



General information		
Academic subject	PUBLIC PROCUREMENT LAW	
Degree course	LMG – LMGI – CONSLAV – SSG	
Academic Year		
European Credit Transfer and Accumulation System (ECTS)	9 (6 + 3)	
Language	Italian	
Academic calendar (starting and ending date)	2nd semester (17 February 2025 to 23 May 2025)	
Attendance	Optional	

Professor/ Lecturer	
Name and Surname	Agostino Meale
E-mail	agostino.meale@uniba.it
Telephone	0805717224
Department and address	Palazzo Del Prete, Piazza C. Battisti, Bari, IV piano
Virtual headquarters	
Tutoring (time and day)	Monday, after class, Prof. Agostino Meale, in attendance; Tuesday, from 12 noon to 1 p.m., Dr Augusto Di Cagno, in attendance, by appointment by e-mail to augusto.dicagno@uniba.it ; from 3 p.m. to 4 p.m., Dr Federica Santomauro, by appointment by e-mail to federica.santomauro@uniba.it ; Thursday, from 8.30 a.m. to 9.30 a.m., Dr. Salvatore Esposito, in person, by appointment by e-mail to salvatore.esposito@uniba.it .

Syllabus	
Learning Objectives	<p>The aim of the course, which is divided into 2 modules, is to provide a complete overview of the current regulations on public contracts, which have undergone a major systematic reorganisation carried out with the new Public Contracts Code (d. lgs. no. 36/2023), which replaced the previous regulations (d. lgs. no. 50/2016) adopted in implementation of European Union directives and amended several times by Decree-Laws no. 32/2019 (so-called 'Sblocca Cantieri', converted into Law no. 55/2019), no. 76/2020 (converted into Law no. 120/2020), and by Decree-Law no. 77/2021 (converted into Law no. 08/2021).</p> <p>In the first module, starting from an analysis of the regulatory genesis, both European and national, of the new Code, the fundamental principles to which the contracting stations must adhere when awarding public works, supplies and services and the various phases through which the awarding procedure is developed, including direct and sub-threshold. Particular attention will also be paid to the comparison with the previous code and the emergency discipline, the management of conflicts that may arise in the contract execution phase, and the means of protection.</p> <p>The 2nd module of the course, on the other hand, will be aimed at analysing public concessions (and the forms of entrusting) and the discipline of public/private partnership in its various forms.</p> <p>The student must also be able to independently deepen what has been learnt, in order to use the knowledge acquired to achieve further results, confirming a matured autonomy of judgement also in the eventual solution of concrete cases.</p>
Course prerequisites	Private Law, Constitutional Law

Contents	<p>MODULE I - Public contracts: general principles, award procedures and remedies (6 CFU).</p> <p>The legislation in force: from the 'old code' of 2016 to the 'new code' of 2023; the PNRR, the enabling act and the other stages of the procurement reform; the European discipline on public contracts; the execution rules. The principles: result, trust and market access; the other principles and the digitalisation of the public contract life cycle; programming and design. Procurement contracts: notion, types, subject matter; thresholds of European relevance. Subjects and procedures: contracting stations and economic operators; general and special participation requirements; procedures for choosing the contractor and their conduct; selection criteria; anomaly of the tender; award. Sub-threshold and direct awarding; The contract execution phase. Litigation and remedies between the Procurement Code and the Administrative Process Code.</p> <p>MODULE II - Public concessions and public-private partnership (3 CFU).</p> <p>Concession contracts. The different forms of public-private partnership. In-house assignments.</p>
Books and bibliography	<p>Alternatively and at the student's choice: AA.VV., Manuale breve di diritto dei contratti pubblici (a cura di A. Meale), Pacini Editore, 2024; Other manuals of the student's choice provided they are updated to the new code.</p>
Additional materials	The use of an up-to-date 'administrative code' is recommended

Work schedule			
Total	Lectures	Hands on (Laboratory, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
Hours			
225	72		153
CFU/ECTS			
9			
Teaching strategy		lectures	
Expected learning outcomes			
Knowledge and understanding on:	Students will acquire basic and advanced knowledge of substantive administrative law and will be able to understand the rationale of the legislation and its systematic links.		
Applying knowledge and understanding on:	Students will acquire basic and advanced knowledge of substantive administrative law and will be able to research legislative, jurisprudential and doctrinal sources in order to delve into the subject matter from a practical as well as theoretical perspective.		
Soft skills	<ul style="list-style-type: none"> Autonomy of judgement <p>Students will acquire the ability to analyse and judge the legitimacy and appropriateness of public administration action.</p> <ul style="list-style-type: none"> Communication skills <p>Students will acquire the specific legal language and the ability to examine the rationale and main features of the institutes of substantive administrative law.</p> <ul style="list-style-type: none"> Ability to learn independently 		

	Students will acquire the general knowledge required to examine specific topics in depth and place them within the administrative law system.
--	---

Assessment and feedback	
Methods of assessment	Oral examination with questions on the examination programme.
Evaluation criteria	<ul style="list-style-type: none"> • Knowledge and understanding Level of knowledge and understanding of the topics forming part of the examination programme. • Applied knowledge and understanding Level of knowledge of the method of researching legislative, jurisprudential and doctrinal sources. • Autonomy of judgement Ability to analyse and make judgements on the general themes and main issues of substantive administrative law. • Communication skills Knowledge and use of the specific legal language of the subject and ability to expound, also by using examples and links between normative texts and legal institutions of the subject. • Ability to learn Ability to learn reference manuals and understanding of the most relevant sources for the study of the discipline.
Criteria for assessment and attribution of the final mark	<p>The examination takes place orally and serves to ascertain the student's effective acquisition of the knowledge, skills and abilities described in the section "Learning objectives and expected learning outcomes".</p> <p>The examination grade, expressed in thirtieths, will attest to the level of preparation ascertained; the level of preparation is graded as follows: excellent (30/30), very good (28/29), good (25/27), fair (21/24), sufficient (18/20). The awarding of honours (30 e lode) presupposes the unanimous agreement of the examination board.</p> <p>The student may choose to take a single examination for the 18 CFUs (Administrative Law I and II): due to their respective disciplinary contents, the verification of adequate knowledge of concepts and institutes of substantive administrative law (Administrative Law I) precedes and conditions the verification of procedural administrative law and administrative justice (Administrative Law II);</p> <p style="text-align: center;">or</p> <p>the examination of Administrative Law I (for the first 9 CFU) and, subsequently, that of Administrative Law II (for the other 9 CFU).</p>
Additional information	