



INDISPENSABLE REQUIREMENTS IN PUBLIC BIDDING

INDISPENSABLE REQUIREMENTS IN PUBLIC BIDDING

Érica Paula Ribeiro dos Reis¹

Solange Barreto Chaves^{two}

Submitted on: 05/12/2022

Approved on: 05/12/2022

Published on: 05/13/2022 v. 2, no. 1, Jan-Jun. 2022

DOI: 10.51473/rcmos.v2i1.293

SUMMARY

When dealing with the topic discussed here about the essential requirements in a public tender, we are obliged to touch on any powers at the administrative level, even those that require access to goods and services to provide good jobs to citizens, who have their own rights and obligations that the law constitutes and guarantees must be fully exercised. Public administration must always aim to serve the collective interest and, by law, must manage public funds efficiently. Knowing that your poor management can lead to penalties provided for by law. Therefore, the principles that govern the administration of public administration must be strictly observed, whether in the provisions of Law No. 8,666/93 of the Federal Constitution, or in any other legal provisions, essential to the exercise of public administration, especially when it concerns the process of bidding. It soon became clear that the objective of a clear and concise public tender was to allow the process of contracting works, services, purchases and assignments to be conducted in a democratic and fair manner throughout the process. This allows the State to spend and allocate public resources in the most beneficial way for public administration.

Keywords: Public Tendering. Public administration. Principles.

ABSTRACT

When dealing with the topic discussed here about the essential requirements in a public tender, we are obliged to touch on any powers in the administrative sphere, even those that require access to goods and services to provide good jobs to citizens, who have their own rights and obligations that the law constitutes and guarantees must be fully exercised. Public administration must always aim at the service of the collective interest and, by law, must manage public funds efficiently. Knowing that your mismanagement can lead to penalties provided by law. Thus, the principles that govern the administration of public administration must be strictly observed, either in the provisions of Law No. 8.666/93 of the Federal Constitution, or in any other legal provisions, essential to the exercise of public administration, especially when it concerns the of bidding. It soon became clear that the objective of a clear and concise public tendency was to allow the process of contracting works, services, purchases and assignments to be conducted democratically and fairly throughout the entire process. This allows the State to spend and allocate public resources in the most beneficial way for the public administration.

Keywords: Public Bidding. Public administration. Principles.

1. INTRODUCTION

The current democracy in Brazil must be effective, so that public acts are full of transparency and fairness so that they comply with the constitutional principles of legality, impersonality, morality, publicity and efficiency.

Contracts between the Public Administration and third parties, in which public resources are used and benefits are made available, must be open to everyone, without favoring one side or the other. From this, aiming to achieve these objectives, the institute of public competition (for hiring employees) and bidding (for the acquisition of goods and services) was implemented in the Public Administration.

Bidding is a much discussed topic, as public bidding is a term contained in article 37, item XXI, of the Constitution Federal, which determines that public works, services, purchases and disposals will be contracted through bidding

267 public

Please note that the conditions relating to bidding procedures will be established in accordance with the terms of the law. In compliance with this legal description, Law n° 8,666/93, better known as the Bidding Law, was enacted in 1990, updated by Laws n° 8,883, of June 8, 1994, 9,648, of May 27, 1998 and by Law 9,854, of October 27, 1999.

It is important to clarify that the bidding process, despite being mandatory, exists in which it may not be carried out, without violating constitutional principles. The law lists these hypotheses as being: exemption (to favor the Administration's interest) and non-enforceability (when there is no competition condition).



Therefore, it is known that bidding is a type of administrative procedure through which a public entity, exercising its administrative function, opens to interested parties, respecting the rules of the call for proposals, the formulation of proposals from which it will choose and accept the most appropriate one. to carry out contractual negotiations between them (CARVALHO FILHO, 2011).

To provide greater security to the topic, the legislator lists essential requirements for bidding. In this way, it will become popular to recognize and gather scientific and documentary contributions on the subject, making it necessary to take an approach in favor of the principles that govern the topic, especially in the legal field with regard to the interpretation and applicability of laws (JUSTEN FILHO, 2005).

Thus, this study will address essential requirements in public bidding, with the research problem being: what are the essential requirements for public bidding to be valid and legal?

For the Public Administration to fulfill its role of providing quality services to the population, it is necessary for it to obtain goods and services from third parties. As Carvalho Filho (2011) rightly observes, it performs a multifarious and complicated activity, collimating the public interest as its aim and to achieve it, it must make use of services and goods provided by third parties.

Therefore, this study is justifiable as it concerns contracts signed with third parties for the acquisition of goods and services, as well as the sale of properties, which cannot be solely at the discretion of the administrator, given that all public acts must be linked to the law.

Reflection on the essential requirements in public bidding is extremely important. Federal Law No. 8,666/93 (Tenders and Contracts Law) and Federal Law No. 10,520/02 (Auction Law), and the Federal Constitution of Brazil of 1988 in its article 37, item XXI and therefore it is beneficial to be addressed to determine, in accordance with the law, the essential requirements for the bid to be valid.

Therefore, the general objective of this study is to raise the importance of the essential requirements in public bidding.

2. METHODOLOGY

Research with regard to nature is classified as qualitative, and is characterized as exploratory descriptive research that aims to initially characterize the problem, its classification and definition, thus providing greater familiarity with the problem, carried out through a literature review research. To achieve this, the lines of research described below must be followed:

- Exploratory: using theoretical references based on research into scientific articles, books, dissertations and monographs with a qualitative approach to substantiate the theme;
- Explanatory: tending to obtain data through case studies, the reason why accountants choose types of society and how it helps in business management.

The bibliographic research will be carried out as follows: studies will be selected and then data collection will begin and for data synthesis, three stages will be established: pre-analysis - skimming reading of all articles; exploration of the material - determination of categories and subcategories; treatment of results - inference and interpretation, discussion with reference materials in the area and conclusions on the topic studied (MINAYO, 2010).

3. EVOLUTION OF THE BIDDING HISTORY

Initially, it is important to situate the bidding by providing a brief overview of its historical evolution, from the 1st law to its inclusion in the constitutional body. It is known that the initial milestone for bidding in the public sphere was through decree no. 2,926, of May 14, 1862, which included auctions for public works services. But it is worth noting that legislation on the subject did not normally contain effective provisions, they were more modest. It is also worth mentioning the creation of the Public Accounting Code of the Union, coming through Decree n°. 4,536 of January 28, 1922, which dealt with the competition procedure (DOURADO, 2007).

Previously it was known as competition and over time it came to be recognized as “bidding”, being then a necessary element for Administration contracts to be viable, Decree - Law no. 200, of February 25, 1967, later, Decree - Law no. 2,300 of November 21, 1986, being the 1st

(first) legal code describing the bidding procedure for the Public Administration.

268 But, constitutionally speaking, only with the Federal Magna Carta of 1988, which expressly inserted the matter, even so, with many gaps, but coming into force with the status of a constitutional principle being mandatory for the Administration (MOTTA, 2005).

Therefore, it is known that bidding is a type of administrative procedure through which a public entity, exercising its administrative function, opens to interested parties, respecting the rules of the call for proposals, the formulation of proposals from which it will choose and accept the most appropriate one. to carry out contractual negotiations between them. It is also observed, as stated by Carvalho Filho (2011, p.225): “The bidding circumvented these risks. Being a procedure prior to the contract, it allows several people to offer their proposals, and, consequently, allows

also that the most advantageous one for the Administration is chosen”.

It is worth breaking down the concept of bidding and removing the following elements from it: a) administrative procedure, as it is a set of acts and facts carried out by both the Administration and the bidder with the aim of establishing the contract; b) public entity exercising administrative functions, since entities with a private personality must also submit to the bidding process, such as public companies, mixed-capital companies and foundations (parts of the Indirect Public Administration); c) open to all interested parties who are subject to the conditions set out in the invitation to tender, since whenever the Administration invites interested parties to the contest, by letter of invitation or notice, the basic conditions for participating in the bidding are included in the invitation; d) possibility of formulating proposals from which they will select the most convenient one for concluding a contract, this being the objective of the contest, to receive the proposals and choose the most convenient one, always aiming at the public interest with the aim of concluding the contract (CARVALHO FILHO, 2011).

For these reasons, it is clear that the Federal Constitution, in its legislative body, more precisely in article 37, item XXI, determines that public works, services, purchases and disposals will be contracted through public bidding that guarantees equal conditions for all participants and that the other bidding requirements will be regulated by specific Law.

In compliance with the constitutional provision, Federal Law n° 8,666, of June 21, 1993, was published, updated by Laws n° 8,883, of June 8, 1994, 9,648, of May 27, 1998 and by Law 9,854, of October 27 of 1999, and the law that regulates this activity is Law 8,666 of June 21, 1993, which regulates art. 37, item XXI, of the Federal Constitution, as seen and establishes rules for public administration tenders and contracts and provides other measures. 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. Observing the words of Alexandrino and Paulo (2010, p.550): “The doctrine conceptualizes bidding as an administrative procedure, mandatory for government entities, in which equality between participants is observed”.

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, publicity. In addition to the specific principles for bidding acts such as administrative probity, binding to the call for proposals, and objective judgment. These principles guarantee transparency and fairness in the bidding process, as well as the selection of the most advantageous proposal for the Administration (PIETRO, 2001).

It must aim, in principle, at the supremacy of the public interest (or the Unavailability of the Public Interest), which refers to the hierarchy between the collective interest to the detriment of the private interest. This supremacy aims to protect the common good, ensuring a stable social order and the effectiveness of public service provision. Marcelo Alexandrino and Vicente Paulo say it like this:

Therefore, when performing this function, at certain times, there will certainly be conflict between public interest and private, individual interest. Faced with this conflict, the public interest must prevail (ALEXANDRINO; PAULO, 2006, p. 129).

In addition to the basic principles mentioned above, bidding must also follow related principles such as: the principle of competitiveness, indistinctness, inalterability of the notice, secrecy of proposals, procedural formalism, prohibition on offering advantages, obligation.

3.1 Legislation

The federal law that provides detailed information about the institute is Law No. 8,666, of June 1993 and has been amended several times. Then, in 2002, with the emergence of auctions as a sixth form, came Law No. 10,520, which governs opening hours, but, when necessary, Law 8,666 for matters not dealt with by the auction law (AMORIM; OLIVEIRA, 2020).

269 Both laws allow the government to make its own regulations to facilitate and adapt to general rules to the particularities of each public administration. Note, however, that no state law, statute or regulation can violate the provisions of Law No. 8,666 of 1993 and Law No. 10,520 of 2002. And, no law can harm the highest law, the Federal Constitution of 1988 (BITENCOURT, 2020).

Therefore, whenever you wish to participate in the bidding process, it is essential to know the legislation and check the existing legislation for the bid in which you will participate, generally mentioned in the notice and easily accessible, most often on the website.

More recently, in June 2016, an important law was introduced, the so-called State Companies Law, Law no.

13,303/2016. Provides rules for public mixed-economy companies (e.g. Metro, Water and Sewage, etc.) and their subsidiaries, all governmental, federal, state, DF and municipalities (BRAUNERT, 2002).

Laws, decrees, normative guidelines and regulations must be read repeatedly, deep understanding, and understanding is a big difference. For the government: because it will bid correctly, fulfill its duty to apply legislation and put the public interest first, which is the principle of legitimacy. For those who signed up: Knowledge will help win the bid, helping everyone comply with the law and its constitutional principles. All of this makes bidding fair, conscious and effective in achieving its objectives (BRAUNERT, 2009).

And it should not be forgotten that higher-level courts and judgments, which interpret the law, make decisions and thus create jurisprudence, which complements and develops the law. Jurisprudence becomes a very important tool that can be used as a basis for appeal and defense in the bidding process (FURTADO et. al, 2021).

3.2 Bidding Types

They are in the form of Law 8,666 of 1993, there are five of them, making it clear that the auction is the sixth. Scheme created in 2002 by Law 10,520. Here a more important message must be inserted that auctions can be in person or electronic, that is, people such as competition and price checking, invitations and electronic auctions. Be present in person with the government and suppliers at the locations specified in the notice (JUSTEN FILHO, 2014).

General data for the traditional form:

Competition: Means by which any interested party can participate, in the pre-qualification phase, to demonstrate that they have the minimum qualifications required to execute the competition announcement (MACHADO, 2021).

Pricing: On the third day prior to the date of receipt of the proposal, through formal registration or between interested parties who meet all the conditions required for registration, meeting the necessary qualifications (NIEBUHR, 2021).

Invitation: The way in which interested parties from the area involved in the object of the competition will be selected and invited by the competent authority at least three times. The invitation is the easiest way to compete. The Administration selects among the potential interested parties who it wishes to invite, whether registered or not. Disclosure must be made by posting a copy of the invitation on the notice board of a widely publicized agency or entity (RODRIGUES, 2021). In the invitation, interested parties who are not formally invited, but who are in the field of the bidding object, may participate, as long as they are registered with the bidding body or unit or registered in the Unified Supplier Registration System - SICAF or similar unified registration.

These interested parties must send an invitation 24 hours before submitting a proposal.

4. INDISPENSABLE REQUIREMENTS IN PUBLIC BIDDING

More than one hundred and forty years ago, bidding was introduced into Brazilian public law. Only since 1988, however, did bidding gain the status of a constitutional principle that direct and indirect public administration enforces all the responsibilities of the Union, the States, the Federal District and the Municipalities (CARVALHO FILHO, 2011).

Bidding is a mandatory procedure used by the public administration in accordance with the law for the conclusion of contracts, both for the acquisition of goods and services, and for contracts relating to assignments, thus becoming an essential procedure for the declared purpose.

As we found through our research, the public tender is an efficient tool enshrined in article 37, item XXI of the Brazilian Federal Constitution of 1988, which states:

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 accordance with the law, which will only allow the technical and economic qualification requirements essential to guarantee compliance with obligations (BRASIL, 1988).

270 Article 37 of the Federal Constitution of the XXI Republic is governed by Law No. 8,666, of 06/21/93 (amended by the Laws n° 8,883/94, n° 9,648/98 and n° 9,854/99), which deals with public administration tenders and contracts. Thus, the law establishes five types of bidding, namely: competition, evaluation, invitation, auction and bidding. These forms are discussed in art. 22 of Federal Law No. 8,666/93. After Law No. 8,666, transaction methods were created through Law No. 10,520/2002, therefore, there are six methods. This will be discussed below.

Article I of Law No. 8,666/93 regulates competition as defined. Article 22 of said law, as defined in paragraph 1 of the same article, has the following wording:

Art. 22, § 1, of Law 8,666 of 1993. Competition is the type of bidding between any interested parties who, in the initial phase of preliminary qualification, prove that they have the minimum qualification requirements required in the notice to execute their object. (BRAZIL, 1993).

It can be said that the competition is a type of bidding that must be widely publicized, as anyone interested can participate as long as the requirements of the notice are met.

Prices in accordance with article 22 of Law 8,666/93, defined in the second paragraph of the same article, says:

Art. 22, inc. II - Price taking is the type of bidding between interested parties duly registered or who meet all the conditions required for registration until the third day prior to the date of receipt of proposals, subject to the necessary qualification. (BRAZIL, 1993).

Therefore, only registered interested parties and those who have provided all the necessary documents in accordance with the provisions of articles 27 to 31 of Law 8,666/93 will be able to participate - up to the third day before the date of receipt of the proposal.

Invitations are provided for in item III, article 22, of Law No. 8,666/93, which says:

Art. 22, inc. III - Invitation is the type of bidding between interested parties in the sector relevant to its object, registered or not, chosen and invited in a minimum number of three by the administrative unit, which will post, in an appropriate place, a copy of the invitation instrument and extend it to the others registered in the corresponding specialty who express their interest up to twenty-four hours before the proposals are presented. (BRAZIL, 1993).

Among those interested in the invited object, whether registered or not, at least three (three) people must be selected and invited by the administrative unit. Therefore, after the date of receipt of the invitation letter, interested parties have 05 (five) days (calculated in working days) to submit proposals, which must comply with the requirements set out in article 5.º § 2º, item IV, Law 8.666 /93.

The auction is offered in article 22, of Law 8,666/93, in item V, providing:

Art. 22, V - Auction is the type of bidding between any interested parties for the sale of movable assets unusable for the Administration or products legally seized or seized, or for the sale of immovable assets provided for in art. 19, to whoever offers the highest bid, equal to or greater than the valuation value. (BRAZIL, 1993).

Any interested party can participate in the auction, which is mainly used to sell goods that are no longer useful and can therefore be sold by the public administration for income. It should be noted that to sell something, the government is required to bid through an auction, or, if you prefer, a public auction.

The competition is offered in item IV of article 22 of Law 8,666/93, defined as:

Art. 22, IV - Competition is the type of bidding between any interested parties to choose technical, scientific and artistic work, through the institution of prizes or remuneration to the winners, according to criteria contained in a notice published in the official press at least forty-eight days in advance. five days. (BRAZIL, 1993).

When it comes to competition, just follow the rules of the art. Article 22, § 4, of Law No. 8,666/93 defines competition as a form of bidding between any interested parties for the selection of technical, scientific or artistic works by establishing prizes or remuneration for the winners.

Article 2 of Provisional Measure No. 2,026 of 2000 provides for auctions, which defines the following wording:

Art. 2 Auction is the type of bidding for the acquisition of common goods and services, promoted exclusively within the scope of the Union, whatever the estimated value of the contract, in which the dispute for supply is made through proposals and bids in a public session (BRAZIL, 2011 d).

It can be seen that the objective of a clear and concise public tender is to ensure that the process of contracting works, services, bids and transfers is conducted in a democratic and fair manner as a whole, favored by public administration.

Significant advances were achieved in the institutionalization and democratization of public administration, as can be seen in the provisions of the 1988 Constitution. What draws attention to this achievement, however, is that the constitutionalization of public administration can only be guaranteed by the 1988 Constitution.

These principles are also based on art. Article 3 of Law 8,666/93 provides:

Art. 3 The bidding is intended to guarantee compliance with the constitutional principle of equality, the selection of the most advantageous proposal for the administration and the promotion of sustainable national development and will be processed and judged in strict accordance with the basic principles of legality, impersonality, morality, equality, publicity, administrative probity, binding to the convening instrument, objective judgment and those related to them. (BRAZIL, 1993).

Celso Antônio Bandeira de Mello said that preventive measures used effectively are more viable than any measures taken, whether corrective or punitive, stating:

Bidding – in short – is a competition that government entities must promote and in which they open a dispute between those interested in entering into certain relationships with them of patrimonial content, to choose the proposal most advantageous to public convenience. It is based on the idea of competition, to be fought equally between those who fulfill the attributes and skills necessary to properly fulfill the obligations they propose to assume. (MELLO, 2004. p. 483)

The importance of the requirements that are essential in public competitions is highlighted, as the sacred instrument enshrined in the Magna Carta of 1988, it can be said that it was a fundamental milestone in helping to formulate new laws supported by legal and administrative laws: Federal Law no. 8,666 of 1993, established as the Administrative Law on Tenders and Contracts, which constitutes a guarantee for public administrators to exercise treasury in contracts for goods and services, being able to choose the best form of acquisition, which can be: At the lowest price, term and quality, always meet the needs of the bidding body for the description of the acquisition object or service.

The principles in public administration have the function of guiding the conduct of administrators in the practice of administrative conduct, thus ensuring good administration. He emphasizes that this can only be achieved through good management of public affairs, good management of public resources (money, goods and services) and based on collective interests (SILVA, 2007).

The constitutional principles of public administration are enshrined in article 37 of the Federal Constitution. The direct and indirect public administration of any authority in the Confederation, States, Federal District and Municipalities will be governed by the principles of legality, objectivity, ethics, transparency and efficiency.

However, in addition to these principles, the Bidding Law also provides for a series of other principles that need to be observed and respected. Pursuant to article 3, competitions are intended to ensure compliance with the constitutional principle of equality, to select the proposals most favorable to the Administration, and will be conducted in strict compliance with legality, objectivity, morality, equality, publicity, administrative integrity, obligation on subpoenas, objective judgment and matters related to it.

5. FINAL CONSIDERATIONS

This article examines the importance of essential requirements in public tenders and, to this end, examines the constitutional thinking of these requirements and the arguments that support them, as well as their validity.

272 Therefore, we can conclude that Federal Law No. 8,666/93, which deals with bidding and administrative contracts, is supported and regulated by article 37, item XXI of the 1988 Federal Constitution as the best way to enforce public contracts in relation to administrative public contracting in a fair and transparent manner when dealing with individuals and others.

Thus, the bidding process aims to protect in its context the fundamental principles of a Democratic Rule of Law, such as those already mentioned, namely, the principles of homogeneity, personification, legality, morality and efficiency. Therefore, to establish a country where all citizens are materially equal, administrative actions must be formulated and based on the law, and in good faith, in accordance with the provisions of the Federal Constitution.

This article, although in summary form, does not intend to be exhaustive on the topic, but rather to contribute and bring it to the debate, raising the importance of the requirements that make up public competitions.

REFERENCES

ALEXANDRINO, Marcelo; PAULO, Vicente. **Administrative law**. 12th ed. Rio de Janeiro: 2010.

AMORIM, Victor Aguiar Jardim de; OLIVEIRA, Rafael Sérgio Lima de Oliveira. **Electronic Auction**: comments on Federal Decree No. 10,024/2019. 4. Ed. Belo Horizonte: Fórum, 2020.

BITENCOURT, Sidney. **New Electronic Auction**: comments on the new Decree nº 10,024, of September 20, 2019. Leme, SP: JH Mizuno, 2020.

BRAZIL, Law no. 8,666/93, of June 21, 1993. **Regulates article 37, XXI, of the Federal Constitution, establishes rules for bidding and Public Administration contracts and provides other measures**. Published in the DOU on 06/22/1993.

BRAZIL, **Federal Constitution of 1988**. [Constitution of the Federative Republic of Brazil](#) 1988. Official Gazette of the Union, Brasília, 5 Oct. 1988.

BRAZIL, **Law No. 10,520, July 17, 2002**. Establishes, within the scope of the Union, States, Federal District and Municipalities, in accordance with art. 37, section **XXI**, from the [federal Constitution](#), a type of bidding called auction, for the acquisition of common goods and services, and provides other measures. Official Diary of the Union, **Brasília, 17 July. 2002**.

BRAZIL, **Law No. 8,666, of June 21, 1993**. Regulates art. **37**, of the Federal Constitution, establishes rules for Public Administration tenders and contracts and provides other measures. Official Gazette of the Union, Brasília, 21 June. 1993.

BRAZIL, **Law No. 8,883, of June 8, 1994**, Available in : <https://www2.camara.leg.br/legin/fed/lei/1994/lei-8883-8-junho-1994-372228-veto-23935-pl.html> . Accessed on May 2, 2022.

BRAZIL, **9,648, of May 27, 1998**, Available at: https://www.camara.leg.br/proposicoesWeb/prop_viverintegra?codteor=445096. Accessed on May 2, 2022.

BRAZIL, **Law 9,854, of October 27, 1999**, Available at: <https://legislacao.presidencia.gov.br/atos/?tipo=LEI&numero=9854&ano=1999&ato=25dUTWE9keNpWTe0f>. Accessed on May 5, 2022.

BRAZIL. Code of Civil Procedure – CPC. **Law No. 5,869, of January 11, 1973**. Available at: http://www.dji.com.br/codigos/1973_lei_005869_cpc/cpc.htm. Accessed on: 18 September. 2021

BRAZIL. **Constitution of the Federative Republic of Brazil**: promulgated on October 5, 1988. São Paulo: Saraiva, 2011.

BRAZIL. **Provisional Measure No. 2,026** of August 28, 2000.

BRAUNERT, Rolf Dieter Oskar Friedrich. **The practice of bidding**. Curitiba: Grafiven, 2002.

BRAUNERT, Rolf Dieter Oskar Friedrich. **Engineering works and services and the auction**. Curitiba: Negócios Públicos., 2008.

273 CARVALHO FILHO, José dos. **Administrative Law Manual**. 7th ed. Rio de Janeiro, Lúmen Júris, 2011.

CARVALHO FILHO, José dos. **Administrative Law Manual**. 7th ed. Rio de Janeiro, Lúmen Júris, 2011.

DI PIETRO, Maria Sylvia Zanella. **Administrative law**. 23 edition. São Paulo: Atlas, 2010.

GOLDEN. Márcia Almeida. **Tenders in Brazil**. Rio de Janeiro: Lumen Juris, 2007.

FURTADO, Madeline Rocha, et al. **The New Bidding and Administrative Contracts Law**. 1 ed. Vila Velha: CONSULTRÉ, 2021.

JUSTEN FILHO, Marçal. **Comments to the Bidding and Administrative Contracts Law**. 11 ed., São Paulo: Dialética, 2005.

JUSTEN FILHO, Marçal. **Administrative Law Course**. 10 editions. Magazine, updated and expanded – SÃO PAULO. Courts Magazine, 2014.

MACHADO, Gabriela de Ávila. **Considerations about the new bidding law**. CONJUR – Consultor Jurídica, 2021. Available at: <https://www.conjur.com.br/2021-abr-25/gabriela-machado-consideracoes-leilicitacoes>. Accessed on: 20 Mar. 2022.

MELLO, Celso Antônio Bandeira de. **Administrative Law Course**. 17. ed. rev. and current. São Paulo: Malheiros, 2004.

MINAYO, Maria Cecília de Souza. **Social Search: Theory, Method and Creativity**. Petrópolis: Voices, 2010.

MOTTA, Carlos Pinto Coelho. **Effectiveness in Tenders and Contracts**, 10th ed., Belo Horizonte: Del Rey, 2005.

NIEBUHR, Joel de Menezes. **New Bidding and Administrative Contracts Law**/Joel de Menezes Niebuhr et al. 2nd ed. Curitiba: Zênite, 2021. 1. 283p.

REALE, Miguel. **Preliminary Law Lessons**. 2000. 20 ed., São Paulo: Editora LTD.

ROCHA, José Albuquerque da. **General theory of the process**. 6th ed., São Paulo: Malheiros Editores, 2002

RODRIGUES, Rodrigo Bordalo. **New Law on bidding and administrative contracts: main changes** / Rodrigo Bordalo Rodrigues – São Paulo: Expressa, 2021.

SANDER. **Bidding modalities**. 2005. Integral part of Edition no. 134. Available at: <http://www.lojajuridico.com.br/doutrina/texto.asp?id=707>. Accessed on: September 7th. 2021.

SILVA, José Afonso Da. **Positive Constitutional Law Course**. 29ed. São Paulo: Malheiros, 2007.