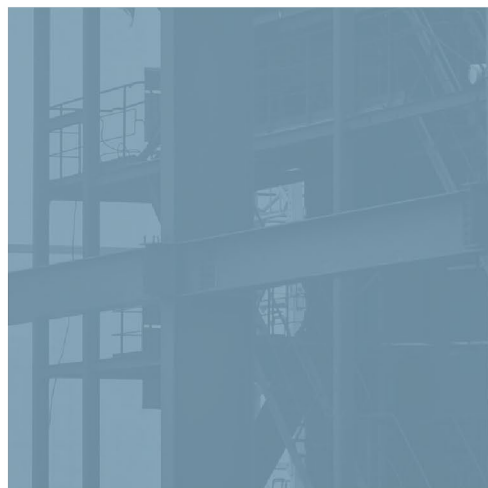




Yearbook 2020

INFRASTRUCTURE



VIEIRAREZENDE
ADVOGADOS



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Introduction

Vieira Rezende is a full service Law Firm, composed by professionals with a multidisciplinary practice, representing clients in a wide range of sectors in both industrial and services activities in Brazil.

After the consolidation of the Corporate area, enhancing the Firm' capabilities towards a full-service practice, accumulating tremendous experience during the years of privatization and public service concession, participating in historic operations such as the privatization of Vale, the privatization of the electricity sector and the telecommunications sector, as well as the restructuring of the financial and steel sectors.

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WORLD TAX



DEAL OF THE YEAR 2018/19
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PROJECT & INFRASTRUCTURE - LATINFINANCE
IJGLOBAL AWARDS - EUROMONEY

Counsel to a group of seven major banks in a 20-year financing of roughly US\$130 million for modernizing the largest airport in Brazil's north-east region, operated by French Group Vinci Airports.

Our Partners

Infrastructure



Cláudio Guerreiro

Cláudio is a member of the board of directors of the firm and the leading partner in the corporate area. He is a reference in advising on aspects related to the use of natural resources, especially mining, water and sanitation. Cláudio has extensive experience in the corporate and administrative areas representing large corporate groups in M&A operations and infrastructure projects.

[Full biography here](#)



Claudio Pieruccetti

Claudio has extensive experience in litigation and arbitration (civil and corporate), including commercial contracts, civil liability, corporate and corporate disputes. He has extensive experience in administrative law, including bidding, public procurement, concessions and public-private partnerships. He is a partner in the Litigation & Arbitration practice of Vieira Rezende and the Rio de Janeiro State Attorney since 2004.

[Full biography here](#)



Marina Aider

Marina has extensive experience in financing structuring. Advises national and international banks and companies in complex operations, including international lending, project financing in regulated sectors and issuance of debt securities in the capital markets. Marina is recognized for her pro-deal position in negotiations, representing the interests of her clients.

[Full biography here](#)



Celso Contin

Celso has extensive experience in structured finance operations, mergers and acquisitions and transactions involving real estate assets. Represents for years some of the largest foreign and domestic banks and companies in complex operations involving companies and assets in Brazil.

[Full biography here](#)

Main Normative Rulings

01

Laws and Provisional Measures (MPVs)

Provisional Measure 1024/2020 *Dec 31, 2020*

Amends Law 14,034, of August 5, 2020, to extend the validity term of emergency measures for the Brazilian civil aviation due to the Covid-19 pandemic.

[Read more](#)

Law 14,109/2020 *Dec 17, 2020*

Amends Laws 9472, of July 16, 1997, and 9998, of August 17, 2000, to provide for the purpose, allocation of resources, management and objectives of the Telecommunications Services Universalization Fund (Fust).

[Read more](#)

Law 14,066/2020 *Sep 30, 2020*

Amends Law 12,334, of September 20, 2010, which establishes the National Dam Safety Policy (Política Nacional de Segurança de Barragens – PNSB), Law 7797, of July 10, 1989, which creates the National Environment Fund (Fundo Nacional do Meio Ambiente – FNMA), Law 9433, of January 8, 1997, which institutes the National Water Resources Policy, and

Decree-Law 227, of February 28, 1967 (Mining Code).

[Read more](#)

Law 14,065/2020 *Sep 30, 2020*

Authorizes advance payments in public tenders and government contracts; adjust the bidding waiver limits; expands the use of the Differentiated Public Procurement Regime (Regime Diferenciado de Contratações Públicas – RDC) during the state of public calamity as recognized by Legislative Decree 6, of March 20, 2020; and amends Law 13,979, of February 6, 2020.

[Read more](#)

Law 14,063/2020 *Sep 23, 2020*

Provides for the use of electronic signatures in interactions with public entities, in acts of legal entities and in health matters, and on licenses of software developed by public entities; and amends Law 9096, of September 19, 1995, Law 5991, of December 17, 1973, and Provisional Measure 2200-2, of August 24, 2001.

[Read more](#)

01 | Main Normative Rulings

Laws and Provisional Measures (MPVs)

Law 14,052/2020 *Sep 08, 2020*

Amends Law 9427, of December 26, 1996, to establish a fine to be paid to users of the electricity service, Law 13,203, of December 8, 2015, to establish new conditions for the renegotiation of the hydrological risk of electricity generation, Law 11,909, of March 4, 2009, to create the Fund for the Expansion of Transportation Gas and Distribution of Production (Brasduto), Law 12,351, of December 22, 2010, to provide for the allocation of revenue from the sale of oil, natural gas and other fluid hydrocarbons aimed at the Federal Government, and Law 12,783, of January 11, 2013, to reduce the deadline for requesting the extension of concessions referred to in this Law.

[Read more](#)

Provisional Measure 998/2020 *Sep 1, 2020*

(processing)

Amends Law 9991, of July 24, 2000, Law 5655, of May 20, 1971, Decree-Law 1383, of December 26, 1974, Law 9427, of December 26, 1996, Law 10,438, of April 26, 2002, Law 10,848, of March 15,

2004, Law 12,111, of December 9, 2009, and Law 12,783, of January 11, 2013, transfers to the Federal Government the shares held by the National Nuclear Energy Commission representing the share capital of Indústrias Nucleares do Brasil S.A. and Nuclebrás Equipamentos Pesados S.A. among other provisions.

[Read more](#)

Law 14,047/2020 *Aug 24, 2020*

Provides for temporary measures to deal with the Covid-19 pandemic within the scope of the port sector, for the transfer of government yards, and for the costing of parking services to keep the aircraft of national companies of regular air transport of passengers in yards of the Brazilian Airport Infrastructure Company (Empresa Brasileira de Infraestrutura Aeroportuária – Infraero); and amends Laws 9719, of November 27, 1998, 7783, of June 28, 1989, 12,815, of June 5, 2013, 7565, of December 19, 1986, and 10,233, of June 5, 2001.

[Read more](#)

Main Normative Rulings

01

Laws and Provisional Measures (MPVs)

Law 14,035/2020 *Aug 11, 2020*

Amends Law 13,979, of February 6, 2020, to provide for procedures for the acquisition or contracting of goods, services and supplies intended to deal with the public health emergency of international importance arising from the coronavirus responsible for the 2019 outbreak.

[Read more](#)

Law 14,034/2020 *Aug 05, 2020*

Provides for emergency measures for Brazilian civil aviation due to the Covid-19 pandemic; and amends Laws 7565, of December 19, 1986; 6009, of December 26, 1973; 12,462, of August 4, 2011; 13,319, of July 25, 2016; 13,499, of October 26, 2017; and 9825, of August 23, 1999.

[Read more](#)

Law 14,026/2020 *Jul 15, 2020*

Updates the legal framework for basic sanitation and amends Law 9984, of July 17, 2000, to give the National Water and Basic Sanitation Agency (ANA) the power to enact reference standards on the sanitation service,

Law 10,768, of November 19, 2003, to change the name and attributions of the position of Water Resources Specialist, Law 11,107, of April 6, 2005, to prohibit the performance through contracts of the public services program referred to in Art. 175 of the Federal Constitution, Law 11,445, of January 5, 2007, to improve the structural conditions of basic sanitation in Brazil, Law 12,305, of August 2, 2010, to deal with the deadlines for the environmentally appropriate final disposal of waste, Law 13,089, of January 12, 2015 (Statute of the Metropolis), to extend its scope to the micro-regions, and Law 13,529, of December 4, 2017, to authorize the Federal Government to participate in a fund with the exclusive purpose of financing specialized technical services.

[Read more](#)

Law 14,015/2020 *Jun 15, 2020*

Amends Laws 13,460, of June 26, 2017, and 8987, of February 13, 1995, to provide for the interruption and reconnection or restoration of public services.

[Read more](#)

01 | Main Normative Rulings

Laws and Provisional Measures (MPVs)

Law 14,011/2020 *Jun 10, 2020*

Improves the procedures for the management and sale of the Federal Government's real estate properties; amends Laws 6015, of December 31, 1973; 9636, of May 15, 1998; 13,240, of December 30, 2015; 13,259, of March 16, 2016; and 10,204, of February 22, 2001; and Decree-Law 2398, of December 21, 1987; repeals provisions of Laws 9702, of November 17, 1998; 11,481, of May 31, 2007; and 13,874, of September 20, 2019; among other provisions

[Read more](#)

Law 14,006/2020 *May 28, 2020*

Amends Law 13,979, of February 6, 2020, to establish a period of seventy-two (72) hours for the National Health Surveillance Agency (Anvisa) to authorize the import and distribution of any materials, medicines, equipment and supplies of the health area registered by a foreign health authority and authorized for commercial distribution in their respective countries; among other provisions.

[Read more](#)

Law 14,000/2020 *May 19, 2020*

Amends Law 12,587, of January 3, 2012, which institutes the guidelines of the National Urban Mobility Policy, to provide for the preparation of the Urban Mobility Plan by the Municipalities.

[Read more](#)

Provisional Measure 966/2020 *May 14, 2020*

(effectiveness ceased on September 10, 2020, according to declaratory act 123/2020)

Provides for the liability of public agents for actions and omissions in any acts related to the Covid-19 pandemic.

[Read more](#)

Provisional Measure 951/2020 *Apr 15, 2020*

(effectiveness ceased on August 12, 2020, according to declaratory act 109/2020)

Establishes rules on public procurement, bidding and digital certification sanctions, among other provisions.

[Read more](#)

Main Normative Rulings

01

Laws and Provisional Measures (MPVs)

Provisional Measure 950/2020 *Apr 08, 2020*

(effectiveness ceased on August 05, 2020, according to declaratory act 105/2020)

Provides for temporary emergency measures aimed at the electricity sector to deal with the state of calamity recognized by Legislative Decree 6, of March 20, 2020, and the public health emergency of international importance resulting from the coronavirus pandemic (Covid-19).

[Read more](#)

Law 13,979/2020 *Feb 07, 2020*

Provides for measures to deal with the public health emergency of international importance resulting from the coronavirus responsible for the 2019 outbreak.

[Read more](#)

Law 13,976/2020 *Jan 08, 2020*

Amends Law 6189, of December 16, 1974, in order to provide for the competent jurisdiction of the Navy Command to promote the licensing and inspection of naval assets and their nuclear plants shipped for propulsion and transportation of their nuclear fuel.

[Read more](#)

01 | Main Normative Rulings

Decrees

Decree 10,592/2020 *Dec 28, 2020*

Regulates Law 11,952, of June 25, 2009, to provide for land tenure regularization of rural areas located in the Federal Government's lands, within the scope of the Legal Amazon, and in lands of the National Institute of Colonization and Land Reform, through the sale and granting of interest in using the property.

Decree 10,589/2020 *Dec 24, 2020*

Creates the government company NAV Brasil Serviços de Navegação Aérea S.A.

Decree 10,588/2020 *Dec 24, 2020*

Provides for the technical and financial support referred to in Art. 13 of Law 14,026, of July 15, 2020, on the allocation of federal public resources and financing with Federal Government's resources or managed or operated by the Federal Government's bodies or entities referred to in Art. 50 of Law 11,445, of January 5, 2007 (regulates transfers to state governments for public tenders for the local basic sanitation system).

Decree 10,587/2020 *Dec 21, 2020*

Amends Decree 5231, of October 6, 2004, which provides for the principles to be observed by the federal public administration in the creation, organization and exploration of Public Fishing Terminals.

Decree 10,577/2020 *Dec 15, 2020*

Amends Decree 2413, of December 4, 1997, which provides for the attributions of the National Nuclear Energy Commission in the activities of industrialization, import and export of minerals and lithium ores and their by-products.

Decree 10,569/2020 *Dec 10, 2020*

Approves the National Strategy for Critical Infrastructure Security.

Main Normative Rulings

Decrees

01

Decree 10,565/2020 *Dec 9, 2020*

Provides for the qualification of the transmission facilities auction No. 1 of 2020 within the scope of the Investment Partnership Program of the Presidency of the Republic and the exclusion of hydroelectric plants from that Program.

Decree 10,564/2020 *Dec 8, 2020*

Amends Decree 9,217, of December 4, 2017, which provides for the composition, operation and competent jurisdiction of the Participation Council in the Fund for Supporting the Structuring and Development of Projects of Concession and Public-Private Partnerships of the Federal Government, the States, the Federal District and the Municipalities, and authorizes the Federal Government to pay up the shares in a fund managed by Caixa Econômica Federal.

Decree 10,549/2020 *Nov 24, 2020*

Amends Decree 9589, of November 29, 2018, which provides for the procedures and criteria applicable to the liquidation process of federal government companies directly controlled by the Federal Government.

[Read more](#)

Decree 10,545/2020 *Nov 18, 2020*

Provides for the attribution of the powers of the Special Supervisory Commission of the Ministry of Communications, provided for in Law 9472, of July 16, 1997, to the Council of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,543/2020 *Nov 16, 2020*

Provides for the use of electronic signatures in the federal government and regulates Art. 5 of Law 14,063, of September 23, 2020, regarding the minimum level required for the electronic signature in interactions with any public entity.

[Read more](#)

01 | Main Normative Rulings

Decrees

Decre 10,542/2020 *Nov 13, 2020*

Amends Decree 3520, of June 21, 2000, which provides for the structure and operation of the National Energy Policy Council – CNPE, and Decree 9915, of July 16, 2019, which provides for the qualification of the Termonuclear Plant Angra 3 in the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,531/2020 *Oct 27, 2020*

Institutes the Federal Development Strategy for Brazil in the period from 2020 to 2031.

[Read more](#)

Decree 10,526/2020 *Oct 21, 2020*

Institutes the Interministerial Committee for Infrastructure Planning and the Integrated Long-Term Infrastructure Plan within the scope of the Federal Government.

[Read more](#)

Decree 10,525/2020 *Oct 21, 2020*

Provides for the qualification of a public enterprise in the urban mobility sector in the State of Minas Gerais within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,512/2020 *Oct 8, 2020*

Repeals Decree 89,121, of December 6, 1983, Decree 91,438, of July 15, 1985, Decree 91,783, of October 17, 1985, and Decree 97,464, of January 20, 1989, which provide for the use and exploration of airports.

[Read more](#)

Decree 10,511/2020 *Oct 8, 2020*

Repeals Decree 76,590, of November 11, 1975, Decree 98,996, of March 2, 1990, and Decree 99,255, of May 15, 1990, which provide for the Integrated Regional Air Transport Systems.

[Read more](#)

Main Normative Rulings

Decrees

01

Decree 10,496/2020 *Sep 28, 2020*

Institutes the Integrated Record of Investment Projects.

[Read more](#)

Decree 10,487/2020 *Sep 16, 2020*

Provides for the qualification of the company Estrada de Ferro Paraná Oeste S.A. – Ferroeste within the scope of the Investment Partnership Program of the Presidency of the Republic and establishes the Project Governance Committee.

[Read more](#)

Decree 10,484/2020 *Sep 11, 2020*

Provides for the qualification of federal public developments in the port sector and sections of federal highways in the Investment Partnership Program of the Presidency of the Republic, and the inclusion of sections of federal highways in the National Privatization Plan.

[Read more](#)

Decree 10,480/2020 *Sep 02, 2020*

Provides for measures to stimulate the development of telecommunications network infrastructure and regulates Law 13,116, of April 20, 2015.

[Read more](#)

Decree 10,479/2020 *Sep 01, 2020*

Provides for the qualification of the areas on permanent offer for exploration and production of oil and natural gas within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,472/2020 *Aug 25, 2020*

Provides for the qualification of the Airport Governador Aluizio Alves within the scope of the Investment Partnership Program (Programa de Parcerias de Investimento – PPI) of the Presidency of the Republic, for purposes of a new government bidding procedure.

[Read more](#)

01 | Main Normative Rulings

Decrees

Decree 10,467/2020 *Aug 19, 2020*

Provides for the qualification of the public lottery service referred to as fixed-stake bets instituted by Law 13,756, of December 12, 2018, within the scope of the Investment Partnership Program of the Presidency of the Republic, and the inclusion thereof in the National Privatization Program.

[Read more](#)

Decree 10,466/2020 *Aug 19, 2020*

Provides for the qualification of touristic development within the scope of the Investment Partnership Program – PPI.

[Read more](#)

Decree 10,453/2020 *Aug 11, 2020*

Amends Decree 10,117, of November 19, 2019, which provides for the qualification of projects to expand the capacity for energy recovery from urban solid waste within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,447/2020 *Aug 10, 2020*

Provides for the qualification of the conservation units Parque Nacional de Brasília, located in the Federal District, and Parque Nacional de São Joaquim, located in the State of Santa Catarina, within the scope of the Investment Partnership Program of the Presidency of the Republic, and the inclusion thereof in the National Privatization Program.

[Read more](#)

Decree 10,446/2020 *Aug 6, 2020*

Provides for the regulation of the execution of any amendments to contracts that deal with the alteration of the payment timetable for the grants in the partnership contracts of the airport sector executed until December 31, 2016, addressed by Law 13,499, of October 26, 2017, as amended by Law 14,034, of August 5, 2020.

[Read more](#)

Main Normative Rulings

Decrees

01

Decree 10,442/2020 *Jul 28, 2020*

Provides for the qualification of public fishing terminals within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,432/2020 *Jul 21, 2020*

Provides for the inclusion and exclusion of minority interests in the National Privatization Program and establishes guidelines for the deposit of their securities in the National Privatization Fund.

[Read more](#)

Decree 10,430/2020 *Jul 21, 2020*

Provides for the Interministerial Basic Sanitation Committee.

[Read more](#)

Decree 10,427/2020 *Jul 17, 2020*

Provides for the qualification of a federal public development in the airport sector within the scope of the Investment Partnership Program – PPI, for the purposes of a new bidding procedure.

[Read more](#)

Decree 10,423/2020 *Jul 16, 2020*

Provides for the qualification of Hospital Fêmina, located in the Municipality of Porto Alegre, State of Rio Grande do Sul, within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,402/2020 *Jun 17, 2020*

Provides for the adaptation of the concession instrument for authorization of telecommunications services and for the extension and transfer of authorization for radio frequencies, the granting of telecommunications services and satellite exploration rights.

[Read more](#)

Decree 10,392/2020 *Jun 09, 2020*

Provides for the qualification of a federal public development in the railway sector within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

01 | Main Normative Rulings

Decrees

Decree 10,390/2020 *Jun 08, 2020*

Provides for the qualification of federal public developments in the port sector and in the road transport sector within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,389/2020 *Jun 08, 2020*

Provides for the qualification of mining projects in areas for research or mining of mineral resources made available by the National Mining Agency in the year 2020 within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,387/2020 *Jun 05, 2020*

Amends Decree 8874, of October 11, 2016, to provide for incentives to finance infrastructure projects with environmental and social benefits.

[Read more](#)

Decree 10,383/2020 *May 29, 2020*

Provides for the qualification of public fishing terminals in the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,381/2020 *May 29, 2020*

Provides for the qualification of the concession projects of the National Forests of Canela and São Francisco de Paula within the scope of the Investment Partnership Program of the Presidency of the Republic, and for the inclusion thereof in the National Privatization Program.

[Read more](#)

Decree 10,370/2020 *May 25, 2020*

Provides for the qualification of the planned hydroelectric plant UHE Formoso within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Main Normative Rulings

Decrees

01

Decree 10,355/2020 *May 21, 2020*

Provides for the qualification of studies for the structuring of the project of Baixio de Irecê, State of Bahia, of a public irrigation perimeter, within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,354/2020 *May 21, 2020*

Provides for the qualification of Empresa Brasil de Comunicação within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,353/2020 *May 20, 2020*

Provides for the qualification of studies referring to a federal public development in the road sector within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,349/2020 *May 14, 2020*

Provides for the qualification of the policy of attracting private investments to the tourism sector, within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,345/2020 *May 12, 2020*

Provides for the composition and powers of the Insurance Fund Council for Risk Coverage in Major Infrastructure Project Operations, and for the Insurance Fund Council for Foreign Trade Operations.

[Read more](#)

Decree 10,339/2020 *May 07, 2020*

Provides for the qualification of the forest concession projects of the National Forests of Humaitá and Iquiri and of Castanho farmland within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

01 | Main Normative Rulings

Decrees

Decree 10,338/2020 *May 06, 2020*

Provides for the qualification of the existing power generation auctions A-4 and A-5, both from 2020, within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,337/2020 *May 06, 2020*

Provides for the qualification of the 17th round of public tenders for exploratory blocks of oil and natural gas under the concession regime within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,336/2020 *May 06, 2020*

Provides for the qualification of the transparent well project in a reservoir with low permeability of oil and natural gas, within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Decree 10,335/2020 *May 04, 2020*

Amends Decree 5621, of December 16, 2005, which regulates Law 5917, of September 10, 1973, which provides for the National Road Plan.

[Read more](#)

Decree 10,331/2020 *Apr 29, 2020*

Provides for the qualification of conservation units within the scope of the Investment Partnership Program of the Presidency of the Republic, and the inclusion thereof in the National Privatization Program.

[Read more](#)

Decree 10,330/2020 *Apr 29, 2020*

Provides for the qualification of federal public developments in the port sector, within the scope of the Investment Partnership Program of the Presidency of the Republic.

[Read more](#)

Main Normative Rulings

Decrees

01

Decree 10,322/2020 *Apr 16, 2020*

Provides for the qualification of Nuclebrás Equipamentos Pesados S.A. – Nuclep within the scope of the Investment Partnership Program of the Presidency of the Republic, and the inclusion thereof in the National Privatization Program.

[Read more](#)

Decree 10,320/2020 *Apr 13, 2020*

Institutes the Program for the Improvement of Public Tenders for the Exploration and Production of Oil and Natural Gas and its Interministerial Executive Committee.

[Read more](#)

Decree 10,319/2020 *Apr 13, 2020*

Establishes the National Commission of Airport Authorities and the National Commission of Port Authorities.

[Read more](#)

Decree 10,314/2020 *Apr 07, 2020*

Amends Decree 9764, of April 11, 2019, which provides for the receipt of donations of personal property and

services, free of charges, from individuals or legal entities governed by private law by the bodies and entities of the direct federal government, government agencies and foundations.

[Read more](#)

Decree 10,308/2020 *Apr 03, 2020*

Provides for the request for goods and services provided by government companies linked to the Ministry of Infrastructure during the period of the state of calamity resulting from the coronavirus (Covid-19) pandemic.

[Read more](#)

Decree 10,306/2020 *Apr 03, 2020*

Establishes the use of the Building Information Modelling in the direct or indirect execution of engineering works and services carried out by the bodies and entities of the federal government, within the scope of the National Dissemination Strategy of the Building Information Modelling – BIM BR Strategy, instituted by Decree 9983, of August 22, 2019.

[Read more](#)

01 | Main Normative Rulings

Decrees

Decree 10,297/2020 *Mar 31, 2020*

Provides for the inclusion of Centro Nacional de Tecnologia Eletrônica Avançada S.A. in the National Privatization Program.

[Read more](#)

Decree 10,282/2020 *Mar 21, 2020*

Regulates Law 13,979, of February 6, 2020, to define public services and essential activities.

[Read more](#)

Decree 10,272/2020 *Mar 13, 2020*

Amends Decree 5163, of July 30, 2004, which regulates the sale of electricity, the process of granting concessions and authorizations for power generation.

[Read more](#)

Decree 10,245/2020 *Feb 19, 2020*

Provides for the Investment Partnership Program Council.

[Read more](#)

Decree 10,222/2020 *Feb 06, 2020*

Approves the National Cybersecurity Strategy.

[Read more](#)

Decree 10,216/2020 *Jan 31, 2020*

Institutes the Interinstitutional Working Group for Follow Up of the Implementation of the National Basic Sanitation Plan.

[Read more](#)

Main Normative Rulings

Decrees

01

Decree 10,203/2020 *Jan 23, 2020*

Amends Decree 7217, of June 21, 2010, which regulates Law 11,445, of January 5, 2007, which establishes national guidelines for basic sanitation.

[Read more](#)

Decree 10,206/2020 *Jan 23, 2020*

Provides for the qualification of the Federal Data Processing Service within the scope of the Investment Partnership Program of the Presidency of the Republic, and for the inclusion thereof in the National Privatization Program.

[Read more](#)

Decree 10,201/2020 *Jan 16, 2020*

Regulates par. 4 of Art. 1 and Art. 2 of Law 9469, of July 10, 1997, to establish the competent jurisdiction values for the authorization of agreements or transactions entered into by legal entities governed by the federal public law and by federal government companies, to prevent or end litigation, including in court.

[Read more](#)

Decree 10,199/2020 *Jan 16, 2020*

Provides for the qualification of the Social Security Technology and Information Company within the scope of the Investment Partnerships Program of the Presidency of the Republic, and the inclusion thereof in the National Privatization.

[Read more](#)

02 | Main Legislative Propositions

Bill 191/20

Regulates par. 1 of Art. 176 and par. 3 of Art. 231 of the Constitution, to set out specific conditions for conducting research, mining of mineral resources and hydrocarbons and use of water resources for power generation in indigenous lands, and institutes indemnity for the restriction of the usufruct of indigenous lands.

[Read more](#)

Bill 4199/2020

Establishes the Cabotage Transport Stimulus Program – BR do Mar, and amends Law 5474, of July 18, 1968, Law 9432, of January 8, 1997, Law 10,233, of June 5, 2001, and Law 10,893, of July 13, 2004.

[Read more](#)

Bill 5135/20

Provides for the management of real estate property of the Brazilian Institute of Environment and Renewable Natural Resources – Ibama.

[Read more](#)

Bill 4476/20

Regulatory Framework for Gas – Provides for the activities related to the transportation of natural gas, as addressed in Art. 177 of the Federal Constitution, and for the activities of runoff, treatment, processing, underground storage, conditioning, liquefaction, regasification and commercialization of natural gas; amends Laws 9478, of August 6, 1997, and 9847, of October 26, 1999; and repeals Law 11,909, of March 4, 2009, and the provisions of Law 10,438, of April 26, 2002.

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Bill 2646/20

Provides for infrastructure debentures, amends Law 9481, of August 13, 1997, Law 11,478, of May 29, 2007, Law 11,312, of June 27, 2006, Law 12,431, of June 24, 2011 and Law 12,712, of August 30, 2012, among other provisions.

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Bill 2139/20

Provides for the Emergency and Transitional Legal Regime of contractual legal relations of the Government, in the period of public health emergency of international importance resulting from the coronavirus (Covid-19).

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Bill 4253/20

Establishes general rules for public bidding and contracting for the direct, autonomous and foundational government of the Federal Government, the States, the Federal District and the Municipalities; amends Laws 13,105, of March 16, 2015 (Code of Civil Procedure), 8987, of February 13, 1995, and 11,079, of December 30, 2004, and Decree-Law 2848, of December 7, 1940 (Criminal Code); and repeals provisions of Law 12,462, of August 4, 2011, and Laws 8,666, of June 21, 1993, and 10,520, of July 17, 2002.

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Decision 80/2020 Full Court

(Motion for Rehearing, Minister Rapporteur Ana Arraes) Procedural Law. Proof (Right). Sign. Public Tender. Quotation. Fraud. The existence of various and converging signs is evidence of fraud in the bidding process or in the price quotation process.

Procedural Law. Proof (Right). Expert Evidence. Legislation. TCU Jurisdiction. The external control process, governed by Law 8443/1992 and by the Internal Regulations of the TCU, does not provide the Court with the competent jurisdiction to determine the expert evidence to be produced to obtain proof. It is the initiative of the person responsible to bring evidence of their defense to the case records, including expert reports, with no need for authorization of the Court to do so.

Decision 83/2020 Full Court

(Audit, Minister Rapporteur Bruno Dantas) Administrative Contract. Adjustment. Deadline. Time frame. Proposal. Estimated budget. The contractual price adjustment is payable after one year has elapsed, as from two possible mutually exclusive initial dates: the deadline for submission of the proposal or the date of the estimated budget to which the proposal refers (Art. 40, XI, of Law 8666/1993; Article 3, par. 1, of Law 10,192/2001; and Article 37, XXI, of the Federal Constitution).

Decision 129/2020 Full Court

(Special Rendering of Accounts, Minister Rapporteur Benjamin Zymler) Competent Jurisdiction of the TCU. Administrative contract. Coverage. Public Tender. Fraud. Profit. Sanction. It is not for the TCU to deliberate on the return of spurious profits obtained by a company contracted through fraud in a bidding process, as this would imply the application of the penalty of loss of assets or values unlawfully added to the property of the private individual or legal entity, a sanction not provided for under the Organic Law of the Court. The TCU cannot apply sanctions without due legal provision, pursuant to Art. 5, II, XXXIX and XLVI, of the Federal Constitution.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 163/2020 Full Court

(Inquiry, Substitute Minister Rapporteur Weder de Oliveira) Agreement. Physical execution. Deviation from purpose. Target. Reallocation. Grantor. Authorization. Inquiry. The consequence relative to the occurrence of irregularities resulting from the reallocation of funds between the targets of the work plans without the prior authorization of the grantor, even though the purposes of the agreement are preserved and the absence of losses to the Government or to third parties is demonstrated, which is a situation characterized as a deviation from purpose, must be established by the grantor, in the analysis of the specific case, within the scope of the rendering of accounts of the agreement.

Decision 534/2020 First Chamber

(Complaint, Minister Rapporteur Walton Alencar Rodrigues) Public Tender. Auction. Negotiation. Obligatoriness. In the auction modality, the negotiation with the winning bidder in order to obtain a better proposal for the Government must be carried out even if the amount offered is lower than that budgeted by the body or entity promoting the bidding procedure.

Decision 534/2020 First Chamber

(Complaint, Minister Rapporteur Walton Alencar Rodrigues) Public Tender. Participation. Restriction. Sicaf. Sanction. Administrative sanction. The body or entity promoting the bidding procedure must not prevent the participation of any bidding company based on the existence of indirect occurrences preventing the bidding procedure included in the Unified Supplier Registration System (Sistema de Cadastramento Unificado de Fornecedores – Sicaf) without sufficient elements to demonstrate that its incorporation was intended to circumvent a penalty applied to another company and without giving the interested party an opportunity to make a previous statement (Art. 29 of IN-Seges/MPDG 3/2018).

Decision 214/2020 Full Court

(Complaint, Minister Rapporteur Aroldo Cedraz) Public Tender. Basic project. Planning. Equipment. Technical specification. Price. Quotation. Brand. Model. In bidding procedures for the acquisition of equipment, with several models on the market that meet the needs of the Government, the bidding agency must identify a representative set of these models before elaborating the technical specifications and the price quotation, in order to avoid directing the bidding procedure to a specific brand or model and to characterize the conduct of extensive market research.

Decision 224/2020 Full Court

(Complaint, Minister Rapporteur Vital do Rêgo) Public Tender. Contract on award. Adhesion to the contract on award in public tender. Principle of ratio decidendi. The possibility of adhering to a contract on award in public tender by non-participating bodies or entities ("rides") must be duly justified in the bidding process.

Decision 284/2020 Full Court

(Inquiry, Minister Rapporteur José Mucio Monteiro) Privatization. Special class shares. Competent Jurisdiction. Extinction. Legislative power. Inquiry. There is no legal provision for the extinction of rights conferred on the Federal Government by means of special class shares (golden shares) created upon the privatization of federal government companies, nor defined jurisdiction for those who can extinguish these rights, so that this matter must be dealt with in the within the Legislative Branch of Government, including in relation to the possible need for financial compensation to the Federal Government.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 300/2020 Full Court

(Motion for Review, Minister Rapporteur Vital do Rêgo) Public Tender. Cooperative. Different treatment. Right of first refusal. Gross revenue. For the purpose of characterization in gross revenue parameters as defined by Art. 3 of Complementary Law 123/2006, with the consequent advantage of being the casting argument in bidding procedures (Art. 44 of Complementary Law 123/2006 with Art. 34 of Law 11,488/2007), the gross revenue of any cooperative covers all income accounted by it, as a legal entity, from the performance of services contracted by non-associated third parties.

Decision 300/2020 Full Court

(Motion for Review, Minister Rapporteur Vital do Rêgo) Liability. Declaration of ineligibility. Principle of non bis in idem. Temporary suspension. Public Tender. There is no violation of the principle of non bis in idem when the sanctions of ineligibility and suspension to bid, provided for in Art. 46 of Law 8443/1992 and in Art. 83, III, of Law 13,303/2016, respectively, are applied in relation to the same factual context, since the first contains the effects of the second, which in practice rules out cumulativeness.

Decision 550/2020 Full Court

(Appeal for Review, Minister Rapporteur Vital do Rêgo) Procedural Law. Special rendering of accounts. Untimeliness. Commencement. Opportunity to be heard. Adversary principle. Damage. The lapse of the ten-year period for exemption from commencing the special rendering of accounts, although admitted in theory, needs to be assessed against the elements available in each case, with the aim of checking whether there was, in fact, any damage to the full exercise of adversary proceeding and full defense.

Decision 2334/2020 First Chamber

(Special Rendering of Accounts, Minister Rapporteur Benjamin Zymler) Procedural Law. Summons. Joint and several liability. Joint and several liability of the defendant. Creditor. The absence of summons of other people who are jointly and severally liable for the damage to the treasury does not prevent the regular progress of the special rendering of accounts, considering that the institute of joint and several liability of the defendant constitutes an exclusive benefit of the creditor.

Decision 2386/2020 First Chamber

(Special Rendering of Accounts, Substitute Minister Rapporteur Augusto Sherman) Liability. Private law entity. Individual entrepreneur. Debt. In the event of any damage to the treasury involving a company of an individual legal nature, only the owner must be held liable for the debt, since the individual entrepreneurs acts in their own name, with their private assets being reachable by any debts arising from their business activity.

Decision 1470/2020 Second Chamber

(Special Rendering of Accounts, Minister Rapporteur Ana Arraes) Liability. Fine. Statute of Limitations. Initial term. Agreement. Rendering of accounts. In cases of failure to prove the regular application of funds transferred by means of agreements or similar instruments, the deadline for delivery of the final rendering of accounts marks the initial milestone for the counting of the statute of limitations for the TCU's punitive claim.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 435/2020 Full Chamber

(Complaint, Minister Rapporteur Augusto Nardes) Competent Jurisdiction of the TCU. Regulatory agency. Coverage. Irregularity. Discretionary act. The TCU can determine corrective measures to any act practiced in the scope of discretion of the regulatory agencies, as long as the requirements thereof are defective, such as the lack of the determining and declared grounds. In such cases, if the irregularity is serious, it can even determine the annulment of the act.

Decision 436/2020 Full Court

(Denunciation, Minister Rapporteur Raimundo Carreiro) Public Tender. Sole-source procurement process. Accreditation. Public joinder. Principle of equal protection. Accreditation, understood as a kind of sole-source procurement process, is an administrative act of public joinder of service providers that meet certain requirements, constituting a stage prior to contracting, and everyone should be offered an equal opportunity to be accredited.

Decision 436/2020 Full Court

Public Tender. Sole-source procurement process. Accreditation. Invitation to bid. Documentation. Deadline. Principle of reasonableness. In the preparation of accreditation notices, the choice of the period between the publication of the invitation to bid and the delivery of documents must be guided by the public interest and the principle of reasonableness, considering the peculiarities of the subject matter, the urgency of contracting, the extension of the documentation to be presented, and the need to attract a number of interested parties representing the market universe.

Decision 437/2020 Full Court

(Complaint. Minister Rapporteur Raimundo Carreiro) Public Tender. Participation. Restriction. Principle of equal protection. Economic activity. Tax regime. Exemption. The participation of any legal entity under the tax exemption regime provided for in Law 12,546/2011 in a bidding process whose subject matter characterizes an economic activity distinct from the main activity binding the company to the said regime does not violate the principle of equal protection.

Decision 443/2020 Full Court

(Inquiry, Minister Rapporteur Ana Arraes) Privatization. Public-private partnership. Mining. Sale. State-owned company. Mine law. Inquiry. The sale of mining rights of state-owned companies, through partnership contracts for the performance of public infrastructure projects qualified in the Investment Partnership Program (Programa de Parcerias de Investimentos – PPI), constitutes a kind of privatization, pursuant to Law 13,334/2016, and therefore the inspection rite provided for in IN-TCU 81/2018 is applicable thereto.

Decision 353/2020 Full Court

(Special Rendering of Account, Minister Rapporteur Raimundo Carreiro) Liability. Judgment of accounts. Private agent. Joint and several liability. Public agent. Debt. Jurisdiction of the TCU. The TCU is responsible for judging the accounts of private individuals or legal entities that cause any damage to the treasury, regardless of the co-participation of a public servant, employee or agent, provided that the actions of the individual against the public interest arise from any act, administrative contract or similar instrument subject to external control (Arts. 70, sole paragraph, and 71, II, of the Federal Constitution with Arts. 5, II, 16, par. 2, and 19 of Law 8443/1992, and Art. 209, par. 6, of the TCU's Internal Regulation).

Decision 356/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Public Tender. Differential Public Procurement Regime (RDC). Integrated contracting. Engineering works and services. Methodology. Characterization. In order to characterize the engineering work or service in the RDC integrated contracting regime, according to the hypothesis of Art. 9, II, of Law 12,462/2011, the "possibility of performance with different methodologies" must correspond to methodological differences in a greater order of magnitude and quality, capable of giving rise to effective competition between proposals, in order to provide advantageous solutions and actual gains to the Government and justify the greater risks passed on to the individual or legal entity.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 364/2020 Full Court

(Complaint, Substitute Minister Augusto Sherman) Public Tender. Bidding of technique and price. Criterion. Employment relationship. Technical proposal. Scoring. The requirement, without due motivation, for the purposes of scoring of the technical proposals, of proof of the employment relationship of professionals with the bidder is contrary to Art. 37, XXI, of the Federal Constitution, and Arts. 3, par. 1, I, and 30, both of Law 8666/1993, as it unduly restricts the competitive nature of the bidding procedure.

Decision 1229/2020 First Chamber

(Motion for Review, Minister Rapporteur Bruno Dantas) Administrative Contract. Overpricing. Methodology. Medication. Market price. Reference. The use of the Health Price Bank (Banco de Preços em Saúde – BPS) of the Ministry of Health is valid as a reference for medication prices for the purpose of quantifying overpricing and overcharging, provided that it is based on appropriate criteria, which bring the research closer to the analyzed contracting.

Decision 1278/2020 First Chamber

(Complaint, Minister Rapporteur Walton Alencar Rodrigues) Public Tender. Auction. Principle of segregation of duties. Principle of morality. Auctioneer. Support team. The participation of a public servant in the internal phase of the electronic auction (as a member of the planning team) and in conducting the bidding process (as an auctioneer or member of the support team) violates the principles of morality and segregation of duties.

Decision 594/2020 Full Court

(Motion for Review, Minister Rapporteur Vital do Rêgo) Public Tender. Bidding commission. Principle of segregation of duties. Estimated budget. Assessment. Jurisdiction. The bidding commission is not responsible for assessing the content of the price survey carried out by the relevant sector of the entity, as they are, as a rule, responsible only for any acts related to the conduction of the bidding procedure.

Decision 611/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Liability. Fine. Malicious prosecution. Complaint. Private interest. Making a complaint to the TCU with predominantly private interests, to the detriment of the public interest, may constitute malicious prosecution, giving rise to the application of the fine provided for in Art. 58 of Law 8443/1992 with Arts. 15, 80 and 81, of Law 13,105/2015 (Code of Civil Procedure).

Decision 615/2020 Full Court

(Motion for Review, Minister Rapporteur Ana Arraes) Liability. Public Tender. Legal opinion. Gross error. Engineering works and services. Unit price. Criterion. The absence of a criterion for accepting unit prices in an invitation to bid for contracting works, in addition to the criterion for accepting a global price, constitutes a gross error that attracts the liability of the legal counsel who prepared the legal opinion and did not point out the failure in examining the draft of the notice, as he should know, as is expected from average legal counsels, when the provisions of the invitation to bid are not complying with the regulations and case law.

Decision 674/2020 Full Court

(Complaint, Minister Rapporteur Walton Alencar Rodrigues) Public Tender. Auction. Proposal. Unenforceability. Disqualification. Requirement. The auctioneer's judgment on the acceptability of the bid must be made after the competitive stage of the bidding procedure (bidding stage), and the bidder must be called to prove the feasibility of their bid before any disqualification. Only in extreme situations, when the bids offered represent symbolic, derisory or zero value prices, generating an absolute presumption of unenforceability, the exclusion of bids during the competitive stage of the action is allowed.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 679/2020 Full Court

(Motion for Review, Minister Rapporteur Vital do Rêgo) Liability. Fine. Statute of Limitations. Deadline. Interruption. The statute of limitations for the punitive claim of the TCU is subject to the general limitation period set forth in Law 10,406/2002 (Civil Code), ten years, as from the date of the occurrence of the irregularity and interrupted by the act that orders the summons or the hearing of the party.

Decision 726/2020 Full Court

(Survey, Minister Rapporteur Ana Arraes) Administrative Management. ANEEL. Jurisdiction. Inspection. Dam. Safety. It is the responsibility of the National Agency of Electric Power (Aneel) to inspect electric power generation projects with a power of 5,000 kW or less, including for the purpose of dam safety (Articles 1 and 5 of Law 12,334/2010 with Article 2 of Law 9427/1996).

Decision 739/2020 Full Court

(Motion for Reappreciation, Minister Rapporteur Benjamin Zymler) Public Tender. Technical qualification. Professional supervisory council. State-owned company. In the scope of state-owned companies, the requirement, for qualification purposes, that the bidder proves to be registered or have authorization from the professional regional council of the federative unit in which the subject matter will be executed is contrary to the provisions of Arts. 37, XXI, and 173, par. 1, III, of the Federal Constitution, with Art. 58 of Law 13,303/2016.

Decision 906/2020 Full Court

(Complaint, Substitute Minister Rapporteur Weder de Oliveira) Public Tender. Proposal. Disqualification. Budget spreadsheet. Price offer. Divergence. Profit. Divergences between the bidder's cost composition and price formation sheets and those of the Government, including the ones relating to zero or negative profit quotation, are not, in principle, a reason for disqualification, and, therefore, the feasibility of the proposal must be examined, since the spreadsheets have a subsidiary and instrumental character.

Decision 4447/2020 Second Chamber

(Complaint, Minister Rapporteur Aroldo Cedraz) Liability. Engineering works and services. Inspection. Certification. Measurement. Expenditure authority. The certification of the performance of engineering services unaccompanied by measurement reports, based only on documents produced by the contracted company itself, constitutes an irregularity capable of making the contract inspector liable, regardless of the characterization of damage to the treasury. The authorization of payment without the referred reports also attracts the responsibility of the expenditure authority.

Decision 1101/2020 Full Court

(Audit, Minister Rapporteur Vital do Rêgo) Public Tender. Technical qualification. Certificate of technical capacity. Maximum limit. Sum. Justification. It is irregular, when not technically justified, to limit the number of certificates for the purpose of proving the minimum amounts required to demonstrate the company's technical-operational capacity in the performance of the services of greater complexity and relevance of the subject matter of the bidding procedure (Precedent TCU 263).

Decision 1101/2020 Full Court

(Audit, Minister Rapporteur Vital do Rêgo) Public Tender. Economic and financial qualification. Requirement. Bidder's qualification. Share capital. Paid-up capital. Minimum limit. It is illegal to require minimum paid-in capital as a condition of qualification in a bidding procedure. This requirement goes beyond the command contained in Art. 31, par. 2 and 3, of Law 8666/1993, which only provides for the proof of minimum share capital as an alternative for the economic and financial qualification of bidders.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 5168/2020 Second Chamber

(Motion for Review, Minister Rapporteur Aroldo Cedraz) Administrative Contract. Subrogation. Prohibition. Clause. The contractor's subrogation is illegal and unconstitutional, even if there is a contractual provision and the consent of the Government, because it is against the principles of morality and efficiency, the principle of the supremacy of public interest, the general duty to bid (Art. 37, XXI, of the Federal Constitution) and Arts. 2, 72 and 78, VI, of Law 8666/1993.

Decision 1201/2020 Full Court

(Complaint, Minister Rapporteur Vital do Rêgo) Public Tender. Economic and financial qualification. Requirement. Bidder's qualification. Judicial reorganization. The participation, in bidding procedures, of companies in judicial reorganization is admitted as long as they are supported by a certificate issued by the relevant court instance stating that the interested party is economically and financially able to participate in the bidding process.

Decision 1246/2020 Full Court

(Complaint, Minister Rapporteur Benjamin Zymler) Administrative Contract. Contract extension. Continuous services. Declaration of ineligibility. It is undue to extend the contract for the performance of continuous services entered into with a company that, during the term of the contract, is declared ineligible to contract with the Government (Art. 46 of Law 8443/1992), or that has the effects of this sanction extended to it. If the contractor must maintain the qualification requirements during the performance of the contract (Art. 55, XIII, of Law 8666/1993), it must consequently keep this condition when it is extended.

Decision 1321/2020 Full Court

(Complaint, Minister Rapporteur Benjamin Zymler) Public Tender. Economic and financial qualification. Requirement. Owners' equity. Minimum limit. Justification. The setting, for qualification purposes, of the percentage of minimum owners' equity in relation to the estimated value of the contract (Article 31, par. 2 and 3, of Law 8666/1993) must be justified in the bidding process records, with a market study with a view to checking its restrictive potential, under penalty of violation of Art. 3, par. 1, I, of the Bidding Statute.

Decision 1333/2020 Full Court

(Complaint, Minister Rapporteur Benjamin Zymler) Public Tender. Contract on award. Prohibition. Normalization. It is inappropriate to use the contract on award system to contract any service that cannot be standardized and replicable, as it is inconsistent with Art. 3, III, of Decree 7892/2013.

Decision 1479/2020 Full Court

(Motion for Reappreciation, Minister Rapporteur Ana Arraes) Public Tender. Regulation. Coverage. National Congress. Resolution. Administrative contract. The resolutions issued by the Houses of Congress (Article 59, VII, of the Federal Constitution), although having the legal nature of a primary normative act, when intended to provide for internal rules related to bids and contracts, must comply with Law 8666/1993, which establishes general rules on the matter.

Decision 1494/2020 Full Court

(Motion for Review, Minister Rapporteur Raimundo Carreiro) Public Tender. Overprice. Methodology. Estimated budget. Market price. Price offer. The simple divergence between the budgeted values and the awarded values do not evidence the occurrence of overpricing, and it is necessary that the finding be based on information on the market prices in force at the time of the bidding procedure.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 1534/2020 Full Court

(Interlocutory Appeal, Substitute Minister Rapporteur André de Carvalho) Public Tender. S System Auction. Regulation. Electronic auction. Common engineering services. Facilities. The bidding regulations and contracts of the S System entities must provide for the mandatory use of the electronic auction for contracting common engineering services, such as the joint contracting of services for the conservation and maintenance of building infrastructure (facilities).

Decision 1633/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Public Tender. Judgment. Criterion. Price. Discount. Maximum price. The invitation to bid may establish, as a judgment criterion, a minimum discount percentage on items under the bidding procedure, which means, indirectly, fixing a maximum price, which is permitted by Art. 40, X, of Law 8666/1993.

Decision 7074/2020 First Chamber

(Special Rendering of Accounts, Minister Rapporteur Benjamin Zymler) Liability. Administrative contract. Overpricing. Joint and several liability. Price offer. Estimated budget. Companies that offer proposals with values above those practiced on the market, taking advantage of overestimated budgets prepared by the contracting public entities, contribute to the overpricing of services, and are subject to joint and several liability for any damage evidenced.

Decision 7164/2020 Second Chamber

(Complaint, Substitute Minister Rapporteur André de Carvalho) Public Tender. Technical qualification. Certificate of technical capacity. Experience. Time. Justification. Continuous services. In bids for continued services, for the purposes of technical-operational qualification, the requirement of a three-year minimum previous experience (sub-items 10.6, b, and 10.6.1 of Annex VII-A of IN-Seges/MPDG 5/2017), as a rule a period longer than the initial term of the contract, must be the object of adequate reasoning, based on previous studies and the past experience of the contracting body, which indicate that such a period is indispensable to ensure the performance of the service in accordance with the specific needs of the body, due to its essentiality, quantity, risk, complexity or any other particularity.

Decision 1850/2020 Full Court

(Denunciation, Substitute Minister Rapporteur Augusto Sherman) Public Tender. Proposal. Price. Unenforceability. Reference. Global price. Exception. Unit price. The judgment on the unenforceability, as a rule, has as a parameter the overall value of the proposal, but it allows exceptions when the challenged items have a materially relevant total cost and are essential for the proper performance of the subject matter under the bidding procedure, and the Government must give the bidder the opportunity to demonstrate the feasibility of its proposal (Art. 48, II, and par. 1, "b", of Law 8666/1993).

Decision 1890/2020 Full Court

(Special Rendering of Accounts, Substitute Minister Rapporteur Marcos Bemquerer) Administrative Contract. Engineering works and services. Overpricing. Reference. Sinapi. Sicro. For services without any direct correspondence in the Reference Construction Costs System (Sistema de Custos Referenciais de Obras – Sicro) or in the National System of Research of Costs and Civil Construction Indexes (Sistema Nacional de Pesquisa de Custos e Índices da Construção Civil – Sinapi), it is possible to combine the compositions of these systems for the analysis of the cost-effectiveness of public works contracts, provided they are properly adapted to the peculiarities of each specific case.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 1893/2020 Full Court

(Complaint, Minister Rapporteur Aroldo Cedraz) Liability. Declaration of ineligibility. False document. Certificate of technical capacity. The presentation of a certificate of technical capacity containing information on the performance of services in quantities greater than those actually carried out, in order to meet the qualification requirement in a bidding procedure, characterizes fraud to the bidding process, giving rise to the declaration of the fraudulent bidder's ineligibility (Article 46 of Law 8443/1992), regardless of whether the event was approved in favor of another company.

Decision 1952/2020 Full Court

(Complaint, Minister Rapporteur Walton Alencar Rodrigues) Privatization. Public Tender. Direct contracting. Sale. Wholly-owned subsidiary. Equity interest control. Transfer. Controlled company. The transfer of control of subsidiaries and controlled companies from a state-owned company does not require the consent of the Legislative and can be operated without any bidding procedure, provided that the competitiveness among potential interested parties is guaranteed and the principles of Public Administration are complied with (Art. 37 of the Federal Constitution).

Decision 1973/2020 Full Court

(Complaint, Substitute Minister Rapporteur Weder de Oliveira) Public Tender. Competitiveness. Restriction. Technical specification. Justification. Specifications with the potential to restrict the competitive nature of the bidding procedure must be adequately substantiated, based on technical studies indicating its essentiality to meet the needs of the contracting agency or entity.

Decision 8220/2020 First Chamber

(Special Rendering of Accounts, Minister Rapporteur Bruno Dantas) Liability. Administrative contract. Subcontracting. Debt. Quantification. The total subcontracting of the subject matter, which evidences the mere placement of an intermediary between the contracting Public Administration and the effectively performing company (subcontractor), is an irregularity that gives rise to a debt, which corresponds to the difference between the payments received by the contractor and the amounts paid by it in full subcontracting.

Decision 2010/2020 Full Court

(Inquiry, Minister Rapporteur Aroldo Cedraz) Liability. Debt. Private agent. Private law entity. TCU competent jurisdiction. Special rendering of accounts. Inquiry. The liability of legal entities governed by private law must comply with the parameter set out by the final part of Art. 71, II, of the Federal Constitution, the content of which establishes that such entities must render accounts and are subject to the TCU's jurisdiction if they cause any damage, loss or any other irregularity resulting in damage to the treasury. restrictive potential, under penalty of violation of Art. 3, par. 1, I, of the Bidding Statute.

Decision 2021/2020 Full Court

(Audit, Minister Rapporteur Ana Arraes) Public Tender. Engineering works and services. Full contract. Subcontracting. Relevance. Certificate of technical capacity. Upon contracting under the full contract regime, the provision for subcontracting a relevant part of the object under the bidding procedure is admitted when, in advance, the Government knows that there are few companies in the market capable of performing it, and, in such situations, the proof of technical capacity in relation to that part of the subject matter must be required, only from the company to be subcontracted.

Decision 2032/2020 Full Court

(Complaint, Substitute Minister Rapporteur Marcos Bemquerer) Public Tender. Technical qualification. Certificate of technical capacity. Deadline. Limit. State-owned company. The time limitation of certificates to prove technical qualification in a bidding procedure promoted by a state-owned company restricts the competitive character of the bidding process, in violation of Art. 31 of Law 13,303/2016

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 2032/2020 Full Court

(Complaint, Substitute Minister Rapporteur Marcos Bemquerer) Public Tender. Technical qualification. Requirement. Technical-professional capacity. Amount. Minimum limit. It is legal, to prove the technical-professional capacity of a bidder, the requirement of minimum amounts, performed in any previous experience, consistent with the subject matter intended to be contracted, and it is up to the Government to show that such requirement is indispensable to ensure compliance with the obligation to be contracted.

Decision 2108/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Public Tender. Bidding for technique and price. Criterion. Maximum limit. Price proposal. Minimum price. In bidding procedure of the technique and price type, the Government shall refrain from using, for the attribution of the price note, any criterion that has as practical result the minimum price fixing, such as limiting the price note to a maximum value, in disagreement with Arts. 3 and 40, X, of Law 8666/1993 and with the principle of cost-effectiveness.

Decision 2173/2020 Full Court

(Complaint, Minister Rapporteur Vital Minister of Rêgo) Public Tender. Electronic auction. Bid. Automation. Software. State-owned company. When adopting measures to nullify or minimize the use of robotic process automation (RPA) software in bids, it is recommended that the state-owned company comply with the principles set out in Article 31 of Law 13,303/2016, as well as assess the relevance of using the measures provided for in Article 32 of Decree 10,024/2019, in attention to the search for the best proposal, competitiveness and isonomy among participants in the bidding procedure.

Decision 2185/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Public Tender. Bidder's qualification. Requirement. Tax good standing. Article 29 of Law 8666/1993 does not require proof of tax good standing before the municipal tax authority when the bidding procedure is carried out by a federal agency and with funds from the Federal Government.

Decision 2265/2020 Full Court

(Complaint, Minister Rapporteur Benjamin Zymler) Administrative Contract. Adjustment. Deadline. Time frame. Proposal. Estimated budget. Engineering works and services. Although the Government may adopt, at its discretion, two distinct initial time frames for the purpose of adjustment of public works contracts, (i) the deadline for submission of tenders or (ii) the date of the estimated budget for the bidding procedure (Art. 40, XI, of Law 8666/1993, and Art. 3, par. 1, of Law 10,192/2001), the second criterion is the most appropriate, because it reduces any problems arising from outdated budgets due to the lapse of several months between the base date of the cost estimate and the date of opening of the proposals.

Decision 2265/2020 Full Court

(Complaint, Minister Rapporteur Benjamin Zymler) Public Tender. Economic and financial qualification. Requirement. Bidder's qualification. Judicial reorganization. Certificate. Diligence. The judicial reorganization clearance certificate is requirable under Article 31, II, of Law 8666/1993, but the presentation of a certificate of debt does not imply the immediate disqualification of the bidder, and it is up to the auctioneer or the bidding committee to act to make diligences to check whether the company has already had its reorganization plan granted or judicially approved (Law 11,101/2005).

Decision 2274/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Public Tender. Competitiveness. Restriction. Office. Local. Principle of equal protection. It is irregular to require the contractor to install an office in a specific location, without the proper demonstration that such a measure is essential to the proper performance of the subject matter under the bidding procedure, considering the costs to be borne by the contractor, without evaluating its relevance in view of the materiality of the contract and the impacts on the estimated budget and competitiveness of the bidding process, due to the potential to restrict the competitive nature of the bid, affect the cost-effectiveness of the contract and going against the principle of equal protection, in violation of Art. 3, caption and par. 1, I, of Law 8666/1993.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 2274/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Administrative Contract. Administrative sanction. Default. Fine. Maximum limit. The contractual fine resulting from the total failure to comply with of the subject matter thereunder is limited to 10% of the value of the contract (Art. 9 of Decree 22,626/1933, reinforced by Decree w/no. of November 29, 1991).

Decision 2341/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Public Tender. Proposal. Composition. Detailed budget. Composition of unit cost. The invitation to bid must require bidders to submit spreadsheets that express the composition of all unit costs, under penalty of violation of Art. 7, par. 2, II, of Law 8666/1993.

Decision 9294/2020 First Chamber

(Motion for Review, Minister Rapporteur Bruno Dantas) Liability. Public Tender. Approval. Estimated budget. Error. Undue payment. Any budget error giving rise to duplicate payments must not be attributed to the authority approving the bidding procedure for public works if it is not easy to identify for a lay person. As a rule, such irregularity must be attributed to those who are knowledgeable on the compositions of the price reference systems, such as the budgeter and the contracted company.

Decision 2488/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Public Tender. Auction. Intent to appeal. Admissibility. Merit. Anticipation. In the auction, whether electronic or face-to-face, the judgment of admissibility of the intentions of appeal must evaluate only the presence of the prerequisites to appeal (loss of the case, timeliness, legitimacy, interest and motivation), without entering the merits of the question in advance.

Decision 9749/2020 First Chamber

(Special Rendering of Accounts, Substitute Minister Rapporteur Augusto Sherman) Administrative Contract. Formalization of the contract. Verbal contract. Validity. Termination or Expiration. The continuation of the service performance after the expiration of the contractual term characterizes verbal contracting, a situation prohibited by Art. 60, sole paragraph, of Law 8666/1993.

Decision 2537/2020 Full Court

(Motion for Reappreciation, Minister Rapporteur Benjamin Zymler) Liability. Public Tender. Contract on award. Contract on award in public tender. Declaration of ineligibility. Contracting. Prohibition. It is irregular to use any contract on award in public tenders to contract a company that, by unappealable decision, was declared as ineligible by the TCU (Art. 46 of Law 8443/1992) during the validity of said contract on award, because the contractor no longer meets the requirements of Art. 55, XIII, of Law 8666/1993. The penalty causes the cancellation of the registration of the ineligible supplier.

Decision 2552/2020 Full Court

(Motion for Clarification, Substitute Minister Rapporteur Weder de Oliveira) Competent jurisdiction of the TCU. Administrative contract. Scope. Private interest. Administrative sanction. It is not up to the TCU to review any penalties imposed by entities under its jurisdiction on companies contracted by them. Any error in a punitive measure must be appreciated by the Judiciary, which is responsible for protecting private interests.

Decision 2601/2020 Full Court

(Motion for Clarification, Minister Rapporteur Benjamin Zymler) Public Tender. Proposal. Composition. Economic activity. Professional category. Collective bargaining agreement. It is irregular to require the bidders' tenders to indicate collective agreements or normative awards governing the professional categories that will perform the service. Proposals must consider the union characterization according to the predominant economic activity of the employer.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 2616/2020 Full Court

(Audit, Rapporteur Vital Minister of Rêgo) Public Tender. State-owned company. Invitation to bid. Risk matrix. Contract with global prices. It is recommended to use a risk matrix in any contracts derived from Law 13,303/2016 (State-owned Companies Law) and involving significant uncertainties, even under a global price contract regime, as it is an element that adds legal certainty to contracts.

Decision 2628/2020 Full Court

(Audit, Substitute Minister Rapporteur Weder de Oliveira) Public Tender. State-owned company. Invitation to bid. Engineering works and services. Estimated budget. Sinapi. Sicro. Sinapi and Sicro represent priority sources for the budgeting of engineering works and services of state-owned companies, and the unfeasibility of the use thereof for using any other sources should be demonstrated (Art. 31, par. 2 and 3, of Law 13,303/2016).

Decision 10829/2020 First Chamber

(Rendering of Accounts, Minister Rapporteur Walton Alencar Rodrigues) Public Tender. Differentiated Public Procurement Regime (RDC). Integrated contracting. Advantage. Justification. Obligation. The adoption of the integrated contracting of the Differentiated Public Procurement Regime (RDC) is irregular without the effective demonstration of the technical and economic advantages obtained by its use, as compared to the other regimes provided for under the law (Art. 9 of Law 12,462/2011).

Decision 10829/2020 First Chamber

(Rendering of Accounts, Minister Rapporteur Walton Alencar Rodrigues) Administrative Contract. Contractual guarantee. Requirement. Bank-issued guarantee. Financial institution. Central Bank of Brazil. Authorization. It is irregular to have contractual guarantees in the form of bank-issued guarantee, as provided for in Article 56, par. 1, III, of Law 8666/1993, issued by a company other than a financial institution authorized to operate by the Central Bank of Brazil.

Decision 2778/2020 Full Court

(Audit, Substitute Minister Rapporteur Weder de Oliveira) Liability. Public Tender. Basic project. Deficiency. Fine. The commencement of the performance of public work based on a deficient basic project, which does not include all the necessary and sufficient elements, with the appropriate level of precision to characterize the enterprise and ensure accuracy in its budgeting, constitutes a serious failure that gives rise to a fine on those responsible.

Decision 2778/2020 Full Court

(Audit, Substitute Minister Rapporteur Weder de Oliveira) Public Tender. Basic project. Engineering works and services. Mine. Economic feasibility. DMT. The basic project of engineering works and services, when involving the use of soil mines, must include a study that proves the feasibility of using the indicated loan areas and the cost-effectiveness of the chosen alternatives, with the purpose of conferring greater precision and reliability to the quantitative and unit prices of the transport services of the material lent.

Decision 2841/2020 Full Court

(Complaint, Rapporteur Vital Minister of Rêgo) Liability. Declaration of ineligibility. Penalty guidelines. Collusion. In the guidelines for the application of the penalty of declaration of ineligibility (Art. 46 of Law 8443/1992) in the case of collusion between companies for the purpose of defrauding a bidding procedure, the punishment to the winning company must be more severe, due to the greater advantage obtained with the irregularity.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 2901/2020 Full Court

(Special Rendering of Account, Minister Rapporteur Benjamin Zymler) Administrative Contract. Economic-financial balance. Price. Unit price. Infeasibility. Amendment to the Contract. The finding of the infeasibility of the unit price during the performance of the contract is no reason, per se, to lead to the economic-financial recovery of the agreement, since it does not fall into the extraordinary and non-contractual economic risk required by Article 65, II, d, of Law 8,666/1993. The offer of an unfeasible price in the bidding procedure must charge the contractor exclusively, even in the face of an amendment to the contract, in view of the provisions of Article 65, par. 1, of the said law.

Decision 2920/2020 Full Court

(Complaint, Substitute Minister Rapporteur Augusto Sherman) Public Tender. Electronic auction. Bid. Infeasibility. Disqualification. Obligation. In the open and closed dispute mode (Art. 31, II, of Decree 10,024/2019), the auctioneer must disqualify bids that are clearly unfeasible during the open stage, since these cannot serve as a parameter to the call of bidders to the closed stage (Art. 33, par. 2 and 3, of Decree 10,024/2019), under the risk of damaging the competitiveness of the bidding procedure.

Decision 12096/2020 First Chamber

(Rendering of Accounts, Substitute Minister Rapporteur Augusto Sherman) Public Tender. Bidder's qualification. Requirement. Classification. Session. It is irregular to exclude bidders for not being present in the envelope opening session for qualification or classification of proposals.

Decision 3066/2020 Full Court

(Complaint, Minister Rapporteur Benjamin Zymler) Public Tender. Administrative act. Revocation. RDC. Public interest. Supervening fact. The revocation of a bidding procedure, pursuant to Article 49 of Law 8666/1993, applicable to the Differentiated Public Procurement Regime (Regime Diferenciado de Contratações Públicas – DRC), pursuant to Art. 44 of Law 12,462/2011, can only occur in view of supervening facts demonstrating that the intended contracting has become inconvenient and inappropriate to the public interest.

Decision 3074/2020 Full Court

(Motion for Review, Minister Rapporteur Augusto Nardes) Liability. Fine. Statute of Limitations. Initial term. Civil Code. Counting. When the irregular fact that gave rise to the sanction has occurred less than ten years before Law 10,406/2002 (the new Civil Code) became effective, i.e., January 11, 2003, the statute of limitations for the punitive claim of the TCU (ten years) must be counted from that date.

Decision 3079/2020 Full Court

(Rendering of Accounts, Minister Rapporteur Raimundo Carreiro) Competent jurisdiction of the TCU. Privatization. Scope. Debt. Fine. In case of a privatized federal entity, unless it is demonstrated that the irregularity found reduced the amount obtained in the privatization process, the TCU does not have jurisdiction to impute any debt to those responsible, even if the damage to the treasury has occurred prior to privatization. However, once the practice of an illegitimate or uneconomic management act has been found in the period prior to privatization, the persons responsible must be subject to the sanctions applicable by the Court of Accounts.

Decision 3083/2020 Full Court

(Complaint, Minister Rapporteur Raimundo Carreiro) Liability. Public Tender. No-bid contract. No-bid acquisition process. Real estate properties. Acquisition. The acquisition of real estate property through a no-bid acquisition process (Art. 24, X, of Law 8666/1993), without being based on technical and economic evaluation opinions that impose conditions on its choice subject the person responsible to the application of penalty by the TCU.

Relevant Decisions Of The Federal Court Of Accounts (TCU)

03

Decision 3094/2020 Full Court

(Complaint, Substitute Minister Rapporteur Augusto Sherman) Public Tender. Technical qualification. Professional supervisory council. Certificate of technical capacity. Technical-operational capacity. Technical-professional capacity. ART. CREA. It is irregular to require that the certificate of technical-operational capacity of any company participating in the bidding procedure be registered with Crea (Art. 55 of Confea Resolution 1025/2009), and this requirement should only be applicable for technical-professional qualification purposes. However, technical certificates (CAT) or technical liability registrations and annotations (ART/RRT) issued by the supervisory council on behalf of the professionals linked to the certificates may be requested, as a way of conferring authenticity and veracity on the information contained in the documents issued on behalf of the bidders.

Decision 3143/2020 Full Court

(Complaint. Minister Rapporteur Benjamin Zymler) Procedural Law. Provisional remedy. Effectiveness. Merit. Revocation. A provisional measure is not revoked in cases where the decision on the merits is confirmed in full. If the content of the remedy becomes final upon the appreciation of the merits, it is because the provisional injunction was confirmed by the resolution, and it is not acceptable to confirm it and, at the same time, determine revocation thereof.

Decision 3143/2020 Full Court

(Complaint, Minister Rapporteur Benjamin Zymler) Public Tender. Contract on award. Engineering works and services. State-owned company. Contract on award on public tender. Prohibition. Although Law 13,303/2016 (State-owned Companies Law) does not expressly prohibit the use of the Contract on Award System (sistema de registro de preços – SRP) for contracting works, the use of contract on award on public tenders as an “umbrella” contract is undue if executed with an uncertain and indefinite subject matter, without the previous elaboration of the basic and executive projects of the works to be carried out.

Decision 3159/2020 Full Court

(Motion for Reappreciation, Minister Rapporteur Bruno Dantas) Procedural Law. Principle of independence of the instances. Court decision. Writ of mandamus. Decision issued in a writ of mandamus filed against an administrative authority foreign to the TCU is not binding upon it, since its effects are restricted to the parties that make up the procedural relationship within the scope of the Judiciary (Precedent TCU 123).

Decision 3160/2020 Full Court

(Complaint, Minister Rapporteur Vital do Rêgo) Privatization. Public concession. Arbitration. Private agent. The use of private arbitration Chambers to settle conflicts in concession contracts is lawful.

Decision 3164/2020 Full Court

(Complaint, Minister Rapporteur Vital do Rêgo) Competent jurisdiction of the TCU. Privatization. Coverage. Public service concession. Procedure for Expression of Interest. Overprice. TCU is responsible for analyzing evidence of overpricing in the payment of amounts of reimbursement for preliminary studies in the Procedure for Expression of Interest (Procedimento de Manifestação de Interesse – PMI) (Decree 8428/2015), because, despite the payment being made directly by the future concessionaire to the consultants responsible for carrying out the selected studies, it constitutes an effective reduction in the amount of concession, a fact that, although not representing a waiver of revenue strictly under Art. 14 of Complementary Law 101/2000 (LRF), indirectly gives it the characteristic of expenditure borne by the Federal Government.

Decision 13,375/2020 First Chamber

(Motion for Reappreciation, Minister Rapporteur Benjamin Zymler) Liability. Fault. Jurist. Legal opinion. Rationale. The legal opinion that is not based on a reasonable interpretation of the law, contains a serious offense to public order, or fails to consider the settled case law of the TCU can give rise to the responsibility of its author, if the act contributes to any irregularity practiced by the authority who used it as basis.

Theme 1038

Invitations to bid or auctions must not contain any clause providing for a minimum percentage referring to the administration fee, under penalty of violating Article 40, X, of Law 8666/1993. (Special Appeal 1,840,154 and Special Appeal 1,840,113, 1st Section, Rap. Just. Og Fernandes, j: Sep 23, 2020).

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Theme 1019

The statute of limitations applicable to indirect expropriation, in the event that the Government has carried out works at the site or attributed the nature of public or social interest to the property, is 10 years, according to the sole paragraph of Art. 1238 of the Civil Code. (Special Appeal 1,757,352 and Special Appeal 1,757,385, 1st Section, Rap. Just. Herman Benjamin, j: Feb 12, 2020).

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Special Appeal 1,747,636-PR

The establishment of classification criteria for the choice of bidders in accreditation is illegal. (1st Panel, Rap.

Just. Gurgel de Faria, j: Dec 3, 2019).

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Special Appeal 1,617,745-DF

In the competitive bidding for the sale of real estate, the Public Administration is prohibited from fixing any guarantee in a value different from that established in Art. 18 of Law 8666/1993. (2nd Panel, Just. Og Fernandes, j: Oct 22, 2019).

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Regulatory Appeal in Special Appeal 1,596,586 – RS

The National Department of Transport Infrastructure (Departamento Nacional de Infraestrutura de Transportes – DNIT) has powers to supervise traffic on federal highways and roads, and may apply, on a non-exclusive basis, a penalty for infringement of the Brazilian Traffic Code, as understood from the combined interpretation of Arts. 82, par. 3, of Law 10,233/2001, and 21, of Law 9503/1997 (the Brazilian Traffic Code). (1st Panel, Just. Napoleão Nunes Maia Filho, j: Nov 11, 2020).

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Special Appeal 1,757,385-SC

The statute of limitations applicable to indirect expropriation, if the Government has carried out works on the site or attributed the nature of public or social interest to the property, is 10 years, according to the sole paragraph of Art. 1238 of the Civil Code. (2nd Panel, Rap. Just. Herman Benjamin, j: Nov 27, 2019).

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Special Appeal 1,159,598

Regulatory Appeal. Extraordinary appeal. Action for reimbursement to the treasury which is not time-barred based on the practice of willful misconduct characterized in the law of misconduct in public office. Theme 897/STF. Decision appealed according to the STF's understanding. Appeal not granted. 1. In the judgment, under the general repercussion regime, of Extraordinary Appeal 852,475/SP, the Federal Supreme Court upheld the thesis that "The actions of reimbursement to the treasury based on the practice of willful misconduct characterized in the Law of Misconduct in Public Office are not time-barred" (Theme 897/STF). 2. If the Decision is appealed in accordance with the

understanding of the Supreme Court, it is paramount that it should not be accepted pursuant to Art. 1030, I, "a", of the Code of Civil Procedure. 3. Regulatory appeal not granted. (2nd Panel, Rap. Just. Herman Benjamin, j: Nov 18, 2020).

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Suspension of Injunction and Decision (SLS) 2747

Suspension of the decision issued by Justice Cleonice Silva Freire, of the Court of Appeals of the State of Maranhão, who ordered the Municipality of São Luiz do Maranhão to make the weekly deposit of R\$277,457.00 in favor of Sindicato das Empresas de Transporte de Passageiros de São Luis, due to the economic and financial recovery of the concession contract. According to the Justice, the injunction was rendered without any actual and specific demonstration of the alleged imbalance in the contract, causing serious damage to public order, also emphasizing that the Judiciary cannot become a statutory administrator. (Monocratic Decision, Presidency, Rap. Just. João Otávio de Noronha, j: Jun 13, 2020).

[Read more](#)

Superior Court of Justice (STJ) / Decision To Take Place In 2021

05

Special Appeal 1,817,302/SP

Analysis of the legality of the collection promoted by a highway concessionaire against a basic sanitation service government agency for the use of the right of way of the public road granted. (1st Section, Rap. Just. Regina Helena Costa).

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06

Supreme Federal Court (STF) Decisions

Extraordinary Appeal 876,834 Rg

Extraordinary Appeal. Administrative law. Public civil action. Article 14, par. 2, decree-law 236/1967. Article 41 of Law 8987/1985. Discussion regarding the absence of a previous bidding procedure in cases of granting of a radio and image broadcasting service when intended for exclusively educational purposes. Articles 37, XXI, 175, caption, and item i, and 21, XII, a, of the federal constitution. non constitutional matter. Statement for the lack of general repercussion. Reaffirmation of the court's case law on the subject. (Full Court, Rap. Just. Luiz Fux, j: May 8, 2020).

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Direct Action for the Declaration of Unconstitutionality 6341

Decision that partially upheld the provisional measure to provide interpretation in accordance with the Constitution to par. 9 of Art. 3 of Law 13,979, in order to clarify that, once the attribution of each sphere of government is preserved, pursuant to item I of Article 198 of the Constitution, the President of the Republic may, by decree, provide for public services and essential activities. (Full Court, Rap. Just. Marco Aurélio, j: Apr 15, 2020).

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Complaint 42,576

Decision whereby the STF sustained that the sale of refinement assets from Petrobras subsidiaries does not need the approval of the National Congress because it is a mere divestiture plan, rather than privatization. (Full Court, Rap. Just. Edson Fachin, j: Oct 1, 2020).

[Read more](#)

Writ of Mandamus 35,506

Granted the injunction to authorize the free movement of the petitioner's assets that have been declared unavailable by the Federal Court of Accounts, as well as the suspension of the determination regarding the piercing of the corporate veil, in view of Decision 2014/2017, of the Federal Court of Accounts (Monocratic Decision, Rap. Just. Marco Aurélio, j: Feb 8, 2020).

[Read more](#)

Extraordinary Appeal 1,101,937

Extraordinary Appeal. Art. 16 of Law 7347/1985, as amended by Law 9494/1997. Constitutionality. General repercussions recognized. 1. There is special relevance, pursuant to Art. 102, par. 3, of the Constitution, when it comes to the question regarding the constitutionality of Art. 16 of Law 7347/1985, as amended by Law 9494/1997, according to which the trial court decision in the public civil action will become res judicata erga

omnes, within the limits of the territorial jurisdiction of the instance issuing the decision. 2. General repercussion of the matter recognized, pursuant to Article 1035 of the CPC. (Full Court, Rap. Just. Alexandre de Moraes, Decision published on Feb 14, 2020).*

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Suspension of Provisional Remedy (STP) 503

Suspension of provisional remedy granted by the Court of Appeals of the State of Rio de Janeiro, which had determined the suspension of intermunicipal transport in the municipality of Petrópolis. According to the Justice, the measure was not based on any technical opinion issued by a federal agency, which is why it was revoked (Monocratic Decision, Rap. Just. Dias Toffoli, j: Aug 14, 2020).

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Direct Action for the Declaration of Unconstitutionality (ADIn) 5841

Denial of the provisional remedy of the action that questions the provisions of Decree 9188/17, which implies the loss of equity control by the Government, government companies and public and private joint stock companies (Full Court, Rap. Just. Ricardo Lewandowski, j: Dec 21, 2020).

Direct Action for the Declaration of Unconstitutionality (ADIn) 6406

Denial of the injunction, so Law 20,187/20 of the State of Paraná was kept, prohibiting the cut of electricity, gas, water and sewage services during the pandemic caused by the new coronavirus (Full Court, Just. Marco Aurélio, j: Dec 21, 2020).

** In a monocratic decision issued on April 22, 2020, the Justice Rapporteur decreed the "suspension of processing of all pending claims that deal with the issue in the national territory".*

Direct Action for the Declaration of Unconstitutionality (ADIn 6241)

Analysis of the possibility of privatization, without prior, specific and legislative authorization, of government entities whose institution was authorized by a specific law. (Full Court, Rap. Just. Carmem Lúcia).

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Direct Action for the Declaration of Unconstitutionality (ADIn 5683)

Action discussing the constitutionality of Rio de Janeiro State Law 7529/17, which authorized the privatization of Cedae – Companhia Estadual de Águas e Esgotos, a public and private joint stock company controlled by the State of Rio de Janeiro, which provides public water supply and sewage services in several municipalities in the state, including the capital. (Full Court, Rap. Just. Luis Roberto Barroso).

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Main 2020 Projects

08

Auction of the Southern Section of BR-101/SC.

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Extension of the Concession Contract for the Road Network of São Paulo.

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2nd Public Call for Selection of PPP Structuring Projects in the Public Lighting sector.

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Extension of Carajás Railway and Vitória-Minas Railway Concession Contract.

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Auctions for the Concession of Public Lighting Services for Aracaju/SE, Feira de Santana/BA, Franco da Rocha/SP.

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Auction of Port of Santos STS14 Terminal.

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Auction of Port of Santos STS14A Terminal.

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Auction for the Concession of Water and Sewage Services in the Metropolitan Region of Maceió.

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Auction for the Concession of the Sewage Services of Cariacica/ES.

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Auction for Sewage Services of Sanesul.

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Auctions for the Concession of Public Lighting Services in Belém/PA and Sapucaia do Sul/RS.

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Auction of PPP for the Public Lighting in Petrolina/PE.

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Electronic Auction of the First Availability Round of ANM Areas.

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Auction of the 2nd Permanent Supply Cycle for Exploratory Blocks and Areas of Marginal

Accumulation.

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Availability Rounds for Mineral Mining or Research Areas of the National Mining Agency.

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MAC10 – Leasing of Terminal at the Port of Maceió/AL.

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PAR12 – Leasing of Terminal at the Port of Paranaguá/PR.

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Areas in Permanent Offer for Exploration and Production as Promoted by ANP – 2020 Cycle.

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09

Projects estimated for 2020, but did not occur

ATU 12 – Leasing of Solid Bulks at the Port of Aratu/BA.

Invitation to bid estimated for: 2nd quarter of 2020.

Auction estimated for: 3rd quarter of 2020.

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Action for Concession of Transmission Facilities 01/2020.

Invitation to bid estimated for: November de 2020.

Auction estimated for: December 2020.

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Action for Concession of Transmission Facilities 07/2020.

Invitation to bid estimated for: June 2020.

Auction estimated for: July 2020.

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A-6/2020 New Energy Auction.

Invitation to bid estimated for: 3rd quarter of 2020.

Auction estimated for: 4th quarter of 2020.

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Negotiations for extensions of concessions 2020

10

EFVM – Vitória-Minas Gerais Railway: early extension of the concession contract (amendment estimated for the 1st quarter of 2020).

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Rumo Malha Paulista S.A.: early extension of the concession contract (amendment estimated for the 2nd quarter of 2020).

[Read more](#)

6th Round of Airport Concessions – South, North I and Central Blocks – Study Phase.

Invitation to bid estimated for: 1st quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

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EF-170 Railway – MT/PA – Ferrogrão.

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

[Read more](#)

EF-334/BA Railway – West-East Integration Railway-FIOL (Section Between Ilhéus/BA and Caetité/BA).

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

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Empresa de Trens Urbanos de Porto Alegre S.A. (Trensurb).

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

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IQI 03 – Leasing of liquid bulk at the Port of Itaqui/MA – Itaqui, São Luís, Maranhão.

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

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IQI 11 – Leasing of liquid bulk at the Port of Itaqui/MA – Itaqui, São Luís, Maranhão.

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

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Projects in the Investment Partnership Program (PPI) for 2021

11

IQI 12 – Leasing of liquid bulk at the Port of Itaqui/MA – Itaqui, São Luís, Maranhão.

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

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IQI 13 – Leasing of liquid bulk at the Port of Itaqui/MA – Itaqui, São Luís, Maranhão.

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

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Concession of Highways BR-153/282/470/SC and SC-412.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

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Concession of Highways BR-163/230/MT/PA (Section Between Sinop/MT and Miritituba/PA).

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

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Concession of Highways BR-381/262/MG/ES (Section of BR-381/MG Between Belo Horizonte and Gov. Valadares and BR-262/MG/ES Between João Monlevade/MG and Viana/ES).

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

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BR-040/495/MG/RJ (Concer) – Juiz de Fora-Rio de Janeiro.

Invitation to bid estimated for: 4th quarter of 2021.

Auction estimated for: 1st quarter of 2022.

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Projects in the Investment Partnership Program (PPI) for 2021

BR-116/465/101/SP/RJ (Dutra) – Rio de Janeiro-São Paulo.

Invitation to bid estimated for: 1st quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

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BR-116/493/RJ/MG (CRT).

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

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BR-153/080/414/GO/TO – Alliance of Tocantins to Anápolis.

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

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Integrated Highways of Paraná - BR 158/163/272/277/369/373/376/476/ PR and Relevant Highways.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

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Subway Line 2 of the Metropolitan Region of Belo Horizonte/MG.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

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MAC11 – Leasing of Terminal at the Port of Maceió/AL.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

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Projects in the Investment Partnership Program (PPI) for 2021

11

MAC12 – Leasing of Terminal at the Port of Maceió/AL.

Invitation to bid estimated for: 1st quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

[Read more](#)

MAC13 – Leasing of Terminal at the Port of Maceió/AL.

Invitation to bid estimated for: 1st quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

[Read more](#)

MCP02 – Leasing of Terminal at the Port of Santana/AP.

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

[Read more](#)

MUC01 – Leasing of Terminal at the Port of Mucuri/CE.

Invitation to bid estimated for: 1st quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

[Read more](#)

PAR32 – Leasing of Terminal at the Port of Paranaguá/PR.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

PAR50 – Leasing of Terminal at the Port of Paranaguá/PR.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

Projects in the Investment Partnership Program (PPI) for 2021

Baixio do Irecê/BA Irrigation Perimeter: studies of partnership alternatives to complete the implementation and improve management.

Invitation to bid estimated for: 1st quarter of 2021.
Auction estimated for: 3rd quarter of 2021.

[Read more](#)

17th Round of Tenders for Blocks under the Concession Scheme.

Invitation to bid estimated for: 3rd quarter of 2021.
Auction estimated for: 4th quarter of 2021.

[Read more](#)

Round of tenders under the production sharing regime for volumes exceeding those contracted under the onerous assignment of rights.

Auction estimated for: 2nd half of 2021.

[Read more](#)

PPP for Communications Network Management – Air Force Command (Comaer).

Invitation to bid estimated for: 4th quarter of 2020.
Auction estimated for: 1st quarter of 2021.

[Read more](#)

BR-040/495/MG/RJ (Concer) – Juiz de Fora-Rio de Janeiro.

Invitation to bid estimated for: 4th quarter of 2021.
Auction estimated for: 1st quarter of 2022.

[Read more](#)

BR-116/101/SP/RJ (Dutra) – Rio de Janeiro-São Paulo.

Invitation to bid estimated for: 1st quarter of 2021.
Auction estimated for: 2nd quarter of 2022.

[Read more](#)

Projects in the Investment Partnership Program (PPI) for 2021

11

BR-116/493/RJ/MG (CRT).

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

New Public Tender for Viracopos Airport, Campinas/SP.

Invitation to bid estimated for: 2nd quarter of 2021.

Auction estimated for: 3rd quarter of 2021.

[Read more](#)

STS08 – Leasing of Terminal at the Porto of Santos/SP.

Invitation to bid estimated for: 1st quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

[Read more](#)

STS08A – Leasing of Terminal at the Porto of Santos/SP.

Invitation to bid estimated for: 1st quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

[Read more](#)

Fishing Terminal of Aracaju/SE.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

Fishing Terminal of Belém/PA.

Invitation to bid estimated for: 2nd quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

[Read more](#)

Fishing Terminal of Cabedelo/PB.

Invitation to bid estimated for: 4th quarter of 2020.

Auction estimated for: 1st quarter of 2021.

[Read more](#)

Projects in the Investment Partnership Program (PPI) for 2021

Fishing Terminal of Cananéia/SP.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

Fishing Terminal of Manaus/AM.

Invitation to bid estimated for: 2nd quarter of 2021.

Auction estimated for: 2nd quarter of 2021.

[Read more](#)

Fishing Terminal of Natal/RN.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

Fishing Terminal of Santos/SP.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

Fishing Terminal of Vitória/ES.

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

Leasing of Salt Terminal of Areia Branca/RN.

Invitation to bid estimated for: 2nd quarter of 2021.

Auction estimated for: 3rd quarter of 2021.

[Read more](#)

Projects in the Investment Partnership Program (PPI) for 2021

11

VDC10 – Liquid and solid bulk terminal at the port of Vila do Conde/PA.

Invitation to bid estimated for: 2nd quarter of 2021.

Auction estimated for: 3rd quarter of 2021.

[Read more](#)

Sanitary Sewage – Crato/CE.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Sanitary Sewage – São Gonçalo do Amarante/RN.

Invitation to bid estimated for: 2nd half of 2021.

Public Tender Estimated for: 2nd half of 2021.

[Read more](#)

Sanitary Sewage – Volta Redonda/RJ.

Invitation to bid estimated for: 2nd half of 2021.

Public Tender Estimated for: 2nd half of 2021.

[Read more](#)

Public Lighting – Barreiras/BA.

Invitation to bid estimated for: 2nd half of 2021.

Public Tender Estimated for: 2nd half of 2021.

[Read more](#)

Public Lighting – Cachoeiro do Itapemirim/ES.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Public Lighting – Camaçari/BA.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Public Lighting – Campinas/SP.

Invitation to bid estimated for: 2nd half of 2020.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Public Lighting – Corumbá/MS.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Public Lighting – Crato/CE.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Public Lighting – Toledo/PR.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Public Lighting – Valparaíso de Goiás/GO.

Invitation to bid estimated for: 2nd half of 2021.

Public Tender Estimated for: 2nd half of 2021.

[Read more](#)

Projects in the Investment Partnership Program (PPI) for 2021

11

Public Lighting – Patos de Minas/MG

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 2nd half of 2021.

[Read more](#)

Solid Waste – Bauru/SP.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Solid Waste – Comares Consortium.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Solid Waste – Convale Consortium.

Invitation to bid estimated for:

December 11, 2020.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Solid Waste – Teresina/PI.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

Basic sanitation – São Simão/GO.

Invitation to bid estimated for: 1st half of 2021.

Public Tender Estimated for: 1st half of 2021.

[Read more](#)

12 | Negotiations for extension of concessions 2021

Ferrovias Centro-Atlântica S.A. (FCA): early extension of the concession contract.

Amendment Estimated for: 4th quarter of 2021.

[Read more](#)

MRS Logística S.A.: early extension of the concession contract.

Amendment Estimated for: 3rd quarter of 2021.

[Read more](#)

Carajás Railway: early extension of the concession contract.

Amendment Estimated for: 4th quarter of 2020.

[Read more](#)

Vitória-Minas Gerais Railway – early extension of the concession contract.

Amendment Estimated for: 4th quarter of 2020.

[Read more](#)

Small Hydroelectric Power Plant – Agro Trafo.

Amendment Estimated.

[Read more](#)

Possible privatizations | 13

Privatization – Companhia Docas do Espírito Santo (Codesa).

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

Privatization of the Organized Port of São Sebastião/SP – Downtown, São Sebastião, São Paulo.

Invitation to bid estimated for: 2nd quarter of 2022

Auction estimated for: 3rd quarter of 2022

[Read more](#)

Companhia Brasileira de Trens Urbanos (CBTU).

Invitation to bid estimated for: 3rd quarter of 2021.

Auction estimated for: 4th quarter of 2021.

[Read more](#)

Empresa de Tecnologia e Informações da Previdência (Dataprev).

[Read more](#)

National Mint.

[Read more](#)

Ceasaminas.

[Read more](#)

13 | Possible privatizations

Centro de Excelência em Tecnologia Eletrônica Avançada (Ceitec).

[Read more](#)

Agência Brasileira de Fundos Garantidores e Garantias S.A. (ABGF).

[Read more](#)

CEAGESP.

[Read more](#)

Empresa Gestora de Ativos S.A. (Emgea).

[Read more](#)

Organized Port of Itajaí/Santa Catarina.

[Read more](#)

Mail Service.

[Read more](#)

Centrais Elétricas Brasileiras S.A. (Eletrobras) - PL 5877/201.

[Read more](#)

Nuclebrás Equipamentos Pesados S/A (Nuclep).

[Read more](#)

Main State Projects Estimated For 2021

14

São Paulo

- ◆ **Intercities Train:** concession of line between São Paulo and Campinas.
- ◆ **Concession of Lines 8 and 9 of CTPM**
- ◆ **Construction Works of Subway Line 6.**
- ◆ **Ferroanel:** railroad contour of the metropolitan region of São Paulo.
- ◆ **Rio-Santos Highway.**
- ◆ **Concession of The Zoo, Zoo Safari and Botanical Garden.**
- ◆ **Floating Photovoltaic Plant at Billings.**
- ◆ **Linear Park:** implementation of a park on the west bank of the Pinheiros channel.
- ◆ **Concession of Highways on The Coast of São Paulo** includes Mogi-Dutra (SP-88) and Mogi-Bertioga (SP-98) highways.
- ◆ **VLT Baixada Santista.**

Rio de Janeiro

- ◆ **Privatization of CEDAE:** invitation to bid published on December 29, 2020. [Read more](#)
- ◆ **Rio-Santos Highway.**
- ◆ **Concession of Ring Road – BR-493.**
- ◆ **Niterói Multiuse Space:** a warehouse for the installation of food trucks, tents, offices, meeting rooms and coworking.

- ◆ **Administration of BR-040 By DNIT:** the concession contract with Concer ends in February 2021, with the administration of the road being undertaken by DNIT. The planning is for a new concession in 2022.

Bahia

- ◆ **Fiol Concession (EF-334 / BA):** east section, between Ilhéus and Caetité.
- ◆ **Tucano Wind Complex.**
- ◆ **New Salvador Bus Station.**
- ◆ **Call for Presentation of Projects for Public Areas:** the projects will be presented for areas that the Government of Bahia intends to sell.
- ◆ **BA-131 Restoration.**

Ceará

- ◆ **VLT Parangaba Mucuripe – Fixed Systems:** public tender for the implementation of fixed light rail vehicle (Veículo Leve sobre Trilhos – VLT).
- ◆ **VLT Parangaba Mucuripe – Maintenance Center:** public tender for the construction of the complementary service and maintenance center for the light rail vehicle.

- ◆ **Photovoltaic Systems in Schools:** public tender for the implementation, commissioning, monitoring, operation and maintenance of photovoltaic systems connected to the network for government schools in the state of Ceará.

Distrito Federal

- ◆ **Concession of BR-153, highway between Goiás and Tocantins.**
- ◆ **Bridge at Vicente Pires Housing Sector.**

Espírito Santo

- ◆ **Privatization of Companhia Docas do Espírito Santo.**
- ◆ **Solicitation of Prices:** contracting of specialized engineering services for technical support in the supervision of the performance of the works of road adjustment, paving, drainage, installation of a new traffic light system in real time with optical fiber, cycle path, opening of new roads, widening of existing roads, recovery or relocation of four water pipelines DN 600, DN 800, DN 300 and DN 75, and two sewage pipelines DN 200 and DN 250 of CESAN, inclusion of leisure areas with multi-sport courts, bike rack, skate park, hiking trail, bus stop at

av. Getúlio Vargas, and reconfiguration of public lighting of the area referred to as portal do príncipe in Vila Rubim and Ilha do Príncipe, in Vitória/ES.

- ◆ **VLT Great Vitória.**

Mato Grosso do Sul

- ◆ **Concession of BR-163, between Mato Grosso and Pará.**

Rio Grande do Sul

- ◆ **Companhia Estadual de Energia Elétrica – CEEE:** energy concessionaire in the south-southeast of Rio Grande do Sul is part of the state's tax reorganization plan.
- ◆ **CRM Mineradora:** it is part of the state's tax reorganization plan.
- ◆ **Sulgás:** it is part of the state's tax reorganization plan. Must be approved by the national treasury and voted by the state legislature.
- ◆ **Privatization of CEEE Distribuição.**
- ◆ **Privatization of Companhia Estadual de Geração e Transmissão de Energia Elétrica – CEEE-GT.**
- ◆ **PPP Companhia Riograndense de Saneamento – Corsan.**

Contractual Recovery During The Pandemic

15

Approval of the economic-financial recovery of the airports by Anac.

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Antaq decides that “the Port Authority is responsible for promoting the economic-financial recovery, as it is a non-operational area” (Decision 106).

[Read more](#)

Aneel promotes public consultation on the economic-financial recovery of electricity companies.

[Read more](#)

Opinion 261/2020/CONJUR-MINFRA/CGU/AGU

Summary: Questions. Concession Contracts for the Transport Infrastructure Sector. Economic-Financial Recovery. Pandemic of the new coronavirus. Covid-19. I. Concessionaires are entitled to recover their contracts upon the occurrence of any event whose risk has been allocated to the grantor, if it has caused a significant impact on its revenues or expenses. II. As a rule, the concessionaire takes on the ordinary risks of the business and the government retains the extraordinary risks. But nothing prevents contracts from establishing a different risk division. III. For the application of the theory of unpredictability for the purpose of reviewing concession contracts, it is necessary that, subject to the contractual allocation of risks, a supervening and extraordinary event occurs, the occurrence or consequences of which are unpredictable and inevitable and which has generated excessive burden resulting from a significant imbalance in the contract. IV. The pandemic of the new coronavirus represents a force majeure event or act of God, characterizing an extraordinary risk for the purpose of applying the theory of unpredictability to justify the recovery of transport infrastructure concession contracts, provided that the other requirements indicated in this Opinion are met.

[Read more](#)