Informal Working Group on Negotiations on Government Procurement

NEGOTIATIONS ON GOVERNMENT PROCUREMENT

Offers

Attached is a copy of the offer\textsuperscript{1} from the United States in the negotiations on the improvement, expansion and broadening of the Agreement on Government Procurement, which was circulated informally on 19 February 1992.

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

The content of the document is unchanged: it is now circulated as a GPR/Spec/65 document for greater convenience in reference and in future work. All other offers received are also being recirculated.

\textsuperscript{1}English only
ANNEX 1

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

United States

Threshold: 50,000 SDRs for supplies and services

All central government executive departments and agencies, [and independent Federal commissions] subject to the Competition in Contracting Act of 1984 (Public Law 98-369, Title VII), including, but not limited to:

List of Entities

1. Department of Agriculture (This Agreement does not apply to procurement of agricultural products made in furtherance of agricultural support programmes or human feeding programs)
2. Department of Commerce
3. Department of Education
4. Department of Health and Human Services
5. Department of Housing and Urban Development
6. Department of the Interior [including the Bureau of Reclamation]
7. Department of Justice
8. Department of Labour
9. Department of State
10. United States Agency for International Development
11. Department of the Treasury
12. Department of Transportation (pursuant to Article XXII the national security considerations applicable to the Department of Defense are equally applicable to the Coast Guard, a military unit of the United States)
13. Department of Energy (pursuant to Article XXII, national security exceptions include procurements made in support of safeguarding nuclear materials or technology and entered into under the authority of the Atomic Energy Act; and oil purchases related to the Strategic Petroleum Reserve)
14. General Services Administration (except Federal Supply Groups 51 and 52 and Federal Supply Class 7340)
15. National Aeronautics and Space Administration
16. The Department of Veterans Affairs
17. Environmental Protection Agency
18. United States Information Agency
19. National Science Foundation
20. Panama Canal Commission
21. Executive Office of the President
22. Farm Credit Administration
23. National Credit Union Administration
24. Merit Systems Protection Board
25. ACTION
26. United States Arms Control and Disarmament Agency
27. Federal Home Loan Bank Board
28. National Labour Relations Board
29. National Mediation Board
30. Railroad Retirement Board
31. American Battle Monuments Commission
32. Federal Communications Commission
33. Federal Trade Commission
34. Inter-State Commerce Commission
35. Securities and Exchange Commission
36. Office of Personnel Management
37. United States International Trade Commission
38. Export-Import Bank of the United States
39. Federal Mediation and Conciliation Service
40. Selective Service System
41. Smithsonian Institution
42. Federal Deposit Insurance Corporation
43. Consumer Product Safety Commission
44. Equal Employment Opportunity Commission
45. Federal Maritime Commission
46. National Transportation Safety Board
47. Nuclear Regulatory Commission
48. Overseas Private Investment Corporation
49. Administrative Conference of the United States
50. Board for International Broadcasting
51. Commission on Civil Rights
52. Commodity Futures Trading Commission
   [delete the Maritime Administration of the Department of
    Transportation since this is subsumed by Transportation's
    coverage above]
53. The Peace Corps
54. National Archives and Records Administration
55. Department of Defense, [including the Army Corps of
    Engineers]

This Agreement will not apply to the following purchases of the
DOD:

(a) Federal Supply Classification (FSC) 83 - all elements
    of this classification other than pins, needles, sewing
    kits, flagstaffs, flagpoles, and flagstaff trucks;
(b) FSC 84 - all elements other than sub-class 8460
    (luggage);
(c) FSC 89 - all elements other than sub-class 8975
    (tobacco products);
(d) FSC 2310 - (buses only);

1 A rectification is needed.
(e) Speciality metals, defined as steels melted in steel manufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by DOD: (1) manganese, 1.65 per cent; silicon, 0.60 per cent; or copper, 0.06 per cent; or which contains more than 0.1 per cent of any of the following elements: aluminium, chromium, cobalt, columbium, olybdenum, nickel, titanium, tungsten, or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 per cent; (3) titanium and titanium alloys; or (4) zirconium base alloys;

(f) FSC 19 and 20 - that part of these classifications defined as naval vessels or major components of the hull or superstructure thereof;

(g) FSC 51;

(h) Following FSC categories are not generally covered due to application of Article VIII, paragraph 1: 10, 12, 13, 14, 15, 16, 17, 19, 20, 28, 31, 58, 59, 95.

This Agreement will generally apply to purchases of the following FSC categories subject to United States Government determinations under the provisions of Article XII, paragraph 1.

22. Railway Equipment
23. Motor Vehicles, Trailers, and Cycles (except buses in 2310)
24. Tractors
25. Vehicular Equipment Components
26. Tyres and Tubes
29. Engine Accessories
30. Mechanical Power Transmission Equipment
32. Woodworking Machinery and Equipment
34. Metalworking Machinery
35. Service and Trade Equipment
36. Special Industry Machinery
37. Agricultural Machinery and Equipment
38. Construction, Mining, Excavating, and Highway Maintenance Equipment
39. Materials Handling Equipment
40. Rope, Cable, Chain and Fittings
41. Refrigeration and Air Conditioning Equipment
42. Fire Fighting, Rescue and Safety Equipment
43. Pumps and Compressors
44. Furnace, Steam Plant, Drying Equipment and Nuclear Reactor
45. Plumbing, Heating and Sanitation Equipment
46. Water Purification and Sewage Treatment Equipment
47. Pipe, Tubing, Hose and Fittings
48. Valves
49. Maintenance and Repair Shop Equipment
52. Measuring Tools
53. Hardware and Abrasives
54. Prefabricated Structures and Scaffolding
55. Lumber, Millwork, Plywood and Veneer
56. Construction and Building Materials
61. Electric Wire, and Power and Distribution Equipment
62. Lighting Fixtures and Lamps
63. Alarm and Signal Systems
65. Medical, Dental, and Veterinary Equipment and Supplies
66. Instruments and Laboratory Equipment
67. Photographic Equipment
68. Chemicals and Chemical Products
69. Training Aids and Devices
70. General Purpose ADPE, Software, Supplies and Support Equipment
71. Furniture
72. Household and Commercial Furnishings and Appliances
73. Food Preparation and Serving Equipment
74. Office Machines, Visible Record Equipment and ADP Equipment
75. Office Supplies and Devices
76. Books, Maps and Other Publications
77. Musical Instruments, Phonographs, and Home Type Radios
78. Recreational and Athletic Equipment
79. Cleaning Equipment and Supplies
80. Brushes, Paints, Sealers and Adhesives
81. Containers, Packaging and Packing Supplies
85. Toiletries
87. Agricultural Supplies
88. Live Animals
91. Fuels, Lubricants, Oils and Waxes
93. Non-metallic Fabricated Materials
94. Non-metallic Crude Materials
96. Ores, Minerals and their Primary Products
99. Miscellaneous

The conditions specified in the General Notes apply to this Annex.
ANNEX 2

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

United States

Threshold: _______ SDRs for supplies and services

List of Entities

The U.S. will cover a significant amount of U.S. subcentral procurement, primarily concentrated at the first level below the Federal government (i.e., at the U.S. state level).

The final value of this offer is conditioned on achieving an overall balance among countries in values of total covered procurement opportunities.

The conditions specified in the General Notes apply to this Annex.
ANNEX 3

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

United States

Threshold: 50,000 SDRs for supplies and services

List of Entities

Tennessee Valley Authority
Power Marketing Administrations of the Department of Energy
--Bonneville Power Administration
--Western Area Power Administration
--Southeastern Power Administration
--Southwestern Power Administration
--Alaska Power Administration

The conditions specified in the General Notes apply to this Annex.
ANNEX 4

Services

I. Universal list of services as specified below
(MTN.GNS/W/120)

II. United States

List of Services Excluded (this list is tentative and may be revised following examination and discussion of others' offers)

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

   Note: Transportation services, where incidental to procurement contracts are not subject to this Agreement.

2. Dredging

3. All services purchased in support of military forces located overseas

4. Management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development centers (FFRDCs).

5. Public utilities services (requires further discussion)

   Note: R&D services require further discussion and evaluation before positions can be taken.

The conditions specified in the General Notes apply to this Annex.
ANNEX 5

Construction Services

Specifications on covered construction services

I. Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

II. List of Division 51, CPC:

III. United States

Threshold: 4.5 million SDRs

The conditions specified in the General Notes apply to this Annex.
ANNEX 6

Government Entities Exercising Influence Over Non-Governmental Entities

United States

Federal Communications Commission, with regard to the regulation of local telephone service.

Federal Electrical Regulatory Commission, with regard to the regulation of electricity, oil and gas industries.

The Rural Electrification Administration, with regard to the funding provided to rural electrical and communications utilities.

The Department of Interior's Office of Offshore leasing, with regard to the issuance of licenses or other authorizations for the exploration and recovery of oil and gas on the outer continental shelf of the United States.

The Environmental Protection Agency, with regard to the provision of grant funds for water projects administered or regulated by the Federal government.

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

1. Notwithstanding the above, this Agreement will not apply to set asides on behalf of small and minority businesses.

2. Procurement in terms of U.S. coverage is defined as contractual transactions to acquire property or services for the direct benefit or use of the government. It does not include non-contractual agreements or any form of government assistance, including, but not limited to, cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services, given to individuals, firms, private institutions, and subcentral governments. ²

² Based on Dunkel's draft Subsidies and Countervailing Measures text.