

Reflections on the possibility of extending the term of contracts for the continuous supply of goods: a necessity!

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The article intends to analyze the possibility of carrying out an extensive interpretation of Article 57, II, of Law 8.666 / 93, enabling the extension of the duration of administrative contracts whose object is the continuous supply of goods. From an analysis of the concept of the expression “continuous”, brought by the standard, it is intended to demonstrate that the continuity that authorizes the contractual extension should not be limited only to contracts involving services, it should also be extended to contracts for the supply of goods , provided certain requirements are met. The article demonstrates the existence of jurisprudential divergence, especially in the Courts of Accounts of the Country, which generates a certain insecurity for public managers to apply the understanding presented here, even in situations where there would be an unequivocal search for the public interest. It is stated that, through this interpretation, it is possible to generate relevant financial, logistical, operational and patrimonial consequences for the processes of public procurement of inputs in several sectors essential to public policies. Thus, the study analyzes concrete and specific situations that illustrate the need to give, under certain conditions, an extensive interpretation to the extension of the duration of administrative contracts that involve the supply of continuous goods. Finally, the article addresses the pertinence of such discussion within the scope of Bill 6,817 / 2017, which establishes rules for public tenders and contracts and repeals Law 8,666 / 93,

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