

# THE COURT OF AUDITORS AND THE ABSENCE OF JURISDICTION TO DETERMINATE WITHDRAWAL OF PAYMENTS IN ADMINISTRATIVE CONTRACTS

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The adoption by the Federal Court of Auditors of a precautionary measure to withhold payments in administrative contracts is not guarded in the constitutional order. Withhold payments, even partially, is nothing more than halting the financial execution of the contract. And the original competence to stop administrative contract is the National Congress (cf. art. 71, § 1). Compelling the contracted individual to execute the same physical scope for a financial consideration lower than that which was obliged to submit his proposal and become the winner of the bidding contest also hurts art. 37, XXI, of the Federal Constitution, which ensures the maintenance of the effective conditions of the proposal submitted. On this ground, moreover, not even the National Congress would have the power to partially halt the financial execution of the contract (as is the case with withholdings). It is only up to him to stop the contract in its entirety, in the physical and financial dimensions together.

## Author's Biography

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