

CHAPTER FOURTEEN

第十四章

GOVERNMENT PROCUREMENT

政府采购

Article 1401: Scope and Coverage

第1401条：范围和覆盖范围

Application of Chapter

本章的适用

- 1.# This Chapter applies to any measure adopted or maintained by a Party relating to procurement by a procuring entity listed in Annex 1401.1:
- (a) by any contractual means, including purchase and rental or lease, with or without an option to buy;
 - (b) for which the value, as estimated in accordance with paragraph 5, equals or exceeds the relevant threshold specified in Annex 1401.1; and
 - (c) subject to the terms of Annex 1401.1.
2. This Chapter does not apply to:
- (a) non-contractual agreements or any form of assistance that a Party, including a state enterprise, provides, including grants, loans, equity infusions, fiscal incentives, subsidies, guarantees, and cooperative agreements;
 - (b) government provision of goods or services to persons or to sub-national governments;
 - (c) purchases for the direct purpose of providing foreign assistance;

1. 本章适用于一方采取或维持的、与附件1401.1所列采购实体进行的采购相关的任何措施：
- (a) 通过任何合同方式，包括购买和租赁或租借，无论是否附带购买选择权；(b) 根据第5款估算的价值等于或超过附件1401.1规定的相關阈值；以及(c) 受附件1401.1条款的约束。
2. 本章不适用于：
- (a) 非合同协议或一方（包括国有企业）提供的任何形式的援助，包括拨款、贷款、股权注入、财政激励、补贴、担保和合作协议；(b) 政府向个人或地方政府提供货物或服务；(c) 为直接提供外国援助目的而进行的购买；

- (d) purchases funded by international grants, loans, or other assistance, where the provision of such assistance is subject to conditions inconsistent with this Chapter;

- (e) the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities. For greater certainty, this Chapter does not apply to procurement of banking, financial, or specialized services related to the following activities:
 - (i) the incurring of public indebtedness, or
 - (ii) public debt management;

- (f) hiring of government employees and related employment measures; or

- (g) procurements made by an entity or state enterprise from another entity or state enterprise of that Party.

3. 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.

4. Where a procuring entity awards a contract that is not covered by this Chapter, nothing in this Chapter shall be construed to cover any good or service component of that contract.

(d) 由国际赠款、贷款或其他援助资助的购买，且此类援助的提供条件与本章规定相抵触；

(e) 财政代理或存管服务的采购或获取、受监管的金融机构的清算和管理服务，或与公共债务（包括贷款和政府债券、票据及其他证券）的销售、赎回和分销相关的服务。为进一步明确，本章不适用于与以下活动相关的银行业务、金融或专业服务的采购：

(i) 公共负债的发生，或(ii) 公共债务管理；(f) 政府雇员的聘用及相关就业措施；或(g) 一方实体或国有企业从该方另一实体或国有企业进行的采购。

3. 本章任何规定不得阻止一方制定新的采购政策、程序或合同方式，只要其与本章不相抵触。

4. 如采购实体授予的合同不在本章范围内，则不得将本章任何条款解释为涵盖该合同的任何商品或服务组成部分。

Valuation

5. In estimating the value of a procurement for the purpose of ascertaining whether it is a procurement covered by this Chapter, a procuring entity shall:
- (a) neither divide a procurement into separate procurements nor select or use a particular valuation method for estimating the value of a procurement with the intention of totally or partially excluding it from the application of this Chapter;
 - (b) include the estimated maximum total value of the procurement over its entire duration, whether awarded to one or more suppliers, taking into account all forms of remuneration, including:
 - (i) premiums, fees, commissions, and interest, and
 - (ii) where the procurement provides for the possibility of option clauses, the estimated maximum total value of the procurement, inclusive of optional purchases; and
 - (c) where the procurement is to be conducted in multiple parts, with contracts to be awarded at the same time or over a given period to one or more suppliers, base its calculation of the total maximum value of the procurement over its entire duration.

估值

5. 为确定某项采购是否属于本章范围而估算采购价值时，采购实体应：
- (a) 不得将一项采购分割为若干单独采购，也不得为估算采购价值而选择或使用特定估值方法，意图全部或部分排除本章的适用；
 - (b) 应包含采购在整个持续期间内的预估最高总价值，无论授予一个或多个供应商，并考虑所有形式的报酬，包括：
 - (i) 溢价、费用、佣金和利息，以及 (ii) 若采购包含选择条款的可能性，则需涵盖选择性购买在内的采购预估最高总价值；条款，包括选择性购买在内的采购预估最大总价值；以及
 - (c) 如采购将分多个部分进行，且合同将在同一时间或特定期限内授予一个或多个供应商，则应根据整个采购期间的总最大值计算其价值。

Article 1402: Security and General Exceptions

1. Nothing in this Chapter shall be construed to prevent a Party from taking any action or not disclosing any information which it considers necessary for the protection of its essential security interests relating to the procurement of arms, ammunition or war materials, or to procurement indispensable for national security or for national defense purposes.
2. 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 persons with disabilities, philanthropic institutions, or prison labour.
3. The Parties understand that subparagraph 2 (b) includes environmental measures necessary to protect human, animal or plant life or health.

第1402条：安全与一般例外

1. 本章的任何规定不得解释为阻止一方采取其认为保护其基本安全利益所必需的任何行动或不披露任何信息，这些利益涉及武器、弹药 或战争物资的采购，或对国家安全或国防目的不可或缺的采购。
2. 只要此类措施的实施方式不会构成在相同条件下对 缔约方之间任意或不合理的歧视手段，或变相的双方贸易限制，本章的任何规定不得解释为阻止一方采取或维持以下措施：
- (a) 保护公共道德、秩序或安全性所必需的措施；(b) 保护人类、动物或植物的生命或健康所必需的措施；(c) 保护知识产权所必需的措施；或(d) 涉及残疾人货物或服务、慈善机构或监狱劳动的措施。
3. 双方理解，第2款(b)项包括为保护人类、动物或植物的生命或健康所必需的环境措施。

Article 1403: General Principles

National Treatment and Non-Discrimination

1. With respect to any measure relating to procurement covered by this Chapter, each Party shall accord immediately and unconditionally to the goods and services of the other Party, and to the suppliers of the other Party of such goods or services, treatment no less favourable than the most favourable treatment the Party accords to domestic goods, services and suppliers.
2. With respect to any measure relating to procurement covered by this Chapter, a Party shall not:

(a)# treat a locally established supplier less favourably than another locally established supplier on the basis of the 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 the other Party.

Conduct of Procurement

3. A procuring entity shall conduct procurement covered by this Chapter in a transparent and impartial manner that:

(a)# is consistent with this Chapter;

(b)# avoids conflicts of interest; and

(c)# prevents corrupt practices.

第1403条： 一般原则

国民待遇与非歧视

1. 对于本章所涵盖的与采购相关的任何措施，每一缔约方应立即和无条件地给予另一方的货物和服务， 以及此类货物或服务的另一方供应商的待遇，不得低于该缔约方给予国内货物、服务和供应商的最优惠待遇。
2. 对于本章所涵盖的任何与采购相关的措施， 一方不得：

(a) 基于外资关联或所有权的程度，对本地设立的供应商给予低于另一本地设立的供应商的待遇；或 (b) 因某一本地设立的供应商为特定采购提供的货物或服务为另一方的货物或服务而对该供应商进行歧视。

采购行为

3. 采购实体应以透明和公正的方式开展本章所涵盖的采购， 该方式应：

(a) 符合本章规定； (b) 避免利益冲突； 以及(c) 防止腐败行为。

Tendering Procedures

4. A procuring entity shall use open tendering except where subparagraphs 6 through 9 of Article 1406 or Article 1409 apply.

Rules of Origin

5. With regard to the procurement of goods covered by this Chapter, each Party shall apply the rules of origin that it applies in the normal course of trade to those goods.

Offsets

6. A Party, including its procuring entities, shall not seek, take account of, impose, or enforce offsets at any stage of a procurement covered by this Chapter.

Measures Not Specific to Procurement

7. Paragraphs 1 and 2 do not apply to: customs duties and charges of any kind imposed on, or in connection with, importation; the method of levying such duties and charges; other import regulations or formalities and measures affecting trade in services other than measures governing procurement covered by this Chapter.

招标程序

4. 采购实体应采用公开招标方式，除非适用第1406条第6至9款或第1409条规定的情形。

原产地规则

5. 对于本章涵盖的货物采购，每一缔约方应适用其在正常贸易过程中适用于此类货物的原产地规则。

补偿

6. 一方（包括其采购实体）不得在本章涵盖的采购的任何阶段寻求、考虑、强加或强制执行补偿。

非采购专用措施

7. 第1款和第2款不适用于：对进口或与进口有关征收的任何种类的关税和费用；征收此类关税和费用的方法；其他进口法规或手续以及影响服务贸易的措施，但本章涵盖的采购管理措施除外。

Article 1404: Publication of Procurement Information

Each Party shall:

- (a) promptly publish any law, regulation, judicial decision, administrative ruling of general application, and procedure regarding procurement covered by this Chapter, and any modifications thereof, in an officially designated electronic or paper medium that is widely disseminated and remains readily accessible to the public; and
- (b)# provide an explanation thereof to the other Party, on request.

Article 1405: Publication of Notices

Notice of Intended Procurement

1. For each procurement covered by this Chapter, a procuring entity shall publish a notice inviting suppliers to submit tenders (“notice of intended procurement”), or where appropriate, a notice inviting applications for participation in the procurement. Any such notice shall be published in an electronic or paper medium that is widely disseminated and readily accessible to the public for the entire period established for tendering. Each Party shall maintain a gateway electronic site that includes links to all notices of procuring entities for procurements covered by this Chapter.

第1404条： 采购信息的公布

每一缔约方应：

- (a) 迅速公布本章所涵盖的采购相关的任何法律、法规、司法裁决、普遍适用的行政裁定及程序，及其修改内容，通过官方指定的电子或纸质媒介广泛传播并保持公众易于获取；以及
- (b) 应另一缔约方请求， 提供相关解释。

第1405条： 公告的公布

拟采购公告

1. 对于本章涵盖的每一项采购， 采购实体应发布邀请供应商提交投标的公告（“拟采购公告”）， 或在适当情况下发布邀请参与采购申请的公告。任何此类通知应在整个投标期间通过电子或纸质媒介广泛传播并便于公众获取。每一缔约方应维护一个门户电子网站， 其中包含本章涵盖的所有采购实体公告的链接。

2. Each notice of intended procurement shall include:

- (a) a description of the procurement, including the nature, and where known, the quantity of the goods or services to be procured;
- (b) the procurement method that will be used and whether it will involve negotiation or electronic auction;
- (c) a list of conditions for participation of suppliers;
- (d) the name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if applicable;
- (e) the address and time limits for the submission of tenders or applications for participation;
- (f) the time-frame for delivery of the goods or services to be procured or the duration of the contract;
- (g) where, pursuant to Article 1406, a procuring entity intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, where applicable, any limitation on the number of suppliers that will be permitted to tender; and
- (h) an indication that the procurement is covered by this Chapter.

2. 每一份拟采购公告应包括：

- (a) 采购说明，包括拟采购货物或服务的性质及已知数量；(b) 将采用的采购方法，以及是否涉及谈判或电子拍卖；(c) 供应商参与条件清单；(d) 采购实体的名称和地址，以及其他联系采购实体并获取所有采购相关文件所需信息，以及适用情况下的费用和付款条件；(e) 投标提交或参与申请的地址和时限；(f) 拟采购货物或服务的交付时间框架或合同期限；(g) 如根据第1406条，采购实体拟选择有限数量的合格供应商受邀投标，则应说明其选择标准及适用情况下允许投标的供应商数量限制；(h) 表明该采购受本章约束的声明。

Notice of Planned Procurement

3. Each Party shall encourage its procuring entities to publish as early as possible in each fiscal year notices regarding their respective procurement plans. Such notices should include the subject matter of any planned procurement and the estimated date of the publication of the notice of intended procurement.

Article 1406: Conditions for Participation

General Requirements

1. Where a Party, including its procuring entities, requires suppliers to satisfy registration, qualification or any other requirements or conditions for participation in a separate process in order to participate in a procurement covered by this Chapter, the procuring entity shall publish a notice inviting suppliers to apply for participation. The procuring entity shall publish the notice sufficiently in advance to provide interested suppliers time to prepare and submit applications and for the procuring entity to evaluate and make its determination based on such applications.
2. A procuring entity shall limit any conditions for participation in a procurement covered by this Chapter to those that are essential to ensure that a supplier has the legal and financial capacities and the commercial and technical abilities to undertake the relevant procurement.
3. In establishing the conditions for participation, a procuring entity:

(a)# shall not impose the condition that, in order for a supplier to participate in a procurement, the supplier has previously been awarded one or more contracts by a procuring entity of a Party; and

(b)# may require relevant prior experience where essential to meet the requirements of the procurement.

计划采购通知

3. 每一缔约方应鼓励其采购实体在每个财政年度尽早发布各自采购计划的通知。此类通知应包括任何计划采购的标的物及拟采购公告的预计发布日期。

第1406条：参与条件

一般要求

1. 如一方（包括其采购实体）要求供应商为参与本章涵盖的采购而满足注册、资格或任何其他参与要求或条件，需通过单独程序完成，则采购实体应发布通知邀请供应商申请参与。采购实体应充分提前发布该通知，以便感兴趣的供应商有充足时间准备并提交申请，同时使采购实体能够基于此类申请进行评估并作出决定。
2. 采购实体应将本章涵盖的采购参与条件限制在确有必要范围内，以确保供应商具备履行相关采购所需的法律和财务能力以及商业和技术能力。
3. 在制定参与条件时，采购实体应：

(a) 不得规定供应商必须曾被一缔约方的采购实体授予过一项或多项合同，才能参与采购；且

(b) 在采购要求必须满足时，可要求相关先前经验。

4. In assessing whether a supplier satisfies the conditions for participation, a procuring entity:

- (a)# shall evaluate the financial capacity and the commercial and technical abilities of a supplier on the basis of that supplier’s business activities both inside and outside the territory of the Party of the procuring entity; and
- (b)# shall base its evaluation on the conditions that the procuring entity has specified in advance in its notices or tender documentation.

5. In assessing whether a supplier satisfies the conditions for participation, a Party, including its procuring entities, shall recognize as qualified all domestic suppliers and suppliers of the other Party that satisfy the conditions for participation.

Multi-use Lists

6. A procuring entity may establish or maintain a multi-use list of suppliers, provided that a notice inviting interested suppliers to apply for inclusion on the list is:

- (a) published annually; and
- (b) where published by electronic means, made available continuously.

7. The notice provided for in paragraph 6 shall include:

- (a) a description of the goods or services, or categories thereof, for which the list may be used;

4. 在评估供应商是否满足参与条件时，采购实体应：

(a) 应根据供应商在采购实体所属缔约方领土内外的商业活动，评估该供应商的财务能力以及商业和技术能力；且 (b) 应基于采购实体在其通知或招标文件中预先规定的条件进行评估。

5. 在评估供应商是否符合参与条件时，缔约方（包括其采购实体）应承认所有符合参与条件的国内供应商及另一方供应商均具备资格。

多用途清单

6. 采购实体可建立或维持一份供应商多用途清单，前提是邀请感兴趣的供应商申请加入该清单的通知：(a) 每年发布；且 (b) 若以电子方式发布，则持续可供查阅。

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7. 第6款所述通知应包括：

(a) 一份关于可使用该清单的货物或服务或其类别的描述；

- (b) the conditions for participation to be satisfied by suppliers and the methods that the procuring entity will use to verify a supplier's satisfaction of the conditions;
- (c) the name and address of the procuring entity and other information necessary to contact the entity and obtain all relevant documents relating to the list;
- (d) the period of validity of the list and the means for its renewal or termination, or where the period of validity is not provided, an indication of the method by which notice will be given of the use of the list; and
- (e) an indication that the list may be used for procurement covered by this Chapter.

8. A procuring entity shall allow suppliers to apply at any time for inclusion on a multi-use list and shall include on the list all qualified suppliers within a reasonably short time.

Selective Tendering

9. Where a Party’s law allows the use of selective tendering procedures, a procuring entity shall, for each intended procurement covered by this Chapter:

- (a)# publish a notice inviting suppliers to apply for participation in the procurement sufficiently in advance to provide interested suppliers time to prepare and submit applications and for the entity to evaluate, and make its determinations based on, such applications; and

- (b) 供应商需满足的参与条件及
采购实体将用于验证供应商满足条件的 方法；
- (c) 采购实体的 名称和地址 及其他信息
以便联系该实体并获取与清单相关的所有 相关文件；
- (d) 清单的 有效期 及其更新或终止的方式，或未规定有效期时，说明将如何发出使用清单的 通知；以及
- (e) 表明该清单可用于 本章 所涵盖的采购
本章。

8. 采购实体应允许供应商随时申请列入多用途清单，并应在合理较短时间内将所有合格供应商纳入该清单。

选择性招标

9. 如一方的法律允许使用选择性招标程序，则采购实体对于本章所涵盖的每项意向采购应：

- (a) 提前足够时间发布通知邀请供应商申请参与采购，以便感兴趣的供应商有时间准备和提交申请，并使实体能够评估此类申请并据此作出决定；以及

(b)# allow all domestic suppliers and suppliers of the other Party that the entity has determined satisfy the conditions for participation to submit a tender, unless the entity has stated in the notice of intended procurement or, where publicly available, in the tender documentation, a limitation on the number of suppliers that will be permitted to tender and the criteria for such a limitation.

Information on Procuring Entity Decisions

10. A procuring entity shall promptly inform any supplier that submits an application for participation in a procurement or for inclusion on a multi-use list of the procuring entity's decision with respect to the application.

11. Where a procuring entity rejects a supplier's application for participation in a procurement or an application for inclusion on a multi-use list, ceases to recognize a supplier as qualified, or removes a supplier from a multi-use list, the entity shall promptly inform the supplier and, on request of the supplier, promptly provide the supplier with a written explanation of the reasons for its decision.

12. Where there is supporting evidence, a Party, including its procuring entities, may exclude a supplier on grounds such as:

- (a) bankruptcy;
- (b) false declarations; or
- (c) significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts.

(b) 允许所有国内供应商及该实体已确定符合参与条件的另一方供应商提交投标，除非该实体在拟采购公告中或（若公开）招标文件中声明了对允许投标的供应商数量的限制及此类限制的标准。

采购实体决定相关信息

10. 采购实体应及时通知任何提交参与采购申请或列入多用途清单申请的供应商有关该申请的决定。

11. 当采购实体拒绝供应商参与采购的申请、拒绝其列入多用途清单的申请、终止认定供应商资格或将其从多用途清单中除名时，该实体应及时通知供应商，并根据供应商要求立即向其提供相关决定的书面解释说明。

12. 若存在支持性证据，缔约方（包括其采购实体）可基于以下理由排除供应商：

- (a) 破产；(b) 虚假声明；或(c) 在履行先前合同或合同的任何实质性要求或义务方面存在重大或持续缺陷。

13. Procuring entities of each Party shall not adopt or maintain any registration system or qualification procedure with the purpose or the effect of creating unnecessary obstacles to the participation of suppliers of the other Party in its procurement.

Article 1407: Technical Specifications and Tender Documentation

Technical Specifications

1. A procuring entity shall not prepare, adopt, or apply any technical specification or prescribe any conformity assessment procedure with the purpose or the effect of creating unnecessary obstacles to international trade between the Parties.
2. In prescribing the technical specifications for the goods or services being procured, a procuring entity shall, where appropriate:
 - (a) specify the technical specification in terms of performance and functional requirements, rather than design or descriptive characteristics; and
 - (b) base the technical specification on international standards, where such exist; otherwise, on national technical regulations, recognized national standards or building codes.
3. A procuring entity shall not prescribe technical specifications that require or refer to a particular trademark or trade name, patent, copyright, design, type, specific origin, producer, or supplier, unless there is no other sufficiently precise or intelligible way of describing the procurement requirements and provided that, in such cases, the entity includes words such as "or equivalent" in the tender documentation.

13. 每一缔约方的采购实体不得采用或维持任何注册系统或资格程序，其目的或效果是对另一方供应商参与其采购制造不必要的障碍。

第1407条：技术规格和招标文件

技术规格

1. 采购实体不得制定、采用或适用任何技术规格，或规定任何合格评定程序，以对双方之间的国际贸易制造不必要的障碍为目的或产生此类效果。
2. 在制定所采购货物或服务的技术规格时，采购实体应酌情：
 - (a) 根据性能和功能要求而非设计或描述性特征来规定技术规格；且功能需求，而非设计或描述性特征；以及
 - (b) 技术规格应以国际标准为基础（如存在）；否则，应以国家技术法规、公认的国家标准或建筑规范为基础。
3. 采购实体不得规定要求或提及特定商标或商号、专利、版权、设计、类型、特定原产地、生产商或供应商的技术规格，除非没有其他足够精确或明确的方式来描述采购要求，且在此类情况下，实体应在招标文件中加入“或同等品”等字样。

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 covered by this Chapter from a person that may have a commercial interest in the procurement.

5. For greater certainty, a Party, including its procuring entities, may, in accordance with this Article, prepare, adopt or apply technical specifications to promote the conservation of natural resources or protect the environment.

Tender Documentation

6. A procuring entity shall make available to suppliers tender documentation that includes all information necessary to permit suppliers to prepare and submit responsive tenders. Unless already provided in the notice of intended procurement, such documentation shall include a complete description of:

- (a) the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity and any requirements to be fulfilled, including any technical specifications, conformity assessment certification, plans, drawings, or instructional materials;
- (b) any conditions for participation of suppliers, including a list of information and documents that suppliers are required to submit in connection with the conditions for participation;
- (c) all evaluation criteria to be considered in the awarding of the contract, and, except where price is the sole criterion, the relative importance of such criteria;

4. 采购实体不得以可能排除竞争的方式寻求或接受可能用于本章所涵盖的特定采购的任何技术规格的准备或采用的建议，该建议可能来自对采购具有商业利益的个人。

5. 为明确起见，一方（包括其采购实体）可根据本条制定、采用或适用技术规格，以促进自然资源保护或环境保护。

招标文件

6. 采购实体应向供应商提供包含所有必要信息的招标文件，以使供应商能够准备并提交响应性投标。除非拟采购公告中已包含此类信息，否则该文件应包括以下完整说明：

- (a) 采购内容，包括拟采购货物或服务的性质和数量，或在数量未知情况下的估计数量，以及需满足的任何要求，包括任何技术规格、符合性评估认证、计划、图纸或指导材料；
- (b) 供应商的任何参与条件，包括供应商需提交的与参与条件相关的信息和文件清单；
- (c) 合同授予时需考虑的所有评估标准，以及除价格为唯一标准外，此类标准的相对重要性；

- (d) where there will be a public opening of tenders, the date, time, and place for the opening of tenders; and
- (e) any other terms or conditions relevant to the evaluation of tenders.

7. A procuring entity shall promptly reply to any reasonable request for relevant information by a supplier participating in a procurement covered by this Chapter, except that the entity shall not make available information with regard to a specific procurement in a manner that would give the requesting supplier an advantage over its competitors in the procurement.

Modifications

8. Where a procuring entity, prior to the award of a contract, modifies the criteria or requirements set out in the notice of intended procurement or tender documentation provided to participating suppliers, or amends or reissues a notice or tender documentation, it shall transmit in writing all such modifications, amended or re-issued notice or tender documentation:

- (a) to all suppliers that are participating in the procurement at the time of the modification, amendment or re-issuance, where such suppliers are known to the procuring entity, and in all other cases, in the same manner as the original information was made available; and
- (b) in adequate time to allow such suppliers to modify and submit amended tenders, as appropriate.

(d) 如将进行公开开标，则注明日期、时间和
开标地点；以及

(e) 与投标评估相关的任何其他条款或条件。

7. 采购实体应迅速回复参与本章所涵盖采购的供应商提出的任何合理相关资讯请求，但该实体不得以会使请求供应商在采购中获得优于其竞争对手的方式提供特定采购的相关资讯。

修改

8. 若采购实体在合同授予前修改拟采购公告或提供给参与供应商的招标文件中列明的标准或要求，或修订或重新发布通知或招标文件，则该实体应以书面形式传达所有此类修改、修订或重新发布的通知或招标文件：

- (a) 在修改、修订或重新发布时已知的所有参与采购的供应商；其他情况下，应以原始资讯发布的相同方式传达；以及
- (b) 在充分的时间内，允许此类供应商酌情修改并提交修订后的投标。

Article 1408: Time Limits for the Submission of Tenders

1. A procuring entity shall provide suppliers sufficient time to submit applications to participate in a procurement covered by this Chapter and prepare and submit responsive tenders, taking into account the nature and complexity of the procurement.

Deadlines

2. Except as provided for in paragraphs 3 and 4, a procuring entity shall establish that the final date for the submission of tenders shall not be less than 40 days from the date on which:

- (a) in the case of open tendering, the notice of intended procurement is published; or
- (b) in the case of selective tendering, the entity notifies suppliers that they will be invited to submit tenders, whether or not it uses a multi-use list.

3. A procuring entity may reduce by five days the time limit established under paragraph 2 for the submission of tenders, for each one of the following circumstances:

- (a) the notice of intended procurement is published by electronic means;
- (b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and
- (c) the procuring entity accepts tenders by electronic means.

第1408条： 投标提交时间限制

1. 采购实体应给予供应商充分的时间提交本章所涵盖采购的参与申请，并根据采购的性质和复杂性准备并提交响应性投标。

截止日期

2. 除第3款和第4款规定的情形外， 采购实体应确保投标提交的截止日期不得早于以下日期起**40**天：

(a) 在公开招标的情况下， 拟采购公告发布之日；或 (b) 在选择性招标的情况下， 实体通知供应商其将被邀请提交投标之日， 无论是否使用多用途清单。

3. 采购实体可针对以下每种情形， 将第2款规定的投标提交时限缩短**5**天：

(a) 拟采购公告通过电子方式发布； (b) 自拟采购公告发布之日起， 所有招标文件均通过电子方式提供； 以及(c) 采购实体接受通过电子方式提交的投标。

4. A procuring entity may establish a time limit of less than 40 days for the submission of tenders provided that the time given to suppliers is sufficient to enable them to prepare and submit responsive tenders and is in no case less than 10 days before the final date for the submission of tenders, where:

- (a) the procuring entity published a separate notice containing the information specified in paragraph 3 of Article 1405 at least 40 days and not more than 12 months in advance, and such separate notice contains a description of the procurement, the relevant time limits for the submission of tenders, or, where applicable, applications for participation, and the address from which documents relating to the procurement may be obtained;
- (b) in the case of the second or subsequent publications of notices for procurement of a recurring nature;
- (c) the procuring entity procures commercial goods or services; or
- (d) a state of urgency duly substantiated by the procuring entity renders impracticable the time limits specified in paragraph 2, or where applicable, paragraph 3.

4. 采购实体可将投标提交的时间限制定为少于40天，前提是给予供应商的时间足以使其准备并提交响应性投标，且在任何情况下不得少于投标提交截止日期前10天，条件是：

- (a) 采购实体提前至少40天且不超过12个月发布了一份单独公告，其中包含第1405条第3款规定的信息，且该单独公告包含采购说明、投标提交的相关时限（如适用则为参与申请），以及可获取采购相关文件的地址；
- (b) 针对具有重复性质的采购，在第二次或后续发布公告的情况下；
- (c) 采购实体采购商业货物或服务；或
- (d) 采购实体充分证实的紧急状态使得第2款或（如适用）第3款规定的时限无法执行。

Article 1409: Limited Tendering

1. Provided that a procuring entity does not use this provision to avoid competition among suppliers, to protect domestic suppliers, or in a manner that discriminates against suppliers of the other Party, the procuring entity may contact a supplier or suppliers of its choice and may choose not to apply Articles 1405, 1406, 1407, 1408 and 1410 in any of the following circumstances:

- (a) where the requirements of the tender documentation are not substantially modified and:
 - (i) no tenders were submitted or no suppliers applied to participate in a procurement covered by this Chapter,
 - (ii) no tenders that conform to the essential requirements of the tender documentation were submitted,
 - (iii) no suppliers satisfied the conditions for participation, or
 - (iv) the tenders submitted have been collusive;
- (b) where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:
 - (i) the requirement is for a work of art,
 - (ii) the protection of patents, copyrights or other exclusive rights, or
 - (iii) due to an absence of competition for technical reasons;

第1409条：有限招标

1. 只要采购实体不使用本条规定来避免供应商之间的竞争、保护国内供应商或以歧视另一方供应商的方式行事，采购实体可在下列任何情况下联系其选择的一个或多个供应商，并选择不适用第1405条、第1406条、第1407条、第1408条和第1410条：

- (a) 当招标文件的要求未被实质性修改且：
 - (i) 未收到任何投标或没有供应商申请参与本章涵盖的采购，
 - (ii) 未收到符合招标文件基本要求的投标， (iii) 没有供应商满足参与条件，或(iv) 提交的投标存在串通行为；
- (b) 当货物或服务只能由特定供应商提供，且因以下任何原因不存在合理替代或替代品：
 - (i) 需求涉及艺术品， (ii) 涉及专利、版权或其他专有权利的保护， 或 (iii) 由于技术原因导致缺乏竞争；

(c) for additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods and services:

(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement, and

(ii) would cause significant inconvenience or substantial duplication of costs to the procuring entity;

(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. Original development of a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production, or supply to establish commercial viability, or to recover research and development costs;

(f) insofar as it is strictly necessary for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services cannot be obtained in time using an open or selective tendering procedure;

(c) 由原供应商提供初始采购中未包含的货物或服务的额外交付，且更换此类额外货物和服务的供应商会导致：

(i) 由于经济或技术原因无法实现，例如与初始采购中获得的现有设备、软件、服务或安装的互换性或互操作性要求，且

(ii) 会给采购实体造成重大不便或大量成本重复；

(d) 对于在商品市场上购买的货物；

(e) 采购实体采购原型或首批货物或服务，且该货物或服务是在特定研究、实验、研究或原创开发合同过程中应其要求开发的。首批货物或服务的原创开发可包括有限的生产或供应，以纳入现场测试结果并证明该货物或服务适合批量生产或供应至可接受的质量标准，但不包括为确立商业可行性或回收研发成本而进行的批量生产或供应；

(f) 在采购实体无法预见的事件导致的极端紧急情况下，若严格必要且无法通过公开或选择性招标程序及时获取货物或服务；

- (g) where a contract is awarded to a winner of a design contest provided that:
 - (i) the contest has been organized in a manner that is consistent with the principles of this Chapter, in particular relating to the publication of a notice of intended procurement, and
 - (ii) the participants are judged by an independent jury with a view to a design contract being awarded to a winner;
- (h) where a procuring entity needs to procure consulting services regarding matters of a confidential nature, the disclosure of which could reasonably be expected to compromise government confidences, cause economic disruption or similarly be contrary to the public interest; and
- (i) for purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership, or bankruptcy, but not for routine purchases from regular suppliers.

2. A procuring entity shall prepare a report in writing on each contract awarded under paragraph 1. The report shall include the name of the procuring entity, the value and kind of goods or services procured, and a statement indicating the circumstances and conditions described in paragraph 1 that justified the use of limited tendering.

- (g) 当合同授予设计竞赛获胜者时，前提是：
 - (i) 竞赛的组织方式符合本章原则，特别是关于发布拟采购公告的规定，且
 - (ii) 由独立评审团对参与方进行评审，旨在将设计合同授予优胜者；
- (h) 当采购实体需要采购涉及机密性质的咨询服务时，披露该信息可能合理预期会损害政府机密、造成经济扰乱或类似地违背公共利益；且
- (i) 针对异常有利条件下进行的采购，此类条件仅在极短期内出现于异常处置情况（如清算、接管或破产引发的处置），但不适用于从常规供应商处进行的常规采购。

2. 采购实体应就根据第1款授予的每份合同编写一份书面报告。该报告应包括采购实体的名称、所采购货物或服务的价值和种类，以及一份说明第1款中所述的证明使用有限招标合理性的情况和条件的声明。

Article 1410: Treatment of Tenders and Awarding of Contracts

Treatment of Tenders

1. A procuring entity shall receive, open, and treat all tenders under procedures that guarantee the fairness and impartiality of the procurement process and the confidentiality of tenders.
2. A procuring entity shall treat tenders in confidence until at least the opening of the tenders.
3. Where a procuring entity provides a supplier with an opportunity to correct unintentional errors of form between the opening of tenders and the awarding of the contract, the entity shall provide the same opportunity to all participating suppliers.

Awarding of Contracts

4. To be considered for award, a tender must be submitted in writing by a supplier that satisfies the conditions for participation and must, at the time of opening, comply with the essential requirements of the notices and tender documentation.
5. Unless a procuring entity determines that it is not in the public interest to award a contract, it shall award the contract to the supplier that the entity has determined to be fully capable of undertaking the contract and, based solely on the evaluation criteria specified in the notices and tender documentation, has submitted:
 - (a) the most advantageous tender; or
 - (b) where price is the sole criterion, the lowest price.

第1410条：投标的处理与合同的授予

投标的处理

1. 采购实体应按照保证采购程序公平和公正以及投标保密性的程序接收、开启和处理所有投标。
2. 采购实体至少在开标前应对投标予以保密。
3. 若采购实体在开标后至合同授予前为供应商提供了更正形式上的无意错误的机会，则该实体应向所有参与的供应商提供同等机会。

合同的授予

4. 投标若要被考虑授予合同，必须由满足参与条件的供应商以书面形式提交，并在开标时符合通知和招标文件的基本要求。
5. 除非采购实体认定授予合同不符合公共利益，否则应将合同授予该实体认定完全有能力履行合同且仅根据通知和招标文件中规定的评估标准提交的供应商：
 - (a) 最有利的投标；或
 - (b) 在价格为唯一标准的情况下，最低价格。

6. A procuring entity shall not use options, cancel a procurement, or modify awarded contracts in a manner that circumvents the obligations in this Chapter.

Information Provided to Suppliers

7. A procuring entity shall promptly inform suppliers participating in the procurement of the entity’s contract award decisions and, on request, shall do so in writing. Subject to Article 1411, a procuring entity shall, on request, provide an unsuccessful supplier with an explanation of the reasons why the entity did not select its tender and the relative advantages of the successful supplier’s tender.

Publication of Award Information

8. Not later than 72 days after an award, a procuring entity shall publish in an officially designated publication, which may be in either an electronic or paper medium, a notice that includes, at a minimum, the following information about the contract:

- (a) the name and address of the procuring entity;
- (b) a description of the goods or services procured;
- (c) the date of award;
- (d) the name and address of the successful supplier;
- (e) the contract value; and
- (f) the procurement method used and, in cases where a procedure has been used pursuant to paragraph 1 of Article 1409, a description of the circumstances justifying the use of such procedure.

6. 采购实体不得以规避本章义务的方式使用选项、取消采购或修改已授予的合同。

向供应商提供的信息

7. 采购实体应及时通知参与采购的供应商其合同授予决定，并在收到请求时以书面形式提供。根据第1411条，采购实体应在收到请求时，向未中标供应商解释其投标未被选中的原因以及中标供应商投标的相对优势。

中标信息公布

8. 采购实体应在授予合同后不迟于72天内，在官方指定出版物（可以是电子或纸质媒介）上发布通知，该通知至少包含以下关于合同的信息：

- (a) 采购实体的名称和地址；(b) 对所采购的商品或服务的描述；
- (c) 授予日期；(d) 中标供应商的名称和地址；(e) 合同价值；以及
- (f) 所使用的采购方法，在根据第1409条第1款使用程序的情况下，还需说明使用该程序的正当情况。

Maintenance of Records

9. A procuring entity shall maintain reports and records of tendering procedures relating to procurements covered by this Chapter, including the reports provided for in paragraph 2 of Article 1409, and shall retain such reports and records for a period of at least three years after the award of a contract.

Article 1411: Disclosure of Information

Provision of Information to a Party

1. On request of the other Party, a Party shall provide promptly any information necessary to determine whether a procurement was conducted fairly, impartially and in accordance with this Chapter, including information on the characteristics and relative advantages of the successful tender. In cases where release of the information would prejudice competition in future tenders, the Party that receives that information shall not disclose it to any supplier, except after consultation with, and consent of, the Party that provided the information.

Non-Disclosure of Information

2. Notwithstanding any other provision of this Chapter, a Party, including its procuring entities, may not provide information to a particular supplier that might prejudice fair competition between suppliers.

记录保存

9. 采购实体应保存与本章所涵盖采购相关的招标程序报告和记录，包括第1409条第2款规定的报告，并应在合同授予后至少保留此类报告和记录三年。

第1411条：信息披露

向一方提供信息

1. 应另一缔约方请求，一方应及时提供任何必要信息，以确定采购是否公平、公正且符合本章规定，包括中标方案的特征及相对优势信息。若信息发布将损害未来投标的竞争性，则收到该信息的缔约方不得向任何供应商披露该信息，除非经提供信息的缔约方协商并同意。

信息保密

2. 尽管有本章的任何其他规定，一方（包括其采购实体）不得向特定供应商提供可能损害供应商之间公平竞争的信息。

3. A Party, including its procuring entities, authorities and review bodies, are not required under this Chapter to release confidential information where release:

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

Article 1412: Domestic Review Procedures

1. Each Party shall ensure that its entities accord impartial and timely consideration to any complaints from suppliers regarding an alleged breach of measures implementing this Chapter arising in the context of a procurement covered by this Chapter in which they have, or have had, an interest. Each Party shall encourage suppliers to seek clarification from its entities through consultations with a view to facilitating the resolution of any such complaints.

2. Each Party shall establish or designate at least one impartial administrative or judicial authority that is independent of its procuring entities to receive and review a challenge by suppliers (“challenge”) arising in the context of a procurement covered by this Chapter in which the supplier has, or has had, an interest.

3. 本章不要求一方（包括其采购实体、主管部门和审查机构）在下列情况下披露机密信息：

- (a) 会妨碍执法；(b) 可能损害供应商之间的公平竞争；(c) 会损害特定人士的合法商业利益，包括知识产权保护；或 (d) 在其他方面违背公共利益。

第1412条：国内审查程序

1. 每一缔约方应确保其实体公正及时审议供应商就涉嫌违反本章措施提出的任何投诉，这些措施源于供应商当前或曾经拥有利益的本章所涵盖的采购。每一缔约方应鼓励供应商通过磋商向其实体寻求澄清，以促进解决任何此类投诉。

2. 每一缔约方应设立或指定至少一个独立于其采购实体的公正的行政或司法机构，以接收和审查供应商提出的质疑（“质疑”），该质疑产生于本章涵盖的采购过程中，且供应商在该采购中具有或曾经具有利益。

3. Each Party shall ensure that any authority it establishes or designates under paragraph 2 has written procedures that are generally available. Such procedures shall be timely, effective, transparent, non-discriminatory and provide that:

- (a) the procuring entity shall respond in writing to the challenge and disclose all relevant documents to the review body;
- (b) the participants in the challenge shall:
 - (i) have the right to be heard prior to a decision of the review body being made on the challenge,
 - (ii) have the right to be represented and accompanied,
 - (iii) have access to all challenge proceedings, and
 - (iv) have the right to request that the proceedings take place in public and that witnesses may be presented;
- and
- (c) decisions or recommendations relating to challenges shall be provided, in a timely fashion, in writing, with an explanation of the basis for each decision or recommendation.

4. Each supplier shall be allowed a sufficient period of time to prepare and submit a challenge, which in no case shall be less than 10 days from the time when the basis of the challenge became known to the supplier or reasonably should have become known to the supplier.

3. 每一缔约方应确保其根据第2款设立或指定的任何机构具有普遍可用的书面程序。此类程序应及时、有效、透明、非歧视，并规定：

- (a) 采购实体应以书面形式回应质疑，并向审查机构披露所有相关文件；(b) 质疑的参与方应：(i) 在审查机构就质疑作出决定前享有听证权，(ii) 有权获得代表陪同，(iii) 可查阅所有质疑程序记录，(iv) 有权要求程序公开进行并可传唤证人；以及(c) 与质疑相关的决定或建议应及时以书面形式提供，并附每项决定或建议的依据说明。

4. 每一供应商应被允许有足够的时间段来准备并提交质疑，该时间段无论如何不得少于供应商知晓或理应知晓质疑依据之日起10天。

5. Each Party shall provide that an authority it establishes or designates under paragraph 2 has authority to take interim measures to preserve the supplier's opportunity to participate in the procurement. Such interim measures may result in suspension of the procurement process. The procedures for taking interim measures may provide that overriding adverse consequences for the interests concerned, including the public interest, may be taken into account when deciding whether such measures should be applied.

6. Each Party shall ensure that a supplier's submission of a challenge will not prejudice the supplier's participation in ongoing or future procurements.

7. Where a body other than an authority referred to in paragraph 2 initially reviews a challenge, the Party shall ensure that the supplier may appeal the initial decision to an impartial administrative or judicial authority that is independent of the procuring entity whose procurement is the subject of the challenge.

Article 1413: Modifications and Rectifications to Coverage

1. Where a Party modifies its coverage of procurement under this Chapter, the Party shall:

- (a) notify the other Party in writing; and
- (b) include in the notification a proposal of appropriate compensatory adjustments to the other Party to maintain a level of coverage comparable to that existing prior to the modification.

5. 每一缔约方应规定其根据第2款设立或指定的机构有权采取临时措施，以保留供应商参与采购的机会。此类临时措施可能导致采购程序暂停。采取临时措施的程序可规定，在决定是否适用此类措施时，可考虑对相关利益（包括公共利益）造成的重大不利后果。

6. 每一缔约方应确保供应商提交质疑不会损害该供应商参与正在进行的或未来的采购。

7. 如最初审查质疑的机构并非第2款所指机构，则该缔约方应确保供应商可就初始决定向独立于被质疑采购所属采购实体的公正行政或司法机构提出上诉。

第1413条：覆盖范围的修改和更正

1. 如一缔约方修改本章项下的采购覆盖范围，则该缔约方应：

- (a) 以书面形式通知另一方；以及 (b) 在通知中包含对另一方适当的补偿性调整提议，以保持与修改前相当的覆盖水平。

2. Notwithstanding subparagraph 1(b), a Party need not provide compensatory adjustments where:

- (a) the modification in question is a minor amendment or rectification of a purely formal nature; or
- (b) the proposed modification covers an entity over which the Party has effectively eliminated its control or influence.

3. If the other Party does not agree that:

- (a) an adjustment proposed under subparagraph 1(b) is adequate to maintain a comparable level of mutually agreed coverage;
- (b) the proposed modification is a minor amendment or a rectification under subparagraph 2(a); or
- (c) the proposed modification covers an entity over which the Party has effectively eliminated its control or influence under subparagraph 2(b),

it must object in writing within 30 days of receipt of the notification referred to in paragraph 1 or be deemed to have agreed to the adjustment or proposed modification, including for the purposes of Chapter Twenty-One (Dispute Settlement).

4. Where the Parties are in agreement on the proposed modification, rectification, or minor amendment, including where a Party has not objected within 30 days under paragraph 3, they shall give effect to the agreement by modifying forthwith the relevant Annex.

2. 尽管有第1款(b)项的规定，一方在下列情况下无需提供补偿性调整：

(a) 所涉修改为微小修正或纯形式性质的更正；或 (b) 拟议修改覆盖的实体，缔约方已有效消除其控制或影响。

3. 若另一方不同意以下情形：

(a) 根据第1款(b)项提出的调整足以维持双方同意的覆盖范围的相当水平；(b) 拟议修改属于第2款(a)项所述的微小修正或更正；或 (c) 拟议修改覆盖的实体，缔约方已根据第2款(b)项有效消除其控制或影响，

则必须于收到第1款所述通知后30天内书面反对，否则视为同意该调整或拟议修改，包括为第二十一章（争端解决）之目的。

4. 如双方就拟议修改、更正或微小修正达成一致，包括根据第3款一方未在30天内提出异议的情况，则应通过立即修改相关附件使协议生效。

Article 1414: Committee on Procurement

The Parties hereby establish a Committee on Procurement to address matters related to the implementation of this chapter with a view to maximizing access to government procurement.

Article 1415: Further Negotiations

1. If, after the entry into force of the provisions of this Chapter, either Party enters into another international agreement that contains different procurement procedures and practices, including the introduction of shorter bid periods, on the request of either Party, the Parties shall enter into negotiations with a view to harmonizing this Chapter with the new international agreement.
2. If, after the entry into force of the provisions of this Chapter, either Party enters into another international agreement that provides greater access to its procurement market than is provided under this Chapter, including with respect to sub-federal government procurement, on the request of either Party, the Parties may agree to enter into negotiations with a view to achieving an equivalent level of market access under this Chapter as is contained in the other international agreement.

Article 1416: Information Technology

The Parties shall, to the extent possible, endeavour to use electronic means of communication to permit efficient dissemination of information on government procurement, particularly as regards tender opportunities offered by procuring entities, while respecting the principles of transparency and non-discrimination.

第1414条： 采购委员会

双方特此设立采购委员会，负责处理与本章实施相关的事务，以期最大限度开放政府采购市场。

第1415条： 进一步谈判

1. 若本章条款生效后，任一缔约方加入另一项包含不同采购程序和实践（包括引入更短投标期）的国际协定，应任一缔约方请求，双方应进行谈判以使本章与新国际协定协调一致。
2. 若本章条款生效后，任一缔约方加入另一项提供比本章更广泛采购市场准入（包括次联邦政府采购）的国际协定，应任一缔约方请求，双方可同意进行谈判以在本章下实现与其他国际协定同等的市场准入水平。

第1416条： 信息技术

双方应尽可能努力使用电子通信手段，以便有效传播政府采购信息，特别是采购实体提供的招标机会，同时遵守透明度和非歧视原则。

Article 1417: Definitions

For purposes of this Chapter:

commercial goods and services means goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes;

conditions for participation means any registration, qualification or other pre-requisites for participation in a procurement;

construction services means a contractual arrangement for the realization by any means of civil or building works, whether paid for directly by the Party or through, for a specified period of time, any grant to the supplier of temporary 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. It may include electronically transmitted and stored information;

limited tendering means a procurement method where the procuring entity contacts a supplier or suppliers of its choice;

multi-use list means a list of suppliers that a procuring entity has determined satisfy the conditions for participation in that list, and that the procuring entity intends to use more than once;

notice of intended procurement means a notice published by a procuring entity inviting interested suppliers to submit a request for participation, a tender, or both;

第1417条：定义

就本章而言：

商业商品和服务是指通常在商业市场上向非政府买家销售或提供销售，并惯常由非政府买家为非政府用途购买的货物或服务；

参与条件指参与采购所需的任何注册、资格或其他先决条件；

建筑服务指通过任何方式实现土木或建筑工程的合同安排，无论是由缔约方直接支付费用，还是在合同期限内通过向供应商授予临时所有权或控制运营权并要求对使用此类工程支付费用；

书面形式指任何可阅读、复制并在之后传达的文字或数字表达。其可包括电子传输和存储信息；

有限招标指采购实体自行联系一家或多家选定供应商的采购方法；

多用途清单指采购实体已确定满足该清单参与条件的供应商名单，且采购实体打算多次使用；

拟采购公告指采购实体发布的邀请感兴趣的供应商提交参与请求、投标或两者兼有的通知；

offsets means any condition or undertaking that encourages local development or improves a Party's balance-of-payments accounts, such as the use of domestic content, the licensing of technology, investment, counter-trade and similar actions or requirements;

open tendering means a procurement method where all interested suppliers may submit a tender;

procurement means the process by which a government obtains the use of or acquires goods or services, or any combination thereof, for governmental purposes and not with a view to commercial sale or resale, or use in the production or supply of goods or services for commercial sale or resale;

procuring entity means an entity listed in Annex 1401.1-1 or 1401.1-2;

selective tendering means a procurement method where only suppliers satisfying the conditions for participation are invited by the procuring entity to submit a tender;

services includes construction services, unless otherwise specified;

supplier means a person or group of persons that provides or could provide goods or services to a procuring entity;

standard means a document approved by a recognized body, that provides, for common and repeated use, rules, guidelines, or characteristics for goods or services, or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking, or labelling requirements as they apply to a good, service, process, or production method; and

补偿指鼓励地方发展或改善一方国际收支账户的任何条件或承诺，例如使用国内含量、技术许可、投资、对销贸易及类似行动或要求；

公开招标是指所有感兴趣的供应商均可提交投标的采购方法；

采购是指政府为政府目的而非为商业销售或转售，或为用于商业销售或转售的货物或服务的生产或供应，获取使用或获得货物或服务或其任何组合的过程；

采购实体是指附件1401.1-1或1401.1-2中列出的实体；

选择性招标是指仅由采购实体邀请满足参与条件的供应商提交投标的采购方法；

服务包括建筑服务，除非另有规定；

供应商是指向采购实体提供或可能提供货物或服务的个人或团体；

标准是指由认可机构批准的文件，为货物或服务、或相关工艺和生产方法的通用和重复使用提供规则、指南或特性，其合规性非强制性。它也可包含或专门处理适用于货物、服务、流程或生产方法的术语、符号、包装、标记或标签要求；且

technical specification means a tendering requirement that:

- (i) lays down the characteristics of goods or services to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production or provision, or
- (ii) addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or service.

技术规格是指一项招标要求，该要求：

- (i) 规定拟采购货物或服务的特性，
包括质量、性能、安全性和尺寸，或其生产或提供的流程和方法，或
- (ii) 涉及适用于货物或服务的术语、符号、包装、标记或标签要求。