

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Special Distribution

Multilateral Trade Negotiations

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Group "Non-Tariff Measures"

Sub-Group "Government Procurement"

To assist the Sub-Group in its work, the following draft has been put together by the delegations of the Nordic countries.

## PART V

### Information

1. Any law, regulation, judicial decision, administrative ruling of general application, and any procedure including standard contract clauses regarding government procurement covered by this Agreement, shall be published promptly by the signatories in the appropriate publications listed in Annex ... and in such a manner as to enable other signatories and suppliers to become acquainted with them. Signatories shall be prepared, upon request, to explain to any signatory their government procurement procedures. Entities shall be prepared, upon request, to explain to any supplier from other signatories their procurement practices and procedures.
2. The entities shall, upon request by any supplier, promptly provide him with such pertinent information as they deem possible to disclose concerning the reasons why his application to qualify for the suppliers list was rejected or why he was not invited or admitted to tender. Information that a contract has been awarded shall be made known promptly to the unsuccessful tenderers by the entity concerned. Upon request by an unsuccessful tenderer the entity concerned shall promptly provide him with such pertinent information as they deem possible to disclose concerning the reasons why his tender was not selected, including information on the characteristics and the relative advantages of the tender selected.
3. If an unsuccessful tenderer believes the explanation for rejection of his tender is unsatisfactory or if he has further questions about the award of the contract, he shall be afforded an opportunity to question a designated contact point in the purchasing entity and shall receive as much additional information or explanation as the agency deems feasible to disclose.

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4. If an entity is unable to provide to an unsuccessful tenderer the requested explanation for rejection of a tender it shall so advise the tenderer concerned. The signatory of the unsuccessful supplier may then, without prejudice to paragraph B.1<sup>1</sup> of Part VII, intervene with the signatory of the procurement entity to seek such additional information on the contract award as to ensure the purchase was made fairly and impartially. In such consultations signatories shall promptly endeavour to supply all information relevant to the examination of the controversy, including name of winner and winning contract amount.

5. Confidential information provided to a consulting signatory shall not be revealed without formal authorization from the signatory providing the information.

6. Signatories shall collect and provide on an annual basis statistics on their purchases. Such reports shall contain the information and follow the format outlined in Annex ... (Such statistics could include inter alia: total value of contracts, broken down by products purchased and country of origin.)

7. Signatories shall provide the Committee at least annually with information on the use made of the provisions of paragraph 15 of Part IV specifying for each of the contracts so awarded (a) value and kind of goods purchased and (b) citation of sub-paragraph of paragraph 15 referred to above under which action was taken the number and value of contracts awarded under each of the conditions specified therein.