

The Necessary Qualification Of The Agribusiness Manager As To The Modalities Of Unenforceability And Bidding Waiver

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Abstract:

Background: This study investigates the level of knowledge of agribusiness managers about the modalities of unenforceability and exemption from bidding, as established by Law No. 14,133/2021. The survey was carried out with a sample of 50 managers who participated directly or indirectly in bidding processes. Using structured questionnaires, the study evaluates the familiarity of future managers with the constitutional principles and legal procedures related to public procurement. The results indicate a satisfactory knowledge of the managers on the subject, but reveal gaps in practical aspects, such as the correct application of bidding exceptions. Ethics was highlighted as the most important principle to be observed in the bidding waiver. The conclusion highlights the need for more practical teaching to ensure better preparation of public managers.

Key Word: Bidding; Dispensation; Unenforceability; Agribusiness.

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I. Introduction

Contemporary public management faces complex challenges, which require managers to have a deep knowledge of legal regulations and a high degree of efficiency in the application of these standards. In particular, public procurement processes, governed by the new Law No. 14,133/2021, require not only compliance with formal guidelines, but also a careful understanding of the exceptions to the bidding rule, such as unenforceability and exemption from bidding. Such modalities are presented as legitimate, but exceptional, instruments for direct contracting, requiring a precise understanding on the part of public managers about the contexts and adequate justifications for their use.

Public bidding, as defined by Brazilian law, is the essential mechanism to ensure equality between participants and the choice of the most advantageous proposal for the public administration, in accordance with the constitutional principles of legality, impersonality, morality, publicity and efficiency (Di Pietro, 2012; Justen Filho, 2021). However, Law No. 14,133/2021 provides for situations in which bidding may be unenforceable, when there is no possibility of competition between suppliers, or waived, when the bidding procedure becomes unnecessary or inappropriate in the face of specific situations, such as emergencies or low-value contracts (Carvalho, 2023).

These institutes are widely discussed in the literature, being crucial for the proper functioning of public administration. Authors such as Mello (2009) and Guimarães & Sampaio (2022) highlight that success in the application of the modalities of unenforceability and exemption depends directly on the technical training and ethical performance of public managers. When using these instruments, it is essential that the public manager deeply understands their legal implications, applying them in strict accordance with constitutional principles and avoiding any abuses or deviations.

The research question that guides this study is: What is the level of knowledge of agribusiness managers about the modalities of unenforceability and exemption from bidding according to Law No. 14,133/2021? Understanding this issue is vital to assess whether future managers are adequately prepared to deal with the peculiarities of direct contracting, as stipulated by legislation.

Thus, this work aims to investigate the perception of agribusiness managers who have already participated in bidding processes about these bidding modalities. Through questionnaires applied to managers from different periods, with specific criteria for excluding those who have already participated, directly or indirectly, in bidding processes, it seeks to evaluate the basic knowledge of future managers about the current legislation and identify possible gaps in their academic training. The relevance of the study is directly related to the need to train qualified public managers, capable of acting effectively and probably in public administration, ensuring that the use of the institutes of unenforceability and exemption from bidding always meets the public interest and legality.

The bidding process in Brazil is a fundamental mechanism to ensure that the Public Administration, in all its spheres – federal, state, district and municipal – acts in accordance with the constitutional principles of legality, impersonality, morality, publicity and efficiency. In addition to ensuring these principles, the bidding procedure aims to combat harmful practices, such as corruption and nepotism, which can compromise public management (Mello, 2009).

The contracting and acquisition of any nature, according to the constitutional rule, is always done in the form of competition, in its most diverse forms, as specified in the recent General Bidding Law (Federal Law No. 14,133/2021). Exceptionally, the administration is allowed to dispense with the bidding process or even that this process is unenforceable, due to specific peculiarities given to each of the cases.

It is essential for the manager to be aware of the applicable rules, the limits of discretion and the exceptional situations that allow or demand that the acquisition or contracting processes by the Public Administration be carried out directly, excluding the competition of constitutional provision.

In some of the cases, by its very nature, there is the unfeasibility of bidding, when this is materially impossible, in cases, for example, of contracting artistic services, which due to its peculiarity makes the bidding process impossible. In others, in which competition is viable, the law authorizes the public manager to choose not to carry it out, being, in any case, required the knowledge of the categories and the technical expertise of the manager for the correct option and the following of the commandment of impersonality that should govern the public administration.

The legislation that governs public bidding in Brazil, such as Law No. 14,133/2021, establishes that the general rule is bidding, with direct contracting being an exception applied in specific cases, as provided for in article 72 of said law. Article 74, for example, defines the situations of unenforceability of bidding, that is, when the competition is unfeasible due to the nature of the object or the circumstances, allowing direct contracting. Article 75, on the other hand, specifies the cases of exemption from bidding, in which, even if there is a possibility of competition, the legislator chooses to waive the bidding process, provided that the conditions provided for are observed (Carvalho, 2023).

Even in the event of unenforceability or exemption from bidding, the contracting must be preceded by a formal administrative process. This process includes price research, justification for choosing the contractor, demonstration of the compatibility of budgetary resources, among other procedures necessary to ensure the fairness of the contract. Although some flexibilities are allowed, such as the exemption from the obligation of legal opinion, other requirements are inescapable, as provided for in regulations such as Normative Instruction No. 67/2021, which deals with the exemption from bidding in electronic form (Martins, 2021).

The unenforceability of bidding occurs when there is no possibility of competition, and it is impossible for multiple suppliers to serve the public interest effectively. The doctrine, as Carvalho (2023) explains, highlights that, in the absence of competition, the bidding becomes unenforceable, and direct contracting must be carried out. Article 74 of Law No. 14,133/2021 lists the situations in which such unfeasibility of competition occurs, including the hiring of specialized technical services of notorious specialization.

On the other hand, the exemption from bidding is allowed in situations where, although there is competition, the bidding process would be inappropriate or unnecessary. This possibility is exhaustively listed in article 75 of Law No. 14,133/2021, which presents several hypotheses for exemption from bidding, from value limits to cases of emergency or public calamity. According to Heinen's (2023) analysis, the legislator offers the Public Administration the discretion to choose between holding or waiving the bidding, considering factors such as the cost of the procedure and the urgency of the contract.

Although the legislation allows flexibility in certain situations, such as in contracts with a value of less than R\$ 100,000.00 for engineering works and services or R\$ 50,000.00 for other services, the decision on the exemption from bidding must be justified based on a rigorous cost-benefit analysis and advantage for the Public Administration (Martins, 2021). These limits are updated annually by presidential decree, according to the variation of the Special Extended National Consumer Price Index (IPCA-E).

In some cases, the bidding waiver may also be applied in emergency situations, such as natural disasters or other calamities that require quick responses to ensure the continuity of public services and the safety of people and property. In this context, the Public Administration must contract the goods or services necessary to face the emergency situation, observing the values practiced in the market and avoiding unjustified extensions of contracts (Justen Filho, 2021).

The current legislation also provides specific mechanisms for the contracting of specialized technical services, such as those for the maintenance of equipment and other situations of technical exclusivity. Such contracts, although they can occur without bidding, still require robust justification and proof of the need for direct contracting, based on the advantage for the public entity (Mello, 2009).

The legislation also allows, also exceptionally, the exemption from bidding for the contracting of products and services aimed at technological innovation, provided that the contracting complies with the value limits and conditions established in article 75 of Law No. 14,133/2021. These contracts are particularly important

in areas such as public health, where strategic inputs can be purchased directly from foundations and institutions that support public agencies, ensuring the continuous supply of medicines and other essential products (Carvalho, 2023).

Thus, for the public manager, it becomes essential not only to know the possibilities of direct contracting, whether by unenforceability or exemption from bidding, but also a careful analysis added to a more technically dense knowledge. The legislation offers several possibilities to make the public procurement process more flexible, but requires public managers to strictly observe constitutional principles and provide detailed justification for their decisions, in order to ensure efficiency and administrative probity in all their actions (Martins, 2021).

Unenforceability, for example, occurs when there is unfeasibility of competition in the market for the object desired by the Administration, characterizing a situation of singularity of both the public interest and the object to be contracted. According to Justen Filho (2021, p. 1619), "singularity consists in the impossibility of finding the object that satisfies the public interest within a standardized genre, with a homogeneous category".

In this context, the duty to bid is removed due to various factors that involve the unfeasibility of competition, either due to the absence of plurality of alternatives, or due to the very personal nature of the object, which makes competition ineffective or harmful due to intellectual, artistic, creative factors, etc., associated with the contractor.

Guimarães and Sampaio (2022, p. 113) state that the unfeasibility of competition can be absolute or relative. Absolute unfeasibility occurs when competition is factually impossible, either due to the exclusivity of the good or service to be contracted, evidenced by the lack of competitors for an eventual bidding, as described in item I of article 74 of Law No. 14,133/2021, or by the absence of competition due to market peculiarities of the intended object, as in the case of services of a very personal nature, when the Public Administration chooses to hire all interested parties who meet the defined conditions, as described in item IV of article 74 of Law No. 14,133/2021.

Dispensable bidding, or simply bidding waiver, occurs when the bidding is feasible, but the legislator grants the administration the discretion to choose not to carry it out. In this case, if the administration decides not to bid, there will be a direct contract.

According to Amorim (2021, p. 26), while unenforceability applies when it is not materially possible to bid, dispensable bidding occurs in situations where bidding is viable, but the legislator allows the administrative agent to choose not to carry it out.

This is because, unlike unenforceability, the waiver provides for a situation in which competition is viable, but the law recognizes that the bidding would be inadequate or unnecessary to meet public needs, since, after a cost-benefit analysis, the bidding could not generate the expected results or even cause undesirable losses (Justen Filho, 2021, p. 1006).

Therefore, depending on the specific case, even if there is one of the hypotheses of dispensable bidding (waiver), if the manager understands that the bidding better serves the public interest, he may choose to carry it out to achieve this objective more effectively (Torres, 2023, p. 458).

The situations that justify direct contracting by waived bidding share the characteristic of legal provision. Thus, the most common hypotheses of dismissal are exhaustively listed in article 75 of Law No. 14,133/2021, but others may also be provided for in special laws of a national nature (Heinen, 2023, p. 585), which refer to specific and differentiated hiring, such as article 32 of Law No. 9,074/1995 (Justen Filho, 2021, p. 1007).

It is important to note, however, that the list of situations is exhaustive and provided for by law. Thus, in administrative practice, the public manager must understand that he does not have the competence to carry out a cost-benefit analysis to exempt himself from carrying out a bidding, creating new hypotheses of exemption. This analysis has already been carried out by the legislator, who recognized, through the law, that in certain situations the costs of a bidding process outweigh the benefits, avoiding the sacrifice of collective interests (Justen Filho, 2021, p. 1006).

Regarding the organization and structure of the exemption hypotheses listed in article 75 of Law No. 14,133/2021, Niebuhr (2021, p. 53) explains that the provision is divided into 16 items, one of which, item IV, is subdivided into 13 paragraphs. Thus, there are at least 28 hypotheses of exemption from bidding in article 75 alone, many of them very specific and exceptional, aimed at private sectors of the Public Administration.

The other type of direct contracting is the waived bidding. Although there are doctrinal divergences, authors such as Heinen (2023, p. 615-6) argue that the waived bidding is a prohibition on bidding, that is, in certain cases, the public administrator is legally prohibited from carrying out bidding. The hypotheses of waived bidding are, therefore, exhaustive and must be formalized by a binding act, dealing exclusively with the sale of assets.

However, the legal exclusion from bidding for these situations does not mean that every sale of assets will always be processed by waived bidding, as the rule for the sale of movable and immovable property in Law No. 14,133/2021 is to carry out a bidding in the auction modality, with the criterion of judging the highest bidder.

The hypotheses of direct contracting for the sale of assets are provided for in the items of article 76 of Law No. 14,133/2021, which, together with article 77, makes up chapter IX of the General Bidding Law, called

"On disposals". It should be noted that this nomenclature can be considered inadequate, since the provisions do not only deal with hypotheses of alienation, but also with concessions of use and leases. The most appropriate term, according to the doctrine, would be "undoing" of public property.

II. Material And Methods

The present study is characterized as a quantitative descriptive research, whose main objective is to analyze the level of knowledge of agribusiness managers about the modalities of unenforceability and exemption from bidding as established by Law No. 14,133/2021. The research seeks, through questionnaires, to identify the perception of students in relation to the application of these modalities of direct hiring, allowing an evaluation of the academic preparation for the exercise of the function of public manager.

The approach used is descriptive, as it aims to objectively portray the degree of understanding of respondents who have previous experience in bidding processes, without interfering or manipulating variables. As stated by Gil (2002) and Lakatos and Marconi (2003), descriptive research has as its primary objective the description of the characteristics of a given phenomenon or population, which, in this case, refers to the level of familiarity of future managers with the procedures provided for in Law No. 14,133/2021.

The target population of this study is composed of agribusiness managers distributed among different parts of the state. However, to ensure that the respondents had a minimum of familiarity with the bidding processes, it was established as a selection criterion that agribusiness managers should have acted, directly or indirectly, in bidding processes during their academic or professional activities. This filter was applied through an initial question in the questionnaire, which identified the practical experience of agribusiness managers with bidding, and only those who answered affirmatively to this question were included in the study.

Of the 115 agribusiness managers initially invited to participate in the research, 50 met the selection criteria and were included in the final sample. The justification for this criterion is to ensure that the sample is composed of individuals who have already had contact with bids, either by direct participation in administrative processes or by indirect involvement in activities related to public management that involve these contracting modalities. This profile was considered more appropriate for the proposed analysis, since it involves people with knowledge more applicable to the professional reality and who are seeking to improve their practices through formal education.

Data were collected through a structured questionnaire consisting of 10 closed questions. The questions addressed the knowledge of agribusiness managers about the procedures of unenforceability and exemption from bidding, as well as topics related to the practical application of these institutes, such as the constitutional principles involved and the perception of the respondents about the ethics in conducting direct contracts. The questionnaire was prepared based on the guidelines of Law No. 14,133/2021 and on the specialized literature on bids and administrative contracts (Carvalho, 2023; Guimarães & Sampaio, 2022).

The questionnaires were applied in an online environment, using the Google Forms platform, to facilitate access and participation by agribusiness managers, regardless of their location. The application took place between September 15 and 20, 2022, and all data was treated anonymously, ensuring the confidentiality of the answers. The initial question of the questionnaire verified whether the respondent had already acted, directly or indirectly, in bidding processes; Only those who answered affirmatively to this question were directed to the subsequent questions, ensuring that the final sample was composed of agribusiness managers with some practical experience in the subject.

After collection, the data were organized and treated using Microsoft Excel software. The analysis was based on descriptive statistical techniques, with presentation of relative and absolute frequencies in graphs and tables. In addition, exploratory analyses were carried out to identify possible correlations between variables such as the respondents' level of education, the extent of their experience with bidding processes, and the degree of familiarity with the modalities of unenforceability and exemption from bidding.

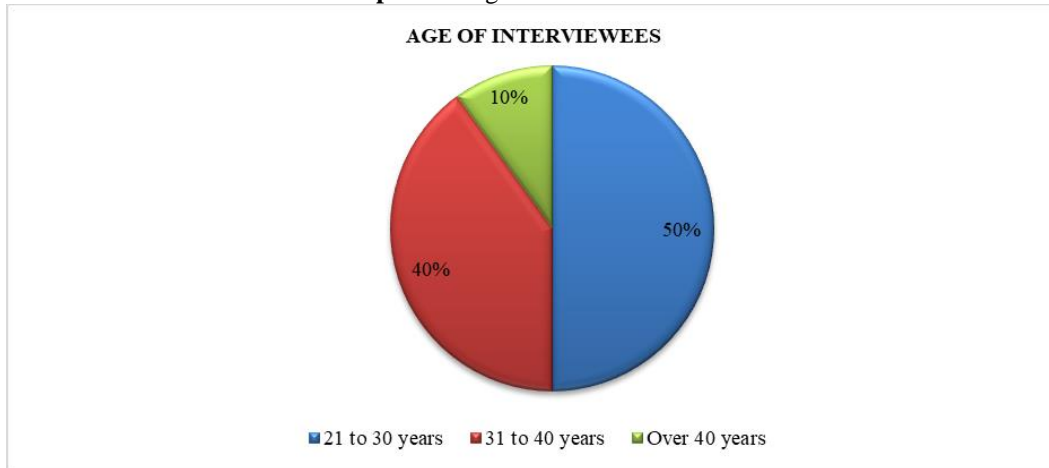
Although the main focus has been on descriptive analysis, in future studies, it is intended to include more robust correlation analyses to assess the influence of contextual variables, such as the impact of previous practical experiences in bidding processes and their perception of the application of constitutional principles related to direct contracting.

A limitation of this study is the fact that it is based exclusively on the perception of managers who already have some experience with bidding processes, thus excluding the view of managers who have not yet had this practical experience. In addition, the research does not explore in depth possible intervening variables, such as the impact of practical experience on the quality of theoretical knowledge about the procedures of unenforceability and exemption from bidding.

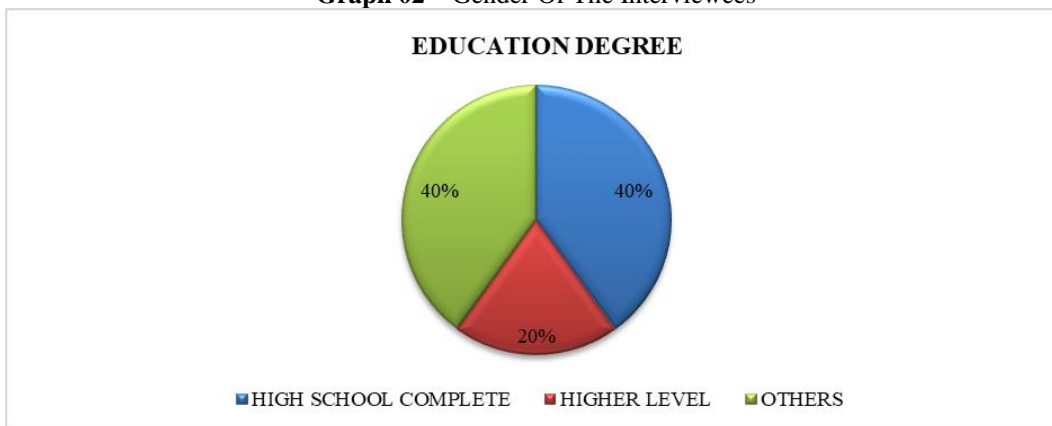
III. Result And Discussion

The respondents were selected according to the criterion of practical experience in bidding processes, being managers who have already acted, directly or indirectly, in activities related to public procurement. Of the 50 managers in the sample, 50% are between 21 and 30 years old, 40% are between 31 and 40 years old, and only 10% are over 40 years old. Regarding gender, there was an equal distribution between men and women, with 50% of each gender. As for the degree of education, 40% have completed high school, while 20% have a degree in other areas. These data are essential to understand the profile of future managers and identify if there are variations in the level of knowledge about the bidding modalities based on age, gender or education. The results are presented in graphs 01 to 03.

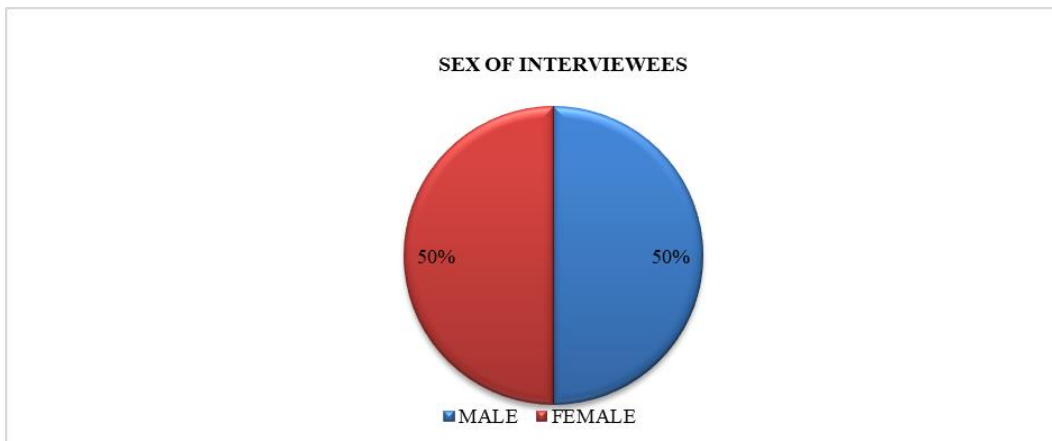
Graph 01 – Age Of The Interviewees



Graph 02 – Gender Of The Interviewees

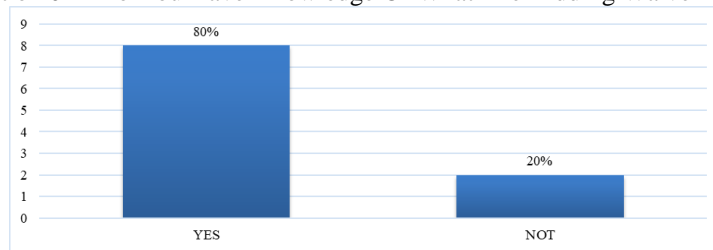


Graph 03 – Degree Of Education Of The Interviewees



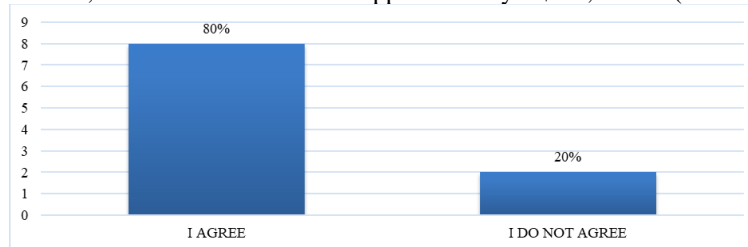
The first question addressed in the questionnaire (Graph 04) investigated the respondents' knowledge about the bidding waiver procedure. A total of 80% of respondents said they had knowledge about the topic, while 20% indicated lack of knowledge. This data already reveals a significant level of familiarity of managers with the modalities of direct contracting, which is in line with the strategic function of training in public management, as highlighted by authors such as Justen Filho (2021) and Carvalho (2023). The high percentage of affirmative answers suggests that students are being exposed, albeit in an introductory way, to the legal and practical aspects of the new Bidding Law (Law No. 14,133/2021), which is a positive indicator for the development of administrative skills in the public sector.

Graph 04 – Question 01 - Do You Have Knowledge Of What The Bidding Waiver Procedure Is About?



However, when deepening the analysis of the criteria for exemption from bidding (Graph 05), the question about the approximate value of the exemption for small purchases or prompt payment services (R\$ 12,000.00) revealed that, although 80% of the respondents agree with the value, there is a margin of 20% that demonstrates ignorance or uncertainty. This discrepancy may be associated with the initial stage of managers' training, which highlights the need to reinforce the teaching of legal parameters, such as the provisions of article 75 of Law No. 14,133/2021, which deals with the limits for direct contracting by exemption from bidding.

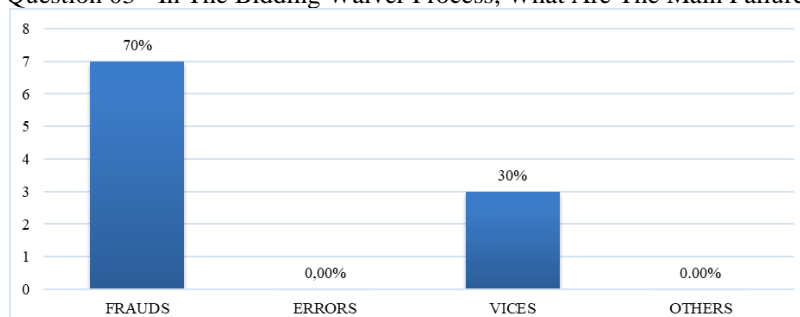
Graph 05 – Question 02 - Regarding The Waiver Criterion, Do You Agree That, For Small Purchases Or Prompt Payment Services, The Waiver Amount Is Approximately R\$ 12,000.00 (Twelve Thousand Reais)?



In the first question (graph 04) where it was asked if the interviewees were aware of what the Bidding Waiver procedure is about, the majority with a percentage of 80% answered YES, and only 20% said no. Here a great level of knowledge of the students of the course is perceived, although the object was not questioned the degree of knowledge about the theme.

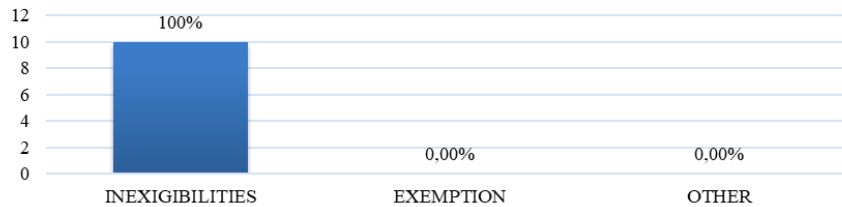
When asked about the main failures committed in the bidding waiver process (graph 06), the respondents identified, in their majority (70%), fraud and administrative errors as the most recurrent problems. The prevalence of this perception is compatible with the studies by Justen Filho (2021), which warn of the risks inherent in the discretionary use of exemption and unenforceability institutes without proper control. In addition, the identification of fraud as the main failure suggests an ethical concern on the part of future managers, which is in line with the principle of administrative morality, enshrined in article 37 of the Federal Constitution.

Graph 06 – Question 03 - In The Bidding Waiver Process, What Are The Main Failures Committed?



The correct identification of unenforceability by all respondents (graph 07) reinforces the importance of solid technical training on the nuances of Law No. 14,133/2021. However, although the concept is well assimilated, authors such as Carvalho (2023) warn of the practical challenges in the application of this modality, which can be the subject of questions, especially when there are no transparent and sufficient justifications in the administrative process. This aspect, although not directly explored by the respondents, should be emphasized in the training of future managers, given the complexity and risks associated with the inappropriate use of unenforceability.

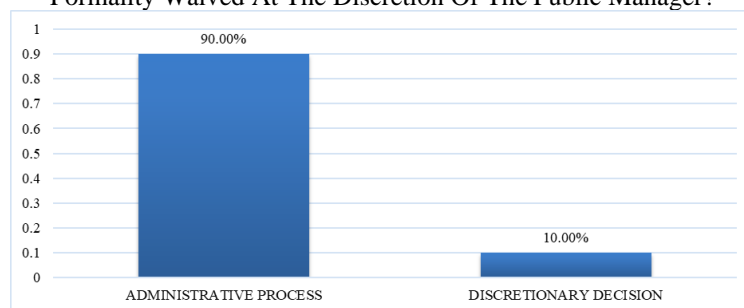
Graph 07 – Question 04 - Which Modality Happens, Except For The Bidding Rule, When There Is No Possibility Of Competition, And It Is Impossible For Multiple Suppliers To Serve The Public Interest Effectively.



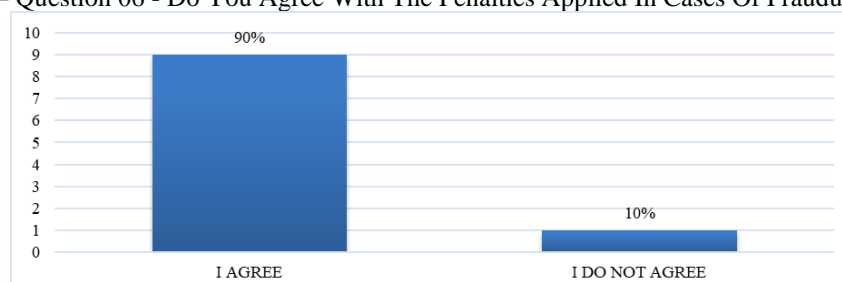
Regarding the exemption from any formality at the discretion of the public manager (graph 08), 90% of the respondents correctly stated that, even in cases of unenforceability or exemption from bidding, a formal administrative process is necessary, which includes price research and justification for the choice of the contractor. Only 10% of the interviewees showed ignorance or confusion, believing that the formality would be dispensable at the discretion of the manager. This result reinforces the majority's understanding of the importance of formalizing the processes, as provided for in article 72 of Law No. 14,133/2021, which requires the demonstration of price compatibility and the justification for the choice of the contractor.

Authors such as Martins (2021) and Justen Filho (2021) highlight that, even in direct hiring, carrying out a formal administrative process is essential to ensure transparency and compliance with the principles of legality and publicity. The need to justify the choice of supplier and demonstrate that the contracted value is in accordance with market prices is an essential control measure, preventing fraud and ensuring that direct contracting occurs for the benefit of the public interest. The results reflect that most managers understand this crucial aspect of Law No. 14,133/2021, although a minority still lacks greater clarity regarding the formal requirements in cases of unenforceability and exemption from bidding.

Graph 08 – Question 05 - In The Event Of Unenforceability Or Exemption From Bidding, Is There A Need For A Formal Administrative Process Of Price Research, Justification, Compatibility Of Resources Or Is Any Formality Waived At The Discretion Of The Public Manager?

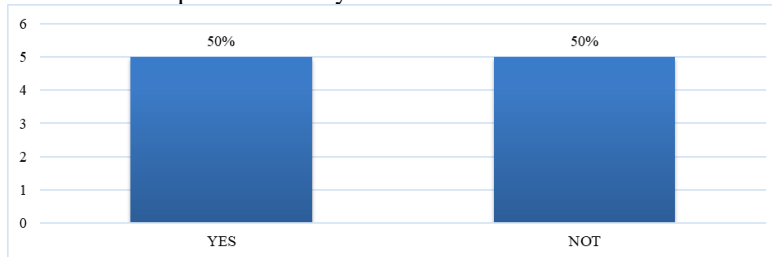


Graph 09 – Question 06 - Do You Agree With The Penalties Applied In Cases Of Fraudulent Bidding?



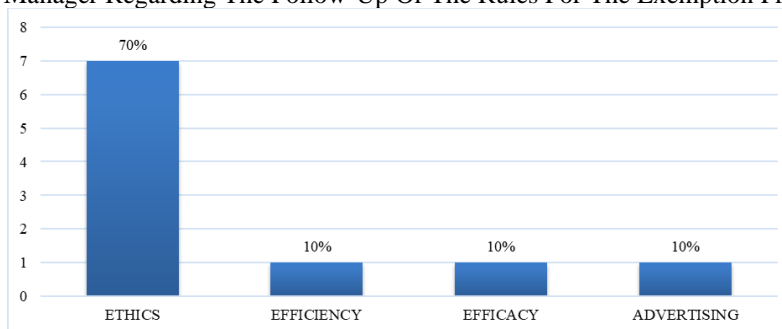
Another relevant aspect discussed by the respondents was compliance with the principle of publicity in direct contracts (Graph 10). Although the majority agreed with the need for formalization and publicity in the waiver and unenforceability processes, 50% expressed uncertainty about the real transparency of these processes, especially with regard to public access to information. This perception indicates the need for greater clarity on control and transparency mechanisms, as recommended by Normative Instruction No. 67/2021 and emphasized by Martins (2021), which suggests that advertising is an essential tool to ensure the fairness of public procurement.

Graph 10 – Question 07 - Do The Bidding Waiver And Unenforceability Comply With The Constitutional Principle Of Publicity In The Public Administration?



The final question (graph 11) addressed in the questionnaire asked the respondents to identify the most important constitutional principle to be observed by the public manager in situations of exemption from bidding. The majority of respondents (70%) indicated ethics as the most relevant principle, surpassing other principles such as efficiency, effectiveness and publicity. This result reinforces the importance of incorporating solid ethical training into the curriculum of future public managers, as defended by Amorim (2021). The choice of ethics as a guiding principle for direct contracting decisions is an indication that managers are aware of the need for administrative probity, an essential value to ensure society's confidence in public procurement processes.

Graph 11 – Question 08 - Which Of The Following Principles Is, In Your Opinion, The Most Important For The Public Manager Regarding The Follow-Up Of The Rules For The Exemption From Bidding?



The analysis of the results indicates that, in general, agribusiness managers have a satisfactory level of knowledge about the modalities of unenforceability and exemption from bidding, with a strong emphasis on the importance of ethics and compliance with constitutional principles. However, divergent perceptions about publicity and transparency in direct procurement processes indicate that there are still gaps in understanding the practical application of these principles.

The results also suggest that practical experience plays a central role in the consolidation of knowledge about bidding procedures. Respondents with greater involvement in bidding processes demonstrated a more robust understanding of the legal mechanisms and ethical requirements associated with direct contracting. This reinforces the importance of practical and continuous training to ensure that future managers are able to correctly apply the exceptions provided for in Law No. 14,133/2021, preserving the public interest and legality.

IV. Conclusion

The complexity of the challenges in current public management requires managers to have a deep knowledge of legal standards and to be efficient in their application. In particular, public procurement processes under Law No. 14,133/2021 require not only compliance with formal guidelines, but also a careful understanding of the exceptions to bidding, such as unenforceability and waiver. These modalities, although legitimate, are exceptionalities that require public managers to have a precise understanding of the contexts and justifications for their use.

This study investigated the level of knowledge of agribusiness managers about the modalities of unenforceability and exemption from bidding according to Law No. 14,133/2021. It focused on agribusiness managers who have already participated in bidding processes, aiming to assess whether these future managers are prepared to deal with the specificities of direct contracting provided for in the legislation.

The results revealed that, despite having a satisfactory theoretical knowledge about the principles that govern public bidding - such as legality, impersonality, morality, publicity and efficiency - there are gaps in the practical understanding of bidding exceptions. Many managers showed uncertainty regarding the proper application of the unenforceability and exemption from bidding in real situations, indicating the need for reinforcement in the teaching of these topics.

The appreciation of ethics as the most important principle to be observed in situations of exemption from bidding highlights the awareness of future managers about the relevance of administrative probity. This ethical alignment is essential to prevent fraud and administrative errors, pointed out by the managers themselves as the main failures committed in direct contracting processes.

The specialized literature highlights that success in the application of these modalities depends directly on the technical training and ethical performance of public managers (Mello, 2009; Guimarães & Sampaio, 2022). Thus, the research highlights the importance of improving academic training, integrating theory and practice, so that future managers can apply the institutes of unenforceability and dismissal with competence and integrity.

It is clear how fundamental it is to train managers in relation to exceptions to the bidding rule, emphasizing both the legal domain and the importance of ethics in public administration. By strengthening knowledge and practice on the unenforceability and exemption from bidding, it contributes to the training of public managers who are more prepared to act effectively and with probity, ensuring that direct contracting always meets the public interest and legal precepts.

It is recommended that future research broaden the scope of this study, including a more diverse sample of managers and exploring other variables that may influence the level of knowledge about bidding modalities. Continuity in the training and professional development of future public managers is crucial to ensure that the exceptions to the bidding process are used judiciously, efficiently and in strict accordance with current legislation, always for the benefit of the public interest.

References

- [1]. Amorim, Victor Aguiar Jardim De. *Licitações E Contratos Administrativos: Teoria E Jurisprudência*. 4. Ed. Brasília, Df: Senado Federal, Coordenação De Edições Técnicas, 2021.
- [2]. Brasil. Presidência Da República. Constituição Da República Federativa Do Brasil De 1988. Disponível Em: <https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm>. Acesso Em: 04 Out. 2023.
- [3]. Brasil. Presidência Da República. Lei De Licitações E Contratos Administrativos. Disponível Em: <https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/lei/L14133.htm>. Acesso Em: 30 Out. 2023.
- [4]. Brasil. Ministério Da Gestão E Da Inovação Em Serviços Públicos/Secretaria De Gestão E Inovação. Instrução Normativa Seges/Mgi Nº 8 De 23 De Março De 2023. Disponível Em: <<https://www.in.gov.br/en/web/dou/-/instrucao-normativa-seges/mgi-n-8-de-23-de-marco-de-2023-473403611>>. Acesso Em: 13 Nov. 2023.
- [5]. Carvalho, Matheus. *Manual De Direito Administrativo/ Matheus Carvalho – 11.Ed., Rev., Atual. E Ampl.* - São Paulo: Editora Juspodivm, 2023.
- [6]. Di Pietro, Maria Sylvia Zanella. *Direito Administrativo*. 25ª. Ed. São Paulo: Atlas, 2012.
- [7]. Guimarães, Edgar; Sampaio, Ricardo. *Dispensa E Inexigibilidade De Licitação: Aspectos Jurídicos À Luz Da Lei N 14.133/2021*. 1ª Ed. – Rio De Janeiro: Forense, 2022. Livro Eletrônico.
- [8]. Heinen, Juliano. *Comentários A Lei De Licitações E Contratos Administrativos: Lei Nº 14.133/2021*. 3. Ed., Rev., Atual., Ampl. São Paulo: Editora Juspodivm, 2023.
- [9]. Justen Filho, Marçal. *Comentários À Lei De Licitações E Contratações Administrativas*. São Paulo: Thomson Reuters Brasil, 2021. Livro Eletrônico. Livro Eletrônico.
- [10]. Martins, R. *Inexigibilidade De Licitação À Luz Da Lei 14.133/21*. *Revista De Direito Administrativo, Infraestrutura, Regulação E Compliance*, São Paulo, V.5, N.19, P. 23-43, Out./Dez. 2021.
- [11]. Mello, Celso Antônio Bandeira De. *Curso De Direito Administrativo*. São Paulo: Malheiros, 2009.
- [12]. Meira, Leonardo Mota *Dispensa De Licitação Na Nova Lei De Licitações E Contratos Administrativos – Lei Nº 14.133/2021*. <https://radar.ibegesp.org.br/wp-content/uploads/2022/12/Nesap-V.4-Final.Pdf#Page=4>
- [13]. Niebuhr, Joel De Menezes. *Licitação Pública E Contrato Administrativo*. 5. Ed. Belo Horizonte: Fórum, 2022. Livro Eletrônico.
- [14]. Torres, Ronny Charles Lopes De. *Lei De Licitações Públicas Comentadas*. 14.Ed., Rev., Atual. E Ampl. São Paulo: Editora Juspodivm, 2023.