



## New Brunswick First Procurement Policy

In New Brunswick, Service New Brunswick (SNB) is responsible for the procurement of goods and services for the Government of New Brunswick’s Part 1 (departments and agencies), Part 2 (schools and school districts) and regional health authorities (RHAs).

The Department of Transportation and Infrastructure (DTI) is responsible for procurement pertaining to construction, repair or alteration of land or structures owned or administered by the Government of New Brunswick, including departments, agencies, schools, school districts and RHAs.

This policy derives from the New Brunswick First Procurement Strategy and Action Plan approved by the Government of New Brunswick. The objective of this policy is to ensure that goods, services and construction services required by the Government of New Brunswick (GNB) are procured from New Brunswick suppliers where possible and legally permissible. In New Brunswick, public procurement is governed by the *Procurement Act* and Regulation 2014-93, the *Crown Construction Contracts Act* (CCCA) and its regulations, as well as various interprovincial and international trade agreements.

This policy applies to the procurement of goods, services and construction services for Part 1, Part 2 and for RHAs initiated on or after **October 27, 2020**. This policy is not retroactive and does not apply to purchases previously made, or to any procurement process already in progress prior to this date.

Questions or concerns pertaining to the application of this policy can be sent to [NBON@snb.ca](mailto:NBON@snb.ca). *Note: all values expressed in dollars are exclusive of taxes.*

**The New Brunswick First Procurement Policy is comprised of six (6) policy items:**

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## 1. Mandatory Buy-NB

What?	Who?	How?
<ul style="list-style-type: none"> <li>• Goods less than \$10,000</li> <li>• Services less than \$50,000</li> </ul>	<ul style="list-style-type: none"> <li>• Part 1 (departments and agencies)</li> <li>• Part 2 (schools and school districts)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must buy from a NB supplier unless an exception<sup>1</sup> applies.</b></li> </ul>
<ul style="list-style-type: none"> <li>• Goods and services up to \$121,200<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Regional Health Authorities</li> </ul>	
<ul style="list-style-type: none"> <li>• Construction contracts less than \$100,000 (where the CCCA allows DTI to negotiate a contract with one supplier)</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Transportation and Infrastructure (DTI)</li> </ul>	

## 2. Alternative Procurement Methods (Exemptions)

What?	Who?	How?
<ul style="list-style-type: none"> <li>• Goods and services where exemptions are leveraged as per sections 152, 153(1), 158-159, 160-161 of Regulation 2014-93 under the <i>Procurement Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Part 1 (departments and agencies)</li> <li>• Part 2 (schools and school districts)</li> <li>• Regional Health Authorities</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must be restricted to NB suppliers unless an exception<sup>1</sup> applies.</b></li> </ul>
<ul style="list-style-type: none"> <li>• Construction contracts where trade agreement exemptions are leveraged</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Transportation and Infrastructure (DTI)</li> </ul>	

## 3. Buy NB School Textbooks

What?	Who?	How?
<ul style="list-style-type: none"> <li>• School textbooks less than \$25,000</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Post-Secondary Education, Training and Labour</li> <li>• Department of Education and Early Childhood Education</li> <li>• Schools and School districts</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must be restricted to NB suppliers unless an exception<sup>1</sup> applies.</b></li> </ul>

### <sup>1</sup> Exceptions:

- New Brunswick sources of supply don't exist or can't meet the procurement requirements; and/or
- All New Brunswick quotes exceed the budgeted or estimated cost; or
- The goods/services must be obtained from a GNB contract of supply/standing offer contract or from GNB internal source as per sections 7-9 of [Regulation 2014-93](#)

<sup>2</sup> Up to this threshold, Regional Health Authorities must apply either the Mandatory Buy-NB policy item or the Invite NB policy item.

## 4. Invite NB (under lowest applicable trade agreement threshold values)

What?	Who?	How?
<ul style="list-style-type: none"> <li>• Goods AT \$10,000 up to \$30,300</li> <li>• Services AT \$50,000 up to \$121,200</li> </ul>	<ul style="list-style-type: none"> <li>• Part 1 (departments and agencies)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must invite NB suppliers unless an exception<sup>3</sup> applies.</b></li> <li>• Only NB Suppliers registered in the New Brunswick Opportunities Network (NBON) are invited to bid.</li> <li>• Non-NB suppliers may also be invited; however, in such cases the NB Preferences (see Policy items 5 and 6) will also be applied.</li> </ul>
<ul style="list-style-type: none"> <li>• Goods AT \$10,000 up to \$121,200</li> <li>• Services AT \$50,000 up to \$121,200</li> </ul>	<ul style="list-style-type: none"> <li>• Part 2 (Schools and School Districts)</li> </ul>	
<ul style="list-style-type: none"> <li>• Goods and Services up to \$121,200<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Part 3 (Regional Health Authorities)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must invite NB suppliers unless an exception<sup>3</sup> applies.</b></li> <li>• Only NB Suppliers are invited to bid.</li> <li>• Non-NB suppliers may also be invited; however, in such cases the NB Preferences (see Policy items 5 and 6) will also be applied.</li> </ul>
<ul style="list-style-type: none"> <li>• Construction contracts less than \$100,000 (where the CCCA allows DTI to invite suppliers)</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Transportation and Infrastructure</li> </ul>	

<sup>3</sup> Exceptions:

- New Brunswick sources of supply don't exist or can't meet the procurement requirements; and/or
- All New Brunswick quotes exceed the budgeted or estimated cost; or
- The goods/services must be obtained from a GNB contract of supply/standing offer contract or from GNB internal source as per sections 7-9 of [Regulation 2014-93](#)

<sup>4</sup> Up to this threshold, Regional Health Authorities must apply either the Mandatory Buy-NB policy item or the Invite NB policy item.

## 5. NB Supplier Preference

What?	Who?	How?
<ul style="list-style-type: none"> <li>• Goods up to \$30,300</li> <li>• Services up to \$121,200</li> </ul>	<ul style="list-style-type: none"> <li>• Part 1 (departments and agencies)</li> </ul>	<ul style="list-style-type: none"> <li>• Where a competitive bidding process is limited or open AND a non-NB supplier has submitted the lowest priced compliant bid, <b>if the price<sup>5</sup> difference between the non-NB supplier and the lowest priced compliant NB supplier is within 10%, the procurement must be awarded to the NB supplier unless an exception<sup>6</sup> applies.</b></li> </ul>
<ul style="list-style-type: none"> <li>• Goods and services up to \$121,200</li> </ul>	<ul style="list-style-type: none"> <li>• Part 2 (schools and school districts)</li> <li>• Regional Health Authorities</li> </ul>	
<ul style="list-style-type: none"> <li>• Construction contracts up to \$100,000</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Transportation and Infrastructure</li> </ul>	
<ul style="list-style-type: none"> <li>• Goods or services where exemptions are leveraged under section 152 or 153(1) of Regulation 2014-93 under the <i>Procurement Act</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Part 1 (departments and agencies)</li> <li>• Part 2 (schools and school districts)</li> <li>• Regional Health Authorities</li> </ul>	<ul style="list-style-type: none"> <li>• Where applicable, preferential treatment will be given to NB suppliers over non-NB suppliers in accordance with sections 135 and 136 of Regulation 2014-93.</li> </ul>

## 6. NB Manufacturer Preference

What?	Who?	How?
<ul style="list-style-type: none"> <li>• Goods up to \$30,300</li> <li>• Services up to \$121,200</li> </ul>	<ul style="list-style-type: none"> <li>• Part 1 (departments and agencies)</li> </ul>	<ul style="list-style-type: none"> <li>• Where a competitive bidding process is limited or open AND a non-NB vendor has submitted the lowest priced compliant bid, <b>if the price<sup>5</sup> difference between the NB vendor and the lowest priced compliant NB manufacturer is within 5%, the procurement must be awarded to the NB manufacturer unless an exception<sup>7</sup> applies.</b></li> </ul>
<ul style="list-style-type: none"> <li>• Goods up to \$121,200</li> <li>• Services up to \$121,200</li> </ul>	<ul style="list-style-type: none"> <li>• Part 2 (schools and school districts)</li> </ul>	
<ul style="list-style-type: none"> <li>• Construction contracts up to \$100,000</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Transportation and Infrastructure</li> </ul>	
<ul style="list-style-type: none"> <li>• Goods or services where exemptions are leveraged under section 152 or 153(1) of Regulation 2014-93 under the <i>Procurement Act</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Part 1 (departments and agencies)</li> <li>• Part 2 (schools and school districts)</li> <li>• Regional Health Authorities</li> </ul>	<ul style="list-style-type: none"> <li>• Where applicable, preferential treatment will be given to NB manufacturers over NB vendors in accordance with sections 135 and 136 of Regulation 2014-93.</li> </ul>

<sup>5</sup> Refers to the total bid price

<sup>6</sup> Exception: This preference will not be applied in cases where the NB supplier's total bid price exceeds the authorized procurement amount.

<sup>7</sup> Exception: This preference will not be applied in cases where the New Brunswick manufacturers' total bid price exceeds the authorized procurement amount.

## Definitions<sup>8</sup>

- **New Brunswick Supplier:** Refers to a New Brunswick manufacturer or a New Brunswick vendor.
  - **New Brunswick Manufacturer:** Refers to a manufacturer of goods that has a place of business in New Brunswick.
  - **New Brunswick Vendor:** Refers to a vendor of goods or services that has a place of business in New Brunswick.
- **Place of Business:** Refers to an establishment where a supplier, vendor or manufacturer regularly conducts its activities on a permanent basis, is clearly identified by name and is accessible during normal business hours.

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<sup>8</sup> Source: Regulation 2014-93 under the *Procurement Act*