

VIEIRAREZENDE
ADVOGADOS

YEARBOOK

INFRA STRUC TURE



2022

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Introduction

VIEIRAREZENDE
ADVOGADOS

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.



Practice Areas

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DEAL OF THE YEAR 2018/19 Latin American Airport Financing

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 & Projects*



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](#)



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](#)



Maria Virginia Mesquita

Maria Virginia has extensive experience in the areas of infrastructure, public law and regulatory & public affairs. She advises companies in public tenderings, PFI contracts, construction contracts, compliance and integrity in the infrastructure industry, as well as acting on M&A and Project Finance in regulated sectors. Maria Virginia is recognized for her diverse experience, involving transactional areas, public administration and multilateral agencies.

[Full biography here](#)



Marina Ferraz Aidar

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](#)

01

Main regulations

Laws, Decrees and Provisional Measures



Denationalization

Decree No. 11,085/2022 *May 27, 2022*

Eligibility for the PPI of the privatization of Empresa Brasileira de Administração de Petróleo e Gás Natural S.A. - Pré-Sal Petróleo S.A. - PPSA.

[Read more](#)

Decree No. 11,110/2022 *Jun. 30, 2022*

Provides for the denationalization of Empresa Gestora de Ativos S.A. – Emgea.

[Read more](#)

Decree No. 11,152/2022 *Jul. 28, 2022*

Eligibility for the PPI of the denationalization of the Port Authority of Santos S.A.

[Read more](#)

Public Records

Law No. 14,382/2022 *Jun. 28, 2022*

Provides for the Electronic System for Public Records.

[Read more](#)

Law No. 14,421/2022 *Jul. 21, 2022*

Addresses the immediate transfer of ownership to the expropriating authority in the event of expropriation.

[Read more](#)

01

Main regulations

Laws, Decrees and Provisional Measures



Solid Waste

Decree No. 10,936/2022 *Jan. 12, 2022*

Regulates the National Solid Waste Policy.

[Read more](#)

Decree No. 11,043/2022 *Apr. 14, 2022*

Approves the National Solid Waste Plan.

[Read more](#)

Telecom

Law No. 14,424/2022 *Jul. 28, 2022*

Provides for the authorization for the installation of telecommunications infrastructure.

[Read more](#)

Decree No. 11,299/2022 *Dec. 21, 2022*

Amends public telecommunications policies.

[Read more](#)



01

Main regulations

Laws, Decrees and Provisional Measures



Water Transport

Law No. 14,301/2022

Jan. 07, 2022

Coastal Transport Incentive Program (BR do Mar).

[Read more](#)

Decree No. 10,944/2022

Jan. 25, 2022

Eligibility for the Investments Partnership Program (Programa de Parcerias de Investimentos – PPI) of PAR03 terminals, in the Port of Paranaguá, RIG71, in the Organized Port of Rio Grande, and TGSFS, in the Organized Port of São Francisco do Sul.

[Read more](#)

Decree No. 11,025/2022

Apr. 1, 2022

Eligibility for the PPI of the studies for the development of the immersed tunnel of the Port of Santos.

[Read more](#)

Rail Transport

Decree No. 11,245/2022

Oct. 21, 2022

Amends the Railways Law and establishes the Rail Development Program.

[Read more](#)

Air Transport

Law No. 14,368/2022

Jun. 15, 2022

Provides for air transport, including provisions regarding the tariff regime, with amendments in the Consumer Protection Code and the Brazilian Aviation Code.

[Read more](#)

Decree No. 11,171/2022

Aug. 12, 2022

Eligibility for the PPI of the International Airport of Rio de Janeiro/Galeão – Antônio Carlos Jobim.

[Read more](#)

01

Main regulations

Laws, Decrees and Provisional Measures



Road Transport

Law No. 14,298/2022

Jan. 06, 2022

Criteria for grant of road transport.

[Read more](#)

Decree No. 11,005/2022

Mar. 22, 2022

Eligibility for the PPI of a section of Highway BR-101/RJ.

[Read more](#)

Decree No. 11,122/2022

Jul. 07, 2022

Eligibility for the PPI of a section of Highway BR-163/MT.

[Read more](#)

Law No. 14,440/2022

Sep. 05, 2022

Establishes the Program to Increase the Productivity of the Road Fleet in the Country (Renovar).

[Read more](#)

Decree No. 11,276/2022

Dec. 08, 2022

Regulates the Program to Increase Productivity of the Road Fleet – Renovar.

[Read more](#)

01

Main regulations

Laws, Decrees and Provisional Measures

Energy

Law No. 14,299/2022

Jan. 06, 2022

Economic subsidy to small energy distribution concessionaires and creation of the Fair Energy Transition Program.

[Read more](#)

Decree No. 10,939/2022

Jan. 14, 2022

Measures to address financial impacts in the electricity industry.

[Read more](#)

Decree No. 10,946/2022

Jan. 25, 2022

Assignment of use for areas of the Federal Government to generate electricity.

[Read more](#)

Decree No. 10,978/2022

Feb. 24, 2022

Eligibility for the PPI of the 1st and 2nd Energy Transmission Auctions.

[Read more](#)

Decree No. 11,027/2022

Apr. 1, 2022

Regulates the commercialization of electricity generated by Itaipu Binacional.

[Read more](#)

Decree No. 11,028/2022

Apr. 1, 2022

Provides for the offer of Eletrobras' shares.

[Read more](#)



Decree No. 11,042/2022

Apr. 13, 2022

Conditions for contracting electricity from thermal power plants (as amended by [Decree No. 11,091/2022](#)).

[Read more](#)

Decree No. 11,059/2022

May 3, 2022

Regulates the Program for Structural Reduction of Energy Generation Costs in Amazônia Legal, and Navigability of the Madeira River and the Tocantins River – Pró-Amazônia Legal.

[Read more](#)

Decree No. 11,078/2022

May 24, 2022

Eligibility for the PPI of the projects linked to the New Energy Auction A-4.

[Read more](#)

01

Main regulations

Laws, Decrees and Provisional Measures

Decree No. 11,091/2022

Jun. 9, 2022

Provides for the conditions for contracting electricity from thermoelectric enterprises (natural gas) and hydroelectric enterprises up to fifty megawatts.

[Read more](#)

Decree No. 11,111/2022

Jun. 30, 2022

Amends provisions of the programs Luz para Todos and Mais Luz for Amazonia.

[Read more](#)

Decree No. 11,151/2022

Jul. 28, 2022

Eligibility for the PPI of the New Energy Auctions "A-5" and "A-6," Capacity Reserve, as reserve energy and Capacity Reserve, in the form of power.

[Read more](#)

Decree No. 11,307/2022

Dec. 23, 2022

Provides for the granting of concession contracts in the electricity sector associated with the privatization of a utilities concession for the generation of electricity through a public offering of shares.

[Read more](#)

Energy and Mining

Provisional Measure No. 1,133/2022

Aug. 12, 2022

Provides for Indústrias Nucleares do Brasil S.A. and the research, extraction and commercialization



of nuclear ores, their concentrates and by-products, and nuclear materials.

[Read more](#)

Mining

Law No. 14,300/2022

Jan. 7, 2022

Legal framework for distributed minigeneration and microgeneration.

[Read more](#)

Decree No. 11,076/2022

May 20, 2022

Provides for the mining activity in the Border Area.

[Read more](#)

Decree No. 11,163/2022

Aug. 9, 2022

Eligibility for the PPI of the project Ouro Natividade.

[Read more](#)

02 | Main legislative proposition

Bill No. 2,316/22

Amends Law No. 9478/97 and Law No. 9847/99, to provide for the access of any interested third party to transport pipelines and waterway terminals.

[Read more](#)

03 | Relevant decisions of the Federal Accounting Court (TCU)

Decision 2,889/2021 Full Court

The payment criteria for the services of supervision and management of construction works shall provide for the delivery of products or results achieved, which must be previously set out on a comprehensible, tangible, objectively observable and probable basis, with expected quality levels for service performance and relevant payment adjustments, avoiding the provision of payments per man-month or related to the mere permanence of labor or equipment availability.

Decision 2,929/2021 Full Court

The penalty of becoming ineligible to participate in bidding processes of the Federal Government (Art. 46 of Law No. 8443/1992) should not be imposed on the consortium itself, but rather to the member company(ies) that effectively participated of the wrongdoings found, in view of the principles of personal responsibility and individualization of the penalty, and the fact that the consortium does not have a legal personality, being characterized only as an association between companies where there is temporary communion of efforts for the development of a joint enterprise (Art. 278 of Law No. 6404/1976).

Decision 2,939/2021 Full Court

Any documents certifying performance of services inconsistent with the economic activities provided for in the bidder's articles of association are not valid for eligibility purposes. These documents shall not only demonstrate a factual situation, but necessarily a factual situation that has occurred in accordance with the law and the articles of association.

Decision 2,971/2021 Full Court

In the case of any damage to the government treasury caused by consortium companies, the contracted consortium may appear as jointly and severally liable for the debt in the adverse decision and have its accounts appreciated, despite not having a legal personality.

Decision 2,977/2021 Full Court

Accreditation is legitimate when the government plans to perform multiple contracts for the same type of object, in a given period, and shows that the option to have the largest possible network of suppliers for a no-bid procurement process, under uniform and predefined conditions, is the only feasible or is more advantageous than other alternatives to meet the desired purposes, such as a single bidding or multiple bidding processes, being forced to contract all interested parties that meet the eligibility requirements and that are selected according to an objective and impersonal procedure, to be remunerated as set out in the invitation to bid.

Decision 3,144/2021 Full Court

The requirement, for the purpose of proving technical-professional skills, of demonstrating the professional's employment relationship with the bidding company constitutes a restriction on the competitive nature of the bidding (Arts. 3, §1, item I, and 30, §1, item I, of Law No. 8666/1993).

Decision 59/2022 Full Court

The use of ineligible financial statements for the purpose of demonstrating economic and financial qualification justifies the declaration of ineligibility for the company responsible for participating in bidding processes of the Federal Government (Art. 46 of Law No. 8443/1992), as well as those carried out by states and municipalities relying on federal funds.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 75/2022 Full Court

In pre-no bidding contracting proceedings as set forth in Article 32 of Law No. 9074/1995, it is mandatory to demonstrate the existence of sufficient market consultation to confirm that the choice of the selected company and cost estimate were properly carried out, as well as the precise outlining of the purpose thereof, establishing payment and measurement criteria consistent with its nature and effective to certify contractual performance.

Decision 445/2022 Second Chamber

In no-bid procurement processes, failure to respect the order of classification of the companies that present quotations for products violates the principles of legal equality and legality.

Decision 364/2022 Full Court

Publishing the revocation of any bidding process promoted by a state-owned company without clarifying the supervening fact that rendered the procedure inconvenient or inappropriate represents an offense to Art. 31 of Law No. 13,303/2016 and to the principles of transparency and opportunity to be heard.

Decision 470/2022 Full Court

Requiring a certificate of labor infringement to qualify for a bidding process is irregular, since Art. 29, item V, of Law No. 8666/1993 considers that compliance with the labor law must be certified by proving there is no default before the Labor Court, upon presentation of a clearance certificate.

Decision 470/2022 Full Court

Requiring that the certificate of technical-operational skills of a company participating in a bidding process be registered or registered with the relevant professional council (Crea) is irregular, since Art. 55 of Confea Resolution 1025/2009 prohibits the issuance of a Specialized Engineering Certificate (Certidão de Acervo Técnico – CAT) on behalf of a legal entity. Requiring any certification registered with the relevant professional entities should be limited to technical-professional training, which concerns the individuals appointed by the bidding companies.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 533/2022 Full Court

Although not provided for in Law No. 13,303/2016 (State-Owned Companies Law), the use of accreditation by government-controlled companies is allowed, using, by analogy, Art. 6, item XLIII, and 79, of Law No. 14,133/2021 (new Law on Procurement and Administrative Contracts), since such entities, subject to the competitive market, require more flexible and efficient contracting instruments.

Decision 533/2022 Full Court

The use of objective technical criteria, through scoring, to establish preference in contracts resulting from accreditation does not violate the principle of legal equality.

Decision 548/2022 Full Court

Requiring minimum quantities for the purpose of proving technical and professional skills without due justification about the technical complexity of the subject matter of the bidding is against the provisions of Art. 30, §1, item I, of Law No. 8666/1993.

Decision 1,251/2022 Second Chamber

Requiring evidence of the performance of a minimum number of construction works or services with similar characteristics, in order to certify technical-operational skills, must be proportionate to the size and complexity of the subject matter, and must apply, simultaneously, on the portions of greater relevance and significant value. As a rule, the minimum quantity required shall not exceed 50% of that provided for in the base budget, except under special conditions and duly justified in the bidding process.

Decision 675/2022 Full Court

The unjustified delay in the performance of public construction works is a serious occurrence, so that the contracting authority or entity has the duty to adopt the appropriate measures to apply the contractual fines and any other penalties provided for by law, not being a case for the discretionary decision of the Government.

Decision 756/2022 Full Court

The no-bid procurement processes will be irregular if they are based on failed bidding processes without previously granting the companies participating in the procedure a period of eight business days to submit other proposals without the failures that led to their disqualification.

Decision 870/2022 Full Court

In the electronic procurement, the proposal submitted by the bidder must contain only the description of the subject matter offered and the price (Art. 26 of Decree No. 10,024/2019), and its disqualification, at this stage of the bidding, cannot occur under the justification that it failed to detail the composition of the price, which should only be required for the proposal referring to the winning bid.

Decision 917/2022 Full Court

The presentation of a certificate of technical skills with false content, evidencing collusion between the companies involved, is against the principles of morality, legal equality and competitiveness, and leads to the declaration of ineligibility, both for the company that issued the certificate and the one that submitted it, to participate in bidding processes in the Federal Government.

Decision 920/2022 Full Court

Proof of accreditation or partnership with manufacturers, when indispensable and provided that it is properly motivated, must be required as a mandatory technical requirement from the contractor and not as a requirement to qualify bidders, since it potentially contributes to reduce the competitive character of the bidding, as it moves away companies that are not partners of the manufacturer.

Decision 924/2022 Full Court

The requirement of a minimum number of technical certificates is an exceptional measure, which should be adopted exclusively when the specificity of the subject matter so requires and there is no commitment to the competitiveness of the bidding process, and only if it is duly justified in the administrative proceeding relative to the bidding.

Decision 925/2022 Full Court

In any bidding process carried out by a state-owned company, the absence of a preliminary technical study to support the basic project is against Art. 42, item VIII, of Law No. 13,303/2016, even if it is for contracting common services.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 966/2022 Full Court

In the qualification phase, it is illegal to request the presentation of reports, tests or certificates related to the quality of the products tendered, since it is not part of the list of Art. 30, of Law No. 8666/1993. This requirement is allowed, provided that it is included in the invitation to bid, only at the stage where the tenders are appreciated and only for the bidder temporarily classified in the first place, to which sufficient time must be granted to obtain this documentation.

Decision 966/2022 Full Court

It is lawful to admit, during the stages of classification or qualification, the attachment of documents that might certify a condition existing before the opening of the public session of the bidding, without this being against the principles of legal equality and equality between bidders.

Decision 969/2022 Full Court

In any electronic bidding procedure, it is irregular, as it characterizes excessive formalism, to limit the period for challenging the invitation to bid to the opening hours of the entity promoting the procedure, since this objection can be made remotely, over the Internet, does not require any officials of the entity available to receive it, and does not interfere in the start time for appreciating the objection, and thus there is no reason why it should not be accepted until 11:59 p.m. of the final date.

Decision 970/2022 Full Court

For the purposes of economic and financial qualification of bidders, the requirements of net working capital of at least 16.66% of the estimated contract value and the declaration that the company holds owners' equity greater than 1/12 of the contracts executed are adopted, as a rule, in any bidding for the performance of continuous services dedicating exclusive labor, and must be justified in the administrative process relative to the bidding when it comes to services of any other nature, demonstrating the peculiarities of the subject matter and, mainly, of the percentage adopted.

Decision 988/2022 Full Court

The risk of losses to the Government might, exceptionally, justify the validation of irregular acts that occurred in the bidding process and the continuity of the contract performance, due to the prevalence of public interest.

Decision 988/2022 Full Court

In the absence of a document relating to the qualification phase in any electronic procurement that consists of a mere declaration of the bidder on a pre-existing fact or a simple commitment signed by it, the auctioneer must grant it a reasonable period to remedy this failure, in respect of the principles of moderate formalism and reasonableness, as well as Art. 2, head provision, of Law No. 9784/1999.

Decision 992/2022 Full Court

Any companies contracting with the Government must offer prices consistent with those of the market, under penalty of being held liable for any overpricing found in the contract, since the legal and administrative regime related to public procurement, with the consequent obligation to follow the prices charged in the market (Art. 43, item IV, of Law No. 8666/1993), applies both to the Government and private parties collaborating with it.

Decision 992/2022 Full Court

The rain factor cannot be considered as a justification for payments above the reference values in road construction works, because the precipitation of ordinary rain does not significantly affect the costs of the enterprises, besides being counterbalanced by factors not considered by the Road Costs System (Sistema de Custos Rodoviários – Sicro) at the time of establishing the reference price, such as the bargaining factor, the economy of scale, the residual value underestimated in the calculation of equipment depreciation, outdated productivity, among others.

Decision 1,016/2022 Full Court

The absence of publication of the answers to the questions and challenges to the invitation to bid, in an objective manner, before the date of opening of the proposals, is contrary to Art. 31, of Law No. 13,303/2016 (the State-Owned Companies Law).

Decision 2,399/2022 Second Chamber

The pricing survey to prepare the estimated budget for any bidding promoted by a state-owned company should not be restricted, without due justification, to quotations from potential suppliers, and other sources must be used as a parameter, such as similar contracts made by other state-owned companies.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 1,246/2022 Full Court

In any bidding carried out by states and governed by Law No. 8666/1993, with the participation of funds from the Federal Government, it is irregular to include in the invitation to bid any rules that, although based on state legislation, contradict that law, such as the criterion of appreciation of the bids considering the biggest discount and reversal of the stages of qualification and appreciation of proposals, since it is against Art. 1, head provision and single paragraph, and Art. 118, of Law No. 8666/1993.

Decision 1,381/2022 Full Court

It is irregular to require that bidders be registered with specialized services in Engineering and Occupational Safety and that they have an Occupational Health Medical Control Program (Programa de Controle Médico de Saúde Ocupacional – PCMSO) and an Environmental Risk Protection Program (Programa de Proteção de Riscos Ambientais – PPRA), as it is not possible to include qualification requirements not provided for by law (Art. 30, §5, of Law No. 8666/1993).

Decision 1,397/2022 Full Court

In sole-source procurement processes, the concept of uniqueness cannot be confused with the idea of unicity, exclusivity, novelty or rarity. The fact that the subject matter can be performed by other professionals or companies does not prevent no-bid procurement based on Art. 25, item II, of Law No. 8666/1993. The sole-source procurement, based on this legal provision, stems from the impossibility of setting objective criteria for appreciation of the proposals.

Decision 3,266/2022 First Chamber

Reductions or deletions of quantities arising from any amendment to contracts shall be considered in isolation, i.e. the set of reductions and the set of additions shall always be calculated on the original value of the contract, applying to each of these sets, individually and without any kind of offsetting between them, the amendment limits as provided for in Art. 65, §1, of Law No. 8666/1993.

Decision 1,445/2022 Full Court

In the event that the certification of quality or the report required for the supply of the product is inconsistent with the sample submitted by the bidder, it is up to the auctioneer to take the steps necessary for the presentation of the correct document, instead of disqualifying the proposal, especially when there is a considerable price difference between this proposal and that of subsequent bidders. In this case, there is no change in the substance of the proposal, because the new report only attests to the pre-existing condition of the product offered, which was already intrinsic in the sample.

Decision 1,450/2022 Full Court

In order to prove the professional bond of the technical officer with the bidder (Art. 30, §1, item I, of Law No. 8666/1993), it is allowed to submit a copy of the social security card (CTPS), a copy of the bidder's articles of association showing this professional as a shareholder, a copy of the employment contract, or a declaration stating the future engagement of the professional holding the certificate submitted, provided it is accompanied by a declaration of the professional's consent.

Decision 1,467/2022 Full Court

It is illegal to require the presentation of an integrity program by the companies participating in the bidding, as a qualification criterion, since the list of documents contained in Arts. 27 to 31 of Law No. 8666/1993 is exhaustive.

Decision 1,142/2022 Full Court

To investigate overbilling in contracts for public construction works, it is acceptable to use amounts from invoices issued by suppliers of the contractors as market parameters (plus the BDI), when there are no prices recorded in the reference systems.

Decision 1,142/2022 Full Court

The application of the provisions of sub-item 9.2.1.1 of Decision 205/2018 – Full Court – according to which, for any contracts executed up to the publication of Decision 950/2007 – Full Court, no reimbursements for the inclusion of income tax on companies (IRPJ) and Social Contribution on Net Income (CSLL) in the price spreadsheets, as a specific item (direct cost) or in the BDI, should necessarily be charged from the contractor – is not automatic, meaning it should be investigated whether or not there is overbilling due to excessive price, by comparing the contracted price with the reference price, the latter being composed of the reference cost and the percentage of reference BDI.

Decision 1,142/2022 Full Court

Any administrative contract executed with a price higher than the market price cannot be considered a perfect legal transaction protected by the principle of legal certainty (Art. 24 of Decree-Law No. 4657/1942 – the Law of Introduction to the Brazilian Regulations – Lindb), once that individuals cannot benefit from a subjective right to overbilling.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 1,148/2022 Full Court

The exchange variation, in a floating exchange rate regime, cannot be considered sufficient to, per se, support the need for economic and financial rebalancing of the contract based on Art. 65, item II, letter d, of Law No. 8666/1993. In order for the exchange rate variation to justify the payment of any amounts to the contractor with a view to recovering the economic and financial balance, it must be unpredictable or result in incalculable consequences.

Decision 1,169/2022 Full Court

The adoption of the integrated procurement as set out in the Differentiated Public Procurement Regime (Regime Diferenciado de Contratações Públicas – RDC) is irregular without the effective demonstration of the technical and economic advantages coming from its use (Art. 9 of Law No. 12,462/2011), as compared to the other enforcement regimes provided for in the aforementioned law.

Decision 1,169/2022 Full Court

In any bidding based on technical requirements and price, the invitation to bid shall establish objective criteria to classify the score to be given to each item of the technical evaluation, as well as distribute the technical points in a manner proportional to the relevance of each item for the performance of the subject matter, in order to allow the objective appreciation of the proposals and avoid the establishment of any unreasonable scoring, limiting competitiveness.

Decision 1,484/2022 Full Court

Once overbilling resulting from overpricing is found in any bidding whose participants were gathered in collusion, presenting covering bids or refraining from presenting proposals in the procedure, the debt must be imposed only to the winning bidder (the contractor), while the other competitors can be punished for fraud to the bidding process, through of declarations of ineligibility (Art. 46 of Law No. 8443/1992) to participate in bidding processes in the Federal Government or in any bidding promoted by the states, the Federal District and municipalities with the use of federal funds.

Decision 1,484/2022 Full Court

In the case of any debt jointly and severally charged to consortium companies, the contracted consortium should not also be deemed as jointly and severally liable therefor, as it has no legal personality, not having its accounts appreciated or suffer penalties provided for by law.

Decision 1,511/2022 Full Court

Participation in any bidding and no-bid procurement of companies whose shareholders include any active duty military serving in the contracting military organization violates the principles of morality and impersonality, as well as Art. 9, item III, of Law No. 8666/1993.

Decision 1,574/2022 Full Court

The use of price references with the closest possible date to the contract base date is the most appropriate procedure to determine whether there was overbilling. The price adjustment for long periods is not suitable to verify the consistency of the values contracted with those practiced in the market at the time of the adjustment, since inflation adjustments for too long periods generate distortions, because they do not consider any other variables applicable on price variation.

Decision 1,576/2022 Full Court

For the procurement of engineering services and construction works, it is necessary to develop an appropriate and updated basic project, meaning the process approved with the elements described in Art. 6, item IX, of Law No. 8666/1993, and it is illegal to review it or develop an executive project transfiguring the originally contracted subject matter, such as the adoption of an engineering solution different from that submitted to bidding.

Decision 1,580/2022 Full Court

It is illegal to require the Certificate of Good Manufacturing and Control Practices (Certificado de Boas Práticas de Fabricação e Controle – CBPF) as a technical qualification criterion for participation in a bidding process, in view of the exhaustive nature of the list of requirements as set out in Art. 30, of Law No. 8666/1993.

Decision 3,298/2022 Second Chamber

For the purposes of technical-operational qualification in any bidding process aimed at contracting engineering services and construction works, certificates issued on behalf of the bidder must be required, being possible to request Specialized Engineering Certificates (Certidões of Acervo Técnico – CAT) or annotations/records of technical responsibility (ART/RRT) issued by the relevant professional supervisory council on behalf of the professionals linked to said certificates, as a way of conferring authenticity and veracity on the information contained in the documents issued on behalf of the bidders.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 1,626/2022 Full Court

Sinapi and Sicro represent priority sources for the budgeting of engineering services and construction works in bidding processes that provide for the use of funds from the Federal Government's budget, and the unfeasibility of the use thereof must be demonstrated so that any other official cost systems can be adopted as a reference (Arts. 3, 4 and 6, of Decree No. 7983/2013).

Decision 1,701/2022 Full Court

Willful misconduct is a subjective element indispensable to the characterization of fraud to the bidding process, being an essential requirement for the application of the ineligibility penalty as provided for in Art. 46, of Law No. 8443/1992.

Decision 1,757/2022 Full Court

It is irregular to require that the contractor install an administrative office, or any other type of physical structure, at a specific location without demonstrating that this measure is indispensable to the proper performance of the subject matter of the bidding, as this potentially restricts the competitive nature of the bidding, affects the cost-effectiveness of the contract and violates the principle of legal equality (Art. 3, head provision and §1, item I, of Law No. 8666/1993, and Arts. 5 and 9, item I, letters a, b and c, of Law No. 14,133/2021).

Decision 1,842/2022 Full Court

The TCU has the power to grant a period for the public authority or entity to take the necessary measures (Art. 71, item IX, of the Federal Constitution), whether in or out of court, aiming at the non-payment or refund of any illegitimate profit obtained by a company contracted through fraud to the bidding process, in order to seek restoration of the previous status quo, based on the retroactive effects of contractual nullity (Art. 59, of Law No. 8666/1993, and Arts. 148 and 149, of Law No. 14,133/2021), on the prohibition of unjust enrichment (Art. 884 of the Civil Code) and on the principle that no one may claim one's own dishonesty for one's own benefit.

Decision 4,506/2022 First Chamber

The option of prohibiting the participation of consortia in any bidding carried out by a state-owned company, although not expressly provided for in Law No. 13,303/2016 (State-Owned Companies Law), is part of the manager's sphere of discretion, based on the principles of motivation and competitiveness. However, it demands the presentation of technical and economic justifications that support it.

Decision 4,506/2022 First Chamber

The technical and economic feasibility of subcontracting a certain portion of the subject matter does not mean the obligation to adopt the payment in installments for the bidding, because there are cases in which the execution of a single contract proves to be the most appropriate option to meet the public interest and the Government's needs, even if part of the services, with an ancillary nature, may be carried out by a subcontractor, a circumstance which must be duly justified in the procurement process.

Decision 1,890/2022 Full Court

The declaration of ineligibility imposed by the TCU on a particular company (Art. 46 of Law No. 8443/1992) may be extended to any other company owned by the same shareholders when there is evidence that it was incorporated for the purpose of circumventing the sanction, even if the incorporation of the second company occurred before the imposition of the penalty on the first.

Decision 1,951/2022 Full Court

It is not allowed to transfer the technical expertise of an individual to the legal entity, for the purpose of proving technical qualification in bidding processes, because the technical-operational skills (Art. 30, item II of Law No. 8666/1993) should not be confused with technical-professional skills (Art. 30, §1, item I, of Law No. 8666/1993), since the first considers typical aspects of the legal entity, such as facilities, equipment and staff, while the second relates to the professional who works in the company.

Decision 4,834/2022 First Chamber

The authority that ratifies the electric procurement must, under penalty of being held responsible, verify the existence of grounds in the auctioneer's statement for not granting an appeal brought out by a bidder, especially if there was any challenge thereto, in compliance with the principle of motivation (Art. 2 of Law No. 9784/1999).

Decision 2,001/2022 Full Court

The successive extension of authorizations for radio frequency grants, as permitted by Law No. 13,879/2019 upon amending Art. 167, head provision, of Law No. 9472/1997 (the General Telecommunications Law), may be applied to the authorization agreements in force at the time of this amendment.

Decision 2,001/2022 Full Court

The extension of radio frequency grant authorizations, pursuant to Art. 167 of Law No. 9472/1997 (the General Telecommunications Law), with the wording provided by Law No. 13,879/2019, is only possible, exceptionally, as long as the following minimum technical criteria are properly evaluated: a) compliance with obligations already undertaken by the concessionaire (Art. 167, head provision, Law No. 9472/1997, and Art. 12, item II, of Decree No. 10,402/2020); b) competitive aspects related not only to the context of the authorized party, but also to the macro scenario of competition in the relevant industry, considering the losses resulting from the impossibility of new players to explore the frequency range evaluated (Art. 12, item III, of Decree No. 10,402/2020); c) the rational, adequate and efficient use of the radio frequency (Art. 167, §2, of Law No. 9472/1997, and Art. 12, item IV, of Decree No. 10,402/2020); d) meeting of the public interest by reviewing agreed goals and providing for new investment commitments (Art. 167, §3, of Law No. 9472/1997, and Art. 12, item V, of Decree No. 10,402/2020).

Decision 2,010/2022 Full Court

Requiring technical certificates issued exclusively for services performed in Brazil, without due reasoning, is against the competitive nature of the bidding.

Decision 4,958/2022 First Chamber

When the use of electronic procurement is applicable, the use of onsite procurement is irregular unless there is evidence of the technical unfeasibility of the use of the electronic format (Art. 1, §4, of Decree No. 10,024/2019).

Decision 2,036/2022 Full Court

It is irregular to require in the invitation to bid, for the qualification of bidders, the presentation of original documents, certified copies or copies accompanied by the originals. In case of any doubt as to the veracity of the information submitted, the authority conducting the bidding must take the necessary steps to clarify or supplement the documents supporting the case.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 2,042/2022 Full Court

In the case of any damage to the government treasury caused by consortium companies, the contracted consortium must appear as jointly and severally liable for the debt and have its accounts appreciated, but the fine proportional to the debt must be imposed individually to each of the companies, as the consortium has no legal personality.

Decision 2,046/2022 Full Court

The Road Costs System (Sistema de Custos Rodoviários – Sicro) is an appropriate price reference for railway infrastructure services, both for direct and indirect costs, given the similarity of the enterprises.

Decision 5,472/2022 Second Chamber

Fully subcontracting the subject matter, where there is the mere placement of a third party between the contracting public authority and the company effectively performing it (the subcontractor), is an irregularity that gives rise to a debt, which corresponds to the difference between the payments received by the contracted company and the amounts paid by it for full subcontracting thereof.

Decision 2,090/2022 Full Court

It is not for the TCU to decide on the most appropriate interpretation to be given to the specific legislation of the regulated industry, but rather to the relevant regulatory agency, provided that it is within the limits of the wording thereof, reasonableness, motivation and of its legal powers.

Decision 2,099/2022 Full Court

The prohibition provided for in Art. 9, item III, of Law No. 8666/1993 does not cover the engagement of any company that has, as a shareholder, a civil servant of the contracting authority without the ability to influence the result of the bidding and without attributions related to the management or inspection of the contract.

Decision 2,142/2022 Full Court

It is possible to use the General Record for Employees and Unemployed (Cadastro Geral de Empregados e Desempregados – Caged) as a reference for labor costs in any public construction work contract, once the record is nationwide, separated by states and municipalities, and captures the salaries for admission and dismissal, as well as the increases resulting from the promotion of the employee.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 2,146/2022 Full Court

The failure to open any administrative proceedings with a view to imposing a penalty to the bidder that fails to deliver the qualification documentation required under the invitation to bid is contrary to Art. 7 of Law No. 10,520/2002, and Art. 49, item II, of Decree No. 10,024/2019.

Decision 2,146/2022 Full Court

Holding the auctioneers responsible for the preparation of the invitation to bid in addition to the tasks under their strict duty is against the principle of segregation of roles and is not supported by Art. 3, item IV, of Law No. 10,520/2002, or Art. 17 of Decree No. 10,024/2019.

Decision 2,163/2022 Full Court

There is no legal basis to extend, after May 22, 2022, the no-bid procurement carried out pursuant to Art. 12, head provision and §1, of Law No. 14,124/2021, even if the subject matter thereof is the performance of continuous services, since, on that date, the Public Health Emergency of National Importance (Emergência em Saúde Pública de Importância Nacional – ESPIN) ended, and thus the reasons that justified the no-bid procurement no longer persisted, and the Government, deeming it necessary to continue these services, must start the relevant bidding process.

Decision 2,166/2022 Full Court

The declaration of ineligibility (Art. 46 of Law No. 8443/1992) is applicable to the company that, although not assuming the condition of a bidder or not being contracted, participates in the bidding process in order to defraud it, for example, by offering a proposal to subsidize any defective pricing survey.

Decision 2,176/2022 Full Court

The Price Registration System, provided for in Law No. 13,303/2016 (the State-Owned Companies Law), can be applied to simple engineering services and construction works, standardized and replicable, which do not require any specific studies or the elaboration of individualized basic projects for each contract.

Decision 2,189/2022 Full Court

Measures must be taken so that the electric procurement winning bidder can prove the feasibility of items with prices considerably lower than those estimated by the state-owned company (Art. 56, head provision, item V and §2, of Law No. 13,303/2016), even if the overall price offered is above the legal level established as the objective parameter for the classification of the proposal as unfeasible (Art. 56, §3, of Law No. 13,303/2016).

Decision 2,191/2022 Full Court

The existence of a relationship of kinship or ties of affinity between shareholders of different companies, or with shareholders in common, does not per se allow the characterization of the participation of these companies in the same bidding process as fraud. The demonstration of fraud against the bidding requires the evidence of the causal link between the conduct of these companies and the frustration of the principles and purposes of the bidding process.

Decision 7,289/2022 First Chamber

It is the duty of the person responsible for conducting the bidding within the Government, as from the objection to the invitation to bid pointing out the existence of any clauses restricting the competitiveness of the bidding process, to revise these clauses thoroughly, even if the objection is not heard. The public agent has the duty to adopt measures on their own initiative with a view to correcting any illegalities they become aware of.

Decision 2,326/2022 Full Court

It is irregular for the auctioneer to conduct the negotiation stage (Art. 38 of Decree No. 10,024/2019) having as reference only the amounts budgeted by the authority promoting the bidding, without first seeking to compare the prices offered by the winning bidder to the lower prices brought by any company disqualified in the bidding process only due to the failure to submit a technical document required under the invitation to bid.

03

Relevant decisions of the Federal Accounting Court (TCU)

Decision 7,514/2022 First Chamber

Requiring that the products offered by the bidders be exclusively manufactured in the country is against Art. 3, §1, item I, of Law No. 8666/1993.

Decision 6,737/2022 Second Chamber

The situation of “writing-off” the company from the National Corporate Taxpayer’s Registry (CNPJ) System of the Federal Revenue Service does not necessarily indicate the end of the legal personality, which occurs only after the liquidation of the company and the cancellation of its registration with the relevant authority (Art. 51 of the Civil Code). In the absence of evidence of its liquidation, the legal entity may be held liable by the TCU.

Decision 2,460/2022 Full Court

It is irregular to disqualify any bidder merely because its proposal contains a BDI rate above the percentage provided for in the invitation to bid, since the increase of the BDI might be compensated by the undervaluation of direct costs, covering the final price offered to the market.

Decision 2,518/2022 Full Court

It is irregular to make, without prior justification and without the necessary guarantees, any advance payment, as it is contrary to Art. 62 of Law No. 4320/1964.

Decision 2,531/2022 Full Court

In the integrated contracting regime provided for under Law No. 12,462/2011 (RDC), it is necessary to present the details of the BDI breakdown only at the time of the presentation of the basic project and/or executive project, and not at the time of the presentation of the price proposal.

04

Decisions of the Superior Court of Justice (STJ)

AREsp 1,674,697-RJ

The provisional expert evaluation as a condition to take possession of real estate in any lawsuit governed by Decree-Law No. 3365/1941 is applicable (expropriation and institution of administrative easement) whenever the requirements set out in Art. 15, §1, of the aforementioned Decree-Law are not met (deposit of the amounts for provisionally taking possession of the real estate).

REsp 1,677,414-SP

Utility companies with concessions may charge for the use of rights-of-way on highways, even against any other utility company with a concession, as long as this is provided for in the invitation to bid and in the contract. Right-of-way. Utility company with a concession. Collection by the federated state. Not applicable. RE 581,947. Distinguishing. Art. 11 of Law No. 8987/1995. Conflict between concessionaires. Demand for consideration. Possibility. ERESP 985.695/RJ.

AREsp 1,510,988-SP

Utility companies with concessions may charge for the use of the rights-of-way by any other utility company with a concession that operates a different utility, as long as this is provided for in the concession contract. Public service concessionaire. Domain range. Charging for the use of the right-of-way by another utility company with a concession that operates a different utility. Possibility. Provision under the concession agreement. Indispensability.

MS 28,123-DF

It is not illegal to set the maximum limit of Unit Variable Cost (Custo Variável Unitário – CVU), as a requirement for technical qualification in any auction to be carried out by the National Agency of Electric Energy (Agência Nacional de Energia Elétrica – ANEEL), for contracting electrical power and associated energy.

REsp 1,830,327-SC

In case of any appeal against the first instance administrative decision that confirms the penalty of fine imposed by the National Agency of Petroleum, Natural Gas and Biofuels (Agência Nacional do Petróleo, Gás Natural e Biocombustíveis - ANP), the interest and fine for late payment will be levied from the end of the thirty-day period for payment of the debt, as of the final and unappealable administrative decision, pursuant to Law No. 9847/1999. Administrative fine imposed by ANP. Beginning of the term for interest and fine for late payment. Art. 4, §1, Law No. 9847/1999.

04

Decisions of the Superior Court of Justice (STJ)

AREsp 1,941,907-RJ

The claim to enforce obligations to do as provided for in the Consent Decree (Termo de Ajustamento de Conduta – TAC) signed with a view to remedying the environmental damage arising from a real estate development, when related to issues purely related to property, not aiming at the restoration of environmental goods, is subject to the five-year statute of limitation.

AgInt na SLS 2,779-RJ

The decrease in the tax revenue of a contracting municipality due to the reduction in the price of the barrel of oil in the international market is not sufficient reason to reduce the consideration due to the utility company with a concession if this consideration is not contractually linked to the variation in the price of oil. Suspension of the injunction relief. Public-Private Partnership (PPP). Reduction of the price of the barrel of oil in the international market. Increase in tax revenue. Characterization of damage to the economic and public order. Continued service. Economic and financial instability evidenced.

AgInt no AREsp 1,761,417-RS

In cases where there is no legality control by any Accounting Court, the five-year peremption period provided for in Art. 54, of Law No. 9784/1999, starts with the issuance of the act by the Government.

REsp 1,997,590-PE

The side non aedificandi area on a railroad, provided for in Law No. 6766/1979, begins at the end of the right-of-way.

REsp 1,635,716-DF

The five-year statute of limitation set forth under Decree No. 20,910/1932 applies to state-owned companies providing essential public services, not dedicated to the exploitation of economic activity for profitable purposes and competitive nature.

REsp 1,569,468-SC

The concessionaire is not responsible for the installation of safety equipment on the railway section operated by it.

ADI 1,846/SC

Any state law that prevents the Executive Branch and state-owned companies, as well as government-controlled companies, from signing contracts or any other similar legal instruments that enable the transfer of technical, administrative or shared management control is unconstitutional.

ADI 2,946/DF

It is constitutional to transfer the concession and the controlling interest in utility companies with a concession, upon consent of the granting authority (Law No. 8987/1995, Art. 27).

ADI 5,371/DF

The administrative sanctioning proceedings initiated by regulatory agencies any utility companies with a concession must comply with the principle of publicity throughout their processing, except for any acts that fall within the cases of secrecy provided for by law and the Constitution.

ADI 3,454/DF

The administrative requisition “to meet collective, urgent and transitory needs, arising from any situations of imminent danger, public calamity or outbreak of epidemics” — as provided for in Law No. 8080/1990 (the Organic Law of the Unified Health System) — does not fall on goods and/or public utilities of any other federated state.

ADI 5,271/MA

State standards that establish financial obligations resulting from a court decision rendered after the privatization of a government-controlled utility company by the respective state is constitutional.

05

Decisions of the Federal Supreme Court (STF)

ADI 5,675/MG

The state law legitimizing occupations in the urban soil of a Permanent Preservation Area (Área de Preservação Permanente – APP) outside the situations provided for under the general standards issued by the Federal Government is unconstitutional.

ADI 2,142/CE

“It is unconstitutional to interpret Art. 264 of the Constitution of the State of Ceará in a way that gives rise to the suppression of the Municipalities’ power to regulate and carry out environmental licensing for activities and enterprises of local impact.” Based on the rules of division of powers, the understanding of this Court was established in the sense that the municipality holds the power to legislate on the environment with the Federal Government and the state, within the limit of its local interest, and provided that such regulation is harmonious with the rules established by the other federated states (1988 Federal Constitution, Art. 24, VI, with Art. 30, I and II).

ARE 1,370,232

Law No. 13,756/2004, of the Municipality of São Paulo, is unconstitutional since it invades the reserved power of the Federal Government to legislate on telecommunications and radio broadcasting (Article 22, IV, of the Federal Constitution). Upon analyzing the controversy, the STF, on a virtual Full Court judgment, kept its understanding that the initiative to legislate on telecommunications and radio broadcasting is reserved to the Federal Government (Article 22, item IV, of the Federal Constitution).

06 | Main 2022 projects

7th Round of Airport Concessions – North II, RJ-SP and SP-MS-PA-MG General Aviation (15 airports) Blocks.

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Concession of 3 Public Fishing Terminals (Belém, Manaus and Vitória).

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Mining Rights of CPRM – GO – Copper from Bom de Jardim de Goiás.

[Read more](#)

New Energy Auction – LEN A-4/2022.

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New Energy Auction – LEN A-5/2022.

[Read more](#)

Capacity Reserve Auction – Energy, 2022.

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PAR32 – Lease of terminal in the Port of Paranaguá/PR.

[Read more](#)

Irecê/BA Sandbank Irrigation Perimeter: Concession of the Real Estate Right to Use Steps 3 to 9 for Implementation of Irrigated Agriculture Enterprise.

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Oil and Natural Gas – Areas in Permanent Offer for exploration and production – Sharing regime - 1st Cycle.

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Oil and Natural Gas – Areas in Permanent Offer for exploration and production promoted by ANP - 3rd cycle.

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06 | Main 2022 projects

Prison – Pilot Project (Rio Grande do Sul).

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SUA07 – Lease of terminal for solid bulk (sugar) in the Port of Suape/PE.

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Public Lighting – Cachoeiro de Itapemirim/ES.

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Public Lighting – Toledo/PR.

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Solid Waste – CONVALE Consortium.

[Read more](#)

Basic Sanitation – São Simão/GO.

[Read more](#)

Oil and Gas – 17th Bidding Round for Blocks under the Concession Regime.

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Public Lighting – Campinas/SP.

[Read more](#)

Conab Real Estate Properties and Warehouses.

[Read more](#)

STS11 – Lease of terminal for solid bulk in the Port of Santos/SP.

[Read more](#)

Sanitation – Crato/CE.

[Read more](#)

Eletrobras – Centrais Elétricas Brasileiras S.A. (Law No. 14.182/21).

[Read more](#)

2nd Transmission Facilities Concession Auction 2021 (5 lots).

[Read more](#)

Highway – BR-116/493 RJ/MG (Old CRT) – Rio de Janeiro to Governador Valadares.

[Read more](#)

CBTU-MG.

[Read more](#)

07

Projects planned for 2022, but that did not occur

- ITG03 – Lease of terminal for storage of solid mineral bulk in the Port of Itaguaí/ RJ.
- Public Lighting – Barreiras/BA.
- Public Lighting - Camaçari/BA.
- Public Lighting - Corumbá/MS.
- Public Lighting - Crato/CE.
- Railway EF-170 – MT/PA – Ferrogrão.
- Integrated Highways of Paraná – Lot 1.
- Integrated Highways of Paraná - Lot 2.
- MAC11 – Lease of terminal in the Port of Maceió/AL.
- MAC12 – Lease of terminal in the Port of Maceió/AL.
- Solid Waste – COMARES Consortium.
- Solid Waste – Teresina/PI.
- Centrais de Abastecimento de Minas Gerais S/A (Ceasaminas).
- Concession of highways BR-381/MG – between Belo Horizonte and Gov. Valadares.
- Concession of 4 Public Fishing Terminals (Aracaju, Cananéia, Natal and Santos).
- Concession of the Organized Port of Itajaí/ SC.
- Concession of the Organized Port of São Sebastião/SP.
- MUC59 – Lease of terminal for handling and storage of liquid bulk in the Port of Mucuripe/CE.
- PAR50 – Lease of terminal in the Port of Paranaguá/PR.
- POA01 – Lease of terminal for handling and storage of vegetables in solid bulk in the port of Porto Alegre/RS.
- Prison – Pilot Project (Santa Catarina).
- Hydro-Agricultural Projects and Irrigation Perimeters - Jequitai Valley Hydro-Agricultural Project.

07

Projects planned for 2022, but that did not occur

- RDJ06 – Lease of Terminal for Handling and Storage of liquid bulk in the Port of Rio de Janeiro/RJ.
- Rebidding of São Gonçalo do Amarante airport/RN (ASGA) in Natal/RN.
- RIG 71 – Lease of terminal for handling and storage of vegetables in solid bulk in the Organized Port of Rio Grande/RS.
- STS08 – Lease of terminal in the Port of Santos/SP.
- BR-040/495/MG/RJ (Concer) – Juiz de Fora to Rio de Janeiro.
- Highway BR 364/RO/MT – Porto Velho/RO to Comodoro/MT.
- Empresa de Trens Urbanos de Porto Alegre S.A. (Trensurb).
- PPP for Communications Network Management – Air Force Command (Comando da Aeronáutica – COMAER).
- Maracanã Concession.
- 2nd Electricity transmission facilities concession auction 2022 – 6 lots.
- Denationalization of the Organized Port of Santos/SP.
- Mining rights of CPRM – Diamond from Santo Inácio/BA.
- Mining rights of CPRM – Kaolin from the Capim River/PA.
- Mining Rights of CPRM – Phosphate from Miriri/PE.
- EF-277 – Paraná West Railway – Ferroeste.
- Mining – Mining Rights of CPRM – Limestone from Aveiro/PA.
- Mining – Mining Rights of CPRM – Gypsum from the Cupari River/PA.
- Mining – Mining Rights of CPRM – Gold from Natividade.

08

Negotiation for extension of concession 2022

MRS Logística S.A. – Early extension of the concession contract.

[Read more](#)

09

Projects in the PPI for 2023

8th Round of Airport Concessions – Santos Dumont and Galeão/RJ.

Invitation to Bid estimated for: Q3 2023

Auction estimated for: Q4 2023

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BR-040/GO/MG – Concession.

Invitation to Bid estimated for: Q2 2023

Auction estimated for: Q3 2023

[Read more](#)

BR-060/153/040/DF/GO (rebidding).

Invitation to Bid estimated for: 2nd half of 2023

Auction estimated for: 3rd half of 2023

[Read more](#)

BR-101/RJ – Rebidding for Fluminense Highway.

Invitation to Bid estimated for: Q3 2023

Auction estimated for: Q4 2023

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BR-262/MG – Rebidding.

Invitation to Bid estimated for: Q3 2023

Auction estimated for: Q4 2023

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Channel for Waterway Access to the Ports of Paranaguá and Antonina/PR.

Invitation to Bid estimated for: Q2 2023

Auction estimated for: Q2 2023

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09

Projects in the PPI for 2023

Studies for the concession studies of 7,213 km of highways – Highways in Rio Grande do Sul.

Invitation to Bid estimated for: Q3 2023

Auction estimated for: Q4 2023

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Studies for the Concession of Highways BR-158/155/MT/PA.

Invitation to Bid estimated for: Q3 2023

Auction estimated for: Q1 2024

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Studies for the concession of 1,600 km of highways.

Invitation to Bid estimated for: Q4 2023

Auction estimated for: Q1 2024

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Studies for concession of 7,213 km of highways – Highways in the Midwest and North.

Invitation to Bid estimated for: 2nd half of 2023

Bidding estimated for: 2nd half of 2023

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Studies for the concession of 7,213 km of highways – Highways in the Northeast.

Invitation to Bid estimated for: 4th half of 2023

Bidding estimated for: 1st half of 2024

[Read more](#)

Hospital Infantojuvenil de Guarulhos (HIG).

Invitation to Bid estimated for: 1st half of 2023

Bidding estimated for: 2nd half of 2023

[Read more](#)

PAR03 – Solid mineral bulk Port of Paranaguá/PR.

Invitation to Bid estimated for: 2nd half of 2023

Bidding estimated for: 3rd half of 2023

[Read more](#)

Hydro-Agricultural Projects and Irrigation Perimeters.

Invitation to Bid estimated for: 2nd half of 2023

Bidding estimated for: 3rd half of 2023

[Read more](#)

Rebidding for Viracopos airport, Campinas/SP.

Invitation to Bid estimated for: Q4 2022

Auction estimated for: Q1 2023

[Read more](#)

Rebidding for the West Road Network Concession Agreement.

Invitation to Bid estimated for: Q3 2023

Auction estimated for: Q4 2023

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09

Projects in the PPI for 2023

Highway BR 040/RJ/MG – Rio de Janeiro to Belo Horizonte.

Invitation to Bid estimated for: Q4 2022

Auction estimated for: Q1 2023

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Integrated Highways of Paraná – Lot 3.

Invitation to Bid estimated for: Q4 2022

Auction estimated for: Q1 2023

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Integrated Highways of Paraná – Lot 4.

Invitation to Bid estimated for: Q4 2022

Auction estimated for: Q1 2023

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Integrated Highways of Paraná – Lot 5.

Invitation to Bid estimated for: Q4 2022

Auction estimated for: Q1 2023

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Integrated Highways of Paraná – Lot 6.

Invitation to Bid estimated for: Q4 2022

Auction estimated for: Q1 2023

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MUC03 – Lease of the Solid Bulk Terminal in the Port of Mucuripe/CE.

Invitation to Bid estimated for: Q4 2023

Auction estimated for: Q4 2023

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Bulk Terminal of São Francisco do Sul (TGSFS) – Lease of terminal for handling and storage of vegetables in solid bulk in the Organized Port of São Francisco do Sul/SC.

Invitation to Bid estimated for: Q2 2023

Auction estimated for: Q3 2023

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Public Lighting – Consórcio de Desenvolvimento Sustentável do Alto Sertão.

Invitation to Bid estimated for: Q2 2022

Auction estimated for: Q1 2023

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Public Lighting – Foz do Iguaçu/PR.

Invitation to Bid estimated for: Q2 2022

Auction estimated for: Q1 2023

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Public Lighting – Olinda/PE.

Invitation to Bid estimated for: 2nd half of 2022

Auction estimated for: 1st half of 2023

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Public Lighting – Ponta Grossa/PR.

Invitation to Bid estimated for: 2nd half of 2022

Auction estimated for: 1st half of 2023

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09

Projects in the PPI for 2023

Public Lighting – Ribeirão Preto/SP.

Invitation to Bid estimated for: 2nd half of 2022

Auction estimated for: 1st half of 2023

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Public Lighting – Teixeira de Freitas/BA.

Invitation to Bid estimated for: 1st half of 2023

Auction estimated for: 2nd half of 2023

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Public Lighting – Timon/MA.

Invitation to Bid estimated for: 2nd half of 2022

Auction estimated for: 1st half of 2023

[Read more](#)

Public Lighting – Alagoinhas/BA.

Invitation to Bid estimated for: 1st half of 2023

Auction estimated for: 1st half of 2023

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Solid waste – Consórcio Cias Centro Oeste.

Invitation to Bid estimated for: 1st half of 2023

Bidding estimated for: 1st half of 2023

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Solid Waste – Consórcio Mogiana.

Invitation to Bid estimated for: 1st half of 2023

Bidding estimated for: 1st half of 2023

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Solid Waste – Consórcio Oeste paulista.

Invitation to Bid estimated for: 1st half of 2023

Bidding estimated for: 2nd half of 2023

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BR-153/262/GO/MG – Rebidding.

Invitation to Bid estimated for: Q3 2023

Bidding estimated for: Q4 2023

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BR-135/316/MA.

Invitation to Bid estimated for: Q3 2023

Bidding estimated for: Q1 2024

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BR-163/267/MS – Rebidding.

Invitation to Bid estimated for: Q3 2023

Bidding estimated for: Q4 2024

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Sanitation and Water Supply – São Gonçalo do Amarante/RN

Invitation to Bid estimated for: Q1 2023

Bidding estimated for: Q1 2023

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09

Projects in the PPI for 2023

Sanitation – Volta Redonda/RJ.

Invitation to Bid estimated for: Q1 2023

Bidding estimated for: Q1 2023

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Public Lighting – Ariquemes/RO.

Invitation to Bid estimated for: Q1 2023

Bidding estimated for: Q1 2023

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Public Lighting – Colatina/ES.

Invitation to Bid estimated for: 2nd half of 2022

Bidding estimated for: 1st half of 2023

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Public Lighting – Nova Iguaçu/RJ.

Invitation to Bid estimated for: 1st half of 2023

Bidding estimated for: 1st half of 2023

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Public Lighting – Valparaíso de Goiás/GO.

Invitation to Bid estimated for: 2nd half of 2022

Bidding estimated for: 1st half of 2023

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SSD04 – Lease of container terminal and general cargo in the Port of Salvador/BA.

Invitation to Bid estimated for: Q4 2023

Bidding estimated for: Q4 2023

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STS10 – Lease of terminal for handling and storage of containerized cargo in the Port of Santos/SP.

Invitation to Bid estimated for: Q4 2022

Bidding estimated for: Q2 2023

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STS53 – Lease of terminal for storage of mineral bulk in the Port of Santos/SP.

Invitation to Bid estimated for: Q1 2023

Bidding estimated for: Q2 2023

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VDC10A – Lease of terminal for liquid bulk in the Port of Vila do Conde/PA.

Invitation to Bid estimated for: Q4 2022

Bidding estimated for: Q1 2023

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09

Projects in the PPI for 2023

ILH01 – Lease of multiple use terminal in the Port of Ilhéus/BA (vegetables in bulk, mineral solid materials, cargo and passengers).

Invitation to Bid estimated for: Q3 2023

Bidding estimated for: Q4 2023

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IQI14 - Terminal of combustible liquid bulk in the Port of Itaqui/MA.

Invitation to Bid estimated for: Q4 2023

Bidding estimated for: Q4 2023

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PAR09 – Lease of terminal for handling and storage of vegetables in bulk in the Port of Paranaguá/PR.

Invitation to Bid estimated for: Q4 2022

Bidding estimated for: Q1 2023

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PAR14 – Lease of terminal for handling and storage of vegetables in bulk in the Port of Paranaguá/PR.

Invitation to Bid estimated for: Q2 2023

Bidding estimated for: Q3 2023

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PAR15 – Lease of terminal for handling and storage of vegetables in bulk in the Port of Paranaguá/PR.

Invitation to Bid estimated for: Q2 2023

Bidding estimated for: Q3 2023

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PPP Regional Airports – Amazonas Block.

Invitation to Bid estimated for: Q3 2023

Bidding estimated for: Q4 2023

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RDJ06A – Lease of terminal for handling and storage of liquid bulk in the Port of Rio de Janeiro/RJ.

Invitation to Bid estimated for: Q4 2023

Bidding estimated for: Q4 2023

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10

Negotiations for extension of concession 2023

Ferrovia Centro-Atlântica S.A. (FCA) – Early extension of the concession contract.

Amendment estimated for: Q3 2023

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Early extension of the concession contract for Rumo Malha Sul.

Amendment estimated for: Q4 2023

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11

Possible privatizations

Denationalization of the Organized Port of São Sebastião/SP – Centro, São Sebastião, São Paulo.

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DATAPREV – Empresa de Tecnologia e Informações da Previdência.

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Ceasaminas.

[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](#)

Nuclebrás Equipamentos Pesados SA (NUCLEP).

[Read more](#)

Federal Data Processing Service (Serviço Federal de Processamento de Dados – SERPRO).

[Read more](#)

Denationalization of Companhia Docas da Bahia (CODEBA) and of the Organized Ports of Salvador, Aratu-Candeias and Ilhéus.

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Telebras - Telecomunicações Brasileiras S.A.

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12 | Main state projects for 2023

São Paulo:

- **FUNDURB updates investment from 2023 to R\$ 790.5 million** - The City Hall of São Paulo, through the Municipal Secretariat of Urbanism and Licensing (Secretaria Municipal de Urbanismo e Licenciamento – SMUL), published in the Official Gazette, on Saturday, September 17, 2022, a Resolution that updates the investments of the Annual Investment Plan of the Urban Development Fund (Fundo de Desenvolvimento Urbano – FUNDURB) for the year 2023. Funds of up to R\$ 790.5 million are estimated for the city, of which R\$ 307.5 million is aimed at housing.

Rio de Janeiro:

- **Public Competition 052/2022** - Construction work of the Jackson Uchoa Vianna Convention Center – Parque Guararapes neighborhood – Miguel Pereira/RJ.
- **Public Competition 051/2022** - Construction of a social interest housing complex with 64 housing units, Reta neighborhood, Comendador Levy Gasparian, in the scope of the program “Casa da Gente”.

- **Public Competition 050/2022** - Works for building a social interest housing complex with 440 housing units at Av. Itaóca N° 2.226, Bonsucesso (Complexo do Alemão), Rio de Janeiro.
- **Public Competition 049/2022** - Works for building a social interest housing complex with 500 housing units on Fazenda Ermitage II, neighborhood: Ermitage, municipality of Teresópolis/RJ.

Bahia:

- **Recovery of the Paramirim aerodrome/BA.**
- **Recovery of the pavement of the aircraft handling areas at Castro Alves aerodrome/BA.**
- **Construction, supply and installation of the Floating Pier for Vessels of Camamu Waterway Terminal.**
- **Engagement of a specialized company to perform urbanization and civil works for the New Bus Terminal of Itororó / BA.**

12 | Main state projects for 2023

Ceará:

- Bidding based on technical and price aspects for the engagement of a company to perform specialized services for the preparation of studies and projects under the responsibility of Seinfra.
- Bidding based on the Lowest Price type for the acquisition of three (3) VLTs (Light Rail Vehicles) - Running on diesel, and their relevant projects, for use in rail systems of urban passenger transport, including warranty, technical assistance and supply of spare parts and special tools.

Rio Grande do Sul:

- Privatization of the following companies: Companhia Estadual de Distribuição de Energia Elétrica (CEEE-D); Companhia Estadual de Geração e Transmissão de Energia Elétrica (CEEE-GT); Companhia de Gás do Estado do Rio Grande do Sul (SULGÁS); and Companhia Riograndense de Mineração (CRM).

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