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QUALITY ANALYSIS OF BIDDING PROCESSES AT THE FEDERAL INSTITUTE OF MINAS GERAIS – CAMPUS SÃO JOÃO EVANGELISTA

Abstract

There is a notable concern for improvements to eliminate possible errors that may result in damage at all stages of the bidding process. In this way, this article seeks to identify the processes of the administrative sector of the Federal Institute of Education, Science and Technology of Minas Gerais – Campus São João Evangelista and the need for solutions to

maintain a quality standard and correct any losses. Therefore, an analysis was carried out on internal documents, in light of the new bidding law 14,133/21, which is still in the implementation process. Thus, the objective of this article is to analyze bidding processes, identifying quality standards, presenting concepts that cover the public procurement environment, highlighting the importance of how it is necessary to maintain a quality standard within each of its processes, from the preparation from planning to its execution. For this analysis, we will work with the case study methodology within IFMG-SJE, narrative and documentary analysis and observation of the sector's activities, monitoring of processes and analysis of documents provided by the administration were adopted. This study is justified in presenting a solution to avoid failures in the bidding exemption process.

Keywords: Case study; bidding; quality.

ANÁLISE DA QUALIDADE DOS PROCESSOS DE LICITAÇÃO DO INSTITUTO FEDERAL DE MINAS GERAIS – CAMPUS SÃO JOÃO EVANGELISTA

Resumo

É notório a preocupação em melhorias para eliminar possíveis falhas decorrentes que gerem danos em todas as etapas do processo licitatório. Desta forma, este artigo busca identificar os processos do setor administrativo do Instituto Federal de Educação, Ciência e Tecnologia de Minas Gerais – Campus São João Evangelista a necessidade de soluções para o mesmo manter um padrão de qualidade e corrigindo eventuais perdas. Sendo assim, foi realizado uma análise em documentos internos, visando a luz da nova lei de licitações 14.133/21 que ainda está em processo de implementação. Assim, o objetivo desse artigo é analisar os processos de licitação identificando padrões de qualidade, apresentando conceitos que abrange o entorno das compras públicas, ressaltar a importância de como é necessário manter um padrão de qualidade dentro de cada um de seus processos, desde a elaboração do planejamento a sua execução. Para essa análise, trabalharemos com a metodologia de estudo de caso dentro do IFMG-SJE, foi adotado análise narrativa, documental e observação das atividades do setor, o acompanhamento dos processos e a análise de documentos fornecidos pela administração. Este estudo, justifica-se em apresentar uma solução para evitar falhas no processo de dispensa de licitação.

Palavras-chave: Estudo de caso; licitação; qualidade.

Introduction

The administrative sector of IFMG - São João Evangelista Campus is composed of various departments, such as the Administration Office, the Planning and Procurement Department, the Contracts Department, The Financial Department, the Accounting Department, the Student Affairs Office, among others. Within the Planning and Procurement Department, activities related to budget planning and public procurement processes are conducted. The execution of these processes is established by the IFMG rectorate; however, there are issues in conducting procurement procedures that affect the entire administrative system (IFMG, 2023).

According to Di Pietro (2014), public bidding is the administrative procedure used by the Public Administration to contract services or acquire products from suppliers that offer the best proposal. Accordingly, Justen Filho (2016) interprets bidding as a means to ensure compliance with the constitutional principle of equality, the selection of the most advantageous proposal for the administration, and the promotion of sustainable national development.

Thus, the investigation into non-competitive procurement processes aims to identify problems in their execution, promoting continuous improvement. Difficulties encountered during the initiation of these processes cause disruptions in the workflow. Based on this context, the following question arises: How can the bidding waiver process be improved to ensure a consistent standard of quality?

This article aims to analyze bidding processes by identifying quality standards, presenting concepts related to the scope of public procurement, and emphasizing the importance of maintaining a quality standard within each of its stages, from the planning phase to execution.

For the methodology, a case study will be adopted, consisting of a qualitative survey. A narrative approach and documentary analysis were employed, using data provided by the administration, as well as interviews with members of the Purchasing and Planning teams. These sources led to the conclusion that there is a need to improve the bidding waiver process.

Thus, the aim is to identify improvements by following processes implemented in other institutions, such as the Federal University of Ceará [*Universidade Federal do Ceará*], considering that Law 14.133/21 is still in the process of being implemented nationwide.

Literature Review

According to Law No. 8,666, of June 21, 1993, which regulates Article 37, bidding is the administrative procedure in which the Public Administration invites companies interested in submitting proposals for the supply of goods or services under conditions established in public notice (BRAZIL, 1993). From this perspective, it is imperative to analyze the factors that favor and undermine this scenario.

2.1 Public Procurement

According to Silva and Oliveira (2019), public procurement refers to the process by which the public administration acquires goods and services necessary for the functioning of its activities. These acquisitions follow legal and regulatory procedures that are constantly changing and adapting, aiming to achieve a balance between the best price conditions and the

quality of the product or service. Efficient management of public procurement is essential to ensure transparency, cost-effectiveness, and the proper use of public resources, as established by Law 14,133/21 (BRAZIL, 2023).

2.2 The Importance of Quality in Bidding Processes

Quality plays a fundamental role in bidding processes, contributing to the achievement of efficient results, and ensuring the fulfillment of public objectives. According to the study by Silva et al. (2020), quality is of utmost importance to ensure the selection of the most qualified suppliers and the acquisition of products and services that meet the needs of the public administration. Furthermore, quality in bidding processes directly influences the effectiveness of public policies, as argued in the article by Sousa and Santos (2018), who highlight that quality in supplier selection and technical specifications results in more efficient contracts, positively impacting the delivery of services, products, and works to the population.

A relevant aspect is the importance of establishing clear and objective quality criteria in bidding notices. As mentioned by Oliveira and Carvalho (2019), the definition of specific quality requirements (such as the indication of a reference brand) allows for a precise evaluation of bidders' proposals, contributing to the selection and balance between suppliers, quality, delivery, and the lowest price. Furthermore, the research conducted by Santos and Almeida (2021) highlights that quality in bidding processes strengthens the relationship between the public and private sectors, promoting trust and the establishment of lasting partnerships with suppliers who work with quality, demonstrate commitment, and offer affordable prices, which can result in benefits for both the public administration and the contracted companies.

Concluding, quality plays a crucial role in bidding processes, directly influencing the efficiency of supplier contracting and the delivery of appropriate goods, products, and services. Establishing clear quality criteria in bidding notices and related documents, as well as promoting trust between the public and private sectors, are fundamental aspects to ensuring excellence in public procurement.

2.3 Bidding and bidding waiver

Bidding can be defined as a formal administrative procedure, established by Law No. 14.133/21, with the objective of selecting the most advantageous proposal, aiming to balance low cost and quality for the public administration in the procurement of goods and services. As

presented in the article by Silva and Oliveira (2021), bidding is governed by principles such as equality, competitiveness, transparency, and efficiency, all of which are also established in the 1988 Brazilian Constitution, aiming to ensure the best conditions in terms of price, quality, and execution time for public contracts. The purpose of bidding is to ensure the selection of suppliers based on previously established criteria, promoting integrity and cost-effectiveness in public contracting.

The bidding waiver can be understood as an exception to the bidding procedure and may also be considered a form of procurement, allowing for direct purchasing without the need for public competition, in specific situations provided for by law. As discussed in the article by Santos et al. (2022), Law No. 14,133/21 establishes the situations in which bidding may be waived, such as in cases of emergency or public disaster, the hiring of specialized technical services, the acquisition of low-value goods or services, among other specific situations. This type of contracting aims to streamline and simplify the process, ensuring efficiency and agility in public procurement.

It is important to highlight that, despite waiving the bidding process, the public administration must justify the choice of supplier or service provider based on objective and transparent criteria, as well as conduct a price survey to verify that the contracted amounts are reasonable. This bidding waiver also promotes the strengthening of the local market.

2.3 Continuous Improvements in Public Procurement Processes

The pursuit of continuous improvements in public procurement processes plays a fundamental role in the efficiency and transparency of government contracting. As highlighted in the study by Oliveira et al. (2020), the adoption of continuous improvement practices allows for the identification and correction of flaws and inefficiencies in public procurement procedures, resulting in greater effectiveness in the use of public resources and in achieving better outcomes for the administration. Furthermore, the article by Silva and Santos (2019) emphasizes that the continuous pursuit of improvements encourages innovation and the adoption of best practices in the public sector, contributing to the development of a more efficient and accountable management environment. These actions and information can be shared among educational and governance institutions, always aiming to promote continuous improvement in public administration.

A relevant aspect in the pursuit of continuous improvements in public procurement is the adoption of technologies and computerized systems. According to the research by Gonçalves et al. (2021), the use of electronic platforms and management systems enables more effective monitoring and control of processes, streamlines communication among stakeholders, reduces processing time, and minimizes errors and rework. This approach aligns with the study and ideas of Silva and Oliveira (2020), which highlight the importance of using

technology to improve public procurement processes, enabling greater transparency, agility, and efficiency in contracting.

Therefore, pursuing continuous improvements in public procurement processes is essential to enhance the management of public resources, promote transparency, and increase efficiency in government contracting. The adoption of continuous improvement practices and investment in appropriate technologies are fundamental strategies to optimize procedures, ensure better outcomes, and strengthen trust in public administration.

3 Methodology

The methodology proposed for the qualitative survey research was based on the analysis of the internal processes of the bidding sector at IFMG-SJE and was divided into three stages: data collection, data analysis, and the development of a checklist for the bidding waiver.

In the first stage, relevant data were collected, such as documents, budget requests, the IFMG purchasing manual, and existing flowcharts. According to Yin (2005), data collection is an essential process in qualitative research, involving the gathering of relevant information through different techniques, such as interviews, participant observation, and document analysis.

The second stage consisted of a qualitative analysis of the data, conducted based on the accounts of members of the Purchasing and Planning teams. Subsequently, a quantitative analysis was performed based on these accounts and the experience of one of the authors within the department. The analysis of documents, requests, the IFMG purchasing manual, and flowcharts was conducted jointly with members of the Purchasing and Planning teams. According to Yin (2005), data analysis is a crucial stage in case studies, involving the organization, categorization, and interpretation of collected data. Data analysis is fundamental for constructing well-founded arguments and formulating consistent conclusions.

In the third stage, since IFMG already provides the recently released purchasing manual, which presents new flowcharts, tables, and checklists, the need was identified to adapt a checklist to verify the accuracy of information and the step-by-step process in the bidding waiver process, tailored to meet the needs of IFMG – São João Evangelista Campus. These recommendations were made with the aim of promoting immediate and continuous improvement of the aforementioned department.

4. Results and Discussion

Given the importance of establishing and maintaining quality standards within each process involving public procurement and bidding and aiming to improve and prevent failures in the Planning and Purchasing department, the authors identified the need to adapt a checklist to address the most recurring issue presented in the bidding waiver process.

After analyzing recent procurement processes through accounts from members of the Purchasing and Planning teams, a problem was identified regarding price research for preparing bidding waiver processes and verifying the information and documents that comprise the process.

An analysis was conducted on the main documents for initiating bidding waiver processes, as this type of process presented the most reported issues. These documents included existing flowcharts, the checklist already available in IFMG's internal system, and the IFMG purchasing manual.

TABLE I – CHECKLIST FOR THE STEPS OF THE BIDDING WAIVER PROCESS, ADAPTED FOR IFMG/SJE

| | |
|---------------------------------------------------|---------------------------------------------------------------------------|
| IFMG Campus São João Evangelista | Checklist ELEMENTS OF THE BIDDING WAIVER PROCESS |
| | |

| | | | |
|-----|----|-----------|----------------|
| Y | N | P | NA |
| Yes | No | Partially | Not applicable |

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| No. | STEPS OF THE PROCEDURAL INSTRUCTION | Y/N/P/NA | SEI DOCUMENT NO. |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------|
| 1 | The Demand Formalization Document (DFD), duly signed by the competent authority of the department and the requester, is included. (Template available in SEI) | | |
| 2 | Is the Preliminary Technical Study (ETP), prepared in the ETP Digital System (according to IN SEGES/ME No. 40/2020 and Law No. 14,133/21), included? Note 1: The preparation of the ETP is optional in the cases listed in items I, II, III, IV, and XI of Article 75 of Law No. 14,133, dated April 1, 2021. Note 2: The ETP is waived for purchases and service contracts whose values fall within the limits established in items I and II of Article 75 of Law No. 14,133/21, that is, up to R\$100,000.00 for engineering services, and up to R\$50,000.00 for other services. | | |
| 2.1 | Are the following elements included in the ETP (IN SEGES/ME No. 40/2020, Article 7)? Note: ETPs must mandatorily contain the elements listed under items "a", "d", "e", "f", and "g". When the other elements are not addressed, proper justifications must be provided within the document that formalizes the ETP. | | |
| a) | Description of the need for the contract | | |
| b) | Description of the requirements necessary for selecting the solution, including criteria and best practices. | | |
| c) | Market survey (prospecting and analysis of possible solution alternatives) | | |
| d) | Comprehensive description of the solution, including requirements related to maintenance and technical support, when applicable, accompanied by the technical and economic justifications for the chosen type of solution. | | |
| e) | Estimated quantities to be contracted, accompanied by calculation records and supporting documents | | |
| f) | Estimated contract value, accompanied by reference unit prices, calculation records, and supporting documents | | |
| g) | Justifications for splitting or not splitting the solution, if applicable | | |
| h) | Related and/or interdependent contracts | | |
| i) | Demonstration of the alignment between the contract and the agency or entity's planning, identifying its inclusion in the Annual Procurement Plan or, if not included, justifying its absence | | |
| j) | Expected outcomes in terms of effectiveness and sustainable national development | | |
| k) | Measures to be taken by the administration prior to signing the contract, including training of staff for contract oversight and management, or adjustments to the organization's environment | | |
| l) | Possible environmental impacts and corresponding mitigation measures | | |
| m) | Conclusive assessment regarding the feasibility and reasonableness of the contract | | |
| 3.2 | If the ETP is not signed by the person responsible for the request, is there an ETP authorization order in SEI, duly signed by the requester? | | |
| 3.3 | Is the Preliminary Technical Study included in the system? | | |
| 4 | Is there a Terms of Reference (TR) in accordance with Law No. 14,133/21? | | |

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| | | | |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| 4.1 | Is TR approved by the highest authority of the requesting unit? (Law No. 14,133/21) | | |
| 4.2 | Is there a justification supporting the need for the contract? | | |
| 4.3 | Is the product/service properly specified, without brand or supplier bias (or with justification, if applicable), and compatible with the object of the price survey or commercial proposal? | | |
| 4.4 | Is the estimated value of the purchase/contract included? | | |
| 4.5 | If a maximum price is set based on a percentage increase or reduction from the estimated price in the price survey, is there a justification? | | |
| 4.6 | Are the obligations of the contractor and the contracting party, the administrative sanctions, and the payment terms and deadlines specified? | | |
| 4.7 | In the case of construction or renovation, are the Contract Manager and Inspectors (Technical and Administrative), their alternates, and the SIAPE numbers of all indicated? | | |
| 4.8 | If applicable, does the TR and/or contract include a clause assigning the supplier responsibility for collecting and disposing of acquired goods that require special disposal due to their nature? | | |
| 4.9 | If there is no Preliminary Technical Study, are the environmental impacts and corresponding mitigation measures provided, or is there a justification when not applicable? | | |
| 4.10 | In the case of a demand for consumable goods not destined for the warehouse, is the delivery address indicated in the TR that of the requesting unit, or is there a justification for specifying the warehouse address? | | |
| 5 | If applicable, are there documents that support the requirements specified in the TR (technical qualification, inspection, etc.)? | | |
| 6 | Is there a justification characterizing the bidding waiver situation (mentioning the specific item of Article 24 of Law No. 14,133/21 being applied)? | | |
| 7 | Is there a substantiated justification for the requested quantities (goods/services), such as consumption records from previous years, warehouse reports, and/or other objective data that demonstrate appropriate sizing of the acquisition/contracting? | | |
| 8 | For the acquisition of goods under a bidding waiver based on item II of Article 24 of Law No. 14,133/21, is there a justification for not using the Electronic Quotation System as the preferred method? (Use the general justification model available in SED) | | |
| 9 | Are the following documents included in the process? Note: In the case of foreign companies not operating in Brazil, registration in SICAF must be requested, as provided in Article 20-A of Normative Instruction No. 03/2018 (as amended by Normative Instruction No. 107, dated October 28, 2020). | | |
| a) | Supplier's valid SICAF registration and Partner/Manager Report (IN SG/MPDG No. 03/2018, Article 4)? | | |
| b) | Employer FGTS Compliance Certificate (CRF)? | | |
| c) | Certificate of Federal Tax Debt and Federal Active Debt Clearance? | | |
| d) | Certificate of Non-Sanctioned Bidders from TCU, CNIA (National Register of Civil Convictions for Acts of Administrative Improbity and Ineligibility), CEIS (National Register of Ineligible and Suspended Companies), and CNEP (National Register of Punished Companies)? | | |
| e) | Negative Labor Debt Certificate? | | |
| 10 | In cases of emergency procurement waivers, is the deadline for completing the delivery of goods, works, or services up to 180 days? | | |
| 10.1 | Is there proof of the initiation of a new bidding process or a justification for not initiating one? | | |
| 10.2 | If the reason for the bidding waiver was supplier noncompliance, is there evidence of the initiation of a penalty application process? | | |
| 11 | In the case of a bidding waiver due to a lack of interested parties in a previous bidding process, is the meeting record (minutes) of that procedure included? | | |
| 12 | Was a price survey conducted? Note: If the price survey was carried out using the Price Panel (or Price Database) or based on similar acquisitions or contracts by other public entities, the quotations must refer to acquisitions or contracts signed within 12 (twelve) months before the date the process was submitted to the procurement department. | | |
| 12.1 | Does the survey include at least three prices or suppliers? Or, in exceptional cases, is there a justification from the competent authority for conducting the survey with fewer quotations? Note: In case of using the Price Database, similar parameters to those of the Price Panel must be observed, that is, distinct contracts and diversified sources. A justification must be provided if this is not possible. | | |
| 12.2 | Is a correctly filled price comparison chart included (Price Verification Sheet – Average Price Spreadsheet)? | | |
| 12.3 | Do the quantities, unit prices, and total prices match the lowest price per item found in the price survey, as outlined in the Terms of Reference? | | |

| | | | |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| 12.4 | Are the issue dates of the price survey the same as or prior to the issuance date of the Terms of Reference (TR)? | | |
| 12.5 | In the case of a survey conducted directly with suppliers: | | |
| 12.5.1 | Is there a formal request on record asking the supplier to submit a quotation? | | |
| 12.5.2 | If applicable, is there a record of the list of suppliers who were contacted but did not submit a proposal in response to the request? | | |
| 12.5.3 | Are there at least three (3) signed commercial proposals, or a justification for their absence? Note: If the proposals were sent via email, a signature is not mandatory, but the submission emails and a statement from the public servant affirming that "it matches the proposal received by email" are required. | | |
| 12.5.4 | Do the supplier price proposals include: a) Basic supplier information: Name, Address, Phone Number, and Corporate Registration ID? | | |
| b) | b) Description of the item/service, unit and total price (with any discounts applied), and shipping costs? | | |
| c) | c) Date of issuance of the proposal? Note: The price survey date must be within 3 (three) months prior to the date the process is sent to the procurement department. | | |
| 12.5.5 | 18.5.5. Are the proposals within their validity period? | | |
| 12.5.6 | 18.5.6. Does the price listed in the proposals include all applicable taxes, fees, shipping, and other costs related to the delivery of goods, execution of the work, or performance of the service? | | |
| 12.5.7 | 18.5.7. Was it verified that the price proposal does not include advance payment (liquidation of expenses) before delivery of the goods or execution of the service? | | |
| 12.5.8 | In the case of original or scanned commercial proposals: | | |
| 12.5.8.1 | Are the handwriting styles of the signatures different? | | |
| 12.5.8.2 | Are the formatting styles of the price proposals different? | | |
| 12.5.9 | Do the proposal(s) specify the brand, model, and unit of measurement for the materials to be acquired? | | |
| 12.5.10 | Was it verified that there is no corporate link between the companies submitting price quotes, as confirmed by ownership data in the SICAF system? | | |
| 12.6 | In the case of surveys published in specialized media, specialized websites, or publicly available domains: Is the date and time of access recorded? | | |
| 13 | Are the following ordinances included: a) Ordinance 525-2023 CPL b) Ordinance 437-2016 – Sisplan c) Ordinance 413-2022 – DELEGATION OF AUTHORITY 14.J.33/21) _____ | | |
| 14 | Is the campus request included? | | |
| 14.1 | Are the product brands included? | | |
| 14.2 | Is the lowest unit price indicated? | | |
| 14.3 | Does the requested amount present only two decimal places? | | |
| 14.4 | Does the request include: a) SEI process number b) SISPLAN request number c) Campus request number (monitored by the Planning team) d) The same items listed in the Terms of Reference and in the Price Verification Sheet (Mapa de Apuração)? E) If it does not include the same quantity of items, is there a justification document in SEI explaining the missing items? | | |
| 15 | Are all documents presented in SEI also included in SISPLAN? | | |

Source: prepared by the authors (2024).

It was therefore identified the need to adapt a checklist for the bidding waiver process, aiming to verify the information contained in the process, maintain a quality standard, and prevent disruptions at all stages. This is based on the understanding that a lack of information at the beginning or during the preparation of the process could negatively affect the entire waiver procedure in the future.

4. Conclusion

After analyzing the case study conducted by the students in the Administration and Planning sector of IFMG – São João Evangelista Campus, the need to adapt a checklist to

ensure the quality of the bidding process was identified. Based on data collection and analysis, this checklist was developed using information previously provided by the Federal Attorney General's Office (AGU) and the Federal Institute of Education and was adapted to the specific context of the São João Evangelista Campus.

This adaptation represents an important step toward standardizing actions within the department and maintaining the quality of procedures. The analysis carried out by the students highlighted the importance of carefully evaluating internal processes and investing in continuous improvement to enhance performance. It is expected that the recommendations included in the manual will help improve the Institute's results, as well as pave the way for the document created here to be extended to other processes and inspire other institutions to adopt more efficient procedures in their respective areas of operation.

The implementation and adaptation of the sector to the improvements mentioned in this article will be the responsibility of the Purchasing and Planning team. The evolution and further adaptation of the department remain open to future research topics.

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