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assessment on PPPs impacts and added value at a
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ROMAGNA POLICY AND A CASE-STUDY, WITH AN ASSESSMENT ON
PPPS IMPACTS AND ADDED VALUE AT A REGIONAL SCALE**

*Elena Tagliani**

Abstract

In the European and Italian policy contexts, the evolution of PPPs instruments was characterized firstly by the interest for the anti-cyclical aspects, and afterwards for the high innovation potential these tools can bring to the public procurement market.

Italian Regions are in charge of many territorial development policies; not only are they policy owners, but also a key factor for the success of any development strategy.

Emilia-Romagna Region presents a local policy for the promotion of PPP tools in the regional context; moreover, the Region published in 2013 a case study, with an analysis of the main PPP aspects which can bring positive impacts to the regional economy.

The study concludes that PPPs can become a real value for money for a regional authority, mostly when a PPP is operating in a regional strategic framework and in a coherent regional system. In that case, PPP is an instrument to enhance the quality in the public-private relationship, not only regarding the project's outputs, but also regarding the possible outcomes for the economy and the social inclusion.

Furthermore, in a solid regional policy context, public and private partner can build/create added value for all, making sure that the right conditions for success are put in place, and that the PPP instrument is the best suitable for the specific territorial need it's aimed at.

Keywords: *Innovation in procurement, Territorial dimension, Regional policy, Sustainable development and territorial strategic planning.*

PPP is considered as a powerful, not yet fully explored, leverage for innovation and performances enhancement in sustainable development strategies. This paper presents a regional policy for the promotion of PPPs, and a case study, which proposes

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Financing Local Economic and Infrastructural Development

a regional answer to the question why PPPs should be chosen to reinforce and innovate the public procurement market.

Since their first appearance in the European policy context, in 2004¹, PPPs were considered as a mere alternative to the traditional public procurement practices. First experiences in the European context revealed some complexity aspects in the PPP nature and structure. These aspects were seen as critical points in comparison to the traditional public procurement practices. However, PPPs kept increasing their importance, because of their undeniable potential in terms of innovation, through the improvement in the quality, efficiency and efficacy, not only referring to public procurement performances, but also to the whole Single Market. Therefore, Europe kept conceiving and implementing policy measures to promote PPPs. Researches were carried out to find out a common PPP's definition, to harmonize the rules and impacts all over Europe, when possible, by collecting best PPP practices, and specifying what's the PPP's value for money², if any.

In the aftermath of the renovation of EU Treaties, with the aim to find out the best performing tools to recover from the crisis, Europe got progressively more and more familiar with PPP features and characteristics. In 2009, Europe started to focus on

¹ For the details of the PPPs evolution, with reference to the European and Italian contexts, see the Regione Emilia-Romagna study *La dimensione territoriale del PPP – 16 casi per indagare gli effetti alla scala territoriale del PPP in Emilia-Romagna*, Bologna 2013, particularly the first chapter. Among the key EU regulatory and interpretative acts: *Green Paper on PPPs and Community Law on Public Contracts and Concessions*, Brussels, 20. 04. 2004, COM (2004) 327 final; European Commission Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on *Public-private partnerships and the Community law on public procurement and concessions*, COM (2005) 569 def; European Commission Interpretative communication on the *Application of Partnerships (IPPP) Community law on Public Procurement and Concessions to Institutionalized Public-Private Partnerships (IPPP)*, Brussels, 05.02.2008, C (2007) 6661; Commission Communication on *Mobilizing private and public investment for recovery and long term structural change: developing Public Private Partnerships*, Brussels, 19.11.2009, COM (2009) 615 final; Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions *Towards a Single Market Act For a highly competitive social market economy. 50 proposals for improving our work, business and exchanges with one another* COM (2010) 608. *Green Paper on the modernization of EU public procurement policy. Towards a more efficient European Procurement Market* COM (2011) 15 final. Commission Communications on *A Stronger European Industry for Growth and Economic Recovery*, Brussels, 10.10.2012, COM (2012) 582 final.

² In the Emilia-Romagna study above mentioned, the chapter 3 presents the theoretical background of the PPP tools. Among the others: Van Ham J.C., Koppenjan J. (2002). *Building Public-Private Partnerships. Assessing and managing risks in port development*. Public Management Review. Australian Government, *National PPP Guidelines. Overview*, October 2008. Kappeler A., Nemoz M. (2010), *Public Private Partnerships in Europe – Before and during the recent financial crisis*, Economic and Financial Report n. 4, European Investment Bank. Among the studies carried out in the Italian context: Iossa, E., Antellini Russo, F. (2008), *Potenzialità e criticità del Partenariato Pubblico Privato in Italia*, *Rivista di politica economica*, 98(5-6): 125-158. Antellini Russo, F. (2011), *Il Partenariato Pubblico Privato in Italia tra efficienza e vincoli di finanza pubblica*, LUISS – Libera Università Internazionale degli studi sociali.

E. Tagliani: PPP Tools as an Innovation Element for the Qualification of the Public...

PPPs, as an instrument to enhance quality in procurement sector. Actually, a change is required in European public procurement policy, in order to keep the pace with the evolution of the economic and social context, and to answer more efficiently to the expectations of businesses and citizens. Innovation is a key for the modernization of the sector, and a new approach to the relationships between private investors and public decision makers is needed. The involvement of private investors in programming and projecting for the territorial development became also a keyword to recover from the crisis, and is expected to improve quality in public procurement, and foster efficacy and efficiency.³

Public Private Partnership Tools as an Innovation Element

During the last years, PPPs have been increasingly used, with the aim to rule various forms of cooperation between public authorities and private investors, in order to qualify infrastructures and services. These instruments started competing more and more with the traditional forms of public procurement. In the European and international vision, PPPs have a high potential to increase the quality in works or services

³ Directives 2004/17/EC and 2004/18/EC aim at opening and modernizing the market of public procurement, through the enhancement of the competitiveness and transparency principles. The European Union set up a wide policy to harmonize all national legislative frameworks. The goal is to offer equal conditions for all entrepreneurs operating in Europe, in order to guarantee an easier and simpler access to the public procurement market, which each year amounts to the 18% of EU GDP, and to strongly support the creation of the Single Market, whose public procurement is a central asset. With the 2004 reform, actually, the public procurement seems to be expected to give an answer not only to the protection of the public interest in the public choices for territorial development investments, but also to the competitiveness needs of the EU entrepreneurial sector and to the compliance with the EU competition policy objectives. In 2005, a debate raised about the need of a clearer EU definition of public procurement and concessions, and about ruling the publicity for tenders, in order to encourage the enterprises participation. The EU Commission stressed the need for a further assessment of the PPPs prerogatives, to find out the PPP's EU added value, in comparison to the traditional public procurement practices. In 2009 the Commission kept promoting the PPPs, as an anti-cyclical tool, to mitigate the recession impacts on the economy. The focus is on the big infrastructures, public services, and the main keyword is innovation, as a lever for European industry to exit the crisis effects, regaining competitiveness, by recurring to these market sectors with a high potential in terms of growth and occupation. A trust increase in the PPPs tools is still combating a relatively low incidence on the total public investment amount; so the Commission provided BEI funds devoted to this topic. In the 2010 another EU Commission made 50 proposals to strengthen the Single Market, and a new consultation was launched, with the aim of renewal of the public procurement framework. In 2011, a Green Paper on the modernization of the EU policy for the public procurement market and the improvement of the efficiency of the Single Market was published. A deep renewal of the approach to the public procurement is now required, on the basis of the efficiency and transparency principles. A better, more efficient way to spend public money and improve the competition quality, through simplification of the procedures, rules more flexible, a better coherence and consideration of the specific needs, and a better results – costs ratio. In the last years the social pillar of the Europe 2020 strategy has gained momentum, and the Green Paper focused also on the support public procurement should offer to other cross-cutting, inclusive policies: environment, energy efficiency, climate change, innovation and quality in life conditions in urban areas, poverty reducing measures, etc.

Financing Local Economic and Infrastructural Development

provided, to guarantee more efficacy, to improve competences and skills, and to foster the recovery from the crisis, by enhancing the infrastructural stock at a national and regional level. PPPs are now intended as instruments to innovate the approach to public procurement, for instance by combining the public interest purposes with the possibility for the private investor to be remunerated directly with the tariffs of the service provided to the final users.

Phenomena which affected the world in the last decades, as, for instance, the privatization processes, globalization and the consequent market opening, stressed the need for innovation and technology in public procedures, in order to raise the economies' competitiveness, to answer to the need for sustainability in national macro-economic policies and to support the European policy for a reinforcement of the macro-economic and fiscal governance (Stability Pact), vs. the continuous increase of the demand for infrastructures.

But, even if we consider the PPPs in an anti-cyclical light, some questions remain partially unanswered: for instance, why a public authority should waive to part of its discretionary power (programming, projecting, monitoring, managing powers related to a public tender for an infrastructure or a service)? Why should it opt out for a PPP to invest for territorial development purposes, instead of using traditional public procurement tools? What's precisely the value for money, for both, private and public, parties?

So far, literature answered that for public partners a significant reduction of the costs, an improvement in the quality of the services for final users are expected, while for private investors there can be the opportunity to raise the quality in management and technology skills during all phases of the partnership, and of course to get an economic advantage. PPPs should allow to reduce or eliminate critical points linked to the traditional procurement practices, for instance, difficulties and delays in decisional processes, non-efficiency in organizational aspects, scarcity in competitiveness approach. In the meantime, the PPP's approach should allow to overcome the lack of consideration of the public interest by the private partners, and to get a more balanced consideration of the public interest and more quality in the whole operation.

Private investor will finance works and management, obtaining a reimbursement through tariffs requested from the final users; in that way, public expense will not be raised, and delays will be avoided according to the entrepreneurial approach. Final users, as clients, will receive better services. Risks will be shared between private and public partners. It's already clear that there could be many positive aspects when choosing a PPP for territorial development purposes, but there are also many critical ones to be taken into account.

E. Tagliani: PPP Tools as an Innovation Element for the Qualification of the Public...

For instance, the high participation costs could reduce the access to these instruments for many private investors, and the risks consequent to frequent changes in the public decision-makers strategic frameworks could affect the completion of the works. Moreover, the above mentioned complexity in the PPP structure and functioning may make the PPP choice not the best one in some cases; and complexity in the needed economic and financial analysis of the project sustainability may bring the risk for public administrations to bear the burden of wrong forecasts.

Nevertheless, PPPs remain a valid alternative to traditional public procurement proceedings, even though there's still need to investigate more in depth the possible outcomes on the ground, and to find out what could be the perspectives in the future development policies for this instrument.

Given the current budgetary restrictions and economic difficulties, European public procurement policy must, more than ever, ensure the optimal use of funds in order to foster the growth and to create job opportunities, helping to achieve the objectives of the Europe 2020 Strategy⁴. The revision of the public procurement Directives is only a part of the European Union commitment for the modernization of public procurement, and of the whole Single Market⁵. This will include also a Directive on concessions, until now only partially addressed by European regulations.

Indeed, the efficiency of public tendering has become a priority for all Member States, in view of the current budgetary constraints. We therefore need flexible, simple instruments which allow public authorities and their suppliers to conclude transparent, competitive contracts as easily as possible, and at the best value for money. The modernization of the European rules on public tendering is expected to raise the quality and efficiency standards, through a new approach to the existing tools and instruments. One of the reform's main objectives is to simplify rules and procedures and make them more flexible. At the same time, there's a focus on the qualitative approach, to improve outcomes of public procurement by ensuring greater consideration for social and environmental criteria.

Other reform aspects include the above mentioned Directive on concessions, to complete the legal framework for European public procurement⁶, by including in it service concessions, the only type of concession not yet governed by secondary leg-

⁴ Communication from the Commission on Europe 2020 *A strategy for smart, sustainable and inclusive growth* – COM (2010) 2020 final

⁵ The reform of legislation on public procurement is one of the twelve priority actions set out in the Single Market Act adopted in April 2011 (IP/11/469).

⁶ The proposed Directive on concessions covers the partnership agreements between a body which is generally public and a business which is often private, where the latter assumes the operative risk linked to maintenance and development of infrastructures (ports, water distribution, car parks, toll roads, etc.) or to the supply of services of general economic interest (energy, health, water supply and treatment, waste disposal, etc).

Financing Local Economic and Infrastructural Development

isolation. The proposed rules aim to establish a clear legal framework, to ensure the necessary legal certainty for public authorities when performing their duties. That is important to guarantee equal access opportunities to the concessions market for all European businesses, including SMEs, and could thus help to further stimulate the development of public-private partnerships, for which concessions constitute a tool of choice.

In the 2014–2020 perspective, the Common Provisions Regulation fits the PPP's theme into the “innovative financial instruments”, for which art. 32 provides a framework discipline. Therefore, PPPs, as we already know them, will be joined by other instruments: the long-term equity funds Marguerite, for projects in the infrastructure, transport and climate change fields, and InfraMed, devoted to the Mediterranean area, and other guarantee schemes, and not to be forgotten is the project bonds offer. PPPs are also part of the EU new financial outlook 2014–2020, for instance within the Connecting Europe Facility for cross-border infrastructure projects in energy, ICT and transport sectors, the Risk-Sharing Finance Facility (RSFF) or the Loan Guarantee Instrument for TEN-T projects (LGTT). The same financial sources will contribute to co-finance PPP's operations, for instance through private-public partnerships on Structural Funds using the JASPER, JESSICA, JEREMIE and ELENA initiatives; through BEI and FEI funds, under the supervision of EPEC, to further strengthen the organizational capacity in PPP's partnerships; and through the financial instruments for the TEN-T network, and the new research and innovation programme Horizon 2020 (Kollatz-Ahnen 2011; BEI 2012).

The interest toward PPPs performances remains therefore high, and the European institutions favour for the policy is testified also in the new Regulations for Structural Funds, where the EU resources for the cohesion policy and the territorial development and innovation, research and technology transfer policies are intended to be integrated in a thorough way, with a wider use of PPP cooperation tools, in order to overcome market failures which hamper the access to the credit; and with a focus on innovative multi-level, multi-fund cooperation instruments as the community-led local development (Article 28-30 of the proposed Common Provisions Regulation) and the integrated territorial investments (Article 99 of the proposed Common Provisions Regulation).

The Committee of the Regions says⁷ that the so-called InFI Innovative Financial Instruments, wisely combined with public subventions, can contribute to a costs and risks reduction in important projects and investments, and invites the local and regional authorities to “be creative”, by combining different instruments with the aim to support investments in their territories (EIB long-term support actions, framework loans, loans for structural programmes, etc.).

⁷ Opinion of the Committee of the Regions on *Synergies between private investment and public funding at local and regional levels* – (2013/C 139/02), April 2013.

E. Tagliani: PPP Tools as an Innovation Element for the Qualification of the Public...

As PPPs include several patterns of cooperation, each of them characterized by different rules, different kinds of works or services to be put in action, different financial and territorial dimensions and purposes⁸, every Member State needs to transpose the PPP policy in its legislative framework and economic context. The attempt to integrate these instruments with the already existing procurement policies and rules can therefore bring as a consequence that the PPPs available in each national context may vary significantly, and indeed this aspect increases the complexity aspects and may reduce the territorial cohesion.

In Italy, PPPs have been introduced in the national framework by the means of many legislative transposition acts; Italy's regulatory and cultural context required many updates in the national law, in order to make it compliant with the European one, to guarantee equal access to all European enterprises to the market, and to get the best impacts on the economy. Institutions had to try to define a national PPP's concept, able to fit to the Italian market peculiarities and weaknesses, to give the best answer possible to the public decision makers and market operators' needs.

The experience at a national level in Italy was characterized by the difficulties encountered in harmonizing the Italian regulatory framework of public procurements, concessions, and PPPs with the European one.

PPP tools, and in particular the project financing, are characterized by a significant procedural complexity, due to the merging of the subjects' competences and activities during the various phases of the project. PPPs gather in one big procedure programming, projecting, managing and monitoring activities, gathering the public interest and the private investor's economic advantages into the same partnership platform; therefore, this platform has to be tailored to the specific features, competences, roles and requirements of both parties to guarantee to all of them a sound added value. Meanwhile, PPPs regulatory framework is quite rigid, and does not take into account the wide range of options and expectations on the ground; so that here's a clear element of complexity in this tool, that made PPPs to be seen with a bit of diffidence in the Italian public procurement market. The many control checks required under the Italian rule add to the complexity in conditions and regulatory framework, which made the PPPs less attractive than they could be for business operators and public administrators (the Authority for public contracts, the assessment of public interest, the Stability Pact checks).

In spite of these difficulties, since 2002 PPPs started significantly increasing their presence in the Italian market, even though in the aftermath of the crisis, between

⁸ Some examples can include The Eurotunnel, the Spata airport, the bridge on the Tago, and in Italy the Venice Hospital and the line 5 of the Milan underground and the line D of the Roma underground.

Financing Local Economic and Infrastructural Development

2008 and 2011, the investment quota for public works decreased by 24% and it is expected to further decrease from 2011 onwards⁹.

The budgetary restraints, in particular towards the local authorities' budgets, made it very difficult for public authorities to programme and to finance public works and public services with own resources, by using the traditional public procurement instruments. That's why in recent years PPPs started to be chosen by Italian public authorities in many cases; so we can say that the anti-cyclical aspects and the rationalization of the public expense are the main causes for the first diffusion of PPP patterns in Italy¹⁰.

However the Italian macro-economic context strongly needs further support policies to promote private-public cooperation, not only as a tool to recover the public investment sector, but also to innovate it and keep the pace with Europe.

At the moment, the so-called Third Decree¹¹ (Legislative Decree 152/2008) is the main legislative instrument framing a national discipline for PPPs. The Third Decree did modify the Public Contracts Code (Legislative Decree 163/2006), completely redesigning the PPP's discipline, with particular reference to the project financing PPP form, which was supposed not to be in line with the EU-level legislative framework¹².

⁹ Project Financing – Osservatorio Nazionale, 2011, *10 anni di Partenariato Pubblico privato in Italia*, Cresme Europa Servizi. In 2002, the traditional forms of public procurement represented the 97% of the total tenders, and the 72% of the total amount of investment in Italy; in 2011, the figures decreased respectively to the 74% and 32%. In more detail, PPP's forms represent the 44% of the total public works tenders amount, the 17% of the total amount of investments, and project financing is the 40% of the whole Italian market.

¹⁰ The CRESME Observatory data on the PPPs in the Italian context reveal a growing trend for the number of tenders and for the amount of the procurements; PPPs are seen by public authorities as an instrument to fight the budget constraints in the investment field, mostly in Energy efficiency field.

¹¹ The Legislative Decree 152/2008 introduced new procedures for public works through the so-called project financing instrument. The Decree modified significantly the articles 153, 154 and 155 of the Code for Public Contracts, which includes the project financing discipline. Public administration can choose between two types of procedures, and a third one is allowed when the public decision maker is not able to act directly. The main condition to activate private financing in public works in Italy remains the need for a triennial programming activity lead by the public sector. A feasibility study can be the tools to merge the PPP project into the existing programming document; the study, which can be made also by the private partner, is the basis for tenders to be set up. Therefore, also private partners can ask public administration to take into account private projects for works or services aimed at fostering the territorial development; public administration is free to open to a dialogue with the private investor, or to refuse to insert the project proposal into the programming document.

¹² The Public Contracts Code so defines PPPs in the art. 3 comma 15-ter: “contratti aventi per oggetto una o più prestazioni quali la progettazione, la costruzione, la gestione o la manutenzione di un'opera pubblica o di pubblica utilità, oppure la fornitura di un servizio, compreso in ogni caso il finanziamento totale o parziale a carico di privati, anche informe diverse, di tali prestazioni, con allocazione dei rischi ai sensi delle prescrizioni e degli indirizzi comunitari vigenti”.

E. Tagliani: PPP Tools as an Innovation Element for the Qualification of the Public...

Presently, Italian regulatory framework allows both contractual PPPs (project financing, the only one which enables partners to join forces in order to carry out a public work; concession of public works, concession of services and public leasing) and institutional ones (public-private companies and S.T.U.s – urban qualification companies).

But the economic context in Italy has to take into account that the Constitutional Chart entitles Regions to a huge capacity, so that many public works and services providing procurements are of regional and infra-regional competence. So what about the regional level of government, how do Regions transpose, if they do it, the PPP policy in their economies?

Sustainable development policies are designed, implemented, monitored and evaluated at various levels of government. The idea that every strategy of policy for the benefit of the EU territories has to base itself on a solid territorial dimension was discussed, since 2004, when the Lisbon Strategy required an intense reshaping action. The Kok report¹³, and afterwards also several Committee of the Region's opinions, made it clear that no growth and jobs strategy would have any chance to be effective, without an adequate policy ownership by the local and regional authorities. The Lisbon Treaty in 2011 chose to include in its leading principles the subsidiarity and proportionality ones, and put besides the social and economic cohesion also the territorial cohesion¹⁴.

The Europe 2020 Strategy for an inclusive, smart and green growth in European economy did not duly take into account the territorial dimension, by including European Regions in the strategic decisional process as actors; therefore, we can already see the first signs of a new failure in the strategy, for instance in the difficulties for the Commission to monitor and manage the European semester and structural reforms programmes (NRP) without participation of the Regional authorities as part of the strategy¹⁵.

The programming framework for the public expense of the structural funds for 2014/2020 shall be more results-oriented than in the past experience, (as the Barca Report firstly stated)¹⁶ in order to be able to guarantee effective and measurable

¹³ This report is available at: http://europa.eu.int/comm/lisbon_strategy/index_en.html, found on July 29th 2013.

¹⁴ The T.U.E. Treaty on the European Union, article 5 for subsidiarity and proportionality, and article 5 comma 3, for the economic, social and territorial cohesion, and solidarity among Member States as guiding principles for the European Union.

¹⁵ See the studies published by the Europe 2020 platform of the Committee of the Regions, in <http://cor.europa.eu/en/activities/networks/Pages/europe-2020-monitoring-platform.aspx> –found on July 29th 2013.

¹⁶ The new approach to regional and cohesion policy is explained for the first time in the so-called Barca Report: *An agenda for a reformed cohesion policy A place-based approach to meeting European Union challenges and expectations*, an independent Report prepared at the request of Danuta Hübner, Commissioner for Regional Policy to contribute to the debate on the future of the cohesion policy in 2009.

Financing Local Economic and Infrastructural Development

impacts on the territories. The European Regions, being the main beneficiaries of the structural and cohesion funds, have to own their structural reform programmes and development strategies, not only to be involved in the implementation of single projects coming from EU and national level strategies; for all strategies aimed at the territorial development are supposed to produce long-term positive impacts on the regional territories¹⁷, and therefore territorial needs and assets have to be taken into account firstly in the decision-making, not only during the implementation phase.

Regions already play a crucial role in the European policies implementation, as a Structural Funds and cohesion policy main beneficiaries. But European and Italian Regions should be enabled also to influence the making of the strategic framework for the territorial development policies of all levels of government, to give a sound contribution to implementation, monitoring, and evaluation of the strategies. Moreover, Regions have the capacity for designing and organizing their own place-based regional strategies for territorial development. But there's a lack of coordination and merging of the multi-level strategies from the various tiers of government, and this could seriously hamper the potential for positive impacts on the territory. A broader, integrated, results-oriented vision is necessary, if we really want to improve durably our society and economy. That's why European institutions recommend to Member States to take into account in their National Reform Programmes for the achievement of Europe 2020 Strategy also the development strategies put in place by the Regions.

If Regions are policy owners, then Regions should be considered as actors in the cohesion policy design, in order to guarantee a policy harmonization and to avoid the overlapping in Europe 2020 achievements; and in general, to make territorial cohesion become a fact, and not only a hope, by harmonizing and integrating the multi-level strategies for sustainable development. Furthermore, Regions long time ago started playing a crucial role in many of the strategic key fields; among them, for instance, they worked hard on the efficacy of the public expenses, and tried to innovate the policies by using a territorial approach, bringing local needs to the attention of the European decision maker. So Regions could offer a valid contribution to help demonstrating the increasing PPP's importance, as an alternative to the traditional public procurement market, and a solid leverage to bring innovation and quality also in the decision making for territorial development purposes.

Innovation is one of the keywords to achieve the Europe 2020 Strategy goals, and an important leverage to succeed in regional development and cohesion policies. Innovation in public procurement field is even more crucial than in other sectorial policies, because of the need for the regulatory framework to keep the pace with societal and market changes. It's therefore likely to be examined and evaluated every

¹⁷ Outlook Opinion of the Committee of the Regions on *The Lisbon growth and jobs strategy*, CdR 245/2008 fin EN/o, rapporteur Mr. F. Delbono, November 26th, 2008.

E. Tagliani: PPP Tools as an Innovation Element for the Qualification of the Public...

new proposal to improve public procurement efficacy, and to qualify the participation of private investors in the territorial development schemes. The efficiency of a policy instrument may significantly vary, according to the different governance choices made.

Regions are aware that a comparison between traditional and alternative patterns for public procurements and concessions may lead to a reasoned policy choice, helping to shape tools, procedures and activities according to the territorial area needs, which should become the common goal for a public-private sustainable development action. The added value, in terms of quality of life for population and positive impacts in policy outcome, will depend mainly on the appropriateness of the instrument chosen.

Emilia-Romagna Region

Emilia-Romagna Region can boast a good experience in the PPP's field, and recently took out some interesting policy measures to promote PPPs in the regional context and to assess PPP's impacts on the regional procurement market, and in general on the regional economy.

Emilia-Romagna owns a regional strategic framework for a coherent and sustainable territorial development; the framework includes several strategic documents, like D.P.E.F.; P.T.R., D.U.P.¹⁸, and sectorial plans in transport, environment, energy, agriculture, SMEs, simplification, digital agenda, education, social inclusion and welfare, international relations. The Region can count on a high territorial cohesion degree, because of its well-structured intra-regional system, connecting public entities of Municipal, Provincial, Regional level and private stakeholders. Participation and negotiation in development programming are leading principles for this system. The Regional development strategies are proposed and organized by the region, but the decisional process deeply involves local authorities, organizations, trade unions, chambers of commerce, and private territorial stakeholders. One of Emilia-Romagna's most important best practices is in programming field: the regional law n. 30/1996 sets out as a general rule the negotiated programming methodology, where development priorities are targeted specifically on a provincial area, and Municipalities and Provinces contribute to the policy choices.¹⁹

¹⁸ The Document of Economic and Financial Programming DPEF can be found in <http://www.regione.emilia-romagna.it/dpef/>; the Territorial planning document – P.T.R. can be found in <http://territorio.regione.emilia-romagna.it/temi/programmazione-territoriale/il-piano-territoriale-regionale>, the Unitary Regional document for programming – D.U.P. can be found in <http://territorio.regione.emilia-romagna.it/entra-in-regione/strumenti-di-programmazione/documento-unico-di-programmazione>. all sites found on July, 29th, 2013.

¹⁹ Factbook Emilia-Romagna. Quaderni di Statistica / a cura del Servizio Controllo Strategico e Statistica della Regione Emilia-Romagna – Bologna: Centro Stampa Regione – Emilia-Romagna, 2010, 170

Financing Local Economic and Infrastructural Development

Emilia-Romagna Region has created the *Osservatorio Regionale del Partenariato Pubblico Privato dell'Emilia Romagna – Regional Observatory on PPPs*, which consist in a ITC system to monitor the policy trends and outputs at a local and regional level. The Observatory gathers many data and indicators in an internet portal devoted to the topic and provides an updated multi-level regulatory and policy framework for the economic operators and public institutions. A complete database highlights the PPP calls and tenders within the regional and intra-regional context, and the PPPs already active, and could be used to investigate how they impact on economy, and what the territorial outcomes are²⁰.

Thanks to the Regional Observatory, we know that in Emilia-Romagna public works market PPPs in the last 10 years increased their importance, even though in 2011 they stopped growing for a while. Emilia-Romagna trends are in line with the Italy's ones. In 2002 traditional public procurements were about 97% of the total, and 77% of the total amount of the investment for development; while in 2010 these quotas lowered to respectively 43% and 26%. PPPs in 2010 were used for the 47% of the public works carried out, and they represented about the 74% of the total market in the region. In 2011, PPPs stabilized at about 36% of the total public tenders and 56% of total amount of investment²¹.

Considering the tenders made in 2011 all over Emilia-Romagna, about 24% of the tenders were in the Modena Province, for about 30% of the total amount of the investments for regional development. Regional Observatory data reveals also that the Emilia-Romagna public works market sees a strong presence of the Municipalities in the demand side. 76% of total tenders come from Municipalities (149 tenders, €121 million, 60% of the total amount of investment). Provinces are less important in this market segment, with only 5 tenders for less than a million Euros in 2011. Concerning the sector of interest for setting a PPP, there's a significant interest for the energy sector, and the buildings and services concessions for sport purposes, while transport infrastructures are not affected by the phenomenon. Utilities networks' market share is 26% of the total (€52 million). Other sectors are handicrafts and commerce, with 24 tenders and 41 Million Euros.

p. – ISBN 978-88-96724-01-9. The Regional territory covers 22.452,78 square km., the population is 4.377.487, and there are at present 9 Provinces and 348 Municipalities.

²⁰ www.siooper.it, found on July 29th, 2013. The Observatory is managed by the Region, in cooperation with CRESME and the Unioncamere, the Regional Association of the Chamber of Commerce.

²¹ A partial cause of such a decrease, after a decennial growth for PPPs, has been probably the launch of the “Quarto Conto Energia” – fourth energy package, a national level measure to incentivize the energy savings and efficiency, and the RES, which did intervene in an already complicated regulatory framework, generating even more law uncertainty in an economic context affected by the crisis. Last SIOPER periodical report for Spring 2012 seems to confirm that PPPs are getting slower in the Region; it's important to invert this trend right now, because of the high request for public infrastructure investments, as a consequence of the need for a recovery from the seism of May 2012.

E. Tagliani: PPP Tools as an Innovation Element for the Qualification of the Public...

The Observatory is for sure a useful tool to orient and support a smart regional governance of the PPP's phenomenon at a regional scale. With this tool, and paying a constant attention to the PPPs trends on the ground, the Region can contribute to give its own answer to the question on what could be the territorial impacts of a PPP policy, and what could be the regional added value of PPP tools, not only as a mere alternative to the lack of public funding in the traditional public procurement practices, but also with the aim to innovate and qualify the market sector.

Emilia-Romagna Region follows and monitors the PPP's policy also promoting a better, deeper knowledge of these instruments and their potential, and of their impacts at a regional scale. Recently the Emilia-Romagna Region – Unit for the Assessment of public investment, with the collaboration of the Modena-Reggio nell'Emilia University, Department of Communication and Economy, investigated the local and regional impacts of the PPPs, and in 2013 the study *La dimensione territoriale del PPP – The territorial dimension of PPPs* – was published.

The study starts from the following hypotheses:

- a PPP approach can reinforce the public administration programming, projecting and managing skills, and can make the evaluation of conditions, and the sharing of risks, more effective
- PPPs can also enhance the public administrations' capacity in terms both of technological and governance – related skills
- PPPs allow to accurately measure and control the benefits on the regional community and the positive impacts on social aspects of a public service
- PPPs reinforce the public administrations' capacity in terms of governance of the territorial policies.

The study's outputs will be useful to support the empowerment of the Region, when performing its soft law prerogatives in the public procurement field, according to the Italian Constitutional Chart (main tasks are coordinating, guiding, orienting local policies and merging them into a regional strategic design for common public interest purposes).

A first chapter represents the evolution of PPP policy and experiences throughout the Europe. A second one analyses the Italian regulatory framework for the PPP promotion in public procurement market. The third chapter includes literature on the topic, in particular on studies comparing and evaluating the effectiveness of PPPs in relation to the traditional public procurement practices. The fourth chapter describes the methodology approach adopted to run the interviews, and highlights 16 case studies, assessing them in relation to the study's goals. The fifth chapter aims at illustrating the analysis results, grouped by 5 thematic areas:

- Organization and implementation of procurement procedures
- Effects within the public administration structure

Financing Local Economic and Infrastructural Development

- Effects related to p.a. improvement
- Effects on private partners
- Effects on the local system (regional economy and society).

The chapter contains also 16 files, each one referred to a territorial experience; the 16 projects are assessed by applying a specifically designed analytical framework, and by comparing them against each other. The aim is to identify the different recurring effects and outcomes, and the interrelation with other territorial development instruments. The sixth chapter matches the reasons and the conditions that lead a regional public decision taker to opt out for a PPP tool, to demonstrate that the conditions (technological, juridical, economic and so on) are not irrelevant for the achievement of positive effects at a local scale. PPPs at a regional level can generate a wide range of effects, different and more effective impacts on the regional economy and development trends. But in part, the positive impacts depend on whether PPP is chosen just to mitigate a decrease in public funding sources, or as a part of a broader regional strategy. Regional strategy is tailored to get territorial cohesion outcomes, as for instance a better quality of services for final users and stronger solidarity, or a solid relationship network among the public decision takers, the private economic operators and the local community and territorial stakeholders. A PPP choice is worth of it in a regional context, when there's a regional strategic framework orienting the private-public activities towards innovative quality outcomes.

The study proposes also a regional point of view on what does innovation mean in public procurement sector when the choice for a PPP tool is made. Innovation and efficiency/efficacy in regional public procurement market consists in a broad and transparent involvement of the private investors. This involvement should concern not only the setting up of the partnership, but also the evaluation of consistence with the strategic design. PPPs should therefore be chosen both to merge public and private financial sources, in order to set up public works and services when public resources are not sufficient to invest properly for the territorial development, and to enhance quality and efficacy in the procurement and services providing cycles.

Innovation elements are easily found with reference to investment related to energy saving policy, sustainable transport and urban renewal interventions fields. Moreover, PPPs can bring innovation at a regional scale also in terms of improvement of the social conditions, with clear reference to the inclusive pillar of the Europe 2020 Strategy. PPPs are sometimes able to improve the quality of life of final users and citizens, the accessibility of services of public interest and other social aspects of the sustainable development policies.

The study results say that in order to obtain positive impacts and benefit from PPPs, not only in terms of economic recovery, but also of social welfare for the community, each time a public-private tool is chosen, the choice has to be made with an adequate

E. Tagliani: PPP Tools as an Innovation Element for the Qualification of the Public...

consideration of the pre-conditions for succeeding. The PPPs should be the best tools available in relation to the specific objective to be reached.

Public administration must take into account all factors and economic interests, making a thorough evaluation and opting out for the more convenient option within the range make/buy. Public-private partnership is a good alternative for a public work or service, not only when the economic and financial requirement are ascertained, but also when there are opportunities to get social advantages and a real value for money for the final users (in terms of raising of the efficiency, efficacy and quality in services provided).

Conclusion

Once the assessment of the main economic and social requirement is made, PPPs need an adequate institutional context and regulatory framework, to ensure the public sector commitment, but also the law certainty and the reliability and transparency principles are key principles. These all are *conditiones sine quae non* for a wide interest and participation from the private investors sector, together with the presence of adequate enforcement mechanisms for contracts and smart solutions for the disputes that may eventually arise.

What can a regional economy expect from PPP instruments, in other words, what is the added value of PPPs, in relations to a regional scale?

PPPs did contribute so far to the development of a new approach to competition policy and the public procurement market. In a traditional economy, tenders were organized, managed and controlled only by the public authorities, according to the principle of separation between public decision maker, in charge of the public interest, and the private investor, with the profit as a main mission. Government was the leading principle, and the public hierarchy was a mandatory requirement for public investment; when the public decision maker financed the project only with own resources, therefore any risk related to the public work or service was a public authority concern. From a government-led system, PPPs did help to shift to a governance one. In a governance system, public authorities maintain a guiding role, but they can choose whether to open to a private partner or not, and share some or all risks with the private investor. Private partner is in charge of many of the project activities, and can get concrete economic benefits through the investment reimbursement. Last but not least, every partner has a clear opportunity to contribute to raising the quality of the public work or service, to increase the public administration technological, governance and overall skills, to better involve the private stakeholder in local development policies.

Financing Local Economic and Infrastructural Development

Considering the same starting conditions, the same public-private instrument can produce very different results and impacts on the local and regional economy. The regulatory framework for PPP instruments is not really flexible, neither in relation to the type of investment, nor to the financial dimension. Furthermore, public administrations from all levels of government can choose to put in place an investment through a PPP scheme, but conditions for the partnership should vary, accordingly to the territorial level and the powers of the public decision maker. The Emilia-Romagna study conclusions demonstrate that in a regional economic context the same PPPs instruments, and the same framework, can generate positive effects on the territorial system in at least four different ways. The conditions set up by the partners, in particular by the public one, while defining the partnership for a work or service, are able to affect significantly the PPP incidence on qualitative aspects. The added value for a PPP in a regional context, including benefit for public and for private sector, both as parts of a whole territorial system, is in how partners do behave, how they share not only the operation risks, but also the overall quality objectives, and how much they learn reciprocally from the PPP experience.

Every time a public administration chooses a PPP as a part of a wider, integrated, place-based development strategy, the public decision maker can get the opportunity to involve the stakeholders in the decisional process, and to create together with them the right conditions for the partnership, to succeed in the overall goal of improving the social and economic context.

All the mechanisms of the regulatory framework and the public-private interests and skills are combined to overcome the crucial procedural aspects: the risks assessment, the evaluation of the potential for a private investment to become value for money, and how to deal with the programming framework, making the investment an economic and even social asset for the whole regional collective. All information and requirements, all conditions for setting up a dialogue between public and private partner are in place; this is the best starting point possible to make the investment fruitful for all.

If the public partner has inside its organization enough skills to evaluate in a correct way the economic and financial conditions, and the capacity to estimate the service demand and assess the risks, then it's easier to define exactly what it takes to set up a PPP. What should be the public partner contribution, and the private partner's one, what should be the responsibilities and the actions to get efficacy and efficiency as goals for public-private action. Another component of innovation embedded in a PPP tool can be considered also the potential for the generation of positive effects on the governance system at a local and regional scale.

Therefore, innovation aspects in public-private partnerships should be considered crucial assets when comparing PPPs to traditional public procurement proceedings;

E. Tagliani: PPP Tools as an Innovation Element for the Qualification of the Public...

the quality aspects brought in the procurement market by PPPs may overcome their complexity and critical points, if these instruments are used for the benefit of the territorial cohesion, the quality in services provided to final users, the improvement of the local social context, the qualification of the public administration management and technological competences and skills.

The study argues that public guidelines, or standardization of partners' behaviour in PPPs, are not the best way to reach the above mentioned qualification objectives. Instead, it would be better to focus on the territorial programming activities led by the local and regional public administration, targeting the investments on the real territorial needs and requirements, to open up to a wider participation and a deeper dialogue with stakeholders on the development choices and priorities. This can be done by raising awareness of the real opportunities offered by PPPs, following an integrated and place-based approach to the territorial development issues.

In other words, standard forms, procedures and harmonization of the public and private partners' behaviour are not the best measures to innovate and qualify the procurement market; the key word is the enhancement of skills and capacities by reciprocal learning, with the aim to orient all the public and private partners activities towards common goals, jointly decided, in the framework of a coherent public programming for development. When PPP is chosen not as a mere surrogate of the public financing, but as an element of innovation in the public policy making, and of qualification of the private investors involvement in the development interventions, then PPP will answer in the best way to the needs of the collective.

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