

New Brunswick Supplement to the Atlantic Provinces Standard Terms and Conditions

Effective 2007 April 1 or later

NOTE: In the event of any conflict or disagreement between this Supplement and the Atlantic Provinces Standard Terms and Conditions, this Supplement has precedence and will be assumed to be correct. In the event of any conflict or disagreement between this Supplement and the Solicitation documents, the Solicitation documents have precedence and will be assumed to be correct.

The following sections are to be added to the Atlantic Provinces Standard Terms and Conditions only for those Solicitations issued by the Province of New Brunswick.

2. Methods of Submission

2.4 Electronic Bids

2.4.6.1 In order to e-bid, Vendors must be registered (see section 3. Obtaining Documents) on the New Brunswick Opportunities Network (NBON); must complete the e-Bidding Registration Form; and must accept the e-Bidding Terms and Conditions.

2.4.6.2 E-bids must be submitted through the NBON system only. Submission by e-mail or other electronic means other than fax will not be accepted.

2.4.6.3 If a vendor submits an e-bid and the Solicitation documents require that the Bid must be accompanied by original documents such as plans, security deposits, physical samples, etc., these original documents must be received in the Procurement Office, as identified on the Solicitation document prior to the Solicitation closing date and time or the bid will be rejected.

3. Obtaining Documents

3.2.1 Solicitation documents are available free of charge to registered users from the New Brunswick Opportunity Network (NBON) at www.gnb.ca/tenders, then click on Browse Tenders and Awards.

3.2.2 The Province of New Brunswick also uses the following agencies to distribute Solicitation Documents:

BIDS - www.bids.ca

MERX - www.merx.com

These Agencies require that Bidders be Registered users and pay a subscription or document fee before they are allowed to obtain the documents necessary to submit a Bid; registration, negotiations and payments must be done through the appropriate Agency.

4. Vendor Registration

4.1.1 Bidder Registration: Vendors may register online, free of charge by completing the electronic registration form accessible from the New Brunswick Opportunity Network (NBON) at www.gnb.ca/tenders, then click on Browse Tenders and Awards. Vendors must be registered to download official Solicitation Documents.

4.1.2 Bidders who prefer to receive Bid Information through BIDS or MERX must be registered with those agencies and pay the associated fees to receive official Solicitation Documents.

10. Payment Terms and Discounts

10.1.1 The Province of New Brunswick's payment terms are net 30 days and will be calculated from the date the invoice or goods/services have been received, whichever is later.

10.1.2 Early payment discounts offered that are less than 30 days will not be considered in the evaluation of the Bid.

10.1.3 Discount terms must appear on the Bid, and on the invoice.

10.1.4 All discounts quoted will be considered to be without limitations.

27. Language

27.1.1 All Bids, supporting materials, operation manuals and documentation must be submitted in either French, English or both official languages, except where the Government of New Brunswick explicitly indicates that a language other than English or French can be used.

30. Miscellaneous Terms and Conditions

30.1 If, from the Solicitation closing date until completion or termination of a long term contract, the Bidder offers to any government funded body in New Brunswick the same goods or services in similar quantities at a lower price than in the Bid, the price to the Province for these goods or services shall be lowered by the Bidder to this lower price for all goods or services ordered after the offer to the third party.

30.2 Award of contracts: no contract shall be awarded and no payment shall be made to a Bidder unless authorized by the Minister responsible for the Procurement Office or his/her delegates. The Minister may make an award to a Bidder conditional on the negotiation and acceptance of a detailed contract between the Province and the Bidder. In such cases, should the detailed contract negotiations not be completed in a reasonable period of time or such period of time as may be specified in the Solicitation documents the Province reserves the right to discontinue negotiations with the Bidder and subsequently enter into negotiations with another Bidder and/or re-tender or cancel the Solicitation

30.3 No right or duty, in whole or in part, of the Bidder under a contract issued may be assigned or delegated without the prior consent of the Procurement Office.