

The General Principles of Ethical Purchasing Policies at
Canadian Universities: Towards a Foundation for
Implementation at Mount Royal University

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I. Introduction

This report was written as a result of engaging with the following purchasing policies from the subsequent Canadian universities: Lethbridge University, Athabasca University, University of Alberta, University of Calgary, Grant MacEwan University, Thompson Rivers University, Simon Fraser University, University of Victoria, Bishop's University, University of Winnipeg, Mount Allison University, Memorial University, Dalhousie University, St. Francis Xavier University, Trent University, University of Waterloo, Wilfrid Laurier, University of Ottawa, Laurentian University, and York University.

There are a number of reasons that the preceding Canadian universities were selected for this study. First, the five Albertan universities (University of Alberta, University of Calgary, University of Lethbridge, Athabasca University, and Grant MacEwan University) were decided upon to foreground the provincial policies and regulations that may influence the formulation of an ethical purchasing policy. Also, the proximity of the foregoing universities provide a portrait of the recognized standards of ethical purchasing in Alberta, which Mount Royal University will want to consider during the continuation of this project. Second, this report attempts to study universities that have similar student populations to Mount Royal University such as Thompson Rivers University, University of Winnipeg, Laurentian University, and Trent University. Nevertheless, institutions with larger student populations were also considered: University of Ottawa, University of Calgary, and York University. Third, this report incorporates Canadian universities that focus on undergraduate education such as Grant MacEwan University, University of Lethbridge, Mount Allison University, St. Francis Xavier University, and Bishop's University. Fourth, the selection of Canadian universities tries to represent as many provinces in Canada as possible; however, universities from Saskatchewan and Prince Edward Island were, unfortunately, not incorporated into this study.

The subsequent policies and principles, however, should be read descriptively and not prescriptively, for the second section of this report attempts to synthesize various common and relevant principles governing ethical purchasing practices at Canadian universities. To begin, policies concerning the purposes, scopes, exclusions, regulations, and commitments of ethical procurement practices at Canadian universities are outlined. Furthermore, principles concerning conflicts of interest, gifts and gratuities, authority to purchase, competitive bidding, and single and sole source purchasing are explained. The second section concludes with a summary of policies regarding vendor selection, remediation and termination, and compliance and disclosure. The third section, then, attempts to gesture towards the possibility of implementing some of the policies outlined in the second section via establishing an Ethical Procurement Committee at Mount Royal University.

II. General Principles of Purchasing Policies at Canadian Universities¹

II. A. Purposes

The general purposes, objectives, and responsibilities outlined in ethical purchasing policies at Canadian universities are summarized below.

- To maintain that University procurement procedures, policies, activities, decisions, and practices maximize the best value for goods and services in exchange for public funds while adhering to principles of ethicality and transparency
- To offer an ethical guideline for other procedures, policies, and activities concerning the acquisition of goods and services at the University
- To standardize an ethics of acquiring goods and services between the following areas of the University: faculty, administration, and research departments
- To adjudicate between competitive bids from vendors, suppliers, and licensees in an ethical, transparent, and professional fashion
- To establish a formal liaison with vendors, suppliers, and licensees who service and enter into business relations with the University
- To manage and develop resources effectively and ethically, and in such a way that the University has access to necessary supplies, equipment, and services from a multitude of vendors, suppliers, and licensees that uphold the integrity of the University's commitment to responsible business practices
- To negotiate any disputes that may arise during business transactions in a responsible, ethical, and equitable manner

1. This section omits what one might call "special procurement practices." See the University of Lethbridge's "Policies and Procedures" (6. Special Procurement Policies) for a detailed list of exceptions to standard procurement practices such as the acquisition of alcohol, bio-hazardous materials, narcotics, cellular telephones, radioactive materials, etc. The preceding list of things requires careful consideration and review that this report cannot accommodate into its framework. Also, see Memorial University's purchasing policy (9. Special Purchase Approvals) for another list of goods or services that require special approval before acquisition.

- To continue and establish ethical and positive relations with all current and prospective suppliers, vendors, and licensees
- To grant all prospective suppliers and vendors equal opportunity and consideration
- To encourage suppliers, vendors, and licensees to engage in environmental, fair, ethical, sustainable, and professional practices during the production of goods and execution of services
- To demand honesty, transparency, accountability, and fair representation of goods and services from all suppliers, vendors, and licensees
- To encourage collaborative procurement practices
- To share and promote ethical procurement practices with others in the university community
- To ensure that suppliers', vendors', and licensees' business practices do not violate the policies outlined by the University's ethical purchasing policy
- To assure that the University's procurement practices are handled consistently, ethically, legally, and efficiently
- To minimize the occurrence of conflicts of interest
- To outline policies and procedures concerning the handling of confidential information during procurement of goods and services from suppliers, vendors, and licensees
- To adjudicate between the potential conflict (real or perceived) between the University's research, teaching, and administrative responsibilities and the University's private interests
- To regulate the responsible disposal of surplus materials
- To certify that the University's procurement practices are in accordance to regional, national, and international trade agreements
- To prohibit the purchase of goods and services for the University with personal funds

II. B. Scope

This section will specify the scope of purchasing policies at Canadian Universities.

- All employees (regular, temporary, full-time, or part-time), students, and affiliates of the University who are involved in the purchasing of goods and services from suppliers, vendors, and licensees (external sources) including construction, information technology, and consulting for academic, research, and administrative purposes are considered under the ethical procurement policy; however, the source of the funding, too, is pertinent, for sponsored research, professional development funds, operating funds, ancillary funds, capital funds, endowment funds, etc. are still considered under the aegis of the purchasing policy, so it follows that funding agencies must abide by the policies, responsibilities, and ethical guidelines outlined in the purchasing policy
- Suppliers, vendors, and licensees involved in business relations with the University are expected to uphold the ethical code outlined in the purchasing policy
- The subcontractors of suppliers, vendors, and licensees are also subject to the ethical code outlined in the purchasing policy (depending on the University's capacity to monitor such activities and associations). Nevertheless, suppliers, vendors, and licensees who accept the terms of the purchasing policy are responsible for ensuring that all of their subcontractors' business practices are executed in good faith

II. C. Exclusions

Instances when the University's ethical procurement policy is not relevant with concern to University practices and activities are explored below.

- Salaries, wages, and other terms of employment
- Travel expenses (airfare, hotels, and registration fees) for conferences and courses under \$5,000²

2. It should be remembered that these denominations vary depending on the University policy. The following numbers are from Athabasca University's Purchasing Unit.

- Office supplies and paper under \$5,000
- Library acquisitions less than \$5,000 (books, periodicals, and online resources) are to be processed through the library acquisitions program
- Memberships
- Legal services

II. D. Regulations, Commitments, and Ethical Practices

The principle regulations, commitments, and ethical practices governing ethical purchasing policies are defined below.

- The University's ethical procurement policies should respect and adhere to the University's responsibilities under the law, and any disputes or conflicts that may arise between the ethical procurement policy and the contractual terms established via a business agreement are to be resolved by appealing to the University's legal and contractual commitments. The ethical purchasing policy, moreover, is to be interpreted under the laws in place by the province of Alberta; therefore, Albertan courts have jurisdiction over any disputes or conflicts that may arise
- Anyone involved in the purchasing of goods or services on behalf of the University is responsible for executing their actions honestly, equitably, transparently, and to the best of their ability, so much so that the University's resources are handled effectively and efficiently
- The ethical purchasing policy, which outlines the relations between the University and its suppliers, vendors, and licensees, is not to be interpreted as a relation of partnership, joint venture, or employment; rather, suppliers, vendors, and licensees operate independently from the University, and therefore suppliers, vendors, and licensees do not have the power to make decisions on behalf of the University
- Suppliers, vendors, licensees, and their subcontractors are expected to comply with the laws of the country in which they are produced; however, in the case where the procurement policy

conflicts with the laws of the country in which the supplier, vendor, licensee, or subcontractor is operating, then the higher standard takes precedence

- The University and its business relations with suppliers, vendors, and licensees should function in harmony with the following:
 - The Universal Declaration of Human Rights
 - Mash Annex 502.4: AIT (Agreement on Internal Trade)³
 - TILMA (Trade and Labour Mobility Agreement)⁴
 - Western Universities Supply Management Association (WUMSA)⁵
 - International Labour Organization (ILO) Declaration of Fundamental Principles and Rights at Work
- The University has a responsibility to know and to continue to seek out the conditions of manufacture that make the materials, services, and goods the University uses a possibility. The University, therefore, should engage in professional development programs that provide information about purchasing practices, which is, of course, an ongoing project
- Consider the interests of the University in all business transactions and follow its established policies
- The University's ethical purchasing policy will advocate for better ethical purchasing practices for the University community
- The University will not enter into relations with vendors, suppliers, licensees, or any of the preceding's subcontractors that are implicated in forced labour,⁶ child labour, and

3. MASH Annex 502.4: The Agreement on Internal Trade (AIT) is a provincial, territorial, and federal agreement that exists to permit easier trade relations between territories and provinces. The MASH Annex 502.4 concerns purchased goods and services that exceed \$100,000 and all construction projects exceeding \$250,000.

4. TILMA (Trade and Labour Mobility Agreement): TILMA is an agreement made between Albertan and British Columbian governments that opens up accessibility between the provinces' markets. The agreement, furthermore, necessitates publicly posted competitive processes for purchases of goods or services that are more than \$75,000 and construction projects that exceed \$200,000.

5. It should be noted that policies and principles outlined by the Western Universities Supply Management Association is important for the formulation of an ethical purchasing policy at Mount Royal University for two reasons. First, Mount Royal University, of course, is part of WUMSA. Second, the guidelines outlined by WUMSA encourage collaborative purchasing between the Universities in British Columbia, Alberta, Saskatchewan, and Winnipeg.

discrimination, abuse, or harassment in any form. Moreover, the University will not tolerate any party that prohibits workers' rights to join or form trade unions or bargain collectively

- The University has a responsibility to practice environmentally friendly procurement, so the University should seek to purchase goods and services that:
 - Do not cause harm to the environment, especially when less disastrous goods and services are available
 - Goods that contain a minimum of packaging
 - Goods that are conducive to recycling
 - Goods that are comprised of post-consumer recycled materials
 - Supplies, equipment, and services that conserve energy and water
- The University's dedication to environmentally friendly procurement will make it known to suppliers that the University privileges suppliers whose products and services reduce and prevent ecological footprints⁷

II. E. Conflicts of Interest⁸

This section addresses a general methodology for understanding and responsibly handling conflicts of interest during the procurement process.

- A conflict of interest, to begin, can be defined as when a decision, action, or recommendation occurs as result of the actor's influence by competing interests, bias, nepotism, and favouritism, e.g., the use of information and resources for private or personal advantages. In other words, a conflict of interest describes a situation wherein there is a disconnect between an employee's obligations to look out for the University's best interests and an employee's personal interests. Conflicts of interest seriously compromise a person's, and therefore the University's, professional judgement in teaching and researching

6. See Wilfrid Laurier's "Ethical Purchasing" policy for an extension of these commitments.

7. See the University of Winnipeg's "Green Procurement Policy" for more information on environmental concerns in relation to procurement.

8. See the University of Victoria's "Conflict of Interest and Confidentiality" policy for an exhaustive account of conflicts of interest at the University.

- All employees, students, and affiliates of the University who are involved in the purchasing of goods and services from suppliers, vendors, and licensees are, therefore, accountable, responsible, and obligated to avoid situations that might have the possibility of becoming conflicts of interest by following the policies and principles established by the ethical procurement policy
- Suppliers, vendors, and licensees are responsible for avoiding any decisions or actions that may conflict with the University's interests. The preceding commitment, moreover, should extend to the activities of the suppliers', vendors', and licensees' subcontractors, which includes their employees, agents, and affiliates, especially in their relations and exchanges with the University's employees and students
- The University is prohibited from entering into procurement contracts with its students, faculty, staff, or members of their immediate families
- The University and its employees, suppliers, vendors, and licensees must immediately disclose in writing any information that may or will result in a conflict of interest to other involved parties upon awareness of the compromising circumstances. The University has the opportunity, after a full disclosure of the facts that may result in a conflict of interest, to decide if the particular circumstances regarding the conflict of interest will cause risk or harm to the University and its obligations to fair, transparent and equitable business practices. The University, then, can state the conditions, circumstances, and terms that are appropriate for the aforementioned exception to the potential conflict of interest
- A third party may be used to decide if a situation is constitutive of a conflict of interest
- A university member's decision to disclose information pertaining to a conflict of interest should remain confidential information
- Members of the University who are directly involved in applying for funds for research activities must submit a written statement that 1) states that a conflict of interest does not exist 2)

outlines the potential or real conflicts of interest that will exist during the University member's research activities. The statement, moreover, should be updated if the preceding circumstances change

II. F. Gifts and Gratuities

A brief outline regarding the relation between procurement processes and the giving and receiving of gifts and gratuities is featured below.

- The integrity of the University should be upheld at all costs, so the University should refrain from accepting and giving business gifts, lavish acts of hospitality, and gratuities to suppliers, vendors, and licensees except for small items with intrinsic or minimum value, especially when the gifts and gestures of hospitality are frequent and are impacting the business relationship between the University and the contractor. It is the University and its employees' responsibility, then, to decline personal gifts, gratuities, and lavish acts of hospitality that have any relation or connection with procurement processes

II. G. Authority to Purchase

This section will address the question: who has the authority to purchase goods and services on behalf of the University? The Authority to Purchase, nevertheless, is an essential component for ensuring ethical purchasing practices, as policies surrounding this issue have the capacity to prevent unnecessary, irresponsible, unethical, and unlawful buying practices. However, since Mount Royal University's purchasing practices already operate through Supply Chain Services, the following, more or less, serves as a guideline for elaborating upon current commitments concerning ethical, transparent, and equitable procurement practices.

- No employee, student, or volunteer has authorization to establish business relations with suppliers, vendors, or licensees, that is, unless the individual has been granted permission to purchase on behalf of the University. If an individual requests goods or services on behalf of the

University, then the individual who placed the order is responsible for the aforementioned relation. The University, then, has no involvement in the preceding business affair

- Athabasca University has a Purchasing Unit, which is very similar to Mount Royal University's Supply Chain Services. The Purchasing Unit at Athabasca, moreover, is a group of employees whom the University has assigned to engage in the procurement process. The Purchasing Unit is responsible for all financial commitments with regard to the acquisition of goods and services, so the Purchasing Unit must ensure that all requisitions and purchases are managed in accordance to the University's ethical policies and code of conduct. In short, the Purchasing Unit secures that all procurement practices are conducted in a transparent, fair, and equitable fashion, and handled in such a manner that suppliers, vendors, and licensees are satisfied while maximizing the value of public funds. Furthermore, Athabasca does not allow students or volunteers to have purchasing authority
- Trent University, for example, has a policy that maintains that at least three of the five functional procurement roles must be distributed between different individuals, so one or two people cannot have jurisdiction over requisition, budgeting, commitment, receipt, and payment

II. H. Competitive Bidding⁹

Mount Royal University currently posts contracts for goods and services that are greater than \$100,000 and construction contracts that are greater than \$250,000¹⁰ on an electronic tendering system that is accessible to all Canadian suppliers such as Western Universities Supply Management Association

9. The subsequent policies concerning the competitive bidding process are somewhat reductive, for they elide different types of bid processes: public vendor qualifications, request for proposals (RFP), and public tenders. Nevertheless, the following is, more or less, to get a general idea of some of the current ethical policies governing the bidding processes at Canadian Universities.

10. Athabasca University's Purchasing Unit requires that purchases of goods and services that exceed \$75,000 and construction projects that exceed \$200,000 must go through an electronic competitive process. Trent University, on the other hand, requires that procurement of goods and services over \$100,000 are subject to an electronic bid process for a minimum of 15 calendar days. St. Francis Xavier University, moreover, requires purchases of goods over \$25,000, services over \$50,000, and construction projects over \$100,000 to engage in public bid processes. The University of Lethbridge's policies and procedures guide provides a thorough account of the requisitioning and tendering processes that are part and parcel of the competitive bidding process. See policy 5.5. on the "Decision to Tender or Obtain Quotes."

(WUMSA). This section will briefly outline particular ethical policies regarding the competitive bidding process that are currently in place at other Canadian Universities.

- Prior to the competitive bidding process, the evaluative framework for assessing bids should be subject to a preliminary review, especially considering the weighting, evaluation, and expectations of the competitive bidding process, which will aim to prevent the possibility of a conflict of interest
- All bids and quotations submitted to the University are to remain confidential, that is, the University shall not disclose information to other vendors, suppliers, or licensees unless stated otherwise
- Vendors, after the bidding deadline has ended, can request the winning bid price and the successful vendor name wherein the authorized department can disclose the preceding information to the unsuccessful vendor within 30 days of receiving the written request or 30 days after the bidding process has completed. The authorized department will release information to the vendor depending on whichever of the foregoing durations is later. All other vendor bids, terms, requests, conditions, responses, contracts, and purchases are confidential
- The competitive bidding process must be in accordance with the Trade, Investment, and Labour Mobility Agreement (TILMA) and the Agreement on Internal Trade (AIT)
- The competitive bidding process may be bypassed¹¹ on the following conditions:
 - An emergency or crisis arises, so much so that the necessary materials cannot be obtained through the competitive bidding process
 - Disclosing essential information via the competitive bidding process causes substantial risk or harm to public interests

11. See Grant MacEwan's procurement policy (4.7-4.10) for more information on exceptions to the competitive bidding process, since they are outside the scope of this report. The next section entitled "Single and Sole Source Purchasing" elaborates upon these exceptions. Also, see Thompson Rivers University's purchasing policy for a rigorous outline of the competitive bidding process (pages 9-12).

- Contracts are managed and financed through an international cooperation that differ from the University's rules and policies
- No alternative goods or services are available because of a sole supplier market
- Vendors, suppliers, and licensees are obligated to provide accurate quotes during the bidding process
- Late quotations will not be accepted after the competition has ended; therefore, it is the vendors', suppliers', and licensees' responsibility to make sure that their quotations are submitted to the University in a timely manner
- All qualified vendors must be permitted the chance to enter into business relations with the University
- The University should provide documented records outlining the obligations of all parties during, after, and before the bidding process that are readily accessible to all parties
- All vendors, suppliers, and licensees are entitled to equal treatment
- The competitive bid process must remain open, transparent, and fair

II. 1. Single and Sole Source Purchasing

A sole source purchase can be defined as a situation where a desired service or good is only available from a single source; therefore, the possibility of competitively bidding is foreclosed. Single and sole source purchasing, nevertheless, pose real dangers to the University's commitment to fair, open, transparent, and just competitions. This section will explore the ethical policies and procedures surrounding single and sole source purchasing.

- A written justification for a single source purchase that outlines why other vendors, suppliers, or licensees are not tenable must be submitted to the pertinent department (e.g., Purchasing Unit, Supply Chain Services, Materials Management, Procurement Services, Ethical Purchasing Committee, etc.) to be reviewed before proceeding with the purchase of said good or service

- The review process for a request for a single source purchase will take into account reasons such as urgent need, necessity to match current equipment, the failure to obtain competitive bids, and the absence of competition due to legislative and technical reasons
- An exception to the competitive bidding process cannot be used to prevent competition between vendors and suppliers or to privilege one vendor over others
- If the request for a sole source purchase is declined by the pertinent department, then the University will commence a competitive bid process

II. J. Vendor Selection

Vendor selection is an integral part of the purchasing practices of Canadian Universities, so the ethical policies governing vendor selection are especially important for thinking about ethical procurement practices, mostly because “preferred” vendor lists have a high risk of violating the transparent, open, and fair policies essential to the University structure. Furthermore, a vendor list can be conceptualized as a list for the purchase of goods that is maintained, approved, and referenced by the University during the purchasing process. A vendor list, then, assists the University in finding adequate vendors and suppliers.

- In order for a vendor to do business with the University, the vendor must be assessed by the University with regard to the vendor’s reputation, production practices, environmental record, stability, reliability, quality of products and services, and overall value
- Vendors will be removed from a preferred vendor list if they violate the ethical policies upheld by the University, provide unsatisfactory services, products, and performances
- The preferred vendor list must be under perpetual assessment to ensure that the vendors that the University is in contact with are upholding the standards and commitments outlined in the University’s ethical purchasing policy and code of ethics

- End-user departments may submit requests to the authorities in charge of procurement to add vendors to the preferred vendor list; however, the vendor, before being added to the aforementioned list, must undergo a series of reviews that prove the vendor's integrity

II. K. Remediation and Termination

An ethical purchasing policy must take into account the ways in which violations of the standards, expectations, and conducts upheld by the University will be handled. The conditions for remediation and termination are expanded upon below.

- The University has the right to terminate any business relation with a vendor, supplier, or licensee that violates the University's ethical purchasing policy
- If a supplier, vendor, or licensee fails to comply with the policies embraced by the University, then the University may demand that the supplier, vendor, or licensee correct their actions to correlate with the University's policies, which the supplier initially agreed upon. The nature of the violation, however, must be considered. For instance, if the supplier is imposing abusive conditions upon workers, or withholding pay from workers, then the supplier will be held accountable, so much so that the University will not permit the supplier to simply avoid remediation with workers; rather, the University will demand that the supplier correct the conditions that were the impetus for the violation under review
- The University reserves the right to consider independent third party grievances, complaints, and violations of the University's policies, codes, and ethical commitments

II. L. Compliance and Disclosure

Policies governing compliance and disclosure during the procurement process are explained in the following.

- Every supplier, vendor, and licensee must sign a new contract annually that confirms that they and their subcontractors are in compliance with the University's policies, codes, and ethical

commitments. Furthermore, the University may request the supplier to produce a written summary of the necessary steps taken to meet the University's policies

- Compliance with the codes and commitments described in the University's ethical purchasing policy are mandatory for all vendors, suppliers, and licensees

III. Implementation

III. A. Ethical Procurement Committee¹²

One possibility for implementing the policies described in the last section at Mount Royal University is through a standing committee that would be representative of the University community. The committee, then, would be composed of staff, faculty, students, and representatives of faculty organizations. The Ethical Procurement Committee's primary task would be to represent the interests of the many facets of the University through advising, regulating, and informing the procurement practices carried out by Supply Chain Services. Also, the Ethical Procurement Committee might be involved in the following tasks:

- First, the Ethical Procurement Committee would instantiate the ethical purchasing policy that this report seeks to implement at Mount Royal University; therefore, the committee would be responsible for formulating the first ethical purchasing policy
- Second, the committee would be designated to review and revise the ethical purchasing policy
- Third, the committee would be accountable for producing an annual report that would make Mount Royal University's procurement practices public knowledge, which would uphold the University's commitment to transparent procurement practices. The annual report, furthermore, would provide a public record of Mount Royal University's procurement practices
- Fourth, the committee, if possible, would carry out ongoing research on the University's current and prospective suppliers, vendors, and licensees

12. The notion of an "Ethical Procurement Committee" is derived from Simon Fraser University's Ethical Procurement Committee. See Simon Fraser University's "Ethical Procurement Policy" for more information.

- Fifth, the committee could update or advise the revision of the following Mount Royal University policy: Part 11. Business & Retail Services, Purchasing Policy (POL 1110). The preceding policy has not been updated since 2008, and its sections on sustainability (8.0), ethics (10.0), and conflict of interest (12.0) could be expanded upon with reference to sections 11.D and 11.E of this report

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