



# The public procurement

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# The public procurement

The administrative procedure for the public procurement is governed by:

- D. Lgs. 50/2016 hereinafter referred to as the 'procurement code' transposing European Directives n. 2014/24/EC on public procurement and repealing Directive 2004/18/EC, n. 2014/25/EC on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC and n. 2014/23/EU on the award of concession contracts
- Italian law on Administrative Procedure n. 241 of 1990





## The Steps of the public procurement

- 1. Planning
- 2. Authorization
- 3. Selection of participants and tenders
- 4. Awarding procedure
- 5. Contract assignement





### 1.Planning

The procurement of public administration must be in compliance with programming acts and financial statements of organization:

- public works contracts are based on a triennial planning;
- public supply and service contracts are based on a biennial planning.





#### 2. Authorization

#### a) Elements of the contract

- Subject of the contract
- Maximum amount of tender
- Contract duration
- Contract execution procedure
- Penalty, prize and or option

#### b) Selection Criteria of the economic operators

- suitability to accomplish the activity
- economic and financial capacity
- technical and professional ability

(All requirements shall be related and proportionate to the subject- matter of the contract)

#### 2) Contract award criteria

- The most economically advantageous tender TP (100)= QP (70)+EP(30)
- Lowest price TP (100) = QP(0)+EP(100)





#### 3. Selection of participants and tenders

The competition between the participants will take place with the procedure (open, restricted procedure etc) and the criteria chosen previously.

The Call for tender will be published according to the rules related to the selected procedure

Since 18/10/2018 the contracting authorities are obliged to negotiate on telematic platform (comma 2 art. 40 procurement code transposing art. 22 of European Directives 2014/24/EU).

ENEA has adopted the telematic platform called UBUY implemented by CINECA.





#### 3. Selection of participants and tenders (cont)

In order to access the platform the economic operator must register and obtain access credentials to the reserved aerea of the «procurement portal»

Shown below the link to home page of the portal:

https://enea.ubuy.cineca.it/PortaleAppalti/it/homepage.wp

You can find the guide «Registration of telematic platform for procedures no Mepa»





# Registrazione piattaforma telematica procedure effettuate fuori dal MePA

Il 18 ottobre 2018, è entrato in vigore l'obbligo, per tutte le stazioni appaltanti, di utilizzare mezzi di comunicazione elettronica nell'ambito delle procedure di gara. Tale obbligo – previsto dal comma 2 dell'articolo 40 del D.Lgs. n. 50/2016 e ss.mm.ii. – deriva dall'art. 22 della direttiva comunitaria 2014/24/EU, che richiedeva proprio l'utilizzo dei mezzi elettronici per le comunicazioni: "Gli Stati membri provvedono affinché tutte le comunicazioni e gli scambi di informazioni di cui alla presente direttiva, in particolare la trasmissione in via elettronica, siano eseguiti utilizzando mezzi di comunicazione elettronici (art. 22, co. 1). Pertanto tutti gli operatori economici, interessati a partecipare alle procedure di negoziazione previste nell'ambito del Codice degli Appalti, effettuate fuori dal



Mercato Elettronico della Pubblica Amministrazione (MePa), sono invitati a registrarsi sulla piattaforma telematica U-BUY (CINECA) all'indirizzo: https://enea.ubuy.cineca.it/PortaleAppalti/it/homepage.wp

SOLO ATTRAVERSO TALE PIATTAFORMA TELEMATICA SARÀ POSSIBILE FORMALIZZARE CON L'AGENZIA ORDINI/CONTRATTI PER FORNITURE, SERVIZI O LAVORI.

Guida per l'iscrizione ad un Elenco Operatori

Registration of telematic platform for procedures no MePA (English version)





11/12/2018 14:18

A A A GRAFICA TESTO ALTO CONTRASTO MAPPA SITO

CERCA:	
	OK

#### Bel qui; Home

Area riservata	Elenco bandi d	i gara
password: OK	All'interno di questa sezione è possibile consultare i bandi di gara secondo i tempi previsti dalla normativa dei contratti. L'obbligo di pubblicazione dei bandi di gara è previsto dell'ert. 29 dei D.I.ga. 50/2016.	
Registrati   Hal dimenticato la peseword?	I dati di detinglio delle procedure pubbliche sono consultabili selezionando il collegamento "Visualizza Belevia", mentre in caso di presenza del collegamento "Tabella informativa g'indicizzazione" è possibile inoltre accedere ella consultazione del dati di detinglio previsti dal	
Informazioni	DPCM del 26 Aprile	2011.
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## 3.1 Certificate of electronic signature

The economic operator must have a valid certificate of electronic signature issued by a body present in the list of certification authorities of AgID (ex DigitPA), according to DLgs 82/2005 art. 29 c.1 and DPCM 30 march 2009 and a software to open the digital documents (dike).





#### 3.2 Verification of statements

Following the completion of all the tendering operations, verifications will be carried out on the declarations made by the economic operators about the possession of the qualification requirements (professional suitability, economic-financial capacity, professional-technical capacity) and ethical accountability referred to art. 80 of the procurement code as "Exclusion grounds".

The verifications are carried out by consulting the Avcpass database and the single national database for anti-mafia documentation (BDNA).





### 4. Awarding procedure

- Following the verification of statements, the procedure responsible "RUP" proposes the award to the manager
- The award proposal will be adopted by the manager.
- Final award becomes effective after verification of prescribed requirements





#### 5. Contract assignement

- The contract may not be concluded before 35 days after the dispatch of the last communications of the award order (stand still)
- The contract shall be concluded within the following 60 days from the date of final award
- The signature takes place, under penalty of nullity, in digital form
- The specifications and the time schedules indicated in the Call for Tender are integral part of the contract
- For the most complex procedure the award decision should be adopted within 6 months from the date of the authorization of tender but not earlier than 4 months.

































