
**Informal Working Group on Negotiations
on Government Procurement**

NEGOTIATIONS ON GOVERNMENT PROCUREMENT

Offer

Revision

Attached is a copy of the revised offer¹ from the United States in the negotiations on the improvement, expansion and broadening of the Agreement on Government Procurement, which was earlier circulated to you informally on 19 October 1993.

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

**Groupe de travail informel des négociations
sur les marchés publics**

NEGOCIATIONS SUR LES MARCHES PUBLICS

Offre

Révision

On trouvera ci-joint copie de l'offre¹ révisée que les Etats-Unis ont faite dans le cadre des négociations sur l'amélioration, l'extension et l'élargissement de l'Accord relatif aux marchés publics et qui a été distribuée à titre informel le 19 octobre 1993.

Cette nouvelle distribution est destinée exclusivement aux participants au Groupe de travail informel des négociations.

**Grupo de Trabajo Informal de las Negociaciones
sobre Compras del Sector Público**

NEGOCIACIONES SOBRE COMPRAS DEL SECTOR PÚBLICO

Oferta

Revisión

Adjunta figura la oferta¹ revisada presentada por los Estados Unidos en las negociaciones sobre la mejora, expansión y ampliación del Acuerdo sobre Compras del Sector Público, que se distribuyó informalmente el 19 de octubre de 1993.

Esta redistribución se limita a los participantes en el Grupo de Trabajo Informal de las Negociaciones.

¹English only/Anglais seulement/Inglés solamente.

Without Prejudice

ANNEX 1

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

Threshold: 100,000 SDRs for supplies and services
4.5 million SDRs for construction

All central government executive departments, 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 (not including 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 Labor
9. Department of State
10. United States Agency for International Development
11. Department of the Treasury
12. Department of Transportation (pursuant to Article XXIII, 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 XXIII, 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. Office of Thrift Supervision
28. Federal Housing Finance Board
29. National Labor Relations Board
30. National Mediation Board
31. Railroad Retirement Board
32. American Battle Monuments Commission
33. Federal Communications Commission
34. Federal Trade Commission
35. Interstate Commerce Commission
36. Securities and Exchange Commission
37. Office of Personnel Management
38. United States International Trade Commission
39. Export-Import Bank of the United States
40. Federal Mediation and Conciliation Service
41. Selective Service System
42. Smithsonian Institution
43. Federal Deposit Insurance Corporation
44. Consumer Product Safety Commission
45. Equal Employment Opportunity Commission
46. Federal Maritime Commission
47. National Transportation Safety Board
48. Nuclear Regulatory Commission
49. Overseas Private Investment Corporation
50. Administrative Conference of the United States
51. Board for International Broadcasting
52. Commission on Civil Rights
53. Commodity Futures Trading Commission
54. Peace Corps
55. National Archives and Records Administration
56. Department of Defense, including the Corps of Army Engineers

This Agreement will not apply to the following purchases of the Department of Defense:

- (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);
- (e) Speciality metals, defined as steels melted in steel manufacturing 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, niobium, 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 and 52;
- (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 XXIII, paragraph 1.

FSC	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
	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

Thresholds 355,000 SDRs for supplies and services
 4.5 million SDRs for construction

Coverage of services and construction is conditional upon equivalent offers of coverage from other participants for entities in Annexes 1, 2 and 3.

List of Entities

The U.S. Government offers to cover entities in all 50 states on the basis of commitments obtained from state governments. These entities will be specified individually at a later date.

Exceptions for All States

Steel
Motor Vehicles
Coal

State-Specific Exceptions

In addition, a limited number of individual state exceptions may be specified at a later date in accordance with commitments received from such states.

Notes

In addition to the conditions specified in the General Notes, the following conditions apply:

1. Nothing in this offer shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.
2. This offer shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 3

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

Threshold: 100,000 SDRs for supplies and services
4.5 million SDRs for construction

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

St. Lawrence Seaway Development Corporation

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

1. All transportation services, including Launching Services (CPC Categories 71, 72, 73, 74, 8859, 8868).

Note: Transportation services, where incidental to a contract for the procurement of supplies, are not subject to this Agreement.

2. Dredging.
3. All services purchased in support of military forces located overseas.
4. Management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development centers (FFRDCs).
5. Public utilities services, including telecommunications and ADP-related telecommunications services except enhanced (i.e., value-added) telecommunications services.
6. Research and Development.
7. Printing Services (for Category B entities only).

Coverage of all other services sectors is conditioned on other participants offering effective coverage of equivalent sectors.

The conditions specified in the General Notes also 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:

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

ANNEX 6

Government Entities Exercising Influence Over Entities Not Covered by the Agreement

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 licences 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 small and minority businesses.
2. Procurement in terms of U.S. coverage does not include non-contractual agreements or any form of government assistance, including co-operative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under U.S. annexes to this Agreement.
3. Procurement does not include the acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.