

NEWSLETTER

29.10.2025

Amendments to the Special Public Procurement Measures Regime and to the Public Procurement Code

RELEVANT LEGAL INSTRUMENTS

Decree-Law No. 112/2025, of 23 October ("*Decreto-Lei n.º 112/2025, de 23 de outubro*").

CONTEXT

Decree-Law No. 112/2025 of 23 October 2025 ("Decree- Law No. 112/2025") has been approved and published. This Decree-Law introduces the third amendment to Law No. 30 /2021 of 21 May, which approved the Special Public Procurement Measures, and the fifteenth amendment to the Public Contracts Code ("CCP"), approved by Decree-Law No. 18/2008 of 29 January.

Within the broader, ongoing structural revision of the CCP, the legislative changes introduced by Decree-Law No. 112/2025 arise against a backdrop of an intensifying housing market crisis in Portugal, with the purposes of increasing the housing supply, reversing the upward trend in housing prices, and stimulating the construction sector, with public procurement playing a key role in this context.

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On one hand, the range of options for carrying out public works contracts has been expanded, making it now possible to use the “design-build” model without exceptional justification or the need for special reasoning.

On the other hand, through amendments to Law No. 30/2021 of 21 May, the scope of simplified procedures applicable to contracts for public or controlled-cost housing has been broadened.

AMENDMENTS TO THE PUBLIC PROCUREMENT CODE

Decree-Law No. 112/2025 removes the exceptional nature that previously applied to “design-build” public works contracts. Under the former wording of Article 43 of the CCP, such contracts were permitted “only in exceptional cases, duly justified (...)”.

These contracts cover both the preparation of the detailed design for the project (“design”) and its execution (“construction”).

From now on, contracting authorities may use this type of contract whenever, based on their discretionary judgment, it proves more suitable for pursuing the public interest. This model of public works contract is associated with advantages in terms of both construction timelines and costs, benefiting from new construction techniques and models, such as “off-site manufacturing”—which involves producing components in an industrial setting and subsequently transporting them to the construction site.

While the requirement that the tender specifications include a “preliminary program” remains in force, it is now mandatory that the base price distinguish between the maximum amounts allocated to project design and those allocated to execution.

AMENDMENTS TO LAW NO. 30/2021, OF 21 MAY - SPECIAL PROCUREMENT MEASURES (“LAW N.º 30/2021”)

In light of the amendment to the CCP, which removes the exceptional character of “design-build” contracts, Decree-Law No. 112/2025 of 23 October also repeals Article 2-A of Law No. 30/2021, which had established a special regime for this type of contract.

In addition, Article 3 of Law No. 30/2021 has been amended to provide that, until 31 December 2026, for the conclusion of any contracts intended for public or controlled-cost housing, contracting authorities may adopt the following procedures:

- Simplified public tender or restricted tender with prior qualification, under the terms of Law No. 30/2021, where the contract value is below the thresholds set out in paragraphs 2, 3, or 4 of Article 474 of the CCP, as applicable

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(including, for instance, dispensation from the obligation to justify the decision not to divide the contract into lots, dispensation from fixing a base price, and shortened deadlines for submission, counterparty comments, and decisions on administrative appeals).

- Simplified prior consultation, inviting at least five entities, where the contract value is simultaneously below the thresholds referred to in paragraphs 2, 3, or 4 of Article 474 of the CCP and below €1,000,000 (one million euros).
- Simplified direct award, for contracts up to €15,000.00 (fifteen thousand euros), in accordance with Article 128 of the CCP.
- Direct award, under Articles 112 to 127 of the CCP, in the following cases:
 - o For public works or concession contracts, when the contract value is equal to or less than €60,000.00 (sixty thousand euros);
 - o For contracts for leasing, acquisition of movable goods, or services, when the contract value is equal to or less than €30,000.00 (thirty thousand euros);

ENTRY INTO FORCE

The legislative amendments introduced by Decree-Law No. 112/2025 apply only to public procurement procedures initiated after its entry into force.

The Decree-Law entered into force on the fifth day following its publication, that is, on 28 October 2025.

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