RCMOS – Multidisciplinary Scientific Journal O Saber.
ISSN: 2675-9128. Sao Paulo-SP.

The new law on bidding and administrative contracts and its implementation in small municipalities *The new law of bids and administrative contracts and their implementation in small municipalities*

Bruno Lopes Bastos[30]
Jackson Apolinário Yoshiura[31]

Submitted on: 05/20/2022
Approved on: 05/20/2022
Published on: 05/23/2022 v. 2, no. 1, Jan-Jun. 2022
DOI: 10.51473/rcmos.v2i1.303

SUMMARY
In Brazil, agreements between the Public Administration and third parties, in which public resources are applied and benefits are made available, must be governed by legal terms, since the process needs to be as sound as possible. Taking these notes into account and considering that Brazil was already reforming the rules linked to public procurement, it is possible to discuss the significant changes between the old and current law, with the aim of establishing a list of the benefits and impacts of changes in management. of small towns. Considering these questions, the objective of this study was to analyze the new bidding law with a view to understanding its implementation in small municipalities. Thus, the methodology adopted was bibliographical research and documentary analysis, not as the legal provisions were analyzed in light of the theory on the subject.
Key words: Bidding. Contract. Counties.

ABSTRACT
In Brazil, the agreements between the Public Administration and third parties, in which there is application of public resources and availability of benefits, must be governed by the legal terms, since the process needs to be as much of a good suitability as possible. In view of these notes and considering that Brazil had already been reforming the norms related to public procurement, it is possible to problematize about the significant changes between the old and the current law, to establish a relationship of the benefits and impacts of changes in the management of small cities. Considering these questions, the aim of this study was to analyze the new bidding law to perceive its implementation in small municipalities. Thus, the methodology adopted was bibliographic research and documentary analysis, not to the extent that the legal devices were analyzed in the light of theory on the topic.
Keywords: Bidding. Contract. Municipalities.

1. INTRODUCTION

In Brazil, agreements between the Public Administration and third parties, in which public resources are applied and benefits are made available, must be governed by legal terms, since the process needs to be as sound as possible. They must still be open for consultation by everyone, without any favoritism, and be carried out with transparency, so that they meet the constitutional principles of legality, impersonality, morality, publicity and efficiency, respecting the principles implicit in the bidding and its legal criteria. From this, in order to achieve these objectives, the bidding institute (for the acquisition of goods and services) was implemented within the scope of public governance.

Since 1993, bidding processes were governed by Law No. 8,666 of June 21 of that year, which was recently replaced by Federal Law No. 14,133/2021, considered a new framework for bids and contracts in Public Administration, which included numerous procedures linked people management, considering that human capital is fundamental for the fulfillment of bidding and public contract activities (BRASIL, 2021).
The new format of the Tender Law highlights the government purchasing market to a high level of importance, as occurs in other countries, given the concern of the Organization for Economic Cooperation and Development (*Organization for Economic Co-operation and Development*–OECD) with the way its member countries carry out bidding practices.

As Thorstensen and Faria (2020) point out, the importance of this market, observing Brazilian data, would be to present government purchases corresponding to approximately 13% of the country's Gross Domestic Product (GDP), which would be equivalent to an internal movement of R $960 billion, considering, for example, the year 2019. This national percentage means the presence of companies in practically all sectors of the economy, as services range from the purchase of computers for public offices to the carrying out of big ones

30 brunolopesvit@hotmail.com
31 Advisor - Jackyoshiura@hotmail.com

infrastructure works (THORSTENSEN; FARIA, 2020).

Taking these notes into account and considering that Brazil was already reforming the rules linked to public procurement, it is possible to discuss the significant changes between the old and current law, with the aim of establishing a list of the benefits and impacts of changes in management. of small towns.

Considering these questions, the objective of this study was to analyze the new bidding law with a view to understanding its implementation in small municipalities. To this end, it is essential to study the figure of Public Tendering, observing how this process occurs, knowing that the basis for its obligation is in Article 37, item XXI of the Federal Constitution, which determines that public works, services, purchases and disposals are contracted through bidding processes. Thus, the methodology adopted was bibliographical research and documentary analysis, not as the legal provisions were analyzed in light of the theory on the subject.

2 THEORETICAL FRAMEWORK

2.1 Public Tenders Law and contracts: Concept, Origin and Objectives

Public administration is the set of activities developed administratively by federated entities, namely the Union, states, municipalities and the Federal District, with the obligation to fulfill collective interests, implementing management in all areas of society, such as health , education, social assistance, culture, among others. It can be said, therefore, that it is the joining of essential services through public bodies aiming at the good of the community, these are duties that, to be achieved, lead to the act of bidding (MEIRELLES, 2009).

To understand how bidding processes occur and even the path to the 2021 regulatory framework, it is necessary to know, albeit briefly, the historical evolution of bidding processes, from the first Law to its inclusion in the constitutional body. It was Decree no. 2,926, of May 14, 1862, in the empire, the first legislation linked to the bidding process, although its text was more modest than subsequent ones. It was signed by Minister Manoel Felizardo de Souza e Mello and initialed by Emperor Pedro II and regulated the auctions of services under the responsibility of the Ministry of Agriculture, Commerce and Public Works. Thus, article 1 said:

> As soon as the Government decides to order any supply, construction or repairs of works to be carried out by contract, the expenses of which will be borne by the Ministry of Agriculture, Commerce and Public Works, the President of the board, before which the auction has to be carried out, will publish advertisements, inviting competitors, and will set, depending on the importance of the auction, a period of fifteen days to six months for the presentation of proposals[32](BRAZIL, 1862,*online*).

The aforementioned decree was characterized by guidance regarding the deadlines for submitting proposals, defined the obligations of the government and the proponents and was very similar to what happens in today's In-Person Auctions. It can be considered a milestone in the history of bidding for initiating the development of efficient public management and making bidding something more advantageous for the treasury. It is necessary to remember, however, that the administration was imperial, therefore, even with legal tools like this, the monarchy still commanded according to its discretion (ALVES, 2020). The 1862 decree remained in force until the republican period, being replaced by Decree nº. 4,536, of January 28, 1922. The main characteristics of this decree include the establishment of a condition for commitment to expenditure, the signing of a contract and the carrying out of public or administrative competition, based on the Union Accounting Code, which contained in around 20 articles dedicated to bidding. The 1922 text began in the second Constitution of the Brazilian Republic and lasted until the fifth Constitution, drawn up in 1946 (DOURADO, 2007).

Previously, bidding was called “competition” and, over time, it changed to its current name, and was then a necessary element for Administration contracts to be viable, as of Decree Law No. 200, of February 25, 1967. This also established the bidding modalities – competition, price taking and invitation – as well as the principles to be followed by public management: planning, coordination, decentralization, delegation of competence and control. In 1968, Law No. 5,456 was enacted, which provided for the application of Decree Law No. 200/1967 in states and municipalities, which had broad “freedom” in this area, lasting until the sixth Federal Constitution, in the Military Regime, between 1967 and 1986 (ALVES, 2020).

Subsequently, in the process of redemocratization of the country that had gone through a military dictatorship, Decree-Law No. 2,300 of November 21, 1986 was promulgated, which, in force until 1993, was the first legal code to describe the bidding procedure for the Administration. Public in only five of its 90 articles. It is important to highlight that the Constitution of the military regime was still in force and, although the 1986 decree had evolved in relation to its predecessor, the act of inhibiting inspections of administrative corruption was still present, as was common during the dictatorship (ALVES, 2020) .

32 Maintained the spelling of the time.

In constitutional text, it was only with the Federal Constitution of 1988, that the matter was inserted, coming into force with the*status*mandatory constitutional principle for the Administration (DOURADO, 2007). Thus, we have:

> Art. 22. The Union is exclusively responsible for legislating on:
> XXVII – general bidding and contracting rules, in all modalities, for direct, autonomous and foundational public administrations of the Union, States, Federal District and Municipalities, in compliance with the provisions of art. 37, XXI, and for public companies and mixed capital companies, under the terms of art. 173, § 1°, III. (BRAZIL, 1988).

In the Magna Carta, in its legislative body, more precisely in Article 37, item XXI, it is determined that public works, services, purchases and disposals are contracted through public bidding that guarantees equal conditions for all participants and that the other requirements of the bidding will be regulated by specific law, as per the text below:

> XXI - except in the cases specified in the legislation, the works, services, purchases and disposals will be contracted through a public bidding process that ensures equal conditions for all competitors, with clauses that establish payment obligations, maintaining the effective conditions of the proposal, in the terms of the law, which will only allow the technical and economic qualification requirements essential to guarantee compliance with obligations (BRASIL, 1988).

In this area, it is possible to define bidding as a type of administrative procedure through which a public entity, exercising its administrative function, opens it to interested parties, respecting the rules and formulation of proposals from which it will choose and accept the most appropriate one for implementation. of contractual negotiation between them (BARBOSA, 2007). It is also observed, as stated by Carvalho Filho (2009, p. 225), regarding the possibilities of favoritism: “The bidding circumvented these risks. Being a procedure prior to the contract, it allows several people to offer their proposals and, consequently, also allows the most advantageous one for the Administration to be chosen”.

2.2 Law No. 8,666/1993

In compliance with the constitutional provision, Federal Law No. 8,666, of June 21, 1993, was published, updated by Law No. 8,883, of June 8, 1994, Law No. 9,648, of May 27, 1998 and Law No. 9,854, of 27 of October 1999, with the law regulating the bidding activity, the Federal Constitution, which establishes standards for public administration bids and contracts and provides other provisions. The law was an attempt to combat acts of corruption that occurred, above all, in contracts between third parties and the public company, highlighting that it was enacted after the impeachment suffered by then president Fernando Collor de Mello.
This law, which was based on the previous one, was more rigorous and extensive and had 126 articles. The fundamental objective of the General Law on Bidding (LGL) and Administrative Contracts was to standardize the institution of bidding, with its basic premise being generality, that is, application without distinction to public administration bodies directly or indirectly. Thus, your text states:

> Art. 1 This Law establishes general rules on bidding and administrative contracts pertinent to works, services, including advertising, purchases, disposals and rentals within the scope of the Powers of the Union, the States, the Federal District and the Municipalities.
> Single paragraph. In addition to direct administration bodies, special funds, autarchies, public foundations, public companies, mixed capital companies and other entities controlled directly or indirectly by the Union, States, Federal District and Counties. (BRAZIL, 1993).

Therefore, it can be seen that bidding can be defined as an act by which the Public Administration selects the best proposal for the acquisition of goods and services, giving equality of opportunity to all interested parties. The bidding, as it is linked to the dictates of the law, must follow, like any public act, the constitutional principles of legality, impersonality, morality, equality and publicity. In addition to the specific principles for bidding acts such as administrative probity, binding to the call instrument, objective judgment, principles that guarantee transparency and fairness to the bidding process, as well as the selection of the most advantageous proposal for the Administration. Therefore, as Meirelles (2016) states:

> [...] the bidding is the necessary antecedent of the administrative contract; the contract is a logical consequence of the bidding. But this, it is observed, is only a preparatory administrative procedure

> of the future adjustment in a way that does not give the winner any right to the contract, only the expectation of right. Indeed, once the bidding has concluded, the Administration is not obliged to conclude the contract, but if it does, it must be with the winning bidder. (MEIRELLES, 2016, p. 307).

In art. 22 of the LGL, five types of bidding are foreseen: competition, price taking, invitation, competition and auction. The "Competition" is the bidding process in the initial qualification phase, in which candidates must demonstrate the minimum requirements to be able to take part. "Price taking" means the prior registration of interested parties, before receiving proposals. The "invitation" is the modality that does not require publication, with a view to making at least three invitations, with the one with the lowest value being contracted (BRASIL, 1993).
The competition, possibly confused with the process of tests and qualifications for investiture in public jobs, is the type of bidding used to choose technical, scientific or artistic work in which prizes or remuneration previously stipulated in a notice are instituted. Auction, finally, aims to sell or dispose of movable assets that are unusable for the Administration. In line with Amorim (2021), states, the Federal District and municipalities are allowed discretion to proceed according to their realities, always respecting federal law.
As previously noted, there is an obligation to carry out the bidding procedure, with direct public administration bodies, local authorities, public foundations, public companies, mixed capital companies and other entities controlled directly or indirectly by the Union, States, Federal District and Municipalities, bound by this law. Despite this, there are also specific possibilities in which the legislator chose to waive the process when convenient. To this end, the law listed 35 cases in its art. 24, I to XXXV, taking as an example, among others:

> III - in cases of war or serious disturbance of order;
> [...]
> XII - in purchases of fruit and vegetables, bread and other perishable items, within the time necessary to carry out the corresponding bidding processes, carried out directly based on the price of the day;
> [...]
> XV - For the acquisition or restoration of works of art and historical objects, of certified authenticity, as long as they are compatible or inherent to the purposes of the body or entity. (BRAZIL, 1993).

Cases of Unenforceability of bidding may also exist whenever there is legal impossibility for the competition between contractors to take place, that is, in some cases a business has a very specific nature or the social objectives pursued by the administration demand this unenforceability. Thus, it is art. 25 of Law 8,666/93, which regulates whether the bidding is unenforceable, always focusing on cases of exclusive supplier, technical services of a singular nature, with professionals or companies with notable specialization, and artistic activities.
These and many other characteristics are present in the 1993 legal provision and are in force to this day, because as expected, even if the "new law" has been approved, federated entities enjoy up to two years from the date of its implementation. to adapt to the new dictates. Therefore, in the initial two years, the Administration may choose to bid in the current or old procedure, always choosing one or the other, without both being considered. It is obvious that the old legislation needed modifications, given the express rigidity it exhibited when trying to prevent corrupt acts from the restricted freedom of the public administrator and that even so it did not prevent impropriety. However, it is worth analyzing how the new forecasts will be put into use in states and municipalities, taking into account the particularities of these entities in such a diverse society.

3 METHODOLOGY

This study has an exploratory nature, as it carries out bibliographical research on the topic and document analysis. The bibliographical research was carried out with the aim of deepening the topic under study, while it is necessary for the researcher to develop affinity with their object of study. In this sense, we resorted to searching for research already carried out, books and course completion works on the new Bidding Law, its main characteristics and the most significant changes. Furthermore, the research also offered views on the applicability of the aforementioned legislation in small municipalities.
At the same time, documentary analysis took place to understand the changes instituted by Law No. 14,133 of 2021, as it is necessary to take a look at the text that preceded it, in order to verify whether changes were actually made and whether they pose any obstacles or difficulties to the management of small municipalities. Finally, there was a discussion of the impact and how implementation takes place in these cities based on the *corpus* theoretical gathered.

4 RESULTS AND DISCUSSION

4.1 The New Bidding and Administrative Contracts Law (NLLC): Law 14,133/2021

Even with the existence of a legal text that assumed *status* of innovation, scholars on the subject of the history of bidding in Brazil defend the idea that the dictates were being "recycled" over time, presenting only more specific modifications and some desires of groups interested in the necessary changes. It is not the intention to say that, for example, the 1993 law did not extinguish acts harmful to the treasury carried out by the military dictatorship when concluding transactions against third parties, for example, however, it is worth highlighting that this legal provision needed more forceful and specific changes. , given that it has become outdated and out of date, becoming incapable of keeping up with technological innovations aimed at the field of public procurement.

Even with the tightening of rules and the obligation to follow principles, within a reasonable period it was possible to observe signs of corrupt acts in bidding processes linked to Public Administration. In this regard, Fortes Jr (2017) assures:

> At first it was believed that Law 8666/93 inhibited the practice of corruption, as well as inhibiting the participation of reputable companies that were not adapted to the new requirements. As happens in any field of activity, professionals become specialized in the subject and what was previously something indecipherable and impossible to be circumvented, becomes support for new forms of corruption. (FORTES Jr., 2017, *online*).

Obviously, over the years it was in force, Law 8,666/93 was amended by legislative proposals that were approved with the aim of reforming the legal norm. This is the case of Provisional Measure nº 2,026, on May 4, 2000, initially limited to the federal sphere, which implemented the Auction modality, of Law nº 10,520, of July 17, 2002, whose intention was to establish bidding within the limits of federative entities to increase transparency and agility in government purchases and reduce costs for public administration and suppliers.

Added to these are Provisional Measure No. 527, converted into Federal Law No. 12,462, on August 4, 2011, which enshrined different contracting measures for bids aimed at major sporting events that Brazil would host, such as the Copa das 2013 Confederations, 2014 World Cup and 2016 Rio Olympics, with the need to contract works and services necessary for these events.

In view of the need for innovation, Law No. 14,133 (Law No. 14,133, of April 1, 2021) was enacted in April 2021, which in addition to compiling the rules relating to Brazilian public procurement, such as Law No. 8,666/1993 , Law nº 10,520/2002 and Law nº 12,462/2011, reformulated these in several aspects (SIGNOR et al., 2022). One of the first innovations that can be pointed out about the new Law is its attempt to be in line with what is foreseen by the OECD, whose recommendation is that bidding contracts have the best cost-benefit ratio, that is, that money is "saved". taxpayer money to the extent that the lowest value proposal is chosen.

However, as reported by Signor et al. (2022, p. 179) this is a measure that, in the long term, will not be sustainable since even if reducing prices acts in favor of containing inflation, a degeneration of the system will occur "since bankrupt suppliers do not generate any advantage to the economy (and the population) and frozen prices usually do not produce good results".

The new law, with the scope of reformulation, innovated the bidding procedures. Therefore, it is possible to observe the following phases of the bidding process: 1) preparatory; 2I) publication of the bidding notice; 3) presentation of proposals and bids, when applicable; 4) judgment; 5) qualification; 6) appeal; and 7) approval (BRASIL, 2021). Regarding the aforementioned two-year wait for the total repeal of the 1993 law and full validity of the NLLC, it is up to the manager to choose the model he will use during this period, in accordance with art. 191:

> Art. 191. Until the expiry of the period referred to in item II of the caput of art. 193, the Administration may choose to bid or contract directly in accordance with this Law or in accordance with the laws mentioned in the aforementioned section, and the chosen option must be expressly indicated in the notice or in the notice or instrument of direct contracting, combined application is prohibited of this Law with those mentioned in the aforementioned section (BRASIL, 2021, *online*).

Based on what was exposed by Ferreira (2021), the speed with which the entire process of enacting the new law took place was also related to events related to the Covid-19 pandemic, which began in 2020. The emergency period led to the perception that changes would be necessary in the bidding process, mainly the simplification and agility of resolutions, as well as, "new hypotheses of exemption from bidding, possibility of hiring unsuitable companies, removal of qualification requirements and reduction of deadlines in the auction" (FERREIRA, 2021, p. 35).

Another important point is the insertion of new principles, considering that the new law added twenty-two new explicit principles to what was in force, as set out in art. 5 of the new Law:

> Art. 5 In the application of this Law, the principles of legality, impersonality, morality, publicity, efficiency, public interest, administrative probity, equality, planning, transparency, effectiveness, segregation of functions, motivation, link to the notice, objective judgment, legal certainty, reasonableness, competitiveness, proportionality, celerity, economy and sustainable national development, as well as the provisions of Decree-Law No. 4,657, of September 4, 1942 (BRAZIL, 2021,*online*).

An important change for the analysis intended here is the implementation of the National Public Procurement Portal (PNCP), the official website created by art. 174 of the NLLC as a condition designed by the legislator to guarantee transparency to the procedures based on its publicity, considering that the PNCP (art. 6, LII, of Law nº 14,133/2021), has the concentration of acts related to hiring procedures public at the national level, that is, it also covers the decisions of states and municipalities. Thus, we see expressed here an attempt to combat corruption in bidding, since the information becomes public and available at a single electronic address.

In addition to these, another point that deserves attention is the inclusion of Competency Management in the new bidding law, a system in the Human Resources area that identifies professionals who stand out for adding value to organizations. At the NLLC they will be designated to make essential decisions that implement the bidding process under the terms of the Law (BRASIL, 2021).

Considering just a few changes to the new law, it is important to highlight characteristics that emerge from the attempted modification. One of them, without a doubt, is the legislator's vision of demarcating speed in all phases of the process, since issues relating to public management are sometimes permeated by slowness. Another focal point is the insertion of measures that promote transparency in actions, so that, whenever possible, bidding processes are checked throughout the country and that this type of "vigil" is a barrier to corruption.

4.2 The NLLC in small municipalities

The fact that the questions sought here are focused on examining the implementation of the new law in small municipalities, inserts this text into the scope of discussions about municipal public administration, with regard to management and from the perspective of administrative law of public company. In this way, it is noticeable that the NLLC changes municipal bidding contracts to a large extent, as it adds essential modifications to its own application, which leads to greater planning that makes bidding processes efficient and, even more complex, simplifying them.

With this information in hand, it is essential to discuss the aforementioned Competency Management, a factor that will also be applied to Bahian municipalities. As this is something new, previously there was no individual assigned to this role, nor the existence of a career plan that would lead to this choice based on Competency Management. With the arrival of the NLLC, the municipality will have a concern regarding jobs, in accordance with the requirements of articles 7 and 8:

> Art. 7º It will be up to the highest authority of the body or entity, or whoever the administrative organization rules indicate, to promote**management by competencies and designate public agents to perform functions essential to the execution of this Law**that meet the following requirements:
>
> I - Be,**preferably, permanent civil servant or public employee on permanent staff**Public Administration;
>
> II - Have**duties related to bidding and contracts or have compatible training**or qualification attested by professional certification issued by a government school created and maintained by the public authorities; It is
>
> III -**are not spouses or partners of regular bidders or contractors of the Administration**nor have any kinship, collateral or affinity ties with them, up to the third degree, or of a technical, commercial, economic, financial, labor or civil nature. [...]
>
> Art. 8 The bidding will be conducted by a contracting agent, a person designated by the competent authority, among permanent civil servants or public employees from the permanent staff of the Public Administration, to**make decisions, monitor the bidding process, promote the bidding process and carry out any other activities necessary for the smooth running of the event until approval**. (BRASIL, 2021, emphasis added).

In view of these demands, this obligation to reinforce management by skills meets the realities of many Brazilian municipalities, especially small ones. As Macedo (2021) advised, it would be interesting to

creation of a Committee to implement the new one that, among other duties, would be responsible for carrying out a mapping of the agents that can perform the functions provided for in the new legal provision.

It should be added that the choices by individuals who correspond to the designations highlighted in the section of the law exposed above do not guarantee, in themselves, the fairness and capabilities necessary to conduct a bidding process. Without any undermining of the capabilities of municipal public agents, the applicability of the doctrine in this context will require questions relating to administrative approaches, which deviate from a legal diploma directed at bidding. As Dallari (2021) rightly assured, the formatting of the law in this regard is considered unconstitutional, given the establishment of impediments and obligations that would achieve the administrative autonomy of federated entities. Torres (2021) also corroborates this position, as he highlights:

> [...] by going beyond the condition of a guideline, guiding by preference, article 8 defines a cogent rule, which imposes submission. With this characteristic, such discipline clearly has the status of a materially specific norm, not binding States, Municipalities and the Federal District, but only federal bodies and entities. (TORRES, 2021, p. 105).

According to the analysis, the new law also reduces disputes, makes contracting more efficient, as well as more profitable, since changes in legislation range from the duration of contracts to the formulation of public management modernization plans, an example of this is the creation of the PNCP and the extinction of the publication of notices in private newspapers with large circulation, with only the need to appear in the Official Gazette of the Union (BRASIL, 2021).

Although it is of great value, this requirement for publication in the DOU still dates back to a time when newspapers were the main sources of information, completely disregarding the reach that the internet currently has, as well as the ease that this tool offers. In addition to burdening the treasury, it also becomes an additional step for municipal management, already burdened by so many new rules to be observed.

Of the positive points, it is possible to observe the encouragement of popular participation in Public Administration with the provision of the possibility of calling hearings and consultations before bidding is carried out, being a positive point for society. It has the possibility not only to challenge the bidding notice, but also to request clarifications on bidding procedures (BRASIL, 2021).

In addition to this, the modification and inversion of the phases in the bidding itself was successful, although it is not something new, there was no uniformity in the previous legislation on the subject, since this was a possibility closed to the auction modality (in-person and electronic). With the new law, the bidding process will be conducted inverted in all modalities, which is positive, especially due to the simplification and reduction of legal demands already in the qualification phase. As already mentioned, it is necessary to consider that there may be risks with the inversion. For example, one can imagine some greater flexibility in the analysis of qualification documents when the commercial proposal is attractive and important to the public entity. This must be avoided so that the apparent advantageous proposal does not become a concrete case of a breached contract.

However, this can negatively affect municipalities that lack specific training for public procurement operators, and as can be seen with the new law already in force and this training is extremely necessary to better understand the specificities of law no. 14,133/21. The biggest concern of managers at the moment must be to train operational employees in public administrations, especially in small municipalities. Not without great effort, the new law must and will be gradually implemented in Brazilian municipalities which, even with the deficiencies presented here, should be successful in this process which, it is believed, will take more than two years until everything is in line with the NLLC. What can be expected is that the municipality makes use of effective strategies and is inspired by successful examples that exist and will increasingly exist in the country. Furthermore, with the new requirements, it is expected that the reduction of impropriety and the speed of processes will materialize so that the bidding fulfills its main function, which is, offering the Public Administration possibilities to offer citizens the services that are of state responsibility.

REFERENCES

ALVES, APG The historical evolution of tenders and the current emergency public procurement process in Brazil. **REGEN**, v. 1, no. 2, p. 40-60, 2020.

Amorim, Victor Aguiar Jardim de.**Tenders and administrative contracts:**theory and jurisprudence. 4th ed. – Brasília, DF: Federal Senate, Coordination of Technical Editions, 2021. 290 p.

BRAZIL.**Constitution of the Federative Republic of Brazil of 1988.**Official Gazette of the Union, October 5, 1988.

BRAZIL.**Law No. 13,979/2020, of February 6, 2020.**Official Gazette of the Union, February 7, 2020.

BRAZIL.**Provisional Measure No. 926/2020, of March 20, 2020.**Official Gazette of the Union, March 21, 2020.

BRAZIL.**Law No. 8,666, of June 21, 1993.**Official Gazette of the Union, June 22, 1993.

BRAZIL.**Law No. 10,520, of July 17, 2002.**Official Gazette of the Union, July 18, 2002.

BRAZIL.**Law No. 12,349, of December 15, 2010.**Official Gazette of the Union, December 16, 2010.

DOURADO, Luiz F. (Org.).**National Education Plan**(2011-2020): assessment and perspectives. Goiânia: Editora UFG; Belo Horizonte: Autêntica, 2007, p. 285-315

FORTES JUNIOR, CO**Brief history of bidding in Brazil.**Fortesjr. 2017. Available at: http://www.fortesjr. com.br/breve-historia-das-licitacoes-no-brasil/. Accessed on: May 4th. 2022.

MEIRELLES, H.L.**Brazilian administrative law.**35. ed., São Paulo: Malheiros, 2009.

SIGNOR, Regis et al. The new bidding law as a promoter of the winner's curse.**Rev. Public Administration**[online]. 2022, v.56, n.1, p.176-190. Epub Mar 21, 2022. ISSN 0034-7612. https://doi.org/10.1590/0034-761220210133.

THORSTENSEN, Vera; FARIA, Antônio Pedro.**Public Purchases:**Good practices and exam from Brazil.*In*: Vera Thorstensen; Mauro Kiithi Arima Jr. (Org.). Brazil as seen by the OECD. 1st edition.São Paulo: VT; CCGI, 2020, v. 1, p. 286-298.