ANNEX 15-A

Section 1: Central Government Entities

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

   (a) for procurement of goods and services:
       A$81,800 or US$58,550

   (b) for procurement of construction services:
       A$9,396,000 or US$6,725,000.

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

Schedule of Australia

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

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

3. Communications, Information Technology and the Arts Portfolio
   Department of Communications, Information Technology and the Arts
   National Archives of Australia
4. **Defence Portfolio**  
   - Department of Defence
   - Department of Veterans’ Affairs
   - Defence Materiel Organisation

5. **Education, Science and Training Portfolio**  
   - Department of Education, Science and Training
   - Australian Research Council

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

7. **Environment and Water Resources Portfolio**  
   - Department of Environment and Water Resources
   - Bureau of Meteorology
   - Office of the Renewable Energy Regulator

8. **Human Services Portfolio**  
   - Department of Human Services
   - Centrelink

9. **Families, Community Services and Indigenous Affairs Portfolio**  
   - Department of Families, Community Services and Indigenous Affairs

10. **Finance and Administration Portfolio**  
    - Department of Finance and Administration
    - Australian Electoral Commission
    - Commonwealth Grants Commission
    - ComSuper
    - Australian Reward Investment Alliance

11. **Foreign Affairs and Trade Portfolio**  
    - Department of Foreign Affairs and Trade
    - AusAid
    - Australian Centre for International Agricultural Research

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

13. **Immigration and Citizenship Portfolio**  
    - Department of Immigration and Citizenship
    - Migration Review Tribunal and Refugee Tribunal

14. **Industry, Tourism and Resources Portfolio**  
    - Department of Industry, Tourism and Resources
    - Geoscience Australia
    - IP Australia

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

16. **Transport and Regional Services Portfolio**
   Department of Transport and Regional Services
   National Capital Authority

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

18. **Parliamentary Departments**
   Department of the House of Representatives
   Department of the Senate
   Department of Parliamentary Services

**Notes to the Schedule of Australia**

1. This Chapter covers only those entities subordinate to the relevant portfolio which are listed in this Schedule.

2. This Chapter does not cover the procurement of motor vehicles by any entity listed in this Section.

3. **Department of Defence and Defence Materiel Organisation**

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

<table>
<thead>
<tr>
<th>Good</th>
<th>FSC Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weapons</td>
<td>FSC 10</td>
</tr>
<tr>
<td>Fire Control Equipment</td>
<td>FSC 12</td>
</tr>
<tr>
<td>Ammunition and Explosives</td>
<td>FSC 13</td>
</tr>
<tr>
<td>Guided Missiles</td>
<td>FSC 14</td>
</tr>
<tr>
<td>Aircraft and Airframe Structural Components</td>
<td>FSC 15</td>
</tr>
<tr>
<td>Aircraft Components and Accessories</td>
<td>FSC 16</td>
</tr>
<tr>
<td>Aircraft Launching, Landing, &amp; Ground Handling Equipment</td>
<td>FSC 17</td>
</tr>
<tr>
<td>Space Vehicles</td>
<td>FSC 18</td>
</tr>
</tbody>
</table>
Ships, Small Craft, Pontoons and Floating Docks FSC 19
Ship and Marine Equipment FSC 20
Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles FSC 23
Engines, Turbines, and Components FSC 28
Engines Accessories FSC 29
Bearings FSC 31
Water Purification and Sewage Treatment Equipment FSC 46
Valves FSC 48
Maintenance and Repair Shop Equipment FSC 49
Prefabricated Structures and Scaffolding FSC 54
Communication, Detection, and Coherent Radiation Equipment FSC 58
Electrical and Electronic Equipment Components FSC 59
Fiber Optics Materials, Components, Assemblies, and Accessories FSC 60
Electric Wire, and Power and Distribution Equipment FSC 61
Alarm, Signal and Security Detection Systems FSC 63
Instruments and Laboratory Equipment FSC 66
Specialty Metals No Code

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

(b) For Australia, this Chapter does not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, due to Article 22.2. *(For a complete listing of Common Classification System, see [http://www.sice.oas.org/trade/nafta/chap-105.asp](http://www.sice.oas.org/trade/nafta/chap-105.asp).)*

- Design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of U.S. Product Service Codes A & J)
- Operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M)
- Space services (AR, B4 & V3)
- Services in support of military forces overseas

(c) This Chapter does not cover the procurement of goods and services by, or on behalf of, the Defence Intelligence Organisation, the Defence Signals Directorate, or the Defence Imagery and Geospatial Organisation.

(d) In respect of Article 15.2, the Australian Government reserves the right, pursuant to Article 22.2, to maintain the Australian Industry Involvement program and its successor programs and policies.
4. Department of Finance and Administration This Chapter does not cover procurement by the Australian Reward Investment Alliance (formerly the PSS Board and CSS Board) of investment management, investment advisory, or master custody and safekeeping services for the purposes of managing and investing the assets of Australian Government superannuation funds.

Schedule of the United States¹

1. Advisory Commission on Intergovernmental Relations
2. Africa Development Foundation
3. Alaska Natural Gas Transportation System
4. American Battle Monuments Commission
5. Appalachian Regional Commission
6. Broadcasting Board of Governors
7. Commission of Fine Arts
8. Commission on Civil Rights
9. Commodity Futures Trading Commission
10. Consumer Product Safety Commission
11. Corporation for National and Community Service
12. Delaware River Basin Commission
13. Department of Agriculture²
14. Department of Commerce³
15. Department of Defense⁴
16. Department of Education
17. Department of Energy⁵
18. Department of Health and Human Services
20. Department of Housing and Urban Development
21. Department of the Interior, including the Bureau of Reclamation
22. Department of Justice
23. Department of Labor
24. Department of State
25. Department of Transportation⁷
26. Department of the Treasury
27. Department of Veterans Affairs
28. Environmental Protection Agency
29. Equal Employment Opportunity Commission
30. Executive Office of the President
31. Export-Import Bank of the United States
32. Farm Credit Administration
33. Federal Communications Commission
34. Federal Crop Insurance Corporation
35. Federal Deposit Insurance Corporation
36. Federal Election Commission
37. Federal Home Loan Mortgage Corporation
38. Federal Housing Finance Board
39. Federal Maritime Commission
40. Federal Mediation and Conciliation Service
41. Federal Mine Safety and Health Review Commission
42. Federal Prison Industries, Inc.
43. Federal Reserve System
44. Federal Retirement Thrift Investment Board
45. Federal Trade Commission
46. General Services Administration
47. Government National Mortgage Association
48. Holocaust Memorial Council
49. Inter-American Foundation
50. Merit Systems Protection Board
51. National Aeronautics and Space Administration (NASA)
52. National Archives and Records Administration
53. National Capital Planning Commission
54. National Commission on Libraries and Information Science
55. National Council on Disability
56. National Credit Union Administration
57. National Foundation on the Arts and the Humanities
58. National Labor Relations Board
59. National Mediation Board
60. National Science Foundation
61. National Transportation Safety Board
62. Nuclear Regulatory Commission
63. Occupational Safety and Health Review Commission
64. Office of Government Ethics
65. Office of the Nuclear Waste Negotiator
66. Office of Personnel Management
67. Office of Special Counsel
68. Office of Thrift Supervision
69. Overseas Private Investment Corporation
70. Peace Corps
71. Railroad Retirement Board
72. Securities and Exchange Commission
73. Selective Service System
74. Small Business Administration
75. Smithsonian Institution
76. Susquehanna River Basin Commission
77. United States Agency for International Development
78. United States International Trade Commission

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

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

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

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

   (a) FSC 11 Nuclear Ordnance  
       FSC 18 Space Vehicles  
       FSC 19 Ships, Small Craft, Pontoons, and Floating Docks (the part of this classification defined as naval vessels or major components of the hull or superstructure thereof)  
       FSC 20 Ship and Marine Equipment (the part of this classification defined as naval vessels or major components of the hull or superstructure thereof)  
       FSC 2310 Passenger Motor Vehicles (only Buses)  
       FSC 2350 Combat, Assault & Tactical Vehicles, Tracked  
       FSC 51 Hand Tools  
       FSC 52 Measuring Tools  
       FSC 60 Fibre Optics Materials, Components, Assemblies, and Accessories  
       FSC 8140 Ammunition & Nuclear Ordnance Boxes, Packages & Special Containers  
       FSC 83 Textiles, Leather, Furs, Apparel, Shoes, Tents, and Flags (all elements other than pins, needles, sewing kits, flagstaffs, flagpoles and flagstaff trucks)  
       FSC 84 Clothing, Individual Equipment, and Insignia (all elements other than sub-class 8460 - luggage)  
       FSC 89 Subsistence (all elements other than sub-class 8975- tobacco products)

   (b) “Specialty metals,” defined as steels melted in steel manufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by the Department of Defense: (1) manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or which contains more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 per cent; (3) titanium and titanium alloys; or (4) zirconium base alloys; and
(c) For the United States, this Chapter generally does not cover the procurement of the goods in the following FSC categories, due to application of Article 22.2 (Essential Security):

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

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

6. **Department of Homeland Security**:

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

   (b) The essential security interests of the United States equally apply to the United States Coast Guard.

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

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

- FSC 51 Hand Tools
- FSC 52 Measuring Tools
- FSC 7340 Cutlery and Flatware
SECTION 2: REGIONAL GOVERNMENT ENTITIES

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

(a) for procurement of goods and services:
   A$666,000 or US$477,000;

(b) for procurement of construction services:
   A$9,396,000 or US$6,725,000.

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

Schedule of Australia

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

Australian Capital Territory

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

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

New South Wales

Department of Primary Industries
Rural Assistance Authority
NSW Food Authority
Attorney General’s Department
Department of Environment and Climate Change
Legal Aid Commission of NSW
Office of the Director of Public Prosecutions NSW
Public Trustee NSW
Department of Commerce
Motor Accidents Authority of NSW
Motor Vehicle Repair Industry Authority
WorkCover NSW
Commission for Children and Young People
Department of Ageing, Disability and Home Care
Department of Community Services
Office of the Children’s Guardian
Aboriginal Housing Office
Department of Aboriginal Affairs
Department of Education and Training
Office of the Board of Studies
Office of Science and Medical Research
Department of Water and Energy
Department of Liquor, Gaming and Racing
Department of Health
Health Care Complaints Commission
Department of Planning
Department of Natural Resources, Mines and Water
Sydney Harbour Foreshore Authority
Department of Corrective Services
Department of Juvenile Justice
Ministry for Police
New South Wales Crime Commission
Police Integrity Commission
Community Relations Commission
NSW Ombudsman
Parliamentary Counsel’s Office
Department of Premier and Cabinet
For the entities listed for New South Wales, this Chapter does not cover the procurement of health and welfare services, education services, or motor vehicles.

Australia shall phase-out the non-compliant offset and preference schemes of New South Wales within three years after the date of entry into force of this Agreement.

For the entities listed for New South Wales, the Chapter does not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.

**Northern Territory**

Chief Minister’s Portfolio
- Department of the Chief Minister
- Auditor General’s Office
- Department of Legislative Assembly
- Ombudsman’s Office
- Remuneration Tribunal

Business and Economic Development, Regional Development and Defence Support Portfolio
- Department of Business, Economic and Regional Development

Indigenous Affairs Portfolio
- Aboriginal Areas Protection Authority

Local Government, Housing, and Sport Portfolio
- Department of Local Government, Housing and Sport

Employment, Education and Training Portfolio
- Office of the Commissioner for Public Employment
- Northern Territory Employment and Training Authority
- Work Health Authority

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

1. For the entities listed for the Northern Territory, this Chapter does not cover set-asides on behalf of the Charles Darwin University pursuant to Partnership Agreements between the Northern Territory Government and Charles Darwin University.

2. Australia shall phase-out the non-compliant parts of its Building Northern Territory Industry Participation program within three years after the date of entry into force of this Agreement.

**Queensland**

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

1. For the entities listed for Queensland, this Chapter does not apply to procurements by covered entities on behalf of non-covered entities.

2. The procurement policies and procedures that are not compliant with the offsets provisions of this Chapter will be made compliant within three years from the date of entry into force of the Agreement.

3. For the entities listed for Queensland, this Chapter does not cover the procurement of health and welfare services, education services, government advertising and motor vehicles.

South Australia

Department of the Premier and Cabinet
  Arts SA
  Aboriginal Affairs and Reconciliation Division

Department of Treasury and Finance
  Independent Gambling Authority

Department of Trade and Economic Development

Department of Primary Industries and Resources SA
  Planning SA
  Office of the Southern Suburbs

Justice Portfolio
1. For the entities listed for South Australia, this Chapter does not cover the procurement of health and welfare services, education services, advertising services, or motor vehicles.

2. Any measure providing for inclusion of offsets in procurements will be phased out within three years of the date of entry into force of the Agreement.

**Tasmania**

Department of Education
Department of Health and Human Services
Department of Infrastructure, Energy and Resources
Department of Justice
Department of Police and Emergency Management
Department of Premier and Cabinet
Department of Primary Industries and Water
Department of Economic Development
Department of Tourism, Arts and the Environment
Department of Treasury and Finance
House of Assembly
Legislative Council
Legislature-General
Office of the Governor
Tasmanian Audit Office
For the entities listed for Tasmania, this Chapter does not cover the procurement of health and welfare services, education services, or advertising services.

**Victoria**

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

**Administrative Offices/Other Public Entities**
Victorian Auditor-General’s Office  
Office of Public Prosecutions  
Office of the Chief Commissioner of Police  
Office of the Ombudsman  
State Services Authority  
Office of the Essential Services Commissioner  
Office of the Legal Services Commissioner  
Office of the Victorian Electoral Commissioner  
Office of the Victorian Privacy Commissioner  
Office of the Commissioner for Environmental Sustainability  
Office of Police Integrity  
Office of the Special Investigations Monitor

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

**Western Australia**

Department of Agriculture and Food  
Rural Business Development Corporation of Western Australia  
Department of Fisheries  
Mid West Development Commission  
Wheatbelt Development Commission  
Great Southern Development Commission
Office of the Director of Public Prosecutions
Office of the Information Commissioner
Law Reform Commission of Western Australia
Equal Opportunity Commission
Department of Health
Western Australian Electoral Commission
Department for Communities
Department for Child Protection
Disability Services Commission
Department of Culture and the Arts
Department of Consumer and Employment Protection
Department of Indigenous Affairs
Department of the Registrar, Western Australian Industrial Relations Commission
Department of Education and Training
Country High Schools Hostels Authority
Curriculum Council of Western Australia
Department of Education Services
Botanic Gardens and Parks Authority
Department of Water
Department of Environment and Conservation
Swan River Trust
Water and Rivers Commission
Zoological Parks Authority
Department of Housing and Works
State Supply Commission of Western Australia
Department of Racing, Gaming and Liquor
Department of Local Government and Regional Development
Heritage Council of WA
National Trust of Australia (WA)
Kimberley Development Commission
Pilbara Development Commission
Gascoyne Development Commission
Goldfields Esperance Development Commission
Department for Planning and Infrastructure
Main Roads Western Australia
Western Australian Planning Commission
Public Transport Authority
Landgate
Fire and Emergency Services Authority of Western Australia
Department of Attorney General
Department of Corrective Services
Office of the Inspector of Custodial Services
Western Australian Police
Department of the Premier and Cabinet
Governor’s Establishment
Office of the Public Sector Standards Commissioner
Salaries and Allowances Tribunal
Department of Industry and Resources
Minerals and Energy Research Institute of Western Australia
Western Australian Tourism Commission (Tourism Western Australia)
Small Business Development Corporation
Rottnest Island Authority
Department of Sport and Recreation
Western Australian Sports Centre Trust
Peel Development Commission
South West Development Commission
Department of Treasury and Finance
Office of Energy
Perth International Centre for Application of Solar Energy
Legislative Assembly
Legislative Council
Office of the Auditor General
Office of the Parliamentary Commissioner for Administrative Investigations
Corruption and Crime Commission
Parliamentary Services Department

Schedule of the United States

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

**Arkansas**
Executive branch agencies, including universities

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

**California**
Executive branch agencies

**Colorado**
Executive branch agencies

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

**Delaware***
Administrative Services (Central Procurement Agency)
State Universities
State Colleges

**Florida**
Executive branch agencies

**Georgia**
Department of Administrative Services
Georgia Technology Authority

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

**Hawaii**
Department of Accounting and General Services

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

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

**Illinois**
Department of Central Management Services

**Kansas**
Executive branch agencies

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

**Kentucky**
Division of Purchases, Finance and Administration Cabinet

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

**Louisiana**
Executive branch agencies

**Maine**
Department of Administrative and Financial Services
Bureau of General Services (covering state government agencies and school construction)
Maine Department of Transportation

**Maryland**

15-A-18
Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Personnel
Department of Public Safety and Correctional Services
Department of Transportation

**Michigan**
Department of Management and Budget

**Mississippi**
Department of Finance and Administration

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

**Nebraska**
Central Procurement Agency

**New Hampshire**
Central Procurement Agency

**New York**
State agencies
State university system
Public authorities and public benefit corporations

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

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

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

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

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

Rhode Island
Executive branch agencies

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

**South Dakota**
Central Procuring Agency (including universities and penal institutions)

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

**Tennessee**
Executive branch agencies

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

**Texas**
Texas Building and Procurement Commission

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

**Utah**
Executive branch agencies

**Vermont**
Executive branch agencies

**Washington**
Washington State executive branch agencies, including:
- General Administration
- Department of Transportation
- State Universities

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

**Wyoming***
Procurement Services Division
Wyoming Department of Transportation
University of Wyoming

**Notes to the Schedule of the United States**

1. For the United States regional entities marked by an asterisk (*), indicating pre-existing
restrictions, this Chapter does not cover procurement of construction-grade steel (including requirements on subcontracts), motor vehicles, or coal.

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

3. Nothing in this Annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.

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

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

6. For the United States regional entities, this Chapter does not cover the procurement of printing services.
SECTION 3: Government Enterprises

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

   (a) for procurement of goods and services:

      (i) of List A entities, A$409,000 or US$292,751; or

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

   (b) for procurement of construction services for List A and List B entities: A$9,396,000 or US$6,725,000.

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

Schedule of Australia

List A:

1. Aged Care Standards and Accreditation Agency Ltd.
2. Australian Accounting Standards Board
3. Australian Communications and Media Authority
4. Australian Fisheries Management Authority
5. Australian Institute of Criminology
6. Australian Institute of Health and Welfare
7. Australian Institute of Marine Science
8. Australian Law Reform Commission
9. Australian Maritime Safety Authority
10. Australian National Maritime Museum
11. Australian Nuclear Science and Technology Organization
12. Australian Pesticides and Veterinary Medicines Authority
13. Australian Prudential Regulation Authority
14. Australian Securities and Investments Commission
15. Tourism Australia
17. Australian War Memorial
18. Comcare
19. Commonwealth Scientific and Industrial Research Organisation
20. Corporations and Markets Advisory Committee
21. Export Finance and Insurance Corporation
22. Grains Research and Development Corporation
23. Great Barrier Reef Marine Park Authority
24. Medicare Australia  
25. Land and Water Resources Research and Development Corporation  
26. National Gallery of Australia  
27. National Museum of Australia  
28. Australian Safety and Compensation Council  
29. Reserve Bank of Australia  
30. Sydney Harbour Federation Trust  
31. The Director of National Parks  
32. The National Institute of Clinical Studies Ltd.

**Notes to the Schedule of Australia**

1. For the entities listed in Australia’s list A, this Chapter covers only those entities listed in this Schedule.

2. For the entities listed in Australia’s list A, this Chapter does not cover the procurement of motor vehicles.

3. This Chapter does not cover procurement of telecommunications services by the Australian War Memorial.

**Schedule of the United States**

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

**List B:**
Rural Utilities Service

**Notes to the Schedule of the United States**

1. The Rural Utilities Service shall:

   (a) waive federal buy national requirements imposed as conditions of funding for all power generation projects; and  
   (b) apply procurement procedures equivalent to the procedures in the WTO Agreement on Government Procurement and national treatment to funded projects exceeding the thresholds specified above.
1. For greater clarity, this Chapter does not apply to any other aspect of procurement by the Rural Utilities Service, including any restrictions the Rural Utilities Service places on financing for telecommunications projects.

2. With respect to procurement by entities listed in this Section, this Chapter does not apply to restrictions attached to Federal funds for airport projects.
SECTION 4: GOODS

This Chapter applies to all goods procured by the entities listed in Sections 1 through 3, unless otherwise specified in this Chapter, including this Annex.
SECTION 5: SERVICES

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

Schedule of Australia

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

Schedule of the United States

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

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

J. Maintenance, Repair, Modification, Rebuilding and Installation of Goods/Equipment
   J019   Maintenance, Repair, Modification, Rebuilding and Installation of Equipment Related to Ships
   J998   Non-nuclear Ship Repair

M. Operation of Government-Owned Facilities:
   All facilities operated by the Department of Defense, Department of Energy, and the National Aeronautics and Space Administration; and
   for all entities in Section 1 through Section 3: M180 Research and Development facilities

S. Utilities: All Classes

V. Transportation, Travel and Relocation Services: All Classes except V503 Travel Agent Services

Note to the Schedule of the United States

1. This Chapter does not cover the procurement of any service in support of military forces overseas.
SECTION 6: CONSTRUCTION SERVICES

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

Schedule of the United States

This Chapter does not cover the procurement of dredging services.

Note to Section 6

1. Buy national requirements on articles, supplies, or materials acquired for use in construction services contracts covered by this Chapter shall not apply to goods of either Party.
SECTION 7: GENERAL NOTES

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

Schedule of Australia

This Chapter does not apply to:

(a) any form of preference to benefit small and medium enterprises;

(b) measures to protect national treasures of artistic, historic, or archaeological value;

(c) measures for the health and welfare of indigenous people; and

(d) measures for the economic and social advancement of indigenous people.

Schedule of the United States

1. This Chapter does not apply to set asides on behalf of small or minority businesses. Set-asides include any form of preference, such as the exclusive right to provide a good or service and price preferences.

2. Where a contract is to be awarded by an entity that is not listed in Section 1, 2 or 3, this Chapter shall not be construed as covering any good or service component of that contract.

3. This Chapter does not apply to the procurement of transportation services that form a part of, or are incidental to, a procurement contract.
SECTION 8: THRESHOLD ADJUSTMENT FORMULA

1. The thresholds in Sections 1 through 3 shall be adjusted at two-year intervals with each adjustment taking effect in January, beginning on January 1, 2006.

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

\[ T_1 = T_0 \times (1 + i) \]

\( T_0 = \) threshold value at base period
\( i = \) accumulated U.S. inflation rate for the “i”th two year-period
\( T_1 = \) new threshold value; and

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

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

4. The U.S. dollar value of the adjusted thresholds shall be converted into the Australian dollar based on the official conversion rate of the Reserve Bank of Australia, using the average of the daily values of the Australian dollar in terms of the U.S. dollar over the two-year period ending September 30 in the year prior to the adjustments taking effect, and rounded to the nearest thousand Australian dollars;

5. Each Party shall notify the other Party of the adjusted thresholds in their respective currencies; and

6. The Parties shall consult if a major change in a national currency vis-à-vis the other currency were to create a significant problem with regard to the application of the Chapter.