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6.28-07-2023

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

DEVICE NO. 4/2023

Approval of the executive 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, by Law No. 120 of 11 September 2020 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 Prime Ministerial Decree of 18.04.2021 transmitted by note MIMS (now MIT) M\_UFF.UFFGAB U.21709 of 04.06.2021 whereby route E78, subdivided into 11 infrastructure measures, with the relative CUP codes, the estimate of the relative overall cost and the total available funding, was identified in Annex List 1 to the same decree, pursuant to Article 4, paragraph 1 of Law no. 32 of 14 June 2019, as a work characterised by a particular executive or implementation difficulty, by the complexity of the 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 Special Commissioner for the E78 Grosseto-Fano route, which includes the project 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";

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 Legislative Decree No. 36 of 31 March 2023, New Public Contracts Code;

HAVING REGARD TO the memo prot. CDG-DT-U-495944 of 23/6/2023 attached to the protocol Commissioner COMM\_E78\_E

No. 186 of 26/6/2023 in which the Actuator Anas forwarded to the Commissioner the technical-administrative report on the proposal for approval of the executive 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 of the Anas Board of Directors Resolution no. 67 of 22/6/2023, with which the Procedure Manager, the Managers of the Technical Management of Anas S.p.A, with the approval of the Procurement and Purchasing Director, the Investment and Implementation Director and the Administration, Finance and Control Director, each for their respective areas of competence, having examined the project documents, did not highlight any observations in the way of approval and deemed the Executive Design of the work to be adequately developed for the purposes of its approval for the contract by the Commissioner, subject to completion of obtaining the required compliance and opinions on the Executive Design, within the terms deemed preparatory to approval pursuant to art. 4 co. 2 of Decree-Law no. 32/2019 converted with amendments by Law no. 55/2019, with the proposal to arrange for the awarding of the execution of the works by means of an open procedure pursuant to Article 71 of Legislative Decree no. 36/2023 and subsequent amendments and additions using the criterion of the most economically advantageous offer pursuant to Article 108, paragraph 1 of said Legislative Decree 36/2023;

HAVING REGARD TO the subsequent revision of the economic framework submitted by Anas on 25/7/2023 with device

CDG\_DT\_U\_595806 by which, for the same amounts, the labour costs, not subject to rebate, were deducted in consideration of the entry into force of Legislative Decree 36/2023 New Public Contracts Code;

WHEREAS:

- the intervention in question 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 investment is fully financed;
- The project falls within the regions of Umbria and Marche and concerns the territories of the municipalities of San Giustino in the province of Perugia and Mercatello sul Metauro in the province of Pesaro and Urbino;
- 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 intervention straddles the regions of Umbria and Marche, for about 10 km, with its origin at Parnacciano, in the municipality of San Giustino (PG), and ends near the town of Mercatello sul Metauro (PU). In particular, lot 2 involves the entire section of the Guinza tunnel, built for the Umbria direction tube and extending for about 6 km, while lot 3 runs from the northern entrance of the Guinza tunnel (Marche side), for an extension of about 4 km, to the built-up area of Mercatello.
- More precisely, the section includes several works of art already completed in whole or in part, listed below proceeding along the route in the direction from Guinza towards Mercatello:
  - ❖ Guinza tunnel (5,960 m), left-hand carriageway only;
  - ❖ Guinza bridge (27 m), dual carriageway;
  - ❖ Valpiana tunnel (230 m), left carriageway only;
  - ❖ Valpiana viaduct (160 m), left carriageway only;
  - ❖ St. Veronica tunnel (60 m left carriageway and 88 m right carriageway), dual carriageway;
  - ❖ Sorgente viaduct (180 m left carriageway and 116 m right carriageway), dual carriageway;
  - ❖ S. Antonio tunnel (650 m left carriageway and 850 m right carriageway), dual carriageway;
  - ❖ La Pieruccia viaduct (56 m for both carriageways), dual carriageway
  - ❖ open-air sections of Lot 3 (2.7 km), dual carriageway;
  - ❖ some bulkheads and hydraulic works.
- In relation to the current situation, the intervention, included in the Programme Contract and feasible with available funding on the basis of the in-depth studies carried out on various hypotheses for opening to traffic, which were also submitted to the Ministerial Control bodies (Higher Council of Public Works and Tunnel Commission), provides for the activation of operation in the first phase, pending the construction of the second tube (Phase 2), for which Anas has already started the design on the specific authorisation of the Ministry of Infrastructure. Said 1st phase provides for the operation of the existing tube in a one-way system (from Marche to Umbria) and with limitations in the

vehicular flow conditions (to the number and type of vehicles), leaving traffic in the direction from Umbria to Marche on the existing road system.

- The executive project includes the following interventions:
  - ❖ Adaptation and completion of the already completed left hand tube of the Guinza Tunnel, by means of lining and consolidation works, finishing works and platform water drainage, as well as installations to make it safe and enable 1st phase operation;
  - ❖ Adaptation and completion of the left carriageway of the Guinza-Mercatello section, with civil works, finishing and installations of the embankment sections and works of art already carried out for the commissioning of the 1st phase, and construction of the road works to connect the same tunnel with the existing road network on the Umbria side (S.P.200);
  - ❖ the upgrading of the local road system of Via Cà Lillina from the roundabout on the Marche side to the limit of the Mercatello built-up area, for a stretch of about 980 m, and some paving and restoration works on the SP200 road, after the roundabout on the Umbria side.
- the infrastructure is ascribable to the type of road C "extra-urban secondary road" pursuant to Article 2 of Legislative Decree 285/92 and subsequent amendments and integrations (New Highway Code). (New Highway Code), even if temporarily used for one-way traffic;
- the final project went through the environmental and landscape protection procedures and obtained the following opinions:
  1. Preventive Archaeological Verification pursuant to art. 25, Marche and Umbria side: with memo 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 memo 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 CSLLPPP, opinion reiterated CTVIA n.3191 of 15.11.2019. By application prot. CDG-

448689-U of 15.07.2021 Anas restarted the procedure, which was declared procedibile on 05.11.2021 with prot. note m\_ante.MATTM.U.120137. Within the scope of this procedure, with memo 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 (formerly MITE) issued Environmental Compatibility Decree no. 356, positive with prescriptions for the executive project 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 are incorporated in the executive project and/or prior to the commencement of work;
- With respect 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 approval procedure through the call of the decisive Services Conference, by 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 1/2/2023 to 21/2/2023 for those companies not reached by the registered mail;
- the Anas with notes prott. CDG-250598-U of 3/4/2023 and CDG-301672-U of 20/4/2023, which have also been incorporated into the Commissioner's files, acknowledged the observations received from a number of owners, confirming the design solutions and guaranteeing technical solutions, incorporated into the executive design, to limit the encumbrances of the works to be carried out by verticalising the project slopes;
- the formalisation of the memorandum of understanding between the Commissioner and the Presidents of Umbria and Marche was finalised on 20/1/2023;
- all managing bodies were invited to participate in the Services Conference on PD;
- the project was also submitted to the Superior Council of Public Works for examination (opinion no. 61/2019) and, after an update requested by the Council, sent to the Permanent Commission for

Tunnels (C.P.G.), which approved it, with some comments contained in the



Resolution of 17/12/2020 transmitted with prot. M\_INF.CSLP.U.9953, to be incorporated in the drafting of the executive project. Among the prescriptions formulated was the need to obtain the waiver of the competent body pursuant to Article 13 paragraph 2 of the Highway Code pursuant to Legislative Decree no. 285 of 30/04/1992 "New Highway Code" and Article 3 of Ministerial Decree no. 6792 of 5/11/2001, accompanying the project with a specific driving simulation analysis for the assessment of the "human factor";

- with prot. COMM\_E78\_40 of 17/3/2022 the undersigned Commissioner therefore submitted an application for a waiver to the Ministry of Infrastructure and Sustainable Mobility - Interregional Superintendency for Public Works Tuscany Marche Umbria,
- with Vote no. 7/2022 notified on 22/6/2022, the Superintendent's Office decided not to grant the exemption, considering itself not competent to issue exemptions from the Highway Code, and also identified the possibility of opening the road in provisional mode, pending the overall reorganisation of the road system in the two directions through the construction of the 'second tube' of the Guinza (Phase 2), for which Anas has already initiated other planning;
- the final project was approved by the Commissioner on 24/2/2023 by Device No. 2 of 2023, also for the purpose of the declaration of public utility, deed transmitted to the Ministry of Infrastructure and Transport by memo prot. COMM\_E78\_U No. 59 of 24/2/2023;
- The following opinions were requested on the executive project prepared by Anas:
  1. Approval within the competence of the Permanent Commission for Tunnels (now within the competence of the National Agency for Railway and Road Infrastructure Safety - ANSFISA): in compliance with the prescriptions of the CPG Resolution of 17/12/2020 approving the Safety Documentation of the Final Project, Anas with memo prot. CDG- 0251219-U of 3/4/2023 sent the executive project to the Commission with acknowledgement of the prescriptions and recommendations contained in the same Resolution, for approval within the competence pursuant to Legislative Decree 264/2006.

On 5 May 2023, by note prot. COMM\_E78.U.103, the Commissioner requested that the relevant opinion be forwarded. In response, the Permanent Commission on Tunnels, by note prot. ansfisa.U.28007 dated 18/5/2023, informed the Commission that the documentation submitted was being examined by the appointed working group, with a view to submitting it to the Commission for review at the end of the preliminary investigation phase.

In a subsequent note prot. ansfisa.U.33985 of 12/6/2023, the Standing Committee communicated, as the final outcome of the work of the appointed Group, how, in order to accelerate the procedural and approval process of the work and in view of the declaration of compliance with the requirements, the Commission's authorisation powers could be invoked, on the basis of which *"the approval of the projects by the extraordinary commissioners [ ... ] replaces, for all legal purposes, any authorisation, opinion, visa and nulla osta required for the commencement or continuation of the works"*,

reserving the right to issue, if necessary, specific prescriptions and fulfilments in relation to the commissioning request pursuant to paragraph 5 of Article 10-bis of Legislative Decree No. 264/06.

By note prot. COMM\_E78.U.176 of 15/6/2023, the undersigned acknowledged the ANSFISA note, stating that it wished to proceed with the approval of the EP in accordance with the powers conferred on it in the interests of speed and cost-effectiveness, but indicating that "*...in order to prevent any subsequent prescriptions of this Commission from having a negative impact on the opening of the work to traffic - with the risk of making the technical and economic forecasts of the contract ..... uncertain - it appears appropriate that this Commission, already at this stage, indicate any plant-engineering and/or functional arrangements deemed necessary for the proper opening to traffic*", and highlighting any plant-engineering and/or functional arrangements deemed necessary for the proper opening to traffic. it appears advisable that your Commission, already at this stage, point out any plant engineering and/or functional arrangements deemed necessary for the proper opening to traffic", and highlighting how the EP contains the replies to the prescriptions issued on the PD. In the above-mentioned note, the Commissioner represented, therefore, that he intended to proceed with the approval of the EP in the absence of the Commission's opinion, unless otherwise indicated by the Commission, which had not made any comments on the matter.

2. Verification of compliance with DEC/VIA/356 of 30/11/2022 for the Umbria side and with CTVIA Opinion no. 3014 of 24/5/2019 for the Marche side: with memo prot. COMM\_E78.U.75 of 30/3/2023, the undersigned submitted an application to initiate the procedure to verify compliance with the environmental conditions contained in EIA Decree no. 356 of 30/11/2022 for Lot 2 and with CTVIA Opinion no. 3014 of 24/5/2019 for Lot 3.

The MASE by note prot. m.amte.MASE.U.71865 of 5/5/2023 requested the administrative refinement of the application, with the submission of two separate applications for the two lots, understanding the two evaluation processes as separate.

Two separate applications were therefore submitted: memo prot. COMM\_E78.U.110 of 9/5/2023, for residual compliance with the requirements of the CTVIA opinion no. 3014 of 24/5/2019 concerning the Lot

3 (Marche side), with procedibility issued by MASE with prot. m.amte.MASE.U.88549 of 31/5/2023; note prot. COMM\_E78.U.109 of 9/5/2023 for compliance with the environmental conditions of DEC/VIA no. 356 of 30/11/2022 relating to Lot 2 (Umbria side), including verification of the PUT of both lots, with procedibility issued with prot. m.amte.MASE.U.88516 of 31/5/2023.

With reference to both procedures, the Decrees of the Ministry of the Environment and Ecological Sustainability were extracted from the ministerial portal, with the relative annexes, which constitute an integral part of the same: Directorial Decree no. 356 of 25/7/2023 (Umbria side), rendered following the opinions of the CTVA no. 784 and 787 of 3 July 2023, by which the environmental

conditions from no. 1 to no. 8 of the decree of environmental compatibility no. 356 of 30/11/2022 have been declared partially complied with, and Directorial Decree no. 355 of 25/7/2023 (Marche side), rendered following the opinions of the CTVA no. 785 and 787 of 3 July 2023, by which the environmental conditions e) and g) environmental compatibility decree No 4649 of 21/03/2000. Compliance is to be completed

prior to the commencement of site activities within the timeframe foreseen by the environmental conditions, including the submission of the integrated Land Use Plan as prescribed in the Decrees.

3. Hydrogeological constraint clearance, authorisation for the reduction of wooded areas and authorisation for the felling of trees: applications were sent to the competent regional offices:

- Anas request (prot. CDG-299202-U of 20 April 2023) to the Marche Region - Marche North Civil Engineering Department and the Alta Valle del Metauro Mountain Union, where, following joint inspections, the request was finalised with a further note CDG-507097-U of 27 June 2023. In this connection, the Commissioner was informed by Anas that the Marche Region's Marche North Civil Engineering Department had issued decree No 525 of 29 June 23 (prot. Anas CDG-514821-E of 29 June 2023) granting authorisation pursuant to Articles 7, 8, 9 and 10 of the Decree.

R.D.L. 3267/1923, Articles 11 and 12 L.R. 06/2005 to the hydrogeological restriction and the authorisation to reduce the wooded area. By note no. 11596 of 13/7/2023 (prot.COMM\_E78\_E no. 213 of 17/7/2023) the Alta Valle del Metauro Unione Montana authorised the felling of trees and the uprooting of hedges, with some prescriptions;

- Anas request prot. CDG-299183-U of 20/04/2023 to the Umbria Region Regional Forestry Agency (AFOR). On 3 July 2023, the Commissioner received, under prot. COMM\_E78.E.192, the reply from the Umbria Region Regional Forestry Agency with a favourable opinion with prescriptions regarding the reduction of the wooded area. With regard to the authorisation for hydrogeological constraints, the following was received: the reply from the Umbria Region - Hydrogeological, hydraulic and seismic risk service - Soil Protection Service, which was recorded on the Commissioner's prot. no. COMM\_78 0000175 of 12 June 2023, referring responsibility for such authorisation to the AFOR. In a note to the prot. of the Extraordinary Commissioner No COMM\_E78 0000192 of 3 July 2023, the AFOR determined that: *'For the project in question, Conferences of Services were held to which the undersigned Agency was not convened, due to its own competences, but the Umbria Region, a superior body, with its own competent services, e.g. the Hydrogeological, Hydraulic and Seismic Risk Service, expressed a favourable opinion with prescriptions. As a result of the above, it is considered that a nulla osta for the hydrogeological constraint should not be expressed due to the presence of superior opinions'*.

4. Hydraulic authorisation pursuant to Royal Decree no. 523/1904: applications were sent to the regional offices:

- Anas memo prot. CDG-355593-U of 11.05.2023 to the Marche Region Civil Engineer. On 3 July 2023, the Commissioner, prot. COMM\_E78.E.196, received authorisation no. 2852 from the Marche Region with attached Civil Engineering Decree no. 524 of 29 June 2023, containing conditions and prescriptions;

- Anas memo prot. CDG-355620-U of 11/05/2023 to the Civil Engineer of the Umbria Region. On 3 July 2023, the Commissioner, prot. COMM\_E78.E.191, received the authorisation from the Umbria Region with attached Executive Determination 6987 dated 27 June 2023, containing conditions and prescriptions, to which Anas responded with its own note CDG-565921-U dated 14 July 2023, confirming, for the prescriptions under points B and C, the design solutions with the provision for the canalisation of the Canale ditch.

WHEREAS the Head of the Procedure Engineer Vincenzo Catone by note prot. CDG-232896-U of 28/3/2023 requested the Production Services Department of ANAS to carry out the preventive verification of the design, pursuant to Article 26 of Legislative Decree 50/2016 as amended and supplemented, which verification is in progress and will be completed before the start of the tender procedures

HAVING REGARD TO the chronoprogramme attached to the executive project, which shows the expected time for the execution of the works (including the environmental monitoring during the works) as 925 natural and consecutive days, equal to approximately 2 years and 6 months, including 92 days of unfavourable seasonal trend

HAVING REGARD TO the Economic Overview of the executive project referred to in Anas note prot. CDG-495944-U of 23/06/2023 and drawn up on the basis of the ANAS Price List 2023 approved in March 2023 as well as additional prices, verified in accordance with Anas procedures, having regard to the subsequent revision of said Price List sent by Anas to the Commissioner on 25/7/2023 (device CDG\_DT\_U\_595806 whereby, with equal amounts, labour costs, not subject to rebate, were separated), and having regard to the Final Revision of the Economic Overview, supplemented by the RUP and sent by email of 28/7/2023, at the request of the Commissioner to include specific amounts in implementation of Art. 126 of Legislative Decree 36/2023 (acceleration bonus), and amended on the basis of the further indications provided by Anas with respect to the quantification of the labour costs not subject to rebate (pursuant to Article 41 paragraph 14 of the aforementioned Legislative Decree 36/2023), which is reproduced below:

<b>Itinerario Internazionale E78 S.G.C. "Grosseto-Fano".</b> <b>Section Selci Lama (E45) - S. Stefano di Gaia.</b> <b>Adaptation to two lanes of the Guinza Tunnel (Lot 2) and the Guinza - Mercatello West section (Lot 3). 1st stratum. Completion works.</b> <b>EXECUTIVE PROJECT</b> <b>ECONOMIC FRAMEWORK</b>			
<b>A)</b>	<b>Contract Work</b>		
a1	Sum of Concrete and Measured Works (net of labour costs)		€ 73.973.054,55
a1.1	Labour costs on Works not subject to rebate		€ 14.091.601,03
a2	Environmental monitoring during construction (net of labour costs)		€ 304.332,42
a2.1	Labour costs on Environmental Monitoring c.o. not subject to drop		€ 366.154,62
a3	Geotechnical monitoring (net of labour costs)		€ 247.796,56
a3.1	Cost of labour on geotechnical monitoring not subject to rebate		€ 252.483,46
a4	To add safety-related charges not subject to rebate		€ 4.527.681,97
<b>a5</b>	<b>Total works plus services</b>	<b>a1+a2+a3+a4</b>	<b>€ 93.763.104,61 € 93.763.104,61</b>
a6	to deduct safety and labour costs not subject to rebate		€ 19.237.921,08
<b>a7</b>	<b>Amount of work subject to rebate</b>	<b>a5-a6</b>	<b>€ 74.525.183,53</b>
<b>B)</b>	<b>Sums at the disposal of the contracting authority</b>		
b1	Interference		€ 1.057.842,36
b2	Surveys, verifications and investigations		€ 750.000,00
b3	Connections to public utilities		€ 750.000,00
b4	Unforeseen events		€ 7.815.337,32
b4.1	Acceleration bonus Art. 126 Legislative Decree 36/ 2023	10,00%	€ 9.376.310,46
b5	Acquisition of Land and Buildings. Registration, mortgage and cadastral taxes.		€ 350.000,00
b6	Technical expenses for testing activities (on a5)	0,1502%	140.832,18
b7	for the Commissioners referred to in Article 205 c. 5 and 209 c. 16 of Legislative Decree 50/ 2016	0,10%	€ 93.763,10
b8	expenses for selection boards Art. 77 c. 10 Legislative Decree 50/ 2016 (on a5)	0,10%	€ 93.763,10
b9	Expenses for Advertising and where applicable for artistic works		€ 150.000,00
b10	ANAC contribution		€ 880,00
b11	Expenditure on laboratory tests and technical inspections (on a1+a1.1)	1,30%	€ 1.144.840,52
b12	Charges for carrying out investigative, monitoring and control activities in connection with environmental assessment procedures DM (MINAMB) 245/ 2016 (only if this item occurs should be applied to all amounts excluding expropriations and statutory charges on technical expenses)		€ 74.669,18
b13	Statutory charges on technical expenses (on b6, b7, b8)	4,00%	€ 13.134,34
b14	Legality Protocol	0,30%	€ 281.289,31
b15	Surveillance activities and archaeological investigations		€ 150.000,00
b16	Ante and post environmental monitoring		€ 767.455,09
b17	Geotechnical monitoring		€ 38.906,49
b18	Explosive ordnance clearance law 177/ 12 (CME annex)		€ 316.627,69
b19	Economic calculation of monetisation equivalent to afforestation (Art. 7 Umbria Regional Law no. 28 of 19 November 2001)		€ 14.200,00
b20	WORKS ON S.P. no. 200 - from the Guinza tunnel south entrance (side Umbria) to the E45 (S.Giustino)		€ 2.505.622,65
<b>b21</b>	<b>Total Sum me at Disposal</b>		<b>€ 25.885.473,79</b>
<b>C)</b>	<b>Investment charges (a4+b21)</b>	<b>9,0%</b>	<b>€ 10.768.372,06</b>

	<b>Total investment amount</b>	a5+b21+C		€ 130.416.950,46
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NOW THEREFORE BE IT RESOLVED that the executive project drawn up by Anas, the economic framework of which has been amended and supplemented by the RUP as described above, presents a total amount of €130,416,950.46 divided as follows

- 73,973,054.55 for works;
- €14,091,601.03 for labour costs, not subject to rebate, on works;
- € 304,332.42 for ongoing environmental monitoring;
- €366,154.62 for labour costs, not subject to rebate, on environmental monitoring;
- € 247,796.56 for geotechnical monitoring;
- €252,483.46 for labour costs, not subject to rebate, on geotechnical monitoring;
- € 4,527,681.97 for Security Costs not subject to rebate
  
- 25,855,473.79 for S.a.D.
- € 10,768,372.06 for O.I. (9%).

TAKEN NOTE that Anas S.p.A. has ascertained that a total funding of € 150,000,000.00 is available for the intervention from the following resources

€ 40,327,410 Anas Single Fund (Programme Contract 2016-2020)

€ 26,693,334 Infrastructure Fund 2017 (Programme Contract 2016-2020).

€ 82,979,256 resources Budget Law 2022 (CIPESS resolution 27.12.2022 to be published)

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

PROVIDES

1. To approve in technical and economic terms, pursuant to Article 4 of Law Decree 32/2019 converted with amendments by Law 55/2019, for the requirements of speed and cost-effectiveness, overcoming as described above the failure to obtain the required compliance and opinions, the executive 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 € 130,416,950.46, of which: € 73,973,054.55 for Works, € 14,091,601.03 for labour costs, not subject to rebate, on works, € 304,332.42 for environmental monitoring during works, €366,154.62 for labour costs, not subject to rebate, on ongoing environmental monitoring



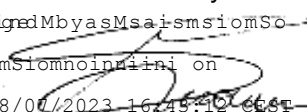
work, €247,796.56 for geotechnical monitoring, €252,483.46 for labour costs, not subject to rebate, on geotechnical monitoring, €4,527,681.97 for Safety Costs not subject to rebate, €25,855,473.79 for S.a.D. - including the "acceleration bonus", to be paid to the contractor to the maximum extent of 10% of the contract amount -, €10,768,372.06 for O.I.

2. To mandate the Actuator Anas S.p.A. to commence, immediately following the issuance of the act of validation, all the activities necessary for the timely completion of the work through the tender procedure for the awarding of the execution of the works, with an open procedure pursuant to Article 71 of Legislative Decree No. 36/2023 and subsequent amendments and additions, using the criterion of the most economically advantageous offer pursuant to Article 108, paragraph 1 of the same Legislative Decree No. 36/2023, as well as to proceed to carry out all the fulfilments within its competence, taking into due account the residual prescriptive framework on the EP as described above.

This order is transmitted, also for the purpose of publication on the institutional site, 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.

The Extraordinary Commissioner

Signed by  on  
28/07/2023 16:45:10 CEST