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**THE IMPORTANCE
OF THE PRICE
REGISTRATION SYSTEM
IN THE PLANNING OF
PUBLIC CONTRACTS**

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Abstract: The Price Registration System (SRP), regulated by Decree Number 7,892, of January 23, 2013, is a procurement system in the public sector, which consists of a set of procedures for formally registering product prices, or provision of services, for future contracts. The amount to be charged for the product or service is fixed in a Price Registration Minute (ARP), which comes from the referred system. The ARP constitutes the commitment established between the suppliers, the agencies and the acquisition conditions, that is, the suppliers agree to provide the public sector with a previously established quantity and the unchanged price, for a previously determined period. The main specificity of the aforementioned system is that the public agency is not obliged to carry out the acquisition, resulting in a large list of products and suppliers, selected through a bidding process. Therefore, it is necessary to understand the system under study, to make the most of its applicability and advantages.

Keywords: Price registration system. Bids. Public procurement.

INTRODUCTION

In public administration, the price registration system is extremely important, as it has advantages that can be adopted, as established in Decree Number 7,892/2013, when there is a need for frequent hiring by the administration, identification of the convenience of acquiring goods with forecast deliveries in installments, when it is appropriate to serve more than one body or entity and when, due to the nature of the object, there is no possibility of previously defining the quantities to be demanded by the Administration.

Therefore, it is necessary to understand the system, study its applicability and advantages, so that it is used and take advantage of the

best possible way, know its limitations of use and care necessary for its employability in public contracts.

Public procurement and contracting must be correlated with the business of the body or entity (reason why it exists), given that the public procurement/contracting process exists to carry out administrative activities and public policies, in order to guarantee the achievement of the public interest.

The theme has the general objective of elucidating the applications of the price registration system in public administration and the specific objectives of highlighting its current applicability, its limitations of use and the necessary care during the hiring process.

The work in question will be developed according to a Literature Review, with reference from classic to more recent works, dated from 1993 to 2022.

All data and information will be gathered through searches of bibliographical references of texts and articles on the internet, current laws and decrees, as well as in books and periodicals of national circulation, thus contemplating ideas and experiences of different places and authors, such as the Constitution of the Brazilian Federative Republic, Law Number 8.666, of June 21, 1993, Law Number 10.520, of July 17, 2002, Federal Decree Number 7.892, of January 23, 2013, Federal Decree Number 8.250, of January 23 May 2014 and Complementary Material SEBRAE. The keywords are price registration system, bids and public contracting.

LEGAL SUPPORT FOR THE PRICE REGISTRATION SYSTEM

LAW NUMBER 8.666/93

The SRP is supported by Law Number 8.666/93 in its article 15, which establishes that purchases, whenever possible, must be carried out through the price registration system, which must be preceded by extensive

market research, occur as a public and well-known fact, it must be regulated by decree, obey the selection criteria, through competition, update of registered prices and with registration validity of up to one year (Art. 15 Law number 8.666/1993).

As imposed by Law Number 8.666 (1993):

The existence of registered prices does not oblige the Administration to sign the contracts that may arise from them, being allowed to use other means, respecting the legislation related to bidding, being assured to the beneficiary of the registration preference under equal conditions.

It must be noted that an extremely important particularity of the referred system is that any individual is established as a legitimate party to abdicate prices contained in the general framework due to their incompatibility with the current market price (Art. 15 Law Number 8.666/1993).

LAW NUMBER 14.133/2021

It is determined by article 40 of Law Number 14,133/2021 that purchase planning will need to consider the mapping of annual consumption and provide for processing through a price registration system when convenient (Art. 40 of Law Number 14,133/2021).

The Price Registration Minutes (ARP), derived from the referred system, is defined as a binding and obligatory document, which establishes the characteristic of commitment for eventual public procurement, in which the objects, prices, suppliers, participants and the conditions to be exercised, as designated in the direct contract notice/instrument, in the bidding notice and in the reported proposals (Art. 6th Law Number 14.133/2021).

DECREE NUMBER 7.892/2013

Regulated by Decree Number 7,892, of January 23, 2013, the Price Registration

System is a procurement system in the public sector, which consists of a set of procedures for formally registering prices of products or the provision of services, for future contracts (Art. 2nd Decree Number 7.892/2013).

The Price Registration System must be used, preferably, in the following specificities:

(1) When there is a need for frequent hiring;

(2) When it is convenient to purchase goods or hire services to serve more than one agency or entity, or government program;

(3) When it is not possible to previously define the amount to be demanded by the Public Administration;

(4) When it is convenient to purchase goods with forecast deliveries in installments or contract services remunerated by unit of measure or on a task basis (Art. 3rd Decree Number 7.892/2013).

AGENTS THAT ARE PART OF THE PRICE REGISTRATION SYSTEM

MANAGING BODY

Public Administration agent responsible for conducting the set of procedures for price registration and management of the resulting Price Registration Minutes (SEBRAE, 2017).

Powers of the managing body

The management body of the aforementioned system is responsible for carrying out the entire bidding procedure and the resulting acts, such as: (1) defining the object, items, batches of materials/services; (2) consolidation of consumption information; (3) instruct all procedural acts; (4) invite other bodies to participate in price registration; (5) carry out extensive price research, in order to identify reference prices; (6) carry out the necessary procedures for eventual renegotiations; (7) control process deadlines and (8) apply sanctions for legal breaches (Decree Number 7,892/2013).

NORMATIVE HISTORICAL EVOLUTION PRICE REGISTRATION SYSTEM

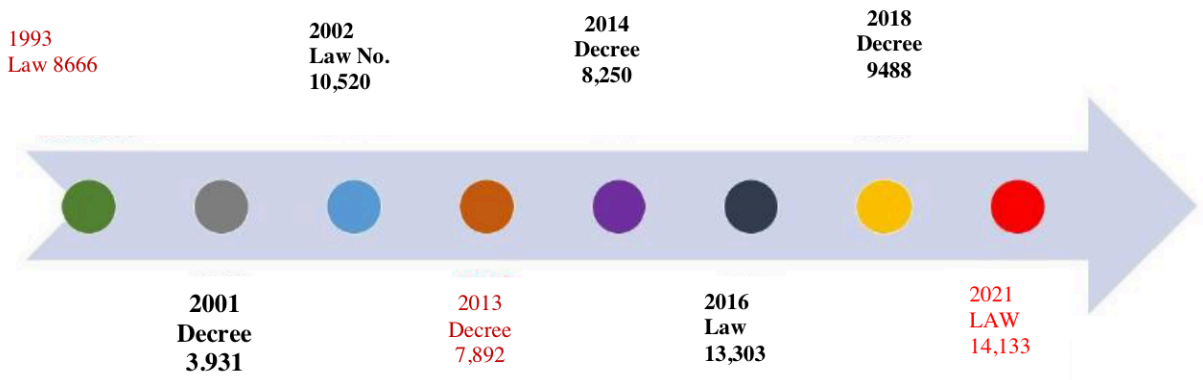




Figure 1 - Normative historical evolution.
Source: Data produced by the author, 2022.



Price Registration System - set of procedures for formal registration of prices related to the provision of services and acquisition of goods, for future contracts.

Federal Decree Number 7.892/13 Art. 2nd Item I

Figure 2 – Decree price registration system.
Source: SEBRAE, 2017.



This is a register of products and suppliers, selected through a prior bidding process, for eventual and future contracting of goods and services by the administration.

Federal Audit Court-TCU

Figure 3 - TCU price registration system.
Source: SEBRAE, 2017.

PARTICIPATING BODY

Public Administration agent who participates in the initial resources of the Price Registration System and includes the Price Registration Minutes (SEBRAE, 2017).

NON-PARTICIPATING BODY

Public Administration agent who, not contributing to the initial resources of the bidding, respecting the requirements established by the legislation regarding the price registration, adheres to the Minutes of Price Registration - known as "ride" - (SEBRAE, 2017).

PARTICIPATING NATIONAL PURCHASING BODY

Public Administration agent who, due to participation in a federal program/project, is favored in the registration of prices regardless of formal manifestation (SEBRAE, 2017).

BENEFICIARY OF THE MINUTES

In this case, it is the company that wins the procedure, which, after approval of the process, is called to sign the Price Registration Minutes, bearing the commitments and conditions provided for herein (SEBRAE, 2017).

ADVANTAGES OF THE PRICE REGISTRATION SYSTEM

It is a valuable tool for Public Administration, which allows optimization and agility in bidding processes. Among the various advantages offered by the system, it is worth mentioning: (1) control and improvement in the planning of public contracts; (2) increase in administrative efficiency; (3) increase in interested bidders; (4) agility in homologation; (5) autonomy for the public body and (6) reduction of losses to the treasury (SEBRAE, 2017).

The aforementioned system does not compromise the financial resources of the Public Administration, which is why it is only necessary to provide the value registered at the time of acquisition. Furthermore, it allows the formation of virtual stocks, dispensing with the need for the public agency to invest resources in the construction and conservation of central warehouses, given that whenever a product is needed, it is opportune to request the company holding the Price Registration Minutes - ARP, to carry out the delivery of the demand in a place established in the procedural instruments.

An advantage that is of great value to the public sector is the use of the aforementioned system, in view of the impasse resulting from the administration, which often cannot measure the exact quantity of products that it will use, which can lead to buy the largest or smallest (SEBRAE, 2017).

In addition, bidding processes require high costs for the administration, too much bureaucracy in stages, since with the use of the Price Registration System, the public agency performs only one bidding process, which can meet the necessary demands for a period of 12 (twelve) months (SEBRAE, 2017).

The price registration system is also beneficial, as it allows for the ascendancy of participation by Micro and Small Businesses, due to the possibility of delivery or supply of the good occurring in installments (ENAP, 2014).

LIMITATIONS ON THE USE OF THE PRICE REGISTRATION SYSTEM

Among facilities, application advantages and high productivity, the use of the price registration system has limitations in its use, which must be studied, planned and executed seriously by the Public Administration (TCU, 2016).

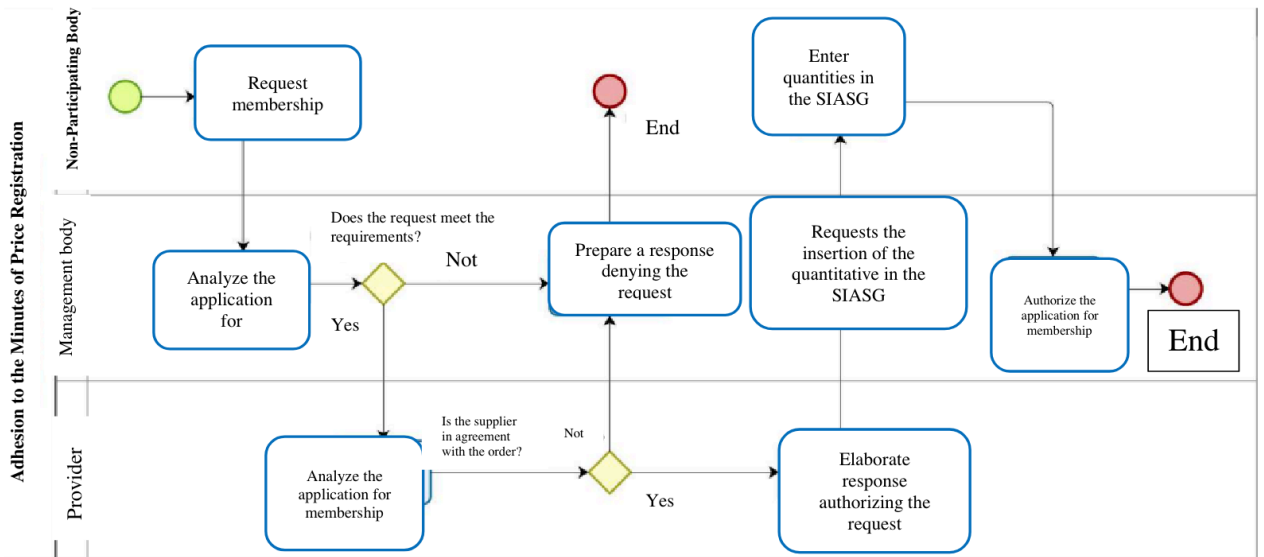


Figure 4 - Flowchart adherence to price registration minutes.

Source: PURCHASE CENTRAL, 2020.

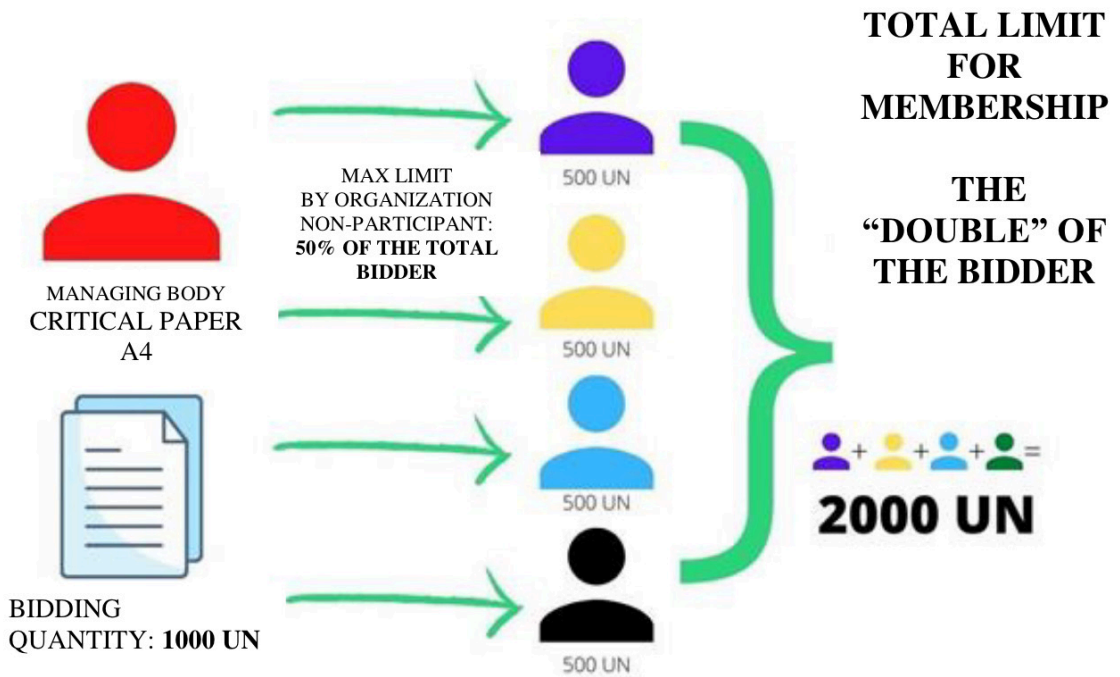


Figure 5 - Adhesion to the “free ride” price registration minutes.


Source: INOVE, 2020.



Figure 6 – Advantages of the price registration system.

Source: ILHA SINGLE, 2019.

DECISIONS



Check the possibility of adopting the price registration system, provided for in article 15 of Law number 8.666/1993, in order to speed up and facilitate the purchase of foodstuffs for school lunches.

[Judgment 653/2003 First Chamber](#)

Figure 7 - Judgment 653/2003.

Source: SEBRAE, 2017.

According to decisions of the Federal Court of Auditors, the use of the system referred to the contracting of works is inappropriate, because there is no demand for sporadic items, a known fact that services must not be disaggregated from each other (TCU, 2019).

It is unacceptable to apply the price registration system for contracting services that are not replicable and standardizable, which is why they are incompatible with art. 3, item III, of Decree 7.892/2013 (CARVALHO, 2013).

In addition, it is possible to hire common engineering services supported by price registration, when the objective is the maintenance and conservation of building facilities, given that the demand for the object is replicable and standardizable, but

the aforementioned system is not relevant to the contracting of works, for the reason that in this factual situation there is no demand for isolated items, as the services cannot be separated from each other (AMORIM, 2017).

REVIEW OF RECORDED PRICES

It is important to point out that in the price registration system, those that were registered may be revised due to occasional reductions in prices practiced in the market, or for reasons that increase the cost of registered goods or services and it is up to the managing body to establish the necessary procedures, together with the suppliers, so that the negotiation is elaborated. Participants who do not agree may be released from the commitment without applying penalties (Decree Number 7.892/2013).

| | |
|--|---|
| <p style="text-align: center;">PRICE REDUCTION PRACTICED ON THE MARKET</p> <p style="text-align: center;">(art.18)</p> | <p>Summoning of suppliers to negotiate the reduction of prices to the values practiced by the market.</p> <p>Suppliers who do not accept to reduce their prices to the values practiced by the market will be released from the assumed commitment, without penalty application (§1)</p> |
| <p style="text-align: center;">INCREASE IN MARKET PRICE</p> <p style="text-align: center;">(art.19)</p> | <p>If the supplier is unable to maintain the price registered in the ARP, the managing body may:</p> <p>I. Release the supplier from the assumed commitment, if the communication occurs before the supply order, and without applying the penalty if the veracity of the reasons and proofs presented is confirmed; and</p> <p>Summon the other suppliers to ensure equal negotiation opportunities.</p> |

Figure 8 – Price review.

Source: FCGP, 2020.

CANCELLATION OF REGISTERED PRICES

It is imperative that the reason for the cancellation is justified and proven, which may occur at the request of the supplier or in the interest of the Public Administration, arising from acts of God or force majeure, resulting in damage to the minutes (Law Number 10.520/2002).

It must be noted that, in some acts, suppliers may be held liable, and these penalties are established in Law Number 8.666/1993, which can range from a simple warning to large fines, impediment of contracting with public entities and declarations of unsuitability (SEBRAE, 2017).

Conditions for canceling registered prices:

(1) The usufructuary of the minutes did not comply with the established tax of the Public Notice or of the Minutes originating from the registration;

(2) Penalty provided for in items III or IV of the caput of art. 87 of Law number 8666 of 1993, or in art. 7 of Law Number 10,520 of 2002;

(3) The user of the Minutes did not execute the respective commitment note or equivalent instrument within the established period, without proper justification;

(4) The recorded prices show high variations compared to those practiced in the market and the user of the minutes refuses to revise them;

(5) Characterization of the public body, justified;

(6) Request from the user of the minutes, as a result of a fact that may impair the performance of the contract, arising from acts of God or duly justified force majeure (SEBRAE, 2017).

FROM ADHERENCE TO PRICE REGISTRATION MINUTES

As previously explained, the price registration minutes, which come from the price registration system, constitute the commitment established between suppliers, bodies and acquisition conditions (Decree Number 7,892/2013).

Through a document called “adhesion document”, any other body may request adherence to a price registration minutes (known as “ride”), this document must contain the specification of the object of interest and the estimated quantity of demand (SEBRAE, 2017).

It is regulated, through Decree Number 7,892, of January 23, 2013, that the amount of membership allowed is a maximum of five times the total quantity previously registered (Decree Number 7,892/2013).

It is up to the managing body to analyze in the minutes whether there is a necessary amount available for possible adhesions, as well as whether it has already exceeded the regulated limit. If by chance it has not been exceeded, the managing body will contact the user of the best registered price and check if it is interested in providing other bodies with the indicated objects recorded in the price registration minutes. Subsequently, in case of agreement with the price supplier, the managing body forwards the authorization to the adhering body, together with the supplier’s data and a copy of the minutes with all the details of the bidding process. From that moment on, the adhering body will ask the supplier for the products authorized by the body managing the minutes. Finally, after being duly authorized, the body that requested membership/ride will have its attributions equal to that of another participating body, ensuring all acts related to compliance with established legislation (SEBRAE, 2017).

CONCLUSION

Due to the significant increase in purchases of products and provision of services by the public administration, it is necessary to know and understand its applicability, versatility and limitations of use, so that the price registration system is used and taken advantage of in the best possible way, combining a quality management with sustainability.

The work carried out addressed the application of the system in its various forms in administration, providing greater agility, efficiency and greater control in the acquisition and contracting of goods and services.

Having achieved the objective of understanding the applicability and advantages of the system, it was necessary to analyze its limitations in public administration and emphasize the precautions that must be respected during its execution, in order to produce satisfactory results with quality.

Looking for a future project, it is important to carry out studies and delve deeper into issues of transparency in public administration, with more references and research on tools for controlling processes for purchasing products or providing services, so that it is possible to increase the security of the application of public financial resources.

REFERENCES

Serviço Brasileiro de Apoio às Micro e Pequenas Empresas (SEBRAE). **Sistema de Registro de Preços – SRP**. – Brasília: SEBRAE, 2017.

BRASIL. **CONSTITUIÇÃO** da República Federativa do Brasil: promulgada em 5 de outubro de 1988.

BRASIL. LEI Nº 8.666, DE 21 DE JUNHO DE 1993. **Regulamenta o art. 37, inciso XXI, da Constituição Federal, institui normas para licitações e contratos da Administração Pública e dá outras providências.**

BRASIL. LEI Nº 14.133, DE 1º DE ABRIL DE 2021. **Lei de Licitações e Contratos Administrativos**. Brasília, DF. Diário Oficial da União.

BRASIL. LEI Nº 10.520, DE 17 DE JULHO DE 2002. **Institui, no âmbito da União, Estados, Distrito Federal e Municípios, nos termos do art. 37, inciso XXI, da Constituição Federal, modalidade de licitação denominada pregão, para aquisição de bens e serviços comuns, e dá outras providências.**

CARVALHO FILHO, J. S. **Manual do Direito Administrativo**. 26 ed. São Paulo: Editora atlas, 2013.

AMORIM, V. A. J. **Licitações e Contratos Administrativos: Teoria e Jurisprudência**. Brasília, Senado Federal, 2017

ENAP. Escola Nacional de Administração Pública. **Legislação Aplicada à Logística de Suprimentos Lei nº 8.666/93, pregão e registro de preços**. Brasília, 2014.

Fórum de Contratação e Gestão Pública – FCGP, Belo Horizonte, ano 19, n. 221, p. 9-16, maio 2020.

Decreto Federal Nº 7.892, de 23 de janeiro de 2013. **Regulamenta o Sistema de Registro de Preços previsto no art. 15 da Lei nº 8.666, de 21 de junho de 1993**.

Tribunal de Contas da União. Manual de Contratos e Licitações, Orientações e Jurisprudências do TCU – 2010.

TCU. **Informativo de Licitações e Contratos**. Periodicidade Semanal. Brasília: Tribunal de Contas da União. Disponível em: <<http://portal.tcu.gov.br/jurisprudencia/boletins-e-informativos/informativo-de-licitacoes-e-contratos.htm>> Acesso em 18 de dezembro de 2022.

INOVE. Disponível em: <<http://www.inovecapitacao.com.br/breves-consideracoes-sobre-o-sistema-de-registro-de-precos>>. Acesso em: 17 dezembro. 2022.

ILHA SOLTEIRA. Disponível em: <<https://www.ilhasolteira.sp.gov.br/>>. Acesso em: 17 dezembro. 2022.

CENTRAL DE COMPRAS. Disponível em: <https://www.gov.br/economia/pt-br/assuntos/gestao/central-de-compras/transparencia/arquivos/2020/guia-pedidos-de-adesao_v3.pdf>. Acesso em: 17 dezembro. 2022.