



DIE ÖSTERREICHISCHE JUSTIZ

# **The PP Directives and BIM – How to use Procurement as an enabling mechanism and avoid associated risks**

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## Context and starting point

Art. 22 (4) Dir. 2014/24, Art. 40 (4) Dir. 2014/25:  
*For public works contracts and design contests, Member States may require the use of specific electronic tools, such as of building information electronic modelling tools or similar.*

Note: no similar provision in 2014/23 and 2009/81 –  
analogy? – **Yes!**

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## Context and starting point II

Basic approach: electronic means of communication shall be

- non-discriminatory,
- generally available
- interoperable with the ICT products in general use
- shall not restrict economic operators' access to the procurement procedure

➔ MS are free to regulate (not obligatory for ex: AT, PL, HU; obligatory for ex: SF, LT, DK, DE)



## What is BIM?

BIM = basically a workflow/data tool for creating and managing data during the design, construction, and operations process of a building/infrastructure project

International: (EN) ISO 19650-1:2018 - Organization and digitization of information about buildings and civil engineering works, including BIM

Example national (AT): standard ÖNORM A 7010-6:2019 – requirements for data from BIM-models across the life-cycle

## BIM is not a software, but a tool

If CA/CE requires the use of specific electronic **tools** (like BIM) CA/CE must offer alternative means of access until such time as those tools become generally available!

**Question:** has BIM become “generally available”?

→ technicians will say: yes 😊

→ lawyers: need to differentiate depending what kind of BIM model shall be applied!

## Consequences

- to be on the safe side, CA/CE should – at this stage - not presume “general availability”
- consequence: CA/CE must offer alternative means of access according to Art. 22 (5) Dir. 2014/24 (for ex. by supplying BIM-able software; free software available)

## Watch out - pitfalls

- “BIM market” is dominated by few software solutions → **compatibility/interoperability** is advertised; in practice sometimes feed-back that this is not the case
- big companies offer BIM objects libraries – components must be chosen at an early stage → problem of **product neutrality** of the tender documents (specifically if design and execution of works are awarded separately)!
- obligation to use BIM – potential obstacle for **SMEs**

## However – big potential for BIM

- ➔ BIM should be seen as part of an overall digital strategy – key word: circular economy
- ➔ BIM data enables CAs to optimize the “green footprint” of infrastructure throughout its life-cycle
- ➔ BIM data also relevant in broader context (for ex.: focus not on specific buildings but on the city as a whole where the data are used to implement various policies)



## AT lessons learned

- not every project is a suitable BIM project – AT problem: large number of small CA/CE with small projects
- BIM requires educated staff (especially at the construction site) – question of availability
- BIM data should be used afterwards (otherwise: why should CA/CE carry additional costs for the project?)



## BIM – way forward

- ➔ More promotion of BIM necessary – beyond BIM Community on Public Buyers Platform
- ➔ Inclusion of BIM in eForms (“optional”)



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Thank you for your attention!