Government procurement as an instrument to boost innovation in the country

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resume

The present study aims to analyze the use of public contracts, which in addition to providing the Administration with what is necessary to meet its objectives, is used as an instrument to boost technological innovation in the country, which is beneficial for national development, presenting , yet, the timid Brazilian experience of using government purchasing power as a mechanism to induce science and technology.

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References

BRAZIL. Constitution (1988). Constitution of the Federative Republic of Brazil. Brasília, DF: Federal Senate: Centro Gráfico, 1988. 292 p.1;

Law nº 8.666, of June 21, 1993. Regulates art. 37, item XXI, of the Federal Constitution, establishes rules for public tenders and contracts and gives other measures. Official Gazette [of] the Federative Republic of Brazil, Brasília, DF, 6 July. 1994. Section 1, p. 10149;

Provisional Measure No. 495, of July 19, 2010. Official Gazette [of] the Federative Republic of Brazil, Executive Branch, Brasília, DF, July 20. 2010. Section 1, p. 1; AMORA, Ana Paula Soares. Science, Technology and Innovation Tenders and Contracts. Bidding and Contracts Bulletin, May / 2011, São Paulo: NDJ (p. 457 - 466);

BARBOSA, Denis Borges. Bidding as an instrument to encourage innovation: the impact of Law No. 12,349 / 2010. Bidding and Contracts Bulletin, January / 2014, São Paulo: NDJ (p. 1 - 15);

_____. The constitutional right of innovation. Available at: < <u>http://denisbarbosa.addr.com/inovaconst.pdf</u> >. Accessed on: 7 nov. 2015;

BERCOVICI, Gilberto. Science and innovation under the 1988 Constitution, Revista dos Tribunais, v. 101, n. 916, p. 267–295, Feb., 2012;

CARVALHO and SOUSA, Guilherme Carvalho e, Public procurement and Margins of Preference, Bidding and Contracts Bulletin, August / 2014, São Paulo: NDJ, p. 778-784.

DENOBI, Polyane. MP 495/10 and the consumer State as an inducer of economic policies. Public Law Magazine. Londrina, v. 5, n. 3, p. 185-201, Dec. 2010, p. 193;

DROMI, Roberto. Administrative law. 12. ed. Buenos Aires - Madrid - Mexico - Argentina City - Hispânia Libros, 2009;

FERREIRA, Daniel Ferreira. Public bidding in Brazil and its new legal purpose, Belo Horizonte: Forum: 2012;

FURTADO, Lucas Rocha. Administrative Bids and Contracts Course, 3. ed. Belo Horizonte, Forum: 2010;

GRAU, Eros Roberto. The economic order in the 1988 Constitution, 15th ed. São Paulo: Malheiros: 2012;

JACOBY FERNANDES, Jorge Ulisses. Direct contracting without bidding: no bidding required; unenforceability of bidding: comments on the bidding modalities, including the auction, 9. ed. Belo Horizonte: Forum, 2014.

JUNIOR, Jessé Torres Pereira and DOTTI, Marines Restelato. Public policies in public tenders and contracts, 2. ed., Belo Horizonte: Forum, 2012;

JUSTEN FILHO, Marçal. The Micro-Company Statute and Public Tenders. 2. ed. São Paulo: Dialética, 2007;

_____. Comments on the bidding law and administrative contracts. 15. ed. São Paulo: Dialética, 2012;

_____. Auction (Comments on the Legislation of the Common and Electronic Auction). 6. ed. rev. and current. São Paulo: Dialética, 2013;

MAZEM, Tânia Ishikawa, Public support for science, technology and innovation. Reflections in the light of the 1988 Federal Constitution and Law No. 10,973 / 2004 -Bidding and Contracts Bulletin, July / 2014, São Paulo: NDJ, p. 777 - 798; MAZZUCATO, Mariana, The entrepreneurial state: Unmasking the myth of the public sector vs. private sector. São Paulo: Penguin Portfolio, 2014;

MEIRELLES, Hely Lopes. Brazilian Administrative Law., 33. ed. São Paulo, Malheiros, 2007;

MOREIRA, Marina Figueiredo. When the government is the market: government procurement and innovation in software services, Dissetation (Master in Administration) -Universidade de Brasília, Brasília, 2009;

MOREIRA, Marina VARGAS, Eduardo. Purchases for innovation: Cases of innovations induced by public customers, Mackenzie Management Magazine, V. 13, n^o 5, São Paulo, available at <u>http://www.scielo.br/pdf/ram/v13n5/v13n5a09.pdf</u>, accessed on 11/10/2015

MOREIRA NETO, Diogo de Figueiredo. Administrative Law Course. 14. ed. Rio de Janeiro: Forensics, 2006;

RODRIGUES, Cristina Barbosa. Law nº 12.349 / 10 - Public tenders assume the role of a driving force for technological innovation in Brazil - Bidding and Contracts Bulletin, August / 2011, São Paulo, NDJ, p. 782-786;

SILVA, Antonio Araujo da Silva. The economics of government procurement as a result of electronic trading - An econometric approach. Dissertation (Professional Master's) - Graduate Program in Economics CAEN, Federal University of Ceará, Fortaleza-CE, 2007;

SOUTO, Marcos Juruena Vilela. Contractual Administrative Law. Rio de Janeiro, Lumes Jures: 2004;

PEREIRA JUNIOR, Jessé Torres. Constitutional Administrative Reform. Rio de Janeiro: Renovate, 1999;

_____. Comments on the Public Administration Bidding and Contracting Law, 8. ed. São Paulo: Renovate, 2009.

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