

Elio Guarnaccia

IL CONTENZIOSO SU APPALTI E CONTRATTI PUBBLICI

- Rito speciale dinanzi a TAR e Consiglio di Stato
- Rito amministrativo super accelerato
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Il Contenzioso Negli Appalti Pubblici Il Contenzioso Negli Appalti Pubblici

**Alessandro Rizzo, Pietro Rizzo
(revisore contabile.), Alberto Barbiero**

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L'affidamento dei contratti pubblici di lavori, servizi e forniture Salvatore A. Romano, 2011 *Arbitrato rituale e «lavori pubblici»* Emanuele Odorisio, 2011 *La gestione del contenzioso giudiziale e stragiudiziale* Paola Cosmai, Rosa Iovino, 2016-07-21 a nuova collana Riforma del Codice degli Appalti realizzata con l'innovativa formula Reading arbitrato transazione ricorso all'ANAC per i pareri pre contenzioso e il ruolo dei vari soggetti coinvolti cabina di regia collegio consultivo tecnico Consiglio superiore dei lavori pubblici Struttura Tecnica di Missione ANAC nel ruolo di vigilanza collaborativa La tutela giurisdizionale viene distinta tra fase di evidenza pubblica e fase di esecuzione del contratto mettendo in risalto i momenti cruciali della procedura i possibili rimedi il diritto di accesso agli atti e alla riservatezza il diniego di ostensione e il rito speciale L'iter processuale viene illustrato con grande chiarezza passo dopo passo dalla competenza della giurisdizione alle azioni esperibili dalla legittimazione attiva RTI e passiva Centrali di committenza all'atto introduttivo alle notifiche e al processo fino ad arrivare all'esecuzione della sentenza e al giudizio in appello e in cassazione Un'attenzione particolare infine viene riservata al tema fondamentale della responsabilità penale e di quella erariale Suggerimenti operativi segnalazioni di anomalie e criticità approfondimenti riepiloghi schemi riassuntivi tabelle supportano il lettore nella consultazione rendendo il testo immediatamente fruibile e indirizzando l'operatore verso la soluzione del problema concreto La trattazione coordinata con un costante richiamo alla giurisprudenza e ai pareri Anac più recenti *Le controversie sui contratti pubblici* De Paolis Maurizio, 2010-12-09 Il volume approfondisce tutte le innovazioni introdotte nel Codice dei contratti pubblici a seguito del recepimento della Direttiva 2007/66 CE attraverso il d.lgs. 20 marzo 2010 n. 53 In tal modo il lettore dispone di un aggiornato strumento operativo per risolvere le articolate controversie che possono sfociare in una transazione nell'accordo bonario e nell'arbitrato oppure in una causa davanti al giudice civile esecuzione del contratto di appalto al giudice penale reati contro la pubblica amministrazione al giudice amministrativo vizi nel procedimento dell'evidenza pubblica annullamento e revoca dell'aggiudicazione sorte del contratto ovvero in una causa davanti al giudice contabile danno erariale diretto e indiretto L'opera offre le opzioni più opportune per pervenire alla corretta soluzione delle singole controversie che insorgano nell'attività contrattuale della P.A. dall'indizione della gara sino alla sottoscrizione e all'esecuzione del contratto di appalto pubblico proponendo sempre una visione globale delle problematiche esaminate sotto il profilo civile penale amministrativo e contabile Ampio spazio dedicato alla casistica giurisprudenziale su cui fondare le decisioni prese dai liberi professionisti operanti per conto delle imprese private e delle pubbliche amministrazioni avvocati ingegneri architetti dai pubblici dipendenti coinvolti nelle procedure contrattuali dirigenti e funzionari e dai giudici Il presente volume può essere utilizzato anche per la preparazione dei concorsi pubblici per conseguire l'abilitazione all'esercizio della professione di avvocato per accedere alla Magistratura ordinaria e amministrativa ovvero per entrare nei ruoli della Pubblica Amministrazione L'agile lettura dell'opera ulteriormente facilitata da particolari percorsi grafici che

evidenziano parole chiave all'interno dei singoli paragrafi e da un pratico indice analitico strutturato per voci e sottovoci

La tutela e i risarcimenti in materia di attività contrattuale dell'P. A. Con formulario e giurisprudenza Carlo Calenda, Carlo Buonauro, Francesco Armenante, 2012 Manuale di ingegneria forense Pippo Sergio Mistretta, 2014-07-01T00:00:00+02:00 Un manuale per gli ingegneri che desiderano applicarsi alle consulenze giudiziali una guida agli adempimenti che vanno dall'iscrizione all'Albo dei consulenti tecnici allo svolgimento degli incarichi nel rispetto della procedura fino alla redazione della parcella Al professionista vengono illustrati i principi di un'attività che non consiste nella semplice raccolta di dati materiali ma nello studio e nell'elaborazione critica dei dati storici su base scientifica nella ricerca di un rapporto di causalità tra azione ed evento dannoso o lesivo I procedimenti sono riportati passo dopo passo con particolare attenzione al linguaggio giuridico ed agli adempimenti imposti dal diritto processuale Una vasta disamina di casistiche civili e penali fornisce all'ingegnere forense gli elementi basilari per risolvere i quesiti giudiziari più frequenti L'orizzonte multidisciplinare dell'esercizio della CTU è stato esplorato per settori ponendo in evidenza gli aspetti tecnico-legali che caratterizzano sia le principali questioni civilistiche che le fattispecie penali di maggior interesse dell'ingegneria forense dalla loro lettura il professionista sarà in grado di trarre gli elementi utili per supportare il proprio cliente nell'affermazione delle sue ragioni ovvero per apportare al giudizio il proprio contributo scientifico in perfetta aderenza alla funzione di ausiliare del magistrato L'avvalimento negli appalti pubblici Elena Feresin, 2009 **Le tecniche di tutela nel processo amministrativo. Aggiornato alla Legge n. 15/2005** Francesco Caringella, Roberto Garofoli, Giancarlo Montedoro, 2006 *Codice dell'appalto pubblico* Stefano Baccarini, Chiné Giuseppe, Roberto Proietti, 2011 **Il contenzioso negli appalti pubblici** Alessandro Rizzo, Pietro Rizzo (revisore contabile.), Alberto Barbiero, 2012 **Sposizione compendiosa della procedura civile e criminale nelle somme sue ragioni e nel suo ordine naturale con appendici di aggiornamento sui temi principali di tutto il diritto giudiziario** Matteo Pescatore, 1864 Le riserve negli appalti pubblici Elisabetta De Rugeris, Domenico Lavermicocca, Simone Nazzaro, 2013 **Manuale di applicazione delle manovre correttive per gli enti locali** Elisabetta Civetta, 2011 **Il sistema della giustizia amministrativa negli appalti pubblici in Europa** Guido Greco, 2010 Il diritto del lavoro Giovanni Amoroso, 2006 **Raccolta degli atti stampati per ordine della Camera documenti** Italia : Camera dei deputati, 1886 **Il precontenzioso e l'attività paragiurisdizionale dell'AVCP** Sergio Gallo, 2014-06 Il volume si inserisce nel dibattito sulle riforme strutturali necessarie per il rilancio del Paese Gli autori avanzano proposte finalizzate a valorizzare attraverso puntuali modifiche normative istituti già presenti nell'ordinamento nazionale ma non ancora in grado di incidere in maniera significativa sul contenzioso in essere Indicativo appare l'istituto del precontenzioso che a seguito delle recenti modifiche apportate dall'Autorità al regolamento recante la sua disciplina trova applicazione anche nella fase di esecuzione dei contratti favorendo in maniera consistente una contrazione del contenzioso sia dinanzi al giudice amministrativo sia al giudice ordinario Ma solo una previsione normativa che ne stabilisca il carattere

vincolante consentir di ottenere risultati significativi in termini di contenimento e riduzione del contenzioso L istituto pu essere letto anche quale strumento di regolazione interpretativa a garanzia del corretto funzionamento del mercato dei contratti pubblici L opera affronta anche la dibattuta questione concernente le forme di esercizio da parte dell Autorit del potere di regolazione del mercato di riferimento L esame trae spunto da una analisi sistematica delle funzioni istituzionali assegnate all Autorit ed in particolare dell esercizio dell attivit sanzionatoria di vigilanza di formulazione degli atti di determinazione e dei c d bandi tipo Sergio Gallo Magistrato di Cassazione gi Vice Capo Dipartimento Organizzazione del Ministero della Giustizia Giudice tributario Vice Presidente Autorit di Vigilanza sui Contratti pubblici servizi e forniture Autore di pubblicazioni saggi ed articoli in materia di contrattualistica pubblica e diritto civile Relatore ai Corsi di formazione del CSM per uditori giudiziari Docente presso la scuola di Polizia Tributaria di Ostia Docente presso la scuola di Specializzazione per le Professioni Legali Universit degli Studi di Napoli Federico II Docente presso la scuola di Specializzazione per le Professioni Legali della II Universit degli Studi di Napoli Direttore della rivista giuridica telematica linee vcp it Segnalazioni bibliografiche Codice dei contratti pubblici commentato con la giurisprudenza Ornella Cutajar Alessandro Massari **Il concorso per istruttore e istruttore direttivo nell'area tecnica degli enti locali. Manuale per la preparazione ai concorsi di categoria C e D per i tecnici degli enti locali** Stefano Bertuzzi,2016 Guida operativa agli acquisti in economia di beni e servizi. Con CD-ROM Salvio Biancardi,2014 **Diritto processuale amministrativo** Aldo Sandulli,2013

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