison with the code for the public procurement (CPV) indicated in the same notices, invitations and decision to contract;

b) identify the scope of application of the collective agreement of work in relation to the subsectors with which they are classified national collective agreements deposited in the National Archives of contracts and collective labor agreements established at the National Council for Economy and Labor.

3. Within the framework of collective labor agreements consistent with the requirement referred to in paragraph 1, letter a), for the purposes referred to therein paragraph 1, letter b), the contracting authorities or the granting bodies:

a) refer to national collective labor agreements stipulated between the associations of employers and employees comparatively more representative at national level taken at reference from the Ministry of Labour and Social Policies in the drafting of tables for determining the average cost of work, adopted pursuant to Article 41, paragraph 13; b) in the absence of tables for determining the average cost

of work, contracting authorities and granting bodies require to the Ministry of Labour and Social Policies to indicate, on the basis of the available information, the collective agreement of work stipulated between the associations of employers and providers of work comparatively more representative at national level applicable to the services covered by the contract or the concession.

4. Without prejudice to the provisions of Article 11, paragraph 3, the contracting authorities and granting bodies cannot impose, under penalty of exclusion, in the tender notice or in the invitation the application of a specific collective agreement as a participation requirement.

5. The criteria referred to in paragraphs 1, 2, 3 and 4 apply, insofar as compatible, also with the identification of collective agreements work referred to in Article 11, paragraph 2-bis, of the Code.

Article 3 (Presumption of equivalence)

1. For the purposes of the declaration referred to in Article 11, paragraph 4, and of the consequent verification, the protections are considered equivalent guaranteed by national and territorial collective labor agreements, jointly signed by the same trade union organizations

comparatively more representative with employers' organizations other than those signing the collective labor agreement indicated by the contracting authority, pertaining to the same subsector provided that the economic operator's workers the corresponding collective labor agreement is applied size or legal nature of the company.

2. For contracts relating to the construction sector, consider equivalent, within the limits of what is provided for in paragraph 1, the national collective labor agreements classified by code

unique alphanumeric CNEL/INPES F012, F015, F018.

Article 4 (Indication by the economic operator of a different national collective labor agreement)

1. When, outside the cases referred to in Article 3, the economic operator indicates a different contract in the offer collective work applied by it, are considered, for the purposes of equivalence assessment, economic protections and safeguards normative.

2. The evaluation of economic equivalence of contracts is carried out in relation to the fixed components of the remuneration annual global, consisting of the following items:

- a) annual salary; b) contingency allowance; c) separate component of salary (EDR); d) any additional monthly payments; e) any further allowances provided for.

3. The assessment of equivalence of regulatory protections is carried out on the basis of the following parameters:

- a) provisions concerning additional work; b) clauses relating to part-time work; c) provisions concerning overtime work, with particular reference to reference to maximum limits;
- d) compensatory provisions relating to the abolished holidays; e) duration of the probationary period; f) duration of the notice period; g) duration of the sick leave period in case of illness and injury;
- h) regulation of cases of illness and injury, with particular reference to the recognition of any integrations of the related allowances; i) provisions relating to maternity and the allowances provided for for mandatory and optional parental abstention;
- l) number of hours of paid leave; m) rules relating to bilateralism; n) reporting obligations to social security institutions, including the Cassa construction, insurance and accident prevention, including training in matters of health and safety at work, also with reference to initial training and periodic refresher courses; o) supplementary pension; p) supplementary healthcare.

4. Contracting authorities and granting bodies may consider equivalence of protection exists when the economic value total of the fixed components of the annual global remuneration referred to in paragraph 2 is at least equal to that of the contract work collective indicated in the tender notice or invitation and when the deviations from the parameters referred to in paragraph 3 are marginal.

5. By decree of the Ministry of Labour and Social Policies, in agreement with the Ministry of Infrastructure and Transport, from be adopted within ninety days from the date of entry into force of the This attachment adopts the guidelines for determining of the methods of certifying the equivalence of the protections referred to in paragraph 4 and for the evaluation of the deviations which, by reason even the number of parameters involved, can be considered marginal from the contracting authorities and granting bodies pursuant to the same paragraph 4.

6. For contracts which, by virtue of the reference sectors, are subject to specific regulatory or legislative constraints which also affect on the economic or regulatory protection of workers, the possibility of making reference, for the purposes of determining of equivalence, to compliance with such constraints in relation to the regulated protections, without prejudice to the verification of further protections as provided in this Article.

7. The provisions of this Article shall also apply to cases referred to in Article 11, paragraph 2-bis.

Article 5 (Verification of the declaration of equivalence)

1. To enable contracting authorities and granting bodies to verify the appropriateness of the offer pursuant to Article 110, the economic operators transmit the declaration of equivalence of referred to in Article 11, paragraph 4, when submitting the offer.

2. Before proceeding with the assignment or award, the contracting authority or the granting body verifies the declaration of equivalence presented by the identified economic operator."

Art. 74

Amendments to Annex I.1 of Legislative Decree 31 March 2023, n. 36

1. In Annex I.1 Definitions of subjects, contracts, procedures and tools (Article 13, paragraph 6) of the decree Legislative Decree 31 March 2023, no. 36, the following changes are made amendments: a) to

article 1, paragraph 1:

1) after letter d) the following is inserted: "d-bis) «proceeding administration», all public administrations that initiate an administrative procedure pursuant to Article 7 of the law of 7 August 1990, n. 241, and which is responsible for the adoption of the final measure, including the convening of a conference of services in its own name or, after stipulating a specific agreement, in name and on behalf of other public administrations;"; 2) after letter t), the following are added:

"t-bis) «people with disabilities»: the people of whom in article 1 of law 12 March 1999, n. 68; t-ter) «disadvantaged persons»: the persons referred to in article 4, paragraph 1, of Law 8 November 1991, n. 381."; b) in Article 2, paragraph 1, letter i) is replaced by following: "i) 'availability contract', the contract with the which an economic operator undertakes, for a fee, with organization of the necessary means and management at your own risk, to create, redevelop or repurpose and to grant in enjoyment by the contracting authority of a work, intended to public use or use in the public interest. The economic operator ensures the best enjoyment of the work, keeping it in a state of serve the agreed purpose and eliminate any defects at one's own expense, even if subsequent. The contract may provide for the transfer of the ownership of the work to the administration, towards the payment of an additional fee. For the conclusion and execution of the availability contract the administration can resort to mutual funds or real estate companies and may include the transfer by the administration of real estate in such funds or in such companies, as a total consideration or partial, taking into account the relative market value, from requalify through the use of private financial resources and to be used for public purposes or in the public interest;"

c) in Article 3, paragraph 1:

1) in letter q), after the words: «which allow» are insert the following: «production,» and after the words: «of the cycle of life» the following are inserted: «of a real estate work or infrastructure»; 2) after

letter q), the following are inserted:

«q-bis) «data sharing environment», an ecosystem digital interoperable platforms for organised collection and sharing of data relating to an intervention, managed through specific workflows and structured in supporting information of decisions, based on an IT infrastructure whose sharing is regulated by specific security systems for access, traceability and historical succession of changes made to the information content, to its conservation over time and relative accessibility of the information assets contained, of definition of responsibilities in content processing information and intellectual property protection;

q-ter) "coordinator of information flows", a figure who operates at the level of the individual intervention, in concert with the top management of the organization and on the indication of the process manager digital; q-

quater) «digital process manager», the person responsible of the technical aspects concerning the digitalisation of processes implemented by the contracting authority, with possible functions of general supervision or coordination of ongoing interventions;

q-quinquies) «information container», coherent set called information that can be recovered within a file, a system or a hierarchical structure; q-sexies)

«information model», a set of containers of structured, semi-structured and unstructured information;

q-septies) «levels of information requirement», framework of reference that defines the extent and relevance of the information and significant data in order to pursue the objectives of the given design level;"

3) in letter u), the words: «functionally autonomous» are suppressed and the following are inserted at the end: «, provided that inserted in a suitable planning to guarantee the realization of works functionally autonomous".

Art. 75

Amendments to Annex I.2 of Legislative Decree 31 March 2023, n. 36

1. In Annex I. 2 Activities of the RUP (Article 15), of the decree Legislative Decree 31 March 2023, no. 36, the following changes are made modifications:

a) in Article 2, paragraph 1, first period, the words: «of role» are deleted and the second period is replaced by following: «The RUP, or the phase manager appointed pursuant to of Article 15, paragraph 4, of the Code carry out their duties with the support of the contracting station's employees. The RUP can delegate to the staff of the contracting station, of the body grantor, of the central purchasing body or of the subject aggregator the performance of mere executive operations, excluding any verification and evaluation activities, within the life cycle digital public procurement, including access to platforms referred to in Article 25 of the Code and the services made available from ANAC.»; b)

in Article 8: 1) in paragraph

1, after letter s), the following is inserted:

«s-bis) the RUP issues the certificate of execution of the works within thirty days from the request of the executor;»;

2) paragraph 4 is replaced by the following: «4. The director of the execution of the contract is a different subject from the RUP in the cases of referred to in Article 32 of Annex II.14.»; c) in Article 9,

paragraph 6, the words «the RUP is designated only by the latter" are replaced by the following: «the RUP and any phase managers are designated solely by the "associative or consortium form".

Art. 76

Amendments to Annex I.3 of Legislative Decree 31 March 2023, n. 36

1. Annex I.3 Terms of the procurement and tendering procedures concession (Article 17, paragraph 3) of the legislative decree of 31 March 2023, n. 36, the following changes are made:

- a) in the heading, the words: «(Article 17, paragraph 3)» are replaced by the following "(Article 17, paragraphs 3 and 3-bis)";
- b) in paragraph 1, the paragraph is replaced by the following: «1. In accordance with of Article 17, paragraphs 3 and 3-bis, of the Code, the initial documents tender notices are published, for works contracts, within three months from the date of approval of the project. The tenders and concessions are concluded within the following maximum terms, where applicable the criterion of the most economically advantageous offer was used based on the best quality/price ratio or on the cost of the life cycle:»; c) in paragraph 3, after the words: «The terms" the following are inserted: following: «referred to in paragraph 1, second period, and in paragraph 2»;
- d) in paragraph 4, the words: "the above terms" are replaced by the following: "the terms referred to in paragraph 1, according to period, and in paragraph 2,»;
- e) in paragraph 5, in the first period, the words: «the aforementioned terms» are replaced by the following: "the terms referred to in paragraph 1, first period, for a maximum of one month and the terms referred to in paragraph 1, second period, and in paragraph 2" and, in the second period, after the words: «the above terms» the following are inserted: «respectively for a further month and".

Art. 77

Amendments to Annex I.5 of Legislative Decree 31 March 2023, n. 36

1. Annex I.5 Elements for the planning of works and services. Standard schemes (Article 37, paragraph 6) of the legislative decree March 31, 2023, n. 36, the following changes are made:

- a) in Article 3: 1) after paragraph 1 the following is inserted: «1-bis. In the event of recourse to central purchasing bodies, aggregating bodies or stations qualified contractors for the design and assignment of works, as well as in all cases of delegation of the aforementioned functions, the adoption of the three-year work programme referred to in paragraph 1 is up to to the applicant or delegating administration.»; 2) paragraph 3 is replaced by the following: «3. The subjects who manage the Public Contracts Service (SCP) platform of the Ministry of Infrastructure and Transport and the platforms of digital procurement referred to in Article 25 of the Code, certified for the programming phase, ensure the availability of IT support for compiling the standard diagrams attached to this Annex.»;
- 3) paragraph 14 is replaced by the following: «14. The contact person receives the proposals, data and information provided by the RUPs for the purposes of the coordination of the proposals to be included in the programming and proceeds to register with the Contract Service platform Public (SCP) of the Ministry of Infrastructure and Transport or at the digital procurement platforms of which in Article 25, certified for the programming phase.»;
- b) in Article 4, paragraph 3, the second period is replaced by following: To this end, they publish on the institutional website in Transparent Administration section (AT) referred to in the decree legislative 14 March 2013, n. 33, subsection Calls for tenders and contracts notice aimed at acquiring expressions of interest from economic operators in relation to the works that can be completed,

even resized or with a different intended use, of the works unfinished works referred to in paragraph 1 as well as their management.»; c) in Article 5: 1) in paragraph 5:

1.1. the first period is replaced by the following:

«Following the adoption, the three-year program and the list are published annually on the institutional website in the section Transparent Administration (AT) pursuant to Legislative Decree 14 March 2013, n. 33 and are transmitted to the National Database of public contracts.»;

1.2. the third period is replaced by the following:

«The final approval of the three-year programme, together with to the annual list of works takes place within the next thirty days from the expiry of the consultations, or, in any case, in absence of consultations, within sixty days of the publication referred to in the first period, in compliance with what provided for in paragraph 4, and with publication on the institutional website in the Transparent Administration (AT) section referred to in the decree **Legislative Decree 14 March 2013, no. 33 and with communication to the Data Bank national public contracts committee.**»;

2) in paragraph 8, the words "shall communicate it on the website institutional of the client» are replaced by the following:

«they communicate this on their institutional website»;

3) paragraph 10 is replaced by the following: «10. The programmes, updated following the changes referred to in paragraph 9, are published with the same methods as those referred to in paragraph 5 and are transmitted to the National Database of Public Contracts.»;

d) in Article 6: 1) the word

"supplies", wherever it occurs, is replaced by

following: «goods»;

2) after paragraph 1 the following is inserted: «1-bis. In the event of recourse to central purchasing bodies, aggregating bodies or stations qualified contractors for the design and assignment of goods and services, as well as in all cases of delegation of the aforementioned functions, the adoption of the three-year programme referred to in paragraph 1 is up to to the applicant or delegating administration.»; 3) paragraph 3 is replaced

by the following: «3. The subjects who manage the Public Contracts Service (SCP) platform of the Ministry of Infrastructure and Transport and other platforms of digital procurement referred to in Article 25 of the Code, certified for the programming phase, ensure the availability of IT support for compiling the standard forms attached to this Annex.»; 4) paragraph 12 is repealed; 5) after paragraph 13 the following is added: «13-bis. The

the contact person identified pursuant to paragraph 13 receives the proposals, data and information provided by the RUPs for the purposes of coordination of proposals to be included in the programming and proceeds to register with the Contract Service platform Public (SCP) of the Ministry of Infrastructure and Transport or at other digital procurement platforms of which in Article 25 of the Code, certified for the phase of programming.»; e) in Article

7: 1) the word «supplies»,

wherever it occurs, is replaced by

following: «goods»; 2) after

paragraph 3, the following are inserted. «3-bis. The three-year programme of purchases of goods and

services, proposed by the person responsible for the program, is approved in compliance with the provisions of Article 37, paragraph 1, of the code. 3-ter.

After approval, the program

three-yearly purchase of goods and services is published on the website institutional in the Transparent Administration (AT) section of which to the legislative decree of 14 March 2013, n. 33, and is transmitted to the

National database of public contracts.»;

3) paragraph 5 is repealed; 4) paragraph 10

is replaced by the following: «10. The programmes, amended pursuant to paragraph 8, are published with the same methods referred to in paragraph 3-ter and are transmitted to the database national public procurement body.»; f) in Article 8: 1) in paragraph 1:

1.1. in the first period, the word "supplies" is replaced from the following: «goods», the words «for each purchase» are replaced by the following: "for each job or purchase" and, after the words «to an aggregator subject» the following are inserted: «or to other contracting authority, qualified pursuant to paragraph 6 of Article 63, or identified by another form of delegation»;

1.2. in the second period, the words "from Article 6, paragraph 1,» are replaced by the following: «by Article 3, paragraph 1, and from Article 6, paragraph 1, » 2) paragraph

2 is replaced by the following: «2. In cases where contracting authorities and granting bodies, in compliance with as provided for in paragraph 1, they resort to the subjects referred to in paragraph 1, the annual list indicates its name among those registered in the AUSA within the national database of contracts public of the National Anti-Corruption Authority, as well as, if available, the tender identification code (CIG) of the agreement framework or agreement or of the delegated procedure.»; g) in Article 9, paragraph 1, the word «supplies» is replaced from the following: «goods».

Art. 78

Amendments to Annex I.7 of Legislative
Decree 31 March 2023, n. 36

1. In Annex I.7 Minimum contents of the requirements framework, of the feasibility document of the project alternatives, of the design address document, of the project of technical and economic feasibility and of the executive project (Articles from 41 to 44), of the legislative decree of 31 March 2023, n. 36, are the following amendments are made: a) in Article 1, paragraph

2 is replaced by the following: «2. The feasibility document of the project alternatives, of which in Article 2, can be supported by the adoption of the methods and digital information management tools referred to in Article 43, possibly integrated with geographic information systems (Geographical Information System - GIS). To this end, the document of feasibility of the design alternatives can be integrated from the development of information models and GIS on an urban scale or territorial including construction site plans and models information that reflects the state of the places and works existing real estate or infrastructure.»; b) in Article 2: 1) in paragraph 1,

the words «, similarly to the requirement framework, can be supported by the configuration of information models two- and three-dimensional urban nature» are replaced by following: «can be supported by the development of models information and GIS on an urban scale»; 2) in paragraph 4:

2.1. in letter a), the words "two- and three-dimensional urban character» are replaced by the following: «and GIS on a scale urban»; 2.2.

in letter b), the words «archaeological thematic map where existing» are replaced by the following «potential map archaeological and the archaeological risk map, where they exist,»;

2.2. in letter c), the words "also illustrated by means of information models» are replaced by the following: «developed

also through the adoption of management methods and tools digital information on constructions referred to in Article 43»; c) in Article 3: 1) in paragraph 1:

1.1. letter a) is replaced by the following: «a) the state of the places with the relevant cadastral information, possibly structured in information models or GIS»;

1.2 letter d) is replaced by the following: «d) i levels of design to be developed and the related lead times development, in relation to the specific typology and size of the intervention. When the design is developed through the adoption of digital information management methods and tools of the buildings referred to in Article 43 of the Code, the levels of information needs are functional to the objectives of the relevant design level and the objectives and uses of the models information identified by the contracting authority in the specifications informative»;

letter n), the words «from the modelling information such specifications, to the extent applicable, may be introduced within the information models» are replaced by the following: «from the adoption of management methods and tools digital information, when possible, the requirements set by the CAM are integrated into digital information management»;

2) paragraph 4 is repealed; 3) in paragraph 5, last period, the words "from configuration» replaced by the following: «from availability' and the words 'two- and three-dimensional character «urban» are replaced by the following: «and urban-scale GIS»; d) after Article 4 the following is inserted:

«Article 4-bis

Design of services and supplies

1. The design of services and supplies is divided into a single level and is prepared by the contracting authorities and by the granting bodies through their employees. The minimum contents of the project consist of at least a general report illustrative, from technical specifications and from economic estimate document according to the provisions of article 41, paragraphs 13 and 14, of the code»; e) in

article 5, paragraph 1, letter a) is replaced by following: «a) works to measure or as a lump sum only in cases where, in relation to the specific characteristics of the work or labor, the contracting authority, expressly justifying it, deems it necessary the appeal»;

f) in Article 6: 1) paragraph 2 is

replaced by the following: «2. The PFTE is developed on the basis of the evaluation of the characteristics of the context in which the new work will be inserted, compatibly with pre-existing features (including environmental, landscape and archaeological). To this end, in the cases provided for by Article 43 of the code, the PFTE is supported by the adoption of the methods and tools of digital information management, possibly integrated with the systems informativi geografici (Geographical Information System - GIS).»;

2) in paragraph 3, after the word: «geology,» the following is inserted: following «structures.»;

3) in paragraph 4, letter d), the following are added at the end: following words: «through the preventive verification procedure referred to in Annex I.8»; 4) in paragraph

7:

4.1. at letter c), the following are added at the end: words: «through the procedure set out in Annex I.8»; 4.2. in letter g), after the words «report

«specialist» the following are inserted: «on modelling information»;

4.3. in letter o) the last sentence is deleted; 4.4. letter p) is replaced by the following:

«p) in

case of integrated procurement pursuant to Article 21 of this attached, the information specification in the cases provided for by the article 43 of the code;»;

4.5. in letter q), the last period is deleted; 4.6. paragraph 8 is repealed; 4.7. after paragraph 8 the following is added: «8-bis. Contracts for ordinary maintenance work and

extraordinary, excluding maintenance work extraordinary which provide for the renewal or replacement of parts structural works or systems can be entrusted to the pursuant to Article 41, paragraph 5-bis, on the basis of a draft technical-economic feasibility consisting of at least the following elaborated:

a) general report; b) estimated bill of quantities of the work; c) list of unit prices of the planned works; d) safety and coordination plan, aimed at

protection of the health and safety of workers on construction sites, pursuant to of the legislative decree of 9 April 2008, n. 81, as well as in application of the current trade union agreements on the matter. Estimated costs of the security.»; g) after

Article 6 the following is inserted:

Article 6-bis

(Feasibility study for project finance)

1. For works concessions, for the purposes of evaluating feasibility of the proposals submitted pursuant to Article 193, the promoter or proponent presents a feasibility project composed of at least the following documents: a) general report;

b) technical report relating to the territorial context in the

which the work is inserted, also containing a description of the work itself; the report is also accompanied by the further information requested by the RUP based on the nature and of the location of the intervention; c) preliminary

sustainability report of the work; d) typological graphic documents of the works (plans,

elevations and standard sections);

e) preliminary cost estimate of the work, consistent with the typological graphic documents referred to in letter d); f) timetable.

2. For service concessions, the feasibility project

It is composed of at least the following documents: a) a technical-illustrative report, which identifies the technical, economic and financial elements of the investment and specifies the costs of the service in relation to its components, such as identified in the specification document of the characteristics of the service and management, as well as the elements highlighted in the economic-financial plan of the proposal; b) the implementation schedule of the services.»; h) in Article 7, paragraph 2, letter c), number 1), after the

word: «hydraulic,» the following is inserted: «structural,»;

i) in Article 9, paragraph 1 is replaced by the following: «1.

The report illustrates the activities carried out pursuant to Article 1, paragraph 2, of Annex I.8 to the code carried out for the purposes of verifying subjection to the preventive verification procedure Of of the archaeological interest referred to in Article 41, paragraph 4, of the code, and the guidelines approved on the matter by decree of President of the Council of Ministers.»;

l) in Article 12, paragraph 1 is replaced by the following: «1.

The graphic documents of the technical feasibility project and economic, drawn up to scale and duly quoted, taking into account

of the need to include any measures and interventions mitigation and environmental compensation with the estimate of the related costs, unless otherwise motivated by the administration, are constituted as indicated in paragraphs 3 and 4. In the event that adopt the methods and tools referred to in Article 43 of the Code and relative annex I.9, the graphic documents must be extracted from disciplinary and aggregate information models to the extent that this is technologically feasible, ensuring, in the event of integration with data and information external to the information models, the absolute geometric and informative coherence of the models.»; m) in Article 13:

1) paragraph 1 is replaced by the following: «1. The report specialization in information modeling of the project technical and economic feasibility certifies compliance with the requirements defined in the Information Specification referred to in Article 1, paragraph 8, of Annex I.9 and compliance with the contents of the Management Plan Information referred to in Article 1, paragraph 10, of Annex I.9.»; 2) paragraph 2 is replaced by the following:

«2. The specialist report on modelling information, with content defined according to the specific type of intervention, includes: a) the system of naming, classification and organization of information models, structured according to information containers;

b) the interoperability, supply and exchange specifications of the data;
c) the reference coordinate system; d) the explanation of the information requirement levels

achieved in line with the strategic objectives of the level project and the objectives and uses of compliant information models to the requirements defined in the Information Specification; e) the coordination and verification procedures of the information modeling, including analytical description of the processes of analysis and resolution of interferences and information inconsistencies as well as the reports of the findings of the checks carried out on information models;

f) the organization and use of the relevant information to the digital information management of times and costs; any reference

g) to the integration into the digital information management processes of information relating to use, management, maintenance and disposal of the works in progress, as well as information relating to the social, economic and environmental sustainability; h) the explanation, preferably

in matrix form or, however, in an analytical form, of the equivalence between the contents information present in the graphic and documentary documents and those possibly present in the information models, as well as the description of the generation process of the aforementioned documents starting from the information models.»; 3) paragraphs 3 and 4 are repealed;

n) after Article 13, the following are inserted:

«Article 13-bis
(Information templates)

1. The information models, in relation to the typology, to the category and size of the intervention, contain the data necessary for the evaluation of costs and implementation times of the intervention, associated with the chosen design solution.

2. The data contained in the information models, defined through the levels of information needs, consistent with the objectives of the Technical and Economic Feasibility Project, can be of a graphic, documentary, alphanumeric and multimedia nature and relate, by way of example and not exhaustively, to following categories:

a) identity; b)
geometry, dimensions and appearance; c) location; d)
materials; e) performance; f)
building components
and systems; g) costs;
h) chronology and phases; i) management and
maintenance;
l) regulations and compliance; m)
safety and health

3. The data and information contained in the information models must be consistent and coordinated with those present in the documents referred to in Article 6, paragraph 7 of this Annex.

4. The organization and structure of the information models is functional to the specific type of intervention and is regulated in the Information Specification attached to the Address Document design referred to in Article 3 of this Annex.

Article 13-ter (Information Specification of the PFTE)

1. In the event that the PFTE is the basis of a contract for design and execution pursuant to Article 21 of this attached, for the purposes of digital information management of development of the executive design and execution of the works information specification referred to in article 1 paragraph 9 of the annex I.9, sets out the general and specific strategic information requirements, including information requirement levels consistent with the level of design placed at the basis of the tender and with the contents of the information specification attached to the DIP, taking into account the nature of the work and the procurement procedure.

2. The information specification contains all the elements useful for identifying production and management requirements, transmission and storage of information content, in close connection with the decision-making and management objectives of the station contracting authority. This document also provides a description of the specifications relating to the data sharing environment.»;

o) in Article 15, after paragraph 1, the following are inserted:

«1-bis. In case of adoption of the methods and tools of referred to in Article 43 of the Code, the contracting authority may request that the information referred to in paragraph 1 be integrated in digital information management also through the processing of construction site information models. 1-ter.

Construction site information models must have a structure capable of receiving the information from the safety plan and coordination, as well as the association of information regarding the processes to the time variable.

1-quater. In the cases referred to in paragraph 1-bis, the report information modeling specialist must report the equivalence between the information content present in the plan safety and coordination of the intervention and those present in the information models, as well as the description of the process of generation of the predicted outputs starting from the models informative.»; p) in

Article 16, after paragraph 2 the following are inserted:

«2-bis. In case of adoption of the methods and tools of referred to in Article 43 of the Code, the contracting authority may request the use of digital information management systems economic, applied to the aspects relating to the computation of jobs.

2-ter. In the cases referred to in paragraph 2-bis, the report information modeling specialist reports the equivalence among the information contents present in the estimated quantity survey of the intervention and those possibly present in the

information models, as well as the description of the process of generation of the document starting from the information models.»; q) in Article 18:

1) paragraph 2 is replaced by the following: «2. In the event of adoption of the methods and tools referred to in Article 43 of the code, the contracting authority may require the use of systems of digital information management relating to temporal development of the design and execution activities of the works, in consistency with the provisions of Annex II.14.»;

2) after paragraph 2 the following is inserted: «2-bis. In the cases referred to in paragraph 2, the specialist report on modelling information reports the equivalence between the information contents present in the intervention schedule and those present in the information models, as well as the description of the process of generation of the document starting from the information models.»; r) in Article 19:

1) paragraph 10 is replaced by the following: «10. In the event of adoption of the methods and tools referred to in Article 43 of the code, the contracting authority may require the use of systems of digital information management relating to planning and planning of maintenance activities of the work and its parties.»;

2) after paragraph 10 the following are added:

«10-bis. The information models referred to in Article 13-bis may contain data and information relating to the use, management and maintenance of the work and its parts in accordance with the level of technical and economic feasibility design.

10-ter. In the cases referred to in paragraph 10, the report information modeling specialist reports the equivalence among the information contents present in the preliminary plan of maintenance of the work and its parts and those present in the information models, as well as a description of the generation process of the aforementioned document starting from the information models.»; s) in article 22: 1) paragraph 2 is repealed; 2) in paragraph 4,

after letter p), the following are added: report

«p-bis) information models and related specialized in information modeling, in the cases provided for from Article 43 of the Code; p-ter)

information specifications in Article 43 of the Code.»; 3) almost expected paragraph 5 is repealed; t) in Article 23,

paragraph 5 is repealed; u) in Article

24, paragraph 4 is repealed; v) in Article 25, paragraph 4 is replaced by the following: «4.

In case of use of information management methods and tools digital construction, referred to in Article 43 of the Code, the graphical drawings are extracted from the information models, in coherence with the configured information containers and information models and provided for in the executive project, to the extent that this is possible technologically feasible, ensuring, in case of integration with data and information external to the information models, the absolute geometric and informative coherence to the information content of the models themselves.»;

z) in Article 26, paragraph 10 is repealed; aa) in Article 27, paragraph 9 is replaced by the following: «9.

In case of adoption of the methods and tools referred to in the article 43 of the code, the contracting authority may request the use of digital information management systems relating to planning and planning of maintenance activities of the work and of the its parts.»; bb)

in Article 27, after paragraph 9 the following are added:

«9-bis. The information models referred to in Article 13-bis may contain data and information relating to the use, management and maintenance of the work and its parts in accordance with the

executive design level. 9-ter. In the cases referred to in paragraph 9, the specialist report on information modeling reports the equivalence between the contents information present in the maintenance plan of the work and its parts and those present in the information models, as well as the description of the process of generating the aforementioned document starting from the information models.»;

cc) in Article 28, after paragraph 3, the following are added:

«3-bis. In case of adoption of the methods and tools of referred to in Article 43 of the Code, the contracting authority may request that the information relating to paragraphs 1 to 3 be integrated into digital information management also through the development of construction site information models. 3-ter. Construction site

information models must have a

structure capable of receiving the information from the safety plan and coordination, as well as the association of information regarding the processes to the time variable.

3-quater. In the cases referred to in paragraph 4, the report information modeling specialist reports the equivalence among the information contents present in the safety plan and coordination of the intervention and those present in the models informative, as well as the description of the generation process of the the aforementioned documents based on the information models.»;

dd) in Article 30:

1) in paragraph 4, after letter d), the following is added:

«d-bis) in cases of adoption of management methods and tools digital constructions referred to in Article 43, description of the possible association between the hierarchical breakdown of the activities, data and information contained in the information models also in terms of time and costs, in line with the objectives of executive project.»;

2) paragraph 5 is replaced by the following: «5. In the event of adoption of the methods and tools referred to in Article 43 of the code, the contracting authority may require the use of systems of digital information management relating to temporal development of the design and execution of the works, in consistency with the provisions of Annex II.14 to the Code.»;

3) after paragraph 5 the following is added: «5-bis. In the cases referred to in paragraph 5, the specialist report on modelling information reports the equivalence between the information contents present in the intervention schedule and those present in the information models, as well as the description of the process of generation of the predicted output from the models informative.»; ee)

in Article 31: 1) in paragraph

1:

1.1. in the first period, the words «a misura» are deleted; 1.2. in the second period, the words: «In the case of «processing» are replaced by the following: «Without prejudice to the provisions of provided for by Article 5, paragraph 1, letter a), in the case of processing »; 1.3.

in the third period, after the words «are then grouped» the following are inserted: «, on the basis of the indexes synthetic as provided for in Annex II.2-bis»;

2) paragraph 8 is replaced by the following: «8. In the event of adoption of the methods and tools referred to in Article 43 of the code, the contracting authority may require the use of systems of economic digital information management for the related aspects to the computation of the works.»; 3) after

paragraph 8 the following is added: «8-bis. In the cases referred to in paragraph 8, the specialist report on modelling information reports the equivalence between the information contents present in the estimated cost estimate of the intervention and those possibly present in the information models, as well as the description of the process of generating the aforementioned document

starting from the information models.»;

ff) after Article 32 the following are inserted:

«Article 32-bis

Specialist Report on Information Modelling

1. The specialist report on information modelling of the executive project certifies compliance with the defined requirements in the information specification referred to in Article 1, paragraph 8 of Annex I.9 and compliance with the contents of the management plan information pursuant to Article 1, paragraph 10, of the aforementioned Annex I.9.

2. The specialist report on information modelling, declined in content according to the specific type of intervention, indicates: a)

the system of naming, classification and organization of structured information models information containers;

second

b) the interoperability, supply and exchange specifications of the data;

c) the reference coordinate system; d) the explanation of the information requirement levels

achieved in line with the strategic objectives of the level project and the objectives and uses of compliant information models to the requirements defined in the information specifications; e) the

coordination and verification procedures of the information modeling, including analytical description of the processes of analysis and resolution of interferences and information inconsistencies as well as the reports of the findings of the checks carried out on information models;

f) the organization and use of the relevant information to the digital information management of time and costs; g) any reference to the organisation and use

in digital information management processes relating to the use, management, maintenance and disposal of the works in project, as well as information relating to sustainability social, economic, and environmental; h) the

explanation, preferably in matrix form or, however, in an analytical form, of the equivalence between the contents information present in the graphic and documentary documents and those possibly present in the information models, as well as the description of the generation process of the aforementioned documents starting from the information models.

Article 32-ter

Information specification

1. The information specification attached to the executive project pursuant to art. 1 paragraph 9 of Annex I.9, declines, for the purposes of the digital information management of the execution of the works, the general and specific strategic information requirements, including levels of information needs consistent with the level of executive design and with the contents of the information specification attached to the DIP, taking into account the nature of the work and the award procedure.

2. The information specification contains all the elements useful for identifying production and management requirements, transmission and storage of information content, in close connection with decision-making and management objectives of the contracting station. The document also provides the Description of the specifications related to the sharing environment of the data.»;

gg) in Article 33:

1) paragraph 6 is replaced by the following: «6. In the event of adoption of the methods and tools referred to in Article 43 of the

code, the contracting authority may require the use of systems of digital information management relating to the activities of expropriation, enslavement and interference with services.»;

2) after paragraph 6 the following is added: «6-bis. In the cases referred to in paragraph 6, the specialist report on modelling information reports the equivalence between the information contents present in the expropriation plan of the intervention and those possibly present in the information models and GIS, in addition to the description of the process of generating the aforementioned document starting from information models and GIS.»;

hh) in Article 35, paragraph 1, letter b), the word "coherent" is replaced by the following: «compliant»;

ii) in Article 36, paragraph 3, the word "coherent" is replaced by the following: «compliant»; ll) in Article

37, paragraph 4 is replaced by the following: «4.

In the case of adopting information management methods and tools digital construction referred to in Article 43 of the Code, the person in charge of the verification activity verifies the conformity of the project to the requirements and obligations reported in the specifications information attached to the DIP. In the event of joint assignment of design and execution, the entity responsible for the activity of verification ascertains the conformity of the executive project to the obligations and requirements reported in the information specifications referred to to Article 13-bis of this Annex.»; mm) to Article 38:

1) in paragraph 1, letter a), the words «UNI EN ISO/IEC 1702» are replaced by the following: «UNI CEI EN ISO/IEC 17020»;

2) in paragraph 2, the words "a coordinator of the group of verification work" are replaced by the following: «a director technical»;

nn) in Article 40: 1) in paragraph 2:

1.1. in letter f), point 9, the words: «15 percent» are replaced by the following: "10 percent";

1.2. after letter i) the following are added: «i-bis) for the information models, verify the readability, traceability and coherence of data and information in they contained and the coherence in the graphic works with the documents related to them, carrying out the verification of the geometric interferences and information inconsistencies, of the achievement of the objectives and uses of the models and consequent levels of information requirement defined in the specifications informative in relation to the design level as well as the exhaustiveness, coherence and completeness of the information content of the models in relation to the design level and in compliance with the requirements set out in the Information Specifications; i-ter) for the specialist report on modelling information, verify that the contents present are consistent with the contents provided for in this Annex and the specifications referred to in information specification.»;

2) paragraph 3 is repealed; oo) in article 41, paragraph 1, the second sentence is deleted.

Art. 79

Amendments to Annex I.8 of Legislative Decree 31 March 2023, n. 36

1. Article 1 of Annex I.8 Preventive verification of archaeological interest (Article 41, paragraph 4) of the decree Legislative Decree 31 March 2023, no. 36, the following changes are made modifications:

a) in paragraph 1, the following words are added at the end: «divided into two phases.»;

b) in paragraph 2, first period, after the words "of the code," are

insert the following: «in the first phase,»; c) in paragraph 7, the paragraph is replaced by the following: «The possible second phase of the preliminary interest verification procedure archaeological, the costs of which are borne by the contracting authority, and carried out after drafting a project for the investigations archaeological detailed, in accordance with the provisions from Article 16 of Annex II.18 and consists in the completion of the following investigations and in the drafting of the supplementary documents of the feasibility project:»; d) in paragraph 8,

the first sentence is replaced by the following:

«The possible second phase of the procedure referred to in paragraph 7 shall concludes within the peremptory deadline of ninety days from the start of the investigations referred to in the same paragraph 7 with the drafting of the final archaeological report, approved by the superintendent of territorially competent sector.»;

e) in paragraph 10, the following words are added at the end: «and must include any excavation or assistance project archaeological, in accordance with the provisions of Article 16 of Annex II.18.»;

Art. 80

Amendments to Annex I.9 of Legislative Decree 31 March 2023, n. 36

1. Annex I.9 Information management methods and tools digital construction (Article 43) of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) in Article 1: 1) in

paragraph 1, the words "of the asset" are replaced by following "of the work"; 2)

paragraph 2 is replaced by the following:

«2. The contracting authorities, before integrating into their own processes, methods and tools for digital information management constructions, allowing their adoption in individual proceedings, regardless of the project phase and the related amount of works, necessarily provide for:

a) define and implement a specific training plan for the staff, according to the different roles covered, with particular reference to information management methods and tools digital construction, also to ensure that staff responsible for financial management and administrative activities and techniques achieve adequate training and professional requirements and experience also in reference to the responsibility profiles relating to the digital information management referred to in paragraph 3;

b) define and implement an acquisition, management and maintenance of hardware and software management tools digital information on decision-making processes;

c) draft and adopt an organizational act for the formal and analytical explanation of roles, responsibilities, of decision-making and management processes, of information flows, of standards and requirements, aimed at optimizing the system organizational for the purpose of adopting the methods and tools of digital information management of construction for all phases, from planning to execution, of public contracts as well as for the management of the life cycle of real estate works and infrastructure. This act of organization is integrated with the any management and quality systems of the contracting authority or of the granting body.»; 3) after

paragraph 2 the following is inserted: «2-bis. The contracting authorities and the granting bodies make explicit, starting from their own strategic objectives and from objectives of the specific design level, the requirements information relating to the given intervention. The evolution of the requirements informative ensures the integration of data structures

generated throughout all phases of the contract life cycle connected to the intervention.»; 4)

paragraph 3 is replaced by the following:

«3. Contracting authorities and granting bodies that adopt the methods and tools referred to in paragraph 1 appoint a manager of the data sharing environment and at least one data manager digital processes. Contracting authorities also appoint for each intervention of a coordinator of information flows within the support structure for the sole manager referred to in Article 15 of the code. Such managers and coordinators, preferably identified among contracting station employees, including those on fixed-term contracts, must possess adequate expertise, acquired through documented direct knowledge, through observation, use and professional practice or through attendance, with profit, of specific training courses. In case of impossibility of identify managers and coordinators within your own staff, the contracting authorities outsource the relevant functions, with the methods provided for in this code.»; 5) in paragraph 4, the last sentence is deleted; 6) in paragraph 5, the second sentence is replaced by the following:

«The data are organized in information models consisting of structured and unstructured information containers.»;

7) in paragraph 6, the word "use" is replaced by following: «adoption»; 8) paragraph

8 is replaced by the following:

«8. In the event of assignment of the relevant services to architecture and engineering, contracting authorities and bodies grantors prepare an information document to be attached to the tender documentation, consistent with the definition of the objectives strategic, at project or phase level, containing at least:

a) general and specific strategic information requirements, including the levels of information needs taking into account the nature of the work, the design level and the type of contract.

These requirements can be made explicit, in an analytical manner, according to data models, also in order to enable efficient verification of conformity to the same; b) the elements useful for

identifying the requirements of production, management, transmission and archiving of informative content, in close connection with the objectives **decision-making and management, in addition to information models where applicable** and to the data and information structures relating to the current state;

c) the description of the characteristics and specifications relating to the data sharing environment and the conditions of ownership, access and validity of the same, also with respect to to data protection and security and confidentiality, regulation of copyright and intellectual property;

d) the specifications to ensure the interoperability of the information systems over time.»;

9) in paragraph 9, the second period is replaced by the following:

«The contractual documents regulate the responsibilities, the obligations and related fulfillments of the contractor in relation to the digital information management of constructions.»;

10) in paragraph 10:

10.1. letter a) is deleted; 10.2. letter b) is replaced by the following: «b) in

cases of award procedures using the offer criterion economically more advantageous competitors also present **the offer of information management in response to the requested requirements** in the information specification. The information management offer is drawn up by the candidate at the time of the offer and, in response to the information requirements of the specifications, temporal structure and systemically the information flows in the supply chain of the contractor or the concessionaire, illustrates the interactions with the latter's information and decision-making processes within of the data sharing environment, describes the configuration

organizational and instrumental of the operators, responsibility of the actors involved;»; it needs the

10.3. letter c) is replaced by the following: «c) the information management plan is drawn up by the successful tenderer on the basis of the information management offer, to be submitted to the contracting authority after signing the contract and before of the execution of the same and can be updated during the of the execution of the contract. In the case of delivery of the works or of commencement of the execution of the contract as a matter of urgency pursuant to of article 17 paragraphs 8 and 9 of the code, the contracting authority can request the delivery of the information management plan before the stipulation of the contract;»; 10.4. in

letter e), the words «to make the data compatible with each other,' are replaced by the following: 'digital';

10.5. in letter g), the words "the information model" are replaced by the following: «the information models and structures of data»; 10.6.

letter h) is replaced by the following: «h) with reference to the previous letter g), in case of proven inconsistency between the information models and the graphic documents and documentary, contractual prevalence is attributed to these last;»; 10.7 in

letter i), the words «in paragraph 1» are replaced from the following: «to Article 43» and the words «to the model informative» are replaced by the following: «to the models informative»; 11)

paragraph 11 is replaced by the following: «11. coordination, management and technical-accounting control

of the execution of public contracts, can be carried out through the adoption of management methods and tools digital information. To this end, if the works manager does not has the necessary skills, within its office is appointed an information flow coordinator. For the testing or verification of conformity, the contractor delivers the information models updated during the construction of the work and corresponding to what has been achieved and the specialist report on the information modelling that certifies compliance and fulfillment of as prescribed in the information specifications. Verification of such fulfillment is included among the activities of the testing body.»;

12) in paragraph 12:

12.1. the paragraph is replaced by the following: «12. In the formulation of information requirements by stations contracting entities and granting bodies can be identified, where admissible, for their subsequent rigorous implementation during the of the execution of public contracts, specific uses, methodologies operational, organizational processes and technological solutions, at the base of the evaluation criteria in the context of procurement procedures with the criterion of the most economically advantageous offer connected to the subject of the contract. In particular, they can be identified requirements and proposals:»; 12.2.

letter b) is replaced by the following: «b) for implement cyber security solutions within the management of the data sharing environment;»;

12.3 letter c) is deleted; 12.4. letter d) is replaced by the following: «d) for

use digital information management methods and tools to pursue environmental sustainability objectives as well through the principles of green public procurement;»;

12.5. letter e) is deleted; 12.6. letter f) is replaced by the following: «f) for optimize the interoperability requirements and characteristics of the information models and data structures;»; 12.7. in letter h), the words: «and validation» are suppressed;

12.8. in letter i), the words "improvement variants" are

The

replaced by the following: «actions»; 12.9. letter l)
is replaced by the following: «l) with
reference to the execution phase of the works, to optimize the
transition from executive design to design
constructive, using digital devices relating to the
information modeling relevant to monitoring and control
of the temporal and economic progress of the works and of solutions
augmented and immersive reality technologies;»; 12.10. in letter q),
the words «of the asset» are
replaced by the following: «of the work»;
12.11. in letter r), the words "of the asset" are
replaced by the following: «of the work».

Art. 81

Amendments to Annex I.10 of Legislative Decree 31 March 2023, n. 36

1. In Annex I.10, Technical activities to be carried out by the
appropriations provided for individual procedures (Article 45, paragraph 1)
of Legislative Decree 31 March 2023, n. 36, is added, at the end,
the following point: «- coordination of information flows.».

Art. 82

Amendments to Annex I.11 of Legislative Decree 31 March 2023, n. 36

1. Annex I.11 Provisions relating to the organisation,
operation, skills, operating rules as well as
to the further attributions of the Higher Council of Works
public (Article 47, paragraph 4) of the legislative decree of 31 March
2023, n. 36, the following amendments are made: a) in article 2, paragraph
3, letter b) is replaced by
following: «b) three administrative magistrates with the qualification of
State Councilor or Administrative Court Councilor
regional, three councillors of the Court of Auditors and three lawyers of the
State designated, respectively, by the President of the Council of
State, following a compliant resolution of the Presidency Council
of administrative justice, by the President of the Court of Auditors
and by the Attorney General of the State. These include
also the administrative magistrate with the qualification of advisor, the
advisor to the Court of Auditors and the State Attorney of which
in Article 45, paragraph 1, letter e), of Legislative Decree no. 77 of
2021, converted, with amendments, by law no. 108 of 2021;»;
b) the following are added at the end of Article 8, paragraph 1:
words: «, within which the following must be identified:
first-level technical managers, the Prime Minister
superior of public works and, among the technical managers, the
Presidents of the four Sections".

Art. 83

Amendments to Annex I.13 of Legislative Decree 31 March 2023, n. 36

1. Annex I.13 Determination of parameters for the
design (Article 41, paragraph 15), of Legislative Decree 31
March 2023, n. 36, the following changes are made:
a) in Article 2, paragraph 5, the first period is replaced by
following: «Following the determination of the amount to be paid
tender basis, in relation to contracts for which it is mandatory
the adoption of digital information management methods and tools
of the buildings will have to be applied a percentage increase equal to
10 percent of the total calculation of fees and first

of the application of the percentage relating to expenses and charges accessories, which are also calculated on the percentage increase relating to the adoption of information management methods and tools digital. »;

b) after Article 2 the following is inserted: «Article 2-bis. Methods for calculating economic scores 1. Contracting authorities define the scores to be assigned

to the economic offers submitted for the assignment of services engineering and architecture with an amount equal to or greater than 140,000 euros according to the following calculation method, of a non-linear nature:

The $R_i < R_{med}$

$PE_i = (R_i/R_{med})^{\gamma} * X$

The $R_i > R_{med}$

$PE_i = X$

these:

PE_i = provisional economic score of the economic operator

i-th;

R_i = discount offered by the i-th economic operator;

R_{med} = average discounts offered; γ =

coefficient varying from 0.1 to 0.3;

X = economic offer score, with a maximum value equal to

30.»;

c) in Table A of the Reading Note, at number 5), the words:

"BIM methodology is mandatory" are replaced by the following

«digital information management methods and tools are adopted

of constructions» and the words: "BIM percentage)" are replaced

from the following «percentage relating to the adoption of the methods and digital information management tools) ».

Art. 84

Amendments to Annex I.14 of Legislative Decree 31 March 2023, n. 36

1. In Annex I.14 Training and updating criteria for regional price lists (Article 41, paragraph 13) of Legislative Decree 31 March 2023, n. 36, the following changes are made:

a) in Article 2, paragraph 7, the first period is replaced by following: «In the price lists, in a progressive manner, the list items prices are also drawn up according to coding methodologies that allow direct interaction and integration with the methods and digital information management tools for constructions.» and, third period, the words: «information modelling (BIM)» are replaced by the following: «digital information management of constructions»; b)

the following amendments are made to Article 6: 1) to paragraph 2:

1.1) in the paragraph, the words "coordination table" are replaced by the following: "technical table, chaired by the president of the Superior Council of Public Works,»; 1.2) in letter f), the words: «informative modelling (BIM)» are replaced by the following: «digital information management of the constructions referred to in Article 43 of the Code»; 1.3) after letter g), the following is added: «g-bis) definition and implementation of a price analysis scheme, from also provide updated regional price lists.»;

2) in paragraph 3, the words: «coordination table» are replaced by the following: "technical table referred to in paragraph 2".

Art. 85

Amendments to Annex II.2 of Legislative Decree 31 March 2023, n. 36

1. Annex II.2 Methods for calculating the anomaly threshold for

the automatic exclusion of offers (Article 54, paragraph 2) of the Legislative Decree 31 March 2023, n. 36, in the first paragraph «METHOD A» point 3), the words: «higher discounts» are replaced by following: «discounts equal to or greater».

Art. 86

Insertion of Annex II.2-bis to the Legislative Decree of 31 March 2023

1. After Annex II.2 "Methods for calculating the anomaly threshold for the automatic exclusion of offers" to Legislative Decree 31 March 2023, n. 36, the following is inserted:

"Annex II.2-bis Methods of application of the clauses of
Price revision

(Article 60, paragraph 4-ter)

SECTION I GENERAL PROVISIONS

Article 1 Scope

of application 1. This Annex regulates the methods of implementation of the price review clauses referred to in Article 60 of the Code, taking into account the nature, the product sector of the contract and of the available indexes, and specifies the methods of correspondence, also taking into account the possible recourse to the subcontracting.

2. In the case of works contracts, the price revision is applies to new construction works, as well as to renovation works extraordinary and ordinary maintenance.

3. In the case of service or supply contracts, the price revision applies to long-term contracts, the object of which does not consist of a instant execution performance.

4. In the case of mixed contracts, the following applies to the component of works, the provisions of Section II of this Annex and, to the supplies and services component, the provisions of which to Section III of this Annex.

Article 2.

Price review clauses and contractual balance 1. In the initial tender documents of the award procedures, the inclusion of price review clauses is mandatory, drawn up in accordance with the requirements of this Annex, in order to provide automatic contractual rebalancing mechanisms to the occurrence of the particular conditions referred to in Article 60, paragraph 2 of the code.

2. When the application of Article 60 of the Code does not guarantee the principle of conservation of contractual balance and it is not it is possible to guarantee the same principle through renegotiation in good faith, it is always safe, pursuant to Article 12, paragraph 1, letter b), the possibility for the contracting station or the contractor to invoke the resolution for excessive onerousness supervening of the contract. In all cases of termination of the contract pursuant to this paragraph, Article 122 applies, paragraph 5 of the code.

Article 3

Activation of price review clauses 1. Contracting authorities monitor the trend of the price review indices referred to in Article 60 of the Code with the frequency indicated in the initial tender documents, in any case not exceeding that of updating of the revisional indices applied to the contract, in order to to assess whether the conditions for the activation of the price review clauses.

2. The price review clauses introduced pursuant to of Article 60 are automatically activated by the station contracting party, even in the absence of a request from a party, when the variation of the synthetic index, calculated in accordance with the Section II for works contracts, or the variation of the index or of the weighted system of indices, calculated in coherence with Section III for service and supply contracts, exceeds, in increase or decrease, respectively, the 3 percent threshold and the threshold of 5 percent of the contract amount as resulting from the award decision.

3. Price revision clauses apply to the extent of 90 percent of the value exceeding the 3 percent variation for the works and in the amount of 80 percent of the value exceeding the 5 percent variation for services and supplies, applied to performances to be performed after the activation of the clause revision.

SECTION II PRICE REVIEW FOR WORK CONTRACTS

Article 4 Summary

revision index for works contracts 1. For the purposes of determining the variation in the cost of the work contracts pursuant to Article 60, paragraph 3, letter a), of the code, the synthetic revisional index referred to in the this article.

2. The designer, when developing the project based on competition, identify the synthetic index to be used for the review of the prices. The synthetic index is composed of a weighted average of indexes, selected from those identified by the adopted provision by the Ministry of Infrastructure and Transport, after consulting ISTAT, pursuant to Article 60, paragraph 4, of the Code, on the basis of the homogeneous types of processes referred to in Table A, taking into account of the work of the project placed at the basis of the tender. The value of reference for the calculation of the synthetic index is that of the revisional index relating to the month of the provision award. The initial tender documents provide that, in case of suspension or extension of the award terms in the cases referred to in Article 1, paragraphs 3, 4 and 5 of Annex I.3., the value of reference for the calculation of the synthetic index is that of the revisional index relating to the month of expiry of the term maximum for the award, as identified in Article 1, paragraphs 1 and 2 of the aforementioned Annex.

3. To proceed with the formation of the synthetic index, the designer:

a. breaks down and classifies the overall project amount into tender basis, as resulting from the award decision, according to the homogeneous types of processing (TOL) indicated in the Table A.1., taking into account the relevant declarations, represented in Table A.2, giving priority to TOLs specialized. b.

determines, on the basis of the subdivision referred to in the letter a), the percentage weight of each TOL, calculated as the ratio between the total amount of work associated with each TOL and the total amount of the works covered by the contract; this is without prejudice the possibility of excluding from the aforementioned calculation, only in the case of the calculation methodology in Table B, for the purposes of simplification, the TOLs that have a lower percentage weight 4% of the amount of the works;

c. calculate the synthetic index of the project, hereinafter Is, from apply to all the works covered by the contract, according to the following formula:

Part of the provision in graphic format

4. The costs relating to the waste component are always intended included within the individual TOLs, with the exception of TOL 4, 9, 10, 18 and 19 of Table A.1. For the aforementioned five TOLs, the designer evaluates the cost element relating to waste, referring to TOL 20, and identifying its relative weight percentage.

Article 5

Verification of the variation of the cost of contracts, methods and Price revision payment terms

1. The contracting authorities verify the variation in the cost of the work contracts with the frequency established by article 3, paragraph 1. The variation is calculated as the difference between the value of the synthetic index at the time of the survey and the corresponding value to the month of award of the best offer, without prejudice to the provisions of Article 4, paragraph 2, fourth period.

2. When, on the occasion of the checks referred to in paragraph 1, the director achieves the condition referred to in Article 3, paragraph 2 **of the works takes care of the assessment and communicates it to the RUP and to the contractor.**

3. The determination of the amounts, increasing or decreasing, due to price revision occurs in correspondence of the expiry of the progress reports of the works adopted, starting from the date of the assessment referred to in paragraph 2, pursuant to of Article 125, paragraph 3 of the Code.

4. For the purposes of paragraph 2, the works manager transmits to the contracting station, in addition to each state of progress of the works adopted pursuant to Article 125, paragraph 3, a review of the progress of the works. The amount of the progress of the revision work, increasing or decreasing decrease, is determined by applying the calculation methodology of referred to in Table B.

5. The initial tender documents may provide for the calculation of the progress of the revision works the appeal to the alternative methodology in Table C. The station **the contracting authority motivates the reasons for the appeal in the determination to contract** to the aforementioned alternative methodology, which cannot be modified during the execution of the contract. In the absence of explicit forecast in the initial tender documents, the methodology applies referred to in Table B.

6. The contracting authority shall regulate the amount revisional, increasing or decreasing, on the occasion of payment of each progress of the works, according to the cadence contractual thereof.

7. Before the payment of the balance instalment referred to in Article 125, paragraph 7, the contracting station verifies the regulation of the amounts due as a price revision. Any amounts not regulated are compensated, upwards or downwards, by drawing on the average in balance.

8. The possibility of providing for modalities in the contract remains unchanged simplified payment of amounts due for audit prices, subject to the adoption of a single progress report of the works which separately reports the contractual amount referred to in the article 125, paragraph 3 and the revisional amount, determined pursuant to the present Annex.

Article 6

Framework agreements

1. In the case of framework agreements, the initial documents of the procedure of entrustment provide that the synthetic index is identified at time of signing each implementing works contract of the agreement itself, depending on the work carried out by the same expected, the related amounts and the associated TOL indices.

2. In the cases referred to in this article, the price revision is applied on the basis of the criteria and according to the methods set out in **to Articles 4 and 5, without prejudice to the following:**

- a) the total amount referred to in Article 60, paragraph 1 is the one resulting from the stipulation of the implementing contract;
- b) the synthetic index to be used for the price revision is identified in each implementing contract, based on the processes envisaged therein, the related amounts and the TOL indices they are associated;
- c) the reference value for the calculation of the synthetic index is that of the synthetic index relating to the month of award of the best offer, without prejudice to the provisions of Article 4, paragraph 2, fourth period;
- d) the amount of each progress report of the works revision is determined according to the criteria set out in Article 5, comma 4.

Article 7

Variations during construction 1. In the case of variations during construction, the contracting authority, after hearing the designer, redefines the synthetic revision index of the prices determined pursuant to Article 4 in compliance with the following criteria: a) in the case of variations of a purely quantitative nature, subject to while the TOLs identified pursuant to Article 4, paragraph 3, remain letter a), the percentage weight of each TOL is re-determined in Article 4, paragraph 3, letter b); b) in the case of qualitative variants, the composition of the synthetic index is modified with the integration in the breakdown and classification referred to in Article 4, paragraph 3, letter a) of the TOLs relating to the new types of processing introduced and with the consequent redetermination of the percentage weights pursuant to Article 4, paragraph 3, letter b).

2. The new synthetic price revision index, determined at pursuant to paragraph 1, applies, pursuant to Article 5, paragraph 3, to the progress of the works following approval of the variant. The sums already settled under the previous balances of revision works.

Article 8

Subcontracting

1. Subcontracts or sub-contracts communicated to the contracting authority pursuant to Article 119, paragraph 2, of the Code regulate the price review clauses relating to the performances which are the object of the subcontract or sub-contract, which activate when particular natural conditions occur objective referred to in Article 60, paragraph 2. The clauses referred to in first period are defined between the parties taking into account the mechanisms revisions and spending limits referred to in Article 60 of the Code, of the specific services which are the object of the subcontracting contract or of the sub-contract and the methods of determining the indices synthetic governed by this Annex. The contractor is responsible for the correct implementation of the obligations set out in Article 119, paragraph 2-bis.

2. For services performed through subcontracting or sub-contract the amounts of which are paid directly by the contracting authority to the subcontractor or to the holder of the sub-contract in the cases referred to in Article 119, paragraph 11, the determination and payment of the amounts, increasing or decreasing, due as a revision of the prices are made in accordance with Article 5. In other cases the contractor is responsible for determining and paying the sums due as a price revision as foreseen, in the compliance with the provisions of Article 60 of the Code and the this Annex, in the subcontract or in the sub-contract.

Article 9

Integrated procurement 1. In

the event of recourse to the integrated procurement pursuant to Article 44 of the code, the summary index referred to in article 4 is identified during the preparation of the feasibility project technical and economic basis for the tender.

2. The synthetic index identified pursuant to paragraph 1 is recalculated during the preparation of the executive project, taking into account account of any changes made by the same project executive. The reference value for the calculation remains unchanged of the synthetic index referred to in Article 4, paragraph 2, third period.

SECTION III PRICE REVIEW FOR SERVICE AND SUPPLY CONTRACTS

Article 10

Revisional indices applicable to service and supply contracts 1. For the purposes of determining the variation in the price of service and supply contracts pursuant to Article 60, paragraph 3, letter b), of the code the following indexes are used, and their related sectoral breakdowns, published, together with the related calculation methodology, on the institutional portal of ISTAT:

- a) within the scope of consumer price indices, the indices national for the entire community (NOTHING), second ECOICOP classification;
- b) the industrial producer price indices for ATECO economic sector preferring the values of the indices provided "for the internal market;
- c) the producer price indices of services, giving preference to the values of the "business to business" (BtoB) indices by sector economic ATECO; d) the indices of hourly contractual wages by type of contract and by ATECO economic sector.

2. For service and supply contracts which have, on the basis of to the sectoral discipline, of specific determination indices of the price variation, the initial tender documents, or, in the case of direct assignments, the decisions to contract can indicate that the price review clauses operate on the basis of the aforementioned sector indices.

Article 11

Identification of relevant revisional indices 1. In the initial tender documents of the award procedures, the contracting authority indicates, on the basis of the activity in question of the contract, also identified in a prevalent manner, the relative description according to the single European classification system (CPV).

2. For contracts associated with a CPV code listed in the Table D, the contracting authorities taking into account the object and the specific characteristics of the contract, identify the association between the selected CPV and the ISTAT index or indices indicated in the Tables D.1., D.2. and D.3, according to the following criteria: a) if the CPV code is included in the list in Table D.1., it is identified the corresponding index, indicated in the same Table; b) if

the CPV code is included in the list in Table D.2., it is identified, a single index or a weighting system of the indices, chosen from the corresponding selection of indices indicated in the same Table;

c) if the CPV code is included in the list in Table D.3., and identified the weighting system of the indices, indicated in the same Table; d) if the CPV

identified by the contracting station presents a level of disaggregation higher than that reported in the Table D, the CPV with the lowest level of disaggregation is considered and the relative association to the ISTAT index or indices.

3. In case of use of a weighting system of multiple indices, in the cases referred to in paragraph 2, letters b) and c), the station the contracting authority indicates in the initial tender documents the weights adopted for the weighting of the relevant indices.

4. For contracts associated with a CPV code not listed in the

Table D, the contracting authority identifies the revision index of referred to in Article 10, paragraph 1 deemed most relevant to the activity which is the object of the contract, also taking into account the associations identified in the aforementioned Table D.

5. In any case, the possibility for the stations remains contracting authorities to justify, in the initial tender documents of the award procedures, the adoption of review indices of the prices different from those identified for the reference CPV code from Table D in the case of contracts which, by virtue of the specific nature of the requested services and the conditions of execution of the same, are not adequately represented or in the case of a variation in the indices published by ISTAT.

Article 12

Verification of the variation of the price of the contracts, methods and Price revision payment terms

1. Contracting authorities verify the variation in the price of the service and supply contracts with the established frequency from article 3, paragraph 1. The variation is calculated as the difference between the value of the index or the weighted system of indices, identified, pursuant to Article 11, at the time of detection and the corresponding value per month of the provision of award. The initial tender documents provide that, in case of suspension or extension of the award terms in the cases referred to in Article 1, paragraphs 3, 4 and 5 of Annex I.3., the value the reference for calculating the variation is the one relating to the month of expiry of the deadline for the award, as **identified by Article 1, paragraphs 1 and 2 of the aforementioned Annex.**

2. The contracting authorities define in the initial documents tender the operating procedures for the determination and payment of the fees due as a result of the application of the revision prices. When the conditions set out in Article 3 occur, **paragraph 1, the contracting authorities communicate the prices to the contractor** revised in accordance with the procedures set out in paragraph 1, by apply to the performances to be performed.

Article 13 Contracts

with multi-object or multi-service performances 1. In the case of contracts having as their object, services or supplies of different nature attributable to CPV codes associated with different indexes for the purposes of price revision, the contracting authorities: a) identify the CPV codes corresponding to the different

performances covered by the contract;

b) identify, on the basis of the associations in the table D, the indices to be associated with each CPV code and, in case of appeal to weighted index systems, specified in the tender documents initial the relative weighting weights; c) for the purposes of verifying

the trend of prices and the determination of the variation of the contract price, with the cadence established by article 3, paragraph 1, calculate the average weighted variation of the indices associated with the CPV codes, identified pursuant to letter a); for the purposes of determining of the variations of individual indices or weighted systems of indices, applies Article 12, paragraph 1;

d) activate the review clauses only when they register a overall variation greater than 5 percent; e) in the case referred to in letter d), proceed to determination of the amounts, increasing or decreasing, due to title of price revision based on the rules indicated in the initial tender documents. In particular, they may include the application of the price revision only for the services that recorded a variation of more than 5 percent.

2. The provisions referred to in paragraph 1, letters d) and e), shall **also apply in the case of contracts having as their object the provision of services** of services or supplies that provide for price indexation applied to the individual contractual components. In such cases, the for the purposes of verifying price trends and determining

of the variation of the contract price, the contracting authority calculates the overall change in the contract based on the variations in the price indices of the individual components.

3. For the purposes of determining and paying the sums, in increase or decrease, due to price revision, yes applies Article 12.

Article 14

Subcontracting

1. Subcontracting agreements or sub-contracts relating to the provisions of which apply to service and supply contracts in Article 8.

2. In the cases referred to in Article 8, paragraph 2, the determination and the payment of the sums, whether increased or decreased, due to title of price revision are carried out in accordance with the Articles 11, 12 and 13.

SECTION IV ECONOMIC-FINANCIAL AND FINAL PROVISIONS

Article 15 Economic

and financial coverage 1. To cope with the increased costs arising from the audit prices, contracting authorities for works contracts use, in addition to the provisions referred to in Article 5, paragraph 1, letter e), point 6), of Annex I.7: a) within the limit of 50 percent, the resources specifically set aside for unforeseen events referred to in Article 5, paragraph 1, letter e), point 5), of Annex I.7, without prejudice to the amounts relating to the contractual commitments already undertaken, and any sums to be paid provision of the same contracting station and allocated annually in relation to the same intervention; b) the sums deriving from the auction discounts, if none is foreseen a destination different from the current regulations; c) the sums available relating to other interventions competence of the same contracting station, for which they are already **the relevant tests have been carried out and the certificates of regularity have been issued** execution, in compliance with the expenditure accounting procedures and in limits of the remaining authorized expenditure available.

2. In the event of decreases in the cost of the works, the services and supplies, the available sums resulting from from the application of the price review clauses are registered in the provisions referred to in Article 5, paragraph 1, letter e), point 6), of Annex I.7.

3. To cope with the increased costs arising from the revision prices, contracting authorities for service and supply contracts use the resources indicated in article 60, paragraph 5, of the code.

4. When the total sums available for the review prices, as determined pursuant to paragraphs 1 and 3, are used or committed in a percentage equal to or greater than 80% **one hundred, the contracting authority activates the procedures in good time for** the reinstatement of the sums, in the case of works contracts also through remodulation of the three-year programming or the list annual work, or by resorting to savings resulting from possible decreasing variations of the same intervention.

Article 16

Transitional and final provisions 1. The provisions of this Annex shall apply:

a) to the procedures for awarding works contracts initiated by starting from the date of publication of the provision referred to to Article 60, paragraph 4, first period, of the Code; b) to the procedures for awarding service contracts and supplies started from the date of entry into force of the present Annex.

2. To the procedures for awarding works contracts initiated until the date referred to in paragraph 1, letter a), continue to

the provisions of Article 60 shall apply on a transitional basis, paragraph 3, letter a) and paragraph 4 of the code, in the text in force on the date dated July 1, 2023.

3. From the date referred to in paragraph 1, letter a), the indices of costs published on the institutional portal of ISTAT pursuant to of Article 60, paragraph 3, letter a), and paragraph 4, of the Code, in text in force on 1 July 2023, may be used for statistical purposes only (1) .

TABLE A

(Article 4, paragraphs 2 and 3)

1. Table A.1. lists the twenty homogeneous typologies of processing (TOL) in relation to which, pursuant to paragraph 4 of Article 60, with a provision adopted by the Ministry of infrastructure and transport, after consulting ISTAT, are adopted the basic indices to be weighted for the purposes of determination of the synthetic revisional index referred to in Article 4.

Part of the provision in graphic format

2. In the provisions adopted pursuant to Article 60, paragraph 4, of the code, for each TOL, the basic reference index is elaborated:

a) by weighing the relative weight of six cost elements: cost of work; materials; machinery and equipment; energy, transportation; waste; b)

identifying for each cost element of the individual TOLs the respective elementary components.

3. The twenty indices, developed on the basis of the aforementioned methodology, allow you to calculate the price revision, in compliance with the modalities referred to in Article 4 of this Annex, for all the types of processing.

4. Table A.2. identifies, in relation to the TOLs referred to in Table A.1., the declarations describing the processes and activities included within each of them.

Part of the provision in graphic format

TABLE B

(Article 5, paragraph 4)

1. The amount of the progress of the revision works is, calculated, pursuant to Article 5, paragraph 4, of this Annex, by applying the following formula: if $(ISpx - ISmo) / ISmo > 0.03$ then $SALrpx = SALcpx * 0.9 * [(ISpx - ISmo) / ISmo] - 0.03$.

Otherwise if $(ISpx - ISmo) / ISmo < - 0.03$ then $SALrpx = SALcpx * 0.9 * [(ISpx - ISmo) / ISmo] + 0.03$

2. In the formula referred to in point 1: a) SALrpx is the revisional SAL relating to period x of SAL maturation;

b) SALcpx is the SAL relating to the amount accrued in period x of maturation of the SAL, including safety costs and gross of any recoveries and withholdings, calculated at the contractual prices indicated in the offer;

c) ISpx is the most up-to-date value of the revisional index synthetic with respect to the period x of maturation of the SAL;

e) ISmo is the value of the synthetic revisional index relating to the month of award of the best offer, without prejudice to the provided for by Article 4, paragraph 2, fourth period.

3. For the purposes of applying the formula referred to in point 2, for

each TOL index, must be taken as a base value - and placed equal to 100 - the index value for the month of awarding of the best offer, without prejudice to the provisions from Article 4, paragraph 2, fourth period.

4. The value of the revision coefficient, i.e. the coefficient $(IS_{px} - IS_{mo}) / IS_{mo}$, resulting from the formula is rounded to the fourth decimal place. Rounding is done by excess to the upper unit if the fifth decimal place is equal to or greater than 5.

5. The revision amount - increase or decrease - is recognized in the amount of 90% of the part exceeding the 3% of the entire change that occurred.

6. During the period of execution of the contract, the states of progress of the revision works are determined:

- a) in case of SAL on a monthly basis, applying the coefficient of revision, calculated on the basis of the value of the TOL indices;
- b) in the case of SAL on a multi-monthly basis, applying the coefficient of revision, calculated on the basis of the average value of the same TOL indices more updated than the period of maturation of the SAL.

7. With specific guidelines published on the website of the Ministry of infrastructure and transportation updates and examples are provided relating to the calculation methodology referred to in this Annex.

TABLE C

(Article 5, paragraph 4)

1. In the cases referred to in Article 5, paragraph 5, of this Attachment, the amount of the progress of the revision works it is calculated after determining the synthetic index relating to each state of progress of the works, in compliance with the following methodology:

a) each item of the estimated bill of quantities is attributed to only one of the homogeneous types of processing (TOL), taking into account of the declarations referred to in Table A.2., giving priority to the Specialized TOLs. This attribution is made explicit within the initial tender documents; b) safety costs,

determined in the calculation of the Safety Plan Security and Coordination are divided between the TOLs identified in pursuant to letter a), based on the incidence of the costs of the safety on individual processes or proportionally to the percentage incidence of each of them on the amount of the works. This attribution is made explicit within the initial documents of the

tender; c) the percentage weight of each TOL identified in the meaning of letter a), calculated through the ratio between the total amount of the work associated with the single TOL and the total amount of the contract work, including the costs of the safety; d) for

each stage of progress of the contractually agreed works expected, a specific synthetic index is calculated based on the only TOLs reported and on the relative price items, without consider safety costs in the calculation itself;

e) the calculation of the specific synthetic index for each state of progress of work is carried out according to the formula of which in Article 4, paragraph 3, letter c), applied only to TOLs associated with the reported price items, taking into account the relevant percentage weights, calculated with respect to the total amount of the progress of the works; the calculation is carried out on the basis of the tender prices;

f) the calculation of the amount of the progress of the works revision, including the cost of safety, is carried out using the following formulas:

$$Se (IS_{px} - IS_{mo}) / IS_{mo} \dot{y} 0.03 e (ISSAL_{px} - ISSAL_{mo}) /$$

ISSALmo - 0.03) \dot{y} 0 then the formula applies

$$SALrpx = SALcpx * 0,9 * [(ISSALpx - ISSALmo) / ISSALmo] - 0,03]$$

$$Se ((ISpx - ISmo) / ISmo) \dot{y} - 0.03 e ((ISSALpx - ISSALmo) /$$

ISSALmo + 0.03) \dot{y} 0 then the formula applies

$$SALrpx = SALcpx * 0,9 * [(ISSALpx - ISSALmo) / ISSALmo] + 0,03]$$

In other cases, the price revision is not applied to the SAL.

In the above formulas: SALrpx is the

revisional SAL relating to the maturation period x

of the SAL;

SALcpx is the SAL relating to the amount accrued (2) in period x of maturation of the SAL, calculated at the contractual prices indicated in offering location;

ISpx is the most up-to-date value of the synthetic index of the project with respect to the SAL maturation period x;

ISmo is the value of the synthetic index relating to the month of awarding of the best offer, without prejudice to the provisions from Article 4, paragraph 2, fourth period;

ISSALpx is the most up-to-date value of the synthetic SAL index with respect to the period x of maturation of the SAL;

ISSALmo is the value of the synthetic index of SAL relating to the month of awarding the best offer, without prejudice to the provisions from Article 4, paragraph 2, fourth period.

2. In case of application of this methodology, the index synthetic referred to in Article 4, calculated always considering all the identified indices, including those with percentage weight less than or equal to 4%, is functional exclusively for verification of the activation of the price review institute pursuant to of Article 5.

3. With specific guidelines published on the website of the Ministry of infrastructure and transportation updates and examples are provided relating to the calculation methodology referred to in this Annex.

TABLE D

(Article 11)

1. Contracting authorities use in tender notices and procedures the CPV (Common Procurement) classification system is being launched Vocabulary) for describing the object of public procurement. The Common Procurement Vocabulary is a unique European system of classification of activities used to describe the object of the contracts to be awarded used for the purpose of standardizing and standardize the description of the object of the tender indicated in the call at European level, as well as for statistical and data collection purposes data. Through the CPV codes, economic operators can search in the electronic database where all the notices are published European (TED) public tenders relating to their fields of interest. The Common Procurement Vocabulary (CPV), adopted by Regulation (EC) No 213/2008 and in force since 17.09.2008. The CPV includes a core vocabulary for description of the object of the procurement, which is based on a tree structure of codes that can have up to 9 digits, which correspond to a name describing the supplies, works or services, object of the market.

2. In order to define the price review clause referred to in Article 60 of the Code, the contracting authorities indicate an association between the CPV codes also identified in a prevalent, and one or more disaggregated ISTAT indices (for ECOICOP classification in relation to price indices consumption, or by ATECO classification, in relation to the others indices) included among those indicated in paragraph 3, letter b) of the same article.

3. For contracts associated with a CPV code listed in the Tables D.1., D.2. and D.3., the contracting authorities use for the purposes

of the calculation of the change in the contract price corresponding index or the related weighting system of more indices, as identified in the following Tables.

4. The list of CPVs is divided into three Tables corresponding to the following cases:

Part of the provision in graphic format

5. The contracting authority, in order to apply the institute of price review: a) establishes the subject of the contract on the basis of its own needs, note which CPV the specific object falls into of the contract and indicates the CPV in the tender notice and in the specifications or specifications;

b) identify the association between the selected CPV and the index or the ISTAT indices following the associations reported in the tables in Annex (3); c) only

in the cases listed in Table D2 and D3, determines the weights of the individual ISTAT indices for weighting in the case of index composed of several ISTAT indices selected in association with the CPV, indicating them in the tender notice and in the specifications or specifications.

6. For the purposes of the operation of the review clause of the prices, at the pre-established time the contracting authority proceeds to calculate the index change or the weighted average of the indices selected in the association to the CPV (using the weights defined in the tender documents, calculating the difference between the value at the time of the detection and the value at the initial time t_0).

7. The contracting authority proceeds to calculate the variation using the following formula:

Part of the provision in graphic format

where $t = 0$ corresponds to the start date of the first period of detection and $t = 1, 2, 3, \dots, t$ corresponds to the end date of the survey period considered and I is the index used.

In the cases listed in Table D2 and D3, in order to calculate the variation of the relative composite index, the contracting station use the following general formula:

Part of the provision in graphic format

where $V_t^{(1)}$, $V_t^{(2)}$, ..., $V_t^{(i)}$ they are the variations of the indexes identified and w_1 , w_2 , w_i their respective weights (4)

For the purposes of applying the previous formula, the station Contracting authority defines the most suitable weight system for represent the object of the supply or services, indicating it in the tender notice or procedure. In the case of high-quality services labor intensity the composite index chosen by the station the contracting authority may take into account the wage index sector contract. In these cases, in determining the weight relative to the reference index, the contracting authority takes into account reference the estimated value of the incidence of the workforce of the service offered, indicated in the tender notice.

8. When identifying the indexes in the documents initial tender, the contracting authorities verify their effectiveness availability through consultation of the ISTAT portal.

9. With specific guidelines published on the website of the Ministry of infrastructure and transportation updates and examples are provided relating to the calculation methodology referred to in this Annex.

10. In order to identify the CPVs in the different tables of distribution, the total list of CPVs and the table of division of competence.

Part of the provision in graphic format

11. Table D.1. gives the list of 282 CPVs (common procurement vocabulary) and their unique associations for identification of the Istat indices referred to in Article 60, paragraph 3, letter b).

Part of the provision in graphic format

12. Table D.2. here is the list of the 76 CPVs (common procurement vocabulary) and the related associations for the identification of Istat indices referred to in Article 60, paragraph 3, letter b). Depending on of the object and characteristics and specifications of the contract, the contracting station may choose, for the purposes of defining the price review clause, one of the Istat indexes indicated, or a weighting of the same.

Part of the provision in graphic format

- (1) To date, 3 indexes have been published, for the following categories of works: residential building, industrial shed, trunk road with a tunnel section.
- (2) The accrued amount includes security charges and gross of any recoveries and withholdings.
- (3) If the object of the supply or service does not fall within those reported in the Tables in the Annex, the station contracting authority following a criterion of prevalence with respect to the Code Ateco and the corresponding Istat index, identifies an index that considers it more appropriate, even by building a structure of similar weighting to that proposed in this document.
- (4) The sum of the weights must necessarily be 100%

Art. 87

Amendments to Annex II. 3 of the Legislative Decree of 31 March 2023, n. 36 - Individuals with disabilities or disadvantages who may be participation in tenders reserved

1. In Annex II.3 of Legislative Decree 31 March 2023, n. 36, the heading is replaced by the following: «Social clauses and reward mechanisms to achieve equal generational opportunities and gender and to promote the inclusion of people in the workplace with disabilities or disadvantaged persons (Article 57, paragraph 2-bis)».

Art. 88

Amendments to Annex II. 4 of the Legislative Decree of 31 March 2023, n. 36 - Qualification of contracting stations and power plants of commission (Article 62)

1. In Annex II.4 of Legislative Decree 31 March 2023, n. 36, the following changes are made:
a) in Article 3: 1)
paragraph 5 is replaced by the following: «5. For the purposes of design, in the cases referred to in Article 193, paragraph 16, of the awarding and execution of concession and tender contracts public-private partnership with a tender base amount equal to or exceeding 500 thousand euros, the granting bodies must possess at least an L2 level qualification and ensure the presence of at least one person with three years' experience in managing plans economic and financial and risks.»; 2) in paragraph 6,
the words «Until 30 June 2024» are replaced by the following: "Until 31 December 2026";

b) in Article 4, paragraph 4 is replaced by the following: «4. Ai for qualification purposes, starting from 1 January 2025, for the evaluation of the requirement relating to the number of races carried out, yes consider, for tenders with a higher amount than those identified from article 43 of the code, only those whose notices and announcements comply with the provisions on the use of methods and tools electronic modeling for construction and infrastructure in Annex I.9 to the Code.»;

c) in Article 5, paragraph 5 is replaced by the following: «5. Ai for the purposes of design and assignment and execution of the concession contracts and public-private partnerships tender base amount equal to or greater than 140 thousand euros, the entities grantors must have at least a SF2 level qualification and ensure the presence of a person with three years of experience in the management of economic and financial plans and risks.»; d) Article 8 is replaced by the following:

«Article 8.

Qualification of contracting authorities and power plants commissioning for the execution

1. From 1 January 2025, contracting authorities and qualified contracting bodies for the design and the awarding of works, services and supplies or both contractual types are also qualified for execution respectively of works, services and supplies or both contractual types for the corresponding qualification levels.

2. From the date referred to in paragraph 1, the possibility for contracting authorities and qualified purchasing bodies for the design and assignment of works, services and supplies or both types of contracts to perform the contract for levels higher than those of qualification is evaluated based on the satisfaction of the following requirements, as defined for the different qualification levels in Table C-bis, for the execution of works, and in Table C-ter, for the execution of services and supplies:

a) compliance with the deadlines set for payments to companies and suppliers; b)

fulfillment of the obligations to communicate data on public contracts that feed the databases owned or managed dall'ANAC;

c) participation in the training and updating system of the staff.

3. Contracting authorities not qualified for design and the awarding of works, services and supplies or both contractual types may, until 31 December 2024, perform the contracts if they are registered with AUSA and in possession of a figure technique capable of performing the functions of RUP.

4. Starting from the date referred to in paragraph 1, the possibility for contracting authorities not qualified for the design and the awarding of works, services and supplies or both contractual types to perform contracts above the thresholds referred to in Article 62, paragraph 1, of the Code is subject to compliance with the requirements set out in paragraph 3, as well as the satisfaction of the requirements referred to in paragraph 2, as defined for the different levels of qualification in Table C-bis, for the execution of works, and in Table C-ter, for the execution of services and supplies.

5. The possibility remains for contracting authorities not to qualified pursuant to Article 63, paragraph 2 to carry out the contracts awarded pursuant to Article 62, paragraph 6, letters c) and d), as well as contracts below the qualification thresholds of referred to in Article 62, paragraph 1.»; e) in

Article 11: 1) in paragraph

2:

1.1. in the paragraph, the words: "can evaluate" are replaced

from the following: «currency»;

1.2. letter a) is replaced by the following: «a) the availability to be included in the list referred to in Article 62, paragraph 10 of the code and having carried out assignments on behalf of unqualified contracting authorities even below the threshold of referred to in Article 62, paragraph 1»; 1.3.

after letter b) the following are added:

«b-bis) the specialization by sectoral areas by of contracting authorities and central purchasing bodies qualified;

b-ter) the decision-making efficiency of the contracting authority with respect to the assignment phase, to be understood as time period between the receipt of the offers and the signing of the contract and which must not exceed on average one hundred and fifteen days.»; 1)

after paragraph 4, the following are added:

«4-bis. Qualified contracting authorities monitor, starting from 1 January 2025, with a six-monthly cadence its own decision-making efficiency in carrying out procedures entrustment through a verification of the average time elapsed between the date of submission of offers, as resulting in the tender notices tender and the date of signing the contract. When the average time detected is more than one hundred and sixty days, the stations contractors promptly communicate to ANAC a plan of reorganization, containing: a) the

measures necessary to overcome the main causes that determined the delay in the assignments, with particular reference to the reorganization of personnel, to strengthening of specialist training, also with respect to to the use of digital tools; b) the time objectives of reducing the average time of carrying out the procurement procedures.

4-ter. Following the communication referred to in paragraph 4-bis, ANAC evaluates, in consultation with the contracting authority, the effectiveness of the proposed measures in relation to the reduction of average time to complete the procurement procedures and related time objectives, possibly proposing rescheduling of the reorganization plan. Upon the expiry referred to in paragraph 4-bis, letter b), ANAC concludes the verification by assigning a score bonus pursuant to paragraph 2, letter b-ter) to the station contracting entity which has contained the average time, referred to in paragraph 4-bis, within one hundred and fifteen days, based on what is foreseen respectively in Tables A and B. 4-quater. Failure to

communicate as per paragraph 4-bis second period or failure to adopt the proposed measures constitute serious violations pursuant to Article 63, paragraph 11 of the code.»;

f) after Article 13, the following are added:

«Article 13-bis

(Coordination of aggregator bodies and central data processing units) commissioning)

1. A Table of Subjects is established at ANAC aggregators and qualified purchasing bodies, chaired by a representative of the ANAC and composed of a representative of the Ministry of Infrastructure and Transport, a representative of the Ministry of Economy and Finance, two representatives of the Conference of the Regions, a representative of ANCI and a representative of the UPI. To the members of the Table referred to in the first no compensation, attendance fees or expense reimbursements are due during this period or other emoluments however denominated.

2. The Table performs the following functions:

a) monitors the commissioning activity carried out by the stations qualified contracting entities and qualified purchasing bodies in

implementation of requests transmitted pursuant to Article 62, paragraph 9 and the process of identifying a contracting station or central purchasing body referred to in Article 62, paragraph 10;

b) identifies any spheres of activity or areas sectors where there is a gap between demand and the offer of commissioning activities; c) promotes the specialization of the aggregating entities and of the central purchasing bodies qualified for the spheres of activity and sectoral areas, including the use of public partnerships private and project finance, also taking into account the relative distribution on the national territory; d) identifies the qualified purchasing centers equipped with specific expertise and experience in high-level activities complexity or specialization, also with reference to the use of digital tools and technologies; e) identifies the incentives available under current legislation for the activities referred to in the previous letters; f) ensures monitoring and support for the processes of digitalisation, in order to provide administrations territorial a permanent place for discussion and cooperation interinstitutional.

3. The coordination by the Ministry remains unchanged of the economy and finance, of the aggregating entities as far as pertains to public finance guidelines.

Article 13-ter (Transitional provisions)

1. Tables A, B and C, as amended on the date of entry into force of this provision, shall apply exclusively to qualification measures issued by ANAC following the applications submitted as of the same date as well as in the event of renewal of the aforementioned provisions during the biennial verification pursuant to Article 11. The qualification measures already issued by ANAC on the date indicated in the first period remain valid and effective for the two-year term referred to in Article 11.

2. In the first application of the provisions of in Article 8, pending the submission of applications for registration in the lists of contracting authorities and central authorities qualified clients for the execution of works or services and supplies and the attribution of the qualification level for execution pursuant to Article 10, paragraph 3, and in any case no later than On 28 February 2025, contracting authorities may continue to execute contracts entered into by 31 December 2024 if they are registered with AUSA and in possession of a technical figure capable of carry out the functions of RUP.»; g) Table

A is replaced by the following:

«Table A - Requirements referred to in Article 4, paragraph 2

Part of the provision in graphic format

h) Table B is replaced by the following:

«Table B - Requirements referred to in Article 6, paragraph 2

Part of the provision in graphic format

(i) Table C is replaced by the following:

Part of the provision in graphic format

l) after Table C the following are added:

«Table C-bis - Requirements referred to in Article 8, paragraphs 2 and 3, for the execution of works

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Table C-ter - Requirements referred to in Article 8, paragraphs 2 and 3,
for the execution of services and supplies

Part of the provision in graphic format

Art. 89

Insertion of Annex II.6-bis to the Legislative Decree of 31 March
2023, n. 36 - Collaboration agreement

1. After Annex II.6 of the Legislative Decree 31
March 2023, n. 36, the following is inserted:

«Annex II-6-bis. Collaboration agreement (Article 82-bis, paragraph 3)

Article 1 (Definition)

1. The term "collaboration agreement" refers to the agreement
multilateral with which the parties involved to a significant extent
in the execution phase of a contract for works, services or
supplies, regulate the forms, methods and objectives of the
mutual collaboration in order to pursue the principle of
result referred to in Article 1 by defining mechanisms
of contextual examination of the public and private interests involved
aimed at preventing and reducing risks and
resolution of disputes that may arise in the execution
of the agreement.

Article 2 (Parties to the agreement and subjects of collaboration)

1. The collaboration agreement is a plurilateral agreement
signed by the parties involved in the execution of the contract,
identified pursuant to this article in consideration
of the object and objectives of the agreement. The agreement is open
to the adhesion of other subjects to the conditions established therein
collaboration agreement, in accordance with the provisions of the
comma 3.

2. The following are parties to the agreement:

a) the contracting authority, the RUP and, where applicable,
in relation to the subject of the main contract, the Director of
works, the Safety Coordinator, the Director
of the execution, and the designer for the works carried out by means of
methods and tools for digital information management of constructions
pursuant to Article 43 of the Code; b) the contractor; c) the
subcontractors, sub-
contractors and suppliers who, on

agreement of the contracting authority and the contractor, are involved
to a significant extent in the implementation phase, taking into account
of the object and value of the subcontract, sub-contract or
supply, and the relevance of the performances for the purpose of
achievement of the result pursued with the main contract.

3. The contracting authority, even upon motivated request
of the contractor, may also invite to join the agreement
collaboration with other public and private entities, including
institutional investors, as well as participating administrations
to the service conference referred to in Article 38 of the Code, and,
However, the administrations and bodies holding authorisations and
opinions and interference management bodies, involved, in various capacities,
in the activities and functions instrumental to achieving the
result of the execution. The collaboration agreement defines the
functions and activities carried out by the subjects identified pursuant to the
first period in accordance with the duties assigned to them by law.

4. The parties and subjects identified pursuant to this
article sign the agreement and collaborate in good faith and
correctness in pursuing the objectives of the agreement
collaboration, identifying measures to prevent and detect
promptly any critical issues in the execution phase,

as well as to encourage discussion of possible solutions.

5. Without prejudice to the autonomy of the parties in light of the objectives and the commitments of collaboration, are subjects of the execution of the agreement:

- a) the strategic director, who is an impartial person, equipped with the necessary skills and organizational capabilities, the which coordinates the parties also in order to improve cooperation;
- b) any consultants of the parties referred to in paragraph 2, who monitor the progress of the collaboration and support the parties in achievement of the objectives of the agreement.

Article 3 (Structure and contents of the collaboration agreement)

1. The collaboration agreement, preceded by the premises general, identify:

- a) the object, the activities aimed at achieving the main and collateral objectives, and the corresponding commitments of the parties;
- b) the methods of verifying the collaboration objectives; c) the mechanisms for preventing and reducing risks and resolution of possible disputes relating to the execution of the agreement, and the alert system referred to in paragraph 6; the
- d) responsibilities for the implementation of the agreement, determined on the basis of the activities and tasks assigned to each part;
- e) any bonuses relating to the achievement of the objectives of the agreement and related operational mechanisms;
- f) the functions and activities of the parties and subjects of the collaboration;
- g) the hypotheses and methods of dissolution of the agreement.

2. The general premises constitute an integral part and substantial part of the agreement. The same illustrate the context of reference, the characteristics of the contract to which it refers the collaboration agreement, the reasons behind the stipulation of the agreement and the main and collateral principles and objectives of collaboration.

3. The main objectives are identified in coherence with the object and specific characteristics of the contract and concern, in particular, the activities, tasks and exchange of information necessary to ensure compliance with execution deadlines, the methods of verifying the performances performed, the containment of the cost or price of the contract within the spending limits from same fixed, as well as any further functional aspect to the achieving the result.

4. Collateral objectives identify the activities and commitments by the parties aimed at achieving further benefits of common interest also taking into account the social, cultural and environmental aspects related to the contract. The collateral objectives include the promotion of participation in subcontracts or sub-contracts of small and medium-sized enterprises companies with operational headquarters in the reference territorial area for the services referred to in Article 108, paragraph 7, third period.

5. The collaboration agreement regulates the modalities of verification of the collaboration objectives achieved by the parties by defining performance or result indicators and the identification of the monitoring deadlines and achievement of the objectives to which any related rewards.

6. The collaboration agreement identifies an early warning system aimed at preventing any critical issues that could compromise its correct execution and to provide timely remedies, in line with the principle of results.

7. The collaboration agreement may provide for mechanisms of rewards, connected to the achievement of the main objectives and collateral of the collaboration agreement if provided for in the scheme of agreement included in the initial tender documents.

8. The bonuses may consist of:

- a) in the inclusion of adhering economic operators to the collaboration agreement in the lists and registers for the awarding of contracts for works, services and supplies of large amounts lower than the thresholds referred to in Article 14, without prejudice to the compliance with the procurement procedures set out in the code;
- b) in the provision of options in compliance with the provisions of the code; c) in economic prizes connected to the achievement of the objectives of the collaboration, determined by the contracting authority in the draft agreement consistent with Article 126 of the Code, taking into account the relevance of the objective achieved, and in any case in limits of available resources within the economic framework of the intervention;
- d) in reputational rewards consisting in the attribution of award criteria for subsequent procurement procedures, according to as provided for by Article 108 of the Code.

9. The parties define the hypotheses in the collaboration agreement of dissolution of the same, for reasons relating to the achievement of the purpose and the expiry of the expected obligations or for reasons attributable to a serious and unjustified violation of the commitments agreed by the adhering parties. The agreement regulates the dissolution procedure of the same upon the occurrence of the aforementioned hypotheses.

Article 4 (Alternative dispute resolution system)

from the

1. The collaboration agreement commits the parties to resolve in good faith, with the collaborative tools provided for by the agreement same, any disputes arising during the execution of the agreement. If it is not possible to resolve the issue collaboratively, dispute, the agreement identifies, in accordance with the contract of contract and with the contracts connected to it, the appeal preferential to alternative dispute resolution tools disputes referred to in Title II of Part I of Book V of the code.

2. In the event of the establishment of a technical advisory board pursuant to Articles 215 or 218 of the Code, the parties to the agreement collaboration are required to observe the opinions and decisions of the college, where they affect aspects regulated by it.».

Art. 90

Amendments to Annex II.10 of the Legislative Decree of 31 March 2023, n. 36 - Serious violations of obligations relating to the payment of taxes and duties or social security contributions

1. In Article 1, paragraph 2, of Annex II.10 of the decree legislative 31 March 2023, n. 36, the words: «ex officio from contracting stations at social security institutions pursuant to current legislation» are replaced by the following: «from the stations contractors through access to the National Contract Database public».

Art. 91

Amendments to Annex II.12 of the Legislative Decree of 31 March 2023, n. 36 - Qualification system and requirements for executors of works. Requirements for participation in the procedures of awarding of engineering and architectural services

1. In Annex II.12 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in Article 11, paragraph 5, the word: «RID» is replaced by following: «SEPA»; b) in

Article 16, paragraph 10, the words: «In the case of transfer of the business complex or its branch,' are replaced by the

following: «In the cases referred to in paragraph 9,»,

c) in Article 17, paragraph 5 is replaced by the following:

«5. The structural capacity requirements necessary for the three-yearly verification are those provided for by articles 4 and 18, paragraph 5, letter a), paragraph 6, letters a) and c), paragraph 9, letter a) and paragraphs 11, 12, 13, 14, 15, 16 and 17.»;

d) in Article 23, paragraph 1, letter b), point 2), the words:

«in each of the separable categories» are replaced from the following: «, in order to determine the turnover overall»; e) in Article

24: 1) in paragraph 5, letter a),

the word: «authentic» is deleted; 2) in paragraph 8, the following period is added at the end: «A

to this end the consortium of artisan enterprises, the consortium of cooperatives and the stable consortium can use the works of the prevailing category, for the entire amount or the works of each of the separable categories provided for in the notice or in the tender notice or in the invitation letter belonging to the categories referred to in Table A for the entire amount, in each of the separable categories.»;

f) in Article 25, after paragraph 2, the following is inserted:

«2-bis. The subjects who as of 1 July 2023 held the role of technical director resulting from a current certificate of validity may continue to perform such functions.»;

g) in Article 40, after paragraph 1, the following is inserted:

«1-bis. In architectural and engineering services and in other technical services, the economic-financial requirements are demonstrated through insurance coverage with a maximum limit of ten percent one hundred of the amount of the works or, alternatively, from a turnover globally matured in the best three financial years of the last five years prior to the publication of the tender and not exceeding the value estimated contract price; for the technical capacity requirements and professional, contracting authorities may require to have carried out in the previous ten years from the date of announcement of the tender procedure, contracts similar to those in the award, both in favor of public entities rather than private ones.».

Art. 92

Amendments to Annex II.14 of the Legislative Decree of 31 March 2023, n. 36 - Management of works and management of the execution of contracts. Methods of carrying out activities. of the phase executive. Testing and verification of conformity

1. In Annex II.14 of Legislative Decree 31 March 2023, n. 36, the following amendments are made: a) in Article 4, paragraph 1, the last period is replaced by

following: «When using the methods and tools referred to in Article 43 of the Code and in Annex I.9 to the Code, the Director of the works can make use of digital tools for recording the checks carried out that are interoperable with the tools digital information management and sharing environment data.»; b)

in Article 5, paragraph 11 is replaced by the following:

«11. The Authority publishes the contractual modifications, **communicated in accordance with the provisions of Article 28 of the Code.»;**

c) in Article 12: 1) in paragraph

9, the words: «with the models» are replaced by following: «with the data and information contained in the models»; 2) paragraph 10 is replaced by the following:

«10. The accounting of the works is carried out by means of the use of digital accounting programs, which use formats open non-proprietary, in order not to limit competition between the technology providers. Such digital accounting programs must be able to guarantee the authenticity and security of the

data entered and their provenance from the competent subjects.

If the management of the works is entrusted to external professionals, the

Digital accounting programs must be pre-installed

accepted by the RUP, who verifies their reliability, suitability and

compliance with the provisions contained in this Annex.»; 3) paragraph 11 is replaced by the following:

«11. The compilation of the measurement booklets must be carried out by recording the measurements taken

directly on site by the personnel in charge in a specific report

and in contradiction with the executor.»; 4) after paragraph 11 the

following is inserted: «11-bis. For works with an amount lower than 40,000

euros it is

simplified accounting is permitted, subject to

verification by the works manager of the correspondence of the

work done with the amount invoiced, taking into account the work

actually performed. The certificate of proper execution can

be replaced with the affixing of the visa of the director of the

work on expenditure invoices.»; d) in Article 29:

1) paragraph 1 is replaced by the following:

«1. For employees of public administrations referred to

in Article 1, paragraph 2, of Legislative Decree 30 March 2001, n.

165, not belonging to the contracting station, the compensation due

for the testing activity is determined pursuant to the decree of

Minister of Justice 17 June 2016, containing «Approval of the

tables of fees commensurate with the quality level of the

design performances» and in compliance with the provisions of

referred to in Article 61, paragraph 9, of Legislative Decree 25 June 2008, n.

112, converted, with amendments, by law 6 August 2008, n.

133. The compensation is determined according to the methods established by the code

for the design fees, excluding the

employees of the contracting station, for whom it is determined in

pursuant to Article 116, paragraph 4.»; 2) after paragraph

2 the following are inserted: «2-bis In the case of a testing commission,

the compensation of

referred to in paragraph 1 is not calculated entirely for each component but is

increased by 50 percent for each component beyond the first and is

calculated only once and divided between all the components of the

commission itself, considering that the president of the commission

is entitled to a 30 percent higher compensation than others

components. 2-

ter The reimbursement of expenses can be determined

as a lump sum, for each individual member, in the amount of 30%

one hundred of the respective compensation. For the tests during the works said

percentage can be raised up to 60 percent. In any case,

the expenses are not of a remunerative nature.»;

e) after Article 29 the following is inserted: «Article 29-bis. Secretarial compensation.

1. To the technical-administrative secretariat referred to in the article

116, paragraph 4-ter, of the code, where established, is recognized as a

compensation up to a maximum of 5 percent from the fees

due to the tester or the testing commission.»;

f) in Article 32: 1) in paragraph

2, first period, after the words: «particular

importance,» the following are inserted: «the interventions of significant importance

exceeding 500,000 euros and" and, in the second period, the words: "are

identified» are replaced by the following: «may be

considered independently particular from importance,

the amount, also»; 2) paragraph 3

is replaced by the following:

«3. Supplies of particular importance are considered to be:

services exceeding 500,000.00 euros, as well as those

which present the same characteristics as those referred to in paragraph 2.».

Art. 93

Amendments to Annex II.18 of the Legislative Decree of 31 March 2023,
n. 36 - Qualification of subjects, design and testing in
cultural heritage sector

1. In Annex II.18 of Legislative Decree 31 March 2023, n. 36,
the following amendments are made: a) in Article 4, paragraph 2, the
words: «from Article 12» are
replaced by the following: "by Article 10";
b) in Article 11, paragraph 3, letter c), the words: «to subjects»
are replaced by the following: «to archaeologists»; c) in article 13, paragraph 2,
after letter i) the following is inserted:
following: «(i-bis) the descriptive and performance specifications;»;
d) in Article 16: 1) in paragraph
1 the second sentence is deleted; 2) in paragraph 2, the words: «The report»
are replaced by
following: «The project» and after the words: «is drawn up by archaeologists»
the following are inserted: «of band I pursuant to the decree adopted
pursuant to Article 2, paragraph 1, of Law 22 July 2014, n.
110»;

3) paragraph 6 is replaced by the following:

«6. The executive project of the archaeological excavation works
for research purposes, which includes the results of
investigations foreseen in the feasibility project, includes the
documents referred to in Article 15, paragraph 2, letters a), b), c), e),
f), g), h) i) e). In particular, the special specifications referred to
letter l) provides detailed technical-scientific forecasts
and economic aspects relating to the different phases and types of intervention and
provides for the methods of implementation.»;

4) after paragraph 9, the following is added: «9-bis. Where, pursuant to
Article 12, paragraph 4, letter

b), the assignment of the works takes place on the basis of the PFTE, this is
integrated by the documents referred to in Article 15, paragraph 2, letters
f), g), h), i) and l). The economic framework referred to in letter g)
provides adequate coverage for the integration of design in
work in progress.»; e) in

Article 18, paragraph 1, letter c), the words «form
technique referred to in Article 14» are replaced by the following:
«report referred to in Article 16».

Art. 94

Replacement of Annex V.2 of the Legislative Decree of 31 March 2023,
n. 36 - Procedure for establishing the Technical Advisory Board

1. Annex V.2 of Legislative Decree 31 March 2023, n. 36, is
replaced by the following:

«Annex V.2 Procedure
for establishing the technical advisory board

(Article 215, paragraph 1)

Article 1

Formation of the board and compensation.

1. The technical advisory board, hereinafter also referred to as
«College» or «CCT», is formed, at the choice of the contracting station or
of the dealer, by three members, or five in the case of
complexity of the work and heterogeneity of the professional skills
requests, for works with an amount equal to or greater than the thresholds of
European relevance, with proven experience in the sector
procurement, concessions and public investments, including in
relation to the specific object of the contract.

2. The members of the Board may be chosen by the parties by mutual agreement, or the parties may agree that each of them appoint one or two members, selected also from among their own employees or from persons linked to them by self-employment relationships or even continuous collaboration in possession of the requirements set out in paragraph 1, and that the third or fifth member, acting as president, is chosen by the members appointed by the party. In the event that the parties do not reach an agreement on the appointment of the president within the deadline indicated in paragraph 1 of Article 3, this is designated within the following five days by the Ministry of Infrastructure and Transport for works of national interest, by the regions, by the autonomous provinces of Trento and Bolzano or by the metropolitan cities for works of their respective interest. In cases where the Ministry of Infrastructure and Transport participates in the financing of the expenditure, it appoints a member of the Board with the methods set out in this paragraph.

3. The following applies to the members of the technical advisory board:
Article 813, second paragraph, of the Code of Civil Procedure.

4. Without prejudice to the right of the members of the technical advisory board to receive compensation from the parties proportionate to the value of the work, the number, quality and timeliness of the decisions taken, the fixed part of the Board's compensation cannot exceed the amounts defined in Article 6, paragraph 7-bis, of Legislative Decree 16 July 2020, no. 76, converted, with amendments, by Law 11 September 2020, no. 120 and, in any case, the fixed part of the Board's compensation cannot exceed:

a) in the case of a technical advisory board composed of three members, the amount equal to 0.02 percent for the part of the value of the contract exceeding 1000 million euros;

b) in the case of a technical advisory board composed of five members, the amount equal to 0.03 percent for the part of the value of the contract exceeding 1000 million euros".

5. The total compensation due to the Board cannot exceed three times the fixed portion. The members are also entitled to a reimbursement of non-remunerative expenses. The compensation is paid to all members of the CCT regardless of the relationship between each member and the contractual parties and is subject exclusively to the limits established by law. The compensation of all members of the Board is due without any joint and several liability. Article 3 of Law No. 136 of 13 August 2010 does not apply to the members of the technical advisory board.

6. With specific guidelines adopted by decree of the Ministry of Infrastructure and Transport, after obtaining the approval of the Higher Council of Public Works, the parameters for determining the compensation and expenses not having a remunerative value are defined, which must be related to the value of the contract and the complexity of the work, as well as to the outcome and duration of the commitment required and to the number and quality of the decisions taken, providing for their provision according to a principle of graduality. The same guidelines also define the parameters for determining the compensation of the technical-administrative secretariat. Pending the adoption of the decree referred to in the first period, the guidelines approved by decree of the Minister of Infrastructure and Sustainable Mobility of 17 January 2022, published in the Official Journal no. 55 of 7 March 2022, continue to apply for the part relating to the determination of compensation.

Article 2

Requirements and incompatibilities

1. Engineers, architects, lawyers and economists with proven experience in the sector of public procurement, concessions and investments may be appointed members of the Board, also in relation to the specific subject of the

contract. Experience and qualification are demonstrated by possession of one of the following requirements:

- a) taking on significant roles within the scope of contracts above the European threshold and proportionate to the role to be undertaken, sole person responsible for the procedure, director of works, safety coordinator during execution, tester and chairman of the committee for amicable agreement or auxiliary of the magistrate or technical consultant of the party in disputes of public works of tender commissioner or designer, or coordinator in the design phase, within the scope of awarding contracts for public works of an amount exceeding the European thresholds; sponsorship or assistance to public or private parties in disputes administrative or civil in the public works sector;
- b) manager or official pursuant to Article 1, paragraph 2, of the Legislative Decree 30 March 2001, n. 165, or of contracting authorities with legal personality of private individuals subject to the application of the code with competence in the matters referred to in referred to in the first period of this paragraph;
- c) member of the Higher Council of Public Works; d) teaching as a tenured university professor in matters referred to in the first period of this paragraph;
- e) ordinary, administrative or accounting magistrate, lawyer of the State, prefect and manager of the prefectural career not in headquarters for at least two years, even if already retired;
- f) professionals registered in the respective professional registers with significant experience documented through the performance of tasks indicated in letter a).

2. Possession of the experience and qualification requirements professional must be proven with reference to a period minimum of five years for the appointment as a member of the Board and to a minimum term of ten years for appointment as president.

3. Members of the Board cannot be appointed exclusively those who:

- a) are in a situation of conflict of interest pursuant to of Article 16 of the Code; b) are in a situation of incompatibility pursuant to of Article 53 of Legislative Decree 30 March 2001, n. 165, or have carried out, for the public part or for the economic operator, control, verification, design, approval activities, authorization, supervision or management of the execution or works in relation to the procurement contract or its previous phases, except that the activity was carried out within collegiate bodies council members;
- c) with reference to the President of the Board, have carried out with with regard to the works or services which are the object of the assignment, activities of collaboration in the legal, administrative or economic fields for one of the parties; d) have carried out the task of technical consultant.

4. The existence of causes of incompatibility of the members or of the President may be asserted by the parties through a request for challenge to be proposed to the president of the court pursuant to of Article 810 of the Code of Civil Procedure.

Article 3

Constitution and establishment of the College.

1. The technical advisory board is constituted before the date of start of the execution or in any case no later than ten days from that date. Failure to comply or delay in setting up the CCT, in the case of assignments exceeding the European relevance threshold, it is assessable both for the purposes of managerial responsibility and treasury, both in the relations between the contracting authority and the operator economic, from the point of view of contractual good faith. In the event of failure to designate members the non-defaulting party may contact the president of the ordinary court where the office is located

contracting station, identified as the location of the CCT.

2. The CCT is deemed to be constituted at the time of acceptance of the assignment by the president without there being the need for further formalizations of the assignments with respect to the act of appointment of the members of the Board. Within the following fifteen days from acceptance, an installation session of the Board is held in the presence of the legal representatives of the parties, required to make a statement in the minutes regarding any desire not to

to attribute to the decisions of the Panel the value of a contractual award pursuant to Article 808-ter of the Code of Civil Procedure.

3. In the minutes of the inaugural meeting, taking into account the subject and complexity of the contract, the frequency and methods of conducting the meetings and any inspections are defined and, if the parties have not availed themselves of the option to exclude that the decisions of the Panel assume the nature of a contractual award, the terms and methods of conducting the adversarial proceedings are specified, specifying the dies a quo of the commencement of the fifteen-day term for the pronouncement of the award.

4. The CCT may be established on an optional basis for works of an amount lower than the European threshold. In this case the parties are required to specify which tasks they intend to assign to the CCT among those provided for in articles 215, 216, 217 and 218 of the code.

5. In the case of optional CCT referred to in paragraph 4, two members are appointed by the contracting authority and the third member is appointed by the entities referred to in Article 1, paragraph 2.

Article 4.

Decisions of the Technical Advisory Board

1. The procedure for the expression of opinions or determinations of the CCT can be activated by either party or by both parties jointly with the presentation of a written question through a formal request directly to the CCT and to the other party.

Taking into account the provisions of Article 216, paragraph 1, of the Code, the obligation to register reservations according to the current legislation remains in place. Requests for opinions or determinations of the CCT must be accompanied by all the documentation necessary to illustrate the reasons for the dispute, specifying the question proposed. In no case may the CCT rule in the absence of questions from the parties; failure to comply with this prohibition entails the nullity of any determinations taken. If the contractor, in order to avoid forfeitures, registers reservations without also formulating the related question to the CCT, the question must be formulated by the person responsible for the procedure if the reservation is such as to affect the regular execution of the works.

2. In adopting its decisions, the technical advisory board may also operate by videoconference or with any other remote connection.

3. Without prejudice to what is specifically provided in the minutes of the meeting regarding the procedures for conducting the cross-examination, the Board may in any case proceed with informal hearings of the parties or summon the parties to allow the presentation of their respective reasons in cross-examination. In any case, the possibility of ordering an official technical consultancy remains excluded. The Board is in any case required to hold periodic meetings to monitor the progress of the work and to formulate, where deemed appropriate, observations to the parties.

4. The decisions of the technical advisory board are adopted with a document signed by the majority of the members, within fifteen days from the date of communication of the question, if formulated jointly by the parties, or from the moment in which the formulation of several questions formulated separately by the parties regarding the same issue has been perfected. The decisions may be made with a brief justification which, if necessary, may be integrated in the following fifteen days, signed by the majority of the members. In

in case of particular investigative needs, the decisions may be adopted within twenty days of the communication of the questions. Decisions are taken by majority vote. When the measure that defines the judgment corresponds entirely to the content of the determination of the technical advisory board, the judge excludes the repetition of the expenses incurred by the winning party who has not observed the determination, referring to the period following the formulation of the same, and the condemnation to reimbursement of costs incurred by the losing party relating to the same period, as well as to the payment to the State budget revenue of an additional sum of an amount corresponding to the unified contribution due. The applicability of Articles 92 and 96 of the Code of Civil Procedure.

Article 5.

Forfeitures, resignations and revocation

1. Each member of the technical advisory board cannot hold more than five positions at the same time and in any case not can perform more than 10 assignments every two years. In case of delay in the adoption of three decisions or a delay of more than sixty days in taking even a single determination, the components of the College cannot be reappointed as members of other colleges for the duration of three years starting from the date of maturation of the delay.

2. It constitutes a cause of liability towards the parties exclusively the unjustified delay in adopting the determinations; in this case, the contracting authority can assume the determinations within its own competence regardless of the opinion of the College.

3. The resignation of the members of the technical advisory board are admissible only in the presence of just cause or justified reason. The replacement is provided for in the forms and ways indicated in Article 1. The compensation due to the substitute will be equal to the fixed part not yet accrued by the resigning member and to the variable part that may mature.

4. The members of the technical advisory board cannot be revoked after its incorporation.

Article 6

Observatory

1. The Presidents of the advisory boards shall ensure that the to the Permanent Observatory to ensure monitoring of the activity of the technical advisory boards, below Observatory, established at the Higher Council of Labour the acts of constitution and dissolution of the College and the main decisions taken by the Panel.

2. The Observatory uses the national database of public contracts referred to in Article 23 of the Code.

3. Access to documents held by the Observatory and the colleges **technical consultancy is permitted, within the limits of the law and without prejudice to the** provisions of the Code of Civil Procedure in relation to decisions of the boards having the nature of a contractual award pursuant to Article 808-ter of the same Code of Civil Procedure, by means of a request formulated to the contracting authorities and bodies grantors pursuant to Articles 35 and 36 of the Code.

4. **The CCT Observatory takes care of the maintenance of the list of subjects** belonging or belonging to the administrations referred to in the article 1, paragraph 2, of Legislative Decree 30 March 2001, n. 165, in possession of the requirements required to carry out the activity of **President of the CCT referred to in Article 2, paragraph 2.**

Article 7

Optional establishment of the technical advisory board

1. The technical advisory board referred to in Article 218 of the code is made up of three components. Two components are named by the contracting station and the third party is appointed, for the works of national interest, by the Ministry of Infrastructure and transport and, for works of local interest, by the regions, by the autonomous provinces of Trento and Bolzano or from the cities subways. Stops the possible need to replace one of the members designated by the contracting station with one of appointment private, the functions of member of the technical advisory board appointed pursuant to this Article are not incompatible with those of the member of the Board appointed pursuant to Article 1.

2. In the case of mixed contracts, the establishment of the CCT is arranged whenever the portion of the works exceeds the relevance threshold European. In this case the CCT can still hear about issues concerning the entire contract. They fall within the scope of application of this Annex the contracts stipulated through Framework Agreements with one or more economic operators, in such cases, the amount of reference is that of the individual implementing agreements.

3. When a work can give rise to contracts awarded in lots distinct, the establishment of the CCT is mandatory with reference to the only lots with an amount equal to or greater than the relevance thresholds European, without regard to the overall estimated value of the total of such lots.

4. In the case of a CCT established on an optional basis in the phase prior to the awarding of the contract, pursuant to Article 218 each member of the CCT is recognized the compensations referred to in in Article 1, paragraph 5, reduced by 20 percent.

Article 8

Technical-administrative secretariat

1. For particularly complex works, the Board makes use of a technical-administrative secretariat for the investigative activities and administrative support, composed of one or more selected members and appointed by the President.

2. The technical-administrative secretariat is recognized as having **compensation in a fixed amount ranging from 3 to 10 percent of the compensation** due to each individual member of the CCT. The compensation of the secretariat is charged to the members of the CCT and is paid directly by the parties with the same methods and expected timeframes for the members of the Board.».

Art. 95

Amendments to Annex V.3 of Legislative Decree 31 March 2023, n.

36 - Methods of forming the Control Room

1. In Article 1, paragraph 1, of Annex V.3 of the decree legislative 31 March 2023, n. 36, after letter n) the following are added following: «n-

bis) a representative of the Ministry of Economy and Finance finance; n-

ter) a representative of the PNRR Mission Structure; n-quater) a representative of the Minister for European Affairs,

cohesion policies and the National Recovery Plan and resilience.».

Art. 96

Financial invariance clause

1. The implementation of this decree must not result in new or higher burdens on public finances.

2. The interested administrations shall take care of the formalities

provided for by this decree with the human, instrumental and financial resources available under current legislation.

Art. 97

Entry into force

1. This decree shall enter into force on the day of its publication. publication in the Official Journal of the Italian Republic.