

## **PROPOSED MODIFICATIONS TO ANNEX 2 OF APPENDIX I OF THE AGREEMENT ON GOVERNMENT PROCUREMENT**

### Notification from the United States under Article XXIV:6(a)<sup>1</sup> of the GPA

The following notification from the Permanent Mission of the United States was received on 9 September 2002, with the request that it be circulated to the Parties to the Agreement on Government Procurement.

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Pursuant to Article XXIV:6(a) of the Agreement on Government Procurement (GPA), the United States proposes the following modifications to Annex 2 of Appendix I of the GPA:

- Delete the General Services Commission as an entity listed under the State of Texas and insert in its place the Texas Building and Procurement Commission.

The reason for these modifications is that, on 26 February 2002, pursuant to Section 1.18 of S.B. 311 (77<sup>th</sup> Leg. Reg. Session) and Chapter 2152 of the Texas Government Code, the Texas Building and Procurement Commission was established and assumed all of the rights, duties and powers of the General Services Commission, which was abolished as of that date. As the Texas Building and Procurement Commission assumed the procurement responsibilities of the General Services Commission, U.S. coverage with respect to the State of Texas under Annex 2 will remain the same.

Attachment A to this document contains the proposed modifications to Annex 2 in red-line/strikeout form and Attachment B contains the revised Annex 2 after proposed modifications.<sup>2</sup>

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<sup>1</sup> Article XXIV:6(a) provides that "if the rectifications, transfers or other modifications are of a purely formal or minor nature, they shall become effective provided there is no objection within 30 days. In other cases, the Chairman of the Committee shall promptly convene a meeting of the Committee. The Committee shall consider the proposal and any claim for compensatory adjustments, with a view to maintaining a balance of rights and obligations and a comparable level of mutually agreed coverage provided in this Agreement prior to such notification. In the event of agreement not being reached, the matter may be pursued in accordance with the provisions contained in Article XXII".

<sup>2</sup> Both attachments are in English only.

**ATTACHMENT A**

**UNITED STATES**

(Authentic in the English language only)

**ANNEX 2**

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

*Threshold:* 355,000 SDRs for supplies and services  
5 million SDRs for construction

*List of Entities:*

Arizona

Executive branch agencies

Arkansas

Executive branch agencies, including universities but excluding the Office of Fish and Game and 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

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Hawaii

Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)

Idaho

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

Illinois\*

Department of Central Management Services

Iowa\*

Department of General Services  
Department of Transportation  
Board of Regents' Institutions (universities)

Kansas

Executive branch agencies, excluding construction services, automobiles and aircraft

Kentucky

Division of Purchases, Finance and Administration Cabinet, excluding 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\*

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 Public Safety and Correctional Services  
Department of Personnel  
Department of Transportation

Massachusetts

Executive Office for Administration and Finance  
Executive Office of Communities and Development  
Executive Office of Consumer Affairs  
Executive Office of Economic Affairs  
Executive Office of Education  
Executive Office of Elder Affairs  
Executive Office of Environmental Affairs  
Executive Office of Health and Human Service  
Executive Office of Labor  
Executive Office of Public Safety  
Executive Office of Transportation and Construction

Michigan\*

Department of Management and Budget

Minnesota

Executive branch agencies

Mississippi

Department of Finance and Administration (does not include services)

Missouri

Office of Administration  
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York\*

State agencies  
State university system  
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this annex, transit cars, buses and related equipment are not covered.

Nebraska

Central Procurement Agency

New Hampshire\*

Central Procurement Agency

Oklahoma\*

Office of Public Affairs and all state agencies and departments subject to the Oklahoma Central Purchasing Act, excluding 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, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this annex, procurements of beef are not covered.

Tennessee

Executive branch agencies (excluding services and construction)

Texas

~~General Services Commission~~ Texas Building and Procurement Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

General Administration  
Department of Transportation  
State Universities

In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.

Wisconsin

Executive branch agencies, including

Department of Administration  
State Correctional Institutions  
Department of Development  
Educational Communications Board  
Department of Employment Relations  
State Historical Society  
Department of Health and Social Services

Insurance Commissioner  
Department of Justice  
Lottery Board  
Department of Natural Resources  
Administration for Public Instruction  
Racing Board  
Department of Revenue  
State Fair Park Board  
Department of Transportation  
State University System

Wyoming\*

Procurement Services Division  
Wyoming Department of Transportation  
University of Wyoming

***Notes to Annex 2***

In addition to the conditions specified in the General Notes, the following conditions apply:

1. For those states marked by an asterisk with pre-existing restrictions, the Agreement does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.
2. The Agreement shall not apply to preferences or restrictions associated with programs promoting the development of distressed areas and businesses owned by minorities, disabled veterans and 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. The Agreement shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. The Agreement shall not apply to restrictions attached to Federal funds for mass transit and highway projects.

*[NOTE: The remainder of Annex 2 remains unchanged by the proposed modifications.]*

**ATTACHMENT B**

**UNITED STATES**

(Authentic in the English language only)

**ANNEX 2**

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*List of Entities:*

Arizona

Executive branch agencies

Arkansas

Executive branch agencies, including universities but excluding the Office of Fish and Game and 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



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UNITED STATES

ANNEX 2

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Hawaii

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Illinois\*

Department of Central Management Services

Iowa\*

Department of General Services  
Department of Transportation  
Board of Regents' Institutions (universities)

Kansas

Executive branch agencies, excluding construction services, automobiles and aircraft

Kentucky

Division of Purchases, Finance and Administration Cabinet, excluding 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\*

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 Public Safety and Correctional Services  
Department of Personnel  
Department of Transportation

Massachusetts

Executive Office for Administration and Finance  
Executive Office of Communities and Development  
Executive Office of Consumer Affairs  
Executive Office of Economic Affairs  
Executive Office of Education  
Executive Office of Elder Affairs  
Executive Office of Environmental Affairs  
Executive Office of Health and Human Service  
Executive Office of Labor  
Executive Office of Public Safety  
Executive Office of Transportation and Construction

Michigan\*

Department of Management and Budget

Minnesota

Executive branch agencies

Mississippi

Department of Finance and Administration (does not include services)

Missouri

Office of Administration  
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York\*

State agencies  
State university system  
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

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Treasury Department  
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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, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

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Tennessee

Executive branch agencies (excluding services and construction)

Texas

Texas Building and Procurement Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

General Administration  
Department of Transportation  
State Universities

In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.

Wisconsin

Executive branch agencies, including

Department of Administration  
State Correctional Institutions  
Department of Development  
Educational Communications Board  
Department of Employment Relations  
State Historical Society  
Department of Health and Social Services

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Insurance Commissioner  
Department of Justice  
Lottery Board  
Department of Natural Resources  
Administration for Public Instruction  
Racing Board  
Department of Revenue  
State Fair Park Board  
Department of Transportation  
State University System

Wyoming\*

Procurement Services Division  
Wyoming Department of Transportation  
University of Wyoming

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