

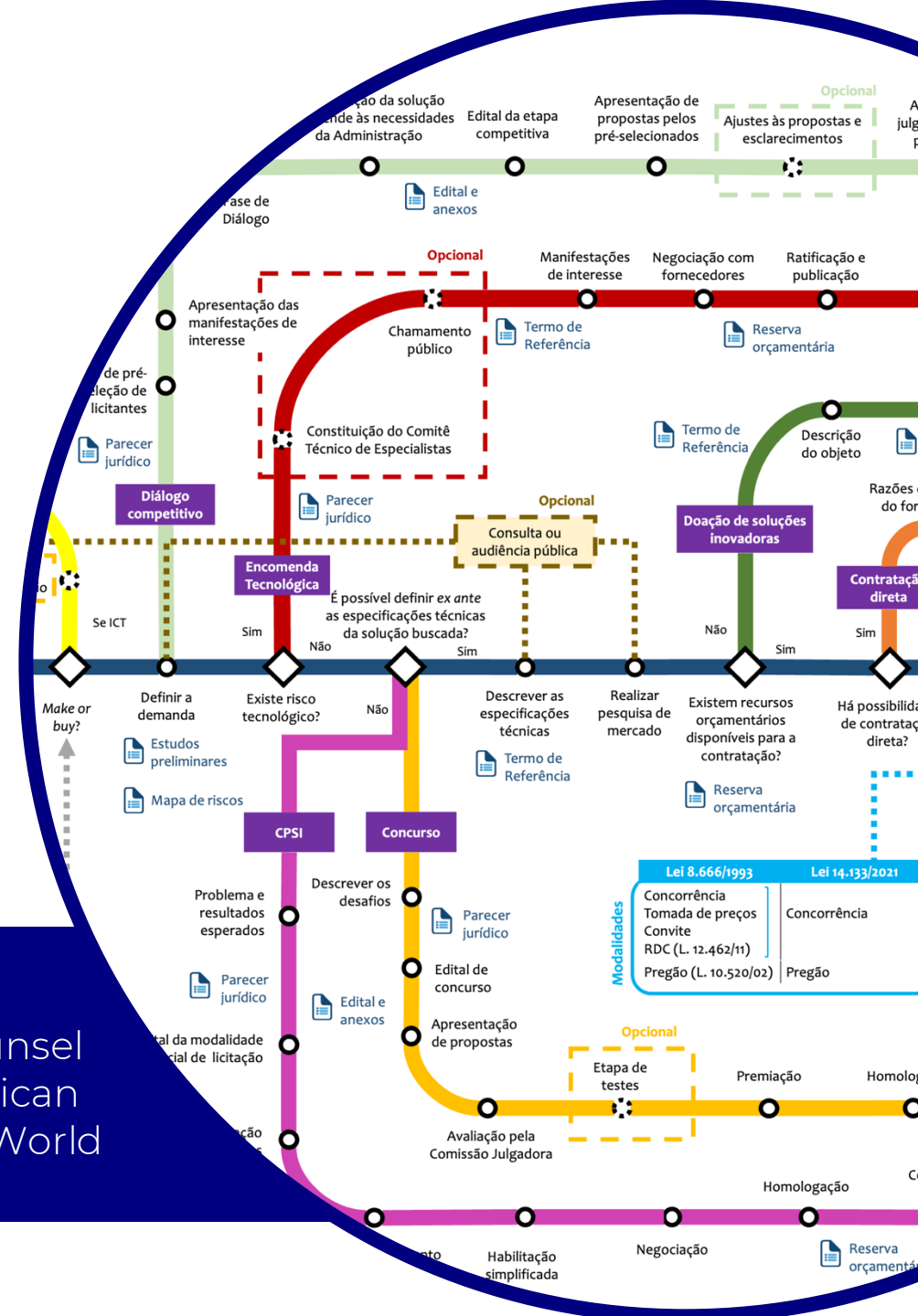
THE BRAZILIAN INNOVATION PROCUREMENT FRAMEWORK

– promises, achievements and roadblocks

Braga, March 19, 2026

RAFAEL FASSIO

State Attorney, Government of the State of São Paulo, Brazil. Lead Counsel for Science, Technology, and Innovation. Consultant to the Inter-American Development Bank. LL.M. and Ph.D from the University of São Paulo. World Economic Forum Fellow in AI and Machine Learning.



LEGAL MILESTONES

Innovation Law

Modeled after the US Bayh-Dole Act, Law no. 10,973/2004 sought to organize government action in STI policies.

2004

2010

2016

2021

Constitutional and legal reforms

Following the 2015 constitutional reform, the Innovation Law was substantially revised in 2016 drawing inspiration mainly from EU and US practices and regulations.

A call to action

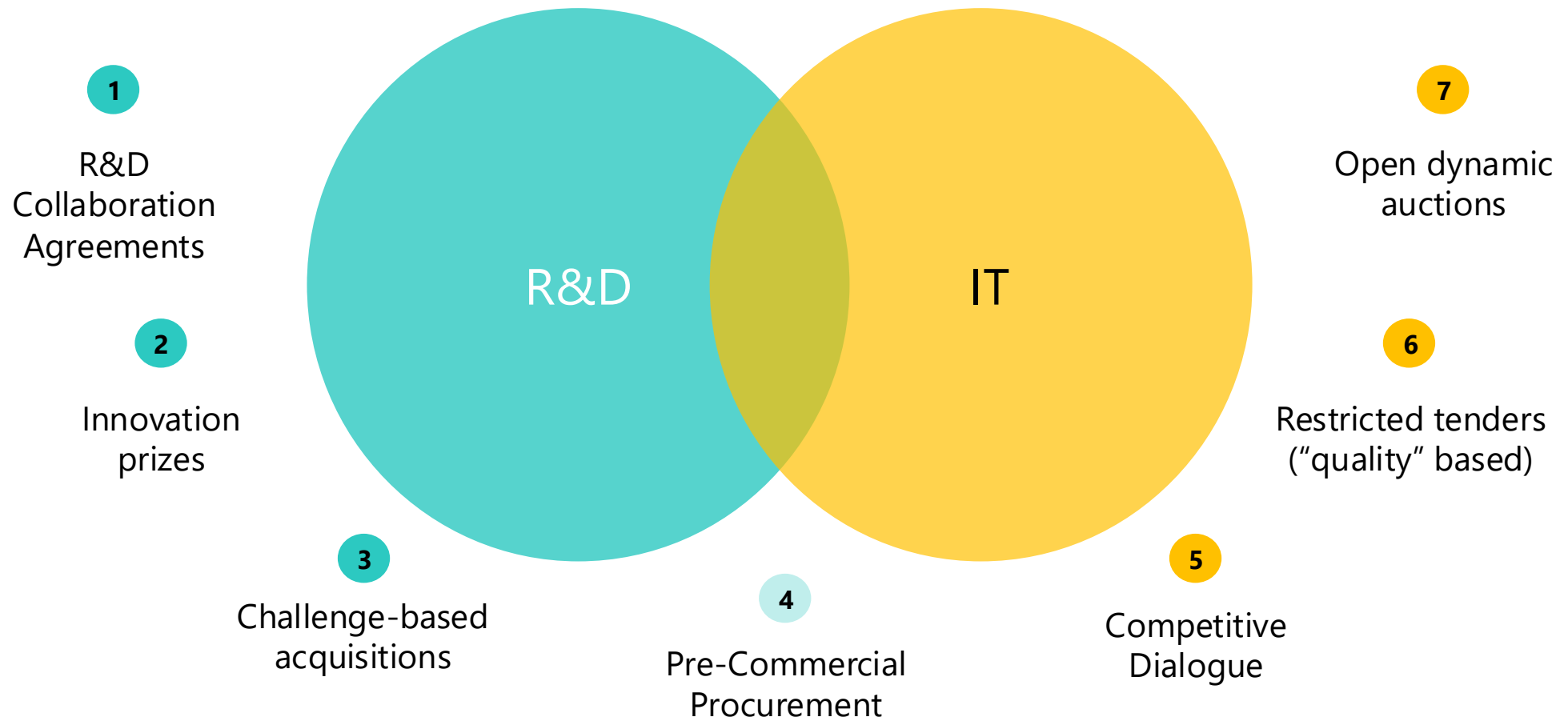
As the 2004 Law proved ineffective, a "Code" was proposed to improve and streamline Brazil's innovation framework

New regulations

The 2021 Procurement Act and the Startup Act introduced new instruments for innovation procurement.

A COMPREHENSIVE FRAMEWORK

Brazil is one of the few Latin American countries with legislation enabling **challenge-based acquisitions** and **mission-oriented R&D contracts** (MOÑUX & UYARRA, 2016), but **widespread risk aversion** prevents their full-scale adoption by government officials.



We provide contract templates and other practical materials in a comprehensive guide with instructions, examples, and best practices to foster the use of innovation procurement in Brazil.

Documents adapted from real-life cases and practical experience



National and international best practices incorporated into each template

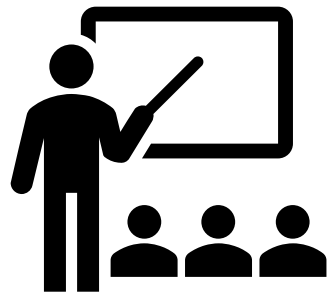
www.toolkitcti.org

_project lead



_project partners



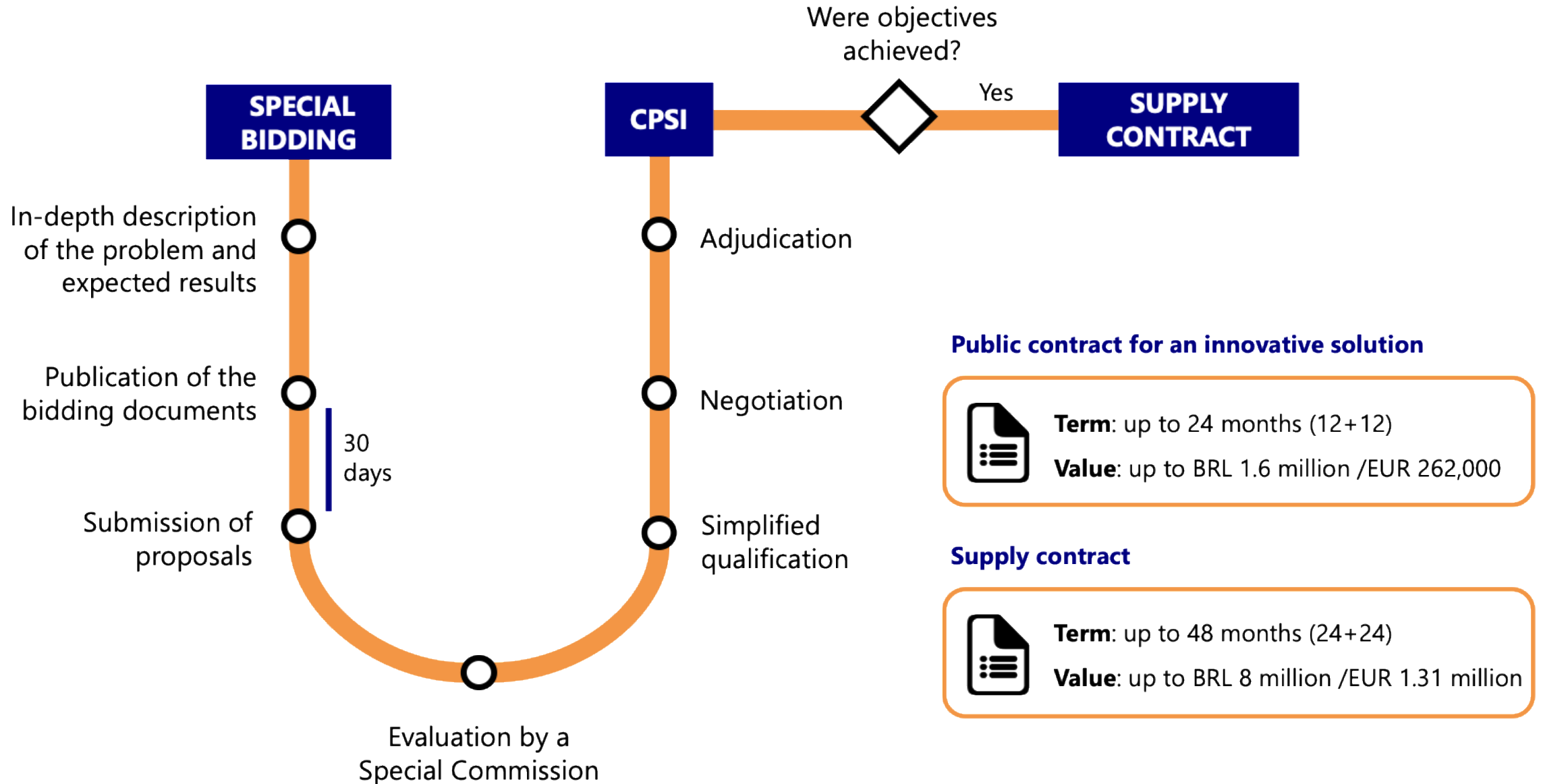


BUILDING CAPACITIES

In partnership with SEBRAE, we developed a free course with 13 short videos to help SMEs and municipalities better understand public procurement for innovation instruments in Brazil.



THE STARTUP ACT





www.toolkitcti.org/observatorio



PROCURADORIA
GERAL DO
ESTADO

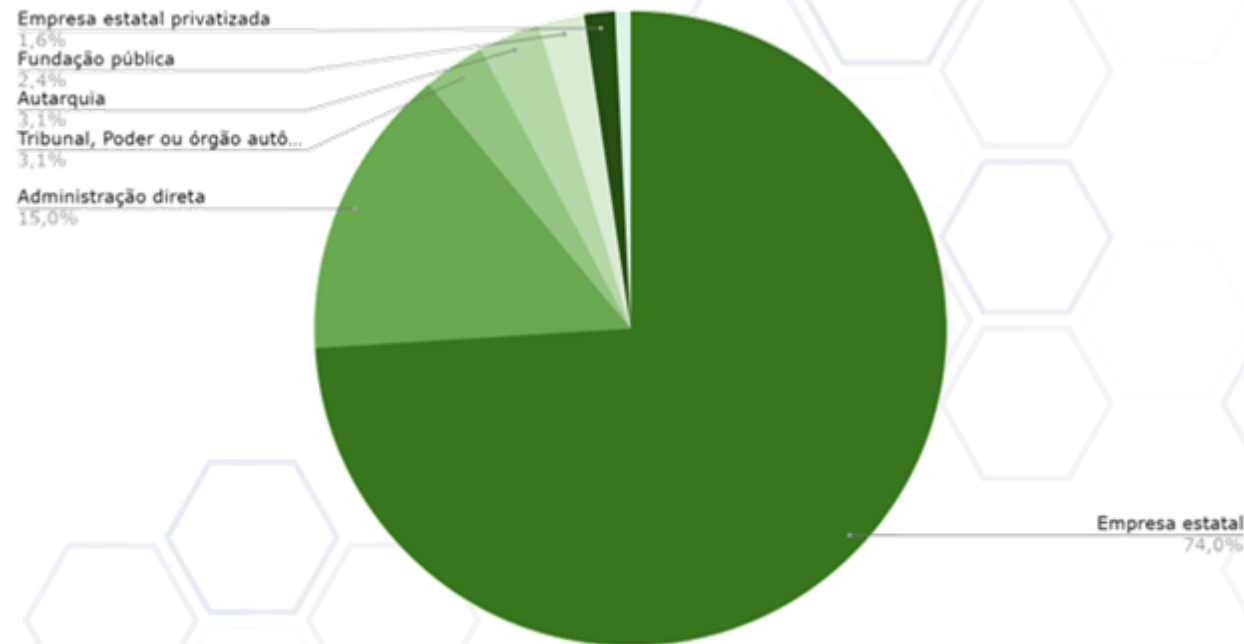
OBSERVATÓRIO DO CPSI:

O QUE OS QUATRO ANOS DE VIGÊNCIA DO MARCO LEGAL DE STARTUPS TÊM A ENSINAR SOBRE CONTRATAÇÕES PÚBLICAS PARA INOVAÇÃO NO BRASIL



THE CPSI OBSERVATORY

Contracting entities by type



Petrobras

Municipalities

States

Other federal entities

68 tender notices (53.5%)

29 tender notices (22.8%)

17 tender notices (13.4%)

13 tender notices (10.2%)

127 mapped tender notices

2.18 challenges per tender notice

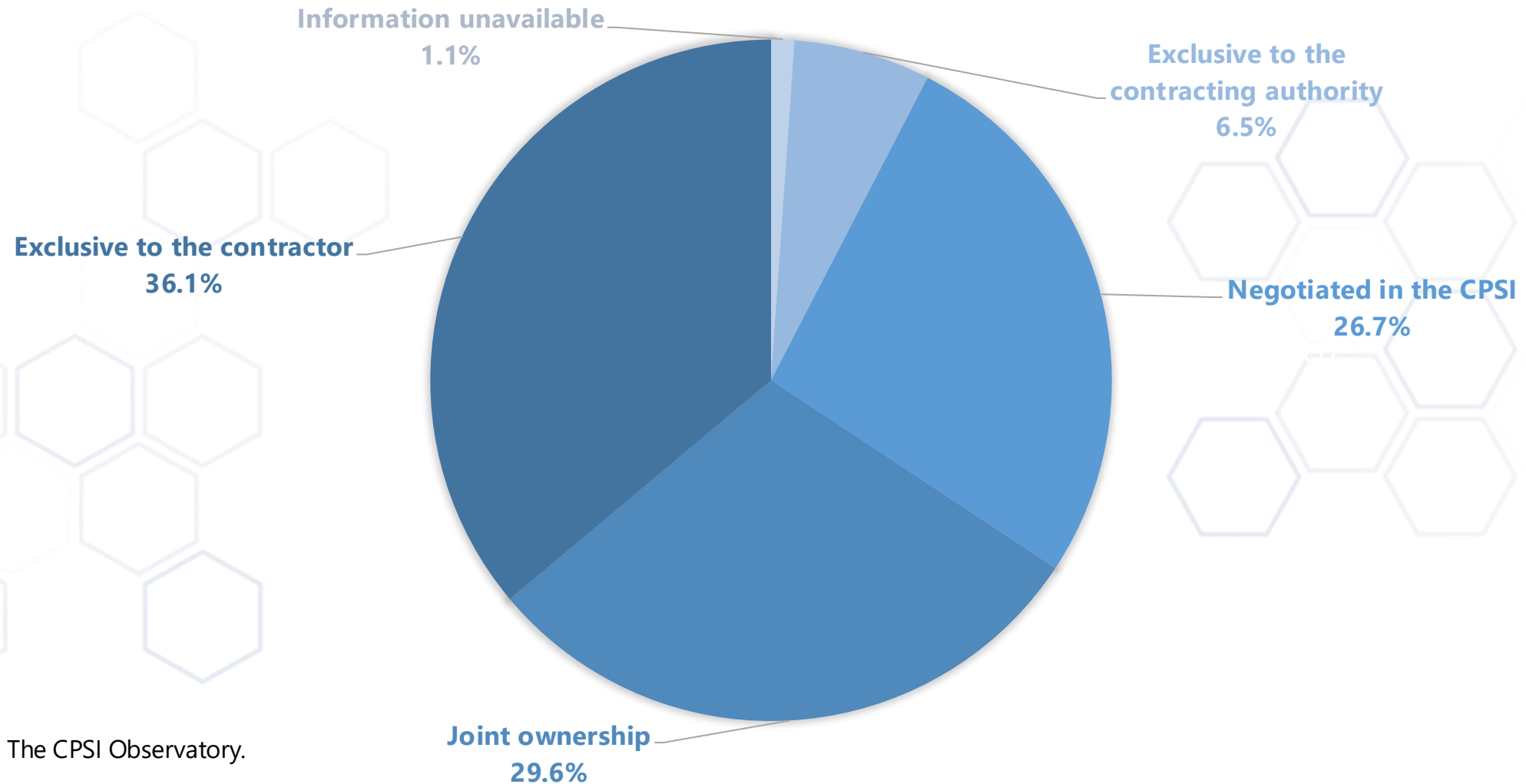
BRL 791,874.71 average CPSI value

244.87 days between publication of tender notice and signing of the CPSI contract

192 CPSIs

16 supply contracts

Allocation of Intellectual Property Rights (IPR) in CPSIs



Source: The CPSI Observatory.

RISK AVERSION AND UNCERTAINTY

99.6% of all bidding procedures in Brazil are awarded based solely on price. Public officials tend to rely on reverse auctions (“pregão”) and follow standard procurement practices to avoid being challenged by oversight bodies.

LACK OF DEMAND AGGREGATION INSTRUMENTS

The absence of instruments such as catalytic and cooperative procurement in a highly asymmetric and very large federal country may hamper efforts to address complex challenges shared by 27 states and 5,570 municipalities.

LACK OF DEDICATED FUNDING

Competition with supply-side instruments and resistance from academia hinder amendments to the FNDCT Law that would allow innovation procurement to be funded directly, making it overly dependent on budget constraints.

TOO FEW CASES

As we are still figuring out what best practices look like, the misuse of CPSIs and other innovation procurement instruments may undermine the ecosystem as a whole if they are not used properly.

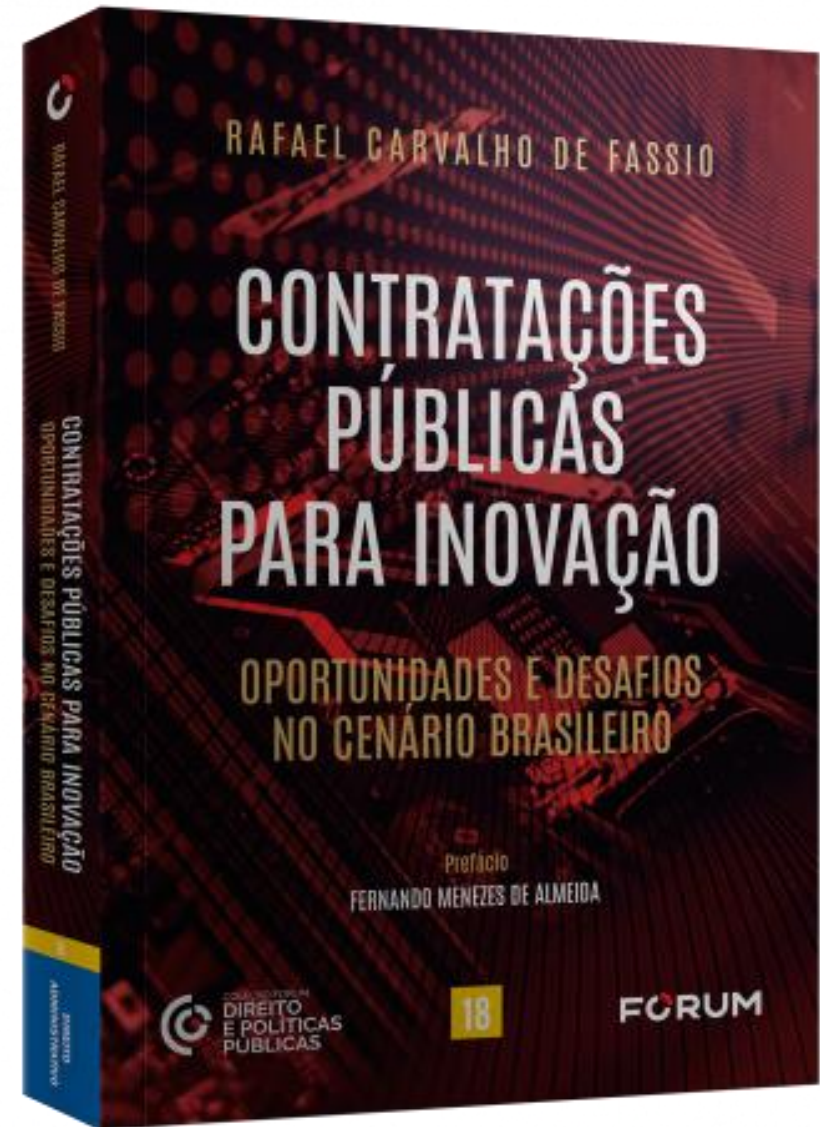
FOR FURTHER READING

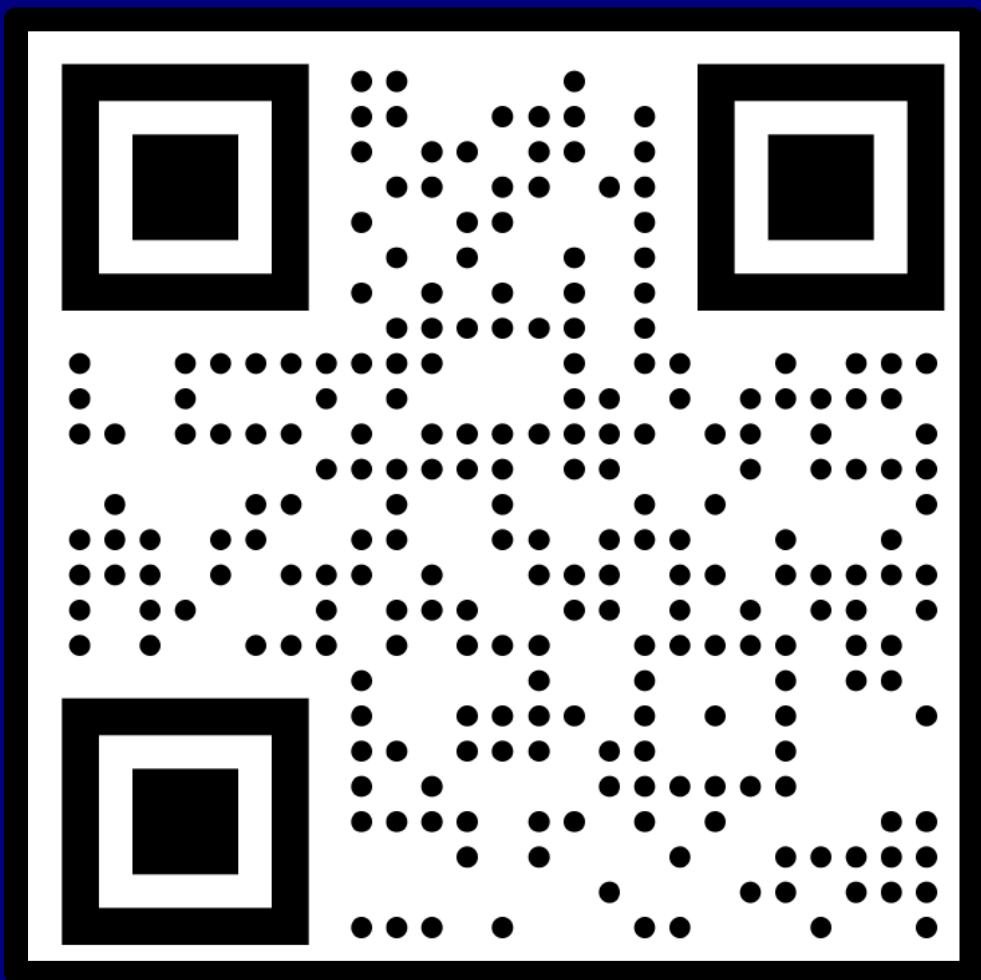


FOR FURTHER READING



Scan to explore the book





THANK YOU!

rfassio@sp.gov.br

rafael.fassio@usp.br



www.toolkitcti.org