



**THE NEWFOUNDLAND
AND LABRADOR GAZETTE
EXTRAORDINARY**

PART II

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ST. JOHN'S, MONDAY, JUNE 1, 2020

**NEWFOUNDLAND AND LABRADOR
REGULATION**

NLR 40/20



**NEWFOUNDLAND AND LABRADOR
REGULATION 40/20**

Public Procurement Regulations (Amendment)
under the
Public Procurement Act

(Filed June 1, 2020)

Under the authority of section 28 of the *Public Procurement Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, June 1, 2020.

Elizabeth Day
Clerk of the Executive Council

REGULATIONS

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1. (1) Section 2 of the *Public Procurement Regulations* is amended by adding immediately after paragraph (e) the following:

(e.1) "place of business" means an establishment where a supplier regularly conducts its activities on a permanent basis;

(2) Section 2 of the regulations is amended by adding immediately after paragraph (g) the following:

(g.1) "provincial supplier" means a supplier of goods, services or public works that has a place of business in the province;

2. (1) Section 5 of the regulations is repealed and the following substituted:

Procurement
thresholds

5. (1) A public body referred to in subparagraphs 2(q)(ii) and (iii) of the Act and the Marble Mountain Development Corporation, the Newfoundland and Labrador Film Development Corporation and the Workplace Health, Safety and Compensation Commission, each of which have been designated as a public body under subparagraph 2(q)(viii) of the Act, shall issue an open call for bids for

(a) goods, services or public works with an estimated value of \$264,200 or greater; and

(b) leases of space with an estimated value of \$100,000 or greater.

(2) A public body referred to in subparagraphs 2(q)(iv), (v) and (vii) of the Act and the College of the North Atlantic and Memorial University of Newfoundland, each of which have been designated as a public body under subparagraph 2(q)(viii) of the Act, shall issue an open call for bids for

(a) goods and services with an estimated value of \$105,700 or greater;

(b) public works with an estimated value of \$264,200 or greater; and

(c) leases of space with an estimated value of \$100,000 or greater.

(3) A public body referred to in subparagraphs 2(q)(i) and (vi) of the Act, and a public body designated under subparagraph 2(q)(viii) of the Act other than those entities referenced in subsections (1) and (2), shall issue an open call for bids for

(a) goods with an estimated value of \$26,400 or greater;

(b) services and public works with an estimated value of \$105,700 or greater; and

(c) leases of space with an estimated value of \$100,000 or greater.

(4) Notwithstanding subsection (2), a public body referred to in subparagraph 2(q)(iv) of the Act is not required to issue an open call for bids for engineering services and architectural services with an estimated value of less than \$264,200.

(5) Subsection (4) shall be repealed on March 31, 2021.

(6) All thresholds are exclusive of harmonized sales tax.

(7) A public body may, in its discretion, issue an open call for bids for commodities where the estimated value of those commodities is below the thresholds referred to in subsections (1), (2) or (3) and the requirements of the framework respecting an open call for bids shall apply.

3. Section 14 of the regulations is amended by adding immediately after subsection (1) the following:

(1.1) Notwithstanding section 17, a public body shall apply a 10% reduction to the bid price of a provincial supplier for the purpose of evaluating the provincial supplier's bid under subsection (1), except where contrary to a trade agreement.

Transitional

4. Where a public body has issued an open call for bids or a limited call for bids before the coming into force of these regulations, the public body shall award the contract as if these regulations had not come into force.

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