

1 *The heading “Citation” preceding section 1 of the French version of New Brunswick Regulation 2014-93 under the Procurement Act is repealed and the following is substituted:*

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2 *Section 1 of the Regulation is repealed and the following is substituted:*

1 This Regulation may be cited as the *Goods and Services Regulation – Procurement Act*.

3 *Section 2 of the Regulation is amended*

(a) *by repealing the definition “Atlantic supplier”;*

(b) *in the French version by repealing the following definitions:*

« aspirant-fournisseur canadien »;

« aspirant-fournisseur néo-brunswickois »;

« place d'affaires »;

(c) *by repealing the definition “informal quote” and substituting the following:*

“informal quote” means a request by a procuring entity to one or more suppliers for pricing on specific goods or services without a solicitation for bid submissions that is not binding on either party. (*demande de prix*)

(d) by repealing the definition « appel à la concurrence » in the French version and substituting the following:

« appel à la concurrence » Processus d’obtention de biens et de services par lequel on sollicite des soumissions de plusieurs fournisseurs qui seront mis en concurrence, et s’entend notamment d’une invitation à soumissionner, d’une demande de propositions et d’enchères inversées. (*competitive bidding process*)

(e) in the French version in the definition « ALÉC » by striking out “par les gouvernements fédéral, provinciaux” and substituting “par le gouvernement du Canada et les gouvernements provinciaux”;

(f) in the French version in paragraph b) of the definition « appel à la concurrence ouverte » by striking out “Processus de mise en concurrence” and “aspirants-fournisseurs” and substituting “Appel à la concurrence” and “fournisseurs” respectively;

(g) in the French version in the definition « fabricant néo-brunswickois » by striking out “une place d’affaires” and substituting “un établissement commercial”;

(h) in the French version in the definition « valeur ajoutée canadienne » by striking out “l’article 521” and substituting “l’article 520”;

(i) in the French version in the definition « vendeur néo-brunswickois » by striking out “une place d’affaires” and substituting “un établissement commercial”;

(j) by adding the following definitions in alphabetical order:

“Atlantic Canadian supplier” means a supplier that has a place of business in Atlantic Canada. (*fournisseur du Canada atlantique*)

“trade agreement” means a domestic or international trade agreement. (*accord commercial*)

(k) in the French version by adding the following definitions in alphabetical order:

« établissement commercial » Tout établissement où un vendeur ou un fabricant mène régulièrement ses activités sur une base permanente et qui est clairement identifiée par la raison sociale et où on peut avoir accès durant les heures normales d’ouverture. (*place of business*)

« fournisseur canadien » Fournisseur qui a une place d’affaires au Canada. (*Canadian supplier*)

« fournisseur néo-brunswickois » Fournisseur qui a une place d’affaires dans la province. (*New Brunswick supplier*)

4 Subsection 4.1(1) of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.

5 Section 12 of the Regulation is amended

(a) in subsection (2) by striking out “prospective suppliers” and substituting “suppliers”;

(b) in subsection (3) by striking out “prospective suppliers” and substituting “suppliers”.

6 *Section 13 of the French version of the Regulation is amended in the portion preceding paragraph a) by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

7 *Subsection 13.2(1) of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

8 *Section 14 of the French version of the Regulation is amended in the portion preceding paragraph a) by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

9 *Subsection 14.2(1) of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

10 *Section 16 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

11 *Section 17 of the English version of the Regulation is amended in the portion preceding paragraph (a) by striking out “competitive bid solicitation” and substituting “competitive bidding process”.*

12 *Paragraph 32(b) of the Regulation is amended by striking out “under the Crown Construction Contracts Act and the regulations under that Act” and substituting “by the Minister of Transportation and Infrastructure”.*

13 *Section 33 of the Regulation is amended*

(a) in subsection (1) in the portion preceding paragraph (a) by striking out “, subject to sections 44 and 45, disqualify for a period of six months” and substituting “disqualify for a period of no more than 24 months”;

(b) in subsection (2) by striking out “, subject to sections 44 and 45,”.

14 *The Regulation is amended by adding after section 33 the following:*

Commencement of the disqualification period

33.1 The period of disqualification under subsection 33(1) begins on the date determined by the Minister.

15 *Section 35 of the Regulation is amended*

(a) by repealing paragraph b) of the French version and substituting the following:

(b) il lui indique la durée de la période d’incapacité encourue;

(b) in paragraph (d) of the English version by striking out “he or she” and substituting “the prospective supplier”;

(c) in paragraph (e) of the English version by striking out “his or her” and substituting “their”.

16 *Subsection 37(2) of the French version of the Regulation is repealed and the following is substituted:*

37(2) Par dérogation au paragraphe (1), l’aspirant-fournisseur peut consentir à être entendu plus de quinze jours après la réception de l’avis d’opposition par le ministre, mais l’audience doit se dérouler dans les trente jours de la réception de l’avis d’opposition.

17 *Section 38 of the Regulation is repealed and the following is substituted:*

38(1) The decision to disqualify a prospective supplier under section 33 shall be in writing and specify the commencement date of the disqualification.

38(2) The decision to disqualify a prospective supplier under subsection 33(1) shall be made

- (a) if a notice of objection has not been received, within five days after the period for sending a notice of objection has expired,
- (b) if a hearing has been held in accordance with section 37, within 15 days after the hearing, or
- (c) if an objection has been made in writing under section 36, within 15 days after the documents supporting the objection are received.

18 *The heading “Decision is final” preceding section 40 of the Regulation is repealed.*

19 *Section 40 of the Regulation is repealed.*

20 *The heading “Judicial review” preceding section 41 of the Regulation is repealed.*

21 *Section 41 of the Regulation is repealed.*

22 *The Regulation is amended by adding before section 42 the following:*

Automatic reinstatement

41.1 After the period of disqualification determined by the Minister under subsection 33(1) expires, the prospective supplier is reinstated.

23 *Subsection 42(1) of the Regulation is repealed and the following is substituted:*

42(1) A prospective supplier who has been disqualified for more than six months under subsection 33(1) may apply in writing to the Minister to be reinstated

- (a) after the expiration of six months following the decision to disqualify the prospective supplier, or
- (b) if the prospective supplier is not reinstated under paragraph (a), after the expiration of six months following the decision denying reinstatement.

24 *Section 43 of the Regulation is repealed and the following is substituted:*

43(1) On application under subsection 42(1), the Minister may reinstate a prospective supplier that has been disqualified under subsection 33(1) if the Minister is satisfied that the prospective supplier has taken appropriate corrective measures.

43(2) On application under subsection 42(2), the Minister shall reinstate a prospective supplier that has been disqualified under subsection 33(2) if the Minister is satisfied that the prospective supplier is no longer an insolvent person or a bankrupt.

25 *The heading “Subsequent applications for reinstatement” preceding section 44 of the Regulation is repealed.*

26 *Section 44 of the Regulation is repealed.*

27 *The heading “Total period of disqualification” preceding section 45 of the Regulation is repealed.*

28 *Section 45 of the Regulation is repealed.*

29 *The heading “Subsequent disqualification - period of disqualification” preceding section 47 of the Regulation is repealed.*

30 *Section 47 of the Regulation is repealed.*

31 *Subsection 48(2) of the English version of the Regulation is repealed and the following is substituted:*

48(2) If a prospective supplier is disqualified in the circumstances set out in subsection (1), the Minister may cancel any existing procurement contract that the prospective supplier has with the Schedule A entity unless it would be too costly or otherwise detrimental to the Province.

32 *Section 50 of the English version of the Regulation is amended*

(a) *in subsection (1) by striking out “that supplier” and substituting “that prospective supplier”;*

(b) *in subsection (2) by striking out “that supplier” and substituting “that prospective supplier”.*

33 *Section 54 of the Regulation is amended by striking out “, if any,”.*

34 *Section 58 of the French version of the Regulation is amended*

(a) *in paragraph a) by striking out “accords de libéralisation” and substituting “accords commerciaux”;*

(b) *in paragraph b) by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

35 *Section 59 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

36 *Section 60 of the English version of the Regulation is amended in the portion preceding paragraph (a) by striking out “competitive bid solicitation” and substituting “competitive bidding process”.*

37 *Subsection 62(3) of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

38 *Section 64 of the Regulation is amended*

(a) in subsection (1) in the portion preceding paragraph (a) by striking out “, subject to sections 75 and 76, disqualify for a period of six months” and substituting “disqualify for a period of no more than 24 months”;

(b) in subsection (2) by striking out “, subject to sections 75 and 76,”.

39 *The Regulation is amended by adding after section 64 the following:*

Commencement of the disqualification period

64.1 The period of disqualification under subsection 64(1) begins on the date determined by the head of a Schedule B entity or the person responsible for its procurement.

40 *Section 66 of the Regulation is amended*

(a) by repealing paragraph b) of the French version and substituting the following:

(b) il lui indique la durée de la période d’inhabilité encourue;

(b) in paragraph (d) of the English version by striking out “he or she” and substituting “the prospective supplier”;

(c) *in paragraph (e) of the English version by striking out “his or her” and substituting “their”.*

41 *Section 67 of the English version of the Regulation is amended by striking out “the supplier’s possession” and substituting “the prospective supplier’s possession”.*

42 *Subsection 68(2) of the Regulation is repealed and the following is substituted:*

68(2) Despite subsection (1), the prospective supplier may agree to have their objection heard more than 15 days after receipt of the notice of objection, but the hearing shall be held within 30 days after the receipt of the notice of objection.

43 *Section 69 of the Regulation is repealed and the following is substituted:*

69(1) The decision to disqualify a prospective supplier under section 64 shall be in writing and specify the commencement date of the disqualification.

69(2) The decision to disqualify a prospective supplier under subsection 64(1) shall be made

(a) if a notice of objection has not been received, within five days after the period for sending a notice of objection has expired,

(b) if a hearing has been held in accordance with section 68, within 15 days after the hearing, or

(c) if an objection has been made in writing under section 67, within 15 days after the documents supporting the objection are received.

44 *The heading “Decision is final” preceding section 71 of the Regulation is repealed.*

45 *Section 71 of the Regulation is repealed.*

46 *The heading “Judicial review” preceding section 72 of the Regulation is repealed.*

47 *Section 72 of the Regulation is repealed.*

48 *The Regulation is amended by adding before section 73 the following:*

Automatic reinstatement

72.1 After the period determined under subsection 64(1) by the head of a Schedule B entity or the person responsible for its procurement expires, the prospective supplier is reinstated.

49 *Subsection 73(1) of the Regulation is repealed and the following is substituted:*

73(1) A prospective supplier who has been disqualified for more than six months under subsection 64(1) may apply in writing to the head of a Schedule B entity or the person responsible for its procurement to be reinstated

- (a) after the expiration of six months following the decision to disqualify the prospective supplier, or
- (b) if the prospective supplier is not reinstated under paragraph (a), after the expiration of six months following the decision denying reinstatement.

50 *Section 74 of the Regulation is amended*

(a) *in subsection (1) by striking out “The head of a Schedule B entity” and substituting “On application under subsection 73(1), the head of a Schedule B entity”;*

(b) *in subsection (2) by striking out “The head of a Schedule B entity” and substituting “On application under subsection 73(2), the head of a Schedule B entity”.*

51 *The heading “Subsequent applications for reinstatement” preceding section 75 of the Regulation is repealed.*

52 *Section 75 of the Regulation is repealed.*

53 *The heading “Total period of disqualification” preceding section 76 of the Regulation is repealed.*

54 *Section 76 of the Regulation is repealed.*

55 *The heading “Subsequent disqualification - period of disqualification” preceding section 78 of the Regulation is repealed.*

56 *Section 78 of the Regulation is repealed.*

57 *Section 79 of the English version of the Regulation is amended*

(a) in subsection (2) by striking out “the existing procurement contract unless doing so” and substituting “any existing procurement contract that supplier has with the Schedule B entity unless it would be”;

(b) in subsection (3) in the portion preceding paragraph (a) by striking out “he or she” and substituting “the head of the Schedule B entity or the person”.

58 *Section 81 of the English version of the Regulation is amended*

(a) in subsection (1) by striking out “that supplier” and substituting “that prospective supplier”;

(b) in subsection (2) by striking out “that supplier” and substituting “that prospective supplier”.

59 *Subsection 83(2) of the English version of the Regulation is amended in the portion preceding paragraph (a) by striking out “he or she” and substituting “the head of the Schedule B entity or the person”.*

60 *Section 85 of the Regulation is amended by striking out “, if any,”.*

61 *Subsection 87(2) of the Regulation is amended by striking out “that are subject to” and substituting “for which the procurement is subject to”.*

62 *Section 88 of the Regulation is amended*

(a) in subsection (3) in the portion preceding paragraph (a) by striking out “process” and substituting “competitive bidding process”;

(b) in subsection (4) of the English version in the portion preceding paragraph (a) by striking out “competitive bid solicitation” and substituting “competitive bidding process”;

(c) in subsection (5)

(i) in the portion preceding paragraph (a) by striking out “that are subject to” and substituting “for which the procurement is subject to”;

(ii) in paragraph b) of the French version by striking out “à la suite d’un avis de sollicitation qui renferme” and substituting “à partir de documents de sollicitation qui renferment”.

63 *Paragraph 89(f) of the Regulation is repealed and the following is substituted:*

(f) the time and date of the closure of the solicitation period for receipt of bid submissions;

64 *The heading “Accords de libéralisation en jeu” preceding section 90 of the French version of the Regulation is amended by striking out “Accords de libéralisation” and substituting “Accords commerciaux”.*

65 *Section 90 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

66 *The heading “Official procurement documents” preceding section 92 of the Regulation is repealed and the following is substituted:*

Official solicitation documents

67 *Section 92 of the Regulation is amended*

(a) in subsection (1) in the portion preceding paragraph (a) by striking out “official procurement documents” and substituting “official solicitation documents”;

(b) in subsection (2) by striking out “official procurement documents” and substituting “official solicitation documents”.

68 *Subsection 94(1) of the French version of the Regulation is amended by striking out “la démarche d’approvisionnement pour laquelle il y a mise en concurrence” and substituting “l’appel à la concurrence”.*

69 *Section 95 of the French version of the Regulation is amended by striking out “mises en concurrence” and substituting “dans le cadre d’un appel à la concurrence”.*

70 *Paragraph 96(1)(a) of the Regulation is repealed and the following is substituted:*

(a) a longer minimum period is required under a trade agreement that applies to the procurement, or

71 *Subsection 99(1) of the French version of the Regulation is amended by striking out “de la sollicitation” and substituting “de la période de sollicitation”.*

72 *Section 104 of the French version of the Regulation is amended*

(a) in subsection (1) by striking out “documents originaux” and substituting “documents de sollicitation originaux”;

(b) in subsection (2) by striking out “l’avis de modification” and substituting “l’avis d’éclaircissement”.

73 *Section 105 of the Regulation is amended*

(a) by repealing paragraph (1)(c) and substituting the following:

(c) is submitted to the procuring entity in accordance with the requirements set out in the solicitation documents by the date and time specified in those documents.

(b) in subsection (2) by striking out “solicitation for bids” and substituting “competitive bidding process”.

74 *Paragraph 106(2)(a) of the English version of the Regulation is amended by striking out “his or her” and substituting “their”.*

75 *Section 107 of the Regulation is amended*

(a) in subsection (1) of the English version by striking out “on receipt of a bid submission” and substituting “on receipt of a bid submission under section 105;

(b) in subsection (2) by striking out “electronic tendering site” and substituting “electronic tendering system”.

76 *The heading “Clôture de la sollicitation” preceding section 109 of the French version of the Regulation is amended by striking out “sollicitation” and substituting “période de sollicitation”.*

77 *Section 109 of the French version of the Regulation is amended by striking out “clôture d’une sollicitation” and substituting “clôture d’une période de sollicitation”.*

78 *Section 110 of the French version of the Regulation is amended by striking out “clôture de la sollicitation” and substituting “clôture de la période de sollicitation”.*

79 *Section 111 of the Regulation is amended*

(a) in paragraph (1)b) of the French version by striking out “admise en concurrence” and substituting “acceptée dans l’appel à la concurrence”;

(b) by repealing subsection (2) and substituting the following:

111(2) With the approval of the Minister or the head of a Schedule B entity, as the case may be, a procuring entity may accept a late bid submission if the fault for the late bid submission is solely attributable to the procuring entity.

(c) in subsection (3) of the French version by striking out “L’admission en concurrence d’une soumission” and substituting “L’acceptation d’une soumission”.

80 *Section 112 of the French version of the Regulation is amended*

(a) in subsection (1) by striking out “clôture de la sollicitation peuvent être admises en concurrence” and substituting “clôture de la période de sollicitation peuvent être acceptées dans l’appel à la concurrence”;

(b) in subsection (2) by striking out “ne peut être admise en concurrence” and substituting “est rejetée”;

(c) in subsection (3) by striking out “peut être rejetée” and substituting “est rejetée”.

81 Section 115 of the Regulation is amended

(a) in paragraph (1)(b) by striking out “security deposit” and substituting “a bid bond or bid security deposit”;

(b) in subsection (2) of the French version by striking out “clôture de la sollicitation est admise en concurrence” and substituting “clôture de la période de sollicitation est acceptée”.

82 The heading “Decision to reject final” preceding section 116 of the Regulation is repealed.

83 Section 116 of the Regulation is repealed.

84 Section 118 of the Regulation is repealed and the following is substituted:

118(1) In the case of an open competitive bidding process based on price, a procuring entity may, after the opening of bid submissions and before the award of a procurement contract, disclose the names of the prospective suppliers and, if a total price was required by the solicitation documents, the total price of their respective bid submissions.

118(2) In the case of an open competitive bidding process based on points, a procuring entity may, after the opening of bid submissions and before the award of a procurement contract, disclose the names of the prospective suppliers.

85 Paragraph 119(2)(a) of the Regulation is repealed and the following is substituted:

(a) the submission contains substantive qualifications or is subject to significant conditions that are incompatible with the terms of the solicitation documents;

86 Section 121 of the French version of the Regulation is amended

(a) in subsection (1) by striking out “*admise en concurrence*” and substituting “*acceptée dans l’appel à la concurrence*”;

(b) in subsection (2) by striking out “*admisses en concurrence*” and substituting “*acceptées dans le même appel à la concurrence*”.

87 Section 122 of the French version of the Regulation is amended by striking out “*admisses en concurrence*”.

88 The heading “*Discrepancy in price*” preceding section 123 of the English version of the Regulation is amended by striking out “*price*” and substituting “*price or miscalculation*”.

89 Section 123 of the English version of the Regulation is amended by striking out “*discrepancy*” and substituting “*discrepancy or miscalculation*”.

90 Subsection 128(2) of the English version of the Regulation is amended by striking out “*Canadian value-added goods or services*” and substituting “*Canadian value-added*”.

91 Section 129 of the Regulation is amended by striking out “*procurement process, regardless of whether the procurement*” and substituting “*competitive bidding process, regardless of whether the competitive bidding process*”.

92 The heading “*Traitement préférentiel permis si valeur estimée sous les seuils dictés par les accords de libéralisation*” preceding section 130 of the French version of the Regu-

lation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.

93 *Section 130 of the Regulation is repealed and the following is substituted:*

130 If the estimated value of the goods or services to be procured is below the lowest applicable threshold value of any relevant trade agreements, a procuring entity may give preferential treatment to a New Brunswick supplier or an Atlantic Canadian supplier.

94 *The heading “Application du traitement préférentiel si valeur estimée sous les seuils dictés par les accords de libéralisation” preceding section 131 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

95 *Paragraph 131(c) of the Regulation is amended by striking out “Atlantic suppliers” and substituting “Atlantic Canadian suppliers”.*

96 *The heading “Traitement préférentiel permis pour aspirants-fournisseurs néo-brunswickois” preceding section 132 of the French version of the Regulation is amended by striking out “aspirants-fournisseurs” and substituting “fournisseurs”.*

97 *Section 132 of the Regulation is repealed and the following is substituted:*

132 A procuring entity may give preferential treatment to a New Brunswick supplier for the procurement of goods or services if the applicable trade agreements provide an exception for those goods or services or those goods or services are not subject to trade agreements.

98 *Subsection 133(1) of the French version of the Regulation is amended by striking out “on doit retenir” and substituting “on peut retenir”.*

99 Section 134 of the French version of the Regulation is amended

- (a) *in subsection (1) by striking out “on doit retenir” and substituting “on peut retenir”;*
- (b) *by repealing subsection (2) and substituting the following:*

134(2) Les points supplémentaires qui peuvent être accordés à titre de traitement préférentiel en vertu du présent article ne doivent pas représenter plus de 5 % du total des points qu’une soumission est autrement admissible à recevoir, et le pourcentage accordé à chaque classe d’aspirants-fournisseurs se fait en tenant compte de l’ordre de priorité dicté par l’article 136.

100 Section 137 of the Regulation is amended

- (a) *in subsection (1) of the English version by striking out “Canadian value-added goods or services” and substituting “Canadian value-added”;*
- (b) *in subsection (2) by striking out “When goods or services are to be procured that are subject to” and substituting “When the procurement of goods and services is subject to”;*
- (c) *in subsection (3) by striking out “When goods or services are to be procured that are subject to” and substituting “When the procurement of goods and services is subject to”.*

101 Subsection 139(2) of the English version of the Regulation is amended by striking out “under subsection (1)”.

102 Section 140 of the English version of the Regulation is amended

- (a) *in subsection (2) by striking out “under subsection (1)”;*

(b) by repealing subsection (3) and substituting the following:

140(3) For greater certainty, it is understood that the evaluation of bid submissions based on a point system already takes into account the preferential treatments provided for in this Regulation.

103 *Section 143 of the English version of the Regulation is amended*

(a) in subsection (1) by striking out “section 139 or 140” and substituting “section 139 or 140, as the case may be”;

(b) in paragraph (2)(a) by striking out “original solicitation documents” and substituting “original or modified solicitation documents, as the case may be,”.

104 *Subsection 145(1) of the Regulation is repealed and the following is substituted:*

145(1) When a procuring entity procures goods and services for which the procurement is subject to a trade agreement and the procurement contract was awarded following a competitive bidding process, the procuring entity shall, after awarding a procurement contract under section 139 or 140, post an award notice on the New Brunswick Opportunities Network.

105 *Section 147 of the French version of the Regulation is amended by striking out “de la personne” and “accord de libéralisation” and substituting “du fournisseur” and “accord commercial” respectively.*

106 *Section 148 of the Regulation is amended*

(a) by repealing subsection (1) and substituting the following:

148(1) On the request of an unsuccessful supplier following the award of a procurement contract, the procuring entity shall debrief the unsuccessful supplier by providing feedback on the evaluation of their bid submission.

(b) in subsection (2)

(i) by repealing paragraph (a) and substituting the following:

(a) details concerning another prospective supplier's bid submission, including the successful supplier's bid submission; and

(ii) by repealing paragraph (b) and substituting the following:

(b) the score and ranking of another prospective supplier's bid submission, including the successful supplier's bid submission.

107 Subsection 150(2) of the Regulation is repealed and the following is substituted:

150(2) A procuring entity that intends to enter into a standing offer agreement contract to procure goods and services for which the procurement is subject to a trade agreement shall procure them through an open competitive bidding process.

108 Section 152 of the French version of the Regulation is amended

(a) in paragraph b) by striking out “accords de libéralisation” and substituting “accords commerciaux”;

(b) in paragraph d) by striking out “accords de libéralisation” and substituting “accords commerciaux”.

109 *The heading “Appel à la concurrence restreinte - accords de libéralisation internationaux” preceding section 153 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

110 *Section 153 of the Regulation is amended*

(a) in paragraph (1)(a) by striking out “a commercial agreement” and substituting “an agreement”;

(b) in subsection (2) of the French version by striking out “accord de libéralisation” and substituting “accord commercial”;

(c) in subsection (3) of the French version by striking out “accords de libéralisation” wherever it appears and substituting “accords commerciaux”.

111 *Section 155 of the Regulation is amended*

(a) in subsection (1) by striking out “prospective Canadian suppliers” and substituting “Canadian suppliers”;

(b) in subsection (2) of the French version by striking out “accord de libéralisation” and substituting “accord commercial”;

(c) in subsection (3) of the French version by striking out “accords de libéralisation” wherever it appears and substituting “accords commerciaux”.

112 *The heading “Marché de gré à gré si un seul fournisseur possible - accords de libéralisation internationaux” preceding section 157 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

113 Section 157 of the French version of the Regulation is amended

(a) *in subsection (2) by striking out “accord de libéralisation” and substituting “accord commercial”;*

(b) *in subsection (3) by striking out “accords de libéralisation” wherever it appears and substituting “accords commerciaux”.*

114 Section 158 of the French version of the Regulation is amended

(a) *in paragraph (1)b) by striking out “accords de libéralisation” and substituting “accords commerciaux”;*

(b) *in paragraph (2)c) by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

115 The heading “Marché de gré à gré - accords de libéralisation internationaux” preceding section 159 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.

116 Section 159 of the Regulation

(a) *in paragraph (1)c) by striking out “a commercial agreement” and substituting “an agreement”;*

(b) *in subsection (2) of the French version by striking out “accord de libéralisation” and substituting “accord commercial”;*

(c) *in subsection (3) of the French version by striking out “accords de libéralisation” wherever it appears and substituting “accords commerciaux”.*

117 *The heading “Développement économique régional – entités de l’annexe A assujetties aux accords de libéralisation” preceding section 160 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

118 *Section 160 of the French version of the Regulation is amended by striking out “accord de libéralisation” and “accords de libéralisation” and substituting “accord commercial” and “accords commerciaux” respectively.*

119 *The heading “Développement économique régional – dispense accordée aux entités de l’annexe B assujetties aux accords de libéralisation” preceding section 161 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

120 *Section 161 of the French version of the Regulation is amended by striking out “accord de libéralisation” and “accords de libéralisation” and substituting “accord commercial” and “accords commerciaux” respectively.*

121 *The heading “Développement économique régional – dispense accordée aux entités de l’annexe A et aux entités de l’annexe B qui ne sont pas assujetties aux accords de libéralisation” preceding section 161.1 of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

122 *Section 161.1 of the French version of the Regulation is amended*

(a) in subsection (1) by striking out “accord de libéralisation” and substituting “accord commercial”;

(b) in subsection (2) by striking out “accord de libéralisation” and substituting “accord commercial”.

123 *Subsection 163(1) of the French version of the Regulation is amended by striking out “accord de libéralisation” and substituting “accord commercial”.*

124 *Section 164 of the French version of the Regulation is amended in the portion preceding paragraph a) by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

125 *Section 165 of the Regulation is amended*

(a) by repealing subsection (1) and substituting the following:

165(1) In the case of a joint procurement of goods or services by a Schedule A entity and a Schedule B entity, the provisions of the Act and this Regulation that are the most restrictive between those provisions that apply to the Schedule A entity and those provisions that apply to the Schedule B entity shall be complied with.

(b) in subsection (2) of the French version in the portion preceding paragraph (a) by striking out “autorité” and substituting “autorité législative”.

126 *Paragraph 166.1a) of the French version of the Regulation is amended by striking out “accords de libéralisation” and substituting “accords commerciaux”.*

127 *Schedule A of the Regulation is amended*

(a) in the French version

(i) by striking out

Bureau de gestion du gouvernement

Bureau de l'Ombudsman

(ii) *by adding after*

Ministère du Tourisme, du Patrimoine et de la Culture

the following:

Ombud Nouveau-Brunswick

(b) *in the English version by adding after*

Office of the Premier

the following:

Ombud New Brunswick

128 *This Regulation comes into force on December 1, 2022.*