

## ACCESSION OF THE KYRGYZ REPUBLIC TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

### Questions from the United States Regarding the Kyrgyz Republic's Responses to the Checklist of Issues for Provision of Information Relating to Accession to the Agreement on Government Procurement in Document GPA/W/197

The United States has reviewed the responses of the Kyrgyz Republic to the Checklist of Issues (GPA/W/197) and appreciates the Kyrgyz Republic's thorough responses. The United States would also appreciate the Kyrgyz Republic's responses to the following questions and requests for clarification:

1. Could the Kyrgyz Republic provide a copy of *The Law of the Kyrgyz Republic on Government Procurement of Goods, Construction and Services of May 13, 1997*, as well as other relevant measures, in particular the following items listed in its response to Question 2 of the Checklist of Issues: *Resolution No. 29, "Regulations on tender commission . . .,"* and *"Regulations on application of restrictions based on the nationality feature . . ."*?
2. The United States notes that the central government entities listed in the response to Question 5 in GPA/W/197 differs significantly from the ministries and institutions listed in the Kyrgyz Republic's accession offer of May 1999 (GPA/SPEC/4). If the entities listed in GPA/W/197 are the only central government entities procuring goods, services and construction services, please provide an explanation for the longer list contained in GPA/SPEC/4.
3. Could the Kyrgyz Republic provide a list of those entities and enterprises described in its response to Questions 6 and 7?
4. In its response to Question 12, the Kyrgyz Republic noted a number of restrictions on foreign suppliers' ability to participate in tendering proceedings? Does Article 3(5) of the Law override or provide for waivers from restrictions for procurement covered by the Agreement?
5. One of the restrictions that the Kyrgyz Republic noted in its response to Question 12 is where "there are enough bidders to deliver goods, or perform constructions or render services in the territory of the Kyrgyz Republic." How do entities determine whether there are "enough bidders"? Is that information made publicly available at the commencement of the procurement?
6. The Kyrgyz Republic has noted in its response to Question 16 that the Request for Quotations method is used when entities are procuring goods and services with "fixed quality standards." Could the Kyrgyz Republic provide an illustrative list of goods and services considered to have fixed quality standards that are procured with this procurement method?
7. With respect to the response to Question 31, does the Kyrgyz Republic provide information to unsuccessful tenders and to suppliers whose applications for qualification are rejected, as anticipated by Article XVIII:2 of the Agreement?

8. The response to Question 34(iv) provides that a procurement process can be suspended for up to 10 days. Are such suspensions imposed when the complaint is filed? Why is the suspension limited to 10 days?

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