

**PURCHASING COMMISSION AMENDMENT ACT, 1990****CHAPTER 24**

*Assented to July 6, 1990.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. Section 1 of the *Purchasing Commission Act*, R.S.B.C. 1979, c. 350, is amended
  - (a) by repealing the definition of "public institutions",
  - (b) in the definition of "supplies" by striking out "government;" and substituting "government or institution for whose use it is provided;," and
  - (c) by adding the following definitions:
    - "government" does not include government institutions;
    - "government institution" means an institution under the administration of the government;
    - "public institution" means
      - (a) a municipality, including the City of Vancouver, a regional district and an improvement district,
      - (b) a university operating under the *University Act* and an institution under the *College and Institute Act*,
      - (c) a board of school trustees,
      - (d) a hospital district, and
      - (e) any other institution designated by the commission under section 4 (3); .
2. Section 2 is amended by striking out "in the Ministry of Finance".
3. Section 4 is repealed and the following substituted:

**Duties and powers of the commission**

4. (1) The commission shall
  - (a) acquire supplies required by the government and, on request, supplies required by government institutions,
  - (b) direct the establishment, maintenance and operation of depots or warehouses in which supplies of the government and government institutions may be stored and from which they may be distributed,
  - (c) supervise the distribution of supplies for the government and, on request, supervise the distribution of supplies for government institutions,
  - (d) provide advice and assistance to the government and, on request, to government institutions in order that
    - (i) supplies and services of the most advantageous and suitable type on an economically effective and environmentally sound basis may be utilized, and
    - (ii) uniformity in supplies and services may be attained where desirable,
  - (e) create and arrange opportunities for the government and government institutions to acquire supplies and services at rates and on terms and

conditions conducive to the economic and environmental well-being of the Province,

- (f) in conjunction with the performance of its other duties and with the exercise of its powers, arrange, encourage and facilitate other transactions conducive to the economic and environmental well-being of the Province, and
  - (g) recommend to the government policies to be applied in the acquisition and disposition of supplies.
- (2) In addition to any powers required to perform its duties, the commission may
- (a) require a government ministry to return to the commission any supplies no longer required by the ministry and, where the commission exercises this power, it may grant credit on an equitable basis in respect of the supplies that were returned,
  - (b) dispose of tangible personal property of the government that is not required by the government,
  - (c) dispose of intangible personal property of the government where this is conducive to the economic and environmental well-being of the Province,
  - (d) create and arrange opportunities for public institutions to acquire supplies and services at rates and on terms and conditions conducive to the economic and environmental well-being of the Province,
  - (e) recommend to the government policies to be applied in the acquisition of services,
  - (f) provide to government institutions and public institutions the service of disposing of personal property of the institutions,
  - (g) provide to public institutions the service of acquiring supplies for the institutions where this is conducive to the economic and environmental well-being of the Province,
  - (h) provide to public institutions the service of storage of tangible personal property of the institutions,
  - (i) provide to public institutions the service of advice and assistance respecting means by which
    - (i) supplies and services of the most advantageous and suitable type on an economically effective and environmentally sound basis may be utilized, and
    - (ii) uniformity in supplies and services may be attained where desirable,
  - (j) charge fees to government institutions and public institutions for services provided to them in the performance of the commission's duties or the exercise of its powers,
  - (k) notwithstanding section 12, create opportunities and programs to encourage local and regional suppliers or in favour of environmentally sound supplies,
    - (l) in conjunction with the performance of its duties and the exercise of its other powers, enter into arrangements conducive to the economic and environmental well-being of the Province, and
  - (m) do those things not inconsistent with this Act that it considers necessary or advisable for performing its duties and exercising its powers.
- (3) The commission may, by regulation,
- (a) designate institutions, or classes of institutions, that are substantially publicly funded as public institutions, and

- (b) specify restrictions on services which may be provided by the commission to a public institution designated under paragraph (a).
4. Section 6 is amended by repealing subsections (1) to (4) and substituting the following:
- (1) The commission shall comply with this section in providing supplies to a government ministry or a government institution and every government ministry and government institution shall comply with this section in acquiring supplies from the commission.
  - (2) A government ministry or government institution requiring supplies shall deliver to the commission a requisition specifying the requirements.
  - (3) Every requisition shall be authorized by the minister in charge of the government ministry or government institution affected, or by the minister's deputy or another person authorized to act on behalf of the minister.
  - (4) The commission may require the person making a requisition to satisfy it that there is an appropriation available for the purpose or that other financial provision is made in accordance with law.
5. Section 9 is amended by striking out "public institution," and substituting "government institution,".
6. Section 10 is amended by striking out "public institution" and substituting "government institution".
7. Section 14 is repealed.
8. Section 15 is amended by striking out "in the public service and in public institutions," and substituting "in the government or government institutions,".
9. Section 16 is amended by striking out "the public service and public institutions." and substituting "the government and government institutions."
10. Section 18 is amended by striking out "public institutions" in both places and substituting "government institutions".
11. Section 19 is repealed.
12. Section 23.1 (3) is repealed and the following substituted:
- (3) Subject to subsections (5) and (6), money may be paid out of the account by the commission without an appropriation other than this section for
    - (a) the acquisition and disposition of supplies for government, government institutions and public institutions,
    - (b) the establishment, maintenance and operation of depots or warehouses in which supplies may be stored and from which they may be distributed,
    - (c) the supplies and services necessary to ensure that supplies and services of the most advantageous and suitable type on an economically effective and environmentally sound basis are utilized,
    - (d) the entry, in conjunction with the purposes described in paragraphs (a) to (c), into arrangements conducive to the economic and environmental well-being of the Province, and
    - (e) other purposes that the Lieutenant Governor in Council specifies as requiring working capital.