
Changes to instructions for preparing construction project execution plans

Ordinance 255/2023 of August 7 introduces several changes, including to the regime on preparing public works plans.

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Key aspects

- > Ordinance 701-H/2008 of July 29 (“Ordinance 701-H/2008”) is revoked, considering the advancements in technical and technological construction systems, as well as the increasing complexity of the plans and information contained in the documentation instructing the processes.
- > A comprehensive adjustment is made to the instructions for preparing execution plans, taking into account the experience gained in recent years and the new parametric models in accordance with the Building Information Modeling (“BIM”) methodology.
- > The new ordinance also considers the recent legislative developments in public procurement, particularly the new design-build model approved by Decree-Law 78/2022 of November 7.



Significant changes

Ordinance 255/2023 of August 7 (“Ordinance 255/2023”) extensively changes the legal framework regulating the required content of construction project execution plans, as well as the respective processing procedures.

Specifically, the amendment prioritizes seven fundamental aspects, which are:

- (i) updating and completing concepts and definitions;
- (ii) refining and developing the minimum requirements for each project phase;
- (iii) completing and updating the project specifications set for each type of work;
- (iv) assigning greater accountability to project authors;
- (v) aligning project phases with contemporary management concepts in construction projects;
- (vi) requiring more stringent budget estimates to be prepared at the various project phases;
- (vii) incorporating the parametric models developed using the BIM methodology when preparing public works plans.

Under article 2 of Ordinance 255/2023, this ordinance applies to cases where the owner of the work, the entity responsible for designing and executing the work, or the entity acquiring the public works plan preparation services are contracting authorities, as defined in article 2 of the Public Procurement Code (“PPC”). Similarly, the new ordinance also applies to plans submitted in public procurement procedures, in the situations established in article 43.3 of the PPC.

With the approval of this new legal framework, the instructions for preparing construction project execution plans and the rules on categorizing construction work, as set out in Schedules I and II of the ordinance, respectively, have undergone several fundamental changes compared to the now-revoked Ordinance 701-H/2008, particularly when it comes to clarifying procedures and concepts.

Ordinance 255/2023 will enter into force on September 6, 2023.



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