

Sustainable Government Purchasing: evaluation of the São Paulo school meals program

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Abstract: The city of São Paulo's School Meals Program stands out as one of the biggest in the world. This study underscores the potential of sustainable government purchasing for school meals based on the already instituted municipal program and seeks to understand the frailties in the process of implementing the legislation. The study used primary and secondary sources with the secondary data obtained from documental research and primary data from semi-structured interviews with public agents implementing the program. Despite the provisions of the Program implementation legislation, the study analysis reveals various problems and challenges family farmers and the municipal government face to implement this program, ranging from conditions imposed by the Federal legislation for recognizing the São Paulo city producers as family farmers to the insufficiency of their production to meet the demand.

Keywords: Sustainable public purchasing; School Meals; São Paulo city farming

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São Paulo. Vol. 28, 2025

Original Article

DOI: <http://dx.doi.org/10.1590/1809-4422asoc0053vu28L1OA>



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Introduction

The crisis of the capitalist system, marked by an increase in social inequality and serious environmental crises on a global level, makes it necessary to rethink current modes of production and consumption and to identify more sustainable ways of life. As Antonio Carlos Diegues (1992, p. 22) has stated, the current model has become increasingly dehydrated and will not sustain itself in the long term if current production and consumption patterns continue to be based on “squandering non-renewable energy, on environmental degradation, on the social and political marginalization of important social groups and the plundering of labor and natural resources”.

In that context, governments play an important role in fostering change, especially in the production mode, insofar as they are large-scale consumers of various products and for various other reasons. This article therefore underscores that sustainable municipal government policies for the acquisition of food products of organic or agroecological origin from local family farmers to be used in school meals, can potentially serve as a strategy for the development of an alternative to the current public purchasing associated to greater impacts of the food production systems themselves.

For this exploratory study, we use the school meals program that the municipality of São Paulo instituted by means of Municipal Act nº 16,140, dated March 17, 2015, which determined that food product purchasing should prioritize organic or agroecology-based products stemming from family farmers in the municipality (SÃO PAULO [Municipality], 2015). The aim is to gain an understanding of the frailties and potentialities of the respective implementation process (SÃO PAULO [Municipality], 2015).

Government purchasing: the power of government choices to promote sustainable agriculture

Government purchases in Brazil answer for roughly 10% of the Gross Domestic Product (GDP) (BIDERMAN et al., 2008; SILVA, BARKI, 2012) which means that important economic sectors anxious to obtain government contracts make efforts to adjust their production and services offers to the specifications of the Government calls for tenders (BIDERMAN et al., 2008).

That context makes the “sustainable public purchasing” or “sustainable tendering” that Biderman et. al. (2008, p. 21) refer to “a solution for integrating social and environmental considerations at all stages of contracting and purchasing done by government agents in order to reduce their impacts on human health, human rights and on the environment”. They stimulate changes in the procedures within private organizations which are obliged meet the social and environmental requirements specified in the government calls for tenders documents.

Daniela Gomes de Carvalho considers that the Government has great potential for implanting sustainable contracting and competitive bidding processes given that:

a) It is a large-scale user and consumer of natural resources; b) it is capable of making new forms of production feasible and inducing practices in the consumer market; c) it creates demand, makes large-scale production feasible, and produces a ripple effect on suppliers proliferating investments in the direction of sustainability; d) it stimulates innovation on the part of producers and service providers and, consequently, greater competition in the private sector, and enhances the search for products with better social and environmental performances, leading to a fall in final product prices; e) the visibility of its actions endows them with considerable multiplying powers thereby cooperating with a development model that benefits both environment and society at large; and f) it must set an example by reducing the negative socioenvironmental impacts that government activities generate (CARVALHO, 2009, p. 133-134).

There are various situations in Brazil in which sustainable tendering and contracting processes could be implemented. This article places emphasis on government purchasing programs for the acquisition of products of organic or agroecological origin locally produced by family farmers.

In the Federal sphere, Act nº 11,947 dated June 16, 2009 determined that at least 30% Of government purchases of food to be served in government-run school networks should come from family farming and that locally produced products should take preference over those produced in other places¹ (SÃO PAULO [Municipality], 2015).

Even though the abovementioned legislation does not distinguish between organic products and those based on agroecology, it is important to underscore the fact that in the case of the organics, after substituting all the inputs that the certification norms forbid and provided the 'safety period' is respected. That production is qualified for commercialization under a seal of identification whereas in the agroecological production mode there are other procedures to be followed as follows in the description below:

Agroecology offers a working methodological structure that provides a deeper understanding not only of the nature of agroecosystems, but also of the principles that guide their functioning. It is a new approach that integrates agronomic, ecological, and socioeconomic principals with comprehension and assessment of the effects of technology on the agricultural systems and on society at large. Its study unit is the agroecosystem and goes beyond the usual unidimensional vision (genetics, agronomy, or edaphology) to include ecological, social, and cultural considerations. An agroecological approach encourages researchers to penetrate deeper into the farmers' techniques and develop agroecosystems with a minimal dependance on external agrochemical and energetic inputs. The aim is to work with and foster complex agricultural systems in which ecological interactions and synergies among the biological components themselves create soil fertility,

1 - Article 8 of Municipal Act nº 16,140, dated March 17, 2015.

productivity, and protection for the crops (ALTIERI, 2004, p. 23).

In light of all the above, we have shown that agroecological production not only satisfies environmental considerations but also values fundamental social and cultural aspects to guarantee decent labor conditions and the wellbeing of the food producers. However, while the Brazilian legislation boosts the purchase of products of organic and/or agroecological origin, it also requires that the farmers be recognized as ‘family farmers’, a term that the National Program for Strengthening Family farming (*Programa Nacional de Fortalecimento da Agricultura Familiar* - PRONAF) uses to identify ‘small-scale farmers’, household farmers’, ‘low-income farmers’ or ‘subsistence farmers’.

While that program has indeed strengthened such farmers, according to Wanderley (2003), from the theoretical standpoint there is some difficulty in attributing a conceptual value to the term ‘family farming’, which has spread throughout Brazil, insofar as:

To some the concept of Family farming is confused with the operational definition the Pronaf adopts which proposes a kind of typology for beneficiaries based on their capacity to meet the [production] requirements. To others, family farming corresponds to a certain stratum of farmers who are capable of adapting to modern market requirements, unlike other ‘small scale producers’, incapable of assimilating those modifications. The former are considered to be ‘consolidated’ farmers as are those who are in position to become consolidated in the short term (WANDERLEY, 2003, p. 43 - 44).

Making that distinction between capitalized farmers, capable of putting their products on the market and decapitalized farmers in no financial condition to produce and trade on a large scale implies that there is a need for Governments to pay more attention to the matter especially when the proposal is to put sustainable government purchasing from local family farming into practice.

According to Federal Act nº 11,326, dated July 24, 2006, which provides the directives for the formulation of the PRONAF, ‘family farmer’ and ‘rural family entrepreneur’ refer to all those who “engage in activities in the rural environment” provided that they simultaneously meet the following requirements (BRASIL, 2006):

Article 3

I – not possess, in any legal way, an area greater than 4 (four) fiscal modules; II – predominantly employ family members in the economic activities of their establishment or venture; III – have a certain minimum percentage of the family income stemming from the economic activities of their establishment or venture in alignment with the specifications established by the Executive Branch; IV – manage their establishment or venture together with the family (BRASIL, 2006).

Reporting on their observations of the characteristics of São Paulo farmers, Ros-tichelli (2013) and Valdiones (2013) described various situations that range from working in collaborative groups to individualized market garden work, farmers who work full time in agriculture, others who have more than one job to complement the family income given that the cost of living in São Paulo is higher than in other places. As the concept is defined by law, it is not always possible to include farmers who live in big cities, like São Paulo and, furthermore, their lives have other dynamics.

Methodological procedure

This research used material obtained from primary and secondary sources. Secondary sources are understood to be surveys of second-hand data, that is, “information that has already been worked with by other scholarly researchers and which is therefore within the scientific domain” whereas primary sources consist of “original data, based on which the researcher obtains a direct relation with the facts to be analyzed, that is, it is he who analyzes, observes them, for example (...); it is he who hears the reports of experiences that another has undergone” (OLIVEIRA, 2007, p. 70).

Within the scope of the present research, the secondary sources included books, scientific articles, dissertations and theses, whereas the primary sources were made up of the official documents (acts, decrees, edicts among other normative documents) that instituted the program launched by the municipality of São Paulo as well as information stemming from the interviews held with the government agent who implemented the program.

The secondary data were obtained from a survey of the literature which “is a modality of scientific document study and analysis” with the main purpose of “getting the researcher into direct contact with works, articles or documents that address the theme under study” (OLIVEIRA, 2007, p. 69). Whereas the primary data were gathered in two stages: 1) by documental surveying which is “characterized by the search for information in documents that have not undergone any scientific treatment” (OLIVEIRA, 2007, p. 69) and by administration of semi-structured interviews with the government agents who were the implementors of the PROAURP.

The semi-structured interview was conducted with government agents responsible for implementing the government program. Among other objectives, this technique seeks to collect general or specific information by means of dialogue with individuals (key informants)². It has the Advantage of avoiding some of the negative effects of formal questionnaires, such as the impossibility of exploring other topics, the lack of dialogue with the interviewee and the failure to adapt the questions to the interviewees’ perceptions (GEILFUS, 1997).

The data obtained from the documental and bibliographic surveys were analyzed

2 - The research ethics committee of the Luiz de Queiroz Higher School of Agriculture (Escola Superior de Agricultura “Luiz de Queiroz” da Universidade de São Paulo - ESALQ/USP). at the São Paulo University approved the semi-structured interview embedded in the research Project that gave rise to the present article).

using the data triangulation method which, as Yin (2005) explains, refers to a form of analysis of information stemming from different sources. In the case of the present research, the triangulation embraced the data from primary and secondary sources, that is, from the documental and bibliographic research and data obtained from the semi-structured interviews, the objective being to corroborate facts and phenomena.

Results and Discussion

The School Meals Program

The municipality of São Paulo is also the capital city of the State of São Paulo and center of the Metropolitan region of the same name. The municipal education network alone has 3,600 schools where, every day, around 2 million 300 thousand meals are served to over 1 million students. Given its enormous outreach, the City of São Paulo School Meals Program is considered to be one of the biggest in the world³.

In 2011, a draft bill⁴ was proposed before the Municipal Council that addressed the “criteria for introducing organic food products into the school meals served in the public education network of the municipality of São Paulo”. That bill proposed that a minimum of 30% of all the funding by the Brazilian Education Development Fund (*Fundo Nacional de Desenvolvimento da Educação* -FNDE) of school meals in the in the Municipal Education network should be used to purchase organic food products⁵. It also determined that that the Municipal Government should preferentially purchase agricultural products produced in the municipality of São Paulo, taking into account qual conditions of price, quality and delivery dates⁶ (SÃO PAULO [municipality], 2011).

Albeit approved by the São Paulo Municipal Council, the entire Bill was vetoed by the then head of the Municipal Government, Mayor Fernando Haddad, with the justification that there was an insufficient supply of organic foods to meet the demand of São Paulo’s school Meals Program⁷. Citing data of the Brazilian Organics Association (*Associação Brasileira de Orgânicos*) presented by the draft bill itself, it was alleged that organic products represented less than 2% of national production so that approval of the bill could lead to differential treatment for the various educational installations of the Municipality of São Paulo.

Later a new draft bill⁸ gave rise to Municipal Act nº 16,140 dated March 17, 2015 which, in turn made it obligatory to include organic or agroecological-based food products in school meals served in the ambit of the São Paulo Municipal Education System (*Sistema Municipal de Ensino de São Paulo*⁹) (SÃO PAULO [municipality], 2015). That law

3 - The website consulted on October 5, 2020 is no longer available.

4 - Bill nº 447, of September 13, 2011.

5 - Article 1 of Draft Bill nº 447, dated September 13, 2011.

6 - Article 3 of Draft Bill nº 447, dated September 13, 2011.

7 - The official document setting out the reasons for the Head of the Executive’s veto shows how at that time materials were supplied for the production of 1.3 million meals a day to 1,800 schools (SÃO PAULO [municipality], 2011b).

8 - Draft Bill nº 451, dated June 26, 2013.

9 - Municipal Act nº 16,140, dated March 17, 2015.

provided for the gradual insertion of organic or agroecological products in school meals in conformity with a Plan for the Progressive Introduction of Organic or Agroecological Food in School Meals¹⁰ (*Plano de Introdução Progressiva de Alimentos Orgânicos ou de Base Agroecológica na Alimentação Escolar*) which, in turn, defined progressive strategies and goals to ensure that by the year 2026 all the schools in the Municipal Education Network could receive organic or agroecologically-based food products¹¹ (SÃO PAULO [municipality], 2015).

According to the said Plan, the goals were those set out below in Table 1.

Table 1 – Progressive goals from 2017 On: percentage growth in relation to the total expenditure on food product acquisition for the School Meals Program in the direct purchasing of the administration or that of outsourced entities.

2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
3%	5%	10%	20%	30%	40%	50%	60%	80%	100%

Source: the authors based on Municipal Decree nº 56,913/2016

A decree¹² determined that a Management Committee made up of representatives of various public bodies, of civil society, and of the Municipal Food and Nutritional Security Council (*Conselho Municipal de Segurança Alimentar e Nutricional* -COMUSAN) and the School Meals Council¹³ should conduct the monitoring Plan implementation and its constant improvement (São Paulo [município], 2016).

In harmony with the provisions of the Federal Law¹⁴, the Municipal legislation obliged the Municipal Government to prioritize the purchase of organic or agroecological products directly from family farmers or family rural entrepreneurs or their organizations¹⁵. It also stated that the purchase of organic or agroecological food products produced within the municipality of Sao Paulo should take preference over those produced in other places¹⁶ (SÃO PAULO [Municipality], 2015).

Thus, by acquiring organic or agroecology-based food products locally grown by family farmers or rural family entrepreneurs or their organizations, the municipal government could simultaneously comply with the federal and municipal legislations.

As regards actual purchases from São Paulo city farmers, the first contract (pilot

10 - The Plan for the Progressive Introduction of Organic or Agroecological Food in School Meals (*Plano de Introdução Progressiva de Alimentos Orgânicos ou de Base Agroecológica no Programa de Alimentação Escolar do Município de São Paulo*) is part of the single annex to Municipal Decree nº 56,913, dated April 5, 2016 regulating Municipal Act nº 16,140, dated March 17, 2015.

11 - Article 10 of Municipal Act nº 16,140, dated March 17, 2015.

12 - Municipal Decree nº 56,913, dated April 5, 2016.

13 - Article 4 of Municipal Decree nº 56,913, dated April 05, 2016.

14 - Federal Law nº 11,947, dated June 16, 2009.

15 - Articles 2 and 5 of Municipal Act nº 16,140, dated March 17, 2015.

16 - Article 8 of Municipal Act nº 16,140, dated March 17, 2015.

purchase)¹⁷ involving an amount that was only 1% of what was available to be spent in that modality, was celebrated in February 2018 after 4 years of dialogue with the Agroecological Cooperative of Rural Producers and of Água Limpa, , São Paulo, Southern Region (*Cooperativa Agroecológica dos Produtores Rurais e de Água Limpa da Região Sul de São Paulo – COOPERRAPAS*)¹⁸ (SÃO PAULO [Municipality], 2018), given that up until 2017 the Cooperative was not in a position to supply the state as it lacked the necessary Declaration of Aptitude document (*Declaração de Aptidão*) for the PRONAP¹⁹. However, data for the year 2019 show that the purchasing procedure failure was partly due to the fact that the cooperative's farmers only managed to supply 44% of the contracted amount. Furthermore, with regard to other values, they were penalized for not managing to complete the contracted delivery (verbal information obtained from an interview).

On that same topic, Sepe et al. (2018) explain that:

(...) The actions that the PMSP [São Paulo city hall] has already implemented such as the launching, at the beginning of 2018, of the first official document for local purchasing of supplies for school meals, constitute an important step. However, very little has been carried out in regard to purchasing from local family farming whether through the Food Purchasing Program (*Programa de Aquisição de Alimentos – PAA*) or via the National School Meals Program (*Programa Nacional de Alimentação Escolar*). That has been for a series of reasons among which is the high degree of informality among the farmers themselves, involving lack of documentation, nonexistence of farm production planning to meet the demand, logistics difficulties, and the existence of only a single local cooperative (SEPE et al, 2018, no page number).

Furthermore, considering that government purchases are very large, that is, it is necessary to purchase huge amounts of products to meet the school meals demand, it was decided that municipalities that receive annual amounts of more than 700,000 Brazilian reals from the FNDE can choose to limit their product purchases to cooperatives and associations²⁰.

São Paulo does not purchase from individual farmers, only from cooperatives and associations and, even then, only from those that have a formal registration that is. Are in possession of the DAP for legally constituted entities. If they are informal we do not accept them. The law allows for it [purchasing from individual farmers] but

17 - This contract enabled the purchase of products such as crisp lettuce, Brassica Greens, chicory, cabbage and parsley that were organic or from productions that were in transition processes.

18 - The website consulted on October 5, 2020 is no longer available.

19 - The DAP is the document that identifies the Family farmer which is why in order to analyze proposals and effectuate the purchase, in conformity com Federal law, the municipal government must require the individual Family farmer's DAP or the legally constituted Entity DAP in the case of Family enterprises or organizations as stated in Article 5, single paragraph of municipal Act nº 16,140, dated March 17, 2015.

20 - Article 30 of Resolution nº 26d of the National Education Development Fund (Fundo Nacional de Desenvolvimento da Educação), (FNDE, 2013).

in São Paulo, if we were to start accepting the DAPs of individual farmers... can you imagine how many suppliers there would be? We would need three buildings like this one just accommodate inspectors. So there is a rule that favors us. The law states the following: the municipality that receives more than 700,000 reais a year can apply the rule. As ours is almost 30 million, we are allowed to apply the rule. In the case of small municipalities, however, it is preferable to accept purchasing from the individual [farmer] (verbal information obtained in an interview).

Thus for the municipal government to give preference to purchasing organic products or those with an agroecological base stemming from São Paulo city farmers for the school meals program, the family farmers need to be members of an association or a cooperative.

While more detailed research would be necessary to establish the profile of the farmers in the various regions of São Paulo city, the criteria that the law specifies to characterize the family farmer do not manage to reach a large part of the city farmers who wish to sell their produce to the government as they have a different profile from that envisaged by the legislation. Furthermore, even though there may be an extant farmer cooperative or association, many of the farmers are scattered around the municipal territory and have no connection whatever with those institutions. Against that background, if any proposal for local production trading and consumption in the municipality of São Paulo is to be defended via government purchases, then it is implicit that alterations must be made to the legislation to facilitate the recognition of the city farmers in the public purchasing process.

The extant legislation also determines that the acquisition of products for the School Meals program from family farmers, rural family entrepreneurs or related organizations shall be made by means of a Public Call process²¹, which unlike the conventional Calls to Tender, does not set priority on the lowest price offer, insofar as it concerns a purchase involving social considerations²².

Despite its being a simpler process than the conventional call to tender, there was a mention in the interviews that one of the problems associated to the purchase of family farming products was related to the difficulty the farmers had to master the Public Call procedures, as this excerpt shows:

In family farming you do not simply contact them to say that a Public call has been made; they are not going to come running. If you don't read the Call document in their presence, they are not going

21 - Article 14, § 1º and 2, of Federal Act nº 11,947, dated June 16, 2009, Article 20, § 1º, of Resolution nº 26 of 2013 of the National Education Development Fund and Article of Municipal Act nº 16,140, dated March 17, 2015.

22 - The Public Call is the most appropriate instrument to achieve the obligatory 30% minimum of the total amount of financial resources that the National Education Development Fund transfers for the acquisition of products from Family farming or from rural Family entrepreneurs or their organizations giving priority to Agrarian Reform settlements, traditional and indigenous communities and quilombola communities within the ambit of the National School Meals Program (Programa Nacional de Alimentação Escolar - PNAE) (FNDE, 2016).

to understand. That means someone needs to be there all the time. So we always make the connection on weekends; that is when they can respond, after working hours, because the same person that looks after it [the Public Purchase affair] is the same one who drives the family farming tractor.

Another problem related to purchasing family farming products concerns the price as became apparent in another interview:

There is the constitutional principal of economizing, that is, the Public Authority has to purchase as cheaply as possible to make fair and proper use of public financial resources. Thus the greatest difficulty is to find a reference price that is compatible with the Family farming reality because the family farmer cannot sell his product at the same [low] price as the conventional (non family) farmer does. The conventional farmer can buy..... may eventually buy products from places like China that sell at a much lower price., whereas the Family farmer makes a direct sale. So, for example, while a conventional farmer may sell for R\$ 1.90, family farming, for the business to be worthwhile, needs to sell for at least R\$ 2.30. So when that gets in the hands of the legal department they block the purchase or say that it can only be made at the same price as the conventional offer, which is what we have been doing lately. The family farmer, however, does not want to supply for the same price as the conventional offer and so he does not participate in the Public Call process, which is deserted, that is, no one shows up. So that is why the law exists, to remunerate the family farmer decently (verbal information obtained in an interview).

In the case of rice, specifically, they are delivering it. We published a Public Call specifying the conventional price. So today we are paying R\$ 1.90 for conventional rice and R\$ 1.90 for the rice from family farming. The personnel of the cooperatives that supply it say that the profit margin is very small but they have not stopped deliveries because they do not want the policy to end. So it is almost for activist reasons that they deliver their goods here (vernal information obtained in an interview).

Price also influences the public purchasing of organic products or those stemming from agroecological systems insofar as the law allows the municipal government to pay as much as 30% more for such products than the amount it pays for similar non organic products. That 'benefit' is also applicable to products purchased from family farmers in the process of transition to agroecological system situated in the city/municipality of São Paulo²³ provided that the transition is proved "by means of a valid protocol²⁴ attested to

23 - Article 6 of Municipal Act nº 16,140, dated March 17, 2015.

24 - SMTE (now SDE) Protocol nº 10 of June, 2017 da SMTE.

by the municipal agriculture and supply department of the City of São Paulo”²⁵ (SÃO PAULO [Municipality], 2015).

According to one interviewee, one of the advantages for the São Paulo city farmer who is in a transition from a conventional production system to an agroecological one is that he is remunerated during the transition period. However, the farmer needs to be certified by the appropriate body (verbal information obtained in an interview).

It should not need a law for this [paying 30% more for the organic product]; a little conversation should be enough to understand how important it is to foster organic farming. It is just that having a law helps us to justify it. Because if we say that we are going to buy organic food for school meals and the government budget will spend 30% more, how are we going to justify that? So the law is a kind of concrete justification. As administrations change and people fail to understand that, well, that is why it [the law] exists. So the law emerges in that sense, to bind the administrators (verbal information obtained in an interview).

Although the legislation stimulates the purchasing of locally produced products and especially those stemming from family farming, not every family farmer produces and sells organic agroecologically cultivated products. Thus that policy is not restricted to family farmers, even though the Federal law establishes their preference in municipal public purchasing²⁶.

What it means, in other words, is that when the demand is not entirely met by the family farmers, the municipal legislation allows for the calls to tender to be made for the acquisition of food products from small scale and medium-scale producers who are duly registered in the National Registration of Legally Constituted Rural Production Entities or of Rural Producers and have the possibility of emitting a fiscally valid invoice.

Prior to that Municipal Act [Municipal act nº 16,140, dated March 17, 2015] for family farming the mechanism was a Public Call for family farming suppliers. With the [organics Law] we continue to set priority on the Public Call for family farming suppliers but we have also set a precedent for purchasing via conventional because if we do not manage to achieve the goal via the family farmer, then we can purchase from small and medium-scale agricultural producers. However, we have never purchased organic products other than those stemming from family farming by means of Public Calls (verbal information obtained in an interview).

Thus, the municipal government must set priority on addressing the serious situation of the small-scale producer, rural family entrepreneur or correlated organizations. Should it be impossible to satisfy the demand, the municipal government can complementarily

25 - Article 6 § 1 of Municipal Act nº 16,140, dated March 17, 2015.

26 - Federal Law nº 11,947, dated June 16, 2009.

purchase products from small and medium-scale farmers by means of competitive bidding process orientated by Federal Act nº 14,133/2021. In this last case, the municipal government uses an online bidding process²⁷ which determines that the winning company shall be the one with the lowest price provided all the other technical specifications of the government body responsible are met.

However, in the same way that the prices of family farming products are higher than those from conventional (non family) farming, one of the problems in purchasing organic products or those from agroecological systems is related to their cost as the following excerpt explains:

We tried to open a bidding process to purchase organic beans, chicken and sugar but the reference price was very high²⁸, because the conventional (non family) farmer wants to exploit that differentiated product so the process did not work out, but we did try. Even so we still take care to open a conventional bidding process to purchase [products] from farmers who are not family farmers (verbal information obtained from an interview).

It is important to underscore that the bidding procedures are designed to foster constitutional principles among which is sustainable national development²⁹ which implies that the following criteria and sustainable practices must be adopted:

Art. 4. I – low impact on natural resources such as the flora, fauna, air, soil and water; II – preference for materials, technology and raw materials of local origin ; III – greater efficiency in the use of natural resources such as water and power; IV – greater capacity to create employment preferably for local; V – longer useful life and lower maintenance costs of the goods or the work; VI – use of innovations that reduce the pressure on natural resources; VII – sustainable origin of the natural resources used in the production, services or works; VIII – use of forest products, wood or others, from sustainably managed forests or from reforestation areas³⁰ (BRASIL, 2012).

In that legal context, both the public call directed at family farming and the online bidding process can become legal and strategic mechanisms so that the social, economic and environmental variables can be inserted as public administration determinants and as criteria and requirements for municipal public purchasing especially in the ambit of the School Meals Program. That in turn would generate positive impacts on the current generation of students and also on future generations of them.

Based on the data currently available on the site of the Municipal Department of

27 - Federal Law nº 10,520, dated July 17, 2002.

28 - The reference price is the lowest value for which the product can be sold.

29 - Cf. Art. 5º from Law nº 14.133, dated April 1, 2021.

30 - Federal Decree nº 7,746, dated January 5, 2012.

Education (*Secretaria Municipal da Educação*) (SÃO PAULO [municipality], no date)³¹, the city of São Paulo serves 2.3 million meals a day to over 1 million students in the municipal education network. It is one of the biggest school meals programs in the world and therefore it has enormous food purchasing powers.

Today, the greatest challenge is to:

Convince the legal advisors to the Accounts Courts that we are paying more for these purchases, but they carry with them an enormous amount of social benefits. There are many studies attributing cancer to agricultural pesticide use, so, if we stop to calculate the price of its impacts on public health two generations or so from now, we will see that we are actually easing the load some years ahead on the Unified Health System SUS [*Sistema Único de Saúde - SUS*]. So that is the kind of accounting our inspection and control system must be able to do (verbal information obtained from an interview).

Thus, by means of sustainable public purchasing, in addition to complying with the legislation, it is up to the Public Authorities to set an example to civil Society through actions that foster a transition to sustainable and conscientious societies, encouraging other public bodies to promote sustainable purchasing also known as sustainable tendering with a view to influencing people's restaurants, and public hospitals, among others.

The fact is that all the problems end by directly or indirectly interfering in the achievement of the goals foreseen in the Plan for the Progressive Introduction of Organic or Agroecological Food in School Meals, as reported by one of the interviewees:

Up till now we have never achieved our organics goal or even our family farming goal. Probably we will achieve them this year because here we are near the end of August and we have already achieved 7%; this year's goal is 10% so we have achieved 70% of the goal and we are still in August. That means we still have four months to achieve the other 30%. So, we are quite confident that we are going to achieve our goal this year (verbal information obtained in an interview)

As regards the public purchasing of products stemming from farmers in the municipality of São Paulo, considering that since up until 2018 only one contract had been signed under the aegis of the School Meals Program, it is safe to say that very few suppliers have been involved with this public policy. There is, therefore, a need for a much more profound study of the family farming production and that of organic products and those stemming from agroecological systems in the municipality of São Paulo and also of the interest of the producers of those products in trading with the public authority in order to assess that policy's potential together with the farmers of São Paulo city to meet the Program's demands.

Lastly, it is Worth underscoring the possibility of direct purchasing by the schools

31 - The website consulted on January 30, 2020 is no longer available.

of some items to complement the school meals. In that case the Schools would receive financing in cash from public treasury to purchase some products that are not included in the Public Call specifications for family agriculture supplies nor in the online calls for tender. It could be done by means of direct contracting³²; the municipal government would publicize a list of local farmers, encouraging the purchase of such products by the individual Schools.

This type of public purchasing would be the most suitable one for involving farmers from the city's eastern zone, for example; they do not participate in the School Meals Program because their production is too small to meet the demand (verbal information obtained from an interview) even though the public call directed at family farming makes it possible to supply any quantity equal to or less than the call document stipulation. (verbal information obtained from an interview). However, in that case, which could be considered the lowest public purchasing circuit designed to stimulate local food production in the city, it would be necessary for the farmers to fiscally formalize their activities. In other words, registration as a legally constituted entity or being apt to issue a rural producer invoice and that would be made easier if they were linked to an association or a cooperative.

Conclusions

Given the need for profound changes in regard to Brazilian society's production and consumption we found that municipal governments perform an important function by means of sustainable public purchasing especially regarding the acquisition of locally produced organic farm products or those based on an agroecological system. However, this exploratory study undertaken in the city of São Paulo showed that there various problems to be faced not only by the governments implementors but also by the São Paulo farmers, if this public policy is to become effective.

In turn, the legislation specifies certain conditions that are not always in alignment with the realities of many of the city's farmers, making their participation in sustainable public purchasing processes unfeasible. Furthermore, there is still a lack of actual production, showing that the farmers need some initial support from the government to increase their production capacity since the areas that they cultivate are only sufficient for their subsistence needs.

Strengthening the farmers of the city of São Paulo by means of effective actions on the part of municipal governments in partnership with civil society would make it possible to generate work and income for them, promoting local development through the production of food products in the city, and would also promote healthier meals for the schools' students and employees based on a supply of fresh healthy food products

We recommend four key actions to strengthen the program: i) the municipal government must get around the restriction of only purchasing from holders of the legally constituted entities DAP thereby avoiding a purchasing process that involves exclusion,

32 - Normative instructions nº 7 and 8 of the SME.

insofar as it ignores the possible individual suppliers; ii) establish direct communication and information mechanisms with the producers to foster access to the Public Calls in an inclusive and egalitarian manner; iii) undertake the capacity building of individual producers to instruct them in the aspects of formalization and preparation for their participation in public calls for tender, and; iv) change the extant price policy that the legislation has established through a common understanding with the Municipality's legal department to allow for the fair participation of São Paulo city farmers without the rejection of their offer or the existence of disloyal competition with the conventional market.

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Submetido em: 24/06/2023

Aceito em: 16/08/2024

2025;28:e00053

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Compras Públicas Sustentáveis: avaliação do programa de alimentação escolar de São Paulo

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Resumo: O Programa de Alimentação Escolar da cidade de São Paulo se destaca por ser um dos maiores do mundo. No estudo, enfatizamos o potencial das compras públicas sustentáveis para a alimentação escolar a partir do programa instituído no município, com o objetivo de compreender as fragilidades no processo de implementação da lei. O estudo se baseou em fontes primárias e secundárias, sendo que os dados secundários foram obtidos através de pesquisa bibliográfica, enquanto os dados primários foram obtidos por meio de pesquisa documental e por entrevista semiestruturada junto aos agentes públicos implementadores do programa. Apesar do que está preconizado na lei de implementação do Programa, a análise demonstrou que são diversos os desafios e problemas enfrentados pelos agricultores e pelo governo municipal para implementar este programa, desde condições impostas pela legislação federal para reconhecer os produtores locais como agricultores familiares até insuficiência de produção para atender a demanda.

São Paulo. Vol. 28, 2025

Artigo Original

Palavras-chave: Compras públicas sustentáveis; Alimentação escolar; Agricultura paulistana

Contratación pública sostenible: evaluación del programa de alimentación escolar de São Paulo

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Resumen: Este estudio analiza el Programa de Alimentación Escolar de São Paulo, uno de los mayores a nivel mundial, como caso de referencia para evaluar cómo la contratación pública sostenible fortalece las iniciativas de alimentación escolar. Con un enfoque metodológico mixto, se utilizaron datos secundarios mediante revisión bibliográfica y datos primarios a través de análisis documental y entrevistas con funcionarios responsables. A pesar de un marco normativo robusto, los hallazgos revelan desafíos significativos, como barreras regulatorias en la legislación federal que dificultan el reconocimiento de productores locales como agricultores familiares y limitan la producción agrícola local para atender la demanda del programa. Estas limitaciones aumentan costos y profundizan la dependencia de productos importados. El propósito es identificar debilidades sistémicas en la implementación legislativa, contribuyendo al debate sobre la sostenibilidad en programas de alimentación escolar.

São Paulo. Vol. 28, 2025

Artículo Original

Palabras-clave: Contratación Pública Sostenible; Alimentación Escolar; Agricultura en São Paulo.