

COMM_E78.COMM
E78.OFFICIAL_REGISTER.U.000005
8.24-02-2023

EXTRAORDINARY COMMISSIONER FOR INFRASTRUCTURE WORKS ON THE
E78 'GROSSETO-FANO' HIGHWAY
(DPCM 16/04/2021)

DEVICE NO. 2/2023

Approval of the final project of intervention AN58 'International route E78 Grosseto Fano. Selci Lama (E45) - S. Stefano di Gaifa section. Adaptation to 2 lanes of the Guinza Tunnel (lot 2) and the Guinza-Mercatello Ovest section (lot 3). 1st section. Completion works" - CUP: F71B16000460001

THE EXTRAORDINARY COMMISSIONER

HAVING REGARD TO Decree-Law No. 32 of 18 April 2019, converted, with amendments, into Law No. 55 of 14 June 2019 and, in particular, Article 4 paragraph 1 as replaced by Article 9 paragraph 1 of Decree-Law No. 76 of 16 July 2020, converted, with amendments, into Law No. 120 of 11 September 2020, which provides, by means of a Prime Ministerial Decree, for the identification of infrastructure interventions characterised by a particular executive or implementation difficulty, by complexity of technical-administrative procedures, by technical-administrative procedures, and by the complexity of the technical-administrative procedures, by means of a decree of the President of the Council of Ministers. 120 of 11 September 2020, which provides, by means of a decree of the President of the Council of Ministers, for the identification of infrastructural interventions characterised by a particular executive or implementation difficulty, by the complexity of the technical-administrative procedures or that entail a significant impact on the socio-economic fabric at a national, regional or local level, and the simultaneous appointment of extraordinary commissioners for the implementation of the same interventions;

HAVING REGARD TO the Decree of the President of the Council of Ministers of 18.04.2021 transmitted by note MIMS (now MIT) M_UFF.UFFGAB U.21709 of 04.06.2021 with which route E78 was identified in Annex List 1 to the same decree, pursuant to Article 4 paragraph 1 of Law No. 32 of 14 June 2019, divided into

no. 11 infrastructural interventions, with the relevant CUP codes, the estimate of the relevant overall cost and the total available funding, as works characterised by a particular executive or implementation difficulty, by complex technical-administrative procedures, or involving a significant impact on the socio-economic fabric at national, regional or local level;

HAVING REGARD TO Article 2 paragraph 1 of the aforementioned D.P.C.M. appointing Engineer Massimo Simonini as Extraordinary Commissioner for the E78 Grosseto-Fano route, which includes the project in question "E78 Grosseto - Fano - Selci Lama (E45) - S. Stefano di Gaifa section. Adaptation to 2 lanes of the Guinza Tunnel (lot 2) and the Guinza-Mercatello Ovest section (lot 3). 1st section. Completion works";

CONSIDERED Article 2 paragraph 2 of the aforesaid D.P.C.M., which established that the Commissioner avails himself of the structures of Anas S.p.A. for the performance of his duties, without new or greater burdens for the public finance;

HAVING REGARD to Article 4 paragraph 2 of Decree-Law No. 32 of 2019 converted, with amendments, by Law No. 55 which provides that "... *The approval of the projects by the Extraordinary Commissioners, in agreement with the Presidents of the territorially competent regions, replaces, for all legal purposes, any authorisation, opinion, visa and nulla osta required for the commencement or continuation of the works, except for those relating to environmental protection, for which the terms of the relevant proceedings are halved, and for those relating to the protection of cultural and landscape heritage, for which the term for the adoption of the authorisation, opinion,*

visa and authorisation is fixed at a maximum of sixty days from the date of receipt of the request, after which, if the competent authority has not delivered an opinion, these acts shall be deemed to have been issued...';

HAVING REGARD TO the agreement entered into between the Extraordinary Commissioner and Anas on 11 November 2021, supplemented on 29 April 2022

HAVING REGARD TO Legislative Decree 163/2006 and Legislative Decree 50/2016 as amended and supplemented;

HAVING REGARD TO the memo prot. CDG-DT-U-65316 of 30/1/2023 attached to the protocol Commissioner COMM_E78_E

No. 38 of 30/1/2023 in which the Actuator Anas sent the Commissioner the technical-administrative report relating to the proposal for approval of the final project for the work in question: "E78 Grosseto - Fano - Tratto Selci Lama (E45) - S. Stefano di Gaifa. Adaptation to 2 lanes of the Guinza Tunnel (lot 2) and the Guinza-Mercatello Ovest section (lot 3). 1st section. Completion works", following the approval by the Anas Board of Directors on 26/1/2023 Resolution no. 6, with which the Procedure Manager, the Managers of the Technical Management of Anas S.p.A., with the approval of the Director of Investments and Implementation for consistency with the planning instruments, having examined the design documents, deemed the final design of the intervention in question to be adequately developed;

WHEREAS:

- the intervention is included in the Programme Contract 2016 - 2020 stipulated between the Ministry of Infrastructures and ANAS, approved by MIT-MEF Interministerial Decree no. 588 of 27.12.2017;
- the cost of the investment is fully financed;
- The project in question falls within the regions of Umbria and Marche, with its origin in the locality of Parnacciano, municipality of San Giustino (PG) and its termination close to the town of Mercatello sul Metauro (PU);
- the Guinza pass tunnel, included in the project in question, is a fundamental work for crossing the Marche Apennines;
- The project envisages the completion of the section of road already built - the Fano-Grosseto carriageway - in order to configure it as a two-lane road (one in each direction) and the connection of the same with the existing roads (SP 200 on the Umbria side and Via Cà Lillina on the Marche side) by means of two roundabout intersections; On the section under examination, which has a total length of approximately 10 km, all the main works on the planned carriageway (Fano - Grosseto carriageway) have already been completed, except for the connection works with the existing road system both on the Umbria and Marche sides, the finishing and completion road works, as well as the equipment of the tunnel, therefore the section has never been opened to traffic;
- the project therefore consists of the completion, with a view to opening to traffic, of the above-mentioned section, through:

1. Completion of the already completed 6 km-long Guinza tunnel with finishing works (paving, barriers, etc.) and installations;
 2. completion of the works already completed between the Guinza tunnel and Mercatello, for a total length of approximately 4 km, with finishing works (paving, barriers, etc.);
 3. construction of works to connect the section of road already built with the existing road system: intersection on the Umbria side with the S.P.200 and intersection on the Marche side with Via Cà Lillina, by means of 2 roundabouts and adaptation of part of the Cà Lillina road system to the existing road system;
- Specifically, on the Selci Lama (E45) - S. Stefano di Gaifa section, the project concerns the 2nd Lot, which includes the Guinza Tunnel and the construction of the connection works with the SP200 on the Umbria side, and the 3rd Lot, which includes all the works from the exit of the Guinza Tunnel on the Marche side, until the end of the intervention;
 - the infrastructure is ascribable to the type of road C 'extra-urban secondary road' pursuant to Art. 2 of Leg. 285/92 et seq. (New Highway Code);
 - The municipalities affected by the work are: San Giustino in the province of Perugia and Mercatello sul Metauro in the province of Pesaro and Urbino;
 - the final project went through the environmental and landscape protection procedures and obtained the following opinions:
 1. Preventive Archaeological Verification ex art. 25, Marche and Umbria side: with note prot. CDG- 409103-P of 30.07.2018, Anas asked the Ministry of Cultural Heritage and Activities to express its opinion on the Preventive Verification of Archaeological Interest, whose nulla osta was issued by Soprintendenza Archeologica, Belle Arti e Paesaggio of Marche with note prot. 17248 of 7/09/2018, with surveillance prescription, and nulla osta issued by Soprintendenza Archeologica, Belle Arti e Paesaggio dell'Umbria with note prot. 0016326 on 10/09/2018.
 2. Compliance with DEC/VIA/4649 of 21.03.2000: with note prot. CDG-409103-P of 30.07.2018, Anas submitted to the Ministry of the Environment and Protection of Land and Sea a request for the acquisition of the opinion of compliance with DEC/VIA/4649 of 21.03.2000, obtained with note prot. DVA.DEC.225 of 27.06.2019 (Marche side).
 3. EIA and VINCA procedure, Umbria side: with memo prot. CDG-409103-P of 30.07.2018 Anas submitted an application to the Ministry of the Environment and Protection of Land and Sea to start the Environmental Impact Assessment procedure integrated with the Impact Assessment procedure; with memo prot. M_ ANTE.DVA.U.17342 of 04.07.2019, the Ministry of the Environment expressed a negative opinion due to "impossibility to pronounce" because of the functional modifications requested by the CSLPPP, opinion reiterated CTVIA n.3191 of

15.11.2019. With request prot. CDG- 448689-U of 15.07.2021 Anas restarted the procedure, which was declared procedible on

05.11.2021 with prot. note m_ante.MATTM.U.120137. Within the framework of this procedure, with note prot. DG_ABAP.5285-P of 11.02.2022, the Ministry of Culture sent a positive technical preliminary opinion; finally, on 30.11.2022, the MASE (former MITE) issued the Environmental Compatibility Decree no. 356, positive with prescriptions for the PE phase and the works.

- With respect to the final project, a simplified decisional Services Conference was called by the Extraordinary Commissioner with memo prot. Comm_E78_U no. 26 of 7/3/2022, pursuant to Article 14-bis of Law 241/1990, with the amendments set forth in Article 13 of Law Decree 76/2020 (converted with Law 120/2020) D.P.R.383/1994, then suspended with Comm_E78_U measure no. 117 of 13/06/2022, which was closed with Reasoned Determination of Positive Conclusion on 20/12/2022 prot. Comm_E78_U no. 200, reporting the opinions, nihil obstat, consents and prescriptions formulated by the Bodies involved;
- the conditions and prescriptions relating to the intervention in question indicated by the Administrations involved for the purposes of consent may be implemented during the subsequent project phase and/or prior to the start of work;
- In relation to the final project, prior to the start of the Services Conference, on 23.12.2021 the Commissioner sent to the interested parties the notice of commencement of the procedure for the approval of the Final Project of the work in question, by means of a registered letter with return receipt, pursuant to Article 11 of Presidential Decree 327/01, amended and supplemented by Legislative Decree 302/02 and Article 7 et seq. of Law 241/1990 and subsequent amendments and additions. Following the conclusion of the Services Conference, on 2.1.2023 the Commissioner sent the notice of commencement of proceedings for the approval of the final project and the declaration of Public Utility relating to the areas affected by the works, pursuant to and for the purposes of Articles 16 and 12 of Presidential Decree 327/2001, Article 7 et seq. of Law no. 241/90, Legislative Decree 50/2016, a notice also published on the municipal notice board of the two municipalities concerned from 01/02/2023 to 21/02/2023 for those companies not reached by the registered mail;
- **No comments were received following the sending of these notices;**
- the formalisation of the memorandum of understanding between the Commissioner and the Presidents of Umbria and Marche was finalised on 20.01.2023;
- since all the managing bodies were invited to participate in the Services Conference on the PD;
- the project was also submitted for examination to the Superior Council of Public Works (opinion no. 61/2019) and, after an update requested by the Council, sent for examination to the Permanent Commission for Tunnels (C.P.G.), which approved it, with some observations, with Resolution dated 17.12.2020 transmitted with prot. M_INF.CSLP.U.9953, and that the observations will be incorporated by Anas in the drafting of the executive project;

- on 17 March 2022 the project was submitted to the Ministry of Infrastructure and Sustainable Mobility - Interregional Superintendency for Public Works Tuscany Marche Umbria for a request for exemption under Article 13(2) of Legislative Decree 285 of 30 April 1992 'New Highway Code', which the Ministry did not decide to grant, indicating in its opinion No 7/2022 sent on 22/6/2022 the possible modalities for a provisional opening pending the overall reorganisation of the road system in the two directions, already activated by Anas with the start of other planning for the construction of the "second tube" of the Guinza, following specific authorisation by the Ministry of Infrastructure in April 2022.

WHEREAS the Project Manager Engineer Vincenzo Catone will validate the subsequent executive project pursuant to Article 26 of Legislative Decree 50/2016 as amended and supplemented, prior to the publication of the call for tenders

HAVING REGARD TO the chronoprogram attached to the final project that shows the estimated time for the execution of the works (including the environmental monitoring during construction) as 720 (seven hundred and twenty) natural and consecutive days

HAVING REGARD TO the Economic Table of the final project, drawn up on the basis of the use of the ANAS Price List 2022 Rev.2, shown below

**International Route E78 S.G.C. 'Grosseto-Fano'.
Section Selci Lama (E45) - S. Stefano di Gaifa.
Adaptation to 2 lanes of the Guinza Tunnel (lot 2) and the Guinza - Mercatello Ovest section (lot 3). 1st Stralcio. Completion Works.**

A) Contract Work			
a1	Adding up the Works for Bodies and Measures		€ 95.143.295,63
a2	On-going environmental monitoring		€ 351.781,02
a3	To add costs related to safety not subject to rebate		€ 5.708.597,74
a4	Legality Protocol	0,3%	€ 303.611,02
a5	Total works plus services	a1+a2+a3+a4	€ 101.507.285,41
a6	To deduct Security and protocol charges of legality not subject to rebate		€ 6.012.208,76
a7	Amount of work subject to rebate	a5-a6	€ 95.495.076,65
B) Amounts available to the contracting station			
b1	Interference		€ 555.100,00
b2	Surveys and investigations		€ 750.000,00
b3	Connections to public utilities		€ 750.000,00
b4	Unforeseen events		€ 8.499.809,10
b5	Acquisition of Land and Buildings Registration, property and cadastral taxes		€ 350.000,00
b6	Fund Art. 113 c.2 Legislative Decree 50/2016		€ -
b7	Technical expenses for testing activities	0,1502%	€ 152.007,92
b8	for Commissioners under Art. 205 c. 5 e 209 c. 16 Legislative Decree 50/2016	0,10%	€ 101.203,67
b9	expenses for Selection Boards art. 77 c. 10 D.Lgs. 50/2016	0,10%	€ 101.203,67
b10	Expenses for Advertising and where applicable for artistic works		€ 150.000,00
b11	ANAC contribution		€ 800,00
b12	Expenses for laboratory tests and technical inspections	1,30%	€ 1.236.862,84
b13	Charges for carrying out investigative, monitoring and control activities relating to environmental assessment procedures DM(MINAMB) 245/2016 (only in the event that this item occurs, it should be applied to all amounts excluding expropriations, art. 113 fund, legality protocol)		€ 74.669,18
b14	Statutory charges on technical expenses (4% of b7, b8, b9)		€ 14.176,61
b15	Surveillance activities and archaeological investigations		€ -
b16	Ante and post environmental monitoring		€ 736.545,87
b17	Geotechnical monitoring		€ 4.000.000,00
b18	Explosive ordnance clearance law 177/12		€ 307.393,45
b19	Safety costs for COVID equipment (measured)		€ -
b20	Total Available Funds		€ 17.779.772,32
C) Investment charges			
		9,0%	€ 10.735.835,20
	Total Investment Amount	a5+b20+C	€ 130.022.892,93

EXPECTED
then which
the
final project
drawn up by
Anas
presents a
total amount
re a €

yes
subdivided:
-
amount of
works e
services €
1.507.285,41
(of which of
which€

95,143,295.63 for customised and measured works, €5,708,597.74 for safety costs, €351,781.02 for environmental monitoring during construction, and €303,611.02 for legality protocol);

- amount for available sums € 17,779,772.32;
- investment charges (9%) amounting to € 10,735,835.20.

TAKEN NOTE that Anas S.p.A. has ascertained the complete economic coverage of the intervention, amounting to 150 million euros, from the following resources

- € 40,327,410 on Anas Single Fund (Programme Contract 2016-2020)
- € 26,693,334 from the Infrastructure Fund 2017 (Programme Contract 2016-2020).
- € 82,979,256 from Budget Law 2022 resources (CIPESS resolution 27.12.2022 to be published)

CONSIDERED the preamble as an integral and substantial part of this operative part.

HAVING REGARD TO the agreement with the Presidents of the Marche and Umbria Regions acquired following the conclusion of the Services Conference by deed signed on 20.01.2023, pursuant to Article 4, paragraph 2, of Decree-Law no. 32/2019, converted with amendments into Law no. 55/2019, functional to the approval of the Final Project in question, which, in accordance with the aforementioned dictate, "...replaces, for all legal purposes, all authorisations, opinions, visas and nulla osta necessary for the commencement or continuation of the works..." and which also perfects the agreement between the State and the Region in accordance with the provisions of Presidential Decree 383/1994 and subsequent amendments and additions, thus placing the constraint preordained to the expropriation on the areas necessary to carry out the works;

PROVIDES

1. to approve, also for the purposes of the declaration of public utility, the final project of the intervention "*International route E78 Grosseto Fano. Selci Lama (E45) - S. Stefano di Gaifa section. Adaptation to 2 lanes of the Guinza Tunnel (lot 2) and the Guinza-Mercatello Ovest section (lot 3). 1st section. Completion works*", CUP code F71B16000460001, to be considered an integral and substantial part of this measure even if not materially attached, for a total amount of € 130,022,892.93, of which works and services amount to € 101,507,285.41 (of which € 95,143.295.63 for works on the body and measured basis, € 5,708,597.74 for safety costs, € 351,781.02 for environmental monitoring during works and € 303,611.02 for legality protocol), € 17,779,772.32 for available amounts and € 10,735,835.20 for investment charges of Anas S.p.A;
2. the approval of the project has the effect of a variation of the urban planning instruments in force and entails the subjection of the areas affected by the project to a pre-ordained expropriation constraint

pursuant to art. 10

of Presidential Decree no. 327/2001, determines the declaration of public utility of the works envisaged by the final project pursuant to Article 12 of Presidential Decree no. 327/2001 and takes into account the opinions, clearances and authorisations necessary for the location of the work and the urban conformity of the intervention;

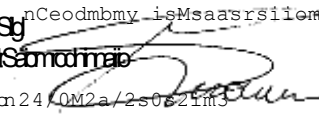
3. the approval of the project, having regard to the agreement with the Presidents of the territorially competent Regions, supersedes, for all legal purposes, all authorisations, opinions, approvals and clearances required for the commencement of the works, except for those relating to environmental protection and those relating to the protection of cultural and landscape heritage, pursuant to Article 4, paragraph 2, of Decree-Law No. 32 of 18 April 2019, converted into law, with amendments, by Law No. 55 of 14 June 2019, as amended by Article 9 of Decree-Law No. 55 of 16 July 2020, No. 76, converted, with amendments, by Law No. 120 of 11 September 2020;

4. to mandate the Implementing Party Anas S.p.A. to immediately commence all the activities necessary for the timely completion of the work through the preparation of the executive project, which will incorporate the prescriptions and conditions expressed by the entities at the Services Conference relevant to the intervention subject of the proceedings, as well as those expressed by the Permanent Tunnels Commission in its Resolution of 17.12.2020 transmitted with prot. M_INF.CSLP.U.9953 and by the Ministry of the Environment and Energy Safety, and the subsequent tender procedure for entrusting the execution of the works, as per the timetable sent by the Commissioner to the MIT at the end of November 2022, as well as to carry out all the fulfilments within its competence, including those relating to the communications *under* Presidential Decree 327/2001.

These provisions are transmitted, also for the purpose of publication on the institutional website, to the Ministry of Infrastructure and Transport - Directorate General for Roads and Motorways, High Supervision of Road Infrastructures and Supervision of Motorway Concession Contracts, to the Regions of Umbria and Marche and to the Actuator Anas S.p.A.

In order to ensure maximum transparency and accessibility, these provisions will be published by Anas S.p.A. on the section of the website dedicated to the Extraordinary Commissioners.

So
t
n24
of



nCeodmbmy_isMsaasrSliemSo
tSamdmale
n24_0M2a/2s0s2im3
ofSno2i2niCET