

Information session for Municipalities and Regional  
Service Commissions

# Top 10 things you need to know about Public Procurement

Strategic Procurement  
Fall 2023

*(revised to include 2024-25 procurement thresholds)*

# Agenda

- Definitions and Common Terms
- 10 Burning Questions
- Resources
- Question Period

# Hands up: rate your level of understanding of public procurement

1. I know nothing. TEACH ME!
2. I know a little. I know there are rules but not quite sure what they are...
3. I know a lot. I have issued an RFP or tender in the past and have a general understanding of the rules we need to follow.
4. I am an expert. Been doing this for years.

# Definitions and Common Terms



- **Public Procurement:** Purchasing, renting, leasing or otherwise acquiring any goods, services or construction services for or on behalf of a public entity
  - **Goods:** Moveable property, including the costs of installing, operating, maintaining or manufacturing that moveable property, and includes raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract.
  - **Services:** All services, including printing, but does not include construction services.
  - **Construction Services:** Refers to services relating to the construction, repair or alteration of land or structures.

- **Estimated Value** is the maximum value of the procurement. It includes:
  - All optional renewals;
  - Transportation costs;
  - Maintenance costs;
  - Costs associated with the manufacture of goods;
  - Installation costs, tariffs, duties, premiums, fees, commissions, interest.
  - **DOES NOT INCLUDE TAX!**

## • **Public Procurement:**

- Formal process:
  - Competitive Bidding Process:
    - **Limited** Competitive Bidding Process
    - **Open** Competitive Bidding Process
- Informal process:
  - Informal Quotes
- Mutual Agreement:
  - Direct Award to the supplier of your choice
  - Exemptions (Alternative Procurement Methods)

**Permitted procurement methods vary according to the estimated value of the procurement.**

- Formal Process:

- **Competitive Bidding Process (a.k.a. Solicitation Process or Tendering)** : means a procurement method used to acquire goods, services and construction services through a solicitation for bid submissions that is open to more than one supplier and includes, but is not limited to, an invitation to tender, a request for proposals and a reverse auction.

- **Limited Competitive Bidding Process:** means a competitive bidding process that is limited in some aspect when bid submissions are solicited. **For example: a limited number of suppliers are invited to bid (solicitation by invitation), or the tendering time is shortened.**

- **Open Competitive Bidding Process:** means a competitive bidding process in which bid submissions are solicited by public advertisement and that is open to all interested suppliers. **E.g., public tender.**



- Formal Process (continued):

- Various types of solicitation documents can be used to do a competitive bidding process, for example:

- **ITT – Invitation to Tender** (binding):

- Used for the purchase of simple goods, services or construction services whose requirements are known and can be easily described.
- Bids are checked to confirm that they comply with the tender requirements.
- The compliant bid with the lowest price wins.

- **RFP – Request for Proposals** (binding):

- Used for the purchase of more complex goods, services or construction services.
- Proposals are evaluated according to several criteria, including price.
- The criteria and associated weightings must be published in the RFP.
- The supplier or contractor with the highest number of points wins.

- **NRFP – Negotiated RFP** (non-binding):

- Used for the purchase of highly complex goods, services or construction services, and thus discussions and negotiations are required during the process.
- Same process as an RFP, but discussions/negotiations are permitted.
- Public procurement experts are needed to carry out this kind of complex procurement project.

- Informal Process:

- **Informal quotes:**

- Informal request made to one or more suppliers or contractors to obtain quotes (prices), without binding the parties involved.
      - You can award the contract to the supplier or contractor of your choice.
    - Not the same as a "limited competitive bidding process" or a "tender by invitation".

- Mutual Agreement:

- Means that the contract can be established between the procuring entity and the supplier or contractor without going through a competitive bidding process.
    - Direct award
    - Exemption

**The use of an informal process or a mutual agreement is only permitted under certain thresholds, or in certain circumstances.**

- **Bid:** written response or proposal by a supplier or contractor in response to a solicitation process or document.

Unless otherwise specified in the solicitation documents, it is implied that the contract will be awarded to the lowest-priced compliant bid.

Examples:

- In the case of an RFP, the evaluation criteria and associated weightings **MUST** be included in the solicitation documents.
- To give preference to local suppliers (where permitted), the solicitation documents **MUST** indicate when and how the preference will be applied.

- **New Brunswick Supplier:**

- Means a New Brunswick manufacturer of goods, or a vendor of goods or services, that has a place of business in New Brunswick

- **New Brunswick Contractor:**

- Means a contractor of construction services that has a place of business in New Brunswick.

- **Place of Business:**

- Means an establishment where a supplier or contractor conducts activities on a permanent basis, is clearly identified by name and is accessible during normal business hours.

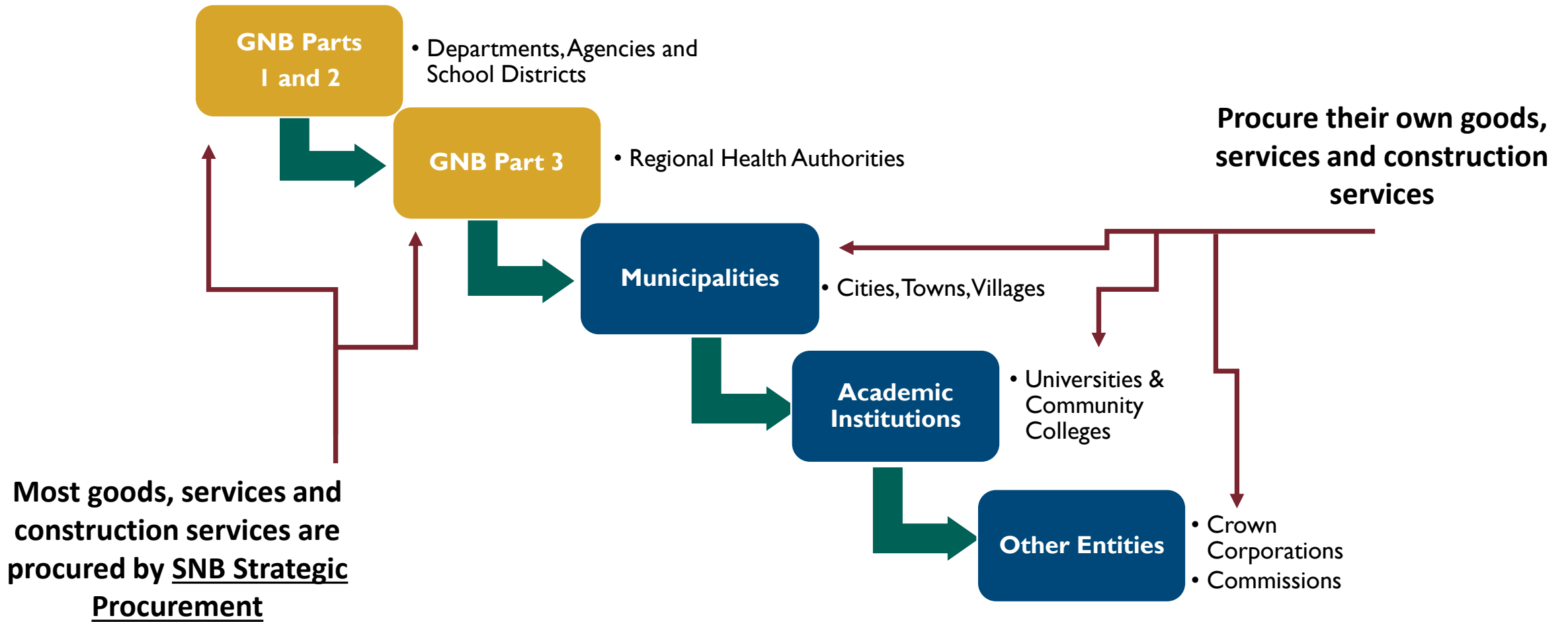
# 10 Burning Questions



# Top 10 Burning Questions

1. Who is responsible for public procurement in New Brunswick?
2. What sets the rules for public procurement?
3. What is the NBON?
4. What are the permitted methods of public procurement?
5. What should I include in my public solicitation notice?
6. What are exemptions?
7. What are buying groups?
8. Can I buy from contracts established by GNB?
9. How can I support NB suppliers and contractors?
10. How can I ensure that my municipality conducts a fair, equal and equitable procurement process?

*Who is responsible for public  
procurement in NB?*





**What sets the rules and  
processes for public  
procurement?**

- Public Procurement **Legal Framework:**

- Canadian Statutes/Case Law
- Provincial Legislation
  - *Procurement Act* and Regulations
- Interprovincial and International Trade Agreements
- Policies, and terms and conditions



Most Authority



Least Authority

- **Key** principle:

- Public procurement process must be fair, open and transparent

*Note: Some rules or processes vary depending on the procuring entity, the estimated value of the purchase, the selected procurement strategy or document (e.g., ITT vs. RFP), and/or the circumstances surrounding the procurement.*

# Provincial Legislation

- One piece of legislation governs public procurement in NB:
  - *Procurement Act (PA)* and Regulations
    - Goods and Services (Regulation 2014-93)
    - Construction Services (Regulation 2022-78)

**Municipalities,  
and RSCs are  
Schedule B  
entities under  
Regulation 2014-  
93**

*Note: Municipalities and Regional Service Commissions (RSC) are not subject to new construction services regulation under the PA. However, they are strongly encouraged to follow the Construction Services Regulation to ensure compliance with trade agreement obligations.*

# Trade Agreements

- In NB, all municipalities and regional service commissions are subject to the **Canada Free Trade Agreement (CFTA)** which includes procurement obligations (e.g. thresholds).
  - This is the trade agreement with the lowest threshold values.
- The **8 cities\*** and **regional service commissions (RSC)** are also subject to the **Canada-European Union Comprehensive Economic and Trade Agreement (CETA)**, which also includes procurement obligations (e.g. additional advertising time, cap on certain exemptions).

\*The 8 cities are Fredericton, Saint John, Dieppe, Moncton, Campbellton, Bathurst, Edmundston, Miramichi.

*What is NBON?*

# NBON

- NBON (New Brunswick Opportunities Network) is the official tendering website for all public sector entities in New Brunswick.
  - [www.gnb.ca/nbon](http://www.gnb.ca/nbon)
- When an open competition is required (based on the estimated value of the procurement), a notice MUST be published on NBON.
- The results of the open competition must also be published on NBON.
  - Within 72 days of contract award
- NBON helpdesk:
  - In English or French, 8:15 a.m. to 4:30 p.m. Atlantic Standard Time, Monday to Friday
  - [nbon@snb.ca](mailto:nbon@snb.ca)
  - 1-800-561-1422

*What are the permitted  
methods of public procurement?*

# Goods and Services

Entities	Permitted Procurement Methods	Estimated Dollar Value (excl. taxes)	Advertising Requirements for Public Solicitations
<b>8 cities and regional service commissions</b>	<ul style="list-style-type: none"> <li>Informal Quotes</li> <li>Solicitation by Invitation</li> <li>Mutual Agreement (direct award)</li> <li>Public Solicitation</li> </ul>	Less than \$133,800	Notices (for public solicitations) be advertised on NBON for a minimum of <b>10</b> calendar days
	<ul style="list-style-type: none"> <li>Public Solicitation</li> <li>Mutual Agreement (i.e., Exemption)</li> </ul>	\$133,800 to \$353,300	
			\$353,300 and above
<b>Other municipalities</b>	<ul style="list-style-type: none"> <li>Informal Quotes</li> <li>Solicitation by Invitation</li> <li>Mutual Agreement (direct award)</li> <li>Public Solicitation</li> </ul>	Less than \$133,800	Notices (for public solicitations) be advertised on NBON for a minimum of <b>10</b> calendar days
	<ul style="list-style-type: none"> <li>Public Solicitation</li> <li>Mutual Agreement (i.e., Exemption)</li> </ul>	\$133,800 and above	

*\*At or above \$366,800, public solicitation for goods/services must be advertised on NBON for a minimum of **40 calendar days**). However, the minimum tendering time may be reduced by 5 days for each of the following circumstances: a) the notice of intended procurement is published by electronic means; b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and c) the entity accepts tenders by electronic means.*



# Construction Services

Entities	Permitted Procurement Methods	Estimated Dollar Value (excl. Taxes)	Advertising Requirements for Public Solicitations
<b>8 cities</b>	<ul style="list-style-type: none"> <li>• Informal Quote</li> <li>• Solicitation by Invitation</li> <li>• Mutual Agreement (Direct Award)</li> <li>• Public Solicitation</li> </ul>	Less than \$334,400	Notices (for public solicitations) be advertised on NBON for a minimum of <b>10</b> calendar days  Notices (for public solicitations) be advertised on NBON for a minimum of <b>40*</b> calendar days
		\$334,400 to \$8,800,000	
	<ul style="list-style-type: none"> <li>• Public Solicitation</li> <li>• Mutual Agreement (i.e., Exemption)</li> </ul>	\$8,800,000 and above	
<b>Regional service commissions</b>	<ul style="list-style-type: none"> <li>• Informal Quote</li> <li>• Solicitation by Invitation</li> <li>• Mutual Agreement (Direct Award)</li> <li>• Public Solicitation</li> </ul>	Less than \$8,800,000	Notices (for public solicitations) be advertised on NBON for a minimum of <b>10</b> calendar days
	<ul style="list-style-type: none"> <li>• Public Solicitation</li> <li>• Mutual Agreement (i.e., Exemption)</li> </ul>	\$8,800,000 and above	Notices (for public solicitations) be advertised on NBON for a minimum of <b>40*</b> calendar days
<b>Other municipalities</b>	<ul style="list-style-type: none"> <li>• Informal Quote</li> <li>• Solicitation by Invitation</li> <li>• Mutual Agreement (Direct Award)</li> <li>• Public Solicitation</li> </ul>	Less than \$334,400	Notices (for public solicitations) be advertised on NBON for a minimum of <b>10</b> calendar days
	<ul style="list-style-type: none"> <li>• Public Solicitation</li> <li>• Mutual Agreement (i.e., Exemption)</li> </ul>	\$334,400 and above	

*What should I include in my  
public solicitation notice?*

- When a competitive bidding process is launched, a notice must be published on the NBON and must include:
  - Solicitation #
  - Brief description of goods or services to be procured, including quantity or est. quantity\*
  - Name and address of procuring entity
  - How to obtain solicitation documents (and associated costs, if any)
  - Conditions for participation (e.g., required certifications, specific documents)\*
  - Delivery timeframe
  - Description of options\*
  - Procurement method used (RFP, ITT, etc.), and whether it will involve negotiations
  - For prequalification: accepted languages for bid responses (i.e., English and French)
  - Location for submitting bids, with date and time for deadline
  - Date and time for bid openings (if done publicly)
  - Applicable trade agreements

**\*If not included  
in the  
solicitation  
documents,  
must be included  
on the notice.**

*What are exemptions?*

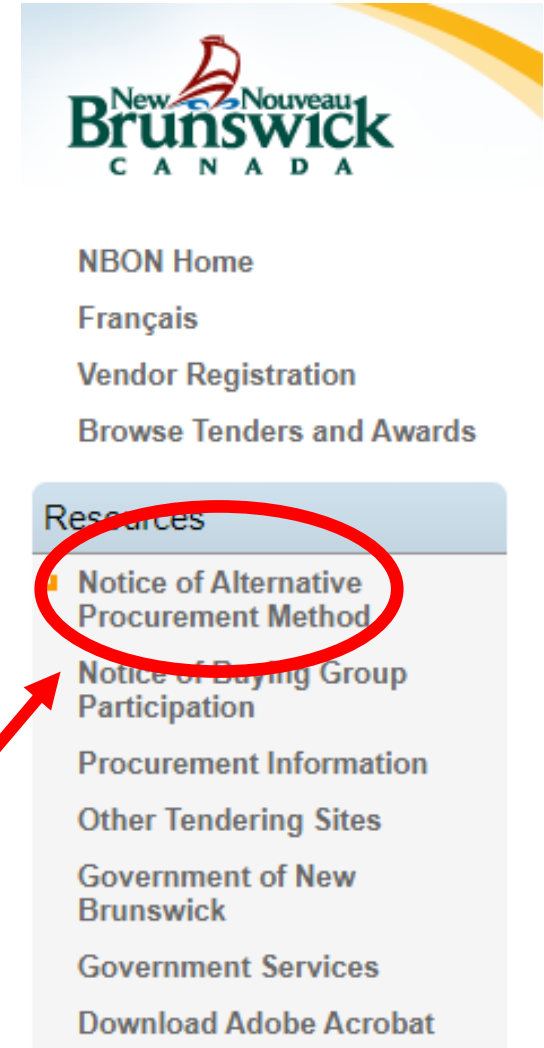
- An **exemption** is a provision in the *Procurement Act* Regulations whereby all or some of the normal competitive bidding process does not need to be followed for the procurement of:
  - Certain goods, services and construction services; or
  - Goods, services and construction services in certain circumstances.
- Where possible, attempt to maximize competition for exempted procurements (e.g., obtain three quotes), or buy from NB or local suppliers.
- Maintain records/documentation (e.g., rationale) in case you are ever challenged.

# Professional Services Exemptions

- **Professional services legislatively required to be provided by licensed professionals:**
  - Section 166(1) Lawyers, notaries, medical doctors, dentists, nurses, midwives, pharmacists, psychologists and veterinarians (no dollar limit)
  - Section 166(2) Architects, accountants, engineers and land surveyors (limited to \$353,300 for the 8 cities and Regional Service Commissions)

# Alternative Procurement Methods

- Included in both regulations of the *Procurement Act*
- Some require a limited competitive bidding process, others can be established by mutual agreement.
- Some have dollar limits, others do not.
- All public entities must publish their alternative procurement methods on the NBON.
  - Please send your monthly information to the following e-mail address, and Strategic Procurement will publish it for you: [procurement@snb.ca](mailto:procurement@snb.ca)



# Examples of Alternative Procurement Methods

- Sole source
- Purchase from a public sector entity
- Purchase from a non-profit organization
- Regional economic development
- Goods and services related to culture or cultural industries
- Local food
- Urgent or Emergency



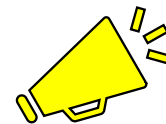
## • **Alternative Procurement Methods**

- Example: **Sole Source** mutual agreement if only one supplier)
- Appropriate to use when:
  - There is only one supplier anywhere that can provide (or is authorized to provide) the goods, services or construction services
  - Best practice: obtain sole source letter from supplier, or leverage ACAN to confirm sole source

### No Dollar Limit:

- To recognize **exclusive rights**, such as exclusive licences or copyright or patent rights;
- There is absence of competition **for technical reasons**;
- The supply of the good or service or construction service is controlled by a supplier that is a statutory **monopoly**;
- Procuring entity requires work to be performed on or about a leased building that may be performed only by the **lessor**;
- Procuring entity requires work to be performed on property by a contractor according to the provisions of a **warranty or guarantee** with respect to the property or with respect to the original work of the contractor;
- The procurement is an **original work**;

### Section 157(1) of Reg.2014-93



### Limit of \$353,300 (only for the 8 cities and RSC's):

- Subscription to **newspapers, magazines or other periodicals**
- To ensure **compatibility with existing goods**, or to maintain specialized goods that must be maintained by the manufacturer of the goods or its representative.

## • **Alternative Procurement Methods**

- Example: Purchase from a Schedule A/1 or Schedule B/2 entity, government enterprise, another jurisdiction or **public body**
- 2 exemptions:
  - Limited competitive bidding process (goods and services)
  - Mutual agreement
- No dollar limit

Sections 152 (i) and 158(1)(g) of Reg. 2014-93  
Section 137 (1)(d) of Reg. 2022-78

### Examples:

- Parcel services from Canada Post
- Training services from UdeM

## • Alternative Procurement Methods

- Example: Purchase from a Non-Profit Organization
- 2 exemptions:
  - Limited competitive bidding process
  - Mutual agreement
- Dollar limit of \$353,300 for goods and services and limit of \$8.8M for construction (only for 8 cities and RSC's)

Sections 153(1)(b) and 159(1)(d) of Reg. 2014-93  
Section 138 (1)(c) of Reg. 2022-78

### Examples:

- Training services
- Technology equipment and materials for students with hearing loss
- Recruitment and employment services

# • Alternative Procurement Methods

## • Example: Regional Economic Development (RED)

- For NB suppliers/contractor in rural areas
- Must support small firms
- No federal \$ attached
- 10 per year
- Limit of \$1,000,000
- Must be approved by government (MEC process)

Sections 160 and 161 of Reg. 2014-93  
Sections 139 and 140 of Reg. 2022-78

### Examples:

- Firetrucks
- Snow plow blades and wings
- Modular bridges
- Pressure-treated lumber
- Pipe
- Salt and sand dump boxes

## • **Alternative Procurement Method**

- Example: **Goods, services or construction services related to culture or cultural industries**
- 2 exemptions:
  - Limited competitive bidding process (goods and services)
  - Mutual agreement
- No dollar limit

Sections 152 (l) and 158(1)(m) of reg. 2014-93  
Section 137 (1)(f) of reg. 2022-78

### **Cultural industries: persons engaged in any of the following activities:**

- Publication, distribution or sale/presentation of books, films, video or audio recordings, or music.
- Radiocommunications whose transmissions are intended for direct reception by the general public, and all radio, television and cable broadcasting activities, as well as all satellite programming and broadcasting network services.

## • **Alternative Procurement Method**

- Example: **Local Food**
- 2 exemptions :
  - Limited competitive bidding process
  - Mutual agreement
- Limit of \$353,300 (only for the 8 cities and RSC's)

Sections 153(1)(d.4) and 159(1)(j) of reg. 2014-93

### Examples:

- Purchase of local (NB) fruits and/or vegetables
- Purchase of food prepared in New Brunswick
- Purchase of food manufactured or processed in N.B.

# • Alternative Procurement Methods

- Examples: Urgent and Emergency
- Unforeseen situations
- 3 exemptions in each regulation :
  - Some require a limited competitive bidding process
  - Some have a dollar limit (only for 8 cities and RSC's)

**Cheat Sheet: Urgent vs. Emergency Exemptions**

Exemption	Description	Competitive process required?	\$ Cap?	Examples
153(1)(e) of Reg.2014-93 133(1) of Reg.2022-78	Goods, services or construction services for reasons of <b>urgency</b> brought about by an <b>unforeseeable event</b>	Yes - Limited	Yes (only for 8 cities and RCS's) • \$353,300 for goods/services • \$8.8M for construction services	Unforeseen urgent need for goods, services or construction services, BUT there is still time for some form of competitive process.
158(2)(a) of Reg.2014-93 137(2)(a) of Reg.2022-78	Goods, services or construction services for reasons of <b>emergency</b> brought about by an <b>unforeseeable event</b>	No	No	<b>Life and death situations</b> , such as floods, fires, pandemic, province has declared state of emergency (e.g. Covid-19), etc.
159(1)(a) of Reg.2014-93 138(1)(a) of Reg.2022-78	Goods, services or construction services for reasons of <b>urgency</b> brought about by an <b>unforeseeable event</b>	No	Yes (only for 8 cities and RCS's) • \$353,300 for goods/services • \$8.8M for construction services	Unforeseen urgent need for goods, services or construction services. Serious ramifications can occur if the goods, services or construction services are not obtained immediately.

# Cheat Sheet: Urgent vs. Emergency Exemptions

Exemption	Description	Competitive process required?	\$ Cap?	Examples
153(1)(e) of Reg.2014-93  133(1) of Reg.2022-78	Goods, services or construction services for reasons of <b>urgency</b> brought about by an <b>unforeseeable event</b>	Yes - Limited	Yes (only for 8 cities and RCS's)  <ul style="list-style-type: none"> <li>• \$353,300 for goods/services</li> <li>• \$8.8M for construction services</li> </ul>	Unforeseen urgent need for goods, services or construction services, BUT there is still time for some form of competitive process.
158(2)(a) of Reg.2014-93  137(2)(a) of Reg.2022-78	Goods, services or construction services for reasons of <b>emergency</b> brought about by an <b>unforeseeable event</b>	No	No	<b>Life and death situations</b> , such as floods, fires, pandemic, province has declared state of emergency (e.g. Covid-19), etc.
159(1)(a) of Reg.2014-93  138(1)(a) of Reg.2022-78	Goods, services or construction services for reasons of <b>urgency</b> brought about by an <b>unforeseeable event</b>	No	Yes (only for 8 cities and RCS's)  <ul style="list-style-type: none"> <li>• \$353,300 for goods/services</li> <li>• \$8.8M for construction services</li> </ul>	Unforeseen urgent need for goods, services or construction services. Serious ramifications can occur if the goods, services or construction services are not obtained immediately.



# Cheat Sheet: Alternative Procurement Methods (Goods & Services)

Goods & Services Regulation	Requires a competitive bidding process?	Threshold / Dollar limit?
152 – Limited Comp. Bidding (can restrict to NB or local suppliers)	Yes – a <u>limited</u> competitive bidding process is required	No
153 – Limited Comp. Bidding (can restrict to NB or local suppliers)	Yes – a <u>limited</u> competitive bidding process is required	Yes – a limit of \$353,300 (only for 8 cities and RSC's)
154 – Procurement Restricted to Specific Product	Yes – <u>open</u> competitive bidding process is required; however, solicitation <u>can be restricted to specific product/brand</u> without accepting substitutes	No
155 – Procurement Restricted to Canadian goods, services or suppliers	Yes – a <u>limited</u> competitive bidding process is required as per section 155(1)	Yes – a limit of \$353,300 (only for 8 cities and RSC's)
156 & 157 – Mutual Agreement if only one supplier (sole source)	No. However, the supplier must provide written documentation to demonstrate he's the only source of supply.	No, except for those goods and services listed in section 157 (limit of \$353,300, but only for 8 cities and RSC's)
158 – Mutual Agreement (can restrict to NB or local suppliers)	No	No, except for section 158 (1)(a) which has a limit of \$50,000
159 – Mutual Agreement (can restrict to NB or local suppliers)	No	Yes – a limit of \$353,300 (only for 8 cities and RSC's)
160 or 161 – Regional Economic Development (must buy from NB supplier in rural area)	No. However, this exemption requires approval from GNB, and certain restrictions apply.	Yes – a limit of \$1,000,000 (RED)

# Cheat Sheet: Alternative Procurement Methods (Construction)

Construction Services Regulation	Requires a competitive bidding process?	Threshold / Dollar limit?
133 (1) Unforeseeable Urgency NB First Procurement Policy applies.	Yes – a <u>limited</u> competitive bidding process is required	Yes - \$8.8M (only for 8 cities and RSC's)
134(2) Canadian construction services or Canadian contractors	Yes – a <u>limited</u> competitive bidding process is required	Yes - \$8.8M (only for 8 cities and RSC's)
135 - Mutual Agreement if only one contractor (sole source)	No	No
137(1) & 137(2) – Mutual Agreement NB First Procurement Policy applies.	No	No – except for 137(1)(a), which has a limit of \$100,000
138(1) – Mutual Agreement	No	Yes - \$8.8M (only for 8 cities and RSC's)
139-141 – Regional Economic Development (RED) NB First Procurement Policy applies.	No	Yes - \$1M

# *What are Buying Groups?*

- **Buying group** means a group purchasing organization (GPO) that obtains best pricing from prospective suppliers based on volume for its members.
  - E.g., Canoe Procurement Group of Canada, Kinetic GPO
- **17** A Schedule B entity may join a buying group **if the Minister grants the Schedule B entity permission to join the buying group** under section 26.
- **26(1)** In the form and manner that the Minister requires, a Schedule B entity may apply to the Minister for permission to join a buying group.

- **Process for municipalities:**

- Request (in writing) to Minister of SNB to join buying group by emailing [procurement@snb.ca](mailto:procurement@snb.ca)
- Minister of SNB will respond in writing to **approve, approve with condition, or deny** joining buying group;
  - If the Minister is not satisfied with the buying group's procurement practices (i.e., they do not follow the intent and spirit of the *Procurement Act*), or there is not sufficient NB suppliers' presence amongst their suppliers, the permission may be denied or approved with conditions.
    - Minister is now imposing conditions to all municipalities for all buying groups - municipalities may now only leverage buying groups if:
      - The goods are NOT available from NB manufacturers (e.g., firetrucks)
      - The services are NOT available from NB suppliers

- **Buyer beware:**

- Buying groups can be interesting alternatives in some situations (e.g. smaller municipalities without dedicated procurement staff can avoid the sometimes complex and lengthy public procurement process)
  - However, there is not a big presence from NB suppliers in their contracts.
- Municipalities should strive to support the local economy where possible.

**Consider purchasing from NB or local suppliers before purchasing from buying groups.**

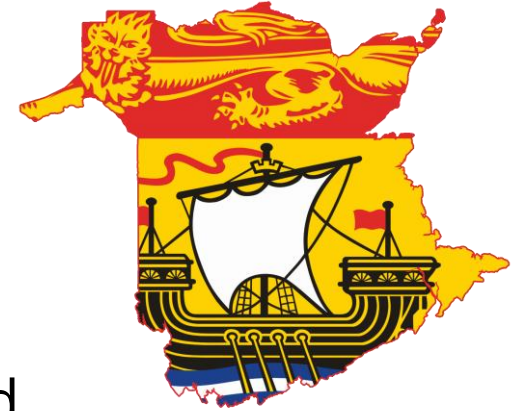
*Can I buy from contracts  
established by GNB?*

- Entities in the broader public sector may, in some cases, be able to buy from contracts established by GNB.
  - Mainly contracts for goods that are established for the entire GNB, due to high demand.
    - For example, office supplies
- To do this, solicitation documents must be published on NBON and include a clause indicating that the bidder who is awarded the contract must offer the same prices to the NB broader public sector.
  - However, entities in the broader public sector are responsible for contacting these suppliers and establishing their own contracts or agreements with them.
- Strategic Procurement does not have a 'list' of these contracts:
  - Contact Strategic Procurement at [procurement@snb.ca](mailto:procurement@snb.ca) to inquire about specific goods or services that may be on GNB contracts that are available to the broader public sector



*How can I support NB suppliers  
and contractors?*

- **Buy from NB suppliers or contractors whenever possible, for example:**
  - When a competitive bidding process is not required (under thresholds)
  - When leveraging an exemption
- **When doing a limited competitive bidding process:**
  - Invite only NB suppliers or contractors to bid
- **Think NB:**
  - Ensure that NB suppliers and contractors are being considered when defining your procurement specifications:
    - For example, use neutral specifications so that NB suppliers and contractors have an opportunity to bid.
  - Consider buying from NB suppliers and contractors before turning to Buying Groups.



***How can I ensure that my municipality conducts a fair, equal and equitable procurement process?***

- Ensure proper **planning and preparation** of solicitation documents.
  - General statements such as "**the lowest or any other offer is not necessarily accepted**" do not give municipalities and RSCs the right to do as they please. The principles of fair treatment must be respected.
    - The municipality is required to evaluate bids and award contracts on the basis of the criteria set out in the solicitation documents. Where there are several criteria, the associated weightings must also be disclosed. In the absence of other specific criteria, the contract must be awarded to the lowest-priced compliant bid.
- Ensure that all aspiring suppliers and contractors receive the **same information**, at the same time.
- Avoid and address **conflicts of interest** (or the appearance of conflicts).
- Late, unsigned, illegible bids or bids that do not comply with the requirements stipulated in the solicitation documents **must be rejected**.

- You are not required to **open bids in public**, however, if your solicitation documents indicate that a public opening will take place, you must do so.
- Once a competitive bidding process has closed, it **cannot be cancelled arbitrarily**:
  - Can only be cancelled when:
    - No compliant bids are received
    - If goods, services or construction services are no longer required
    - For any other reason stated in the solicitation documents (e.g. max budget)
- If you **do not obtain bids** (or no compliant bids\*) following a competitive bidding process, you can use any procurement method (e.g. by mutual agreement), but **ONLY IF** the scope of the purchase does not change.

*\*A bid cannot be considered non-compliant if it exceeds the budget, unless the budget or maximum budget has been indicated in the solicitation documents.*

# Resources

- **SNB Strategic Procurement Website:**

- Information on the procurement process and how to access opportunities
- Resources for Suppliers, Contractors and the Broader Public Sectors
  - Videos
  - Key links
  - Documents
- Procurement Process FAQs
- NB First Procurement Strategy
  - NB First Procurement Policy
  - Results
- Green Procurement Policy



[www.gnb.ca/procurement](http://www.gnb.ca/procurement)

**Note: a copy of this presentation will be available on the Resources webpage.**

# Questions?



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[gnb.ca/procurement](http://gnb.ca/procurement)

