

# **POSSIBILITIES TO THE SOCIAL PARTICIPATION AT PUBLIC HIRING: A CASE STUDY FOCUSED ON THE PUBLIC TRANSPORT CONCESSION IN FLORIANÓPOLIS/SC/BRAZIL**

## **ABSTRACT**

This qualitative study analyzes the social participation in each phase of the process carried out to contract service providers to operate the public transport in the municipality of Florianópolis (Brazil) and identifies the main factors that influence the quality of participation. Based on Fung (2006) and Roberts (2004) the dimensions of analysis are: (1) participant selection; (2) communication and decision; (3) influence and authority; and (4) dilemmas perceived in the process of participation. The use of several data collection techniques allowed data triangulation. From the academic point of view, this research contributes to the studies on social participation in public contracting and on engagement in each of the stages of contracting. As practical implications, it can guide managers when it comes to incorporating participatory instruments into public contracting, collaborating to improve governance and public services.

**Keywords:** Social participation. Public contracting. Public transport.

## **1 INTRODUCTION**

Scholars and governments recognize the importance of social participation based on the awareness that representative democracy cannot adequately meet the demands of society (TENÓRIO, 2012). In addition to intrinsic benefits, such as strengthening citizenship and the trust between government and society, social participation favors innovative solutions for complex collective problems, bringing greater transparency, efficiency, agility and economy to public action. It legitimizes and qualifies decision making and makes new forms of governance and accountability possible (STRUECKER; HOFFMANN, 2017).

In the case of contracting for public services and public service management, there are studies that confirm the positive impact that incorporating democratic values brings to services efficiency and effectiveness (NESHKOVA; GUO, 2012). This reinforces the theory that the

specialization of public agents does not eliminate certain gaps, which only citizen's knowledge can fill.

In Brazil, the Federal Constitution of 1988 in force – written around the notion of citizenship – has brought mechanisms of social participation for the formulation, implementation and monitoring of public actions. Considering both the constitutional provisions and the ordinary legislation, the legal framework in Brazil clearly favors social participation.

However, the government is still bureaucratic and closed to dialogue with society. According to Denhardt and Denhardt (2007), “the present institutional setting is hostile to citizen participation”. Despite the model of democratic management, representativeness is limited by the lack of willingness to transfer decision-making power (CARDOSO, NUNES, 2015). Thus, it is not enough to increase social participation; it needs to be conducted with the highest quality (EVANS et al, 2013).

From the academic point of view, there is a gap in the studies on social participation in the process of contracting for public services, and on the possibilities of citizen engagement throughout all stages of the process. Social participation is especially important in contracts such as long term public concessions that have a great social impact, whose results must be permanently monitored.

This is the case of concessions for public transport. Despite its social importance, directly associated with urban mobility and the quality of life of the population, there is a low interest of managers in developing policies in this field. The managers' activities are often limited to hiring the service with an exclusive focus on balancing revenue, costs and fees, resulting in inefficiency and inadequacy to the needs of the population (Ministry of Cities, 2007).

Florianópolis, a municipality in the state of Santa Catarina, South of Brazil, is an example of this. The municipality is facing the consequences of the nationwide increase in the number of vehicles in recent years and of the disorderly population growth. In addition, Florianópolis has the lowest national index of integration of the road network, partly due to the city's topography (the largest part of its territory is an island) (MEDEIROS, 2006). As a reflection of this context, while in the state of Santa Catarina 18.88% of people spend more than half an hour commuting home/work, in Florianópolis this percentage is 32.92%. In addition, 63% of people never or rarely use public transport (GONTIJO; GUIDI, 2013).

These and other data collected during the elaboration of the Plan of Sustainable Urban Mobility of Greater Florianópolis – PLAMUS – suggest that the conditions of urban mobility could be considerably improved with the greater use of public transport. However, in order to compete with the growing trend of the use of private vehicles, public transport must increase its attractiveness, maintaining current users and attracting new ones. The involvement of society and users during the processes of planning, contracting and implementing the service may be decisive for the success of the endeavor, given the capacity of citizens to bring information about the public needs.

In 2014, Florianópolis started the procurement process for the concession of municipal public transport to transport operators. Despite the complexity and impacts of this service – which involves 196 bus lines and 4,500,000 passengers per month – and considering the contributions that may come from sharing the process of concession with society, the mechanisms of participation and social accountability used by the municipality during the process still have not been studied. In particular, there is a gap in verifying the quality of these spaces of participation, which may be an unexplored opportunity of contribution to the qualification and effectiveness of the public transport service.

In this context, this article aims to analyze the social participation in contracting for public transport in the city of Florianópolis and identify the main factors that influence the quality of participation. The mechanisms used in each phase of the contracting process – planning, contracting, implementation and monitoring – are initially identified and analyzed observing the legal and theoretical framework, as well as the best practices. Based on Fung (2006) and Roberts (2004), the study observes who participated in the process, how participants communicate and make decisions, what the connection is between the discussions and decisions made, and what dilemmas are perceived in the participation process. Based on these dimensions of analysis, the study identified the factors that influenced the quality of social participation in the case analyzed.

## **2 MECHANISMS OF SOCIAL PARTICIPATION IN PUBLIC CONTRACTING**

According to the democratic guidelines of the Federal Constitution of 1988, the Brazilian legislation presents several mechanisms of social participation. However, considering that both the Union and the states, municipalities and Federal District are competent to legislate

on the subject in their respective spheres, it is difficult or even impossible to describe all of these mechanisms (PEREZ, 2004).

The constitution includes, among other elements, the cooperation of representative associations in municipal planning (article 29, XII) and user participation in public administration (article 37, §3). The ordinary legislation presents instruments such as the public hearing (Article 29 of Law 8.666/93 and Article 11, IV, of Law 11.455/2007); the supervision of concessions and permits undertaken in cooperation between the state and the private service provider (articles 3, 7 and 29, XII, and 30, sole paragraph, of Law 8.987/95); and democratic participation in policies for urban mobility (article 15 of Law 12.587/2012).

When it comes to the public transport service, the most well-known mechanisms of social participation are public hearings, polls, councils and ombudsmen. However, in order to comply with the legal framework regarding cooperation in monitoring concessions and participation in the elaboration of policies for urban mobility, the government may adopt other forms of participation already provided in law or chosen discretionarily, such as meetings with the community or specific groups, workshops, discussion forums and seminars.

Despite this range of possibilities, the expansion and quality of spaces for social participation rely on the model of public administration in force in Brazil, which is very bureaucratic and closed to inputs from the external context. On the other hand, society's participation can help in the construction of innovative solutions for complex public problems that result from resource limitation. In this sense, there is an increasing number of enthusiasts advocating for collaborative practices and for the use of new technologies, including when it comes to adopting traditional participation mechanisms.

While in the private sector innovation is considered a differential in terms of competitiveness, in the public sector it represents the possibility of new solutions to improve government performance in the face of complex problems and of financial constraints, producing better results with the same (or less) resources (ANSELL and TORFING, 2014). In this respect, citizen engagement has been recognized as a driving force behind innovations (BOURGON, 2009). Moreover, it is possible to say that changes in the process of coping with public demands and in the relationship between society and state is an innovation in itself (CROSSAN; APAYDIN, 2010).

In the administrative praxis, traditional forms of participation and social accountability can use innovative methodologies in order to facilitate and improve citizens' engagement. In this sense, some collaborative approaches have been used as strategy of innovation and

interaction between government and society, such as design thinking (EVANS, 2013; ANSELL, TORFING, 2014; TRISCHLER, SCOTT, 2016), information and communication technologies (ICTs) (GOMES, 2005; HALACHMI, HOLZER, 2010; BRISOLA et al, 2012; ERIKSSON, 2012; COCCO, 2013; EVANS, 2013; GABINETE DIGITAL, 2015) and open contracting (MARCHESSAULT, 2013; GÄTJEN, 2014).

Although design thinking and open contracting are still less widespread in Brazilian public administration, there are many successful experiences in other countries (EVANS, 2013; GÄTJEN, 2014). Design thinking focuses on the user and considers the participation of the main stakeholders in workshops, brainstorming, scenario building, simulations and other methods that favor interaction. The best ideas are chosen, prototyped and tested until the desired result is achieved (ANSELL, TORFING, 2014). Open contracting, in turn, emerges as a strategy to promote more satisfactory public contracts through proactive and accessible disclosure of the data around the issue. This facilitates the citizen participation in all phases of the process, monitoring public agents, giving feedback and shaping government proposals according to the needs of society (GÄTJEN, 2014). ICTs have been increasingly used (in Brazil and worldwide) as a strategy to increase the population's access to public information and to encourage the participation of a greater number of citizens in decision-making. ICTs are presented as an alternative to social inclusion and reduction of participation costs (HALACHMI, HOLZER, 2010; ERIKSSON, 2012). ICTs have also promoted the use of social media as a tool to strengthen two-way communication in the participatory processes (AGOSTINO, ARNABOLDI, 2016).

### **3 DIMENSIONS AND DILEMMAS OF SOCIAL PARTICIPATION**

Considering the declining confidence in governments and the new political challenges, (re)connecting public organizations and citizens is urgent (MUSSO et al, 2011). The success of this interaction depends on many factors and it needs to be carefully conceived or implemented, otherwise there is the risk of delaying decision-making, increasing conflicts, and disappointing participants (YANG; PANDEY, 2011).

Therefore, it is not enough to increase social participation, but it needs to be conducted with higher quality (EVANS et al, 2013). Even with the advances of the Federal Constitution of 1988, there is no evidence that state and society are establishing a relationship where power is truly shared (ZANI, 2012).

Considering that social participation can be studied from different perspectives, two complementary theories were identified in the literature, which allow to characterize and analyze this phenomenon, bringing subsidies for the performance of the public agents involved in participatory processes. While Fung (2006) presents the different dimensions of social participation, Roberts (2004) points out the dilemmas of participation.

Fung (2006) subdivides the dimensions of social participation into categories that allow to verify the quality of the participation in place: how inclusive the process is, how important the role given to citizens is, and to what extent participants effectively influence decisions. The dilemmas pointed out by Roberts (2004), when duly recognized, allow the adoption of strategies to mitigate the possible problems and to qualify the participatory process.

### **3.1. Dimensions of social participation**

According to Fung (2006), direct participation can advance in solving problems and serving collective goals. It is not an alternative to representative democracy, but complements to achieve more qualified results in decision-making. However, it is the context that will determine the role of the citizen in moments of decision-making. Even where there are situations in which public empowerment is highly desirable, there are others where an advisory role is more appropriate than total “citizen control”.

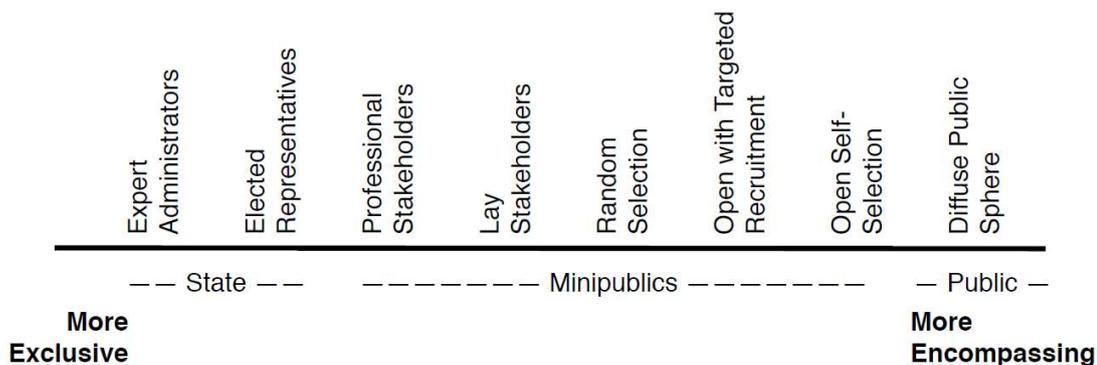
Fung’s (2006) proposal deals with the forms of social participation from three dimensions. Each of them is divided into categories, listed in order to demonstrate whether the access to participatory spaces are more exclusive or more encompassing, to identify the level of intensity of the communication and decision processes and observe the extent of influence and authority in final decision-making.

#### **a) Participant selection**

Fung (2006) assumes that the set of official decision makers is somehow deficient. They may lack knowledge, resources, competence, public purpose or respect, and citizen participation is able to fill this gap.

For participation, the “participant selection” dimension can be divided into categories, which may be more exclusive or more encompassing, as shown in Figure 01.

Figure 01 – Participant Selection Methods



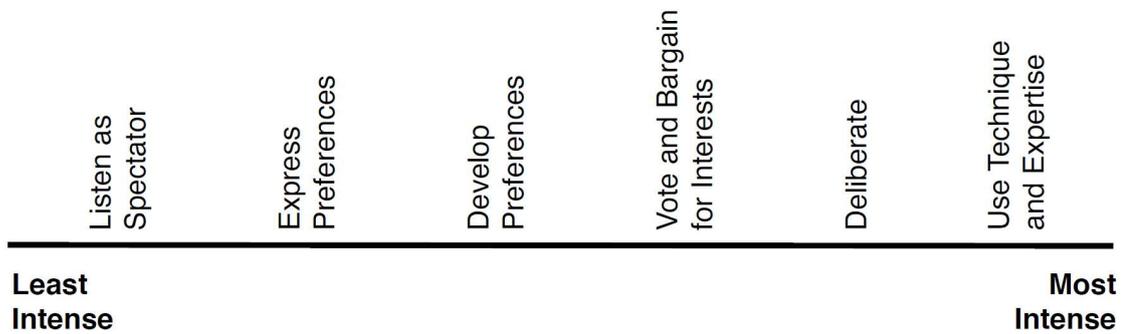
Source: Fung (2006).

**b) Communication and decision:**

Another issue to be analyzed is how participants interact and the role they play. The characteristics of the participant and of the environment, as well as the purpose of the participatory process can lead to different types of engagement. Often the citizen is merely a spectator, or they wish to express preferences, or they are interested in learning. In decision-making spaces, there are negotiation processes, which last until a collective choice is made, either through bargaining or deliberation. Finally, there is the decision based on technique and expertise, with the participation of professionals who are specialists in specific problems.

Thus, the dimension “communication and decision” refers to the role played by the participants and their contribution in the process. It presents different categories, of a higher or lower level of intensity, as shown in Figure 02.

Figure 02 – Modes of Communication and Decision



Source: Fung (2006).

**c) Influence and Authority:**

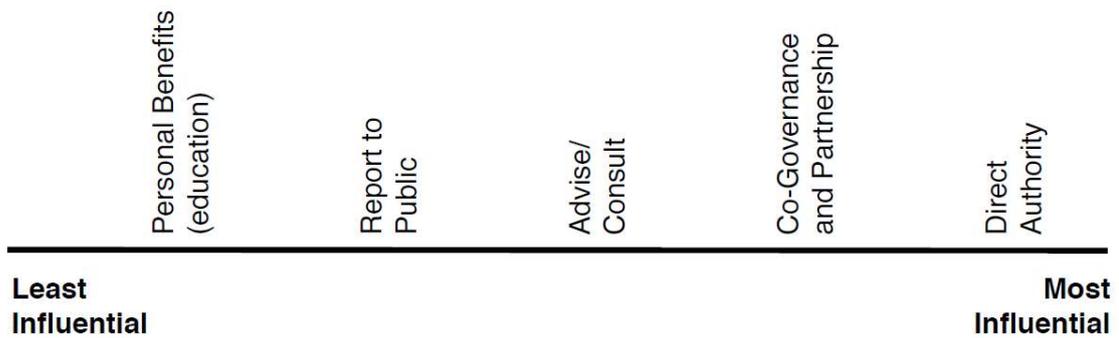
The third dimension proposed by Fung (2006) refers to the impact of social participation in decision-making, and deals with the influence of the participatory process on public authority.

Many of the participatory spaces are limited to listening to citizens, giving them the opportunity to express their preferences or to explore, develop, and perfect those preferences. In this case, the participant has little or no expectation of influencing public actions. In such cases, the benefit is restricted to personal growth or satisfaction with the fulfillment of civic duty.

At a higher level of influence are the participatory mechanisms that can mobilize public opinion and thereby affect government decisions. The following are the forums or spaces for institutionalized counseling and consulting, in which the authority commits itself to receiving and considering the positioning of the participants.

Figure 03 demonstrates the “influence and authority” dimension, which refers to the extent of influence that participation has on decisions, divided into categories. The categories “co-governance and partnership” and “direct authority” are the most influential. In the ‘co-governance’ category, citizens work together with public servants to plan and develop strategies for public actions. In the ‘direct authority’ category, the decision making shifts from government to society.

Figure 03 – Extent of influence and authority



Source: Fung (2006).

Fung (2006) points out that this classification does not indicate that one form is better than the other; each context has its specificities and the most appropriate participatory mechanisms. This analysis also occurs when the public administration is faced with the dilemmas of social participation, which leads to the second model (ROBERTS, 2004), presented below.

### 3.2 Dilemmas of Social Participation

According to Roberts (2004), social participation is both desirable and feasible, since citizens have demonstrated the ability to share decisions on issues that affect them and, more than that, citizens have the right to be involved in decision-making that influences their lives. The author emphasizes that the citizens' knowledge is necessary as a source of innovative ideas, giving the system the ability to adapt to a changing society.

However, this point of view is not unanimous; several scholars see social participation with skepticism. Critics point out that it starts from the false notion that man is ideally guided by democratic ideals, when in fact he is naturally fallible and unable to overlap collective with individual interests. Another argument holds that the direct participation of the citizen is inefficient: the government would be very large and complex, a situation that demands the knowledge of specialists, and may be unable to support face-to-face relations with the population. In addition, the process of involvement would be expensive, slow and difficult to operate.

Considering this ambivalence and the complexity of the context, Roberts (2004) introduces dilemmas that must be faced in the context of social participation:

- The dilemma of size - The state is large and complex, while direct participation requires the involvement of numerous groups and individuals.

- The dilemma of excluded or oppressed groups - Representative democracy systematically excludes minorities. One of the challenges of direct participation is ensuring a voice for the excluded and oppressed.

- The dilemma of risk - The exposure of individuals and the community to risks arising from decisions made in the face of complex problems, without their consent, can be considered tyranny. This category includes the risk of conflict and social destabilization.

- The dilemma of technology and expertise - Ordinary citizens may find it difficult to enter into participative spaces together with professionals who have technical knowledge.

- The dilemma of time and crises - The time and availability of the citizens involved in deliberative processes may not be compatible with the challenges of an era that requires rapid decisions.

- The dilemma of the common good - Direct participation may not reflect the common good, since the empowerment of the population does not necessarily produce deliberations aimed at the collective interest.

The expansion of social participation involves overcoming the dilemmas listed by Roberts (2004). For this to occur, it is necessary to recognize the dilemmas and seek the appropriate solutions.

#### **4 METHODOLOGY**

This is a qualitative research based on a case study. The object of the case is the concession of the municipal public transport in Florianópolis, Brazil, to transport operators. The case covers from the start of the procurement process to the concession and implementation of the services.

The model of analysis adopted was based on Fung (2006) and Roberts (2004). Based on Fung (2006), the research adopted the following dimensions of analysis: (1) participant selection; (2) communication and decision; and (3) influence and authority. To these three dimensions the study added a fourth one, based on Roberts (2004): the perceived dilemmas in the participation process. These four elements completed the model of analysis used to discuss the case study.

As a methodological strategy, several data collection techniques were adopted at each stage of the research. Observing the same phenomenon from more than one data source allowed to use the information to corroborate, elaborate or illuminate the research problem. With this triangulation, we tried to limit the personal and methodological biases of the study (DECROP, 2004).

First, documentary research was conducted in order to characterize the process of planning, contracting, implementing and monitoring the concession of the urban public transport in Florianópolis. Documents related to the procurement were analyzed together with others produced during the process and used by the Court of Auditors of the State of Santa Catarina (TCE/SC), as well as journalistic and institutional documents referring to the case.

Through consultation of the documents aforementioned, through information from semi-structured interviews and from a focus group, it was possible to observe which mechanisms of social accountability and participation were used during the process and how they were implemented. In order to establish a comparison, the legislation was consulted identifying the mechanisms provided by law, and a literature review was also carried out, observing the mechanisms of social accountability and participation that can be adopted at the discretion of the administrators. In addition, scientific articles and institutional publications allowed the identification of the best practices related to the theme.

In the next section, the data were identified and classified according to the dimensions and categories of analysis of the theoretical model, which allowed to recognize the actors engaged in the participatory process, the form of communication between society and government, the influence of these participants on decisions and the main dilemmas faced during the process. Finally, in light of the literature that deals with social participation, it is highlighted that the factors that influenced the quality of the social participation observed in the case study.

It is important to state that one of the researchers is a professional working in the TCE/SC, and they followed the procurement process related to the concession for public transport in Florianópolis from the very beginning, even before the definition of the parameters for this study. All the information obtained by the researcher's observation prior to the definition of the topic of this study was used and is considered as a result of unsystematic observation. This technique, which consists of collecting and recording the facts of reality without the researcher using special technical means, or without asking direct questions, is used

often in exploratory studies and does not have previously elaborated planning and control (MARCONI; LAKATOS, 2007).

In order to analyze the data collected, the technique of document analysis was adopted, which includes the identification, verification and analysis of documents for a specific purpose. For the semi-structured interviews and the focus group, the study used content analysis, a technique that describes and interprets all kinds of documents and texts, and which can be used both in quantitative and qualitative research.

## **5 RESULTS DISCUSSION AND ANALYSIS**

### **5.1 Social participation in contracting for public transport services in Florianópolis**

In 2009 the first studies were conducted, starting the **internal phase** of the concession contract for public transport services in Florianópolis. At this phase, focused on the identification of the needs and definition of the solution, the only mechanism of social participation used was the public hearing provided for in article 39, of Federal Law n. 8,666/93 (BRASIL, 1993), mandatory for contracts of more than R\$ 150 million. The public hearing was carried out in September 2013.

Both the time and day set for the hearing - early Monday morning - and the lack of communication inviting citizens, as well as the limited capacity of the venue chosen to accommodate the participants were questioned. These conditions hinder the citizens' participation, especially workers and students, the main users of public transport in the city. In addition, the legal provision requires that all information about the public hearing must be available to participants before the public hearing and the city authorities failed in providing such documents. This generated asymmetry of information between the State and society, a condition that jeopardizes effective participation (AIYAR, 2010).

The explanation, was limited to some aspects of the bidding document and focused on the proposal of a new computerized system for public transport, with information made available through the internet, accessed by applications and in the panels of terminals and bus stops. After this presentation, the participants were granted the floor for a certain period of time, and then the hearing was adjourned.

In this phase, the administrator interviewed narrated specific meetings that were carried out with citizens and representatives of neighborhood associations, requested by citizens and organizations interested in the issue. However, no records of these meetings or any data regarding participants, subject and referral were provided to back the information.

The **external phase** occurred from the launch of the bid in 2014, based on the needs and solutions identified in the previous phase and focused on the selection of the best proposal. This phase, ruled by Federal Law no. 8.666/93, took place in the administrative area, with the main actors being administrators and civil servants in charge of the process. However, citizens, civil society and external control agencies are responsible for auditing the process, using various instruments, such as an administrative request to invalidate the bidding process and/or presenting denounces to the control bodies and or denouncing to the ombudsman. The control agencies act in response to these requests or when they themselves identify potential irregularities.

In the case study, in addition to the analysis of the public notice by the TCE/SC, the bidding was object of a representation promoted by one of the community organizations member of the Municipal Council of Transport, which resulted in changes in the original bidding document and determinations for future compliance. Apart from these instances, although the municipality provides a central ombudsman to receive suggestions, criticisms, complaints, denounces and requests for information related to all areas of the administration, there are no records regarding any insurgency against the public notice.

In this phase, legal publicity guarantees both the transparency and the wide competitiveness of the event, in order to reach the largest number of interested parties and, consequently, the most advantageous proposal. Regarding this aspect, although the deadlines and the form of disclosure provided by law were respected, the accessibility and quality of the information were unsatisfactory, because data were not proactively provided in a friendly and comprehensible format that would allow correct inferences on the part of stakeholders, favoring control and accountability (ANGÉLICO, 2012; GÄTJEN, 2014).

Once the contract between the public entity and the winning bidder was signed, in 2014, the **contractual phase** began, which is expected to last for twenty years. From this point, it is necessary to verify the fulfillment of the obligations assumed by the contractor, and monitor the quality of the service. Likewise, considering that public needs are not watertight, it is imperative to assess, during the contractual period, possible changes in the initial conditions, followed by new solutions.

The contract management and monitoring - as well as eventual sanctioning - are the responsibility of the service's managing body, as provided for in the law. In the case of the municipality of Florianópolis, this managing body is also responsible for the standardization of public transport. However, the possibility of proposing improvements and denouncing nonconformities in public transport is a responsibility extended to citizens and to civil society organizations, through the mechanisms of social participation made available by the municipality.

In this sense, access to public data is one of the foundations for the consolidation of democracy, which strengthens individuals' ability to participate effectively in making decisions that affect them (CGU, 2011). It is possible to observe that in the external phase the Local Government Gazette publicized the contract's summary, and that there was a concern with the dissemination of schedules and bus lines, which were available on the municipality's website and in an application launched by the contracted service provider. As for the availability of information about the contract, as stated in art. 8º, §1º, IV, of Federal Law no. 12,527/2011, it was verified in a consultation with the city government's transparency website that the area designated to display the contracts was empty. However, it was possible to find the entire content of the original contract on the website of the contracted service provider, but without supplementary documents such as contract extensions that were signed after the contract commenced.

Contrary to Federal Law n. 8,987/95, the municipality failed to form a committee composed of representatives of the contractor public authority, the service provider and users in order to periodically monitor the public service delivered. In addition to complying with legal requests, the inclusion of citizens in the monitoring services tends to make control more effective, and the quality of the relations between the actors contributes to activate the system of accountability and to obtain better results (SCHOMMER et al., 2015).

The study observed that despite being established and in operation, the Municipal Council of Transport had little participation in all contracting phases, which may be explained by its composition. Out of the nine organizations participating, only one represented the community; the others represent municipal agencies (two) and service providers (six). In these councils, when organizations have an eminently corporative identity, the tendency is a weakening of the representative role, since in this case the council members represent themselves (BORBA; LUCHMANN, 2010).

In addition, it was not observed the use of evaluation surveys or instruments to collect proposals about the service rendered during the process of monitoring the contract's implementation (neither traditional or ICT tools were used), neither was it observed the use of spaces shared with civil society for this purpose. The communication channels maintained by the municipality, although existent, were sparse and dedicated to other services and information, which makes it difficult to systematize demands and feedback specifically regarding public transport.

Table 01 shows the mechanisms used in each phase of service contracting and other alternatives that could have been adopted at the discretion of the administrators in order to broaden and favor participation and social accountability. Although they appear in the table for information purposes, the administrative challenge and the representation of the control bodies were not studied, since they are not part of the scope of this work, which is focused on the spaces of collaborative participation between Public Administration and society.

Table 01 – Mechanisms of social participation – used and with potential for use

<b>PHASES OF CONTRACTING FOR PUBLIC TRANSPORT SERVICES IN FLORIANOPOLIS</b>	<b>MECHANISMS OF PARTICIPATION AND SOCIAL ACCOUNTABILITY (USED)</b>	<b>OTHER POSSIBILITIES (POTENTIAL USE)</b>
<b>INTERNAL PHASE</b> <i>Identifying a public need and definition of a solution</i>	<ul style="list-style-type: none"> <li>• Public hearing</li> <li>• Meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal Council of Transport</li> <li>• Public Consultation</li> <li>• Research to identify the needs and proposals (traditional means and/or using ICTs)</li> <li>• Systematic meetings with the community</li> <li>• Workshops</li> <li>• Alternative communication channels</li> <li>• Appropriate forms of disseminating public</li> </ul>

		information (observing the principles of open contracting)
<b>EXTERNAL PHASE</b> <i>Selection of the best proposal (bidding)</i>	<ul style="list-style-type: none"> <li>• Legal publication</li> <li>• Auditing (promoted by citizens, organizations, specialized councils (administrative request to invalidate, representation to control agencies, denounces through ombudsman and other measures)</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate forms of disseminating public information (observing the principles of open contracting)</li> </ul>
<b>CONTRACTUAL PHASE</b> <i>Implementation</i>	<b>Implementation of the contract</b> <ul style="list-style-type: none"> <li>• Legal publication</li> <li>• Monitoring (promoted by citizens, organizations, specialized councils (representation to control agencies, denounces through ombudsman and other measures)</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluation surveys and research to identify proposals (traditional measures and/or using ICTs)</li> <li>• Alternative communication channels (social media, applications, website)</li> <li>• Appropriate forms of disseminating public information (observing the principles of open contracting)</li> <li>• Spaces for monitoring and evaluation of the implementation of the contract, shared with civil society</li> </ul>

Source: Elaborated by the authors.

## **5.2 Factors of quality of social participation in the process of contracting for public transport in Florianópolis**

The literature, the theoretical models adopted and the good practices make it possible to characterize and analyze the social participation that occurred in the concession contract studied. From these inferences, it is possible to identify the main factors that influence the quality of social participation.

The analysis of the dimensions presented by Fung (2006) provides an overview of the participants, of the roles played and of the influence of this participation. According to the author, this institutional design is adequate to address three important problems of democratic governance: legitimacy, justice and effective administration.

From the beginning of the contracting process, it was possible to observe that social participation was not fruit of the administrator's political will, which is a condition for a successful participatory process, according to Avritzer (2008). The public hearing, for instance, was not designed to be a real opportunity for social participation, but a mere task in order to fulfill a legal obligation. Thus, even if there was a "diffused participation" in the public hearing and legal publicity was given throughout the process (elements indicating inclusiveness), in general the role of participants was restricted to that of "spectator" or "expression of preferences".

At the planning stage, it was found that the expectations regarding the participatory process were dissonant: while the government intended to only ratify its proposal at the public hearing, the participants intended to effectively participate in the decisions. As the government was opposed to collaboration, this condition was reflected in the inadequate choice of place, date and time, in the way of conducting the works, and in the lack of information disclosed.

As a result of these circumstances, since the beginning of the contracting process participants were not empowered or the information asymmetry was not reduced (ANGÉLICO; TEIXEIRA, 2012). The same was true for the external phase and during the implementation of the contracted services, the period in which the information regarding the contract and its amendments was limited to the requirements of the Federal Law n. 8,666/93.

In the few meeting spaces made available, it was possible to observe a lack of representativeness (dimension "participant selection"), and the role of the participants was restricted to that of "spectators" and/or "expression of preferences". An example of the lack of representativeness is the disparity found in the Municipal Council of Transport, formed mainly

of representatives of public authorities and service providers, with only one representative from the community of users, contradicting one of the characteristics of this participatory space (BORBA and LUCHMANN, 2010). Also the low involvement of the members of the legislative branch was highlighted by the interviewees, contradicting the ideal of complementarity between representative democracy and participation (ZUCCOLOTTO; TEIXEIRA, 2015).

Although there were moments where the municipal government was open to listen to citizens – such as the meetings held in the municipal agency responsible for the contract and for the activities of ombudsman and management of the channels to receive complaints and suggestions – these opportunities were sparse and there was no systematization of the contributions received from or of the responses given to the population. In the same way, the Municipal Council of Transport was not representative and active in relation to the public transport service. In addition to this incipient performance of the Council, there is no space for social participation in the implementation of the contracted service, which makes it difficult to receive feedback from citizens regarding the satisfactory service delivery and eventual need for adjustments.

Thus, despite the formal compliance in the process of contracting for public transport service in Florianópolis, there is no evidence to show that any of the society's demands have been recognized and contemplated. There is little influence of participation in decision-making, and the dimension of “influence and authority” in the course of the process ranged from “personal benefits” to a possible “report to public”. Even this reduced influence has not been fully demonstrated, but may have occurred in situations in which participants approached the administrators spontaneously, in meetings, or as a result of situations reported to the institutional communication channels.

In any case, there is no record of this situation (reported by the manager during interview), and no evidence of moments that could indicate that the concession contract analyzed here advanced in the categories of the dimension “influence and authority”. While participation is a way of rescuing the link between government and society (MUSSO et al, 2011), there is a breach of trust in this relationship due to a misalignment of expectations, lack of transparency and accountability, and the fact that public administrators use social participation to legitimize decisions already taken (MAHRER; KRIMMER, 2005; SCHOOLEY, 2008).

Based on Roberts (2004), the main dilemmas of participation pointed out in the literature were verified during the contracting process. The dilemma of size has been clearly evident since

the beginning of the process, considering the large number of actors interested in the public transport service and the difficulties inherent in the interaction between them and the government, together with the difficulty of gathering and organizing the various expectations and understandings.

The challenge of bringing the various actors to the spaces of participation is most relevant in the social participation process and (as seen in the good practices reported) the combination of participatory mechanisms, including those less traditional, such as ICTs and workshops, help solve this problem. However, none of these possibilities were applied in the case studied. The exclusion of interested groups is likely to produce unsatisfactory results in using participatory mechanisms.

This exclusion can occur both due to difficulties of access – as in the public hearing held on an inappropriate date and time (HANDLEY, HOWELL-MORONEY, 2010) – and to information asymmetry, which contributes to reduce the exercise of citizenship (ANGÉLICO, TEIXEIRA, 2012). Also, the lack of representativeness of the Municipal Council of Transport compromises its performance in monitoring the implementation of the services contracted.

The dilemma of risk (ROBERTS, 2004), appears as a concern of administrators and public servants involved in participatory processes. Considering that diffuse participation presupposes the participation of all stakeholders, there is a fear that these spaces will be dominated by groups defending specific interests (NESHKOVA, 2014), jeopardizing the expression and discussion of other demands. Good practices, show that the use of several participatory mechanisms can help to reduce this problem and also to improve trust between government and citizens (MEEK, 2008; MUSSO et al, 2011).

The dilemma of technology and expertise (ROBERTS, 2004) proved to be an obstacle to social participation, in view of the lack of discussions and lack of quality information available. On the part of the administrators, there was a concern with the bidding deadline, while the effective participation tends to slow the decision-making process, due to the need for previous information and education of the participants (NESHKOVA, 2014), characterizing the dilemma of time and crisis. In fact, the public hearing was carried out only to fulfill the legal obligation, after the planning was already done and the decisions already made at the administrative level.

The resolution of the dilemma of technology and expertise also involves raising public awareness of the importance of social participation for the quality of decisions. Musso et al (2011) shows that building this relationship of respect depends on the mutual recognition that

these actors play different roles in the participatory process; while one provides important insights for the design of alternatives, the other provides practical knowledge that allows the best choice to be made from the alternatives offered.

On the other hand, as verified in the literature (SIMMONS; BIRCHALL, 2005), the interviews confirm that the population is interested in participating, individually or through organizations. Concerning the dilemma of the common good, the interviewees report that there is a culture of participation in the municipality of Florianópolis and, with attention to properly communicate and inform, it is likely that the public interest prevails. In the case studied here it was possible to observe in the public hearing that, even when the administrators did not pay the right attention to communicate and inform the citizens, the social participation showed its potential to guarantee that public interest prevails.

From the above, it is possible to compile the main factors that influenced the quality of participation in the contracting process for public transport presented in the case study as: political will, representativeness, availability of information, accessibility and quality of participatory spaces, participatory mechanisms adopted, valuing learning and relationship based on trust.

## **FINAL CONSIDERATIONS**

Based on a combination of legal requirements, theoretical framework and best practices, this research sought to give visibility to the various possibilities of social participation in public administration, especially in a field traditionally reserved for government agents: public contracting. Although there is a range of participatory tools available to administrators, there is an understandable difficulty in their application, since this openness to the external environment – resistant to bureaucratic structure – involves a paradigm shift and requires innovative behavior and skills.

The case study analyzed – process of contracting for the public transport service in Florianópolis – made it possible to identify, in addition to the possibilities of social participation in each phase, the main factors that influenced the quality of this process, such as: political will, representativeness, available information, accessibility and quality of participatory spaces, participatory mechanisms adopted, valuing learning, and relationship based on trust. The definition of these factors allows administrators and public servants imbued with the principles

of good administration to seek effective strategies to share the direction of public actions with society.

In the theoretical field, social participation applied to public contracting is still not well explored. In a process that is generally treated as exclusive to public agents, this work innovates by pointing to the various opportunities of sharing with society throughout the entire process.

Considering the new challenges faced by the public service, the results obtained in this research can offer greater security and qualification to its government agents. The findings contribute to incorporate participatory instruments into public contracting, as well as contribute to the integration of theory and administrative practice. In addition, it shows the intrinsic gains of adopting social participation in order to improve governance and the quality of public services.

Considering the complexity of the topic, this research did not exhaust the possible features of social participation in public contracting. The quality factors pointed out and the strategies to conduct participatory processes in a satisfactory way can be object of specific studies. Also, as a matter of delimitation of the scope, the research did not deal with the unfolding of the participation of the contracted service providers, which is an aspect that deserves future analysis.

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