

The Presidency of the Republic

Casa Civil

Sub-Chief of Legal Affairs

LAW No. 13.019. OF JULY 31, 2014.

Veto message	Establishes the legal framework for partnerships between public administration and civil society organizations, under mutual cooperation, in order to attain public and mutual interest purposes, through implementing activities or projects previously established in work plans part of the Term of collaboration, Term of fostering or cooperation Agreement; sets the guidelines for fostering, collaboration and cooperation policies with civil society organizations; and amends Law nos. 8.429 of June 2, 1992, and 9.790 of March 23, 1999. <u>(Wording amended by Law no. 13.204, of 2015)</u>
(In Effect)	

THE PRESIDENT OF THE REPUBLIC Makes public that the National Congress decrees and I sanction the following Law:

1st Art. This law establishes general regulations for partnerships between public administration and civil society, under mutual cooperation, in order to attain public and mutual interest purposes, through implementing activities or projects previously established in work plans part of Terms of collaboration, Terms of fostering or Cooperation Agreements. (Wording amended by Law no. 13.204, of 2015)

CHAPTER I

PRELIMINARY PROVISIONS

2nd Art. For the purposes of this Law, the following is considered:

- I - civil society organization: (Wording amended by Law no. 13.204, of 2015)
- a) a non-profit private entity that does not distribute any results, remains, operational, gross or net surplus, dividends, waivers of any nature, shares or portions of its assets, earned through the exercise of their activities, and that implement them in full pursuit of its corporate purpose, immediately or through the establishment of an endowment or reserve fund among its shareholders or partners, directors, officers, employees, donors or third parties; (Included by Law no. 13.204 of 2015)
 - b) the cooperative societies under the Law No. 9.867 of November 10, 1999; integrated by people at risk or personal or social vulnerability; those reached through programs and actions to fight poverty and generate employment and income; focused on the development, education and training of rural laborers or training of technical assistance and rural extension agents; and those trained to carry out activities or projects of public interest and of a social nature. (Included by Law no. 13.204 of 2015)
 - c) religious organizations that engage in activities or projects that are in the public interest and of a social nature that is distinct from those aimed at exclusively religious purposes; (Included by Law no. 13.204 of 2015)

II - public administration: Federal, State, the Federal District, municipalities and their respective authorities, foundations, public enterprises and joint stock companies providing public service and their subsidiaries, achieved through the provisions in §9th art. 37 of the Brazilian Constitution; ([Wording amended by Law no. 13.204 of 2015](#))

III - partnership: a set of rights, responsibilities and obligations of a legal relationship formally established between the public administration and civil society organizations in a mutually supportive basis for the purposes of attaining public and mutual interests, through the implementation of an activity or project expressed in cooperation agreements, fostering agreements or cooperation agreements; ([Wording amended by Law no. 13.204 of 2015](#))

III-A - activity: a set of operations that take place continuously or permanently, which results in a product or service needed to satisfy interests shared by the public administration and a civil society organization; ([Included by Law no. 13.204 of 2015](#))

III-B - project: a set of operations, within a limited amount of time, that result in a product geared towards meeting the interests shared by the public administration and a civil society organization; ([Included by Law no. 13.204 of 2015](#))

IV - director: a person who has powers of administration, management and control of a civil society organization, empowered to sign a Term of collaboration, Term of fostering or cooperation agreement with the public administration for the purposes of attaining public and mutual interest, although such powers may be delegated to third parties; ([Wording amended by Law no. 13.204 of 2015](#))

V - public administrator: a public official vested with the authority to sign collaboration, fostering or cooperation agreements with civil society organizations for the purposes of attaining public and mutual interest, although such powers may be delegated to third parties; ([Wording amended by Law no. 13.204 of 2015](#))

VI - manager: a public agent responsible for managing partnerships through a Term of collaboration or Term of fostering, designated by public act published in official communications, with control and inspection powers; ([Wording amended by Law no. 13.204 of 2015](#))

VII –Term of collaboration agreement: instrument through which partnerships established by the public administration with civil society organizations for the purpose of attaining public interest and reciprocal proposals by the public administration involving the transfer of financial resources are formalized; ([Wording amended by Law no. 13.204 of 2015](#))

VIII –Term of fostering: instrument through which partnerships established by the public administration with civil society organizations for the purposes of attaining public interest and reciprocal proposals by civil society are formalized, involving the transfer of financial resources; ([Wording amended by Law no. 13.204 of 2015](#))

VIII-A - Cooperation agreement: instrument through which partnerships established by the public administration with civil society organizations for the purposes of attaining public and mutual interest that do not involve the transfer of financial resources are formalized; ([Included by Law no. 13.204 of 2015](#))

IX - public policy board: a body established by the public administration to serve in an advisory role within its area of expertise in the formulation, implementation, tracking and monitoring and evaluation of public policies;

X - selection committee: a collective body designed to process and adjudicate public calls, constituted by an public act published in official communications, assuring the participation of at

least one public employee in any office or permanent employment from the staff of public administration; [\(Wording amended by Law no. 13.204 of 2015\)](#)

XI - monitoring and evaluation committee: a collective body designed to monitor and evaluate the partnerships entered into with civil society through a collaboration or fostering agreement, constituted by an public act published in official communications, assuring the participation of at least one public employee in an effective post or permanent employment from the staff of public administration; [\(Wording amended by Law no. 13.204 of 2015\)](#)

XII - public call: a procedure to select a civil society organization to start a partnership through a Term of collaboration or Term of fostering, which guarantees compliance with the principles of isonomy, legality, impersonality, morality, equality, publicity, administrative probity, a link to public calls to bid, objective judgment and that they are correlated;

XIII - remaining assets: the permanent nature acquired with financial resources involved in the partnership, necessary for the execution of the objective, but that they do not incorporate; [\(Wording amended by Law no. 13.204 of 2015\)](#)

XIV - accounting: procedure in which the implementation of the partnership is analyzed and evaluated, wherein it is possible to verify compliance with the objective of the partnership and the achievement of goals and expected results, comprised of two phases: [\(Wording amended by Law no. 13.204 of 2015\)](#)

- a) presentation of accounts, of the responsibility of the civil society organization;
- b) analysis and conclusive demonstration of accounts, from the responsibility of the public administration, notwithstanding the actions of regulatory agencies;

XV - [\(repealed\)](#). [\(Wording amended by Law no. 13.204 of 2015\)](#)

2nd Art. - The partnerships governed in this complying law, in all its aspects, the specific standards of sectoral public policies relating to the objective of the partnership and the respective authorities for negotiation and deliberation. [\(Included by Law no. 13.204 of 2015\)](#)

3rd Art. - The requirements of this Law do not apply to:

I - the transfer of funds approved by Congress or approved by the Senate in whatever specific provisions of the treaties, international agreements and conventions conflict with this Law; [\(Wording amended by Law no. 13.204 of 2015\)](#)

II - [\(repealed\)](#). [\(Wording amended by Law no. 13.204 of 2015\)](#)

III - management contracts entered into with social organizations, provided that they meet the requirements set out in [Law no. 9.637 of May 15, 1998](#); [\(Wording amended by Law no. 13.204 of 2015\)](#)

IV - the accords and contracts entered into with charities and non-profits pursuant to the 1st § of art. 199 of the Brazilian Constitution; [\(Included by Law no. 13.204 of 2015\)](#)

V - the terms of a cultural commitment referred to in the 1st § of art. 9 of Law No. 13.018 of 22 July 2014; [\(Included by Law no. 13.204 of 2015\)](#)

VI - partnership agreements entered into with civil society organizations of public interest, provided they fulfill the requirements of Law No. 9.790 of March 23, 1999; [\(Included by Law no. 13.204 of 2015\)](#)

VII - transfers referred to in the 2nd art. of Law No. 10.845 of March 5, 2004, and the 5th and 22nd arts. of Law No. 11.947 of June 16, 2009; [\(Included by Law no. 13.204 of 2015\)](#)

VIII – (VETOED); [\(Included by Law no. 13.204 of 2015\)](#)

IX - payments made as annual fees, contributions and membership fees on behalf of international organizations or entities which must consist of: [\(Included by Law no. 13.204 of 2015\)](#)

- a) members of the Federal Authority or Public Prosecutor; [\(Included by Law no. 13.204 of 2015\)](#)
- b) directors of organizations and of public administration agency entities; [\(Included by Law no. 13.204 of 2015\)](#)
- c) legal entities of internal public law; [\(Included by Law no. 13.204 of 2015\)](#)
- d) corporate entities who are members of the public administration; [\(Included by Law no. 13.204 of 2015\)](#)

X - partnerships between public administration and the autonomous social services. [\(Included by Law no. 13.204 of 2015\)](#)

4th Art. [\(Repealed by Law no. 13.204 of 2015\)](#)

CHAPTER II

ENTERING INTO A TERM OF COLLABORATION OR TERM OF FOSTERING

Section I

General Conditions

5th Art. The legal framework of this law is founded on democratic public governance, social participation, strengthening of civil society, transparency in the use of public resources, the principles of legality, legitimacy, impersonality, morality, publicity, economy, efficiency and effectiveness and is designed to ensure: [\(Wording amended by Law no. 13.204 of 2015\)](#)

I - the recognition of social participation as a right of citizens;

II - solidarity, cooperation and respect to diversity for the construction of citizenship values and social and productive inclusion;

III - the promotion of local, regional and national development that is inclusive and sustainable;

IV - the right to information, transparency and social control of public administration actions;

V - integration and mainstreaming of the procedures, mechanisms and instances of social participation;

VI - valuing cultural diversity and education for active citizenship;

VII - the promotion and defense of human rights;

VIII - the preservation, conservation and protection of water resources and the environment;

IX - the enhancement of the rights of indigenous peoples and traditional communities;

X - the preservation and appreciation of Brazilian cultural heritage in its tangible and intangible dimensions.

6th Art. The fundamental directives of the legal framework of partnership are:

[\(Wording amended by Law no. 13.204 of 2015\)](#)

I - the promotion, institutional strengthening, training and encouragement of a civil society organization for cooperation with the public administration;

II - the prioritization of the control of results;

III - encouraging the use of updated resources for information and communication technologies;

IV - the strengthening institutional cooperation activities between federal entities in their relations with civil society organizations;

V - the establishment of mechanisms that broaden the management of information, transparency and publicity;

VI - the integrated, complementary and decentralized action of resources and actions among the entities of the Federation, avoiding any duplication of efforts and a fragmentation of resources;

VII - the awareness, training, the deepening and enhancement of the work done by public managers in the implementation of activities and projects of public interest and social relevance with civil society organizations;

VIII - the adoption of administrative management practices that are necessary and sufficient to curb obtaining, individually or collectively, benefits or undue advantages; [\(Wording amended by Law no. 13.204 of 2015\)](#)

IX - the promotion of solutions derived from the application of knowledge, science and technology and innovation to meet the needs and demands of a higher quality of life for the lives of the population in social inequality situations.

Section II

The Training of Managers, Board Members and Civil Society Organizations

7th Art. The Brazilian Public administration may establish training programs in coordination with the States, the Federal District, municipalities and civil society organizations that are aimed at:

[\(Wording amended by Law no. 13.204 of 2015\)](#)

I - public administrators, directors and managers; [\(Included by Law no. 13.204 of 2015\)](#)

II - representatives of civil society organizations; [\(Included by Law no. 13.204 of 2015\)](#)

III - members of public policy boards; [\(Included by Law no. 13.204 of 2015\)](#)

IV - members of selection committees; [\(Included by Law no. 13.204 of 2015\)](#)

V - members of the monitoring and evaluation committees; [\(Included by Law no. 13.204 of 2015\)](#)

VI - other public and private stakeholders involved in the entering into and implementation of partnerships governed by this Law. [\(Included by Law no. 13.204 of 2015\)](#)

Sole paragraph. Participation in the programs provided for in the **chapter** does not constitute a condition for the exercise of the function involved in the materialization of partnerships governed by this Law. [\(Included by Law no. 13.204 of 2015\)](#)

8th Art. In deciding on the entering into of the partnerships provided for in this Law, the public official will: [\(Wording amended by Law no. 13.204 of 2015\)](#)

I - obligatorily consider the operational capacity of the public administration to enter into the partnership, fulfill the obligations and meet its responsibilities; [\(Included by Law no. 13.204 of 2015\)](#)

II - evaluate proposals by the partnership with the technical rigor required; [\(Included by Law no. 13.204 of 2015\)](#)

III - appoint managers who are able to monitor and supervise the implementation in a timely and effective way; [\(Included by Law no. 13.204 of 2015\)](#)

IV – value the rendering of accounts in a manner and in the determined terms in this Law and in the specific legislation; [\(Included by Law no. 13.204 of 2015\)](#)

Sole paragraph. The public administration will take the necessary measures, both in the training of staff, and in the provision of material and technological resources needed, to ensure the technical and operational capacity dealt with in the **chapter** of this article.

Section III

Transparency and Control

9th Art. [\(Repealed by Law no. 13.204 of 2015\)](#)

10th Art. The public administration must maintain a list of partnerships it has entered into agreements with along with their work plans, up to one hundred and eighty days after their closure, on its official website. [\(Wording amended by Law no. 13.204, of 2015\)](#)

11th Art. The civil society organization must disclose, on the internet and in visible places at their registered offices and establishments engaged in their actions, all partnerships they have entered into agreement with the public administration. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Sole paragraph. The information referred to in this article and art. 10 should include, at minimum:

I - the signing date and identification of the partnership instrument and the public administration body responsible for it;

II - the name of the civil society organization and its registration number in the National Registry of Legal Entities - CNPJ of the Federal Revenue Service of Brazil - RFB;

III - description of the partnership's objective;

IV - Total value of the partnership and amounts released, if applicable; [\(Wording amended by Law no. 13.204, of 2015\)](#)

V - the status of the partnership accounting, which must inform the expected date for their submission, the date it was submitted, the deadline for its analysis and conclusive result.

VI - when bound to the execution of the objective and paid with funds from the partnership, the total amount of compensation for the working group, the duties that its members perform and the compensation established for the exercise thereof.

Art. 12 The public administration must disclose through the Internet the means of representation on the irregular use of funds involved in the partnership. ([Wording amended by Law no. 13.204, of 2015](#))

Section IV

The Strengthening of Social Participation and Disclosure of Activities

Art. 13 (VETOED)

Art. 14 The public administration will disclose, in the form of a regulation, through a broadcast communication of sounds and images, publicity campaigns and programs developed by civil society organizations in the context of the partnerships set out in this Law, through the use of technological resources and in an language suited to guarantying accessibility for people with disabilities. ([Wording amended by Law no. 13.204, of 2015](#))

Art. 15 Within the Federal Executive Power, the National Council for Fostering and Cooperation can be created, equally composed of public administration representatives and civil society organizations, in order to disseminate good practices and to propose and support policies and actions oriented to strengthening fostering and cooperation relations set out in this Law.

1st § The composition and functioning of the National Council for Fostering and Cooperation will be governed by regulation.

2nd § Other federal agencies will also create participatory proceedings under the terms of this article.

3rd § The sectoralboards of public policy and public administration will be consulted as to the policies and actions for strengthening fostering and cooperation relations proposed by the Council from what is being dealt with in the **chapter** of this article.

Section V

Terms of Collaboration and Term of Fostering

Art. 16 The term of collaboration should be adopted by the public administration to attain its initiative work plans for entering into partnerships with civil society organizations involving the transfer of financial resources. ([Wording amended by Law no. 13.204, of 2015](#))

Sole paragraph. Public policy boards may submit proposals to the public administration to enter into a term of collaboration with civil society organizations.

Art. 17 The term of fostering must be adopted by the public administration to attain work plans proposed by civil society organizations that involve the transfer of financial resources. ([Wording amended by Law no. 13.204, of 2015](#))

Section VI

Procedure for the Manifestation of Social Interest

Art. 18 The Procedure for the Manifestation of Social Interest is instituted as an instrument through which the civil society organizations, social movements and citizens may submit

proposals to the public administration so that it may assess the possibility of issuing a public call geared towards entering into a partnership.

Art. 19 The proposal to be submitted to the public administration must meet the following requirements:

I - identification of the proposal subscriber;

II - an indication of the public interest involved;

III - a diagnosis of the reality that wants to be modified improved or developed and, where possible, an indication of feasibility, costs, benefits and time required for the completion of the desired action.

Art. 20 Having fulfilled the requirements of Art. 19, the public administration must make the proposal public on its website and, observing the convenience and opportunity to carry out the Procedure for the Manifestation of Social Interest, will set it up for a hearing by society on the issue.

Sole paragraph. Deadlines and rules of procedure referred to in this Section shall observe their own specific regulations from each federal entity, to be approved after the publication of this Law.

Art. 21 Performing the Procedure for the Manifestation of Social Interest does not necessarily imply the implementation of a public call that will take place in accordance with the interests of the administration.

1st § Performing the Procedure for the Manifestation of Social Interest does not exempt the convocation through a public call for entering into a partnership.

2nd § The proposition or participation in the Procedure for the Manifestation of Social Interest does not prevent the civil society organization from participating in any subsequent public call.

3rd § Constraining the execution of a public call or the signing of a partnership is prohibited prior to the execution of the Procedure for the Manifestation of Social Interest.

Section VII

The Work Plan

Art. 22 The work plan of signed partnerships through a term of collaboration or fostering must include: [\(Wording amended by Law no. 13.204, of 2015\)](#)

I - a description of the reality that will be the objective of the partnership, the link between this reality and the activities or projects and goals to be achieved must be demonstrated; [\(Wording amended by Law no. 13.204, of 2015\)](#)

II - a description of the goals that are to be achieved and activities or projects to be executed; [\(Wording amended by Law no. 13.204, of 2015\)](#)

II-A - revenue and expenditure estimates that will be undertaken in the execution of activities or projects covered by the partnership;

III - the manner in which the activities or projects and the achievement of targets linked to them will be executed; [\(Wording amended by Law no. 13.204, of 2015\)](#)

IV - a definition of the parameters to be used for gauging the achievement of targets.
([Wording amended by Law no. 13.204, of 2015](#))

V – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

VI –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

VII –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

VIII –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

IX –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

X –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

Sole paragraph. (Repealed) ([Wording amended by Law no. 13.204, of 2015](#))

Section VIII

The Call for Public Comment

Art. 23 The public administration must adopt clear and streamlined procedures and objectives that will guide interested parties and facilitate direct access to their organizations and decision-makers, regardless of the type of partnership envisaged in this Law.

Sole paragraph. Whenever possible, the public administration shall establish criteria to be followed, especially for the following characteristics: ([Wording amended by Law no. 13.204, of 2015](#))

I - objectives

II - goals

III –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

IV - costs

V –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

VI - quantitative or qualitative indicators from an evaluation of the results. ([Wording amended by Law no. 13.204, of 2015](#))

Art. 24 Except in the cases stipulated in this Law, entering into a term of collaboration or term of fostering will be preceded by call for public comment geared towards selecting civil society organizations that will make the execution of the objective more effective. ([Wording amended by Law no. 13.204, of 2015](#))

1st § The announcement of the call for public comment will specify, at minimum:

I - the budget program that authorizes and facilitates the execution of the partnership;
([Wording amended by Law no. 13.204, of 2015](#))

II –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

III – the objective of the partnership;

IV - the dates, deadlines, conditions, location and the form for the submission of proposals;

V - the dates and selection criteria and evaluation of proposals, including those referring to the scoring methodology and the weight given to each of the criteria, if any; ([Wording amended by Law no. 13.204, of 2015](#))

VI - the estimated value for performing the objective:

VII –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

- a) – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))
- b) – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))
- c) – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

VIII - the conditions for bringing up administrative proceedings;

IX - a draft of the instrument through which the partnership will be signed; ([Wording amended by Law no. 13.204, of 2015](#))

X - in accordance with the characteristics of the partnership's objective, the means of accessibility for people with disabilities or reduced mobility and the elderly. ([Wording amended by Law no. 13.204, of 2015](#))

2nd § in the process of the convocation, admitting, predicting, including or tolerating any terms or conditions that compromise, restrict or frustrate the competitive character due to any impertinent or irrelevant circumstance for the specific objective of the partnership is prohibited. The following is acceptable: ([Wording amended by Law no. 13.204, of 2015](#))

I - the selection of proposals presented exclusively by competitors headquartered or with active representation and recognized in the State where the objective of the partnership will be executed;

II - the establishment of a clause limiting the territory or the scope of the provision of activities or the execution of projects, as established in sectoral policies.

Art. 25 ([Repealed by Law no. 13.204, of 2015](#))

Art. 26 The invitation to bid must be widely publicized on the public administration's official website on the Internet at least thirty days beforehand. ([Wording amended by Law no. 13.204, of 2015](#))

Sole paragraph. (Repealed). ([Wording amended by Law no. 13.204, of 2015](#))

Art. 27 The degree to which the proposal to the specific objectives of the program or action in which the objective of the partnership is inserted and, when applicable, the value of constant reference of the public call constitutes a mandatory criterion of judgment. ([Wording amended by Law no. 13.204, of 2015](#))

1st § Proposals will be judged by a previously designated selection committee, under the terms of this Law, or constituted by its respective management board, if the project is financed with resources from special funds. ([Wording amended by Law no. 13.204, of 2015](#))

2nd § Those that, over the past five years, have retained a legal relationship with at least one of the entities participating in the public call for comment will be prevented from participating in the committee of people selection. ([Wording amended by Law no. 13.204, of 2015](#))

3rd § Configuring the prevention provided for in the 2nd §, an alternate member who has qualifications equivalent to the replaced shall be appointed.

4th § The public administration will endorse and disseminate the outcome of the judgement on its website as provided for in art. 26. ([Wording amended by Law no. 13.204, of 2015](#))

5th § The proposed selection that is not the most appropriate to the value of reference in the public call for comment will be mandatorially justified.

6th § Approval creates no right for the civil society organization to enter into the partnership.

Art. 28 The public administration shall verify the documents proving compliance on the part of the civil society organization selected of the requirements in arts. 33 and 34 only after the conclusion of the competitive stage and proposals are sorted. ([Wording amended by Law no. 13.204, of 2015](#))

1st § In the event that the civil society organization can't meet the requirements in arts. 33 and 34, those in the immediate highest ranking can be invited to accept the signing of the partnership in accordance with the proposal presented by it. ([Wording amended by Law no. 13.204, of 2015](#))

2nd § In the event that civil society organization invited under the terms of the 1st § accept entering into the partnership, verification of the documents proving the compliance with the requirements of arts. 33 and 34 will proceed. ([Wording amended by Law no. 13.204, of 2015](#))

3rd§ (Repealed). ([Wording amended by Law no. 13.204, of 2015](#))

Art. 29 The terms of collaboration or fostering involving funds from parliamentary amendments to the annual budget laws and cooperation agreements will be entered into without a public call for comment, except in relation to cooperation agreements, when the objective involves entering into lending, donation of goods or any other form of sharing patrimonial resource, in which case the respective public call for comment will observe the provisions of this Law. ([Wording amended by Law no. 13.204, of 2015](#))

Art. 30 The public administration can dispense with the public call for comment:

I – in the event of an urgency arising from a shutdown or imminent shutdown of relevant public interest activities for a period of one hundred and eighty days; ([Wording amended by Law no. 13.204, of 2015](#))

II – in the event of war, public calamity, serious disturbance of public order or threat to social peace; ([Wording amended by Law no. 13.204, of 2015](#))

III - in the case of conducting a protection program for threatened people or in a situation that could compromise their safety;

IV – (VETOED)

V – (VETOED)

VI - in the case of activities directed or linked to education, health and social assistance services, when implemented by civil society organizations previously accredited by the governing body of the respective policy.

Art. 31 The public call for comment will be deemed unclaimable in the event of an impossibility of competition among civil society organizations, due to the unique nature of the objective of the partnership or if the goals can only be achieved by a specific entity, especially when: ([Wording amended by Law no. 13.204, of 2015](#))

I – the objective of the partnership constitutes a charge provided for in the agreement, act or international compromise, in which the institutions that will indicate the institutions that will use the funds;

II - the partnership during transfer to civil society organization that is authorized by law in which it is expressly identified as the beneficiary, including in the case of the grant provided for in [section I of the 3rd § of art. 12 of Law no. 4.320, March 17, 1964](#), observing the provisions in [art. 26 of Complementary Law no. 101 from May 4, 2000](#).

Art. 32 In the events of arts. 30 and 31 of this Law, the absence of holding a public call for comment will be justified by the public administrator. ([Wording amended by Law no. 13.204, of 2015](#))

1st § Under penalty of nullifying the document formalizing the partnership provided for in this Law, the statement of reasons provided in the chapter heading must be published on the same date on which it is effected on the public administration's official website and eventually, at the discretion of the public administrator, the official means of the public administration's publicity. ([Wording amended by Law no. 13.204, of 2015](#))

2nd § Challenging the submitted justification is permissible within five days of its publication, the content of which should be considered by the public administrator in charge within five days of the respective protocol date. ([Wording amended by Law no. 13.204, of 2015](#))

3rd § Having grounds for a challenge, the act that declared the dismissal or deemed the public call for comment unclaimable will be repealed, and the procedure for conducting the public call will start immediately, as appropriate.

4th § Dismissal and waiver of a public call for comment, as well as the provisions in art. 29, do not preclude the application of other provisions of this Law.

Requisites for Entering Into the Terms of Collaboration or Term of Fostering

Art. 33 To enter into the as provided for in this Law, the civil society organizations must be governed by internal organizational that expressly provide: ([Wording amended by Law no. 13.204, of 2015](#))

I – objectives directed at the promotion of activities and purposes that are of public and social relevance;

II - ([Repealed by Law no. 13.204, of 2015](#))

III – that, in the event of the dissolution of the entity, its shareholders' equity is transferred to another entity of the same nature that meets the requirements of this Law and whose corporate purpose is preferably the same as the defunct entity; ([Wording amended by Law no. 13.204, of 2015](#))

IV - bookkeeping in accordance with generally accepted accounting principles and with Brazilian Accounting Standards; ([Wording amended by Law no. 13.204, of 2015](#))

a) (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

b) (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

V – it can hold: ([Included by Law no. 13.204, of 2015](#))

- a) at least one, two or three years of existence, with active registration, proven through documentation issued by the Federal Revenue Service of Brazil, based on the National Register of Legal Entities - CNPJ, respectively conforming to the partnership to be entered into the auspice of the municipalities, the Federal District or the States and the Union, admitted to a reduction these terms by a specific act of each entity in the event of any organization reaching them; [\(Included by Law no. 13.204, of 2015\)](#)
- b) previous experience in performing, with effectiveness, the objective of the partnership or similar in nature; [\(Included by Law no. 13.204, of 2015\)](#)
- c) facilities, material conditions and technical and operational capacity for the development of activities or projects planned for in the partnership and compliance with established goals. [\(Included by Law no. 13.204, of 2015\)](#)

1st § In entering into the cooperation agreements, only the requisites in section I will be required.

2nd § Religious organizations will be exempted from compliance with the provisions of sections I and III.

3rd § Cooperative societies must meet the requirements provided for in the specific legislation and the provisions of section IV, being exempted from compliance with the requirements of sections I and 111.

4th § (VETOED)

5th § In order to comply with the provisions in line C of section V, a demonstration of prior installed capacity will not be necessary.

Art. 34 To enter into the partnerships provided for in this Law, the civil society organizations must submit:

I – (repealed) [\(Wording amended by Law no. 13.204, of 2015\)](#)

II – certification of fiscal, social security, tax, contributions and outstanding debt compliance, according to the applicable laws of each federal entity;

III - certification of legal existence issued by the civil registry office or a copy of the registered status and any changes or, in the case of a cooperative society, a simplified certificate issued by the Board of Trade; [\(Wording amended by Law no. 13.204, of 2015\)](#)

IV – (repealed) [\(Wording amended by Law no. 13.204, of 2015\)](#)

V - a copy of the election records of the current management staff;

VI - updated list of names of the entity directors with addresses, numbers and issuing authority of the identification card and registration number with the Register of Tax Payers - CPF by the Federal Revenue Service of Brazil - RFB of each one of them;

VII - proof that the civil society organization operates at the address stated by it; [\(Wording amended by Law no. 13.204, of 2015\)](#)

VII – (repealed) [\(Wording amended by Law no. 13.204, of 2015\)](#)

Sole paragraph. (VETOED):

I – (VETOED)

II – (VETOED)

III – (VETOED)

Art. 35. The entering into and formalization of the term of collaboration and the term of fostering will depend on the adoption of the following measures by the public administration:

I - conducting a public call for comment, except in the cases provided for by this Law;

II – express indication of the existence of a prior budget allocation for the implementation of the partnership;

III - a demonstration that the objectives and institutional purposes and the technical and operational capacity of the civil society organization were evaluated and are compatible with the objective;

IV - approval of the work plan, to be submitted under the terms of this Law;

V - issuance of an opinion by the technical body of the public administration, which shall decide, expressly, regarding:

- a) the merit of the proposal in accordance with the manner of the adopted partnership;
- b) the identity and reciprocity of interests of the parties in carrying out, in mutual cooperation, the partnership provided for in this Law;
- c) the viability of its execution; [\(Wording amended by Law no. 13.204, of 2015\)](#)
- d) verification of the disbursement schedule; [\(Wording amended by Law no. 13.204, of 2015\)](#)
- e) a description of what means will be available to be used for monitoring the implementation of the partnership, as well as the procedures to be adopted for the evaluation of the physical and financial execution, in compliance with the goals and objectives;
- f) (Repealed) [\(Wording amended by Law no. 13.204, of 2015\)](#)
- g) designation of the manager of the partnership
- h) designation of the monitoring and evaluation board of the partnership;
- i) (Repealed) [\(Wording amended by Law no. 13.204, of 2015\)](#)

VI - legal opinion issued by the advisory body or legal consultant of the public administration about the possibility of entering into the partnership.

1st § A financial contribution as a condition for entering into the partnership will not be required, making available the requirement of compensation in goods and services whose denomination will be identified obligatorily in the term of collaboration or fostering. [\(Wording amended by Law no. 13.204, of 2015\)](#)

2nd § If the event the technical opinion or legal opinion relating to, respectively, sections V and VI conclude the possibility of entering into the partnership with caveats, the public administrator must counteract the excepted aspects or, through a formal act, justify the preservation of these aspects or their exclusion. [\(Wording amended by Law no. 13.204, of 2015\)](#)

3rd § In the event the manager of the partnership ceases to be a public servant or takes on position at another agency or entity, the public administrator must appoint a new manager, assuming, as long as this does not occur, all obligations of the manager, with their respective responsibilities.

4th § (Repealed) [\(Wording amended by Law no. 13.204, of 2015\)](#)

5th § In the event that the civil society organization acquires permanent equipment and materials with funds from entering into the partnership, the goods will be recorded with an inalienability

clause, and it must formalize the transfer promise of property to the public administration in the event of its extinction.

6th § People that, in the last 5 (five) years, have maintained legal relations with at least 1 (one) of the participating civil society organizations will be excluded from participating as a manager of the partnership or as a member of the monitoring and evaluation board.

7th § Figuring in the impediment of the 6th §, those who possess technical skills equivalent to the substitute should be designated manager or substitute member.

Art. 35-A operation in a network for two or more civil society organizations is permitted, maintaining the full responsibility of the organization signee of the term of fostering or term of collaboration, provided that the undersigned civil society organization of the term of fostering or collaboration has: [\(Included by Law no. 13.204, of 2015\)](#)

I – more than 5 years registered with the CNPJ; [\(Included by Law no. 13.204, of 2015\)](#)

II – technical and operational capacity to oversee and directly steer the activities of the organization with which it is operating in the network. [\(Included by Law no. 13.204, of 2015\)](#)

Sole paragraph. The civil society organization that signs the term of collaboration or fostering must enter into the term of operating in the network for the transfer of funds to non-signees, being obliged to, upon their respective formalization: [\(Included by Law no. 13.204, of 2015\)](#)

I – to verify, under the terms of the regulation, the legal and fiscal correctness of an organization performing and not entered into the term of collaboration or term of fostering, and must prove such verification in accountability; [\(Included by Law no. 13.204, of 2015\)](#)

II – to communicate the signing of the term of operation in the network to the public administration within sixty days. [\(Included by Law no. 13.204, of 2015\)](#)

Art. 36 The stipulation of the allocation to be given to the remaining assets of the partnership will be mandatory.

Sole paragraph. The remaining assets acquired with transferred funds may, at the public administrator's discretion, be given when, after the objective has been achieved, they will not be necessary to ensure the continuity of the agreed to objective, subject to the provisions of the respective instrument and current legislation.

Art. 37 (Repealed) [\(Wording amended by Law no. 13.204, of 2015\)](#)

Art. 38. The term of fostering, the term of collaboration and the cooperation agreement will only produce will only produce legal effects after the publication of extracts in the official means of publication by the public administration. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Section X

Prohibitions

Art. 39 Any manner of partnership provided for in this Law that will be prevented for the civil society organization that:

I - is not duly constituted or, if foreign, is not authorized to operate in the country;

II - will default in duty to provide previously established partnership accounts;

III - has directors that are members of the Public administration or the Public Prosecutor, or directors of an organization of entity within the public administration of the same public administrative sphere in which the term of collaboration or fostering will be entered into, extending the prohibition to their spouses or companions and relatives, collateral or by affinity, up to the second degree; [\(Wording amended by Law no. 13.204, of 2015\)](#)

IV - has had bills rejected by the public administration in the last five years, except if: [\(Wording amended by Law no. 13.204, of 2015\)](#)

- a) the irregularity which led to the rejection and a settling of the debts is rectified;
- b) the decision for rejection is reconsidered or revisited;
- c) the consideration of accounts had been pending decision on appeal with suspensive effect;

V - has been punished with one of the following sanctions for the duration of the penalty:

- a) suspension of participating in a public tender and prevention from doing business with the administration;
- b) declaration of unfitness to bid or contract with the public administration;
- c) the provision in section II of art. 73 of this law;
- d) the provision in section III of art. 73 of this law;

VI - having had partnership accounts judged irregular or rejected by the Court or the Board of Auditors of any sphere of the Federation, on unappealable decision, in the last eight (8) years;

VII – having among its directors people:

- a) whose accounts related to the partnership were deemed irregular or rejected by the Court or the Board of Auditors of any sphere of the Federation, on unappealable decision, in the last eight (8) years;
- b) deemed to be responsible through serious lack and inability of a position in committee or function of trust, throughout the duration of the disqualification;
- c) held responsible for an act of misconduct, during the terms established in items I, II and III of art. 12 of Law No. 8.429, of June 2, 1992.

1st § In cases of this article, the transfer of new resources through running partnerships is also prohibited, except for cases of essential services that can not be postponed under penalty of loss to the treasury or the population, provided that it preceded express and reasoned authorization of the highest director if the organization or entity within the state administration, subject to joint liability.

2nd § In any of the cases provided for in the chapter heading, the prevention of entering into partnership remains while there is no compensation for the damage to the Treasury, which the civil society organization or its leader will be responsible for.

3rd § (Repealed) [\(Wording amended by Law no. 13.204, of 2015\)](#)

4th § For the purposes of the provisions in line a of section IV and in the 2nd §, debts arising from delays in the release of transfers by public administration or have been the objective of an installment plan will not be considered, if the civil society organization is in good standing in installment.

5th § The prohibition provided for in section III does not apply to the signing of partnerships with entities that, by their own nature, will be made of the authorities referred to in that section, being that the same person to figure in the term of collaboration, the term of fostering or in the cooperation agreement as both leader and public official is prohibited.

6th § Participants of the boards of laws and public policies are not considered members of the Federal Public administration

Art. 40. The entering into of partnerships provided for in this law whose purpose involve or include, directly or indirectly, the delegation of regulatory functions, surveillance, the exercise of police power or other exclusive state activities is prohibited. ([Wording amended by Law no. 13.204, of 2015](#))

I – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

II – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

Sole paragraph. (Repealed): ([Wording amended by Law no. 13.204, of 2015](#))

I – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

II –(repealed) ([Wording amended by Law no. 13.204, of 2015](#))

Art. 41. Except as provided in art. 3 and the sole paragraph of art. 84, partnerships between the public administration and the entities referred to in section I of the 2nd Art. will be entered into under this Law. ([Wording amended by Law no. 13.204, of 2015](#))

Sole paragraph. (Repealed). ([Wording amended by Law no. 13.204, of 2015](#))

CHAPTER III

FORMALIZATION AND EXECUTION

Section I

Preliminary Provisions

Art. 42. Partnerships will be formalized through the signing of the term of collaboration, the term of fostering or the cooperation agreement, as applicable, that will have the following essential clauses: ([Wording amended by Law no. 13.204, of 2015](#))

I – a description of the agreed upon objective;

II – the parties' obligations;

III – where applicable, the total value and the disbursement schedule; ([Wording amended by Law no. 13.204, of 2015](#))

IV – (Repealed); ([Wording amended by Law no. 13.204, of 2015](#))

V – the counterparty, when applicable, observing the provisions in the 1st § of art. 35; ([Wording amended by Law no. 13.204, of 2015](#))

VI - the duration and assumption of extensions;

VII - the obligation of being accountable to the definition of the form, methodology and deadlines; ([Wording amended by Law no. 13.204, of 2015](#))

VIII - the manner of monitoring and evaluation, indicating the human and technological resources that will be employed in the activity or, where applicable, an indication of support for participation pursuant to the 1st §, art. 58 of this Law;

IX - the requirement for the recovery of funds, in cases provided for in this Law;

X – the definition, if applicable, of the ownership of the remaining assets and rights on the date of completion or termination of the partnership and, as a result of its execution, having had been acquired, produced or processed with funds transferred by the public administration;

XI – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

XII – the prerogative attributed to the public administration for assuming or transferring responsibility for the execution of the objective, in the case of a shutdown, in a manner to avoid its discontinuance; ([Wording amended by Law no. 13.204, of 2015](#))

XIII – (repealed); ([Wording amended by Law no. 13.204, of 2015](#))

XIV – when it's the case. The obligation of the civil society organization to maintain and transfer funds in a specific bank account, observing the provisions in art. 51; ([Wording amended by Law no. 13.204, of 2015](#))

XV – free access for public administration officials, from internal control and the Court of Audits corresponding to the process, to documents and information related to the terms of collaboration or the terms of fostering, as well as to the location of the execution of the respective objective; ([Wording amended by Law no. 13.204, of 2015](#))

XVI - the facility of the participants to rescind the instrument, at any time, with the respective conditions, sanctions and clear limits of responsibilities, in addition to the stipulation of the minimum term anticipated for the publication of this intention, which cannot be less than 60 (sixty) days;

XVII –the indication

XVIII – (repealed) ([Wording amended by Law no. 13.204, of 2015](#))

XIX –the sole responsibility of the civil society organization for the administrative and financial management of the funds that are received, including in respect to expenses from costs, investments and human resources;

XX – the sole responsibility of the civil society organization for the payment of labor, social security, tax and commercial charges related to the execution of the planned objective provided for in the term of collaboration or fostering, and does not involve joint or subsidiary liability of the public administration for defaults by the civil society organization relating to such payment, the burden imposed on the objective of the partnership or damage resulting from restrictions on their implementation. ([Wording amended by Law no. 13.204, of 2015](#))

Sole paragraph. The work plan will be shown as an annex to the term of collaboration, term of fostering or the cooperation agreement, which of them will be an integral and inseparable part. ([Wording amended by Law no. 13.204, of 2015](#))

I – (repealed); ([Wording amended by Law no. 13.204, of 2015](#))

II – (repealed); ([Wording amended by Law no. 13.204, of 2015](#))

Section II

Contracts Performed by the Civil Society Organizations

Art. 43 [\(Wording amended by Law no. 13.204, of 2015\)](#)

Art. 44 [\(Wording amended by Law no. 13.204, of 2015\)](#)

Section III

Expenses

Art. 45. The expenses related to the execution of the partnership will be done in the terms of sections XIX and XX of art. 42, with the following prohibited: [\(Wording amended by Law no. 13.204, of 2015\)](#)

I – using funds for purposes unrelated to the object of the partnership; [\(Wording amended by Law no. 13.204, of 2015\)](#)

II - to pay, to any public administration or public employee with funds related to the partnership, except in the cases provided for in specific law and the law of budgetary directives;

III – [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

IV – VETOED)

V - [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

VI - [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

VII - [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

IX - [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

a) [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

b) [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

c) [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

d) [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

Art. 46. Among other expenses, the following can be paid with funds linked to the partnership: [\(Wording amended by Law no. 13.204, of 2015\)](#)

I - compensation for the staff in charge of implementing the work plan, including the organization's own staff from the civil society, for the duration of the partnership, including the cost of tax payments, social security contributions, the Service Time Guarantee Fund - FGTS, vacation, thirteenth salary, commensurate wages, severance pay and other social and labor charges; [\(Wording amended by Law no. 13.204, of 2015\)](#)

a) [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

b) [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

c) [\(repealed\)](#); [\(Wording amended by Law no. 13.204, of 2015\)](#)

II - daily expenses related to travel, lodging and meals where the execution of the partnership objective so requires; [\(Wording amended by Law no. 13.204, of 2015\)](#)

III – indirect costs related to requirements of executing the objective, whatever the proportion in relation to the total value of the partnership; ([Wording amended by Law no. 13.204, of 2015](#))

IV - acquisition of permanent equipment and materials essential to the achievement of the objective and the adequate services of physical space, for as long as necessary for the installation of such equipment and materials.

1st§ The default by the public administration does not transfer the responsibility for payment of obligations related to the partnership to the civil society organization with their own resources. ([Wording amended by Law no. 13.204, of 2015](#))

2nd § Default by the civil society organization as a result of delays in the release of partnership-related transfers may not lead to restrictions on the release of further payment installments. ([Wording amended by Law no. 13.204, of 2015](#))

3rd§ The payment of compensation for the staff contracted by the civil society organization with funds from the partnership does not lead to employment relationship with the public administration. ([Wording amended by Law no. 13.204, of 2015](#))

4th§ (Repealed). ([Wording amended by Law no. 13.204, of 2015](#))

5th§ (VETOED).

Art. 47. ([Repealed by Law no. 13.204, of 2015](#))

Section IV

The Release of Funds

Art. 48. The installments of the funds transferred under the partnership will be released in strict accordance with the respective disbursement schedule, except in the following cases, in which they will be retained until the recovery of improprieties: ([Wording amended by Law no. 13.204, of 2015](#))

I - when there is evidence of an irregularity in the application of a payment installment that was previously received; ([Wording amended by Law no. 13.204, of 2015](#))

II - when a misuse of the purpose for the use of funds is found or a breach of civil society organization in relation to the obligations established in the term of collaboration or fostering; ([Wording amended by Law no. 13.204, of 2015](#))

III - when the civil society organization fails to adopt, without sufficient justification, the remedial measures identified by the public administration or by bodies of internal or external control. ([Wording amended by Law no. 13.204, of 2015](#))

Art. 49. In partnerships whose duration exceeds one year, accountability at the end of each financial year is mandatory.

I – (repealed); ([Wording amended by Law no. 13.204, of 2015](#))

II – (repealed); ([Wording amended by Law no. 13.204, of 2015](#))

III – (repealed); ([Wording amended by Law no. 13.204, of 2015](#))

Art. 50. The public administration must facilitate the monitoring of the release processes of funds on the internet relating to partnerships entered into under this Law.

Section V

Financial Handling and Investment of Funds

Art. 51. Funds received as a result of the partnership shall be deposited in specific checking account that is exempt from bank fees in a public financial institution to be determined by the public administration. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Sole paragraph. Income from financial assets will be invested in the partnership objective, subject to the same conditions of accountability required for the transferred funds. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Art. 52. Upon completion, termination, cancellation or termination of the partnership, the remaining surplus funds, including those from the revenues from the investments made, will be returned to the public administration in a non-extendable period of thirty days, under penalty of immediate initiation of taking special accounts of the responsible party, provided by the competent authority of public administration. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Art. 53. All transfers of funds within the partnership will be made by electronic transfer and subject to identification of the final beneficiary and the obligation to deposit in their bank account.

1st § Payments must be done through a credit in the bank account of the owner of the suppliers and service providers. [\(Wording amended by Law no. 13.204, of 2015\)](#)

2nd § Having demonstrated the physical impossibility of payment through a wire transfer, the term of collaboration or fostering may admit to making payments in kind. [\(Included by Law no. 13.204, of 2015\)](#)

Art. 54. [\(Repealed by Law no. 13.204, of 2015\)](#)

Section VI

Amendments

Art. 55. The duration of the partnership may be amended at the request of civil society organization, appropriately documented and justified, to be submitted to the public administration at least thirty days before the initializing the proposed term. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Sole paragraph. Any extension of the duration of the term of collaboration or fostering should be made by the public administration when it has caused the delay in the release of financial resources, limited to the exact period of the delay occurred. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Art. 56. [\(Repealed by Law no. 13.204, of 2015\)](#)

Art. 57. The partnership work plan may be revised to change the values or goals, through an amendment or apostille to the original work plan. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Sole paragraph. [\(Repealed\)](#). [\(Wording amended by Law no. 13.204, of 2015\)](#)

Section VII

Monitoring and Evaluation

Art. 58, The public administration will promote the monitoring and evaluation of the fulfillment of the objectives of the partnership. [\(Wording amended by Law no. 13.204, of 2015\)](#)

1st § To implement the provisions of the chapter, the public administration can draw on the support of others, delegate authority or partner with agencies or entities that are located near the site of application of resources. [\(Wording amended by Law no. 13.204, of 2015\)](#)

2nd § In partnerships with a duration of longer than one (1) year, the public administration will carry out, whenever possible, a satisfaction survey with the beneficiaries of the work plan and use the results as an aid in assessing the signed partnership and the fulfillment of agreed upon objectives, as well as the reorientation and adjustment of the defined goals and activities.

3rd § To implement the provisions within the 2nd §, the public administration can draw on the support of others, delegate authority or partner with agencies or entities that are located near the site of the application of resources.

Art. 59. The public administration will issue technical report of the monitoring and assessment of the entered into partnership through the term of collaboration or term of fostering and will submit it to the monitoring committee and designated assessment that ratify, regardless of the obligatory presentation of accountability owed by the civil society organization. [\(Wording amended by Law no. 13.204, of 2015\)](#)

1st § The technical report of the monitoring and evaluation of the partnership, notwithstanding other elements, must contain: [\(Wording amended by Law no. 13.204, of 2015\)](#)

I – summary of activities and goals that have been established;

II – an analysis of activities that have been carried out, the fulfillment of goals and the social impact derived from the execution of the objective up to that time, based on indicators established and approved in the work plan;

III – amounts effectively transferred by the public administration; [\(Wording amended by Law no. 13.204, of 2015\)](#)

IV – (repealed); [\(Wording amended by Law no. 13.204, of 2015\)](#)

V - an analysis of the expenditure documents will be submitted by the civil society organization for accountability, when there is no proof that goals and results were achieved that were set out in its term of collaboration or fostering; [\(Wording amended by Law no. 13.204, of 2015\)](#)

VI - an analysis of any audits performed by internal and external controls, in the framework of preventive supervision, as well as their conclusions and the action taken as a result of these audits. [\(Wording amended by Law no. 13.204, of 2015\)](#)

2nd § In the case of partnerships financed with specific resource funds, the monitoring and evaluation will be conducted by the respective management boards, subject to the requirements of this Law. [\(Included by Law no. 13.204, of 2015\)](#)

Art. 60. Subject to the supervision by the public administration and bodies of control, the implementation of the partnership will be monitored and supervised by public policy boards from the corresponding areas of existing operations in each sphere of public administration. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Sole paragraph. Partnerships of covered by this law will also be subject to social control mechanisms provided for in the legislation.

Section VIII

Obligations of the Manager

Art. 61. The obligations of the manager are:

I - to monitor and supervise the implementation of partnership

II – report to their superior the existence of facts that jeopardize or may jeopardize the activities and goals of the partnership and any evidence of irregularities in the management of resources, as well as the measures adopted or to be adopted to remedy the problems that have been identified;

III – (VETOED)

IV - issue a conclusive technical opinion of the analysis of the final accounting, taking into account the contents of the technical monitoring and evaluation report referred to in art. 59; [\(Wording amended by Law no. 13.204, of 2015\)](#)

V - provide technological materials and equipment necessary for monitoring and evaluation activities.

Art. 62. In the event of a nonperformance through the exclusive fault of the civil society organization, the public administration can, exclusively to ensure the essential services for the population, through its own act and independently of judicial authorization, in order to achieve or maintain implementation of the goals and activities agreed upon: [\(Wording amended by Law no. 13.204, of 2015\)](#)

I –return public assets held by the civil society organization partner, whatever had been the manner or title that granted rights for the use of such assets;

II - take responsibility for implementing the rest of the planned objective within the work plan, in the event of a stoppage, to avoid a discontinuity, and should be considered in the accountability that had been executed by the civil society organization until such time that the administration assumes these responsibilities.

Sole paragraph. The situations provided for in the chapter heading must be communicated by the manager to the public administration. [\(Wording amended by Law no. 13.204, of 2015\)](#)

CHAPTER IV

ACCOUNTABILITY

Section I

General Conditions

Art. 63. Accountability must be done observing the rules provided for in this Law, in addition to the terms and conditions of preparation set out in the partnership instrument and the work plan.

1st § The public administration will supply specific manuals to the civil society organizations at the signing of the partnerships, assuming the existence of a simplification and streamlining of procedures. [\(Wording amended by Law no. 13.204, of 2015\)](#)

2nd § Any changes in the content of the manuals referred to in the 1st § of this Article must be previously reported to the civil society organization and published in the official communication.

3rd § The regulation will establish simplified procedures for accountability. ([Wording amended by Law no. 13.204, of 2015](#))

Art. 64. Accountability submitted by the civil society organization should contain information that allow the manager of the partnership to assess progress and conclude that their objective was executed as agreed upon, with a detailed description of activities and evidence of achievement of goals and expected results, by the period mentioned accountability.

1st § Amounts related to goals and results breached without sufficient justification will be disallowed. ([Wording amended by Law no. 13.204, of 2015](#))

2nd § Financial data will be analyzed in order to establish the causal link between the revenue and expenditure incurred, and its conformity and compliance with the relevant standards.

3rd § The analysis of accountability should consider the real truth and the results achieved.

4th § The accountability of the partnership will observe specific rules according to the amount of public funds involved, in accordance with the provisions and procedures as provided for in the work plan and the term of collaboration or fostering.

Art. 65. The accountability and all actions flowing from it will give an electronic platform, allowing it to be viewed by any interested party. ([Wording amended by Law no. 13.204, of 2015](#))

Art. 66. Accountability related to the implementation of the term of collaboration or fostering will occur through analyzing the documents provided for in the work plan, pursuant to item IX of art. 22 in addition to the following reports:

I - a report on the implementation of the objective, prepared by the civil society organization, containing the activities or projects developed for the fulfillment of the objective and the comparison of proposed goals with the results achieved; ([Wording amended by Law no. 13.204, of 2015](#))

II - report on the financial execution of the term of collaboration or term of fostering, describing the costs and actual revenue collections and their connection with the execution of the object, in case of noncompliance of goals and outcomes set out in the work plan. ([Wording amended by Law no. 13.204, of 2015](#))

Sole paragraph. The public administration must also consider the following internally prepared reports in their analysis, if any: ([Wording amended by Law no. 13.204, of 2015](#))

I - on-site technical visit report possibly held during the implementation of the partnership: ([Wording amended by Law no. 13.204, of 2015](#))

II - monitoring and evaluation technical report, approved by the monitoring committee and designating an assessment on the conformity of compliance with the object and the results achieved during the implementation of the term of collaboration or fostering.

Art. 67. The manager will issue a technical opinion for the accounting analysis of the signed partnership.

§ 1st In the case of single accounts, the manager will submit a conclusive technical opinion for the purposes of assessing compliance with the object. (Wording amended by Law no. 13.204, of 2015)

§ 2nd If the duration of the partnership exceeds one year, the civil society organization must submit accounts at the end of each year in order to monitor compliance with the goals of the object. (Wording amended by Law no. 13.204, of 2015)

§ 3rd (Repealed). (Wording amended by Law no. 13.204, of 2015)

§ 4th For the purposes of evaluating the efficiency and effectiveness of the actions to be executed or that already being performed, the technical opinions dealing with this article must obligatorily mention: (Wording amended by Law no. 13.204, of 2015)

I - the results already achieved and their benefits;

II - economic or social impacts;

III - the target audience's degree of satisfaction;

IV - the possibility of sustaining the actions after the conclusion of the agreed upon object.

Art. 68. The documents included by the entity on the electronic platform provided for in article 65, provided they have a guarantee of origin and its signatory through a digital certification, will be considered as an original for accounting purposes.

Sole paragraph. Over a period of 10 (ten) years, from the subsequent business day of providing the accounting, the entity shall keep the documents on file that comprise the accounting.

Section II

Terms

Art. 69. The civil society organization will report the good and regular use of funding received within ninety days from the end of the partnership or at the end of each year, if the duration of the partnership exceeds one year. (Wording amended by Law no. 13.204, of 2015)

§ 1st The terms for the final presentation of accounts will be established in accordance with the complexity of the partnership objective. (Wording amended by Law no. 13.204, of 2015)

§ 2nd The provisions in the caput do not prevent the public administration from promoting the establishment of special accounts taken before the end of the partnership, before evidence of irregularities in the implementation of the objective. (Wording amended by Law no. 13.204, of 2015)

§ 3rd In the event of the § 2nd, the obligation of accounting arises at the time of the release of funds involved in the partnership. (Wording amended by Law no. 13.204, of 2015)

§ 4th The terms referred to in the caput may be extended for up to 30 (thirty) days, unless duly justified.

§ 5th The conclusive manifestation on accounting by the public administration will observe the time limits provided for in this Law, being concluded, alternatively, by: (Wording amended by Law no. 13.204, of 2015)

I - approval of the rendering of accounts;

II - approval of the rendering of accounts with exceptions; or (Wording amended by Law no. 13.204, of 2015)

III - rejection of the rendering of accounts and a determination of immediate establishment of the taking of special accounts. (Wording amended by Law no.13.204, of 2015)

§ 6th The improprieties that gave rise to the rejection of the rendering of accounts will be registered on an electronic platform for public access, being taken into account when signing future partnerships with the public administration, as defined in the regulation. (Wording amended by Law no. 13.204, of 2015)

Art. 70. An irregularity or omission contained in the rendering of accounts will be granted time for the civil society to remedy the problem or fulfill the obligation.

§ 1st The term referred to in the caput is limited to 45 (forty five) days of notification, which may be extended, at most, for the same period within which the public administration has to examine and decide on the rendering of accounts and results of the proof.

§ 2nd The elapsed time period for remedying an irregularity or omission, not having a remedy, the competent administrative authority, subject to joint liability, should adopt measures to investigate the facts, identify those responsible, quantify the damage and obtain compensation under the current legislation.

Art. 71. The public administration will consider the final of the accounts submitted within one hundred and fifty days from the date of receipt or the fulfillment of diligence that it will determine, justifiably extendable for the same period. ([Wording amended by Law no. 13.204, of 2015](#))

1st § ([Repealed](#)). ([Wording amended by Law no. 13.204, of 2015](#))

2nd § ([Repealed](#)). ([Wording amended by Law no. 13.204, of 2015](#))

3rd § ([Repealed](#)). ([Wording amended by Law no. 13.204, of 2015](#))

4th§ The course of the deadline set under the chapter heading without accounts having been appreciated: ([Wording amended by Law no. 13.204, of 2015](#))

I - does not mean the impossibility of appreciation at a later date or seal to which they adopt remedial measures, punitive or intended, to compensate damage that may be caused to the public coffers;

II - in cases where fraud by the civil society organization or its agents was not observed, subject to inflation adjustment, prevents the incidence of default on debts possibly calculated interest for the period between the end of the period referred to in this paragraph and the date which was finalized to the appreciation by the public administration. ([Wording amended by Law no. 13.204, of 2015](#))

Art. 72. Accounts will be evaluated:

I - regular, when expressed in a clear and objective manner, the objectives and targets set out in the work plan; ([Wording amended by Law no. 13.204, of 2015](#))

II - regular with restriction, when they show impropriety or any other lack of a formal nature that does not result in damage to the treasury; ([Wording amended by Law no. 13.204, of 2015](#))

III - irregular, when any of the following circumstances are proven: [\(Wording amended by Law no. 13.204, of 2015\)](#)

- a) omission in the duty of accounting;
- b) unjustifiable in compliance with the objectives and goals established in the work plan; [\(Wording amended by Law no. 13.204, of 2015\)](#)
- c) damage to the treasury due to an act of illegitimate or anti-economic management;
- d) embezzlement or misuse of money, assets or public values.

1st § The public administrator is responsible for the decision on the approval of accountability or omission in relation to the analysis of its contents, taking into consideration, in the first case, the technical, financial and legal opinions, with delegation permitted to subordinate authorities, prohibited sub-delegation. [\(Included by Law no. 13.204, of 2015\)](#)

2nd § When accountability is assessed as irregular, after the appeals process is exhausted and if the decision is maintained, the civil society organization may request authorization for reimbursement to the treasury to be promoted through compensatory actions of public interest, by submitting a new work plan, conforming to the objective described in the term of collaboration or fostering and the organization's area of expertise, whose economic measurement will be done from the original work plan, since there has been no bad faith or fraud and a full refund of resources is not the case. [\(Included by Law no. 13.204, of 2015\)](#)

CHAPTER V

LIABILITY AND SANCTIONS

Section I

Administrative Sanctions to the Entity

Art. 73. Through the implementation of partnership at odds with the work plan and the rules of this law and the specific legislation, the public administration may guaranteed prior defense, to apply to the civil society organization the following sanctions: [\(Wording amended by Law no. 13.204, of 2015\)](#)

I – a warning;

II –temporary suspension from participating in call for public comment and impediment to entering into a partnership or contract with agencies and entities of the sphere of public administration of the public administration sanctioned, for a period not exceeding two years; [\(Wording amended by Law no. 13.204, of 2015\)](#)

III - declaration of unfitness to participate in a call for public comment or enter into a partnership or contract with agencies and entities of all levels of public administration, while pondering the decisive reasons for punishment or until rehabilitation is promoted before the very authority which imposed the fine, which will be granted whenever the civil society organization reimburse the public administration for damages resulting from and following the expiry of the penalty imposed on the basis of section 11. [\(Wording amended by Law no. 13.204, of 2015\)](#)

1st § The sanctions established in sections II and III are the sole jurisdiction of the Minister of State or State, District or Municipal Department, as appropriate, facilitating the defense of the interested party in the respective proceedings, within ten days of the opening of view, and can have rehabilitation be required after two years of the penalty. [\(Wording amended by Law no. 13.204, of 2015\)](#)

2nd § To limit to five years, counted from the date of submission of accountability, the application of penalties arising from violations related to the implementation of the partnership.
([Included by Law no. 13.204, of 2015](#))

3rd§ The limitation is interrupted by the editing of the administrative act aimed at determining the infringement. ([Included by Law no. 13.204, of 2015](#))

Section II

Responsibility for the Implementation and Issuance of Technical Opinions

Art. 74. (VETOED)

Art. 75. ([Repealed by Law no. 13.204, of 2015](#))

Art. 76. ([Repealed by Law no. 13.204, of 2015](#))

Section III

Acts of Administrative Misconduct

Art. 77. Art. 10 of Law no. 8.429 of June 2, 1993, becomes effective with the following changes:
(In Effect)

“	Art.	10
.....		
.....		

VIII - thwart the legality of the bidding process or selection process for entering into partnerships with nonprofits, or dismiss them unduly;

.....

XVI - facilitate or contribute, in any way, to the incorporation, the private assets of individuals or businesses, goods, incomes, money or public funds transferred by the public administration to private entities by entering into partnerships without compliance with the legal or regulatory formalities applicable to the species;

XVII - allow or contribute to that an individual or legal entity uses goods, incomes, money or public funds transferred by the public administration to a private entity by entering into partnerships without compliance with the legal or regulatory formalities applicable to the species;

XVIII - enter into public administration partnerships with private entities without observing the legal or regulatory formalities applicable to the species;

XIX - act negligently in entering into, monitoring and analysis of the accountability of partnerships signed by the public administration with private entities; ([Wording amended by Law no. 13.204, of 2015](#))

XX - release funds from the signed partnerships for public administration with private entities without the strict observance of relevant standards or affect in any way for their irregular application. ([Wording amended by Law no. 13.204, of 2015](#))

XXI - release funds from the signed partnerships for public administration with private entities without the strict observance of relevant standards or affect in any way for their irregular application. (NR)

Art. 78. Article 11 of Law no. 8.429 of June 2, 1992, shall henceforth include the following section VIII: (In Effect)

“Art. 11
.....
.....
.....”

VIII – incompliance to the norms related to the signing, supervision and approval of partnerships accounts for public administration with private entities.” (NR)

Art. 78-A. Article 23 of Law no. 8.429 of June 2, 1992, shall henceforth include the following section III: [\(Included by Law no. 13.204, of 2015\)](#) (In Effect)

“Art. 23
.....
.....”

III - up to five years from the date of submission to the public administration of providing final accounts by the entities referred to in paragraph of art. 1 of this Law.' (NR)”

CHAPTER VI

FINAL PROVISIONS

Art. 79. (VETOED)

Art. 80. The processing of purchases and contracting involving financial resources a from partnership may be made through an electronic system provided by the public administration to civil society organizations, open to the public via the Internet, to allow interested parties to formulate proposals. [\(Wording amended by Law no. 13.204, of 2015\)](#)

Sole paragraph. The Unified Suppliers Registration System - SICAF, maintained by the Brazilian Public administration, is available to other federal entities for the purposes of the provisions of the chapter heading, subject to the use by their own systems. [\(Included by Law no. 13.204, of 2015\)](#)

Art. 81. Authorization through the Brazilian Federal Public administration, States, Municipalities and the Federal District may adhere to the Covenants and Transfer Agreements Management System - SICONV to use its features in compliance with this Law.

Art. 81-A. Until it is made possible to the adaption of the system refered to in art. 81 or their counterparts in other units of the federation: [\(Included by Law no. 13.204, of 2015\)](#)

I - routines provided before the entry into force of this Law for the transfer of funds to civil society organizations arising from partnerships held under this Law will be used;
[\(Included by Law no. 13.204, of 2015\)](#)

II - Municipalities of up to one hundred thousand people will be allowed to carry out accountability and acts arising from it without using the electronic platform provided for in art. 65. [\(Included by Law no. 13.204, of 2015\)](#)

Art. 82. (VETOED)

Art. 83. Existing partnerships at the time of entry into force of this Law shall remain governed by the law at the time of its signing, subject to the subsidiary application of this Law, in that it is appropriate, provided it is for the benefit of the scope of the partnership objective

1st§ Partnerships dealt with in the chapter heading may be extended *ex-officio*, in the case of a delay in the release of funds by the public administration, for a period equivalent to the delay.
([Wording amended by Law no. 13.204, of 2015](#))

2nd § The partnerships entered into for an indefinite period before the entry into force of this Law, or extended for a period longer than initially established, within one year after the date of entry into force of this Law, shall be either: ([Wording amended by Law no. 13.204, of 2015](#))

I – substituted with instruments provided for in arts. 16 or 17, when applicable; ([Included by Law no. 13.204, of 2015](#))

II - object of unilateral termination by the public administration. ([Included by Law no. 13.204, of 2015](#))

Art. 83-A. (VETOED) ([Included by Law no. 13.204, of 2015](#))

Art. 84. Does not apply to partnerships governed by this Law of the provisions of Law No. 8.666 of June 21, 1993.
([Wording amended by Law no. 13.204, of 2015](#))

Sole paragraph. The following agreements are ruled by art. 116 of Law No. 8.666, of June 21, 1993: ([Included by Law no. 13.204, of 2015](#))

I – between federal entities or entities related to them ([Included by Law no. 13.204, of 2015](#))

II - resulting from the application of section IV of art. 3. ([Included by Law no. 13.204, of 2015](#))

Art. 84-A. After the effective date of this Law, will only be entered into agreements in the event of the sole paragraph of art. 84. ([Included by Law no. 13.204, of 2015](#))

Art. 84-B. Civil society organizations will be entitled to the following benefits, regardless of certification: ([Included by Law no. 13.204, of 2015](#))

I – to receive donations from companies, up to a limit of 2% of their gross revenue;
([Included by Law no. 13.204, of 2015](#))

II - receive movable assets considered irrecoverable, seized, abandoned or available, administered by the Federal Revenue Service of Brazil; ([Included by Law no. 13.204, of 2015](#))

III - distribute or promise to distribute prizes through drawings, gift certificates, contests or similar operations, in order to raise additional resources for its maintenance and fostering.
([Included by Law no. 13.204, of 2015](#))

Art. 84-C. The benefits provided for in art. 84-B will be granted to civil society organizations that present, among their social objectives, at least one of the following purposes: ([Included by Law no. 13.204, of 2015](#))

I – promotion of social assistance; ([Included by Law no. 13.204, of 2015](#))

II – promotion of culture, defense and conservation of historic and artistic heritage;
([Included by Law no. 13.204, of 2015](#))

III – promotion of education; ([Included by Law no. 13.204, of 2015](#))

IV – promotion of health; [\(Included by Law no. 13.204, of 2015\)](#)

V – promotion of food and nutritional security; [\(Included by Law no. 13.204, of 2015\)](#)

VI – defense, preservation and conservation of the environment and promotion of sustainable development; [\(Included by Law no. 13.204, of 2015\)](#)

VII – promotion of volunteerism; [\(Included by Law no. 13.204, of 2015\)](#)

VIII – promotion of economic and social development and combating poverty; [\(Included by Law no. 13.204, of 2015\)](#)

IX - the non-profit experimentation of new socio-productive models and alternative systems of production, trade, employment and credit; [\(Included by Law no. 13.204, of 2015\)](#)

X – promotion of established rights, creation of new rights and free judicial assistance of supplementary interest; [\(Included by Law no. 13.204, of 2015\)](#)

XI – promotion of ethics, peace, citizenship, human rights, democracy and other universal values; [\(Included by Law no. 13.204, of 2015\)](#)

XII – religious organizations that are dedicated to activities in the public interest and socially oriented that are distinct from those aimed at exclusively religious purposes; [\(Included by Law no. 13.204, of 2015\)](#)

XIII – studies and research, the development of alternative technologies, production and release of information and technical and scientific knowledge in respect to the to activities mentioned in this article. [\(Included by Law no. 13.204, of 2015\)](#)

Sole paragraph. It is forbidden for entities benefiting from art. 84-B to participate in a political party or electoral interest campaigns, under any means or forms. [\(Included by Law no. 13.204, of 2015\)](#)

Art. 85. The 1st Article of Law no. 9.790 of March 23, 1999, shall henceforth include the following wording:

“1st Article. Legal entities of private non-profit organizations that have been established and are in regular operation for at least three (3) years may qualify as a Civil Society Organizations for the Public Interest, provided that their social objectives and standards meet the statutory requirements established by this Law. “(NR)

Art. 85-A. The 3rd Article of Law no. 9.790 of March 23, 1999, shall henceforth include the following section XIII: [\(Included by Law no. 13.204, of 2015\)](#) [\(In Effect\)](#)

“3rd
Art.....
.....
XIII - studies and research for the development, delivery and implementation of technologies related to the mobility of persons, by any means of transport.
.....
..... (NR)”

Art. 85-B. The sole paragraph of the 4th art. Of Law no. 9.790 of march 23, 1999, shall henceforth include the following wording: [\(Included by Law no. 13.204, of 2015\)](#) [\(In Effect\)](#)

4th Art.
Sole paragraph. The participation of public employees is permitted in the composition of the boards or directors of the Civil Society Organizations of Public Interest.’ (NR) “

Art. 86. Law no. 9.790 of March 23, 1999, shall henceforth include the following arts. 15-A and 15-B: (In Effect)

“Art. 15-A. (VETOED).”

“Art. 15-B Accountability related to the implementation of the Partnership Agreement pertanant to the state entity partner refers to the correct application of public funds received and the due performance of the Partnership Agreement of the objective through submitting the following documents:

I - annual progress report on the implementation of activities specifically containing a report on the implementation of the objective of the Partnership Agreement, as well as a comparison between the goals and the results achieved;

II - full statement of revenue and expenditure incurred in the implementation;

III - statement of the physical and financial execution;

IV - income statement for the year;

V - balance sheet;

VI - statement of sources and uses of funds;

VII - statement of changes in equity;

VIII - notes to the financial statements, if required;

IX - opinion and the audit report, if any. “

Art. 87. The requirements of transparency and publicity envisioned at all stages involving the partnership, from the preparatory phase to the end of accountability, in what is required, will be exempted when dealing with protection program for threatened people or a situation that may compromise their safety, according to the regulations. ([Wording amended by Law no. 13.204, of 2015](#))

Art. 88. This Law shall enter into effect after the expiry of five hundred and forty days of its official publication, subject to the provisions in §§ 1st and 2nd of this article. ([Wording amended by Law no. 13.204, of 2015](#))

1st§ For municipalities, this Act shall enter into effect as of January 1, 2017. ([Included by Law no. 13.204, of 2015](#))

2nd § For the local administrative act, the provisions of this Law may be implemented in the municipalities from the date resulting from the provisions in the **chapter** heading.

Brasilia, July 31, 2014; 193rd of Independence and 126th of the Republic.

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This text does not replace the one published in the Official Gazette of the 1st.8.2014