



## Improving SMEs' Access to Cross-Border Public Procurement

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# Public procurement in Italy

## Overview

The Italian public procurement legislation is based on the UE procurement principles.

Their ultimate goal is the realisation of the internal market, guaranteeing equal opportunities for all enterprises.

The total value of the contracts above the 40,000.00 € threshold amounted to **111.5 billion €** in 2016.

Among the supplies the categories that stand out were **pharmaceuticals, medical equipment and electricity distribution**, whereas in services provision were **urban waste collection and management services, social services, cleaning services, water and energy distribution-related services, rail and transport services, ICT consulting services**.

With regard to the contracts awarded in 2016, approximately 21.3% have been awarded with an open procedure, while 65.6% through a negotiated procedure or a direct assignment.

The number of public buyers in Italy are approx. 31,000.

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## Advertising

Public administrations, for contracts above thresholds, must publish tender notices on the Official Journal of the European Union. In this framework, all the European enterprises can find tender notices and apply for them.

## Transposition into Italian Law

The European Directives on PP have been transposed into Italian Law by the "Decreto Legislativo no. 163". This law has been replaced by the "Decreto Legislativo 18th April 2016, N. 50", modified by the "DL 30-12-2016 n. 244, D. Lgs. 19-4-2017, n. 56 and L. 21-6-2017, n. 96". You can find here the last version of the [Public Procurement Code](#).

# The European Framework

The three directives reforming the procurement sector were published on 18th April 2014:

- Directive 2014/23 / EU on the award of concession contracts;
- Directive 2014 / 24 / EU on public procurement in the ordinary sectors;
- Directive 2014/25 / EU on procurement in "special sectors" (water, energy, transport)

The first two directives, compared to previous 2004/18/ec and 2004/17/ec simplify the procedures and tend to harmonize regulations of special sectors with those of traditional sectors.

The said directives introduce the following new entries:

- the European Single Procurement Document (ESPD),
- curbing participation costs in tenders in order to increase the participation of SMEs ;
- incentive in breaking down contracts into several lots;
- business turnover commensurate to the value of the contract;
- reduction of the minimum time for tenders submission;
- use of tender procedures that increase negotiation levels between PA and companies during the tender phases, such as "innovation partnerships";
- privilege most economically advantageous tender criterion;
- strategic use of procurement in order to obtain goods and services that privilege innovation, environmental friendliness and climate change reduction, improving employment, public health and social conditions.

## Contracts above thresholds into national Italian law

### General principles

Public contracts exceeding these thresholds are subject to national regulations and shall comply with the following principles:

- \* no discrimination among companies on the base of nationality;
- \* accurate procedures description accessible to public procurers to award the various types of contracts;
- \* maximum advertising and transparency of the awarding procedures;
- \* preliminary definition of candidates selection criteria.

## Italian thresholds

New The Italian law (Article 35 of the [Public Procurement Code](#)) fix the following EU thresholds:

- EUR 5.225.000 for works contracts, subsidised works contracts;
- EUR 135.000 for public procurement contracts, services and all design contests awarded by the contracting authorities (i.e. central government authorities);
- EUR 209.000 for public procurement contracts, services and all design contests awarded by regional contracting authorities;
- EUR 750.000 for contracts for social services and other specific services.

For Utilities:

- EUR 5.225.000 for works contracts;
- EUR 418.000 for all supplies and services contracts, all design contests;
- EUR 1.000.000 for contracts for social services and other specific services.



## Good to know

### Specificities at the European level

#### Lots

To facilitate SME participation and to foster competition, **public buyers are encouraged to divide contracts into lots**. Bidders can bid on one or several lots. Except in exceptional cases, contracts should be divided into lots when their object allows the identification of separate performances.

#### The European Single Procurement Document (ESPD)

The [European Single Procurement Document](#) (ESPD) is a **self-declaration** of the businesses' financial status, abilities and suitability for a public procurement procedure. It is available in all EU languages and used as a preliminary evidence of fulfilment of the conditions required in public procurement procedures across the EU. Thanks to the ESPD, the tenderers no longer have to provide full documentary evidence and different forms previously used in the EU procurement, which means a **significant simplification of access to cross-border tendering opportunities**.

## Databases

- [MePA](#) (PA Electronic Market)
- [Banca Dati Nazionale Contratti Pubblici](#) (Italian Public Contract Database)
- [TED](#): tenders published on the Official Journal of the European Union (TED database)
- [SIMAP Portal](#), the European e-procurement portal
- European Commission, [Internal Market Department](#), section dedicated to Public Procurement
- [e-certis](#), the information system that helps company to identify the required certificates in procurement procedures across the EU.

### Specificities at the Italian level

#### The Electronic Market

Based on the provisions of the **comma 6 of art. 36 of the Public Procurement Code**, the Ministry of Economy and Finance, with the support of CONSIP S.p.A., supplied Italian public procurers with the **MePA system (Electronic Market for Public Administration)**.

MePA is a “virtual” market, where public administrations and businesses can meet.

Companies registered to the portal can offer products and services catalogues. They can receive orders from selected public administrations across Italy. Public administrations may purchase goods and services directly, either accepting the terms proposed by the companies or negotiating the terms with one or more suppliers in order to receive “customized” offers.

For more information:  
[www.acquistinretepa.it](http://www.acquistinretepa.it).

### A successful bid

In order to make a successful bid, enterprises need to:

- ◆ Analyse the market.
- ◆ Analyse the attribution criteria (usually cost and quality criteria). Each call for tender is related to a specific need. In order to win the tender, the bidder needs to make a specific proposition related to the requirements.

A bid is composed of:

- ◆ One technical proposal. The company explains why and how its products/services can satisfy the need.
- ◆ One financial/administrative proposal. The documents needed are usually listed in call for tenders.

In case of an unsuccessful bid, companies are allowed to ask to the contracting authority the reasons for the refusal.

## Social Networks

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Twitter:

[https://twitter.com/sesam\\_eu](https://twitter.com/sesam_eu)

YouTube:

<https://www.youtube.com/user/pargovpl>

Website:

<http://www.sesamproject.eu/>

## SESAM

Initiated in 2017, the project SESAM intends to improve SME's access to Cross-Border Public procurement. This project provides knowledge and support for a successful participation in public procurement within European Union, in particular in Germany, Italy, France and Poland.

The following tools are available for SMEs:

- ◆ Seminars
- ◆ Webinars
- ◆ Training sessions
- ◆ Factsheets and guidelines
- ◆ B2B (business to business) and B2P (business to procurer) events
- ◆ Lists of potential partners/public buyers
- ◆ Advisory service

## Contact

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