

The Advent Of The New Procurement And Contracting Law: A Perspective On The Implementation Process Through The Lens Of Strategy As Social Practice

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Abstract:

This study examines the impact of the New Public Procurement and Contracts Law (Law No. 14,133/2021) on the strategic management of public organizations, focusing on strategy as a social practice. The research addresses the changes brought by the new legislation and the implementation of strategies to facilitate adaptation. By replacing Law No. 8,666/1993, the new law modernizes public procurement processes, promoting digitalization, simplification, and greater transparency. A case study conducted in a municipality in Paraná, Brazil, revealed how the local administration adapted its procurement processes to meet the new legal requirements. The concept of strategy as a social practice was essential in understanding how the law was successfully implemented, highlighting the importance of the participation of various organizational actors in strategy formulation and execution, based on an understanding of practices, praxis, and practitioners in the strategic process.

Background: Through the lens of strategy as a social practice, this study aims to understand the process of implementing the New Public Procurement and Contracts Law, Law No. 14,133, in the Municipality of Turvo, located in the State of Paraná, Brazil. For 30 years, the country used specific legislation to carry out its public procurement processes, and with the sanctioning of Law No. 14,133, public administration had to adapt to the changes brought about by the new regulation, which altered organizational practices and routines. Considering the change process, this study was conducted to understand the strategies created in the implementation process, identifying practices, praxis, and practitioners through the approach of strategy as a social practice.

Materials and Methods: Using a case study and a qualitative approach, the article aims to understand the social practices of the organization's actors to identify the strategy creation process in implementing the New Law. This was achieved through semi-structured interviews and participant observation, analyzing routines and the social reality experienced, thus identifying practices, praxis, and practitioners.

Results: The study identified the implementation process in the Municipality of Turvo, as well as the strategizing process.

Conclusion: Understanding social practice within organizations is essential for identifying how strategies are created, often without the organizational actors realizing it. This study found that strategy creation is not always initiated by executives but rather by practitioners involved in operational processes.

Keyword: Strategy as social practice; Strategy; Public procurement.

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I. Introduction

In discussions on strategy, the classical perspective predominates in organizational studies. However, in a broader environment marked by constant and unpredictable changes, strategy studies grounded in positivist perspectives have weakened, as they fail to account for the greater complexity of factors influencing strategic decisions, which goes beyond what the classical view suggests. Challenging paradigms, the concept of strategy as a social practice has gained traction in efforts to understand the “practice of strategizing” within organizations. To achieve this, organizations need to move beyond the determinism inherent in classical strategic theories. They should consider the need to complement traditional processes by integrating insights from new scientific approaches, keeping pace with globalization and the immediacy of organizational changes. Given that public administration functions within a regulatory framework, it is essential to ensure that actions remain consistent with evolving legislation, largely driven by technological advancements. These shifts align with global developments and are evidenced by the enactment of new legislation, such as Brazil’s New Public Procurement and Contracts Law (Federal Law No. 14,133/21). This new law replaces previous legislation that, for 30 years, regulated the public procurement processes of direct, autarchic, and foundational public administration bodies

across federal, state, and municipal levels in Brazil. To understand the implementation process of this new legislation, this case study analyzes, through the lens of strategy as a social practice, the strategies developed for the adoption of this regulation in the Municipality of Turvo, Paraná.

II. Material And Methods

This case study was conducted from November 2023 to August 2024 in the Municipality of Turvo, Paraná, Brazil, classified as a small municipality with approximately 14,000 inhabitants. The research follows an interpretative and descriptive approach with exploratory investigation criteria, employing field research through participant observation⁴.

Data collection involved primary data from semi-structured interviews and secondary data from documents and regulations already prepared by the organization. Given that this study focuses on the "micro" level of organizations, aiming to understand individuals' social practices and routines, a qualitative research approach was chosen.

This approach allows for a deeper exploration of social reality, encompassing not only data collection but also immersion in the context to understand lived experiences⁴. To this end, semi-structured interviews were conducted with nine municipal public servants who actively participated in implementing the New Public Procurement and Contracts Law in Turvo, as detailed in Table 1.

Table nº 1:

Profile of Interviewees

NAME	EDUCATION	POSITION	DEPARTMENT	YEARS OF SERVICE	YEARS OF SERVICE (in years)
Interviewee A	Law	Executive	Commission and Legal	2014 – 2024	11
Interviewee B	Business Administration	Internal Control	Commission and Audit	2014 – 2024	11
Interviewee C	Mathematics	Director	Procurement	2020 – 2024	5
Interviewee D	Business Administration (in progress)	Advisor	Procurement	2021 – 2024	4
Interviewee E	Business Administration (in progress)	Advisor	Administration	2021 – 2024	4
Interviewee F	Business Administration	Director	Commission and Administration	2017 – 2024	8
Interviewee G	Veterinary Medicine	Executive	Agriculture	2017 – 2024	8
Interviewee H	Business Administration	Former employee	Commission and Administration	2020 – 2023	4
Interviewee I	Economics	Executive	Executive	2017 – 2024	8

Data Collection

The process of implementing the New Public Procurement and Contracts Law in the Municipality was already underway when this study was conducted. Consequently, data collection initially involved documents previously prepared by the organization, including regulations, meeting minutes, decrees, and other documents related to the process. Participant observation was conducted through attendance at meetings and training sessions, along with the application of semi-structured interviews as part of the data collection. These interviews were held within the organization's natural setting, with audio recordings and notes capturing the conversations.

For data analysis, content analysis was employed, a technique that creatively and intuitively examines spoken and written words to produce inferences about the content analyzed and connect it to its social context. This technique does not aim to answer a specific hypothesis but rather to gather insights from those who make up the studied unit. Since the study focuses on established regulations, laws, and guidelines, documental analysis was also conducted alongside content analysis.

Upon completing data collection, content analysis was followed by data triangulation to determine how the process of strategy formation took place during the implementation of the New Public Procurement and Contracts Law in the Municipality of Turvo, Paraná. This approach helped identify the practices, praxis, practitioners, and the strategizing process, with the analysis categories proving essential to this investigation, as detailed in Table 2.

Table 2

Analysis Categories

CATEGORY	VARIABLES FOR ANALYSIS	OPERATIONAL OBJECTIVE
PRACTICES	1. How are the products of strategy and organization communicated and consumed? 2. Who does the formal work of strategy and organization, and how do they manage to do it?	Understand the process of strategy formation by analyzing behaviors and cognitive elements, identifying how strategy emerges in organizations (Jarzabkowski, 2005).
PRAXIS	2. How is the work of strategy and organization organized? 4. What are the common tools and techniques of strategy and organization, and how are they used in practice?	Identify the procedures carried out in the organization's daily activities, such as activity flows and operational processes where strategy is constructed (Jarzabkowski; Whittington, 2008).
PRACTITIONERS	3. What skills are necessary to create strategies and organize the work, and how are they acquired?	Understand the role of organizational actors who build the strategy, identifying who they are, what they do, and the procedures they adopt (Jarzabkowski; Balogun; Seidl, 2007).
STRATEGIZING	4. How, where, and by whom is the work of strategy and organization actually done?	Through the intersection of the three previous categories, the process of "doing strategy" emerges, enabling the identification of how, where, and by whom strategy is made, thus understanding the strategizing process (Jarzabkowski; Whittington, 2008).

The analysis categories provided a guiding framework for the content analysis of the collected data, especially regarding the interviews conducted at the micro-organizational level. The aim was to construct a scenario of strategy formation from the perspective of strategy as a social practice, viewed through the lens of the organizational actors, also referred to as practitioners. Consequently, the interviews were transcribed and segmented, followed by triangulation of the information, after which the findings were interpreted to inform the results of this report.

Strategy as a Social Practice

The classical view of strategy is centered on an organization’s missions and objectives from an economic perspective. This approach is based on decisions made by executives, who analyze environmental threats and opportunities and identify the organization’s strengths and weaknesses to develop strategies that minimize risks.

However, Whittington emphasizes the importance of understanding strategy as a social practice, focusing on the performance of strategy within a field and by individuals, rather than solely on the organization’s performance. Strategy, according to this view, is not merely something an organization possesses, but something that the organization and its team actively do—how they do it and who does it.

To understand the process of strategy formation, it is essential to examine and identify the actions, interactions, and negotiations among various actors and their practices. “The practical notion implies special attention to the work done by people within organizational processes.” By identifying what strategists and organizers do, we take the first step toward understanding the construction of strategy.

Social practice is embedded in people’s minds and habits, acting as a form of collective memory. Therefore, strategy as a social practice is grounded in the social actions of organizational actors and the social process of strategy formation, which arises from three foundational elements: praxis, practices, and practitioners.

Expanding on this perspective, Hübler identifies praxis, practices, and practitioners as pillars of the approach. Practices encompass the processes and tools used to achieve objectives, such as technologies, frameworks, and strategic assessments; praxis refers to the actions performed by organizational actors, integrated into their daily routines; and practitioners are those who actively construct these practices.

Since praxis, practices, and practitioners form the foundation of strategy as a social practice, this study aims to capture these concepts through the perspectives of various authors, as illustrated in Table 3.

Table 3

Concepts of Practice, Praxis, and Practitioners

TERM	CONCEPT
Practice	"Organized human activities [...] an organized set of space-time actions in the open" (Schatzki, 2005, p. 471). "The way of doing adopted by individuals, skillfully and inventively, from their own places, occupied by others, in response to certain conditions and deliberations imposed on them" (De Certeau, 1998 as cited in Hübler, 2019). "Shared behavioral routines, including traditions, norms, and procedures for thinking, acting, and using 'things,' the latter in a broader sense" (Whittington, 2006, p. 619). "Cognitive, behavioral, procedural, discursive, motivational, and physical elements that are combined, coordinated, and adapted to build the practice" (Jarzabkoski; Balogun; Seidl, 2007, p. 11). Practices are defined by Jarzabkoski; Balogun; Seidl (2007) as resources that assist in doing strategy, which can include behavioral activities, mental activities, or physical resources. They are flexible, adaptable, and mutable, adjusting to the situations in which they are used.

	"They consist of that set of knowledge disseminated in a given context, socially legitimized, which impacts what is understood as the know-how acquired by the organization that is prominent in its respective organizational routines" (Hubler; Lavarda, p. 30, 2017).
<i>Práxis</i>	"Flows, properly situated, of socially performed activities that are strategically consequential for the direction and survival of the group, organization, or industry" (Jarzabkowski; Balogun; Seidl, 2007, p. 11). "Pure strategy work, the flow of activities such as meetings, conversations, calculations, form fillings, and presentations, through which strategy is made" (Jarzabkowski; Whittington, 2008, p. 101). Praxis is what happens in society and what people are doing (Sztompka, 1991, as cited in Jarzabkowski; Balogun; Seidl, 2007, p. 11). "Comprises the interconnection between the actions of different and dispersed individuals and those social, political, and economically embedded institutions within which individuals act and contribute to" (Jarzabkowski, Balogun, and Seidl, 2007, p. 9). "Praxis, a term from Greek meaning 'action,' consists of the way things are done, both intra, extra, and even inter-organizationally, involving cultural and ethical aspects accepted in a given social context" (Hubler; Lavarda, p. 30, 2017).
Practitioners	"Shape the construction of practice through who they are, how they act, and what resources they adopt" (Jarzabkowski, Balogun, and Seidl, 2007, p. 11). "Defined broadly to include not only those directly involved in doing strategy — notably, managers and consultants — but also those with indirect influence, such as policy makers, the media, gurus, and business schools that shape legitimate praxis and practices" (Jarzabkowski; Whittington, 2008, p. 101, free translation). "Practitioners are the actors directly involved in the process of doing strategy and, at its core, the link between practice and praxis" (Hubler; Lavarda, p. 30, 2017).

In summary, Jarzabkowski suggests that the process of making strategy, or strategizing, arises from the skills of organizational actors who utilize, adapt, and manipulate available resources and tools in the strategy creation process. By analyzing strategy construction as a strategizing process that emerges from the interconnection between practitioners, practices, and praxis—elements closely tied to the habits, behaviors, and routines of organizational actors—the theory of strategy as a social practice seeks to understand, through a multidisciplinary approach, the interaction among these elements and the social actions within organizations in creating strategy. This study applies this approach to analyze the implementation process of Law No. 14,133/2021 in the Municipality of Turvo, Paraná, which is the central subject of this research.

III. Result

The analysis provided offers a comprehensive view of the steps involved in implementing Law 14.133/2021 in the Municipality of Turvo/PR, structured into three main stages: Planning and Studies, Implementation, and Mandatory Application and Effectiveness. Here’s a breakdown of these phases and their impacts, as highlighted by the study:

1st Stage – Planning and Studies

The transition process to the new Bidding and Contracts Law, as detailed in the Municipality of Turvo's records, highlights an organized and forward-thinking approach. The enactment of Municipal Decree 91/2022 established the “Commission for the Implementation of Law 14,133/2021,” tasking it with adapting municipal practices to meet the standards of this new law. This group was instrumental in crafting guidelines and ensuring compliance with the updated bidding and contracting processes across the public administration of Turvo.

A significant discovery from this analysis is that, prior to the new law, the municipality lacked a formal Annual Procurement Plan, handling procurements as the need arose and relying on a simplified approach that left critical information, like justifications and timelines, in basic formats. Furthermore, while the bidding requests could originate from various secretariats, the administration of these processes remained centralized within the Administration Secretariat, which essentially functioned as a central control point. This setup, however, led to bottlenecks; the process would repeatedly funnel through this single department, resulting in limited transparency and access for the initiating departments, as noted by Interviewee G.

The anticipation of the legislative change by the technical team is also notable. Despite the law only being enacted in 2021, initial studies began as early as 2020, illustrating proactive engagement from the Municipality’s technical staff. The transition was carefully planned, and the Commission sought to thoroughly understand the legislation to ensure a smooth adaptation period. Nevertheless, the complexity of the law and the absence of complementary regulations presented challenges, creating initial uncertainty, as described by Interviewees and supported by Zockun and Cabral (2022), who examined the legislative effectiveness of the new law.

Communication of these significant changes to departmental staff emerged as a central task for the Commission. The introduction of new procedures—such as preparing detailed technical studies and terms of reference—placed greater responsibilities on personnel accustomed to simpler processes. The Commission’s documentation reflects a thoughtful approach, demonstrated by organized meetings, introductory sessions, and new resources, including an annual procurement plan, flowcharts, and pilot projects, to bridge knowledge gaps.

This detailed planning and phased approach, moving from initial studies to active implementation, underscores the commitment of Turvo's public administration to achieve compliance and optimize its procurement processes. The Commission's structured planning and gradual rollout reflect a model for handling legislative changes within municipal structures, ensuring compliance and enhancing efficiency through strategic decentralization and proactive communication.

2nd Stage – Implementation

The implementation of Law 14,133/2021 in the Municipality of Turvo was a structured and challenging process, starting in November 2022 with the establishment of an Implementation Committee. The primary goal of this committee was to inform, guide, and train those responsible for executing the bidding processes under the new law.

A significant tool in this phase was the creation of the "Manual of the NLLC" (New Bidding and Contracting Law), produced by the Administration Secretariat. The manual was pivotal in educating the departments about the new law's requirements. Surprisingly, many sectors demonstrated a lack of understanding about their own procurement processes, underscoring gaps in knowledge about contract management.

On November 21, 2022, the Municipality of Turvo conducted its first pilot bidding process under the new law, marking a milestone in the transition. This initial success led to the next phase of implementation: introducing the new bidding system to the municipal secretariats. A key meeting on December 12, 2023, brought together the Mayor, municipal secretariats, and the committee, where the new workflows, acronyms, systems, and responsibilities were presented.

Training played a central role in the successful adaptation to the new law. Five in-person meetings were held, and the training sessions incorporated a variety of interactive elements such as practical exercises, dynamic activities, and quizzes. The goal was not only to impart technical knowledge but also to overcome resistance by making the learning process engaging and collaborative. These training sessions were crucial, as highlighted by several interviewees, particularly in overcoming the apprehension regarding the complexity of the new law and its associated processes.

The Municipality of Turvo was expected to fully transition to the new law by April 1, 2023, but, as confirmed by Interviewee D, the Municipality began using the new law in January 2023. By the April deadline, Turvo had successfully transitioned, with only a few processes still under the old law, which were phased out following a deadline extension. This swift transition was a result of comprehensive training and the introduction of a digital system, which modernized the bidding process and improved efficiency.

Despite initial resistance to the new law, especially regarding its perceived complexity compared to the old law (8.666), interviewees noted that, once trained, staff found the new law easier to navigate. The integration of a digital system played a crucial role in facilitating the transition, addressing concerns about the potential inefficiency of a paper-based system. According to interviewees, the digital system ensured that the process was more transparent, faster, and more efficient, and was integral to the successful implementation of the new law.

In conclusion, the implementation of Law 14,133/2021 in Turvo was a methodical process that involved overcoming resistance, training staff, and integrating new technologies. The planned approach, coupled with the successful integration of digital tools and comprehensive training, allowed Turvo to adapt to the new law ahead of the mandatory deadline, setting a strong foundation for future procurement processes.

3rd Stage – Obligation and Effectiveness

The mandatory implementation of Law 14.133/2021 on December 29, 2023, marked a significant milestone for public procurement processes across Brazil. The Municipality of Turvo, having already adopted the new law in advance, was ahead of many other municipalities and quickly became a reference point for successful implementation.

By the time the law became mandatory, Turvo had already fully processed all its procurement procedures under the new guidelines, setting an example for other municipalities. Interviewees shared how Turvo's team was regularly contacted by other municipalities for guidance, with many seeking to understand the models and documents Turvo had developed. As Interviewee I noted, the Municipality's proactive approach in sharing knowledge helped neighboring municipalities, reinforcing Turvo's role as a leader in implementing the new law.

The early implementation of Law 14.133 gave Turvo a significant advantage, allowing it to adapt gradually and gain hands-on experience with the new processes before they became mandatory. This provided an opportunity for the team to refine their processes and ensure that everything was fully operational by the time the law was enforced. Interviewee F described the early start as positive, as it allowed for a smoother transition. Similarly, Interviewee C highlighted that Turvo was ahead of other municipalities, having attended a training where they realized they were already well-versed in the material being taught.

A major change under the new law was the focus on the preparatory phase of the procurement process. This stage, previously overlooked, became a key part of ensuring more efficient and professional procurement

activities. Interviewees highlighted how the new law required requesting departments to be more thoughtful and responsible in planning their purchases. According to Interviewee G, the introduction of tools like the Preliminary Technical Study and Terms of Reference helped departments better define their needs, leading to clearer expectations for suppliers and ensuring contracts were executed as planned.

The transition to the new law also resulted in a significant reduction in the time required to process procurement procedures. Processes that previously took an average of 90 days were now completed in just 30 to 45 days, thanks to the new workflow that spread responsibilities across departments, as mentioned by Interviewee E. The delegation of responsibility to requesting departments allowed for a faster, more efficient process, as each department took ownership of the stages under their control.

In addition to improving the speed of procurement processes, Turvo also saw significant improvements in transparency and planning. As Interviewee B noted, the new law encouraged a more specific analysis of what was needed, forcing departments to carefully consider their purchases. This thoughtful approach not only made the process more efficient but also led to more responsible use of public funds.

In summary, the Municipality of Turvo's implementation of Law 14.133 was not only timely but also effective. Through proactive planning, early adoption, and comprehensive training, Turvo managed to streamline its procurement processes, enhance transparency, and ensure more efficient and professional public contracting. These efforts have made Turvo a model for other municipalities, confirming the municipality's status as a reference for successful implementation of the new law.

IV. Discussion

The approach of strategy as a social practice, which underpinned this study, identifies practice, praxis, and practitioners as pillars for the construction of the process called "strategizing." Considering the data collected, this chapter aims to outline the identified practices, as well as the praxis and practitioners, in the process of implementing the New Procurement and Contracting Law in the Municipality of Turvo.

Practices

To understand the practices based on the operational objective proposed by Jarzabkowski (2005), the strategy formation process was investigated by analyzing behaviors and cognitive elements to identify how strategy emerges within organizations.

The implementation of the New Procurement and Contracting Law, although inevitable for the Municipality of Turvo and other public entities, brought significant changes to practices that had been established for over 30 years in the public procurement process. While several actions were already required by Law 8.666/93, the new legislation centralized and regulated the preparatory phase of procurement, delegating greater responsibility to the requesting departments, which made the process more efficient.

Adapting to this new reality required the improvement of organizational practices, with a focus on transparency and planning. The Municipality of Turvo, through the Committee for the Implementation of the New Law, adopted the following practices to lead this transition:

- a. Establishment of a responsible Committee;
- b. Training of Committee members;
- c. Weekly meetings for reading the new legislation;
- d. Development of an action plan;
- e. Adaptation of models and practices from other entities;
- f. Continuous evaluation of actions;
- g. Individual technical contributions from members.

Praxis

To identify praxis, the goal was to understand how strategic work is organized, what tools are used, and how they are applied. Drawing from the perspectives of Jarzabkowski and Whittington (2008), the daily procedures within the organization were mapped during the implementation of the New Procurement and Contracting Law, including activity flows and operational processes that shape and implement strategic formulation.

In this context, several tools and techniques used by the Implementation Committee were identified:

- a. Reading to understand the new law;
- b. In-person and online training;
- c. Recording meeting minutes;
- d. Shared planning;
- e. Use of innovative technological tools;
- f. Utilization of free communication channels;

g. Periodic analysis of challenges.

Praticantes

Identifying the organizational actors who actively participate in strategy creation, the skills required, and how these skills are acquired and influence the strategic process is crucial. To this end, an analysis was conducted on the role of organizational agents in strategy creation, highlighting the involved actors, their functions, and the procedures adopted (Jarzabkowski; Balogun; Seidl, 2007).

According to the interviewees' accounts, the Implementation Committee of the New Procurement and Contracting Law was essential to the success of this process in the Municipality of Turvo. Established by Decree 91/2022, the Committee was composed of:

- a. Municipal Attorney, with a degree in Law and a specialization in Public Law;
- b. Director of the Administration Department, with degrees in Administration and Psychology;
- c. General Attorney, with degrees in History and Law;
- d. Director of the Strategic Management and Communication Department, with a degree in Administration and currently pursuing a Master's in Administration, who later became the Municipal Secretary of Administration;
- e. Municipal Secretary of Finance, with a degree in Administration and over 15 years of public service experience;
- f. Internal Control, with a degree in Accounting, who later became the Municipal Secretary of Health during the process;
- g. Administrative Assistant in the Municipal Administration Department, pursuing a degree in Administration;
- h. Head of the Contract Division, with a degree in Mathematics, who later became the Director of the Procurement and Contracting Department.

Although appointed, the Committee, according to Article 3 of Decree 91/2022, "may request technical collaboration from other municipal public servants, enhancing the quality of the activities." The Committee underwent changes since its publication on October 21, 2022, with staff members leaving and entering new positions and departments. The members were selected based on their roles and prior experience in administration.

V. Conclusion

The main objective of this study was to understand the process of implementing the new procurement law in the Municipality of Turvo/PR. To achieve this, a case study was conducted using an interpretive and descriptive approach, with exploratory criteria, through participant observation and field research, to capture the primary changes in the public procurement process resulting from the New Procurement and Contracting Law.

The study revealed that the Municipality of Turvo not only implemented Federal Law 14.133/21 but also restructured its public procurement process to meet the new requirements, which imposed greater responsibility for planning. Since the study was conducted during the implementation process of the new law, it was necessary to map the actions already carried out by the organization and identify areas that required adjustment. It was discovered that the Municipality had formed an Implementation Committee as early as 2021, which played a crucial role in ensuring that the law was being applied ahead of its mandatory deadline.

The Committee revisited its organizational practices, analyzing the previous procurement process, identifying areas for improvement, and understanding the changes introduced by the new legislation. A new public procurement process was developed, which altered how departments operated, promoted the decentralization of procurements, and reinforced the need for functional segregation, as mandated by Law 14.133/21. As a result, managers assumed greater responsibility for planning and conducting preliminary technical analyses of each procurement.

From the perspective of strategy as a social practice, it was possible to identify the elements that sustain it—praxis, practices, and practitioners—and how strategies emerged from these interactions. According to Jarzabkowski (2004), social practice is a collective phenomenon manifested in habitual attitudes and behaviors, reflecting a collective memory based on shared experiences. Thus, strategy as a social practice is constructed through the social interactions of organizational actors and the collective process of strategy creation.

The process of implementing the New Procurement and Contracting Law in Turvo involved the development of collective plans and actions. The diagnosis showed that the municipality had already completed the implementation process of the new law and continues to maintain activities related to its execution. The practices, praxis, and practitioners were clearly identified throughout the implementation process.

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