

## **SIMPLIFIED RULES TO SMOOTH THE AWARD OF PUBLIC CONTRACTS AND FOSTER URBAN REGENERATION ACTIVITIES**

Law Decree n. 32 of 18 April 2019 aiming at smoothing the award and execution of public contracts, speeding up major infrastructure works and fostering urban regeneration activities was published on the Official Gazette of the Republic of Italy n. 92 of 18 April 2019 (the «**Law Decree**»).

The Law Decree amends, exactly 3 years after its enactment, the Legislative Decree n. 50/2016 on public contracts which implements Directives 2014/23, 2014/24 and 2014/25 of the European Union, and marks a major swift in the approach to public contracts award.

The aim of the Law Decree is to simplify rules for the award of public works contracts having a value lower than the European thresholds, by providing a stricter, but more reliable and stable, legal framework. For this purposes, within 180 days, a new regulation implementing the Public contracts code will need to be enacted, thus reducing the soft-law power of the ANAC, the Anti-Corruption Authority that was given ample powers under the original D. Lgs. 50/2016.

For certain specific major infrastructure works, to be identified by the Presidency of the Council of Ministers, the Law Decree provides for the appointment of one or more special commissioner(s) with ample powers to decide on the commencement, continuance and resumption of works, subject to anti-organised crime legislation.

The Law Decree further (i) intervenes on subcontracting, eliminating the duty to provide a list of three subcontractors and allowing the subcontracting up to 50% of the total amount of the contract awarded, (ii) reintroduces the design-build contract and (iii) provides the lowest-price award criterion for works contracts below the European threshold.

The Law Decree further stimulates growth in the regeneration of existing urban buildings, in order to reduce soil consumption, by relaxing certain urban standards, provided that previous ground dimensions and distances between buildings are respected.

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# STUDIO LEGALE PADOVAN

The Firm is ranked in the Legal 500 EMEA for Real Estate and Construction (with Avv. Marco Padovan as leading individual) and is also ranked for Commercial Corporate and M&A.

The Firm has an extensive experience in major infrastructures and administrative law, with specific regard to public work contracts and real estate development initiatives.

In relation to public contracts the Firm provides its out-of-court assistance to economic operators in all stages of tender procedures, from the identification of the procedure to interpretation of tender documents and rules and the issues arising during the contract performance.

In relation to the private real estate initiatives the Firm provides assistance in all the phases of the development procedures, provides legal opinions on specific complex matters, assists in negotiating contracts for works performance and purchase and lease of land and in obtaining the necessary administrative authorizations.

## CONTACTS

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