

GENERAL AGREEMENT ON

RESTRICTED

GPR/Spec/65
14 August 1992

TARIFFS AND TRADE

Informal Working Group on Negotiations
on Government Procurement

NEGOTIATIONS ON GOVERNMENT PROCUREMENT

Offers

Attached is a copy of the offer¹ from the United States in the negotiations on the improvement, expansion and broadening of the Agreement on Government Procurement, which was circulated informally on 19 February 1992.

This redistribution is limited to the participants in the Informal Working Group on Negotiations.

The content of the document is unchanged: it is now circulated as a GPR/Spec/65 document for greater convenience in reference and in future work. All other offers received are also being recirculated.

¹English only

DRAFT (February 19, 1992)
(CORRIGENDUM)

WITHOUT PREJUDICE

ANNEX 1

Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

United States

Threshold: 50,000 SDRs for supplies and services

All central government executive departments and agencies, [and independent Federal commissions] subject to the Competition in Contracting Act of 1984 (Public Law 98-369, Title VII), including, but not limited to:

List of Entities

1. Department of Agriculture (This Agreement does not apply to procurement of agricultural products made in furtherance of agricultural support programmes or human feeding programs)
2. Department of Commerce
3. Department of Education
4. Department of Health and Human Services
5. Department of Housing and Urban Development
6. Department of the Interior [including the Bureau of Reclamation]
7. Department of Justice
8. Department of Labour
9. Department of State
10. United States Agency for International Development
11. Department of the Treasury
12. Department of Transportation (pursuant to Article XXII the national security considerations applicable to the Department of Defense are equally applicable to the Coast Guard, a military unit of the United States)
13. Department of Energy (pursuant to Article XXII, national security exceptions include procurements made in support of safeguarding nuclear materials or technology and entered into under the authority of the Atomic Energy Act; and oil purchases related to the Strategic Petroleum Reserve)
14. General Services Administration (except Federal Supply Groups 51 and 52 and Federal Supply Class 7340)
15. National Aeronautics and Space Administration
16. The Department of Veterans Affairs
17. Environmental Protection Agency
18. United States Information Agency
19. National Science Foundation
20. Panama Canal Commission
21. Executive Office of the President
22. Farm Credit Administration
23. National Credit Union Administration

24. Merit Systems Protection Board
25. ACTION
26. United States Arms Control and Disarmament Agency
27. Federal Home Loan Bank Board ¹
28. National Labour Relations Board
29. National Mediation Board
30. Railroad Retirement Board
31. American Battle Monuments Commission
32. Federal Communications Commission
33. Federal Trade Commission
34. Inter-State Commerce Commission
35. Securities and Exchange Commission
36. Office of Personnel Management
37. United States International Trade Commission
38. Export-Import Bank of the United States
39. Federal Mediation and Conciliation Service
40. Selective Service System
41. Smithsonian Institution
42. Federal Deposit Insurance Corporation
43. Consumer Product Safety Commission
44. Equal Employment Opportunity Commission
45. Federal Maritime Commission
46. National Transportation Safety Board
47. Nuclear Regulatory Commission
48. Overseas Private Investment Corporation
49. Administrative Conference of the United States
50. Board for International Broadcasting
51. Commission on Civil Rights
52. Commodity Futures Trading Commission
[delete the Maritime Administration of the Department of
Transportation since this is subsumed by Transportation's
coverage above]
53. The Peace Corps
54. National Archives and Records Administration
55. Department of Defense, [including the Army Corps of
Engineers]

This Agreement will not apply to the following purchases of the DOD:

- (a) Federal Supply Classification (FSC) 83 - all elements of this classification other than pins, needles, sewing kits, flagstaffs, flagpoles, and flagstaff trucks;
- (b) FSC 84 - all elements other than sub-class 8460 (luggage);
- (c) FSC 89 - all elements other than sub-class 8975 (tobacco products);
- (d) FSC 2310 - (buses only);

¹ A rectification is needed.

- (e) Speciality metals, defined as steels melted in steelmanufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by DOD: (1) manganese, 1.65 per cent; silicon, 0.60 per cent; or copper, 0.06 per cent; or which contains more than 0.25 per cent of any of the following elements: aluminium, chromium, cobalt, columbium, olybdenum, nickel, titanium, tungsten, or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 per cent; (3) titanium and titanium alloys; or (4) zirconium base alloys;
- (f) FSC 19 and 20 - that part of these classifications defined as naval vessels or major components of the hull or superstructure thereof;
- (g) FSC 51;
- (h) Following FSC categories are not generally covered due to application of Article VIII, paragraph 1: 10, 12, 13, 14, 15, 16, 17, 19, 20, 28, 31, 58, 59, 95.

This Agreement will generally apply to purchases of the following FSC categories subject to United States Government determinations under the provisions of Article XII, paragraph 1.

- 22. Railway Equipment
- 23. Motor Vehicles, Trailers, and Cycles (except buses in 2310)
- 24. Tractors
- 25. Vehicular Equipment Components
- 26. Tyres and Tubes
- 29. Engine Accessories
- 30. Mechanical Power Transmission Equipment
- 32. Woodworking Machinery and Equipment
- 34. Metalworking Machinery
- 35. Service and Trade Equipment
- 36. Special Industry Machinery
- 37. Agricultural Machinery and Equipment
- 38. Construction, Mining, Excavating, and Highway Maintenance Equipment
- 39. Materials Handling Equipment
- 40. Rope, Cable, Chain and Fittings
- 41. Refrigeration and Air Conditioning Equipment
- 42. Fire Fighting, Rescue and Safety Equipment
- 43. Pumps and Compressors
- 44. Furnace, Steam Plant, Drying Equipment and Nuclear Reactors
- 45. Plumbing, Heating and Sanitation Equipment
- 46. Water Purification and Sewage Treatment Equipment
- 47. Pipe, Tubing, Hose and Fittings
- 48. Valves
- 49. Maintenance and Repair Shop Equipment
- 52. Measuring Tools
- 53. Hardware and Abrasives
- 54. Prefabricated Structures and Scaffolding

- 55. Lumber, Millwork, Plywood and Veneer
- 56. Construction and Building Materials
- 61. Electric Wire, and Power and Distribution Equipment
- 62. Lighting Fixtures and Lamps
- 63. Alarm and Signal Systems
- 65. Medical, Dental, and Veterinary Equipment and Supplies
- 66. Instruments and Laboratory Equipment
- 67. Photographic Equipment
- 68. Chemicals and Chemical Products
- 69. Training Aids and Devices
- 70. General Purpose ADPE, Software, Supplies and Support Equipment
- 71. Furniture
- 72. Household and Commercial Furnishings and Appliances
- 73. Food Preparation and Serving Equipment
- 74. Office Machines, Visible Record Equipment and ADP Equipment
- 75. Office Supplies and Devices
- 76. Books, Maps and Other Publications
- 77. Musical Instruments, Phonographs, and Home Type Radios
- 78. Recreational and Athletic Equipment
- 79. Cleaning Equipment and Supplies
- 80. Brushes, Paints, Sealers and Adhesives
- 81. Containers, Packaging and Packing Supplies
- 85. Toiletries
- 87. Agricultural Supplies
- 88. Live Animals
- 91. Fuels, Lubricants, Oils and Waxes
- 93. Non-metallic Fabricated Materials
- 94. Non-metallic Crude Materials
- 96. Ores, Minerals and their Primary Products
- 99. Miscellaneous

The conditions specified in the General Notes apply to this Annex.

ANNEX 2

Sub-Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

United States

Threshold: _____ SDRs for supplies and services

List of Entities

The U.S. will cover a significant amount of U.S. subcentral procurement, primarily concentrated at the first level below the Federal government (i.e., at the U.S. state level).

The final value of this offer is conditioned on achieving an overall balance among countries in values of total covered procurement opportunities.

The conditions specified in the General Notes apply to this Annex.

ANNEX 3

All Other Entities which Procure in Accordance
With the Provisions of this Agreement

United States

Threshold: 50,000 SDRs for supplies and services

List of Entities

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- Alaska Power Administration

The conditions specified in the General Notes apply to this Annex.

ANNEX 4

Services

I. Universal list of services as specified below
(MTN.GNS/W/120)

II. United States

List of Services Excluded (this list is tentative and may be revised following examination and discussion of others' offers)

1. All transportation services, including Launching Services, (CPC Categories 71, 72, 73, 74, 8868)

Note: Transportation services, where incidental to procurement contracts are not subject to this Agreement.

- 2 8. Dredging

- 3 4. All services purchased in support of military forces located overseas

- 4 5. Management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development centers (FFRDCs).

- 5 6. Public utilities services (requires further discussion)

Note: R&D services require further discussion and evaluation before positions can be taken.

The conditions specified in the General Notes apply to this Annex.

ANNEX 5

Construction Services

Specifications on covered construction services

I. Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

II. List of Division 51, CPC:

III. United States

Threshold: 4.5 million SDRs

The conditions specified in the General Notes apply to this Annex.

ANNEX 6

Government Entities Exercising Influence
Over Non-Governmental Entities

United States

Federal Communications Commission, with regard to the regulation of local telephone service.

Federal Electrical Regulatory Commission, with regard to the regulation of electricity, oil and gas industries.

The Rural Electrification Administration, with regard to the funding provided to rural electrical and communications utilities.

The Department of Interior's Office of Offshore leasing, with regard to the issuance of licenses or other authorizations for the exploration and recovery of oil and gas on the outer continental shelf of the United States.

The Environmental Protection Agency, with regard to the provision of grant funds for water projects administered or regulated by the Federal government.

The conditions specified in the General Notes apply to this Annex.

General Notes

1. Notwithstanding the above, this Agreement will not apply to set asides on behalf of women and minority businesses.
2. Procurement in terms of U.S. coverage is defined as contractual transactions to acquire property or services for the direct benefit or use of the government. It does not include non-contractual agreements or any form of government assistance, including, but not limited to, cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services, given to individuals, firms, private institutions, and subcentral governments.²

² Based on Dunkel's draft Subsidies and Countervailing Measures text.