

**COURSE OF STUDY: ADMINISTRATION SCIENCES (LM-63)
ACADEMIC YEAR: 2023/24
ACADEMIC SUBJECT: CONTRACTS AND PROCUREMENT IN THE PUBLIC
ADMINISTRATION**

General information	
Year of the course	1
Academic calendar (starting and ending date)	I semester (september 2023-december 2023)
Credits (CFU/ETCS):	8
SSD	IUS /01
Language	Italian
Mode of attendance	Attendance, although not compulsory, is highly recommended

Professor/ Lecturer	
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Virtual headquarters	Platform Microsoft teams
Tutoring (time and day)	Tuesday and Wednesday, h. 11:30/12:30, in presence by appointment

Syllabus	
Learning Objectives	The student will acquire a solid cultural background of technical and methodological knowledge of public procurement and will be able to grasp and place the systematic and axiological connections between the institutes involved. The student will achieve autonomy in the search for normative sources and in the systematic interpretation of the same, in the light of the concrete interests at stake and in view of the solution of practical cases in an interdisciplinary perspective.
Course prerequisites	A good knowledge of the Italian language and the possession of adequate learning and reasoning skills are required. It is also useful to have a basic knowledge of the Italian Republic Constitution and of the main institutes of private law.
Contents	The procurement system (Articles 1, 3, 29, 30). The acts and the prodromiche activities to the accomplishment of the contest (Articles 21, 24, 31, 32, 33, 34, 35, 36). The procedures for choosing the contractor (Articles 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65). Call for competition (Articles 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76). The requirements of participants in custody procedures (Articles 45, 46, 47, 48, 49, 50, 51, 80, 81, 83, 84, 89) (Annex XVII Articles 60, 61, 62, 92, 93, 94, 95, 96 Rules). The award criteria and the evaluation of tenders (Articles 77, 78, 94, 95, 96, 97, 98).



	<p>The conclusion, management and execution of the contract (Articles 32, 100, 101, 102, 103, 104, 105, 108, 109) (Decree MIT 07.03.2018) (Articles 215, 216, 221, 229, 237 Regulations).</p> <p>The National Anti-corruption Authority - A.N.A.C. (Artt. 211, 213) (Articles 19 D.L. 90/2014 converted to L. 11.08.2014, n. 114).</p> <p>Litigation (Articles 204, 205, 206, 207, 208, 209, 210, 211) (Articles 6 D.L. 76/2020 converted to L. 120/2020 Technical Advisory Board).</p> <p>Green Public Procurement - G.P.P.</p>
Books and bibliography	M. Giustiniani e P. Fontana, <i>Le gare pubbliche</i> , Dike, 2021.
Additional materials	The study of the program requires the necessary consultation of a code of public contracts and the following legislative texts: D.L. 18.04.2019, n. 32 (unblocked) converted to L. 14.06.2019, n. 55; D.L. 16.07.2020, n. 76 (simplifications) converted to L. 11.09.2020, n. 120; D.L. 31.05.2021, n. 77 (simplifications bis) converted to L. 29.07.2021, n. 108; lines guide A.N.A.C.

Work schedule		
Total	Lectures	Out-of-class study hours/ Self-study hours
Hours		
200	64	136
ECTS		
8		
Teaching strategy	<p>The method with which to deal with the the study of the discipline, which will be followed by the teacher during the lectures, implies, in addition to the analysis of the institutes, through the continuous consultation of the regulatory sources, also the ability understanding and interpretation of them. This involves the development of a critical and systematic reasoning capacity around the topics dealt with, as well as the expository mastery of concepts.</p>	
Expected learning outcomes		
Knowledge and understanding on:	<p>The student acquires the fundamental notions concerning the main public procurement institutes and the essential discipline of the same by attending, not compulsory but absolutely recommended, teaching activities organized in lectures and any additional exercises and/or seminars, including interdisciplinary ones.</p>	
Applying knowledge and understanding on:	<p>The student is able to understand the complexity of the institutes analyzed and to interpret the relative norms on the basis of the knowledge acquired during the educational activities, in order to apply them to the concrete case through the use of an appropriate technical-legal lexicon.</p>	
Soft skills	<ul style="list-style-type: none"> • <i>Making judgements</i>: the student is able to understand and properly use the technical-legal terminology; is able to distinguish, within a text or a discourse, the parts that describe regulatory elements from those that offer their interpretation; knows how to operate the appropriate systematic and axiological connections between the various institutes of civil law and transdisciplinary between the various disciplines covered by the course of study. • <i>Communication</i>: the student is able to understand the structure and function of the main institutes of civil law; knows how to apply the knowledge acquired to solve non-complex practical cases; acquires the basic knowledge 	



	<p>for learning the legal disciplines related to private law that he will have to deal with in the degree course (eg, Private Law, European Community Law).</p> <ul style="list-style-type: none"> • <i>Lifelong learning skills</i>: the course aims to introduce the study of private law, offering a critical and problematic view of the matter, inspired to respect for constitutional and European legality. • <i>Working in groups</i>: students attending the seminars will be asked to coordinate with other people, including those of different cultures and professional specializations, integrating skills and forming a working group for the analysis and comment of cases and jurisprudential sources.
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Assessment and feedback	
Methods of assessment	It is required to the candidate to show, in the oral exam, systematic and analytical learning of principles, rules and of the institutes of public procurement, according to the Italian-European system sources. Oral exam only.
Evaluation criteria	<ul style="list-style-type: none"> • <i>Knowledge and understanding on</i>: students should have the ability to analyze and synthesize information, i.e. to acquire, organize and reformulate data and knowledge from different sources. Attending students will be invited, during the seminar and during the examination, to grasp and summarize the meaning of some judgments of jurisprudence, in turn an expression of synthesis between the description of the case in point of the judicial order and the reasons for the decision. • <i>Applying knowledge and understanding on</i>: students must have the ability to solve problems, that is to apply what they have learned to a concrete case, selecting the knowledge that allows them to solve it in the most appropriate way. Attending students will apply, in the analysis of legal problems and concrete cases agreed with the teacher, the method and argumentative techniques studied. • <i>Making judgements</i>: students must be able to formulate judgments independently, i.e. interpret information with a critical sense and make consequent decisions. Attending students will have to take a stand on the adequacy and reasonableness of the judicial orders examined. • <i>Communication skills</i>: students must be able to communicate effectively, to transmit information and ideas in a clear and formally correct way, expressing them in adequate terms with respect to specialist or non-specialist interlocutors in the sector. Attending students, during seminars and exercises, will be invited to speak with the teacher on the solutions adopted. • <i>Lifelong learning skills</i>: students must be able to recognize their own gaps and identify effective strategies aimed at acquiring new knowledge and skills.
Criteria for assessment and attribution of the final mark	<p>The final grade will be attributed through the assessment of the level of preparation demonstrated by the student during the exam in relation to each of the topics in the program, which each question will focus on.</p> <p>The vote will be expressed out of thirty (from 18/30 to 30/30 with honors). For the assignment of honors an ad hoc question will be formulated, through which the student will have to demonstrate a thorough and critical knowledge of a institute, as well as an excellent technical ability to argue on the systematic and axiological links between the various institutes.</p> <p>The criteria for the evaluation of learning outcomes expressed in thirtieth are:</p> <p>Insufficient: 0-17</p>



	<p>Lacking, inadequate knowledge of the topics contained in the program, use of a non-legal lexicon by candidates</p> <p>Sufficient: 18-20 Sufficient knowledge of the topics contained in the programme and overall adequacy of the legal lexicon used by the candidates</p> <p>Discreet: 21-23 Discrete knowledge of the topics contained in the program, discrete ability to argue and make connection between the various topics, through the use of an adequate legal lexicon by candidates</p> <p>Good: 24-26 Good knowledge of the topics contained in the program, good ability to deepen and critique, through the use of an adequate legal lexicon by candidates.</p> <p>Distinguished: 27-28 More than good knowledge of the topics contained in the program, more than good ability to deepen and argue on the links between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p>Very good: 29-30 Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p>Excellent: 30L Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise and excellent mastery of legal lexicon.</p>
Additional information	President: Prof. Salvatore Giuseppe Simone; members: Proff. Francesco Di Giovanni, Ferdinando Parente, Valeria Corriero; Doctors: Cataldo Rosito, Vincenzo Arbore