

ANNEX 15-A

Section 1: Central Government Entities

1. This Chapter applies to central government entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.1.6 and 15.1.7, to equal or exceed:

- (a) for procurement of goods and services:
A\$81,800 or US\$58,550
- (b) for procurement of construction services:
A\$9,396,000 or US\$6,725,000.

The monetary thresholds set out in subparagraphs (a) and (b) shall be adjusted in accordance with Section 8 of this Annex.

Schedule of Australia^{1,2}

1. Agriculture, Fisheries and Forestry Portfolio

Department of Agriculture, Fisheries and Forestry
Dairy Adjustment Authority
Biosecurity Australia

2. Attorney-General's Portfolio

Attorney-General's Department
Administrative Appeals Tribunal
Australian Crime Commission
Australian Customs Service
Australian Federal Police
AUSTRAC
Classification Board
Classification Review Board
CrimTrac Agency
Family Court of Australia
Federal Court of Australia
Federal Magistrates Court
Human Rights and Equal Opportunity Commission
Insolvency and Trustee Service Australia (ITSA)
National Native Title Tribunal
Office of Film and Literature Classification
Office of Parliamentary Counsel
Office of the Director of Public Prosecutions
Office of the Privacy Commissioner

3. Communications, Information Technology and the Arts Portfolio

Department of Communications, Information Technology and the Arts
National Archives of Australia

4. Defence Portfolio

Department of Defence³
Department of Veterans' Affairs
Defence Materiel Organisation

5. Education, Science and Training Portfolio

Department of Education, Science and Training
Australian Research Council

6. Employment and Workplace Relations Portfolio

Department of Employment and Workplace Relations
Australian Industrial Registry
Equal Opportunity for Women in the Workplace Agency
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)
Office of Workplace Services

7. Environment and Water Resources Portfolio

Department of Environment and Water Resources
Bureau of Meteorology
Office of the Renewable Energy Regulator

8. Human Services Portfolio

Department of Human Services
Centrelink

9. Families, Community Services and Indigenous Affairs Portfolio

Department of Families, Community Services and Indigenous Affairs

10. Finance and Administration Portfolio

Department of Finance and Administration
Australian Electoral Commission
Commonwealth Grants Commission
ComSuper
Australian Reward Investment Alliance⁴

11. Foreign Affairs and Trade Portfolio

Department of Foreign Affairs and Trade
AusAid
Australian Centre for International Agricultural Research

12. Health and Ageing Portfolio

Department of Health and Ageing
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)
National Blood Authority
Professional Services Review Scheme

13. Immigration and Citizenship Portfolio

Department of Immigration and Citizenship
Migration Review Tribunal and Refugee Tribunal

14. Industry, Tourism and Resources Portfolio

Department of Industry, Tourism and Resources
Geoscience Australia
IP Australia

15. Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet
Australian National Audit Office
Australian Public Service Commission
Commonwealth Ombudsman Office
Office of the Inspector-General of Intelligence and Security
Office of the Official Secretary of the Governor-General

16. Transport and Regional Services Portfolio

Department of Transport and Regional Services
National Capital Authority

17. Treasury Portfolio

Department of the Treasury
Australian Bureau of Statistics
Australian Competition and Consumer Commission
Australian Office of Financial Management (AOFM)
Australian Taxation Office
Inspector General of Taxation
National Competition Council
Productivity Commission
Royal Australian Mint

18. Parliamentary Departments

Department of the House of Representatives
Department of the Senate
Department of Parliamentary Services

Notes to the Schedule of Australia

1. This Chapter covers only those entities subordinate to the relevant portfolio which are listed in this Schedule.
2. This Chapter does not cover the procurement of motor vehicles by any entity listed in this Section.
3. Department of Defence and Defence Materiel Organisation

- (a) This Chapter does not cover the procurement of the following goods due to Article 22.2 (Essential Security):

	Approximately equivalent to:
Weapons	FSC 10
Fire Control Equipment	FSC 12
Ammunition and Explosives	FSC 13
Guided Missiles	FSC 14
Aircraft and Airframe Structural Components	FSC 15
Aircraft Components and Accessories	FSC 16
Aircraft Launching, Landing, & Ground Handling Equipment	FSC 17
Space Vehicles	FSC 18

Ships, Small Craft, Pontoons and Floating Docks	FSC 19
Ship and Marine Equipment	FSC 20
Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles	FSC 23
Engines, Turbines, and Components	FSC 28
Engines Accessories	FSC 29
Bearings	FSC 31
Water Purification and Sewage Treatment Equipment	FSC 46
Valves	FSC 48
Maintenance and Repair Shop Equipment	FSC 49
Prefabricated Structures and Scaffolding	FSC 54
Communication, Detection, and Coherent Radiation Equipment	FSC 58
Electrical and Electronic Equipment Components	FSC 59
Fiber Optics Materials, Components, Assemblies, and Accessories	FSC 60
Electric Wire, and Power and Distribution Equipment	FSC 61
Alarm, Signal and Security Detection Systems	FSC 63
Instruments and Laboratory Equipment	FSC 66
Specialty Metals	No Code

NB: Whether a good is included within the scope of this Note shall be determined solely according to the descriptions provided in the left column above. U.S. Federal Supply Codes are provided for reference purposes only. (For a complete listing of the United States Federal Supply Codes, to which the Australian categories are approximately equivalent, see <http://www.fedbizopps.gov/classCodes1.html>.)

- (b) For Australia, this Chapter does not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, due to Article 22.2. *(For a complete listing of Common Classification System, see <http://www.sice.oas.org/trade/nafta/chap-105.asp>.)*
- Design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of U.S. Product Service Codes A & J)
 - Operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M)
 - Space services (AR, B4 & V3)
 - Services in support of military forces overseas
- (c) This Chapter does not cover the procurement of goods and services by, or on behalf of, the Defence Intelligence Organisation, the Defence Signals Directorate, or the Defence Imagery and Geospatial Organisation.
- (d) In respect of Article 15.2, the Australian Government reserves the right, pursuant to Article 22.2, to maintain the Australian Industry Involvement program and its successor programs and policies.

4. Department of Finance and Administration This Chapter does not cover procurement by the Australian Reward Investment Alliance (formerly the PSS Board and CSS Board) of investment management, investment advisory, or master custody and safekeeping services for the purposes of managing and investing the assets of Australian Government superannuation funds.

Schedule of the United States¹

1. Advisory Commission on Intergovernmental Relations
2. Africa Development Foundation
3. Alaska Natural Gas Transportation System
4. American Battle Monuments Commission
5. Appalachian Regional Commission
6. Broadcasting Board of Governors
7. Commission of Fine Arts
8. Commission on Civil Rights
9. Commodity Futures Trading Commission
10. Consumer Product Safety Commission
11. Corporation for National and Community Service
12. Delaware River Basin Commission
13. Department of Agriculture²
14. Department of Commerce³
15. Department of Defense⁴
16. Department of Education
17. Department of Energy⁵
18. Department of Health and Human Services
19. Department of Homeland Security⁶
20. Department of Housing and Urban Development
21. Department of the Interior, including the Bureau of Reclamation
22. Department of Justice
23. Department of Labor
24. Department of State
25. Department of Transportation⁷
26. Department of the Treasury
27. Department of Veterans Affairs
28. Environmental Protection Agency
29. Equal Employment Opportunity Commission
30. Executive Office of the President
31. Export-Import Bank of the United States
32. Farm Credit Administration
33. Federal Communications Commission
34. Federal Crop Insurance Corporation
35. Federal Deposit Insurance Corporation

36. Federal Election Commission
37. Federal Home Loan Mortgage Corporation
38. Federal Housing Finance Board
39. Federal Maritime Commission
40. Federal Mediation and Conciliation Service
41. Federal Mine Safety and Health Review Commission
42. Federal Prison Industries, Inc.
43. Federal Reserve System
44. Federal Retirement Thrift Investment Board
45. Federal Trade Commission
46. General Services Administration⁸
47. Government National Mortgage Association
48. Holocaust Memorial Council
49. Inter-American Foundation
50. Merit Systems Protection Board
51. National Aeronautics and Space Administration (NASA)
52. National Archives and Records Administration
53. National Capital Planning Commission
54. National Commission on Libraries and Information Science
55. National Council on Disability
56. National Credit Union Administration
57. National Foundation on the Arts and the Humanities
58. National Labor Relations Board
59. National Mediation Board
60. National Science Foundation
61. National Transportation Safety Board
62. Nuclear Regulatory Commission
63. Occupational Safety and Health Review Commission
64. Office of Government Ethics
65. Office of the Nuclear Waste Negotiator
66. Office of Personnel Management
67. Office of Special Counsel
68. Office of Thrift Supervision
69. Overseas Private Investment Corporation
70. Peace Corps
71. Railroad Retirement Board
72. Securities and Exchange Commission
73. Selective Service System
74. Small Business Administration
75. Smithsonian Institution
76. Susquehanna River Basin Commission
77. United States Agency for International Development
78. United States International Trade Commission

Notes to the Schedule of the United States

1. Unless otherwise specified in this Schedule, all agencies subordinate to the listed entities are covered by this Chapter.

2. Department of Agriculture: This Chapter does not cover the procurement of agricultural goods made in furtherance of agricultural support programs or human feeding programs.

3. Department of Commerce: This Chapter does not cover shipbuilding activities of the U.S. National Oceanic and Atmospheric Administration (NOAA).

4. Department of Defense: This Chapter does not cover the procurement of the goods listed below. (*For complete listing of U.S. Federal Supply Classification, see <http://www.fedbizopps.gov/classCodes1.html>*):

- (a)
 - FSC 11 Nuclear Ordnance
 - FSC 18 Space Vehicles
 - FSC 19 Ships, Small Craft, Pontoons, and Floating Docks (the part of this classification defined as naval vessels or major components of the hull or superstructure thereof)
 - FSC 20 Ship and Marine Equipment (the part of this classification defined as naval vessels or major components of the hull or superstructure thereof)
 - FSC 2310 Passenger Motor Vehicles (only Buses)
 - FSC 2350 Combat, Assault & Tactical Vehicles, Tracked
 - FSC 51 Hand Tools
 - FSC 52 Measuring Tools
 - FSC 60 Fibre Optics Materials, Components, Assemblies, and Accessories
 - FSC 8140 Ammunition & Nuclear Ordnance Boxes, Packages & Special Containers
 - FSC 83 Textiles, Leather, Furs, Apparel, Shoes, Tents, and Flags (all elements other than pins, needles, sewing kits, flagstuffs, flagpoles and flagstaff trucks)
 - FSC 84 Clothing, Individual Equipment, and Insignia (all elements other than sub-class 8460 - luggage)
 - FSC 89 Subsistence (all elements other than sub-class 8975- tobacco products)
- (b) “Specialty 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 the Department of Defense: (1) manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or which contains more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, 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; and

- (c) For the United States, this Chapter generally does not cover the procurement of the goods in the following FSC categories, due to application of Article 22.2 (Essential Security):

FSC 10	Weapons
FSC 12	Fire Control Equipment
FSC 13	Ammunitions and Explosives
FSC 14	Guided Missiles
FSC 15	Aircraft and Airframe Structural Components
FSC 16	Aircraft Components and Accessories
FSC 17	Aircraft Launching, Landing, and Ground Handling Equipment
FSC 19	Ships, Small Craft, Pontoons, and Floating Docks
FSC 20	Ship and Marine Equipment
FSC 28	Engines, Turbines, and Components
FSC 31	Bearings
FSC 58	Communications, Detection, and Coherent Radiation
FSC 59	Electrical and Electronic Equipment Components
FSC 95	Metal Bars, Sheets, and Shapes

5. Department of Energy: This Chapter does not cover national security procurements made in support of safeguarding nuclear materials or technology and entered into under the authority of the *Atomic Energy Act*, or oil purchases related to the Strategic Petroleum Reserve.

6. Department of Homeland Security:

- (a) This Chapter does not cover procurement by the Transportation Security Administration.
- (b) The essential security interests of the United States equally apply to the United States Coast Guard.

7. Department of Transportation: This Chapter does not cover procurement by the Federal Aviation Administration.

8. General Services Administration: This Chapter does not cover the procurement of the goods in the following FSC categories:

FSC 51	Hand Tools
FSC 52	Measuring Tools
FSC 7340	Cutlery and Flatware

SECTION 2 : REGIONAL GOVERNMENT ENTITIES

1. This Chapter applies to the regional government entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.1.6 and 15.1.7, to equal or exceed:

- (a) for procurement of goods and services:
A\$666,000 or US\$477,000;
- (b) for procurement of construction services:
A\$9,396,000 or US\$6,725,000.

The monetary thresholds set out in paragraph 1 shall be adjusted in accordance with Section 8 of this Annex.

Schedule of Australia

This Chapter covers only those entities specifically listed in this Schedule.

Australian Capital Territory

ACT Auditor-General's Office
ACT Electoral Commission
ACT Emergency Services Australia
ACT Gambling and Racing Commission
ACT Health
ACT Insurance Authority
ACT Planning and Land Authority
ACT Planning and Land Council
ACT Workcover
ACTION
Chief Minister's Department
Cultural Facilities Corporation
Department of Disability, Housing and Community Services
Department of Education and Training
Department of Justice and Community Safety
Department of Treasury
Department of Territory and Municipal Services
Director of Public Prosecutions
Environment Commissioner
Human Rights Commission
Legal Aid Office
National Exhibition Centre Trust

Ombudsman of the ACT
The Independent Competition and Regulatory Commission

For the entities listed for the Australian Capital Territory, this Chapter does not cover the procurement of health and welfare services, education services, utility services, or motor vehicles.

New South Wales

Department of Primary Industries
Rural Assistance Authority
NSW Food Authority
Attorney General's Department
Department of Environment and Climate Change
Legal Aid Commission of NSW
Office of the Director of Public Prosecutions NSW
Public Trustee NSW
Department of Commerce
Motor Accidents Authority of NSW
Motor Vehicle Repair Industry Authority
WorkCover NSW
Commission for Children and Young People
Department of Ageing, Disability and Home Care
Department of Community Services
Office of the Children's Guardian
Aboriginal Housing Office
Department of Aboriginal Affairs
Department of Education and Training
Office of the Board of Studies
Office of Science and Medical Research
Department of Water and Energy
Department of Liquor, Gaming and Racing
Department of Health
Health Care Complaints Commission
Department of Planning
Department of Natural Resources, Mines and Water
Sydney Harbour Foreshore Authority
Department of Corrective Services
Department of Juvenile Justice
Ministry for Police
New South Wales Crime Commission
Police Integrity Commission
Community Relations Commission
NSW Ombudsman
Parliamentary Counsel's Office
Department of Premier and Cabinet

Electoral Commission of New South Wales
The Audit Office of New South Wales
Department of State and Regional Development
Department of Lands
Department of Local Government
NSW Rural Fire Service
New South Wales Fire Brigades
State Emergency Service
Department of Arts, Sport and Recreation
Ministry of Transport
Sydney Olympic Park Authority
NSW Treasury
Tourism NSW

1. For the entities listed for New South Wales, this Chapter does not cover the procurement of health and welfare services, education services, or motor vehicles.
2. Australia shall phase-out the non-compliant offset and preference schemes of New South Wales within three years after the date of entry into force of this Agreement.
3. For the entities listed for New South Wales, the Chapter does not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.

Northern Territory

Chief Minister's Portfolio

Department of the Chief Minister
Auditor General's Office
Department of Legislative Assembly
Ombudsman's Office
Remuneration Tribunal

Business and Economic Development, Regional Development and Defence Support Portfolio

Department of Business, Economic and Regional Development

Indigenous Affairs Portfolio

Aboriginal Areas Protection Authority

Local Government, Housing, and Sport Portfolio

Department of Local Government, Housing and Sport

Employment, Education and Training Portfolio

Office of the Commissioner for Public Employment
Northern Territory Employment and Training Authority
Work Health Authority

Health, Family and Community Services Portfolio

Department of Health and Community Services
Health and Community Services Complaints Commission

Justice and Attorney –General's Portfolio

Department of Justice
Lands and Planning Portfolio
 Land Development Corporation
Natural Resources, Environment and Heritage, Parks and Wildlife, Arts and Museums Portfolio
Department of Natural Resources, Environment and the Arts
 Parks and Wildlife Commission of the Northern Territory
 Museum and Art Galleries Strehlow Centre Board
Police, Fire and Emergency Services Portfolio
 Northern Territory Emergency Service
 Northern Territory Fire and Rescue Service
 Police Force of the Northern Territory
Racing, Gaming and Licensing Portfolio
 Northern Territory Licensing Commission
 Racing Commission
Tourism Portfolio
 Northern Territory Tourist Commission
Treasury Portfolio
 Northern Territory Treasury
 Utilities Commission of the Northern Territory
Mines and Energy, Primary Industry and Fisheries Portfolio
 Department of Primary Industries, Fisheries and Mines

1. For the entities listed for the Northern Territory, this Chapter does not cover set-asides on behalf of the Charles Darwin University pursuant to Partnership Agreements between the Northern Territory Government and Charles Darwin University.
2. Australia shall phase-out the non-compliant parts of its *Building Northern Territory Industry Participation* program within three years after the date of entry into force of this Agreement.

Queensland

Department of Justice and Attorney-General
 Public Trust Office
 Department of Child Safety
 Department of Communities
 Disability Services
 Treasury Department
 Government Superannuation Office
 Motor Accident Insurance Commission
 Nominal Defendant
 Office of Economical and Statistical Research
 Office of State Revenue
 Queensland Office of Gaming and Regulation
 Department of Emergency Services
 Queensland Ambulance Service

Queensland Fire Service
 Environmental Protection Agency
 Queensland Parks and Wildlife Service
 Department of Local Government, Planning, Sport and Recreation
 Sport and Recreation Queensland
 Office for Women
 Department of Natural Resources and Water
 Department of Mines and Energy
 Queensland Police Service
 Department of Corrective Services
 Department of the Premier and Cabinet
 Office of the Queensland Parliamentary Counsel
 Office of the Public Service Commissioner
 Department of Primary Industries
 DPI Forestry
 Department of Public Works
 Department of Housing
 Department of State Development
 Department of Tourism, Fair Trading and Wine Industry Development
 Office of Fair Trading
 Department of Transport
 Department of Main Roads
 Department of Employment and Industrial Relations

Notes for Queensland

1. For the entities listed for Queensland, this Chapter does not apply to procurements by covered entities on behalf of non-covered entities.
2. The procurement policies and procedures that are not compliant with the offsets provisions of this Chapter will be made compliant within three years from the date of entry into force of the Agreement.
3. For the entities listed for Queensland, this Chapter does not cover the procurement of health and welfare services, education services, government advertising and motor vehicles.

South Australia

Department of the Premier and Cabinet

Arts SA

Aboriginal Affairs and Reconciliation Division

Department of Treasury and Finance

Independent Gambling Authority

Department of Trade and Economic Development

Department of Primary Industries and Resources SA

Planning SA

Office of the Southern Suburbs

Justice Portfolio

Attorney-General's Department
 Department for Correctional Services
 Country Fire Services
 Courts Administration Authority
 South Australia Fire and Emergency Services Administrative Unit
 South Australian Metropolitan Fire Services
 South Australian Police Department
 State Electoral Office
Auditor-General's Department
Department of Family and Community Services
Department of Health
Department of Education and Children's Services
Department of Further Education Employment, Science & Technology
SA Tourism Commission
Department for Environment and Heritage
Environment Protection Authority
Department of Water, Land and Biodiversity Conservation
Department of Transport, Energy and Infrastructure
 Office for State/Local Government Relations
State Procurement Board

1. For the entities listed for South Australia, this Chapter does not cover the procurement of health and welfare services, education services, advertising services, or motor vehicles.
2. Any measure providing for inclusion of offsets in procurements will be phased out within three years of the date of entry into force of the Agreement.

Tasmania

Department of Education
 Department of Health and Human Services
 Department of Infrastructure, Energy and Resources
 Department of Justice
 Department of Police and Emergency Management
 Department of Premier and Cabinet
 Department of Primary Industries and Water
 Department of Economic Development
 Department of Tourism, Arts and the Environment
 Department of Treasury and Finance
 House of Assembly
 Legislative Council
 Legislature-General
 Office of the Governor
 Tasmanian Audit Office

For the entities listed for Tasmania, this Chapter does not cover the procurement of health and welfare services, education services, or advertising services.

Victoria

Departments

Department of Education
Department of Innovation Industry and Regional Development
Department of Human Services
Department of Infrastructure
Department of Justice
Department of Premier and Cabinet
Department of Primary Industries
Department of Sustainability and Environment
Department of Treasury and Finance
Department of Victorian Communities

Administrative Offices/Other Public Entities

Victorian Auditor-General's Office
Office of Public Prosecutions
Office of the Chief Commissioner of Police
Office of the Ombudsman
State Services Authority
Office of the Essential Services Commissioner
Office of the Legal Services Commissioner
Office of the Victorian Electoral Commissioner
Office of the Victorian Privacy Commissioner
Office of the Commissioner for Environmental Sustainability
Office of Police Integrity
Office of the Special Investigations Monitor

1. For the entities listed for Victoria, this Chapter does not cover the procurement of motor vehicles.
2. Australia shall phase-out the non-compliant parts of its Victorian Industry Participation Policy within three years after the date of entry into force of this Agreement.
3. For the entities listed for Victoria, this Chapter does not apply to procurements by covered entities on behalf of non-covered entities.

Western Australia

Department of Agriculture and Food
Rural Business Development Corporation of Western Australia
Department of Fisheries
Mid West Development Commission
Wheatbelt Development Commission
Great Southern Development Commission

Office of the Director of Public Prosecutions
Office of the Information Commissioner
Law Reform Commission of Western Australia
Equal Opportunity Commission
Department of Health
Western Australian Electoral Commission
Department for Communities
Department for Child Protection
Disability Services Commission
Department of Culture and the Arts
Department of Consumer and Employment Protection
Department of Indigenous Affairs
Department of the Registrar, Western Australian Industrial Relations Commission
Department of Education and Training
Country High Schools Hostels Authority
Curriculum Council of Western Australia
Department of Education Services
Botanic Gardens and Parks Authority
Department of Water
Department of Environment and Conservation
Swan River Trust
Water and Rivers Commission
Zoological Parks Authority
Department of Housing and Works
State Supply Commission of Western Australia
Department of Racing, Gaming and Liquor
Department of Local Government and Regional Development
Heritage Council of WA
National Trust of Australia (WA)
Kimberley Development Commission
Pilbara Development Commission
Gascoyne Development Commission
Goldfields Esperance Development Commission
Department for Planning and Infrastructure
Main Roads Western Australia
Western Australian Planning Commission
Public Transport Authority
Landgate
Fire and Emergency Services Authority of Western Australia
Department of Attorney General
Department of Corrective Services
Office of the Inspector of Custodial Services
Western Australian Police
Department of the Premier and Cabinet
Governor's Establishment

Office of the Public Sector Standards Commissioner
Salaries and Allowances Tribunal
Department of Industry and Resources
Minerals and Energy Research Institute of Western Australia
Western Australian Tourism Commission (Tourism Western Australia)
Small Business Development Corporation
Rottnest Island Authority
Department of Sport and Recreation
Western Australian Sports Centre Trust
Peel Development Commission
South West Development Commission
Department of Treasury and Finance
Office of Energy
Perth International Centre for Application of Solar Energy
Legislative Assembly
Legislative Council
Office of the Auditor General
Office of the Parliamentary Commissioner for Administrative Investigations
Corruption and Crime Commission
Parliamentary Services Department

Schedule of the United States

This Chapter covers procurement only by those entities listed in this Schedule.

Arkansas

Executive branch agencies, including universities

For the entities listed for Arkansas, this Chapter does not cover procurement by the Office of Fish and Game or construction services.

California

Executive branch agencies

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

Delaware*

Administrative Services (Central Procurement Agency)
State Universities

State Colleges

Florida*

Executive branch agencies

Georgia

Department of Administrative Services

Georgia Technology Authority

For the entities listed for Georgia, this Chapter does not cover the procurement of beef, compost, or mulch.

Hawaii

Department of Accounting and General Services

For the entities listed for Hawaii, this Chapter does not cover procurement of software developed in the state or construction services.

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight).

Illinois*

Department of Central Management Services

Kansas

Executive branch agencies

For the entities listed for Kansas, this Chapter does not cover the procurement of construction services, automobiles, or aircraft.

Kentucky

Division of Purchases, Finance and Administration Cabinet

For the entity listed for Kentucky, this Chapter does not cover procurement for construction projects.

Louisiana

Executive branch agencies

Maine*

Department of Administrative and Financial Services

Bureau of General Services (covering state government agencies and school construction)

Maine Department of Transportation

Maryland*

Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Personnel
Department of Public Safety and Correctional Services
Department of Transportation

Michigan*

Department of Management and Budget

Mississippi

Department of Finance and Administration

For the entities listed for Mississippi, this Chapter does not cover the procurement of services.

Nebraska

Central Procurement Agency

New Hampshire*

Central Procurement Agency

New York*

State agencies
State university system
Public authorities and public benefit corporations

1. For the entities listed for New York, this Chapter does not cover public authorities and public benefit corporations, with multi-state mandates.

2. For the entities listed for New York, this Chapter does not cover the procurement of transit cars, buses, or related equipment.

Oklahoma*

Office of Public Affairs and all state agencies and departments subject to the Oklahoma Central Purchasing Act

For the entities listed for Oklahoma, this Chapter does not cover the procurement of construction services.

Oregon

Department of Administrative Services

Pennsylvania*

Executive branch agencies, including:

- Governor's Office
- Department of the Auditor General
- Treasury Department
- Department of Agriculture
- Department of Banking
- Pennsylvania Securities Commission
- Department of Health
- Department of Transportation
- Insurance Department
- Department of Aging
- Department of Correction
- Department of Labor and Industry
- Department of Military Affairs
- Office of Attorney General
- Department of General Services
- Department of Education
- Public Utility Commission
- Department of Revenue
- Department of State
- Pennsylvania State Police
- Department of Public Welfare
- Fish Commission
- Game Commission
- Department of Commerce
- Board of Probation and Parole
- Liquor Control Board
- Milk Marketing Board
- Lieutenant Governor's Office
- Department of Community Affairs
- Pennsylvania Historical and Museum Commission
- Pennsylvania Emergency Management Agency
- State Civil Service Commission
- Pennsylvania Public Television Network
- Department of Environmental Resources
- State Tax Equalization Board
- Department of Public Welfare
- State Employees' Retirement System
- Pennsylvania Municipal Retirement Board
- Public School Employees' Retirement System
- Pennsylvania Crime Commission
- Executive Offices

Rhode Island

Executive branch agencies

For the entities listed for Rhode Island, this Chapter does not cover the procurement of boats, automobiles, buses, or related equipment.

South Dakota

Central Procuring Agency (including universities and penal institutions)

For the entities listed for South Dakota, this Chapter does not cover procurement of beef

Tennessee

Executive branch agencies

For the entities listed for Tennessee, this Chapter does not cover the procurement of services, including construction services.

Texas

Texas Building and Procurement Commission

For the entity listed for Texas, this Chapter does not apply to preferences for: (1) motor vehicles; (2) travel agents located in Texas; or (3) rubberized asphalt paving made from scrap tires by a Texas facility.

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

- General Administration
- Department of Transportation
- State Universities

For the entities listed for Washington, this Chapter does not cover the procurement of fuel, paper products, boats, ships, or vessels.

Wyoming*

Procurement Services Division

Wyoming Department of Transportation

University of Wyoming

Notes to the Schedule of the United States

1. For the United States regional entities marked by an asterisk (*), indicating pre-existing

restrictions, this Chapter does not cover procurement of construction-grade steel (including requirements on subcontracts), motor vehicles, or coal.

2. For the United States regional entities, this Chapter does not apply to preferences or restrictions associated with programs promoting the development of distressed areas or businesses owned by minorities, disabled veterans, or women.

3. Nothing in this Annex 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.

4. This Chapter does not cover any procurement made by a covered entity on behalf of non-covered entities at a different level of government.

5. For the United States regional entities, this Chapter does not apply to restrictions attached to Federal funds for mass transit and highway projects.

6. For the United States regional entities, this Chapter does not cover the procurement of printing services.

SECTION 3: Government Enterprises

1. This Chapter applies to the government enterprises listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.1.6 and 15.1.7, to equal or exceed:

- (a) for procurement of goods and services:
 - (i) of List A entities, A\$409,000 or US\$292,751; or
 - (ii) of List B entities, US\$538,000 ; and
- (b) for procurement of construction services for List A and List B entities:
A\$9,396,000 or US\$6,725,000.

The monetary thresholds set out in sub-paragraphs (a) and (b) shall be adjusted in accordance with Section 8 of this Annex.

Schedule of Australia

List A:

1. Aged Care Standards and Accreditation Agency **Ltd.**
2. Australian Accounting Standards Board
3. Australian Communications and Media Authority
4. Australian Fisheries Management Authority
5. Australian Institute of Criminology
6. Australian Institute of Health and Welfare
7. Australian Institute of Marine Science
8. Australian Law Reform Commission
9. Australian Maritime Safety Authority
10. Australian National Maritime Museum
11. Australian Nuclear Science and Technology Organization
12. Australian Pesticides and Veterinary Medicines Authority
13. Australian Prudential Regulation Authority
14. Australian Securities and Investments Commission
15. Tourism Australia
16. Australian Trade Commission (Austrade)
17. Australian War Memorial³
18. Comcare
19. Commonwealth Scientific and Industrial Research Organisation
20. Corporations and Markets Advisory Committee
21. Export Finance and Insurance Corporation
22. Grains Research and Development Corporation
23. Great Barrier Reef Marine Park Authority

24. Medicare Australia
25. Land and Water Resources Research and Development Corporation
26. National Gallery of Australia
27. National Museum of Australia
28. Australian Safety and Compensation Council
29. Reserve Bank of Australia
30. Sydney Harbour Federation Trust
31. The Director of National Parks
32. The National Institute of Clinical Studies Ltd.

Notes to the Schedule of Australia

1. For the entities listed in Australia's list A, this Chapter covers only those entities listed in this Schedule.
2. For the entities listed in Australia's list A, this Chapter does not cover the procurement of motor vehicles.
3. This Chapter does not cover procurement of telecommunications services by the Australian War Memorial.

Schedule of the United States

List A:

1. Tennessee Valley Authority
2. Bonneville Power Administration
3. Western Area Power Administration
4. Southeastern Power Administration
5. Southwestern Power Administration
6. St. Lawrence Seaway Development Corporation

List B:

Rural Utilities Service¹

Notes to the Schedule of the United States

1. The Rural Utilities Service shall:
 - (a) waive federal buy national requirements imposed as conditions of funding for all power generation projects; and
 - (b) apply procurement procedures equivalent to the procedures in the WTO Agreement on Government Procurement and national treatment to funded projects exceeding the thresholds specified above.

1. For greater clarity, this Chapter does not apply to any other aspect of procurement by the Rural Utilities Service, including any restrictions the Rural Utilities Service places on financing for telecommunications projects.
2. With respect to procurement by entities listed in this Section, this Chapter does not apply to restrictions attached to Federal funds for airport projects.

SECTION 4: GOODS

This Chapter applies to all goods procured by the entities listed in Sections 1 through 3, unless otherwise specified in this Chapter, including this Annex.

SECTION 5: SERVICES

This Chapter applies to all services procured by the entities listed in Sections 1 through 3, unless otherwise specified in this Chapter, including this Annex.

Schedule of Australia

This Chapter does not cover the procurement of plasma fractionation services or government advertising services.

Schedule of the United States

This Chapter does not cover the procurement of the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120. (*For complete listing of Common Classification System, see <http://www.sice.oas.org/trade/nafta/chap-105.asp>.*)

Basic telecommunications network and services listed in paragraph 2C(a) through (g) of WTO document MTN.GNS/W/120, such as public voice and data services. This exclusion does not include information services, as defined in 47 United States Code (USC) 153(20). See <http://www.gpoaccess.gov/uscode/search.html>.

- J. **Maintenance, Repair, Modification, Rebuilding and Installation of Goods/ Equipment**
J019 Maintenance, Repair, Modification, Rebuilding and Installation of Equipment Related to Ships
J998 Non-nuclear Ship Repair
- M. **Operation of Government-Owned Facilities:**
All facilities operated by the Department of Defense, Department of Energy, and the National Aeronautics and Space Administration; and
for all entities in Section 1 through Section 3: M180 Research and Development facilities
- S. **Utilities:** All Classes
- V. **Transportation, Travel and Relocation Services:** All Classes except V503 Travel Agent Services

Note to the Schedule of the United States

1. This Chapter does not cover the procurement of any service in support of military forces overseas.

SECTION 6: CONSTRUCTION SERVICES

This Chapter applies to all construction services procured by the entities listed in Sections 1 through 3, unless otherwise specified in this Chapter, including this Annex.

Schedule of the United States

This Chapter does not cover the procurement of dredging services.

Note to Section 6

1. Buy national requirements on articles, supplies, or materials acquired for use in construction services contracts covered by this Chapter shall not apply to goods of either Party.

SECTION 7: GENERAL NOTES

Unless otherwise specified herein, the following General Notes in each Party's Schedule apply without exception to this Chapter, including to all sections of this Annex.

Schedule of Australia

This Chapter does not apply to:

- (a) any form of preference to benefit small and medium enterprises;
- (b) measures to protect national treasures of artistic, historic, or archaeological value;
- (c) measures for the health and welfare of indigenous people; and
- (d) measures for the economic and social advancement of indigenous people.

Schedule of the United States

1. This Chapter does not apply to set asides on behalf of small or minority businesses. Set-asides include any form of preference, such as the exclusive right to provide a good or service and price preferences.
2. Where a contract is to be awarded by an entity that is not listed in Section 1, 2 or 3, this Chapter shall not be construed as covering any good or service component of that contract.
3. This Chapter does not apply to the procurement of transportation services that form a part of, or are incidental to, a procurement contract.

SECTION 8: THRESHOLD ADJUSTMENT FORMULA

1. The thresholds in Sections 1 through 3 shall be adjusted at two-year intervals with each adjustment taking effect in January, beginning on January 1, 2006.
2. With regard to thresholds for goods and services in Section 1 and for goods and services for List A entities referred to in Section 3, the U.S. dollar value for each threshold shall be calculated every two years, based on the U.S. inflation rate measured by the Producer Price Index for Finished Goods published by the U.S. Bureau of Labor Statistics, using the two-year time that ends on October 31 in the year prior to the adjustment taking effect, and using the following formula:

$$T_1 = T_0 \times (1 + i)$$

T_0 = threshold value at base period

i = accumulated U.S. inflation rate for the “i”th two year-period

T_1 = new threshold value; and

3. The thresholds for goods and services in Section 2, for goods and services for List B entities in Section 3, and for construction services in Sections 1 through 3 are conversions into U.S. dollars of the thresholds listed in the U.S. Appendix 1 to the WTO Agreement on Government Procurement, which are set out in Special Drawing Rights (SDRs) and listed below. Adjustments of these thresholds shall be calculated, based on an average of the daily conversion rates of the U.S. dollar in terms of SDRs published by the IMF in its monthly "International Financial Statistics", for the two-year period preceding October 1 or November 1 of the year before the adjusted thresholds are to take effect:

- (a) 5 million SDRs for construction services;
- (b) 355,000 SDRs for goods and services for Section 2 entities; and
- (c) 400,000 SDRs for goods and services for Section 3 List B entities.

4. The U.S. dollar value of the adjusted thresholds shall be converted into the Australian dollar based on the official conversion rate of the Reserve Bank of Australia, using the average of the daily values of the Australian dollar in terms of the U.S. dollar over the two-year period ending September 30 in the year prior to the adjustments taking effect, and rounded to the nearest thousand Australian dollars;
5. Each Party shall notify the other Party of the adjusted thresholds in their respective currencies; and
6. The Parties shall consult if a major change in a national currency vis-à-vis the other currency were to create a significant problem with regard to the application of the Chapter.