

The Purchasing Regulations

being

Chapter P-49.1 Reg 1 (effective June 1, 2005) as amended by
Saskatchewan Regulations 104/2010.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	PART I				
	Title and Interpretation				
1	Title		11	Saskatchewan preference dollar amount	
2	Interpretation		12	Emergency purchases	
3	Interpretation of “municipality”		13	Supplies exempt from <i>The Purchasing Act, 2004</i>	
	PART II			PART III	
	Purchasing Operations			Disposal Operations	
4	Acquisition of supplies by public agencies		14	Disposal request by public agencies	
5	Standing offers		15	Disposal of surplus supplies	
6	Bid solicitations		16	Conditions of sale or donation	
7	Price inquiries		17	Cancellation of sale or donation	
8	Refusal of bids		18	Costs	
9	Evaluation of bids			PART IV	
10	Award of purchase contracts			Repeal and coming into force	
			19	Saskatchewan Regulation 10/76 repealed	
			20	Coming into force	

CHAPTER P-49.1 REG 1

The Purchasing Act, 2004

and

The Regulations Act, 1995

PART I

Title and Interpretation

Title

- 1 These regulations may be cited as *The Purchasing Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Purchasing Act, 2004*;
- (b) “**bid**” means a written bid, quotation, tender, proposal or offer made by a supplier to provide supplies or services to a public agency;
- (c) “**bid solicitation**” means a written request made by the director requesting a supplier to submit a bid, quotation, tender, proposal or offer on supplies or services required by a public agency;
- (d) “**price inquiries**” means a verbal or written request made by the director requesting a supplier to provide information about providing supplies or services to a public agency;
- (e) “**purchase contract**” means a written agreement to provide supplies or services to a public agency;
- (f) “**standing offer**” means a written offer from a supplier to provide supplies or services for a defined period on specified terms and conditions, including price, that is approved by the director;
- (g) “**supplier**” means a person, corporation or partnership that provides supplies or services.

29 Apr 2005 cP-49.1 Reg 1 s2.

Interpretation of “municipality”

- 3 For the purposes of the Act, “**municipality**” includes the City of Lloydminster.

29 Apr 2005 cP-49.1 Reg 1 s3.

PART II
Purchasing Operations

Acquisition of supplies by public agencies

4(1) A public agency may purchase supplies through the director by way of purchase contract entered into:

- (a) based on a standing offer established pursuant to section 5;
 - (b) as a result of a bid solicitation process; or
 - (c) through any process approved by the director having regard to the factors mentioned in clause 4(2)(c) of the Act.
- (2) No public agency shall purchase or otherwise acquire supplies by using more than one method mentioned in subsection (1) to avoid a monetary limit set by the director for the public agency to purchase supplies.
- (3) The director may, at any time, require a public agency to submit a report of the public agency's purchases in the manner and form and within the time specified by the director.

29 Apr 2005 cP-49.1 Reg 1 s4.

Standing offers

5 If the director has a standing offer with a supplier, the director may authorize a public agency to purchase supplies or services from that supplier.

29 Apr 2005 cP-49.1 Reg 1 s5.

Bid solicitations

- 6(1) If the director receives a request from a public agency to acquire supplies or services, the director shall proceed with an appropriate bid solicitation for that request.
- (2) The director may require additional information from the public agency with respect to a request.
- (3) A bid solicitation must include:
- (a) a statement of the supplies or services required;
 - (b) the place at which and manner in which bids are to be delivered;
 - (c) a deadline for submitting bids;
 - (d) the criteria that the director will use to award the purchase contract; and
 - (e) if the director may give preference as mentioned in subsection 4(3) of the Act, a statement that such preference may be given.

29 Apr 2005 cP-49.1 Reg 1 s6.

Price inquiries

7 If the director conducts price inquiries for supplies or services, the requests to suppliers shall include any terms and conditions that the director considers appropriate.

29 Apr 2005 cP-49.1 Reg 1 s7.

Refusal of bids

8(1) The director may refuse to consider any bid from a supplier if the director is satisfied that it is in the public interest to do so.

(2) If the director refuses to consider a bid from a supplier, the director shall give the supplier written reasons for the refusal.

(3) If a supplier from whom the director refuses to consider a bid pursuant to subsection (1) satisfies the director that its bids should be considered, the director may consider a bid from the supplier for a subsequent bid solicitation.

29 Apr 2005 cP-49.1 Reg 1 s8.

Evaluation of bids

9(1) After the deadline for submitting bids, the director shall evaluate the bids received using the information the director set out in the bid solicitation, these regulations and the Act.

(2) The director may make any inquiries or conduct any tests that the director considers necessary to properly evaluate a supplier's bid.

(3) Before selecting a bid and awarding a purchase contract, the director may consult with the public agency about:

- (a) the quantity or quality of supplies or services required by the public agency;
- (b) the cost of the supplies or services;
- (c) the delivery date of the supplies or services; or
- (d) any other matter or thing respecting the acquisition of the supplies or services.

29 Apr 2005 cP-49.1 Reg 1 s9.

Award of purchase contracts

10(1) The director may establish purchase contracts with suppliers whose bids are selected following the evaluation in section 9.

(2) The director shall prepare the form and content of the purchase contract.

(3) The director shall provide notification of the award to the successful supplier and to the public agency that requested the supplies or services.

(4) The director may withdraw a bid solicitation or decline to establish a purchase contract:

- (a) if in the director's opinion:
 - (i) none of the bids is acceptable; or
 - (ii) the supplies or services that were the subject of the bid solicitation are no longer required; or
- (b) for any reason set out in the bid solicitation.

29 Apr 2005 cP-49.1 Reg 1 s10.

P-49.1 REG 1**PURCHASING****Saskatchewan preference dollar amount**

11 For the purposes of subsection 4(3) of the Act, the dollar amount is \$10,000.

29 Apr 2005 cP-49.1 Reg 1 s11; 8 Oct 2010 SR
104/2010 s3.

Emergency purchases

12(1) For the purposes of section 9 of the Act, a case of emergency exists:

- (a) if an act of nature causes the need for an immediate acquisition of supplies;
or
 - (b) if supplies vital to the continuation of a program of a public agency:
 - (i) are needed immediately; and
 - (ii) the program is necessary for public safety or public health.
- (2) If in an emergency a purchase is made by a public agency, the public agency shall, as soon as is practicable, complete and forward to the director the form provided by the director for emergency purchases.
- (3) The director may require a public agency making an emergency purchase to provide a written explanation to establish that the conditions described in subsection (1) existed at the time of purchase.

29 Apr 2005 cP-49.1 Reg 1 s12.

Supplies exempt from *The Purchasing Act, 2004*

13 The following supplies are exempt from the requirements of *The Purchasing Act, 2004*:

- (a) supplies acquired by construction contracts that are authorized by another Act;
- (b) print procurement supplies purchased by public agencies through the Office of the Executive Council as established by *The Legislative Assembly and Executive Council Act*.

29 Apr 2005 cP-49.1 Reg 1 s13.

PART III

Disposal Operations

Disposal request by public agencies

14(1) To dispose of surplus supplies, a public agency shall forward a disposal request to the director.

(2) A disposal request must:

- (a) describe the type, condition, quantity and location of the surplus supplies in sufficient detail to identify them; and
- (b) be in a form satisfactory to the director.

29 Apr 2005 cP-49.1 Reg 1 s14.

Disposal of surplus supplies

- 15(1)** The director shall decide how to dispose of surplus supplies.
- (2) To sell surplus supplies by public tender or public auction, the director shall:
- (a) designate a time, date and location for the receipt of tenders or for the auction, as the case may be;
 - (b) arrange for advertising of the sale;
 - (c) provide an opportunity for the public to view and examine the surplus supplies or to view photographic images of the surplus supplies before the sale; and
 - (d) maintain a record of the public tender or public auction.
- (3) To donate surplus supplies, the director shall:
- (a) establish criteria for a recipient organization;
 - (b) establish a process to select a recipient organization from the organizations that requested the supplies and meet the criteria;
 - (c) notify the recipient organization to move the surplus supplies at a specified date and time; and
 - (d) require the public agency that submitted the disposal request to maintain a record of the donation of those supplies.
- (4) If the director decides to discard, reissue or trade surplus supplies, the public agency that submitted the disposal request shall maintain a record of the disposal of the supplies.

29 Apr 2005 cP-49.1 Reg 1 s15; 8 Oct 2010 SR
104/2010 s4.

Conditions of sale or donation

- 16(1)** Surplus supplies offered for sale or trade are to be sold on the terms and conditions determined by the director and described in the tender, advertising or notice of sale.
- (2) There is no implied or express warranty as to the condition of any surplus supplies sold or donated.

29 Apr 2005 cP-49.1 Reg 1 s16.

Cancellation of sale or donation

- 17(1)** The director may cancel a sale or donation of surplus supplies if the surplus supplies have been purchased or donated but not moved by the buyer or donee by the date and time set by the director.
- (2) On the cancellation of a sale pursuant to subsection (1), the director shall refund to the purchaser any payment made by the purchaser, less any costs related to the sale or resale of the surplus supplies.

(3) The director may cancel a sale or donation of surplus supplies if, in the opinion of the director:

- (a) the sale or donation contravenes any Act, or any regulations made pursuant to an Act, or any Act of the Parliament of Canada or any regulations made pursuant to that Act;
 - (b) it is in the public interest to do so; or
 - (c) it is appropriate to do so.
- (4) On the cancellation of a sale or donation pursuant to subsection (3):
- (a) in the case of a sale, the director shall issue a refund on return of the item; or
 - (b) the recipient of the donation must return the item to the director.

29 Apr 2005 cP-49.1 Reg 1 s17.

Costs

- 18(1) The director may pay the costs incurred in disposing of surplus supplies.
- (2) The director shall provide to the public agency that submitted the disposal request a statement of proceeds that sets out any costs deducted by the director.

29 Apr 2005 cP-49.1 Reg 1 s18.

PART IV

Repeal and coming into force

Saskatchewan Regulation 10/76 repealed

19 The Purchasing Agency Operating Regulations, being Saskatchewan Regulation 10/76, are repealed.

29 Apr 2005 cP-49.1 Reg 1 s19.

Coming into force

- 20(1) Subject to subsection (2), these regulations come into force on the day on which *The Purchasing Act, 2004* comes into force.
- (2) If these regulations are filed with the Registrar of Regulations after the day on which *The Purchasing Act, 2004* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

29 Apr 2005 cP-49.1 Reg 1 s20.