



Case N° 19,436-6/2013

## MUNICIPALITY OF JUNDIAÍ - SP

### **LAW N° 8,113 OF 09 OF DECEMBER OF 2013**

Establishes the Municipal Policy on Science, Technology and Innovation, the Municipal Council of Science, Technology and Innovation and the Support Fund for Science, Technology and Innovation; and authorizes related agreements.

**THE MAYOR OF THE CITY BE JUNDIAÍ**, State of São Paulo, according to what the City Council decreed in an Ordinary Session held on December 3, 2013, **ENACTS** the following Law:

### **CHAPTER I** **Preliminary Provisions**

**Art. 1<sup>st</sup>** This Law establishes measures for the promotion and encouragement of innovation, research, development and technological expertise, in accordance with Articles 218 and 219 of the Federal Constitution, Articles 268-272 of the Constitution of the State of São Paulo and the provisions of the Federal Law N° 10,973 of December 2 of 2004.

**Art. 2<sup>nd</sup>** For the purposes of this Act, the following shall be considered:

I - Agency for Competitiveness and Innovation: agency or entity of public or private nature, and which aims to promote technological innovation, scientific research and technological development, non-routine engineering, information technology and technological extension into the productive environment;

II - Local Production Arrangements: the agglomeration of firms located in the same territory, showing productive specialization and maintaining ties of articulation, interaction, cooperation, and learning among themselves and with other stakeholders, such as government, business and trade associations, credit, education and research institutions;

III - Creation: invention, utility model, industrial design, computer software, integrated circuit topography, a new cultivar or essentially derived plant or any other technological finding obtained by one or more developers who can generate or generate a new process, product, service or an incremental improvement;

IV - Protected creation: every human creation that results in rights established in the Federal Law 9,279 of May 14 of 1996;



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V - Creator: researcher who is an inventor, author or obtainer of the creation;

VI - Technology Based Companies (EBT): entity of any size or industry in technological innovation that have in their fundamentals the competitive strategy, through the systematic and intensive application of scientific and technological knowledge;

VII - Non-routine engineering: engineering activity directly related to the processes of technological innovation;

VIII - School of Technical Education (EETec): a public institution of vocational high school, linked to the city of Jundiaí, the State or to the Union that minister technical-vocational courses focusing on access to the labor market both for students and for professionals seeking to expand their qualifications;

IX - Incubator for Technological Base: an organization or system that encourages and supports the creation and development of innovative companies through the provision of shared basic infrastructure, further training of the entrepreneur and the support to leverage business resources to facilitate the processes of technological innovation and competitiveness;

X - Technological innovation: the introduction of novelties or improvements to the productive and social environment that results in new processes, products or services, as well as a gain in quality or productivity in processes, products or existing services, aiming to increase market competitiveness, improvement of living conditions of the majority population and environmental sustainability;

XI - Scientific and Technological Institution (ICT): an agency or a public or private entity, headquartered in the city of Jundiaí, whose institutional mission is to perform activities related to technological innovation, scientific and technological research and development, and also perform non-routine engineering and technology extension to the productive environments, working or not in formation of resources;

XII - Higher Education Institution (IES): universities, colleges and university centers;



XIII - Supporting Municipal Institution: institution that aims to support research projects, teaching and extension of institutional, scientific and technological development;

XIV - Independent inventor: individual, not being an occupant of public office or position, who is an inventor, author or obtainer of the creation;

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XV - Technology Parks: projects created and run with the permanent objective of promoting research, development and technological innovation, stimulate cooperation between research institutions, universities and businesses and support the development of knowledge through intensive activities, in accordance with Law Supplement N° 1,049 of June 19 of 2008 of the State of São Paulo and Decree N° 54,196, of April 2 of 2009, of the Government of the State of São Paulo, which creates the Paulista System of Technology Parks - SPTEC;

XVI - Intellectual Property: set of rights awarded to human creations relating to literary, artistic and scientific works; to the interpretations of performers and executions of performers; to phonograms and radio broadcasts; to inventions in all fields of human activity; the scientific findings, to industrial designs and models, to industrial trade and service brand names, as well as to commercial firms and trade names, protection against unfair competition and all other inherent rights relating to intellectual activity in the industrial, scientific, literary or artistic fields;

XVII - Specialized technical services, laboratory services and calibration measurements, determinations and performance tests for the qualification of industrial products and processes, standardized and based on systematized technical standards or procedures;

XVIII - Innovation System: set of institutional and corporate organizations in a given territory that interact and depend on resources to implement targeted activities for the generation, dissemination and application of scientific and technological knowledge to provide innovative processes, goods and services.

**CHAPTER II  
Municipal Policy on Science, Technology and Innovation**

**Art. 3<sup>rd</sup>** They are the guidelines of the Municipal Policy on Science, Technology and Innovation:

I - improvement of the living conditions of the population, notably as regards to standards of health, education, housing, transport and environment;



II - strengthening and expansion of the scientific and technical base of the Municipality of Jundiaí, consisting of educational institutions, research and specialized technical services units and production of goods and services with high technological content;

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III – generation of jobs and income within the municipality by increasing and diversifying the economic activities which have the basic goal the generation and application of scientific and technical knowledge;

IV - improvement of the operation conditions of the municipal public authority, especially with regard to identifying and addressing the urban and rural needs, and harnessing the potential of the municipality.

**Art. 4<sup>th</sup>** During the promotion of technological innovation and scientific development, the municipality shall provide financial and institutional support projects programs aimed at systematization, the generation and absorption and transfer of scientific and technological knowledge, especially those related to:

I - the training and empowerment of people;

II - conducting technical studies;

III - conducting scientific research;

IV - the execution of technology development projects;

V - the creation and adaptation of the infrastructure to support based technology ventures;

VI - the dissemination of technical and scientific information;

VII - to develop projects to increase the number of incubators; business and technology, and of technology parks;

VIII - support and advice for teaching science and levels of elementary and middle school in the city of Jundiaí activities.

**Art. 5<sup>th</sup>** The Executive Authority is hereby authorized to enter into partnerships, agreements, Mod. 3



settlements and other similar instruments with public or private entities to promote the scientific, technological and innovation development in the city of Jundiaí, in accordance with the guidelines and actions foreseen respectively in articles 3<sup>rd</sup> and 4<sup>th</sup> of this Law and budgetary considerations.

### **CHAPTER III** **The Innovation System of Jundiaí**

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**Art. 6<sup>th</sup>** It is hereby instituted the Innovation System of Jundiaí in order to implement measures of technological innovation, and scientific and technological research to promote sustainable development in the city of Jundiaí.

**Single paragraph.** Shall integrate the innovation system of this article the public bodies and public or private entities located or represented in the city of Jundiaí, whose activities contribute to the objective of encouraging local development through technological innovation.

**Art. 7<sup>th</sup>** The municipality of Jundiaí shall support the cooperation between the Innovation System of Jundiaí and public research and technological innovation institutions of the Union, the State and other municipalities to attract businesses that promote technological innovation, scientific and technological development, incubators, technology parks and other research institutions and technology.

### **CHAPTER IV** **The Municipal Council of Science, Technology and Innovation**

**Art. 8<sup>th</sup>** It is hereby instituted the Municipal Council for Science, Technology and Innovation, collegial and advisory in nature, linked to the Department of Economic Development, Science and Technology.

**Single paragraph.** The Council referred to the "caput" has the primary function to promote the discussion, the proposition and the monitoring of public policies for science, technology and innovation, as well as to support and encourage scientific and technological development in the Municipality.

**Art. 9<sup>th</sup>** The City Council for Science, Technology and Innovation shall:

I – analyze, review and make suggestions on the development of science-related activities, technology and innovation projects in the city of Jundiaí;



II - propose measures to implement the guidelines of the Municipal Science, Technology and Innovation Policy;

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III - to contribute to the public policy of the Municipal Department for Economic, Science and Technology Development through incremental programs and to promote the transfer of innovative and incremental technologies to the productive sector, with emphasis on medium, small and micro enterprises and on social entrepreneurship to foster the generation of jobs and income;

IV - encourage the generation, dissemination and popularization of knowledge, as well as new information and techniques in the field of science, technology and innovation;

V – monitor, create, and develop innovation projects for the municipality;

VI - manage and approve new applicants, as provided by the Decree itself, for the formation of technology base, pursuant to Art. 2<sup>nd</sup> of that Law.

VII - draft its bylaws and internal regiments.

VIII - monitor and evaluate the management of the Fund for the Support of Science, Technology Innovation of Jundiaí.

**Art. 10<sup>th</sup>** The Municipal Council of Science, Technology and Innovation shall be composed of fifteen (15) members and their alternates appointed by the Mayor, subject to the following representation:

I - Municipal Executive Branch:

a) 01 (one) representative from the Mayor's Office;

b) 01 (one) representative of the Municipal Department of Economic, Science and Technology Development;

c) 01 (one) representative of the Municipal Finance Department;

d) 01 (one) representative of the Municipal Education and Sports Department;



e) 01 (one) representative of the Municipal Planning and Environment Department;

II - Civil Society:

a) three (03) representatives of higher education institutions;

b) 01 (one) representative of the schools of technical education;

c) two (02) representatives of the technology-based companies located in the city of Jundiaí.

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d) 01 (one) representative of the organized society of industries;

e) 01 (one) representative of the organized society of commerce;

f) 01 (one) representative of the organized society service sector;

g) 01 (one) representative of the labor union headquartered in the city of Jundiaí.

§ 1<sup>st</sup> The representatives of the Municipal Executive Authority shall be appointed by their respective heads of department for appointment by the Mayor.

§ 2<sup>nd</sup> The entities, referred to in item II of this article, interested in joining the Council shall register in advance at the Municipal Department of Economic, Science and Technology Development.

§ 3<sup>rd</sup> Each entity shall register only in one of the segments that make up the Council.

§ 4<sup>th</sup> Having plurality of interested parties in a given segment, an election shall be held to select the representative, which rules shall be provided in a specific Edict, issued by the Municipal Economic, Science and Technology Department.

§ 5<sup>th</sup> Nominees shall hold a proven track record in administration, deployment and execution of projects and programs for scientific and technological development.

**Art. 11<sup>th</sup>** The appointment of the members of the Municipal Council of Science, Technology and Innovation shall be formalized by an ordinance of the Mayor.

§ 1<sup>st</sup> The term of office of the directors shall be two (02) years, with one mandate renewal allowed for an equal period.

§ 2<sup>nd</sup> The loss of the representative bond with their respective represented shall imply in the concomitant extinction of the mandate, and shall be replaced by a substitute/alternate.



**Art. 12<sup>th</sup>** The President of the Municipal Council of Science, Technology and Innovation in the first term shall be exercised by an elected member from those nominated by the Government Authority, and in the next term, from those nominated by the civil society, and so on, alternating between the eligible.

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**Single paragraph.** The mandate of the Council Chairman shall be of 1 (one) year.

**Art. 13<sup>th</sup>** The Municipal Council of Science, Technology and Innovation shall hold regular meetings as set forth in the bylaws and special meetings convened by its President.

§ 1<sup>st</sup> The Board meetings shall be held with the presence of at least fifty percent plus one of its members or, in their absence, their substitutes/alternates, and their decisions shall be given by simple majority.

§ 2<sup>nd</sup> The participation of guests at Council meetings, with voicing powers and rights but without voting rights shall be permitted.

§ 3<sup>rd</sup> The Board member who does not attend three consecutive meetings or five alternate, without justification may be excluded by a majority decision/vote of the members of the Board.

**Art. 14<sup>th</sup>** The participation in the Municipal Council of Science, Technology and Innovation is considered relevant unpaid public service.

**Art. 15<sup>th</sup>** The Municipal Council of Science, Technology and Innovation shall receive administrative, technical and financial support from the Municipal Department for Economic, Science and Technology Development for its structure and maintenance.

**Art. 16<sup>th</sup>** No later than ninety (90) days after its constitution, the Municipal Council of Science, Technology and Innovation shall establish its rules of procedure, which shall be approved by decree of the Mayor, to provide, among other matters on basic operational guidelines, structure, functioning and reasons for loss of office, impediments and replacement.

**Single paragraph.** The bylaws of the Board shall establish other cases for loss of office other than those provided for in § 2<sup>nd</sup> of Art. 11<sup>th</sup> and § 3<sup>rd</sup> of Art. 13<sup>th</sup>.

**Art. 17<sup>th</sup>** The Municipal Council of Science, Technology and Innovation shall keep records of their deeds, assured the publicity by the Official Press of the Municipality and/or by the City Hall's website, following these minimum criteria<sup>1</sup>.





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I - convening meetings in the official press and on the City Hall's site;

II - publishing on the City Hall's site the minutes, reports and documents considered necessary;

III - contact details for at least the President, the Vice President and the Secretary of the Board.

**CHAPTER V**

**Support Funding for Science, Technology and Innovation of Jundiaí – FACTI**

**Art 18<sup>th</sup>** It is hereby created the Fund for the Support of Science, Technology and Innovation of Jundiaí – FACTI, an instrument to capture, transfer and apply additional resources for financial support for the maintenance and development of the plans and actions in order to promote technological innovation in the city of Jundiaí and to encourage companies to invest in projects in scientific and technological research and innovation, in line with the Municipal Policy on Science, Technology and Innovation.

**Single paragraph.** The FACTI resources shall be applied in the execution of related scientific and technological development, being prohibited its use to defray current expenses and administrative burdens of the responsibility of the Municipality of Jundiaí or of any other institution, except as provided in fixed-term projects or programs.

**Art. 19<sup>th</sup>** The following shall constitute FACTI revenue:

I - appropriation earmarked annually in the City budget to meet its needs;

II - resources derived from agreements, adjustments, contracts and partnerships signed with agencies or institutions of a public nature, including funding agencies;

III - agreements, contracts, and donations made by national or international bodies, public or private;



IV - donations, aid, grants and bequests of any nature, made by people or companies, national or international;

V - return of credit operations, charges and depreciation granted with FACTI resources;

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VI - resource allocation from loans designated for research, development and technological innovation;

VII - income from investments made with moneys of the fund;

VIII - miscellaneous income earned due to activities in the participation in projects or companies in which the city of Jundiaí is a partner or shareholder.

**Art. 20<sup>th</sup>** The FACTI shall have its own accounting, linked to the Department of Economic Development, Science and Technology, which shall register all the activities related to it, so that it can prepare its own financial statement separately, and shall be operational and operated in accordance with federal relevant legislation.

**Art. 21<sup>st</sup>** The administrative management of the resources of facti will be up to the Department of Economic, Science and Technology.

**Art. 22<sup>nd</sup>** The financial management of the Fund for the Support of Science, Technology and Innovation of Jundiaí – FACTI shall be made by the City Department of Finance that shall invest its resources, when and if available, reverting back to the Fund any income or gains earned.

**Art. 23<sup>rd</sup>** A financial support may be provided with FACTI resources through the following types of aid, subject to budgetary availabilities:

I - for projects of technical-scientific initiation of high school students, vocational education and higher education;

II - for preparation of theses, monographs and dissertations for graduate and post-graduate studies;

III - for research and studies conducted by individuals and corporations;

IV - to perform technical or scientific events, such as meetings, seminars, shows, exhibitions and courses organized by public or private institutions, non-profit;



V - assistance to host events and for the installation of devices and lab equipment and of the required technical and scientific infrastructure, held in the Municipality of Jundiaí and owned by non-profit public or private entities;

VI - for the installation and/or maintenance of the technology-base incubators.

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§ 1<sup>st</sup> The funds may be granted in the form of an integrated support and comprise one or more modalities, as long as necessary to conduct the program or project of scientific and technological development.

§ 2<sup>nd</sup> Shall only be supported with the resources of the fund, the propositions of innovative nature, technical and scientific merit compatible with the purpose, nature and economic, social and/or cultural significance.

§ 3<sup>rd</sup> The evaluation of the technical and scientific merit of the socioeconomic relevance of the projects and professional qualification of the proponents shall be performed by professionals with proven experience in the respective field of expertise.

**Art. 24<sup>th</sup>** The resources/funds of the FACTI shall be granted to individuals or entities that submit projects bearers of technical and scientific merit, of interest for the development of the municipality, subject to the priorities set forth in the Municipal Policy on Science, Technology and Innovation, through contracts or agreements in which are determined the following:

- I - the project objectives;
- II- the physical and financial schedule;
- III - the conditions of accountability;
- IV - the responsibilities of the parties;
- V - contractual penalties.

§ 1<sup>st</sup> Shall only receive funds from the Fund the applicants who are in good standing with the City, the State and the Union.

§ 2<sup>nd</sup> The regulation of all other conditions of access to the fund resources and the rules governing its operation shall be defined by the Executive Authority of the Municipal, based on the proposal of the Municipal Council of Science, Technology and Innovation, to be  
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sent in up to sixty (60) days after its determination.

**Art. 25<sup>th</sup>** The granting of funds of the FACTI shall be made through:

I - non-refundable financial support by public or private non-profit institutions;

II - repayable grants;

III - risk financing;

IV - ownership interest.

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§ 1<sup>st</sup> The beneficiaries of the funds received from the Fund shall include the support received when disclosing the projects and activities and respective results.

§ 2<sup>nd</sup> The results or financial gains resulting from the sale of the rights on knowledge, products and processes, that are possibly generated due to the execution of the projects and activities undertaken with municipal funds, shall revert wholly or partially in favor of the Fund, according to what was specified in the contract or agreement previously established and intended support arrangements stipulated in this Law.

**Art. 26<sup>th</sup>** The funds generated by investments of the FACTI, on any account, shall be fully reversed in favor of the Fund.

**CHAPTER VI**  
**Final Provisions**

**Art. 27<sup>th</sup>** The expenses incurred in the execution of this Law shall be borne from the budget allocation 16.01.19.572.0173.1595.4.4.90.39.00.0 supplemented, if necessary, and from raising of funds occurred under this Law.

**Art. 28<sup>th</sup>** The Executive shall regulate this Act within 180 (one hundred eighty) days, to contain the date of its publication, to discipline the ways of the collection FACTI, as well as the selection and funding of projects and the provision accounts for the use of Fund resources.

**Art. 29<sup>th</sup>** This Law shall enter into effect on the date of its publication.

**PEDRO BIGARDI**  
**Mayor of Jundiaí**



the year two thousand and thirteen.

**EDSON APARECIDO ROCK**  
**Municipal Secretary for Legal Affairs**

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