

## Subcontract and distribution of process responsibilities

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### Summary

The introduction, in Italy, of new regulations concerning the carrying out of works in the public works field, has given the building contractors the possibility to use of several subcontractors' help. In such a situation, the safety planning during the carrying out of works is a complex activity that requires redefinition and control activities that have to be constantly revised. With this object in view the new safety regulations delegate many responsibilities and fulfilments to the top management of the direct building contractors. The public administration is in charge of controlling and checking these documents. In the present survey, the suggested model shows a way to deal with the contents, and a way to play an active role in the safety management.

**Keywords:** Safety and Health at work, Project Management, Knowledge Management, OHSAS 18801, Executive design

### 1. Introduction - From EU to Italian regulations on contracts

EU Directive n. 2004/18 amended regulations system on contracts, paying particular attention to the preexisting rules and to transparency and free competition. This EU Directive was acknowledged in Italy synthesizing and unifying pre-existing rules. It therefore allows subcontracts in public works. Subcontractors were previously considered in a negative way: an ideal system to disperse responsibilities. As a consequence subcontracts were strongly opposed through binding rules. The new regulation is a true revolution since it introduced a model that binds to sound warranties and, at the same time, favours free competition among companies, both in the market and in public works.

### 2. Innovations of new regulation: subcontract and warranties

The first step in building public works is the elaboration - by contracting authorities - of a contract notice in which the various homogeneous works are synthesized by categories [1]. Analyzing contract documents, companies willing to take part to a call for tenders on public works can elaborate their own offer. They have to list and clarify the use of resources, instruments, and capital to be used in the carrying out process. The complexity of the work, in particular as regards plan design, requires the involvement of several specialized companies, often associated, to carry out the most complex workings or general categories of works. The companies are temporarily or permanently grouped. A company, called agent, is mostly responsible (such a company is asked for specializations and qualifications). The other associated companies, called principals, entrust the agent with representation. In the offer, the grouped companies first hypothesize, and then gradually define the use of external companies. According to the typology of works and to its complexity, the contracting