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Cc: Juanita Spencer <jspencer@nsfm.ca>; dcampbell@amans.ca

Subject: Changes to the Public Procurement Act

Colleagues:

You may know that on May 1, 2024, the Province approved a Directive that mandated that any local business that is within 10 per cent of the lowest bid for provincial government business will now be awarded the contract if they are competing with a non-Nova Scotia business.

On September 20, 2024, those changes were further included in amendments to the *Public Procurement Act* (Act) so they can also apply to all public sector entities. While they do not require municipalities, Crown Corporations, schools and the healthcare sector to apply the policy, they do enable you to use it, should you choose to.

This applies to any business located in Nova Scotia, for all goods, services and construction contracts below applicable domestic or international trade agreement thresholds.

Other amendments to the Act included:

- changes to the conflict-of-interest provisions, which now require public sector entities to set and follow appropriate protocols to address conflicts of interest within their procurement processes. This is now the duty of the public sector entity, rather than the employees themselves, and they are broader;
- the Act no longer includes a reference to employees being personally responsible for obligations outside of their control. These changes will clarify that it is the public sector entity, not the individual employee, which is responsible for these obligations.

We have made these changes to better support Nova Scotia businesses. As you know, they are the backbone of communities; they hire local, support important causes and improve lives in our

province. We know that you also proudly support many local businesses in your communities, and we hope that by including other public sector entities in our amendments, you will be able to do that even more.

If you have any questions about the amendments, please contact Michelle Simpson, Service Nova Scotia, at michelle.simpson@novascotia.ca.

Sincerely,

Byron Rafuse, FCPA
Deputy Minister