

UNEDITED

# *The Purchasing Agency Act*

*being*

Chapter 42 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

## **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.

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## CHAPTER 42

### An Act respecting an Agency for the Centralization of Government Purchases

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Purchasing Agency Act*.

R.S.S. 1953, c.42, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act:

##### “agency”

1. “**agency**” means the Saskatchewan Government Purchasing Agency referred to in section 3;

##### “department”

2. “**department**” means a department, board, commission, bureau, office or other branch of the public service of Saskatchewan and includes the Department of Telephones, the Health Services Planning Commission, the Liquor Board, The Local Government Board, The Saskatchewan Power Commission and The Workmen’s Compensation Board;

##### “head of the department”

3. “**head of the department**” means the minister presiding over the department or, in the case of a board or commission, the chairman thereof;

##### “minister”

4. “**minister**” means the minister presiding over the department to which the agency is for the time being attached;

##### “supplies”

5. “**supplies**” means all goods, wares and merchandise required by a department for the transaction of its business and affairs, and without derogating from the generality of the foregoing includes all furnishings, whether fixtures or otherwise, all equipment, all stationery and all advertising.

1944 (2nd. Sess.) c.16, s.2; R.S.S. 1953, c.42, s.2.

#### ORGANIZATION AND FUNCTIONS OF AGENCY

##### Saskatchewan Government Purchasing Agency

- 3 There shall continue to be a branch of the public service of the province known as the Saskatchewan Government Purchasing Agency, which shall be attached to and form part of such department of the public service as may be designated by the Lieutenant Governor in Council.

1944 (2nd. Sess.) c.16, s.3; R.S.S. 1953, c.42, s.3.

**Director of Purchases**

4(1) The agency shall be under the immediate management and control of a chief officer to be known as the Director of Purchases.

(2) The appointment of the Director of Purchases shall be conditional upon his delivering to the minister a bond issued by a company authorized to carry on in the province the business of fidelity insurance or guarantee insurance for the faithful performance of his duties and for the delivery up on the termination of his engagement of all books and records relating to the business of the agency, which bond shall be in such amount, in such form and of such nature as may be approved by the Lieutenant Governor in Council.

1944 (2nd. Sess.) c.16, s.4; R.S.S. 1953, c.42, s.4.

**Duty of agency**

5 The agency shall acquire by purchase or otherwise all supplies required by departments.

1944 (2nd. Sess.) c.16, s.5; R.S.S. 1953, c.42, s.5.

**Purchases to be made through agency**

6(1) Subject to subsections (2) and (3), each department shall purchase through the agency all supplies required by the department.

(2) The Lieutenant Governor in Council may by order declare that any supplies designated therein may be purchased by all departments or by any specified department otherwise than through the agency and may make regulations governing the manner in which such purchases may be made.

(3) The Director of Purchases may by order, which may be general in all its terms or limited to any supplies or to any department designated therein, permit the acquisition by any department of any supplies otherwise than through the agency if he is satisfied that by so doing the supplies can be acquired at a lower cost by reason of transportation costs or for any other reason.

1944 (2nd. Sess.) c.16, s.6; R.S.S. 1953, c.42, s.6.

**Preference for supplies**

7 In acquiring supplies the agency shall acquire, to the extent that it is practicable, supplies produced or manufactured in the province or sold by persons carrying on business in the province.

1944 (2nd. Sess.) c.16, s.7; R.S.S. 1953, c.42, s.7.

**ADVISORY COMMITTEES****Central Advisory Committee**

8(1) There shall be a committee to be known as the Central Advisory Committee, composed of the Director of Purchases, who shall act as chairman, and one representative from each department, such representatives to be named by the heads of their respective departments.

(2) The duties of the committee shall be of an advisory nature and it shall meet with the director upon his request to advise him on matters of policy pertaining to the agency and to advise him in the formulation of regulations authorized by this Act.

1944 (2nd. Sess.) c.16, s.8; R.S.S. 1953, c.42, s.8.

**Advisory purchasing sub-committees**

9(1) There shall be an advisory sub-committee for each department, composed of one, two or three members appointed by the head of the department and to be known as the Advisory Purchasing Sub-committee for the department.

(2) In the event of absence of any member of a committee, the minister may make such temporary appointments as are necessary to bring the committee up to its normal strength.

(3) No supplies shall be purchased by a department except with the approval of all members of the Advisory Purchasing Sub-committee of the department and the Director of Purchases.

(4) If a member of a committee does not approve a purchase approved by the other member or members of the committee and the Director of Purchases, the director shall forthwith notify the minister in writing and the minister shall refer the matter to the Lieutenant Governor in Council for determination.

1944 (2nd. Sess.) c.16, s.9; R.S.S. 1953, c.42, s.9.

**GENERAL PROVISIONS****Purchases of Liquor Board**

10 Notwithstanding any provision of *The Liquor Act*, the Liquor Board may purchase liquor within the meaning of that Act through the agency and the agency may purchase liquor for and on behalf of and as agent for the board.

1941 (2nd. Sess.) c.16, s.10; R.S.S. 1953, c.42, s.10.

**Duty of Provincial Auditor**

11 The Provincial Auditor shall not approve any commitment to purchase any goods or materials purchased by any department unless he is satisfied either that the supplies were purchased through the agency or that the supplies are supplies which the department is authorized to acquire otherwise than through the agency.

1944 (2nd. Sess.) c.16, s.11; R.S.S. 1953, c.42, s.11.

**Purchase of supplies contrary to Act malfeasance in office**

12(1) Every employee in a department who wilfully acquires any supplies in contravention of any of the provisions of this Act or any regulation or order made thereunder shall be deemed to have committed an act of malfeasance in office, and he shall thereupon be liable to suspension or dismissal from office.

(2) Where the Director of Purchases is satisfied that a contravention by any person of any of the provisions of this Act or of any regulation or order made thereunder is due to inadvertence, he shall so certify to the Provincial Auditor in writing and authorize the Provincial Auditor to approve the voucher for the payment for the supplies in respect of which the contravention took place, and thereupon the Provincial Auditor shall approve the voucher.

1944 (2nd. Sess.) c.16, s.12; R.S.S. 1953, c.42, s.12.

**Regulations**

**13** Subject to the approval of the Lieutenant Governor in Council, the Director of Purchases may make regulations governing:

- (a) the manner in which any department shall require the agency to purchase any supplies and the information to be supplied by any department making a requisition for supplies;
- (b) the manner in which and conditions under which any supplies shall be acquired by the agency whether by public tender or otherwise;
- (c) the manner in which the business of the agency shall be conducted and the forms to be used in connection therewith;
- (d) the duties of advisory purchasing sub-committees;
- (e) any other matter or thing not inconsistent with this Act which may be deemed requisite for carrying out the intent and purpose thereof.

1944 (2nd. Sess.) c.16, s.13; R.S.S. 1953, c.42, s.13.

**Treasury advances**

**14(1)** The Provincial Treasurer may authorize the advance to the agency, out of the consolidated fund, of such sums of money as the agency may require to enable it to pay for supplies purchased or to be purchased by it.

**(2)** The net amount of such advances shall not exceed the amount determined from time to time by the Lieutenant Governor in Council.

1946, c.9, s.1; R.S.S. 1953, c.42, s.14.