

Editorial

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Public procurement and Defense: strategic security, managerial responsibility, and regulatory flexibility in public administrations

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In the contemporary debate on the governance of public institutions, public procurement is no longer interpreted as a mere administrative function for the acquisition of goods and services, but rather as a strategic policy lever, capable of influencing market structure, technological innovation, the resilience of supply chains, and the creation of public value. International public governance literature converges in recognizing that public spending represents one of the most powerful tools through which the state directs economic and industrial development, particularly in highly technologically intensive and strategically important sectors.

The Oecd has repeatedly emphasized that public procurement today must simultaneously pursue three objectives: economic efficiency, integrity of the decision-making process, and the ability to generate long-term impact. From this perspective, procurement becomes a strategic management function, requiring market analysis, risk assessment, structured dialogue with economic operators, and integration of technical, legal, and economic dimensions.

This transformation appears particularly relevant in sectors characterized by systemic complexity, high technological uncertainty, and strong interdependence between the public and private sectors. In such contexts, the rigidity of standardized procedures can produce counterintuitive effects: increased decision-making times, suboptimal selection of technological solutions, de-accountability of management, and a reduction in the state's ability to learn from experience. Procurement management can, therefore, revitalize the governance architecture function, in which discretion is not eliminated

but regulated through advanced accountability tools, and the consolidated determination of administrative processes stratified over time is overcome.

The defense sector represents a paradigmatic case of this evolution. Procurement is never neutral here: every decision related to the procurement lifecycle impacts national security, technological autonomy, industrial policy, and international relations. The literature highlights how, in these fields, the traditional separation between administrative and strategic functions is inefficient. Instead, procurement models based on adaptive governance emerge, in which rules, procedures, and controls guide the decision-making process throughout the entire project lifecycle and, ultimately, the procurement process.

In this context, the role of public management is significantly strengthened. Institutional actors, at any level of the chain of command, are no longer mere enforcers of rules, but responsible actors, required to justify their decisions based on technical analyses, risk assessments, and clearly stated public interest objectives. Discretion thus becomes a resource to be governed, not an anomaly to be repressed.

Public procurement in the defense sector today represents, ultimately, one of the most sensitive and strategic areas of public action. Historically marginalized by conventional competition policies and the single market, it has returned to the center of European and national institutional debate following a combination of geopolitical, economic, and technological factors: the deteriorating international security

environment, the Russian Ukrainian conflict, growing instability at the European Union's borders, and the need to strengthen Europe's strategic autonomy.

There is no doubt that defense procurement is characterized by an intrinsically hybrid structure, combining economic efficiency objectives, national security requirements, industrial logic, and geopolitical constraints. This specificity has historically justified widespread use of derogations, both in European and national law, particularly through reference to Article 346 of the Treaty on the Functioning of the European Union, which allows Member States to adopt measures deemed necessary to protect essential security interests.¹

In this context, defense procurement can no longer be interpreted solely as a purchasing process but must be considered as a public policy instrument. Procurement choices directly impact the structure of national and European industries, the resilience of supply chains, the capacity for technological innovation, and the security of critical supplies. It is no coincidence that the most recent European initiatives – from the European defense fund (Edf) to emergency instruments for strengthening the defense manufacturing and technological base – place procurement at the heart of an explicitly security-oriented industrial strategy.

From an economic and institutional perspective, a structural tension emerges

between two models. On the one hand, a competitive-procedural approach, which aims to maximize allocative efficiency, cost reduction, and accountability; on the other, a strategic-industrial approach, which prioritizes production continuity, the protection of national capabilities, long-term partnerships, and technological development. In the defense sector, this tension cannot be resolved through the mere mechanical application of procurement rules, but requires sophisticated, institutionally robust governance capable of integrating economic, industrial, and strategic considerations.

From this perspective, the administrative capacity of defense contracting authorities plays a central role. The shift from a derogation approach to a strategic procurement approach requires strengthening the economic, managerial, and legal skills of the public sector personnel involved. The procedure manager – now increasingly like a public project manager – is required not only to ensure the formal legitimacy of the procedures, but also to assess the long-term impacts in terms of security, innovation, and public value.

A further element of complexity concerns the relationship between defense procurement and European integration. The fragmentation of national markets, the prevalence of domestic purchases, and limited cross-border cooperation have weakened the competitiveness of European industry

1. Article 346 TFEU – Treaty on the functioning of the European Union – regulates derogations from internal market rules for reasons of national security, allowing Member States to withhold sensitive information and to take measures necessary to protect the essential interests of their security with regard to the production of or trade in arms and war material.

compared to major global players, creating “behavioral stratifications” among public actors. In this sense, joint procurement, multinational programs, and procedural standardization represent not only tools for economic efficiency, but also true levers for the political and strategic integration of the Union.

Public procurement in the defense sector today represents a crucial link between security, the economy, and public governance. The challenge for administrations, particularly national ones – is not simply to “spend better”, but to spend strategically, consistently with the objectives of collective security, technological autonomy, and strengthening Europe’s industrial base. From this perspective, defense procurement becomes a litmus test of the state’s ability to operate as a strategic player in an increasingly unstable and competitive global environment.

Procurement is one of the fields where the gap between current regulations and the actual need of the country is most evident. As mentioned, Italy, like the entire European context, finds itself operating in a transformed environment: international security has been redefined by high-intensity conflicts that have returned to the heart of Europe, by competition for critical technologies, by growing supply chain instability, by the pervasiveness of hybrid and cyber threats, as well as by the need to strengthen national industrial resilience in highly strategic sectors. In this complex space, traditional procurement procedures reveal their structural limitations: slowness, formalism, an inability to adapt to the pace of technological innovation, poor

consistency with industrial logic, insufficient protection for public decision-makers, and, above all, an inadequate ability to ensure effective, rather than merely compliant, results.

Traditional tenders, understood as open procedures, rigidly structured and primarily focused on the administrative aspect of competitive bidding, are no longer the preferred tool for purchasing complex systems. The issue is not simply one of operational speed, although this is a crucial variable in a global market characterized by increasingly short innovation cycles. The problem is, above all, one of consistency: the traditional tender format is poorly suited to understanding the technical complexity of products, the delicate nature of their integration, the importance of supplier continuity, and the need to maintain the margins of technical discretion inherent in strategic evaluation.

For this reason, what is needed is not simply a procedural overhaul, but a true paradigm shift: broader and more flexible legislation, rooted in the principles of the new Public Contracts Code and consistent with European provisions, but capable of translating these principles into innovative governance, based on management accountability, technical expertise, real-time evaluation, and the introduction of independent review and adversarial bodies. Legality must no longer equate with rigidity, but with traceability; transparency must no longer mean inaction, but the ability to foster relationships between stakeholders, supported by information instrumental to improving decisions; control must no longer be exclusively *ex ante*

or ex post, but part of the natural public decision-making process.

Cultural resistance within the Italian public administration continues to perceive tenders as the “safe haven”, the only way to offer reputational and legal protection to decision-makers. This attitude stems largely from a system that discourages any innovative choices, fearing that evaluations will focus more on the rigidity of formal adherence to a procedure than on the quality of the outcome. This vicious cycle limits the state’s ability to pursue national interest, especially in highly technologically complex sectors.

Anac (National Anti-Corruption Authority) guidelines, while an essential tool for ensuring uniformity and risk management, remain compliance oriented. They provide valuable guidance on conflicts of interest, transparency, traceability, corruption prevention, and contracting authority qualifications, but they do not offer an operational model for strategic procurement governance.

At the European level, the framework is more advanced. Directive 2009/81/EC on defense and security procurement has always recognized the specificity of this field and allows for broad exemptions for strategic needs. Directive 2014/24/EU, while primarily addressing the ordinary sector, provides for tools such as innovation partnerships, competitive dialogue, and negotiated procedures, which can be applied to defense. The latest European

instruments – from the Edirpa program to the Asap initiative, and the new Defense Industrial Strategy 2024-2027 – openly push for collaborative models, accelerated integration, joint development, and strengthening of European industrial capabilities. In this context, a more flexible Italian approach would not be a violation of the European framework, but rather its complete implementation.

The limitation of traditional competitive bidding stems not from its alleged illegitimacy, but from its intrinsic inadequacy with respect to the specific characteristics of the defense sector. The first reason is the speed of technological cycles, which evolve with extraordinary rapidity. An open competitive bidding process can take from twelve to thirty-six months, a time that often exceeds the life cycle of technological innovation itself. During this period, a prototype can become obsolete, a platform can be replaced by more advanced versions, and the market can change radically.

The second reason is technical complexity. The defense sector is characterized by particularly sophisticated products.² A standard judging panel rarely possesses the expertise to fully evaluate such products. Consequently, traditional tenders – based on rigidly defined specifications and standardized comparison criteria – cannot capture the true complexity of technological value. The risk is twofold: on the one hand, purchasing fewer performing solutions; on the other, incentivizing the submission of

2. Often characterized by multi-domain interfaces, encrypted components, proprietary, undisclosed algorithms, and architectures integrated with Nato and EU systems.

bids that emphasize document compliance over substantive quality.

The third reason concerns the industrial structure. Defense technologies are not supplied by perfectly competitive markets: they are oligopolistic markets, often characterized by a few global players, complex production interdependencies, and supply chains. National chains must be preserved and a strong element of technological sovereignty. The open tender, designed to foster competition, faces a market where pure competition does not and cannot exist. Many tenders end with only one bidder or with technically incomparable offers.

The fourth reason is confidentiality. Many technical elements cannot be disclosed through the advertising channels typical of ordinary tenders. The level of information disclosure required by the tender is incompatible with the need to protect critical technologies. This results in the constant use of exemptions, which, however, are often perceived as exceptions, fueling mistrust rather than reinforcing the normality of processes appropriate to the context.

Finally, the fifth reason concerns supply continuity. In the defense sector, the relationship with the supplier is often more important than the product itself, because it involves technical support, updates, cybersecurity, integration with pre-existing systems, production continuity, and immediate response capability. The supplier is not an easily replaceable entity: it is an integral part of the national security ecosystem. Traditional tenders, designed to maximize competitiveness, do not recognize this continuity.

The need for a broader and more flexible regulatory framework arises not from the desire to weaken controls, but rather to transform them into intelligent tools capable of supporting, rather than hindering, the public interest. In this vision, management techniques assume a central role, and strategic public institutional actors are advocated along the entire defense sector chain of command, called upon to make increasingly complex decisions, evaluating scenarios, industrial risks, technological advances, and contractual options.

For this to happen, management must be granted a degree of autonomy consistent with the responsibilities assigned to it. Today, discretion is often perceived as a threat: any decision not strictly formalized can be interpreted as arbitrary. This leads to defensive behaviors that produce specific paradoxes in public administration: more regulations, more constraints, more rigidity, but less quality decision-making. Furthermore, truly flexible regulatory frameworks do not simply allow alternative procedures to competitive bidding, but define a comprehensive system in which roles, responsibilities, and tools interact. In this sense, several crucial steps can be identified for reorientation toward procurement management.

The first element is the definition of a regulatory framework in which the use of negotiated procedures, innovation partnerships, and framework agreements is not perceived as an exception, but as a natural way to develop the corporate procurement function in the defense sector. The legislation should unequivocally clarify that, in this sector, strategic interest and technical

quality prevail over the rigidity of formalized competition. This choice does not entail a reduction in transparency, but rather a more appropriate repositioning.

The second element concerns the configuration of project structures within the overall organization. Defense procurement requires multidisciplinary expertise and cannot be managed by a single, isolated Project Manager (Rpm). Establishing task forces composed of engineers, economists, lawyers, cybersecurity experts, military strategists, and procurement specialists is essential to ensure the technical quality of assessments. These groups should operate autonomously, but within a clear regulatory framework, with digital decision-making requirements and ongoing dialogue with independent technical committees.

The third element involves strengthening the project evaluation cycle and the procurement lifecycle. The legislation should introduce tools such as evolving performance specifications, which allow technical requirements to be updated during construction in line with technological developments. The traditional concept of closed specifications is, in fact, incompatible with products characterized by continuous updates. An evolving model, accompanied by concurrent reviews by technical committees, allows for the reconciliation of legal certainty and innovation.

The fourth element concerns the relationship with the market. Flexible legislation should explicitly recognize that defense procurement is not a simple purchase, but an industrial policy tool. Procurement regulations should therefore include mechanisms

that foster industrial continuity, the growth of national supply chains, cooperation with other European countries, and the adaptation of contractual clauses to security and resilience requirements.

In this context, the use of multiannual framework agreements becomes essential, as does the possibility of including clauses for adapting technical key performance indicators based on assessments by independent committees.

The introduction of such an advanced paradigm inevitably entails a cultural transformation within public administration. Defense procurement must no longer be perceived as a set of formalities, but as a strategic investment process in the national interest. This transformation requires advanced managerial training, the dissemination of a culture of reasoned risk, the ability to understand global technology markets, and a new posture toward controls. The ability to systematically document decisions and produce comparative analyses becomes key elements. Each project becomes a source of knowledge that pervasively and continuously fuels the administration's collective capacity. Managerial control strengthens this learning capacity and allows for the avoidance of errors, correction of trajectories, and refinement of decision-making assessments, also based on risk analysis.

Within this perspective, public procurement management is configured as an integrated system of skills, decision-making processes, and accountability mechanisms, aimed not only at complying with the rules but also at achieving substantial

results. The paradigm shift is from compliance-based performance-oriented procurement governance. In the first model, typical of administrative systems with a legalistic tradition, the legitimacy of public action is measured primarily by procedural correctness and the reduction of formal risk. In the second, legitimacy is based on the quality of decisions, the ability to provide technical justification, the traceability of choices, and consistency with policy objectives.

Defense procurement is today a crucial crossroads for the future of every country. In a world characterized by instability, accelerated innovation, and global technological competition, Italy cannot allow a public procurement system based on past models to stagnate. Public procurement, as traditionally known and practiced, with tenders, must become one tool among many, no longer the exclusive route. Flexibility in interpretation is not a renunciation of control, but its evolution. The true guarantee of legality lies not in procedural rigidity, but in the quality of reasoning, digital traceability, independent technical adversarial proceedings, and competently exercised managerial responsibility.

It involves building a decision-making ecosystem that allows the state to be efficient, rapid, and innovative. It is a new pact between the state, management, and industry: a space where responsibility and expertise replace formalism as the primary safeguard of legality, by virtue of a strategic vision capable of building public governance ready to address current challenges.

Looking ahead, the real challenge lies not so much in the scope of available legal instruments, but rather in the administration's ability to build a defense procurement management system with strategic vision, specialized skills, and substantial accountability. Defense requires decision-making structures capable of operating under conditions of uncertainty, integrating technological, industrial, and geopolitical assessments, and making informed decisions throughout the entire life cycle of public investments.

Strengthening procurement management, therefore, becomes an essential prerequisite for transforming defense spending into a lever for security, innovation, and strategic autonomy. It is in this space – between regulation, organization, and decision-making capacity – that the state's future credibility as a strategic player is at stake.

This volume, especially the “Special Focus” section, resumes and carries forward the specific reflection on public procurement processes, dedicating attention, for the first time, to the Defence Administration. This connection is clearly highlighted in the two contributions of the Special Focus. In particular, the first contribution, entitled “Sustainability as a Strategic Compass for Defense procurement”, after having examined the evolution of the concept of “sustainability”, and having placed the emphasis on the strategic function of public contracts, presents a project for a “sustainable public contract” relating to the procurement of military uniforms, which is a fundamental activity for every armed force, of

any country. With respect to this hypothesized procurement process, the Authors (Massaro, Caso, Carbone, Chiummo & D'Isanto) also provide a “three-dimensional” Swot analysis and refer to some examples of foreign armed forces and police forces that have already adopted Green Public Procurement (Gpp) and Social Public Procurement (Spp) practices. Above all, from this prefigured (from a Gpp and Spp perspective) “innovative” procurement, it emerges that public administrations, “by creating public demand for goods, services and works, and thus influencing the market, as an “early adopter” adopter “or launch user (...) can contribute *ab ovo* to the creation of products or solutions that, in addition to satisfying the intrinsic need, are also capable of achieving those accessory objectives worthy of protection, according to the criteria and principles of sustainable development”. The second article of the “Special Focus”, entitled “The regulation of incentives for technical functions in the new Public Contracts Code: examination of the law and critical issues in the Defence and Security sector”, examines in depth the attribution of technical incentives to public administration personnel involved in the awarding of contracts and concessions, as regulated by Article 45 of the new Public Contracts Code. The contribution explores both the theoretical-regulatory and the practical-application aspects of the law with particular reference to personnel belonging to the Defence and Security sector, in particular those holding the rank of Colonel or General Officer and corresponding ranks as well as personnel holding the rank of Major and Lieutenant Colonel and equivalent ranks, who were previously excluded from the possibility of

receiving incentives. The Authors (Anedda, Di Renzo, Esposito, Todaro & Varlese) examine the approved amendment proposal (extending the promotion of positions) – now Article 11 of Law No. 42 of 4 April 2025 – which has optimized “the effectiveness of the incentive system” by adapting it “to the specific needs of the Defense and Security sector, ensuring compliance with the Administration’s modernization and digitalization objectives and rewarding the merit and performance of its employees involved in procurement and concession procedures”. In the “Dialogues” section of the Journal, the first article, “Organizational culture and managerial Change. The Case of the Scuola Normale Superiore”, as has been done by other contributors, explores the topic of training as a lever for developing organizational culture, through a concrete experience of organizational change in a leading university context. A central step in this (educational) journey is the Manifesto of Organizational Culture (of the Scuola Normale Superiore), “a true operational compass, capable of guiding decision-making processes and prioritizing”. The Authors (Periti & Muzzarelli) conclude their reconstruction by highlighting that “any process of change – like the one implemented in Pisa – must maintain a profound coherence with the institutional identity of the institution promoting it. It’s not about conforming to external models, but rather respecting history and enhancing the organization’s uniqueness, making it more capable of addressing future challenges through a dynamic and informed balance between tradition and innovation”. The second contribution (in the “Dialogues” section) explores “Cybersecurity: the necessary

strengthening of local government IT skills. A focus on the support services provided by in-house security firms, through case studies”. The Author (Ruschini) begins with the various definitions of cybersecurity activity provided by national legislation, answering the question of whether this activity should be considered a public service or an instrumental activity. She clarifies the intrinsic characteristics of cybersecurity activity and its market, with reference to case law and a focus on local administrations – which “demonstrate a propensity to resort to in-house provisioning” for this service. She concludes that “the legislation on in-house procurement, where there is a layer of rules codified over the years, and the cybersecurity sector must be in dialogue”; above all, that “demonizing in-house provisioning, framing it as an abuse of self-production, does not appear to be helpful”. The third and final article, “The Nrpp and the stalemate of candidate institutions: The case of the Compagnia di San Paolo Foundation’s Next Generation We Project”, analyzes the implementation of the Next Generation Eu (Ngeu) plan in Italy, highlighting the role played by banking foundations in overcoming critical issues such as the shortage of specialized personnel. The Author (Roda) examines the

“Next Generation We” (Ngwe) project, developed in 2021 by the Compagnia di San Paolo Foundation with the aim of “offering support to public bodies in Northwest Italy (i.e., the Piedmont, Liguria, and Valle d’Aosta regions) in designing interventions relevant to the territory, acquiring external expertise, and strengthening their internal structure to manage the funding opportunities made available by the Nrpp”. The article also illustrates a study conducted by the Foundation on the “operational stalemate” of some projects, among those selected by the Foundation itself, which did not support the hypothesis of “a constant structural relationship between the skills accumulated (or not) by the institutions or those required (or not) by the projects and the delay in issuing calls for proposals”.

The contributions in this volume, regardless of their location, confirm that “listening combines with vision. It is necessary to think of public administration as a complex system centered on people with all their difficulties, contradictions, and values. Interpreting the public interest and the ways in which public choice models are designed, developed, and implemented by policymakers, managers, professionals, and stakeholders is RIPM’s challenge”.

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