

Chapter Nine

Government Procurement

Article 9.1: Scope and Coverage

1. This Chapter applies to any measure, including any act or guideline of a Party, regarding covered procurement.
2. For purposes of this Chapter, covered procurement means a procurement of goods, services, or both:
 - (a) by any contractual means, including purchase, rental, or lease, with or without an option to buy, build-operate-transfer contracts, and public works concession contracts;
 - (b) listed and subject to the conditions specified in:
 - (i) Annex 9.1.2(b)(i), which shall apply between the United States and each other Party;
 - (ii) Annex 9.1.2(b)(ii), which shall apply between the Central American Parties; and
 - (iii) Annex 9.1.2(b)(iii), which shall apply between each Central American Party and the Dominican Republic;
 - (c) that is conducted by a procuring entity; and
 - (d) that is not excluded from coverage.
3. This Chapter does not apply to:
 - (a) non-contractual agreements or any form of assistance that a Party or a state enterprise provides, including grants, loans, equity infusions, fiscal incentives, subsidies, guarantees, cooperative agreements, government provision of goods and services to persons or to state, regional, or local governments, and purchases for the direct purpose of providing foreign assistance;
 - (b) purchases funded by loans or grants made to a Party, including an entity of a Party by a person, international entities, associations, or another Party or a non-Party, to the extent that the conditions of such assistance are inconsistent with this Chapter;
 - (c) acquisition of fiscal agency or depository services, liquidation, and management services for regulated financial institutions, and sale and distribution services for government debt;
 - (d) hiring of government employees and related employment measures;
 - (e) any good or service component of any contract that is awarded by a procuring entity that is not listed in Sections A through C of Annexes 9.1.2(b)(i), 9.1.2(b)(ii), and 9.1.2(b)(iii); and
 - (f) purchases made under exceptionally advantageous conditions that only arise in the very short term, such as unusual disposals by companies that normally are not suppliers, or disposals of assets of businesses in liquidation or receivership.
4. Each Party shall ensure that its procuring entities comply with this Chapter in conducting any covered procurement.
5. Where a procuring entity awards a contract in a procurement that is not covered by this Chapter, nothing in this Chapter shall be construed to cover any good or service component of that contract.
6. No procuring entity may prepare, design, or otherwise structure or divide any procurement in order to avoid the obligations of this Chapter.
7. Nothing in this Chapter shall prevent a Party from developing new procurement policies, procedures, or contractual means, provided they are not inconsistent with this Chapter.

Article 9.2: General Principles

1. With respect to any measure covered by this Chapter, each Party shall accord to the goods and services of another Party, and to the suppliers of another Party of such goods and services, treatment no less favorable than the most favorable treatment the Party or procuring entity accords to its own goods, services, and suppliers.
2. With respect to any measure covered by this Chapter, no Party may:
 - (a) treat a locally established supplier less favorably than another locally established supplier on the basis of degree of foreign affiliation or ownership; or
 - (b) discriminate against a locally established supplier on the basis that the goods or services offered by that supplier for a particular procurement are goods or services of another Party.
3. For purposes of paragraphs 1 and 2, determination of the origin of goods shall be made in a manner consistent with Chapter Four (Rules of Origin and Origin Procedures).
4. With respect to covered procurement, a procuring entity shall not seek, take account of, or impose offsets in any stage of a procurement.
5. Paragraphs 1 and 2 do not apply to measures respecting customs duties or other charges of any kind imposed on or in connection with importation, the method of levying such duties or charges, other import regulations, including restrictions and formalities, or measures affecting trade in services other than measures specifically governing procurement covered by this Chapter.

Article 9.3: Publication of Procurement Measures

Each Party shall promptly:

- (a) publish any law or regulation, and any modification thereof, relating to procurement;
- (b) make publicly available any procedure, judicial decision, or administrative ruling of general application, relating to procurement; and
- (c) on request of a Party, provide to that Party a copy of a procedure, judicial decision, or administrative ruling of general application, relating to procurement.

Article 9.4: Publication of Notice of Intended Procurement

1. Subject to Article 9.9.2, a procuring entity shall publish in advance a notice inviting interested suppliers to submit tenders for each covered procurement.
2. The information in each such notice shall include, at a minimum, an indication that the procurement is covered by this Chapter, a description of the intended procurement, any conditions that suppliers must fulfill to participate in the procurement, the name of the procuring entity, the address where all documents relating to the procurement may be obtained, if applicable, any sum payable for the tender documentation, the time limits and address for submission of tenders, and the time for delivery of the goods or services being procured.
3. Each Party shall encourage its procuring entities to publish information regarding their future procurement plans as early as possible in each Party's fiscal year.

Article 9.5: Time Limits for the Tendering Process

1. A procuring entity shall provide suppliers sufficient time to prepare and submit responsive tenders, taking into account the nature and complexity of the procurement. In no case shall a procuring entity provide less than 40 days from the date of publication of a notice of intended procurement to the final date for submission of tenders.
2. Notwithstanding paragraph 1, where there are no qualification requirements for suppliers, a procuring entity may establish a period for tendering that is less than 40

days, but in no case less than 10 days, in the following circumstances:

- (a) where the procuring entity published a separate notice containing a description of the procurement, the approximate time limits for the submission of tenders or, where appropriate, conditions for participation in a procurement, and the address from which documents relating to the procurement may be obtained, at least 40 days and not more than 12 months before the final date for the submission of tenders;
- (b) where an entity procures commercial goods and services that are sold or offered for sale to, and customarily purchased and used by, non-governmental buyers for non-governmental purposes; or
- (c) where an unforeseen state of urgency that is duly substantiated by the procuring entity renders impracticable the time provided in paragraph 1.

Article 9.6: Tender Documentation

1. A procuring entity shall provide to interested suppliers tender documentation that includes all information necessary to permit suppliers to prepare and submit responsive tenders. The documentation shall include all criteria that the procuring entity will consider in awarding the contract, including all cost factors, and the weights or, where appropriate, the relative values, that the entity will assign to these criteria in evaluating tenders.

2. A procuring entity may satisfy paragraph 1 by publishing the documentation by electronic means accessible to all interested suppliers. Where a procuring entity does not publish tender documentation by electronic means accessible to all interested suppliers, the entity shall, on request of any supplier, promptly make the documentation available in written form to the supplier.

3. Where a procuring entity, in the course of a procurement, modifies the criteria referred to in paragraph 1, (each Central American Party and the Dominican Republic may make such modifications before tenders are opened. The United States may make such modifications before awarding the contract) it shall transmit all such modifications in writing:

- (a) to all suppliers that are participating in the procurement at the time the criteria are modified, if the identities of such suppliers are known, and in cases where the identities of suppliers participating are not known, in the same manner as the original information was transmitted; and
- (b) in adequate time to allow the suppliers to modify and re-submit their tenders, as appropriate.

Article 9.7: Technical Specifications

1. A procuring entity shall not prepare, adopt, or apply any technical specification with the purpose or the effect of creating unnecessary obstacles to trade between the Parties.

2. A procuring entity shall prescribe any technical specifications, where appropriate:

- (a) in terms of performance requirements rather than design or descriptive characteristics; and
- (b) based on international standards, where applicable, otherwise on recognized national standards.

3. A procuring entity shall not prescribe technical specifications that require or refer to a particular trademark or trade name, patent, design or type, specific origin or producer or supplier, unless there is no other sufficiently precise or intelligible way of describing the

procurement requirements and provided that, in such cases, words such as “or equivalent” are included in the tender documentation.

4. A procuring entity shall not seek or accept, in a manner that would have the effect of precluding competition, advice that may be used in the preparation or adoption of any technical specification for a specific procurement from a person that may have a commercial interest in that procurement.

5. For greater certainty, this Article is not intended to preclude a procuring entity from preparing, adopting, or applying technical specifications to promote the conservation of natural resources.

Article 9.8: Requirements and Conditions for Participating in Procurement

1. Where a procuring entity requires suppliers to satisfy registration, qualification, or any other requirements or conditions for participation (“conditions for participation”) in order to participate in a procurement, the procuring entity shall publish a notice inviting suppliers to apply for registration or qualification, or to satisfy any other conditions for participation. The procuring entity shall publish the notice sufficiently in advance to provide interested suppliers sufficient time to prepare and submit applications and for the entity to evaluate and make its determinations based on such applications.

2. Each procuring entity shall:

(a) limit any conditions for participation in a procurement to those that are essential to ensure that the supplier has the legal, technical, and financial abilities to fulfill the requirements and technical specifications of the procurement;

(b) recognize as qualified all suppliers of another Party that have met the requisite conditions for participation; and

(c) base qualification determinations solely on the conditions for participation that have been specified in advance in notices or tender documentation.

3. Procuring entities may establish publicly available lists of suppliers qualified to participate in procurements. Where a procuring entity requires suppliers to qualify for such a list as a condition for participation in a procurement, and a supplier that has not yet qualified applies for inclusion in the list, the procuring entity shall promptly start the qualification procedures and shall allow the supplier to submit a tender, if it is determined to be a qualifying supplier, provided there is sufficient time to fulfill the conditions for participation within the time period established for tendering.

4. No procuring entity may make it a condition for participation in a procurement that a supplier has previously been awarded one or more contracts by a procuring entity or that the supplier has prior work experience in the territory of a Party. A procuring entity shall evaluate the financial and technical abilities of a supplier on the basis of that supplier’s business activity outside the territory of the Party of the procuring entity, as well as activity, if any, in the territory of the Party of the procuring entity.

5. A procuring entity shall promptly communicate to any supplier that has applied for qualification its decision on whether that supplier is qualified. Where a procuring entity rejects an application for qualification or ceases to recognize a supplier as qualified, that entity shall, on request of the supplier, promptly provide a written explanation of the reasons for its action.

6. Nothing in this Article shall preclude a procuring entity from prohibiting a supplier from participating in a procurement on grounds such as bankruptcy or false declarations.

Article 9.9: Tendering Procedures

1. Subject to paragraph 2, a procuring entity shall award contracts by means of open tendering procedures.
2. Provided that the tendering procedure is not used to avoid competition or to protect domestic suppliers, a procuring entity may award contracts by means other than an open tendering procedure in the following circumstances:
 - (a) in the absence of tenders that conform to the essential requirements in the tender documentation provided in a prior notice of intended procurement or invitation to participate, including any conditions for participation, provided that the requirements of the initial notice or invitation are not substantially modified;
 - (b) where, for works of art, or for reasons connected with the protection of exclusive intellectual property rights, such as patents or copyrights, or proprietary information, or where there is an absence of competition for technical reasons, the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute exists;
 - (c) for additional deliveries by the original supplier that are intended either as replacement parts, extensions, or continuing services for existing equipment, software, services, or installations, where a change of supplier would compel the entity to procure goods or services not meeting requirements of interchangeability with existing equipment, software, services, or installations;
 - (d) for goods purchased on a commodity market;
 - (e) where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study, or original development. When such contracts have been fulfilled, subsequent procurements of goods or services shall be subject to this Chapter;
 - (f) where additional construction services that were not included in the initial contract but that were within the objectives of the original tender documentation have, due to unforeseeable circumstances, become necessary to complete the construction services described therein. However, the total value of contracts awarded for additional construction services may not exceed 50 percent of the amount of the initial contract; or
 - (g) in so far as is strictly necessary where, for reasons of urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time by means of an open tendering procedure and the use of an open tendering procedure would result in serious injury to the procuring entity, the entity's program responsibilities, or the Party.
3. A procuring entity shall maintain records or prepare written reports providing specific justification for any contract awarded under paragraph 2, in a manner consistent with Article 9.11.3.

Article 9.10: Awarding of Contracts

1. A procuring entity shall require that, in order to be considered for award, a tender must be submitted in writing and must, at the time it is submitted, conform to the essential requirements of the tender documentation that the procuring entity provided in advance to all participating suppliers, and be from a supplier that has complied with any conditions for participation that the procuring entity has communicated in advance to all participating suppliers.
2. Unless a procuring entity determines that it is not in the public interest to award a contract, the procuring entity shall award the contract to a supplier that the procuring

entity has determined to be fully capable of undertaking the contract and whose tender is determined to be the most advantageous in terms of the requirements and evaluation criteria set out in the tender documentation.

3. No procuring entity may cancel a procurement, or terminate or modify a contract it has awarded, in order to avoid the obligations of this Chapter.

Article 9.11: Information on Contract Awards

1. A procuring entity shall promptly inform participating suppliers of decisions on contract awards. A procuring entity shall, on request, provide a supplier whose tender was not selected for award the reasons for not selecting its tender and the relative advantages of the tender selected.

2. Promptly after awarding a contract in a covered procurement, a procuring entity shall publish a notice that includes at least the following information about the contract award:

- (a) the name of the entity;
- (b) a description of the goods or services included in the contract;
- (c) the name of the supplier awarded the contract;
- (d) the value of the contract award; and
- (e) where the entity did not use an open tendering procedure, an indication of the circumstances justifying the procedure used.

3. A procuring entity shall maintain records and reports relating to tendering procedures and contract awards in procurements covered by this Chapter, including the records and reports provided for in Article 9.9.3, for at least three years after the date a contract is awarded.

Article 9.12: Non-Disclosure of Information

1. A Party, its procuring entities, and its review authorities shall not disclose confidential information the disclosure of which would prejudice legitimate commercial interests of a particular person or might prejudice fair competition between suppliers, without the formal authorization of the person that provided the information to the Party.

2. Nothing in this Chapter shall prevent a Party or its procuring entities from withholding the release of information where release might:

- (a) impede law enforcement;
- (b) prejudice fair competition between suppliers;
- (c) prejudice the legitimate commercial interests of particular suppliers or entities, including the protection of intellectual property; or
- (d) otherwise be contrary to the public interest.

Article 9.13: Ensuring Integrity in Procurement Practices

Further to Article 18.8 (Anti-Corruption Measures), each Party shall adopt or maintain procedures to declare ineligible for participation in the Party's procurements, either indefinitely or for a specified time, suppliers that the Party has determined to have engaged in fraudulent or other illegal actions in relation to procurement. On request of another Party, a Party shall identify the suppliers determined to be ineligible under these procedures, and, where appropriate, exchange information regarding those suppliers or the fraudulent or illegal action.

Article 9.14: Exceptions

1. Provided that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between Parties where the same conditions prevail or a disguised restriction on trade between the Parties, nothing in this Chapter shall be construed to prevent a Party from adopting or maintaining measures:
 - (a) necessary to protect public morals, order, or safety;
 - (b) necessary to protect human, animal, or plant life or health;
 - (c) necessary to protect intellectual property; or
 - (d) relating to goods or services of handicapped persons, of philanthropic institutions, or of prison labor.
2. The Parties understand that paragraph 1(b) includes environmental measures necessary to protect human, animal, or plant life or health.

Article 9.15: Domestic Review of Supplier Challenges

1. Each Party shall establish or designate at least one impartial administrative or judicial authority, which shall be independent from its procuring entities, to receive and review challenges that suppliers submit relating to the obligations of the Party and its entities under this Chapter and to make appropriate findings and recommendations. In the event that a body other than such an impartial authority initially reviews a supplier's challenge, the Party shall ensure that the supplier may appeal the initial decision to an impartial administrative or judicial authority that is independent from the procuring entity that is the subject of the challenge.
2. Each Party shall provide that an authority established or designated under paragraph 1 may take prompt interim measures, pending the resolution of a challenge, to preserve the opportunity to correct potential breaches of this Chapter, including the suspension of the award of a contract or the performance of a contract already awarded.
3. Each Party shall ensure that its review procedures are publicly available in writing, and are timely, transparent, effective, and consistent with the principle of due process.
4. Each Party shall ensure that all documents related to a challenge to a procurement are available to any impartial authority established or designated under paragraph 1.
5. A procuring entity shall respond in writing to a supplier's complaint.
6. Each Party shall ensure that an impartial authority it establishes or designates under paragraph 1 provides to suppliers the following:
 - (a) a sufficient period to prepare and submit written challenges, which in no case shall be less than 10 days from the time when the basis of the complaint became known or reasonably should have become known to the supplier;
 - (b) an opportunity to review relevant documents and to be heard by the authority in a timely manner;
 - (c) an opportunity to reply to the procuring entity's response to the supplier's complaint; and
 - (d) prompt delivery in writing of its findings and recommendations relating to the challenge, with an explanation of the grounds for each decision.
7. Each Party shall ensure that a supplier's submission of a challenge does not prejudice the supplier's participation in ongoing or future procurements.

Article 9.16: Modifications and Rectifications to Coverage

1. A Party may make technical rectifications of a purely formal nature to its coverage under this Chapter, or minor amendments to its Schedules to Sections A through C of Annexes 9.1.2(b)(i), 9.1.2(b)(ii), and 9.1.2(b)(iii), provided that it notifies the other

Parties in writing and no other Party objects in writing within 30 days after the notification. A Party that makes such a rectification or minor amendment shall not be required to provide compensatory adjustments to the other Parties.

2. A Party may modify its coverage under this Chapter provided that it:

(a) notifies the other Parties in writing and no other Party objects in writing within 30 days after the notification; and

(b) except as provided in paragraph 3, offers within 30 days after notifying the other Parties acceptable compensatory adjustments to the other Parties to maintain a level of coverage comparable to that existing before the modification.

3. A Party need not provide compensatory adjustments in those circumstances where the proposed modification covers one or more procuring entities on which the Parties agree that government control or influence has been effectively eliminated. Where the Parties do not agree that such government control or influence has been effectively eliminated, the objecting Party or Parties may request further information or consultations with a view to clarifying the nature of any government control or influence and reaching agreement on the procuring entity's continued coverage under this Chapter.

4. The Commission shall modify the relevant section of Annexes 9.1.2(b)(i), 9.1.2(b)(ii), and 9.1.2(b)(iii) to reflect any agreed modification, technical rectification, or minor amendment.

Article 9.17: Definitions

For purposes of this Chapter:

build-operate-transfer contract and public works concession contract mean any contractual arrangements, the primary purpose of which is to provide for the construction or rehabilitation of physical infrastructure, plants, buildings, facilities, or other government-owned works and under which, as consideration for a supplier's execution of a contract, a procuring entity grants to the supplier, for a specified period, temporary ownership, if the Party permits such ownership, or a right to control and operate, and demand payment for the use of, such works for the duration of the contract;

in writing or written means any worded or numbered expression that can be read, reproduced, and later communicated, and includes electronically transmitted and stored information;

offsets means conditions or undertakings imposed or considered by a procuring entity that encourage local development or improve a Party's balance of payments accounts by means of requirements of local content, licensing of technology, investment, counter trade, or similar requirements;

open tendering procedure means any type of procurement method of a Party, except direct purchasing methods as specified in Article 9.9.2, provided these methods are consistent with this Chapter;

procuring entity means an entity listed in Annexes 9.1.2(b)(i), 9.1.2(b)(ii), and 9.1.2(b)(iii);

publish means to disseminate information in an electronic or paper medium that is distributed widely and is readily accessible to the general public;

services includes construction services, unless otherwise specified;

supplier means a person that has provided, provides, or could provide goods or services to a procuring entity; and

technical specification means a specification that sets out the characteristics of goods to be procured or their related processes and production methods, or the characteristics of services to be procured or their related operating methods, including the applicable administrative provisions, and requirements relating to conformity assessment procedures that an entity prescribes. A technical specification may also include or deal exclusively with terminology, symbols, packaging, or marking or labeling requirements, as they apply to a good, process, service, or production or operating method.

Annex 9.1.2(b)(i)

Section A: Central Level of Government Entities

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

(a) for procurement of goods and services:

(i) US\$58,550; or

(ii) in the case of the Central American Parties and the Dominican Republic, for the three-year period following the date of entry into force of this Agreement, US\$117,100; and

(b) for procurement of construction services:

(i) US\$6,725,000; or

(ii) in the case of the Central American Parties and the Dominican Republic, for the three-year period following the date of entry into force of this Agreement, US\$8,000,000.

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

2. Unless otherwise specified, this Chapter covers all agencies subordinate to the entities listed in each Party's Schedule in this Section.

Schedule of Costa Rica

1. Contraloría General de la República
2. Defensoría de los Habitantes de la República
3. Presidencia de la República
4. Ministerio de la Presidencia
5. Ministerio de Gobernación y Policía y Seguridad Pública¹
6. Ministerio de Relaciones Exteriores y Culto
7. Ministerio de Hacienda²
8. Ministerio de Agricultura y Ganadería
9. Ministerio de Economía, Industria y Comercio
10. Ministerio de Obras Públicas y Transportes
11. Ministerio de Educación Pública³
12. Ministerio de Salud
13. Ministerio de Trabajo y Seguridad Social
14. Ministerio de Cultura, Juventud y Deportes
15. Ministerio de Justicia y Gracia
16. Ministerio de Vivienda y Asentamientos Humanos
17. Ministerio de Comercio Exterior
18. Ministerio de Planificación Nacional y Política Económica
19. Ministerio de Ciencia y Tecnología
20. Ministerio de Ambiente y Energía
21. Ministerio de Condición de la Mujer

22. Instituto Costarricense de Turismo

Notes to Costa Rica Schedule

1. Ministerio de Gobernación y Policía y Seguridad Pública: This Chapter does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the United Nations Central Product Classification 1.0 (CPC, version 1.0), for the Fuerza Pública.
2. Ministerio de Hacienda: This Chapter does not cover the issuance of tax stamps.
3. Ministerio de Educación Pública: This Chapter does not cover procurement made in furtherance of school feeding programs.

Schedule of the Dominican Republic

1. Contraloría General de la República
2. Secretaría de Estado de Interior y Policía^{1, 2}
3. Secretaría de Estado de las Fuerzas Armadas^{2, 3}
4. Secretaría de Estado de Relaciones Exteriores⁴
5. Secretaría de Estado de Agricultura⁵
6. Secretaría de Estado de Finanzas⁶
7. Secretaría de Estado de Educación⁷
8. Secretaría de Estado de Salud Pública y Asistencia Social
9. Secretaría de Estado de Deportes, Educación Física y Recreación
10. Secretaría de Estado de Trabajo
11. Secretaría de Estado de Industria y Comercio
12. Secretaría de Estado de Turismo
13. Secretaría de Estado de la Mujer
14. Secretaría de Estado de la Juventud
15. Secretaría de Estado de Educación Superior, Ciencia y Tecnología
16. Secretaría de Estado de Obras Públicas y Comunicaciones
17. Secretaría de Estado de Medio Ambiente y Recursos Naturales
18. Secretaría de Estado de Cultura
19. La Presidencia de la República Dominicana
20. Secretariado Técnico de la Presidencia⁸
21. Secretaría de Estado de la Presidencia
22. Secretariado Administrativo de la Presidencia

Notes to the Dominican Republic Schedule

1. Secretaría de Estado de Interior y Policía: This Chapter does not cover:
 - (a) procurement by the Dirección General de Migración; or
 - (b) procurement by the Policía Nacional of: (i) goods classified under Group 447 (weapons and ammunition and parts thereof) of the United Nations Central Product Classification 1.0 (CPC, version 1.0), or (ii) combat, assault and tactical vehicles.
2. Policía Nacional in the Secretaría de Estado de Interior y Policía and Secretaría de Estado de las Fuerzas Armadas: This Chapter does not cover procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC.
3. Secretaría de Estado de las Fuerzas Armadas: This Chapter does not cover:
 - (a) procurement by the Departamento Nacional de Investigación, and the Instituto de Altos Estudios para la Defensa y Seguridad Nacional; or

(b) procurement of: (i) goods classified under Group 447 (weapons and ammunition and parts thereof) of the CPC; (ii) aircraft, airframe structural components, aircraft components, parts and accessories; (iii) landing and ground handling equipment; (iv) docks; (v) ships and ship components, parts and accessories; (vi) marine equipment; or (vii) combat, assault and tactical vehicles.

4. Secretaría de Estado de Relaciones Exteriores: This Chapter does not cover procurement by the Dirección General de Pasaportes for the production of passports.

5. Secretaría de Estado de Agricultura: This Chapter does not cover procurement made in furtherance of agricultural support programs.

6. Secretaría de Estado de Finanzas: This Chapter does not cover procurement by the Tesorería Nacional with regard to the issuance of tax stamps or postage stamps, or the production of checks and treasury bonds.

7. Secretaría de Estado de Educación: This Chapter does not cover procurement made in furtherance of school feeding programs (Desayuno Escolar) or programs to support the dissemination of education, the well-being of students, or the accessibility of education, including at the border with Haiti (Zona Fronteriza) and in other rural or impoverished areas.

8. Secretariado Técnico de la Presidencia: This Chapter does not cover procurement by the Comisión Nacional de Asuntos Nucleares.

Schedule of El Salvador

1. Ministerio de Defensa¹
2. Ministerio de Hacienda
3. Ministerio de Relaciones Exteriores
4. Ministerio de Gobernación²
5. Ministerio de Educación¹
6. Ministerio de Salud Pública y Asistencia Social¹
7. Ministerio de Trabajo y Previsión Social
8. Ministerio de Economía
9. Ministerio del Medio Ambiente y Recursos Naturales
10. Ministerio de Obras Públicas
11. Ministerio de Agricultura y Ganadería

Notes to El Salvador Schedule

1. Ministerio de Defensa, Ministerio de Educación, and Ministerio de Salud Pública y Asistencia Social: This Chapter does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the United Nations Central Product Classification 1.1 (CPC, version 1.1).

2. Ministerio de Gobernación: This Chapter does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of CPC, version 1.1, for the Policía Nacional Civil.

Schedule of Guatemala

1. Ministerio de Agricultura, Ganadería y Alimentación¹
2. Ministerio de la Defensa Nacional²
3. Ministerio de Economía
4. Ministerio de Educación³
5. Ministerio de Cultura y Deportes

6. Ministerio de Trabajo y Previsión Social⁴
7. Ministerio de Finanzas Públicas
8. Ministerio de Salud Pública y Asistencia Social⁴
9. Ministerio de Relaciones Exteriores
10. Ministerio de Gobernación⁵
11. Ministerio de Comunicaciones, Infraestructura y Vivienda
12. Ministerio de Energía y Minas
13. Ministerio de Ambiente y Recursos Naturales
14. Secretaría General
15. Secretaría de Coordinación Ejecutiva
16. Secretaría de Planificación y Programación
17. Secretaría de Análisis Estratégico
18. Secretaría de la Paz
19. Secretaría de Asuntos Administrativos y de Seguridad
20. Secretaría de Asuntos Agrarios
21. Secretaría Presidencial de la Mujer
22. Secretaría de Bienestar Social
23. Secretaría de Comunicación Social
24. Secretaría Ejecutiva de la Comisión contra el Consumo, Adicción y Tráfico Ilícito de Drogas
25. Secretaría de Obras Sociales de la Esposa del Presidente
26. Comisión Presidencial de Derechos Humanos
27. Comisión Presidencial para la Reforma del Estado, la Descentralización y la Participación Ciudadana
28. Consejo Nacional de Ciencia y Tecnología
29. Coordinadora Nacional para la Reducción de Desastres
30. Junta Nacional del Servicio Civil
31. Oficina Nacional del Servicio Civil
32. Fondo de Desarrollo Indígena Guatemalteco
33. Fondo Nacional de Ciencia y Tecnología
34. Fondo Nacional para la Paz
35. Consejo Nacional de la Juventud

Notes to Guatemala Schedule

1. Ministerio de Agricultura, Ganadería y Alimentación: This Chapter does not cover the procurement of agricultural goods made in furtherance of agricultural support programs, or procurement made in furtherance of school feeding programs.
2. Ministerio de Defensa Nacional: This Chapter does not cover the procurement of the following goods and services: arms, munitions, equipment, construction materials, aircraft, vessels and other vehicles, fuel, lubricants, provisions, and the contracting for services or supply by or on behalf of the Ejército de Guatemala and its institutions.
3. Ministerio de Educación: This Chapter does not cover procurement made in furtherance of school feeding programs.
4. Ministerio de Trabajo y Previsión Social and Ministerio de Salud Pública y Asistencia Social: This Chapter does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC, version 1.0.
5. Ministerio de Gobernación: This Chapter does not cover the procurement of goods

classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC, version 1.0, for the Policía Nacional Civil y Sistema Penitenciario.

Schedule of Honduras

1. Secretaría de Estado en los Despachos de Gobernación y Justicia
2. Secretaría de Estado en el Despacho de Educación¹
3. Secretaría de Estado en el Despacho de Salud
4. Secretaría de Estado en el Despacho de Seguridad²
5. Secretaría de Estado en el Despacho Presidencial¹
6. Secretaría de Estado en el Despacho de Relaciones Exteriores
7. Secretaría de Estado en el Despacho de Defensa Nacional³
8. Secretaría de Estado en el Despacho de Finanzas
9. Secretaría de Estado en los Despachos de Industria y Comercio
10. Secretaría de Estado en los Despachos de Obras Públicas, Transporte y Vivienda
11. Secretaría de Estado en los Despachos de Trabajo y Seguridad Social
12. Secretaría de Estado en los Despachos de Agricultura y Ganadería
13. Secretaría de Estado en los Despachos de Recursos Naturales y Ambiente
14. Secretaría de Estado en los Despachos de Cultura, Artes y Deportes
15. Secretaría de Estado en el Despacho de Turismo
16. Secretaría Técnica y de Cooperación Internacional

Notes to Honduras Schedule

1. Secretaría de Estado en el Despacho de Educación and Secretaría de Estado en el Despacho Presidencial: This Chapter does not cover procurement made in furtherance of school feeding programs.
2. Secretaría de Estado en el Despacho de Seguridad: This Chapter does not cover procurement of uniforms, shoes, food, or tobacco for the Policía Nacional.
3. Secretaría de Estado en el Despacho de Defensa Nacional: This Chapter does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC, version 1.0, for the Fuerzas Armadas de Honduras. This Chapter does not cover the procurement of the following goods, or the procurement of uniforms for the Fuerzas Armadas de Honduras and the Policía Nacional:
 1. Ammunition
 2. War airplanes
 3. Military rifles
 4. Pistol and guns of any kind, 41 caliber or more
 5. Honduran army regulation pistols
 6. Silencers for all kinds of firearms
 7. Firearms
 8. Accessories and ammunition
 9. Cartridges for firearms
 10. Equipment and other accessories essential for cartridge loading
 11. Gunpowder, explosives, primers and fuses
 12. Mask for protection against asphyxiating gases
 13. Air guns

Schedule of Nicaragua

1. Ministerio de Gobernación¹
2. Ministerio de la Familia
3. Ministerio de Relaciones Exteriores
4. Ministerio Agropecuario y Forestal
5. Ministerio de Educación, Cultura y Deportes²
6. Ministerio de Fomento, Industria y Comercio
7. Ministerio de Salud
8. Ministerio del Trabajo
9. Ministerio de Hacienda y Crédito Público
10. Ministerio del Ambiente y de los Recursos Naturales
11. Procuraduría General de la República
12. Presidencia de la República
13. Vicepresidencia de la República
14. Ministerio de Defensa³
15. Ministerio de Transporte e Infraestructura⁴

Notes to Nicaragua Schedule

1. Ministerio de Gobernación: This Chapter does not cover procurement made by the Policía Nacional.
2. Ministerio de Educación, Cultura y Deportes: This Chapter does not cover procurement made in furtherance of school feeding programs.
3. Ministerio de Defensa: This Chapter will not cover procurement by the Ministerio de Defensa until the beginning of the fourth year after the date of entry into force of this Agreement. This Chapter does not cover procurement made by the Ejército de Nicaragua.
4. Ministerio de Transporte e Infraestructura: This Chapter will not cover procurement by the Ministerio de Transporte e Infraestructura until the beginning of the fourth year after the date of entry into force of this Agreement.

Schedule of the United States

1. Advisory Commission on Intergovernmental Relations
2. African Development Foundation
3. Alaska Natural Gas Transportation System
4. American Battle Monuments Commission
5. Appalachian Regional Commission
6. Commission on Civil Rights
7. Commission of Fine Arts
8. Commodity Futures Trading Commission
9. Consumer Product Safety Commission
10. Broadcasting Board of Governors
11. Corporation for National and Community Service
12. Delaware River Basin Commission
13. Department of Agriculture¹
14. Department of Commerce²
15. Department of Defense³
16. Department of Education
17. Department of Energy⁴

18. Department of Health and Human Services
19. Department of Homeland Security⁵
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 Transportation⁶
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 Administration⁷
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 the Special Counsel
- 68. Office of Thrift Supervision
- 69. Overseas Private Investment Corporation
- 70. Pennsylvania Avenue Development Corporation
- 71. Peace Corps
- 72. Railroad Retirement Board
- 73. Securities and Exchange Commission
- 74. Selective Service System
- 75. Small Business Administration
- 76. Smithsonian Institution
- 77. Susquehanna River Basin Commission
- 78. United States Agency for International Development
- 79. United States International Trade Commission

Notes to United States Schedule

- 1. Department of Agriculture: This Chapter does not cover the procurement of agricultural goods made in furtherance of agricultural support programs or human feeding programs.
- 2. Department of Commerce: This Chapter does not cover shipbuilding activities of the U.S. National Oceanic and Atmospheric Administration (NOAA).
- 3. 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 www.scrantonrtg.com/secrc/fsc-codes/fsc.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 Fiber 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, flagstaves, 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) The goods in the following FSC categories are not generally covered by this Chapter due to application of Article 21.2 (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

4. 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.

5. Department of Homeland Security:

(a) This Chapter does not cover procurement by the Transportation Security Administration.

(b) The national security considerations applicable to the Department of Defense are equally applicable to the U.S. Coast Guard.

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

7. 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 B: Sub-Central Level of Government Entities

1. This Chapter applies to the entities of the sub-central level of government listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with paragraph 1 of Section H, to equal or exceed:

(a) for procurement of goods and services:

(i) US\$477,000; or

(ii) in the case of the Central American Parties and the Dominican Republic, for the three-year period following the date of entry into force of this Agreement, US\$650,000; and

(b) for procurement of construction services:

(i) US\$6,725,000; or

(ii) in the case of the Central American Parties and the Dominican Republic, for the three-year period following the date of entry into force of this Agreement, US\$8,000,000.

The monetary thresholds set out in subparagraphs (a)(i) and (b)(i) shall be adjusted in

accordance with Section H of this Annex.

2. This Chapter only applies to the entities listed in each Party's Schedule in this Section.

Schedule of Costa Rica

1. Municipalidad de Abangares
2. Municipalidad de Acosta
3. Municipalidad de Aguirre
4. Municipalidad de Alajuela
5. Municipalidad de Alajuelita
6. Municipalidad de Alfaro Ruiz
7. Municipalidad de Alvarado
8. Municipalidad de Aserri
9. Municipalidad de Atenas
10. Municipalidad de Bagaces
11. Municipalidad de Barba
12. Municipalidad de Belén
13. Municipalidad de Buenos Aires
14. Municipalidad de Cañas
15. Municipalidad de Carrillo
16. Municipalidad de Cartago
17. Municipalidad de Corredores
18. Municipalidad de Coto Brus
19. Municipalidad de Curridabat
20. Municipalidad de Desamparados
21. Municipalidad de Dota
22. Municipalidad de El Guarco
23. Municipalidad de Escazú
24. Municipalidad de Esparza
25. Municipalidad de Flores
26. Municipalidad de Garabito
27. Municipalidad de Goicoechea
28. Municipalidad de Golfito
29. Municipalidad de Grecia
30. Municipalidad de Guácimo
31. Municipalidad de Guatuso
32. Municipalidad de Heredia
33. Municipalidad de Hojancha
34. Municipalidad de Jiménez
35. Municipalidad de La Cruz
36. Municipalidad de La Unión
37. Municipalidad de León Cortés
38. Municipalidad de Liberia
39. Municipalidad de Limón
40. Municipalidad de Los Chiles
41. Municipalidad de Matina
42. Municipalidad de Montes de Oca
43. Municipalidad de Montes de Oro
44. Municipalidad de Mora

45. Municipalidad de Moravia
46. Municipalidad de Nandayure
47. Municipalidad de Naranjo
48. Municipalidad de Nicoya
49. Municipalidad de Oreamuno
50. Municipalidad de Orotina
51. Municipalidad de Osa
52. Municipalidad de Palmares
53. Municipalidad de Paraíso
54. Municipalidad de Parrita
55. Municipalidad de Pérez Zeledón
56. Municipalidad de Poás
57. Municipalidad de Pococí
58. Municipalidad de Puntarenas
59. Municipalidad de Puriscal
60. Municipalidad de San Carlos
61. Municipalidad de San Isidro
62. Municipalidad de San José
63. Municipalidad de San Mateo
64. Municipalidad de San Pablo
65. Municipalidad de San Rafael
66. Municipalidad de San Ramón
67. Municipalidad de Santa Ana
68. Municipalidad de Santa Bárbara
69. Municipalidad de Santa Cruz
70. Municipalidad de Santo Domingo
71. Municipalidad de Sarapiquí
72. Municipalidad de Siquirres
73. Municipalidad de Talamanca
74. Municipalidad de Tarrazú
75. Municipalidad de Tibás
76. Municipalidad de Tilarán
77. Municipalidad de Turrialba
78. Municipalidad de Turrúbares
79. Municipalidad de Upala
80. Municipalidad de Valverde Vega
81. Municipalidad de Vásquez de Coronado

Schedule of the Dominican Republic

1. Gobernación de la Provincia de Azua
2. Gobernación de la Provincia de Bahoruco
3. Gobernación de la Provincia de Barahona
4. Gobernación de la Provincia de Dajabón
5. Gobernación de la Provincia de Duarte
6. Gobernación de la Provincia de Elías Piña
7. Gobernación de la Provincia de El Seybo
8. Gobernación de la Provincia de Espaillat

9. Gobernación de la Provincia de Hato Mayor
10. Gobernación de la Provincia de Independencia
11. Gobernación de la Provincia de La Altagracia
12. Gobernación de la Provincia de La Romana
13. Gobernación de la Provincia de La Vega
14. Gobernación de la Provincia de María Trinidad Sánchez
15. Gobernación de la Provincia de Monseñor Nouel
16. Gobernación de la Provincia de Montecristi
17. Gobernación de la Provincia de Monte Plata
18. Gobernación de la Provincia de Ocoa
19. Gobernación de la Provincia de Pedernales
20. Gobernación de la Provincia de Peravia
21. Gobernación de la Provincia de Puerto Plata
22. Gobernación de la Provincia de Salcedo
23. Gobernación de la Provincia de Samaná
24. Gobernación de la Provincia de Sánchez Ramírez
25. Gobernación de la Provincia de San Cristóbal
26. Gobernación de la Provincia de San Juan
27. Gobernación de la Provincia de San Pedro de Macorís
28. Gobernación de la Provincia de Santiago
29. Gobernación de la Provincia de Santiago Rodríguez
30. Gobernación de la Provincia de Santo Domingo
31. Gobernación de la Provincia de Valverde

Schedule of El Salvador

1. Municipalidad de San Salvador
2. Municipalidad de Mejicanos
3. Municipalidad de Ilopango
4. Municipalidad de Santiago Texacuangos
5. Municipalidad de Santa Ana
6. Municipalidad de Sesori
7. Municipalidad de Nueva Guadalupe
8. Municipalidad de Santa Tecla
9. Municipalidad de Ciudad Arce
10. Municipalidad de Santa Elena
11. Municipalidad de San Agustín
12. Municipalidad de Estanzuelas
13. Municipalidad de Mercedes Umaña
14. Municipalidad de Alegría
15. Municipalidad de Nueva Granada
16. Municipalidad de Sonsonate
17. Municipalidad de Acajutla
18. Municipalidad de San Julián
19. Municipalidad de La Unión
20. Municipalidad de San Alejo
21. Municipalidad de Conchagua
22. Municipalidad de Bolívar
23. Municipalidad de San Rafael Obrajuelo

24. Municipalidad de Tejutla
25. Municipalidad de La Reina

Schedule of Guatemala

Municipalidades Departamento de Guatemala

1. Fraijanes
2. San Juan Sacatepéquez
3. San Pedro Sacatepéquez
4. San Raymundo
5. San Pedro Ayampuc
6. Chinautla
7. Santa Catarina Pinula
8. Guatemala
9. Mixco
10. Villa Nueva

This Chapter does not cover procurement of construction services by entities of Departamento de Guatemala.

Municipalidades Departamento de Quetzaltenango

11. Quetzaltenango
12. Coatepeque

Municipalidades Departamento de Escuintla

13. Chiquimulilla
14. Santa Lucía Cotzumalguapa
15. Escuintla
16. Puerto de San José

Municipalidades Departamento de Zacapa

17. Zacapa
18. Río Hondo
19. Teculután

Municipalidades Departamento de Chiquimula

20. Chiquimula

Municipalidades Departamento de El Quiché

21. Santa Cruz del Quiché

Municipalidades Departamento de El Petén

22. Flores
23. San Benito

Municipalidades Departamento de El Progreso

24. Guastatoya

Municipalidades Departamento de Izabal

25. Puerto Barrios

Municipalidades Departamento de Huehuetenango

26. Huehuetenango

Municipalidades Departamento de Jalapa

27. Jalapa

Municipalidades Departamento de Jutiapa

28. Jutiapa

Municipalidades Departamento de Alta Verapaz

29. Cobán

Municipalidades Departamento de Baja Verapaz
30. Salamá

Schedule of Honduras

1. Municipalidad de La Ceiba, Atlántida
2. Municipalidad de El Porvenir, Atlántida
3. Municipalidad de Esparta, Atlántida
4. Municipalidad de Jutiapa, Atlántida
5. Municipalidad de La Masica, Atlántida
6. Municipalidad de San Francisco, Atlántida
7. Municipalidad de Tela, Atlántida
8. Municipalidad de Arizona, Atlántida
9. Municipalidad de Balfate, Colón
10. Municipalidad de Iriona, Colón
11. Municipalidad de Limón, Colón
12. Municipalidad de Sabá, Colón
13. Municipalidad de Santa Fe, Colón
14. Municipalidad de Santa Rosa de Aguán, Colón
15. Municipalidad de Sonaguera, Colón
16. Municipalidad de Tocoa, Colón
17. Municipalidad de Bonito Oriental, Colón
18. Municipalidad de Comayagua, Comayagua
19. Municipalidad de Ajuterique, Comayagua
20. Municipalidad de El Rosario, Comayagua
21. Municipalidad de Esquíás, Comayagua
22. Municipalidad de Humuya, Comayagua
23. Municipalidad de La Libertad, Comayagua
24. Municipalidad de Lamaní, Comayagua
25. Municipalidad de Lejamaní, Comayagua
26. Municipalidad de La Trinidad, Comayagua
27. Municipalidad de Meámbar, Comayagua
28. Municipalidad de Minas de Oro, Comayagua
29. Municipalidad de Ojos de Agua, Comayagua
30. Municipalidad de San Jerónimo, Comayagua
31. Municipalidad de San José de Comayagua, Comayagua
32. Municipalidad de San José del Potrero, Comayagua
33. Municipalidad de San Luis, Comayagua
34. Municipalidad de San Sebastián, Comayagua
35. Municipalidad de Siguatepeque, Comayagua
36. Municipalidad de Villa de San Antonio, Comayagua
37. Municipalidad de Las Lajas, Comayagua
38. Municipalidad de Taulabé, Comayagua
39. Municipalidad de Santa Rosa de Copán, Copán
40. Municipalidad de Cabañas, Copán
41. Municipalidad de Concepción, Copán
42. Municipalidad de Corquín, Copán
43. Municipalidad de Cucuyagua, Copán
44. Municipalidad de Dolores, Copán

45. Municipalidad de Dulce Nombre, Copán
46. Municipalidad de El Paraíso, Copán
47. Municipalidad de Florida, Copán
48. Municipalidad de La Jigua, Copán
49. Municipalidad de La Unión, Copán
50. Municipalidad de Nueva Arcadia (La Entrada), Copán
51. Municipalidad de San Agustín, Copán
52. Municipalidad de San Antonio de Copán, Copán
53. Municipalidad de San Jerónimo, Copán
54. Municipalidad de San José, Copán
55. Municipalidad de San Juan de Opoa, Copán
56. Municipalidad de San Nicolás, Copán
57. Municipalidad de San Pedro, Copán
58. Municipalidad de Santa Rita, Copán
59. Municipalidad de Trinidad, Copán
60. Municipalidad de Veracruz, Copán
61. Municipalidad de Choloma, Cortés
62. Municipalidad de Omoa, Cortés
63. Municipalidad de Pimienta, Cortés
64. Municipalidad de Potrerillos, Cortés
65. Municipalidad de Puerto Cortés, Cortés
66. Municipalidad de San Antonio de Cortés, Cortés
67. Municipalidad de San Francisco de Yojoa, Cortés
68. Municipalidad de San Manuel, Cortés
69. Municipalidad de Santa Cruz de Yojoa, Cortés
70. Municipalidad de Villanueva, Cortés
71. Municipalidad de La Lima, Cortés
72. Municipalidad de Choluteca, Choluteca
73. Municipalidad de Apacilagua, Choluteca
74. Municipalidad de Concepción de María, Choluteca
75. Municipalidad de Duyure, Choluteca
76. Municipalidad de El Corpus, Choluteca
77. Municipalidad de El Triunfo, Choluteca
78. Municipalidad de Marcovia, Choluteca
79. Municipalidad de Morolica, Choluteca
80. Municipalidad de Namasigue, Choluteca
81. Municipalidad de Orocuina, Choluteca
82. Municipalidad de Pespire, Choluteca
83. Municipalidad de San Antonio de Flores, Choluteca
84. Municipalidad de San Isidro, Choluteca
85. Municipalidad de San José, Choluteca
86. Municipalidad de San Marcos de Colón, Choluteca
87. Municipalidad de Santa Ana de Yusguare, Choluteca
88. Municipalidad de Alauca, El Paraíso
89. Municipalidad de Danlí, El Paraíso
90. Municipalidad de El Paraíso, El Paraíso
91. Municipalidad de Guinope, El Paraíso
92. Municipalidad de Jacaleapa, El Paraíso

93. Municipalidad de Liure, El Paraíso
94. Municipalidad de Morocelí, El Paraíso
95. Municipalidad de Oropolí, El Paraíso
96. Municipalidad de Potrerillos, El Paraíso
97. Municipalidad de San Antonio de Flores, El Paraíso
98. Municipalidad de San Lucas, El Paraíso
99. Municipalidad de San Matías, El Paraíso
100. Municipalidad de Soledad, El Paraíso
101. Municipalidad de Teupasenti, El Paraíso
102. Municipalidad de Texíguat, El Paraíso
103. Municipalidad de Vado Ancho, El Paraíso
104. Municipalidad de Yauyupe, El Paraíso
105. Municipalidad de Trojes, El Paraíso
106. Municipalidad de Alubarén, Francisco Morazán
107. Municipalidad de Cedros, Francisco Morazán
108. Municipalidad de Curarén, Francisco Morazán
109. Municipalidad de El Porvenir, Francisco Morazán
110. Municipalidad de Guaimaca, Francisco Morazán
111. Municipalidad de La Libertad, Francisco Morazán
112. Municipalidad de La Venta, Francisco Morazán
113. Municipalidad de Lepaterique, Francisco Morazán
114. Municipalidad de Maraita, Francisco Morazán
115. Municipalidad de Marale, Francisco Morazán
116. Municipalidad de Nueva Armenia, Francisco Morazán
117. Municipalidad de Ojojona, Francisco Morazán
118. Municipalidad de Orica, Francisco Morazán
119. Municipalidad de Reitoca, Francisco Morazán
120. Municipalidad de Sabanagrande, Francisco Morazán
121. Municipalidad de San Antonio de Oriente, Francisco Morazán
122. Municipalidad de San Buenaventura, Francisco Morazán
123. Municipalidad de San Ignacio, Francisco Morazán
124. Municipalidad de San Juan de Flores, Francisco Morazán
125. Municipalidad de San Miguelito, Francisco Morazán
126. Municipalidad de Santa Ana, Francisco Morazán
127. Municipalidad de Santa Lucía, Francisco Morazán
128. Municipalidad de Talanga, Francisco Morazán
129. Municipalidad de Tatumbla, Francisco Morazán
130. Municipalidad de Valle de Angeles, Francisco Morazán
131. Municipalidad de Villa de San Francisco, Francisco Morazán
132. Municipalidad de Vallecillo, Francisco Morazán
133. Municipalidad de Puerto Lempira, Gracias a Dios
134. Municipalidad de Brus Laguna, Gracias a Dios
135. Municipalidad de Ahuas, Gracias a Dios
136. Municipalidad de Juan Francisco Bulnes, Gracias a Dios
137. Municipalidad de Villeda Morales, Gracias a Dios
138. Municipalidad de Wampusirpi, Gracias a Dios
139. Municipalidad de La Esperanza, Intibucá
140. Municipalidad de Camasca, Intibucá

141. Municipalidad de Colomoncagua, Intibucá
142. Municipalidad de Concepción, Intibucá

Schedule of Nicaragua

1. Municipalidad de Altagracia
2. Municipalidad de Belén
3. Municipalidad de Boaco
4. Municipalidad de Buenos Aires
5. Municipalidad de Cárdenas
6. Municipalidad de Catarina
7. Municipalidad de Ciudad Antigua
8. Municipalidad de Ciudad Darío
9. Municipalidad de Ciudad Sandino
10. Municipalidad de Dipilto
11. Municipalidad de Dolores
12. Municipalidad de El Jicaral
13. Municipalidad de El Jícaro
14. Municipalidad de El Rosario
15. Municipalidad de Esquipulas
16. Municipalidad de Jalapa
17. Municipalidad de Jinotega
18. Municipalidad de La Concepción
19. Municipalidad de La Concordia
20. Municipalidad de La Conquista
21. Municipalidad de La Paz de Carazo
22. Municipalidad de Macuelizo
23. Municipalidad de Matiguás
24. Municipalidad de Moyogalpa
25. Municipalidad de Mozonte
26. Municipalidad de Murra
27. Municipalidad de Muy Muy
28. Municipalidad de Nandasmo
29. Municipalidad de Nindirí
30. Municipalidad de Niquinohomo
31. Municipalidad de Ocotal
32. Municipalidad de Palacagüina
33. Municipalidad de Rancho Grande
34. Municipalidad de San Carlos
35. Municipalidad de San Dionisio
36. Municipalidad de San Fernando
37. Municipalidad de San Francisco del Norte
38. Municipalidad de San Isidro
39. Municipalidad de San Jorge
40. Municipalidad de San José de Cusmapa
41. Municipalidad de San José de los Remates
42. Municipalidad de San Lorenzo
43. Municipalidad de San Lucas
44. Municipalidad de San Ramón

45. Municipalidad de Santa Lucía
46. Municipalidad de Santa María
47. Municipalidad de Santa Rosa del Peñón
48. Municipalidad de Sébaco
49. Municipalidad de Telpaneca
50. Municipalidad de Terrabona
51. Municipalidad de Teustepe
52. Municipalidad de Ticuantepe
53. Municipalidad de Tisma
54. Municipalidad de Tola
55. Municipalidad de Totogalpa
56. Municipalidad de Tuma – La Dalia
57. Municipalidad de Wiwilí
58. Municipalidad de Yalagüina
59. Municipalidad de Camoapa
60. Municipalidad de Diriamba
61. Municipalidad de El Castillo
62. Municipalidad de El Crucero
63. Municipalidad de El Sauce
64. Municipalidad de El Viejo
65. Municipalidad de Jinotepe
66. Municipalidad de La Paz Centro
67. Municipalidad de Larreynaga
68. Municipalidad de León
69. Municipalidad de Managua
70. Municipalidad de Masatepe
71. Municipalidad de Masaya
72. Municipalidad de Matagalpa
73. Municipalidad de Mateare
74. Municipalidad de Nagarote
75. Municipalidad de Potosí
76. Municipalidad de Río Blanco
77. Municipalidad de San Francisco Libre
78. Municipalidad de San José de Achuapa
79. Municipalidad de San Juan de Oriente
80. Municipalidad de San Juan de Río Coco
81. Municipalidad de San Juan del Norte
82. Municipalidad de San Marcos
83. Municipalidad de San Rafael del Sur
84. Municipalidad de Santa Teresa
85. Municipalidad de Somoto
86. Municipalidad de Telica
87. Municipalidad de Tipitapa
88. Municipalidad de Villa Carlos Fonseca

Schedule of the United States

Unless otherwise specified, this Chapter covers procurement only by those entities listed in this schedule.

List A:

Costa Rica, the Dominican Republic, El Salvador, Guatemala, and Nicaragua shall have access to procurement by the following sub-central level of government entities:

Arkansas

Executive branch agencies, including universities

This Chapter does not cover procurement by the Office of Fish and Game or construction services.

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

Hawaii

Department of Accounting and General Services

This Chapter does not cover procurement of software developed in the state or construction services.

Idaho

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

Kentucky

Division of Purchases, Finance and Administration Cabinet

This Chapter does not cover procurement for construction projects.

Louisiana

Executive branch agencies

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

Mississippi

Department of Finance and Administration

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. This Chapter does not cover public authorities and public benefit corporations with multi-state mandates.

2. This Chapter does not cover the procurement of transit cars, buses, or related equipment.

Oregon

Department of Administrative Services

Puerto Rico

Department of State

Department of Justice

Department of the Treasury

Department of Economic Development and Commerce

Department of Labor and Human Resources

Department of Natural and Environmental Resources

Department of Consumer Affairs

Department of Sports and Recreation

This Chapter does not cover the procurement of construction services.

Rhode Island

Executive branch agencies

This Chapter does not cover the procurement of boats, automobiles, buses, or related equipment.

South Dakota

Central Procuring Agency (including universities and penal institutions)

This Chapter does not cover the procurement of beef.

Texas

Texas Building and Procurement Commission

This Chapter does not apply to preferences for: (1) motor vehicles; (2) travel agents located in Texas; and (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

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

This Chapter does not cover the procurement of construction services.

List B:

Honduras shall have access to procurement by the following sub-central level of government entities:

Arkansas

Executive branch agencies, including universities

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services

Connecticut Department of Transportation

Connecticut Department of Public Works

Constituent Units of Higher Education

Florida*

Executive branch agencies

Kentucky

Division of Purchases, Finance and Administration Cabinet

This Chapter does not cover procurement for construction projects.

Louisiana

Executive branch agencies

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

Mississippi

Department of Finance and Administration

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. This Chapter does not cover public authorities and public benefit corporations with multi- state mandates.

2. This Chapter does not cover the procurement of transit cars, buses, or related

equipment.

Puerto Rico

Department of State

Department of Justice

Department of the Treasury

Department of Economic Development and Commerce

Department of Labor and Human Resources

Department of Natural and Environmental Resources

Department of Consumer Affairs

Department of Sports and Recreation

This Chapter does not cover the procurement of construction services.

South Dakota

Central Procuring Agency (including universities and penal institutions)

This Chapter does not cover the procurement of beef.

Texas

Texas Building and Procurement Commission

This Chapter does not apply to preferences for: (1) motor vehicles; (2) travel agents located in Texas; and (3) rubberized asphalt paving made from scrap tires by a Texas facility.

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

General Administration

Department of Transportation

State Universities

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

This Chapter does not cover the procurement of construction services.

Notes to the Schedule of the United States

1. For the states marked by an asterisk (*), indicating pre-existing restrictions, this Chapter does not cover the procurement of construction-grade steel (including requirements on subcontracts), motor vehicles, or coal.
2. 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. This Chapter does not apply to restrictions attached to Federal funds for mass transit and highway projects.

6. This Chapter does not apply to the procurement of printing services.

Section C: Other Covered Entities

1. This Chapter applies to the other covered entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with paragraph 1 of Section H, to equal or exceed:

(a) for procurement of goods and services:

(i) of List A entities, US\$250,000; or

(ii) of List B entities, US\$538,000; and

(b) for procurement of construction services for List A and List B entities:

(i) US\$6,725,000; or

(ii) in the case of the Central American Parties and the Dominican Republic, for the three-year period following the date of entry into force of this Agreement, US\$8,000,000.

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

2. Unless otherwise specified, this Chapter covers only the entities listed in each Party's Schedule in this Section.

Schedule of Costa Rica

List A:

1. Instituto Costarricense de Ferrocarriles – INCOFER
2. Instituto Costarricense de Puertos del Pacífico – INCOP
3. Junta Administrativa de la Imprenta Nacional
4. Programa Integral de Mercadeo Agropecuario – PIMA
5. Autoridad Reguladora de los Servicios Públicos – ARESEP
6. Banco Hipotecario de la Vivienda – BANHVI
7. Consejo de Transporte Público
8. Instituto Costarricense del Deporte y la Recreación
9. Instituto Nacional de Fomento Cooperativo – INFOCOOP
10. Servicio Nacional de Aguas Subterráneas, Riego y Avenamiento
11. Banco Central de Costa Rica¹

List B:

1. Caja Costarricense de Seguro Social²
2. Instituto Costarricense de Electricidad³

Notes to Costa Rica Schedule

1. Banco Central de Costa Rica: This Chapter does not cover the issuance of bills, coins, or tax stamps.

2. Caja Costarricense de Seguro Social: This Chapter does not cover procurement by goods classified under Section 2 (food products, beverages and tobacco, textiles, apparel, and leather products) of the CPC, version 1.0.

3. Instituto Costarricense de Electricidad (“ICE”):

(a) The 40-day time limit set out in Article 9.5.1 shall not apply to the ICE. ICE shall provide suppliers sufficient time to prepare and submit responsive tenders.

(b) Notwithstanding Article 9.15.6(a), ICE shall provide no less than three business days for suppliers to prepare and submit written challenges.

(c) On request of the United States, Costa Rica shall consult with regard to the implementation of time periods referred to in subparagraphs (a) and (b).

Schedule of the Dominican Republic

List A:

1. Instituto Nacional de Formación y Capacitación Magisterial
2. Corporación de Fomento Industrial
3. Instituto Nacional de la Uva
4. Instituto Agrario Dominicano
5. Instituto Dominicano del Azúcar (INAZUCAR)
6. Centro de Exportación e Inversión de la República Dominicana
7. Instituto de Auxilios y Vivienda (INAVI)
8. Corporación Dominicana de Empresas Eléctricas Estatales (CDEE)
9. Autoridad Portuaria Dominicana
10. Cámara de Cuentas de la República Dominicana
11. Consejo Nacional de Zonas Francas de Exportación
12. Instituto Dominicano de las Telecomunicaciones (INDOTEL)¹
13. Junta Central Electoral
14. Superintendencia de Bancos
15. Banco Central de la República Dominicana²

Notes to the Dominican Republic Schedule

1. Instituto Dominicano de las Telecomunicaciones (INDOTEL): This Chapter does not apply to procurements of goods and services required for the implementation of special projects executed by the Fondo de Desarrollo de las Telecomunicaciones to implement the Política Social sobre Servicio Universal of the Dominican Republic pursuant to the Ley General de Telecomunicaciones No.153-98 and Reglamento del Fondo de Desarrollo de las Telecomunicaciones.
2. Banco Central de la República Dominicana: This Chapter does not cover the issuance of currency and coins.

Schedule of El Salvador

List A:

1. Consejo de Vigilancia de la Contaduría Pública
2. Consejo Nacional de Ciencia y Tecnología
3. Consejo Salvadoreño del Café
4. Consejo Superior de Salud Pública
5. Corporación Salvadoreña de Turismo
6. Federación Salvadoreña de Fútbol
7. Feria Internacional de El Salvador
8. Fondo de Inversión Social de Desarrollo Local
9. Hogar de Ancianos "Narcisa Castillo," Santa Ana
10. Hospital Nacional "Benjamin Bloom"
11. Hospital Nacional "Dr. Luis Edmundo Vásquez," Chalatenango
12. Hospital Nacional "Francisco Menéndez," Ahuachapán
13. Hospital Nacional "Juan José Fernández" Zacamil
14. Hospital Nacional "San Juan de Dios," San Miguel
15. Hospital Nacional "San Juan de Dios," Santa Ana

16. Hospital Nacional "San Juan de Dios," Sonsonate
17. Hospital Nacional "San Pedro," Usulután
18. Hospital Nacional "San Rafael" Nueva San Salvador
19. Hospital Nacional "Santa Gertrudis," San Vicente
20. Hospital Nacional "Santa Teresa" Zacatecoluca
21. Hospital Nacional de Ciudad Barrios
22. Hospital Nacional de Cojutepeque
23. Hospital Nacional de Ilobasco
24. Hospital Nacional de Jiquilisco
25. Hospital Nacional de La Unión
26. Hospital Nacional de Maternidad "Dr. Raúl Argüello Escolán"
27. Hospital Nacional de Metapán
28. Hospital Nacional de Nueva Concepción
29. Hospital Nacional de Nueva Guadalupe
30. Hospital Nacional de San Francisco Gotera
31. Hospital Nacional de Santa Rosa de Lima
32. Hospital Nacional de Santiago de María
33. Hospital Nacional de Sensuntepeque
34. Hospital Nacional de Suchitoto
35. Hospital Nacional Neumológico "Dr. José Antonio Saldaña"
36. Hospital Nacional Psiquiátrico "Dr. José Molina Martínez"
37. Hospital Nacional San Bartolo
38. Instituto Nacional de los Deportes de El Salvador
39. Instituto Nacional de Pensiones de los Empleados Públicos
40. Instituto Salvadoreño de Desarrollo de la Mujer
41. Instituto Salvadoreño de Desarrollo Municipal
42. Instituto Salvadoreño de Fomento Cooperativo
43. Instituto Salvadoreño de Formación Profesional
44. Instituto Salvadoreño de Protección al Menor
45. Instituto Salvadoreño de Rehabilitación de Inválidos
46. Instituto Salvadoreño de Transformación Agraria
47. Instituto Salvadoreño de Turismo
48. Registro Nacional de las Personas Naturales
49. Superintendencia de Pensiones
50. Superintendencia de Valores
51. Unidad Técnica Ejecutiva
52. Comisión Ejecutiva Portuaria Autónoma
53. Comisión Ejecutiva Hidroeléctrica del Río Lempa
54. Complejo Pesquero
55. Corporación Salvadoreña de Inversiones

List B:

1. Centro Nacional de Registros
2. Hospital Nacional Rosales
3. Superintendencia General de Energía y Telecomunicaciones (SIGET)

Note to El Salvador Schedule

This Chapter does not cover procurement by the entities listed in List A items 10

through 37 and in List B item 2 of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel, and leather products) of the CPC, version 1.1.

Schedule of Guatemala

List A:

1. Academia de Lenguas Mayas de Guatemala
2. Confederación Deportiva Autónoma de Guatemala
3. Comisión Institucional para el Desarrollo y Fortalecimiento de la Propiedad de la Tierra
4. Comité Olímpico Guatemalteco
5. Comité Permanente de Exposiciones
6. Consejo Nacional para la Protección de la Antigua Guatemala
7. Empresa Guatemalteca de Telecomunicaciones
8. Escuela Nacional Central de Agricultura
9. Instituto de Ciencia y Tecnología Agrícolas
10. Instituto de Fomento Municipal
11. Instituto Guatemalteco de Turismo
12. Instituto Nacional de Administración Pública
13. Instituto Nacional de Bosques
14. Instituto Nacional de Comercialización Agrícola
15. Instituto Nacional de Cooperativas
16. Instituto Nacional de Estadística
17. Instituto Técnico de Capacitación y Productividad
18. Superintendencia de Administración Tributaria
19. Fondo de Solidaridad para el Desarrollo Comunitario

Schedule of Honduras

List A:

1. Administración Forestal del Estado, Corporación Hondureña de Desarrollo Forestal (AFE-COHDEFOR)
2. Instituto Hondureño de Mercadeo Agrícola (IHMA)
3. Instituto Hondureño para la prevención del Alcoholismo, Drogadicción y Farmacodependencia (IHADFA)
4. Instituto Hondureño de Turismo (IHT)
5. Instituto Nacional de Jubilaciones y Pensiones de los Funcionarios y Empleados del Poder Ejecutivo (INJUPEMP)
6. Comisión Nacional Pro-Instalaciones Deportivas y Mejoramiento del Deporte (CONAPID)
7. Comité Permanente de Contingencias (COPECO)
8. Instituto Nacional Agrario (INA)
9. Empresa Nacional Portuaria (ENP)
10. Banco Central de Honduras (BCH)¹

Note to Honduras Schedule

Banco Central de Honduras (BCH): This Chapter does not cover the issuance or the circulation of currency.

Schedule of Nicaragua

List A:

1. Banco Central de Nicaragua

2. Comisión Nacional de Energía
3. Consejo Nacional de Planificación Económica y Social
4. Correos de Nicaragua
5. Dirección General de Ingresos
6. Dirección General de Servicios Aduaneros
7. Empresa Administradora de Aeropuertos Internacionales
8. Empresa Portuaria Nacional
9. Fondo de Inversión Social de Emergencia (FISE)
10. Fondo Nicaragüense de la Niñez y la Familia
11. Instituto de Desarrollo Rural (IDR)
12. Instituto de Seguridad Social y Desarrollo Humano
13. Instituto de Vivienda Urbana y Rural
14. Instituto Nacional de Estadísticas y Censos
15. Instituto Nacional Forestal
16. Instituto Nacional Tecnológico
17. Instituto Nicaragüense de Apoyo a la Pequeña y Mediana Empresa
18. Instituto Nicaragüense de Cultura
19. Instituto Nicaragüense de Estudios Territoriales
20. Instituto Nicaragüense de Juventud y Deportes
21. Instituto Nicaragüense de la Mujer
22. Instituto Nicaragüense de Seguridad Social
23. Instituto Nicaragüense de Tecnología Agropecuaria
24. Instituto Nicaragüense de Turismo
25. Instituto Tecnológico Nacional
26. Ministerio Público
27. Procuraduría para la Defensa de los Derechos Humanos
28. Radio Nicaragua
29. Sistema Nacional de Prevención, Mitigación y Atención de Desastres
30. Superintendencia de Bancos y de otras Instituciones Financieras
31. Teatro Nacional Rubén Darío
32. Universidades y Centros de Educación Técnica Superior (with respect to purchases made with funds from the State)

Notes to Nicaragua Schedule

1. Banco Central de Nicaragua: This Chapter does not cover the issuance of bills or coins.
2. Dirección General de Ingresos: This Chapter does not cover the production or issuance of passports (including its security elements, such as security paper or security plastic) or tax stamps.

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 United States Schedule

1. The Rural Utilities Service agrees:

- (a) to waive federal buy national requirements imposed as conditions of funding for all power generation projects; and
- (b) to 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.

For greater certainty, 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 D

Goods

This Chapter applies to all goods procured by the entities listed in Sections A through C, subject to the Notes to the respective Sections and the General Notes.

Section E

Services

This Chapter applies to all services procured by the entities listed in Sections A through C, subject to the Notes to the respective Sections, the General Notes, and the Notes to this Section, except for the services excluded in the Schedules of each Party. All services covered by this Section are subject to the existing measures listed in each Party's Schedule to Annex I.

Schedule of Costa Rica

This Chapter does not cover procurement of the following services:

1. Research and Development

Division 81 Research and Development Services

2. Management of Government-Owned Facilities (Administrative Facilities and Service Buildings, Airfield, Communications, and Missile Facilities, Educational Buildings, Hospital Buildings, Industrial Buildings, Residential Buildings, Warehouse Buildings, Research and Development Facilities, Other Buildings, Conservation and Development Facilities, Highways, Roads, Streets, Bridges and Railways, Electric Power Generation (EPG) Facilities, Utilities, Other Non-Building Facilities).

3. Management and Distribution of Lotteries

Class 9692 Gambling and Betting services

4. Public Services

Division 69 Electricity Distribution Services; Gas and Water Distribution Services through mains

Division 91 Public Administration and other services to the community as a whole;

Compulsory Social Security Services

Division 92 Education Services (public education)

Division 93 Health and Social Services

Division 94 Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services

Schedule of the Dominican Republic

This Chapter does not cover procurement of the following services:

1. Business and Production Services

Division 81 Research and Development Services Group: 836 Advertising Services

2. Management of Government-Owned Facilities (Administrative Facilities and Service Buildings, Airfield, Communications, Missile Facilities, Educational Buildings, Hospital Buildings, Industrial Buildings, Residential Buildings, Warehouse Buildings, Research and Development Facilities, Other Buildings, Conservation and Development Facilities, Highways, Roads, Streets, Bridges, Dams, Railways, Electric Power Generation (EPG) Facilities, Public Utilities, Other Non-Building Facilities).

3. Public Services

Division 69 Electricity Distribution Services; Gas and Water Distribution Services through mains

Division 913 Administrative Services of Compulsory Social Security Schemes

Division 92 Education Services (public education)

4. Transport Services

Division 64 Land Transport Services

Division 65 Water Transport Services

Division 66 Air Transport Services

5. Printing Services

Schedule of El Salvador

No services are excluded.

Schedule of Guatemala

This Chapter does not cover the following services, as elaborated in CPC, version 1.0:

1. Public Services

Division 69 Electricity Distribution Services; Gas and Water Distribution Services through mains

Division 91 Public Administration and other services to the community as a whole; Compulsory Social Security Services

Division 92 Education Services (public education)

Division 93 Health and Social Services

Division 94 Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services

2. Individual Professional Services (This Chapter does not cover the contracting of individuals, for defined periods, who provide a professional service, where such contracting is not used to avoid the obligations of this Chapter.)

Schedule of Honduras

This Chapter does not cover the following services, as elaborated in CPC, version 1.0.

1. CPC 64 Land Transport Services

2. CPC 66 Air Transport Services

3. CPC 69 Electricity Distribution Services; Gas and Water Distribution Services through

mains

Schedule of Nicaragua

This Chapter does not cover procurement of the following services, as elaborated in the Common Classification System (for a complete listing of the Common Classification System see www.sice.oas.org/trade/nafta/chap-105.asp):

1. M. Operation of Government-Owned Facilities

All classes

This Chapter does not cover the procurement of the following services, as elaborated in CPC, version 1.0.

2. Public Services

Division 69 Electricity Distribution Services; Gas and Water Distribution Services through mains

Division 91 Public Administration and other services to the community as a whole;

Compulsory Social Security Services

Division 92 Education Services (public education)

Division 93 Health and Social Services

Division 94 Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services

Schedule of the United States

This Chapter does not cover the procurement of the following services, as elaborated in the Common Classification System (for a complete listing of the Common Classification System see

1. A. Research and Development

All classes

2. D. Information Processing and Related Telecommunications Services

D304 ADP Telecommunications and Transmission Services, except for those services classified as “enhanced or value-added services.” For the purposes of this provision, the procurement of “ADP Telecommunications and Transmission Services” does not include the ownership or furnishing of facilities for the transmission of voice or data services.

D305 ADP Teleprocessing and Timesharing Services

D316 Telecommunications Network Management Services

D317 Automated News Services, Data Services or Other Information Services

D399 Other ADP and Telecommunications Services

3. 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

4. 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:

M180 Research and Development facilities

5. S. Utilities

All Classes

6. V. Transportation, Travel and Relocation Services

All Classes except V503 Travel Agent Services

Notes to the United States Schedule

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

Section F

Construction Services

This Chapter applies to all construction services for all Parties procured by the entities listed in Sections A through C, subject to the Notes to the respective Sections and the General Notes. All construction services covered by this Section are subject to the existing measures listed in each Party's Schedule to Annex I.

Schedule of the Dominican Republic

This Chapter does not cover the procurement of construction services with respect to suppliers of Puerto Rico, until such time as the Dominican Republic and Puerto Rico provide reciprocal access to procurement of construction services for each other's suppliers.

Schedule of the United States

This Chapter does not cover the procurement of dredging services.

Section G

General Notes

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

Schedule of Costa Rica

1. This Chapter does not apply to procurement by one Costa Rican entity of a good or service obtained or acquired from another Costa Rican entity.
2. This Chapter does not apply to government procurement programs on behalf of small, medium and micro enterprises (SME).

Schedule of the Dominican Republic

1. This Chapter does not apply to government procurement programs on behalf of small, medium and micro enterprises, including any form of preference, such as the exclusive right to provide a good or a service.
2. This Chapter does not apply to the procurement of construction-grade steel (including requirements on subcontracts).
3. This Chapter does not apply to government procurement programs to promote the alleviation of poverty, or to protect women, the disabled, or children and adolescents, including at the border with Haiti (Zona Fronteriza) or in other rural or impoverished areas.
4. This Chapter does not apply to procurement of goods and services related to the disposal of toxic, dangerous, or radioactive waste.
5. This Chapter does not apply to procurement by one Dominican entity of a good or service obtained or acquired from another Dominican entity.
6. This Chapter does not cover procurement made in furtherance of public health protection programs, including treatment of HIV/AIDS, tuberculosis, paludism, malaria, or

other epidemics.

7. This Chapter does not apply to procurements made in support of human feeding programs.

Schedule of El Salvador

This Chapter does not apply to procurement by one Salvadoran entity of a good or service obtained or acquired from another Salvadoran entity.

Schedule of Guatemala

1. This Chapter does not apply to procurement by one Guatemalan entity of a good or service obtained or acquired from another Guatemalan entity.

2. This Chapter does not apply to procurement of unrefined minerals naturally occurring in Guatemala for the construction of public works.

3. If, following the entry into force of this Agreement between the United States and Guatemala, Guatemala proposes to implement a procurement measure that is intended to promote the development of its minority-owned or small, medium and micro enterprises, but that would not be consistent with this Chapter, Guatemala shall consult with the United States. If the United States and Guatemala agree on the need and terms and conditions for such a measure, Guatemala shall be permitted to implement the measure.

Schedule of Honduras

This Chapter does not apply to procurement by one Honduran entity of a good or service obtained or acquired from another Honduran entity.

Schedule of Nicaragua

1. This Chapter does not apply to procurement by one Nicaraguan entity of a good or service obtained or acquired from another Nicaraguan entity.

2. (a) Notwithstanding Articles 9.2.1 and 9.2.2, for five years following the date of the entry into force of this Agreement between the United States and Nicaragua, Nicaragua may maintain a price preference program for its small, medium, and micro enterprises, in accordance with the following:

(i) A “small, medium, and micro enterprise” is defined, for purposes of this note, as a business that has 100 or fewer employees and total annual sales of no more than US\$1.2 million;

(ii) Nicaragua may award its small, medium, and micro enterprises up to a ten percent price preference in tenders for procurement covered by this Chapter; and

(iii) The price preference shall be clearly described in the notice of intended procurement or notice inviting suppliers to participate in the procurement and relevant tender documentation.

(b) Before the end of the five-year period, the United States and Nicaragua shall consult to determine whether there is a need to extend the price preference program and, if they agree that there is such a need, to determine the scope of the extension.

(c) If, following the entry into force of this Agreement between the United States and Nicaragua, Nicaragua proposes to implement a procurement measure that is intended to promote the development of its small, medium and micro enterprises, but that would not be consistent with this Chapter, Nicaragua shall consult with the United States. If the United States and Nicaragua agree on the need and terms and conditions for such a

measure, Nicaragua shall be permitted to implement the measure.

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. This Chapter does not apply to the procurement of transportation services that form a part of, or are incidental to, a procurement contract.

Section H

Threshold Adjustment Formula

1. In calculating the value of a contract for the purpose of ascertaining whether a procurement is covered by this Chapter, a procuring entity shall include the maximum total estimated value of the procurement over its entire duration, taking into account all options, premiums, fees, commissions, interest, and other revenue streams, or other forms of remuneration provided for in such contracts.

2. The thresholds in Sections A through C shall be adjusted at two-year intervals with each adjustment taking effect on January 1, beginning on January 1, 2006.

3. With regard to the thresholds for goods and services in Section A, the United States shall calculate the U.S. dollar value for the threshold 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 period that ends on October 31 in the year prior to the adjustment taking effect, and using the following formula:

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

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.

4. The thresholds for construction services in Section A and the thresholds in Sections B and C 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. The United States shall calculate adjustments of these thresholds 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 B entities; and
- (c) 400,000 SDRs for goods and services for Section C, List B entities.

5. The United States shall notify the other Parties of the adjusted threshold values by December 15 of the year before the adjusted thresholds take effect.

6. Except for El Salvador, which shall use the value expressed by the United States in U.S. dollars, each Party shall:

- (a) convert the adjusted thresholds values notified by the United States under paragraph 4 into its national currency based on the official conversion rate of its central bank, using the average of the daily values of its currency in terms of the U.S. dollar over the two-year period ending September 30 of the year in which the United States notifies the adjusted thresholds; and
- (b) promptly notify the other Parties of the value in its currency of the adjusted

thresholds.

7. The Parties shall consult bilaterally 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.

Section I

Transition Mechanisms

1. Each Party shall make best efforts to comply with the obligations listed in each Party's Schedule to this Section during the two years following the date of entry into force of this Agreement. The Notes to each Party's Schedule shall apply during this two-year period. Thereafter, each Party shall fully comply with these obligations.

Schedule of Costa Rica

1. Article 9.4.2 (inclusion of an indication that the procurement is covered by this Chapter in the notice of intended procurement)
2. Article 9.5.1 (40-days time limit for the tendering process)¹
3. Article 9.6.3 (written communication of modification to tender documentation)
4. Article 9.11.2 (publication of a notice regarding the contract award)
5. Article 9.15.6(a) (period provided to suppliers to prepare and submit written challenges)²

Notes to Costa Rica Schedule

1. Article 9.5.1: For the tendering process set out in Article 9.5.1, Costa Rica shall provide at least 30 days for procurement made through the Licitación Pública and at least ten days for procurement made through the Licitación por Registro.
2. Article 9.15.6(a): Costa Rica shall provide at least three days for suppliers to prepare and submit written challenges under Article 9.15.6(a).

Schedule of the Dominican Republic

1. Article 9.3 (make publicly available judicial decisions and administrative rulings of general application governing procurement)¹
2. Article 9.4.2 (inclusion of an indication that the procurement is covered by this Chapter in the notice of intended procurement)
3. Article 9.5.1 (40-days time limit for the tendering process)²
4. Article 9.9.3 (only for preparation of written reports for the awarding of contracts using direct purchasing)
5. Article 9.11.2 (publication of a notice regarding the contract award)
6. Article 9.13 (establishment and maintenance of procedures that declare a supplier ineligible for participation)

Notes to the Dominican Republic Schedule

1. Article 9.3: The Dominican Republic shall provide to the other Parties any judicial decision and administrative ruling of general application governing procurement.
2. Article 9.5.1: The Dominican Republic shall provide at least 30 days for the tendering process set out in Article 9.5.1.

Schedule of Guatemala

1. Article 9.4.2 (inclusion of an indication that the procurement is covered by this

Chapter in the notice of intended procurement)

2. Article 9.5.1 (40-days time limit for the tendering process)¹
3. Article 9.6.3 (written communication of modification to tender documentation)
4. Article 9.11.2 (publication of a notice regarding the contract award)
5. Article 9.13 (establishment and maintenance of procedures that declare a supplier ineligible for participation)²
6. Article 9.15.6 (period provided to suppliers to prepare and submit written challenges)

Notes to Guatemala Schedule

1. Article 9.5.1: For the tendering process set out in Article 9.5.1, Guatemala shall provide at least eight days for suppliers to submit tenders following the publication of the notice of intended procurement.
2. Article 9.13: Guatemala shall not adopt any measure that weakens its current practice with respect to Article 9.13.

Schedule of Honduras

1. Article 9.4.2 (inclusion of an indication that the procurement is covered by this Chapter in the notice of intended procurement)
2. Article 9.5.1 (40-days time limit for the tendering process)¹
3. Article 9.6.3 (written communication of modification to tender documentation)
4. Article 9.11.2 (publication of a notice regarding the contract award)
5. Article 9.15.6(a) (period provided to suppliers to prepare and submit written challenges)²

Notes to Honduras Schedule

1. Article 9.5.1: Honduras shall provide at least 15 days for the tendering process set out in Article 9.5.1, except for build-operate-transfer or public works concession contracts, in which case Honduras shall provide at least 30 days for the tendering process.
2. Article 9.15.6(a): Honduras shall provide at least five days for the period provided to suppliers to prepare and submit written challenges set out in Article 9.15.6(a).

Schedule of Nicaragua

1. Article 9.4.2 (inclusion of an indication that the procurement is covered by this Chapter in the notice of intended procurement)
2. Article 9.5.1 (40-days time limit for the tendering process)¹
3. Article 9.6.3 (written communication of modification to tender documentation)
4. Article 9.11.2 (publication of a notice regarding the contract award)
5. Article 9.13 (establishment and maintenance of procedures that declare a supplier ineligible for participation)²
6. Article 9.15.6 (period provided to suppliers to prepare and submit written challenges)³

Notes to Nicaragua Schedule

1. Article 9.5.1: For the tendering process set out in Article 9.5.1, Nicaragua shall provide at least 30 days for a Licitación Pública procurement and at least 15 days for a Licitación por Registro procurement.
2. Article 9.13: Nicaragua shall not adopt any measure that weakens its current practice

with respect to Article 9.13.

3. Article 9.15.6: Nicaragua shall provide at least five days for suppliers to prepare and submit written challenges set out in Article 9.15.6.

Section J

Transition Mechanisms for Coverage of Construction Services – the Dominican Republic

1. Notwithstanding Article 9.2.4, the Dominican Republic may, subject to paragraphs 2 through 5, maintain the following offsets, as provided for in Law No. 322 of 2 June 1981, and its Regulation No. 578-86 with respect to procurement covered by Section F of this Chapter:

(a) a requirement that a foreign supplier seeking to participate in a procurement covered by this Chapter must be associated with an enterprise established under the laws of the Dominican Republic, that is capitalized with Dominican or mixed Dominican and foreign capital, and where the share held by the foreign supplier in the association is limited to no more than 50 percent, which may be increased to 70 percent depending on the availability of Dominican capital; and

(b) a requirement that 50 percent of the management of a procurement covered by this Chapter be comprised of Dominican nationals.

2. Where a procuring entity seeks, takes account of, or imposes an offset under paragraph 1, the entity:

(a) shall clearly describe the offset in the notice of intended procurement or notice inviting suppliers to participate in the procurement and in relevant tender documentation;

(b) shall conduct the procurement in accordance with the procedures in this Chapter;

(c) shall apply the offset in a non-discriminatory manner that does not provide U.S. suppliers with treatment that is less favorable than the treatment given to suppliers of any other foreign country; and

(d) may not require suppliers to purchase goods or services on non-competitive terms or of substandard quality, or to take any action that is not justified from a commercial standpoint.

3. The limitations permitted under paragraph 1 shall be reduced over a period of 15 years as follows:

(a) 40 percent for any procurement initiated after the beginning of the sixth year after the date of entry into force of this Agreement and until the end of the tenth year after the date of entry into force of this Agreement;

(b) 30 percent for any procurement initiated after the beginning of the 11th year after the date of entry into force of this Agreement and until the end of 12th year after the date of entry into force of this Agreement; and

(c) 20 percent for any procurement initiated after the beginning of 13th year after the entry into force of this Agreement.

4. During the 13th year after the date of entry into force of this Agreement, the Dominican Republic and the United States shall enter into consultations with regard to the treatment of the offsets described in paragraph 1, following the end of the 15-year period referred to in paragraph 3, with a view to the elimination of the offsets. The consultations shall take into consideration, inter alia, the general and economic developments in the Dominican Republic, its implementation of this Chapter, and the need to maintain the offsets. If, by the end of the 15th year after the date of entry into force of this Agreement, the Dominican Republic and the United States are unable to

reach agreement on the treatment of the offsets from the end of the 15th year, the United States may reduce the access that it accords to the Dominican Republic, as set out in the Schedules of the United States to this Annex.

5. At the end of each period specified in paragraph 3, the Dominican Republic shall provide written reports to the United States on the implementation of the transitional mechanism provided for in this Section.

Annex 9.1.2(b)(ii)

Section A: Entities

For Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua:

- (a) this Chapter applies to covered procurement by central, sub-central, and other government entities, subject to Section I (Transition Mechanisms) of Annex 9.1.2(b)(i), and the General Notes to this Annex; and
- (b) notwithstanding subparagraph (a), and subject to Articles 9.2 and 9.3, each Party's law shall apply to procurement by entities:
 - (i) listed in Annex 9.1.2(b)(i) where the estimated value of the procurement is less than the applicable threshold provided in Sections A, B, or C of that Annex; and
 - (ii) not listed in Annex 9.1.2(b)(i).

Section B: Goods

For Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua, this Chapter applies to all goods procured by the entities listed in Section A, subject to the General Notes, and except as otherwise provided in Section A.

Section C: Services

For Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua, this Chapter applies to all services procured by the entities listed in Section A, subject to the existing measures listed in each Party's Schedule to Annex I and the General Notes, and except as otherwise provided in Section A.

Section D: Construction Services

For Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua, this Chapter applies to all construction services procured by the entities listed in Section A, subject to the existing measures listed in each Party's Schedule to Annex I and the General Notes, and except as otherwise provided in Section A.

Section E: General Notes

Schedule of Costa Rica

1. This Chapter does not apply to procurement by one Costa Rican entity of a good or service obtained or acquired from another Costa Rican entity.
2. This Chapter does not apply to government procurement programs on behalf of small, medium, and micro enterprises.
3. The 40-day time limit set out in Article 9.5.1 shall not apply to the Instituto Costarricense de Electricidad ("ICE"). ICE shall provide suppliers sufficient time to prepare and submit responsive tenders. Notwithstanding Article 9.15.6(a), ICE shall provide no less than three business days for suppliers to prepare and submit written challenges.

Schedule of El Salvador

This Chapter does not apply to procurement by one Salvadoran entity of a good or service obtained or acquired from another Salvadoran entity.

Schedule of Guatemala

1. This Chapter does not apply to procurement by one Guatemalan entity of a good or service obtained or acquired from another Guatemalan entity.
2. This Chapter does not apply to the exceptions established in Article 44 of the Ley de Contrataciones del Estado, Decreto 57-92 del Congreso de la República.
3. Guatemala shall be permitted to implement a procurement measure that is intended to promote the development of its minority-owned or small, medium, and micro enterprises to the same extent that any such program is permitted under Guatemala's Schedule to Section G of Annex 9.1.2(b)(i).

Schedule of Honduras

This Chapter does not apply to procurement by one Honduran entity of a good or service obtained or acquired from another Honduran entity.

Schedule of Nicaragua

1. This Chapter does not apply to procurement by one Nicaraguan entity of a good or service obtained or acquired from another Nicaraguan entity.
2. This Chapter does not apply to the acquisition of weapons, ammunitions, warfare materials, or any other procurement required for national security, public security, or national defense purposes.

Annex 9.1.2(b)(iii)

Section A: Entities

For each Central American Party and the Dominican Republic:

- (a) this Chapter applies to covered procurements by Central, sub-central and other government entities, subject to Sections G (General Notes) (General Note No. 1 of the Dominican Republic's Schedule is of reciprocal application with El Salvador) (General Note No. 2 of the Dominican Republic's Schedule does not apply to each Central American Party) (General Notes No. 3 and 6 of the Dominican Republic's Schedule do not apply to Guatemala, except in relation to the border with Haiti) and I (Transition Mechanisms) of Annex 9.1.2(b)(i), except those listed in each Party's Schedule to this Section; and
- (b) notwithstanding subparagraph (a) and according to Articles 9.2, 9.3, and 9.15, and subject to the General Notes of this Annex, each Party shall apply its law to procurement by entities:
- (i) listed in Annex 9.1.2(b)(i) where the estimated value of the procurement is less than the applicable threshold provided in Sections A, B or C of that Annex;
 - (ii) not listed in Annex 9.1.2(b)(i).

I. Costa Rica – Dominican Republic

Schedule of Costa Rica

1. Non-state owned public entities where more than fifty percent (50%) of the financial resources come from the entities' own resources or contributions of its union members;
2. Public entities for which the majority of the capital stock belongs to individuals rather than the public sector;

3. Banco Central de Costa Rica
4. Banco de Costa Rica
5. Banco Nacional de Costa Rica
6. Banco Popular y de Desarrollo Comunal
7. Banco Crédito Agrícola de Cartago
8. Banco Hipotecario de la Vivienda
9. Those entities excluded by domestic law from the application of the procurement procedures contained in Costa Rica's Ley de Contratación Administrativa, No. 7494 of May 2, 1995.

Schedule of the Dominican Republic

1. Public entities for which the majority of its capital stock belongs to individuals rather than the public sector;
2. Banco Central de la República Dominicana
3. Banco Agrícola
4. Corporación de Fomento Industrial
5. Banco Nacional de Fomento a la Vivienda y la Producción

II. El Salvador–Dominican Republic

El Salvador and the Dominican Republic shall not exclude any institution from the scope of application of this Chapter.

III. Guatemala–Dominican Republic

Schedule of Guatemala

1. Ministerio de la Defensa Nacional
2. Tribunal Supremo Electoral
3. Banco de Guatemala

Schedule of the Dominican Republic

1. Secretaría de Estado de las Fuerzas Armadas
2. Junta Central Electoral
3. Banco Central de la República Dominicana

IV. Honduras–Dominican Republic

Schedule of Honduras

1. Banco Central de Honduras
2. Public enterprises where capital stock is shared with individuals
3. Secretaría de Estado en el Despacho de Defensa Nacional and Secretaría de Estado en el Despacho de Seguridad
4. Tribunal Nacional de Elecciones
5. Entities excluded by domestic law from the application of government procurement procedures.

Schedule of the Dominican Republic

1. Banco Central de la República Dominicana
2. Public enterprises where capital stock is shared with individuals
3. Secretaría de Estado de las Fuerzas Armadas and the Policía Nacional
4. Junta Central Electoral

5. Entities excluded by domestic law from the application of government procurement procedures.

V. Nicaragua – Dominican Republic

Schedule of Nicaragua

1. Ministerio de Defensa (Army)
2. Public Financial Sector

Schedule of the Dominican Republic

1. Secretaría de Estado de las Fuerzas Armadas, with respect to any matter exclusively dedicated to safeguard national security;
2. Banco de Reservas
3. Banco Agrícola
4. Corporación de Fomento Industria
5. Banco Nacional de Fomento a la Vivienda y la Producción

Section B: Goods

For each Central American Party and the Dominican Republic, this Chapter applies to all goods procured by covered entities in accordance with Section A, subject to the General Notes, and except as otherwise provided in Section A.

For each Central American Party and the Dominican Republic, this Chapter does not apply to the acquisition of weapons, ammunitions, warfare materials, or any other procurement of goods necessary to protect national security, public security, or for national defense purposes.

Section C: Services

For each Central American Party and the Dominican Republic, this Chapter applies to all services procured by covered entities in accordance with Section A, subject to the existing measures listed in each Parties' Schedule to Annex I, and the General Notes, and except as otherwise provided in Section A.

Section D: Construction Services

For each Central American Party and the Dominican Republic, this Chapter does not cover construction of public works or public works concession contracts; however each Central American Party and the Dominican Republic shall initiate consultations in order to determine the viability and desirability of including in the coverage of this Chapter construction of public works and public works concession contracts.

Section E: General Notes

I. Costa Rica –Dominican Republic

Schedule of Costa Rica

1. This Chapter does not apply to:
 - (a) activities excluded from public tendering procedures explicitly listed in Article 2 of the Ley de Contratación Administrativa N. 7494 del 2 de mayo de 1995;
 - (b) employment relations;
 - (c) public loans;
 - (d) public works contracts, concession for public facilities, public works concession and work concessions for public service, transfers of real estate generally or any other type

of contracting that is not a procurement of goods or services;

(e) other activities and public procurements that, according to domestic law, are subject to a special procurement regime, different than what is established in the Ley de Contratación Administrativa No. 7494 del 2 de mayo de 1995 and its regulation, without prejudice to paragraph 2 to this list.

2. The procurements by the Caja Costarricense del Seguro Social under the procedures established in Ley 6914 del 15 de noviembre de 1983, shall be covered by the scope and other provisions of this Chapter with the only exception that these procurements shall not be subject to Articles 9.6 and 9.15.

3. The 40-day time limit set out in Article 9.5.1 shall not apply to the Instituto Costarricense de Electricidad ("ICE"). ICE shall provide suppliers sufficient time to prepare and submit responsive tenders. Without prejudice to Article 9.15.6(a), ICE shall provide no less than three business days for suppliers to prepare and submit written challenges.

Schedule of the Dominican Republic

This Chapter does not apply to:

(a) procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by law;

(b) the sell of special services conducted by public sector institutions;

(c) negotiations and agreements with other States or with international public law entities, or the contractual activities between public entities;

(d) procurement activities that by their nature, low value or other circumstances, cannot be subject or would not be convenient to be subject to a public tender, either because there is only one supplier, or because of special security reasons, extreme urgency or other exceptional circumstances, according to the domestic law;

(e) procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations.

(f) procurement of goods, services and supplies between State agencies, and between those and decentralized, autonomous and municipal entities;

(g) procurement of goods and services by delegations, embassies and consulates in a foreign territory;

(h) employment relations;

(i) public works contracts, public works concession contracts and work concessions for public service, transfer of real estate and any other type of procurement that is not a procurement of goods or services.

II. El Salvador –Dominican Republic

Schedule of El Salvador- Dominican Republic

1. This Chapter does not apply to the procurement by public entities of strategic goods, services and supplies:

(a) to safeguard the borders, natural resources subject to international regimes, or the national territory;

(b) for the procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by law; and

(c) for the procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest or social benefit.

2. This Chapter does not apply to procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations, given that such financing is governed by contracts with special provisions.

3. This Chapter does not apply to procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities.

4. This Chapter does not apply to procurement of goods, services and supplies that are made or manufactured by public agencies, autonomous or municipal entities.

5. This Chapter does not apply to:

- (a) articles procured for official parties or receptions; and
- (b) articles procured in foreign territories to be used in offices located in foreign territories;
- (c) subscriptions to or publication in newspapers, films, television editorial and television advertisement; and
- (d) procurement of individual professional services in general.

III. Guatemala –Dominican Republic

Schedule of Guatemala

This Chapter does not apply to:

- (a) the procurement by public entities of strategic goods, public works concessions, services and supplies to safeguard the borders, bridges, natural resources subject to international regimes, or the national territory;
- (b) the procurement and acquisition of goods, supplies, public works, and services necessary for the resolution of situations arising from an exception status declared by law;
- (c) the procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest or social benefit;
- (d) procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations;
- (e) the procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities.
- (f) goods, work concessions, services and supplies, considered as specific exceptions procured by public entities including:
 - (i) goods, services or construction services procured by Guatemalan offices in a foreign territory, such as embassies, delegations and consulates or missions;
 - (ii) individual professional services in general; and
 - (iii) goods, supplies and services with sole suppliers.

Schedule of the Dominican Republic

This Chapter does not apply to:

- (a) procurement by public entities of strategic goods, public works concessions,

- services, and supplies to safeguard the borders, bridges, natural resources subject to international regimes, or the national territory;
- (b) procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by the applicable Dominican Republic law;
- (c) procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest according to the domestic law;
- (d) procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations;
- (e) procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities; as well as goods, work concessions, services and supplies, considered as specific exceptions procured by public entities including:
- (i) goods, services and contracts by delegations, Embassies and consulates in a foreign territory;
- (ii) individual professional services in general.

IV. Honduras –Dominican Republic

Schedule of Honduras – Dominican Republic

1. This Chapter does not apply to the procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by law;
2. This Chapter does not apply to the procurement by public entities of strategic goods, services and supplies:
 - (a) to safeguard the borders, bridges, natural resources subject to international regimes or the national territory;
 - (b) the procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations derived from an exception status declared by law;
 - (c) the procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest or social benefit.
3. This Chapter does not apply to the procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities;
4. Those that are made or manufactured by public agencies, autonomous or municipal entities.
5. This Chapter does not apply to the procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations, given that such financing is governed by contracts with special provisions.
6. This Chapter does not apply to government procurement programs on behalf of small, medium, and micro enterprises.
7. This Chapter does not apply to:
 - (a) procurement of goods, services and contracts by delegations, embassies and consulates in a foreign territory;

- (b) procurement of individual professional services in general; and
- (c) the acquisition and procurement of goods, supplies and services with sole suppliers.

V. Nicaragua –Dominican Republic

Schedule of Nicaragua

1. This Chapter does not apply to the exceptions included in Article 3 of Law No. 323, Ley de Contrataciones del Estado, published in La Gaceta 1 and 2 on January 3 and 4, 2000, and its amendments.
2. This Chapter does not apply to the procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations.

Schedule of the Dominican Republic

With respect to the Dominican Republic and Nicaragua this Chapter does not apply to the:

- (a) procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by the applicable Dominican Republic law;
- (b) procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest according to the domestic law;
- (c) procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations;
- (d) procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities; as well as, goods, work concessions, services and supplies, considered as specific exceptions procured by public entities including:
 - (i) goods, services contracts or construction services by in delegations, embassies, and consulates a foreign territory;
 - (ii) individual professional services in general;
- (e) procurements or contracts to repair vehicles, engines, machinery and other similar items.