

DRAFT
SUBJECT TO LEGAL REVIEW FOR ACCURACY, CLARITY AND CONSISTENCY
MARCH 1, 2004

U.S.-AUSTRALIA FREE TRADE AGREEMENT
Combined Government Procurement Annexes

ANNEX 15-A CENTRAL GOVERNMENT ENTITIES

Thresholds:

For procurement of goods and services *(to be adjusted according to the formula in Annex 15-H paragraph 1):*

A\$81,800
US\$58,550

For procurement of construction services *(to be adjusted according to the formula in Annex 15-H paragraph 2):*

A\$9,396,000
US\$6,725,000

Schedule of Australia

Agriculture, Fisheries and Forestry Portfolio

Department of Agriculture, Fisheries and Forestry
Dairy Adjustment Authority

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

Communications, Information Technology and the Arts Portfolio

Department of Communications, Information Technology and the Arts
National Archives of Australia

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National Office for the Information Economy

Defence Portfolio

Department of Defence³

Department of Veterans' Affairs

Education, Science and Training Portfolio

Department of Education, Science and Training

Australian Research Council

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)

Environment and Heritage Portfolio

Department of Environment and Heritage

Australian Greenhouse Office

Bureau of Meteorology

National Oceans Office

Office of the Renewable Energy Regulator

Family and Community Services Portfolio

Department of Family and Community Services

Centrelink

Finance and Administration Portfolio

Department of Finance and Administration

Australian Electoral Commission

Commonwealth Grants Commission

ComSuper

CSS Board⁴

PSS Board⁴

Foreign Affairs and Trade Portfolio

Department of Foreign Affairs and Trade

AusAid

Australia-Japan Foundation

Australian Centre for International Agricultural Research

Health and Ageing Portfolio

Department of Health and Ageing

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)

National Blood Authority

Professional Services Review Scheme

Immigration and Multicultural and Indigenous Affairs Portfolio

Department of Immigration and Multicultural and Indigenous Affairs

Aboriginal and Torres Strait Islander Services

Migration Review Tribunal

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Refugee Review Tribunal

Industry, Tourism and Resources Portfolio

Department of Industry, Tourism and Resources
Geoscience Australia
IP Australia

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

Transport and Regional Services Portfolio

Department of Transport and Regional Services
National Capital Authority

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

Parliamentary Departments

Department of the House of Representatives

Department of the Senate
Department of Parliamentary Services

Notes

1. Only the entities listed are covered by the Chapter.
2. For all entities listed in Annex 15-A this Chapter does not apply to the procurement of motor vehicles.
3. **Department of Defence**
 - (a) The following goods are not covered by this Chapter pursuant to Article 22.2 (Essential Security):
Approximately
equivalent to*:

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Modified Handling Authorized.***

Weapons	FSC 10
Fire Control Equipment	FSC 12
Ammunition and Explosives	FSC 13
Guided Missiles	FSC 14
Aircraft and Airframe Structural Components	FSC 15
Aircraft Components and Accessories	FSC 16
Aircraft Launching, Landing, & Ground Handling Equipment	FSC 17
Space Vehicles	FSC 18
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

*US Federal Supply Codes are provided for clarity only

(b) The following services are not covered by this Chapter pursuant to Article 22.2 (For a complete listing of the United States Federal Supply Codes, to which the following Australian service categories are approximately equivalent, see www.scrantonrtg.com/secrc/fsc.html):

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

(c) The procurement of goods and services by, or on behalf of, the Defence Intelligence Organisation, Defence Signals Directorate and Defence Imagery and Geospatial Organisation, are not covered by this Chapter.

(d) In relation to Article 2 of this Chapter, 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

The following services are not covered by this Chapter in respect of the PSS Board and CSS Board: investment management, investment advisory services and master custody and safekeeping services in respect of the assets of the CSS and PSS Funds.

5. The conditions specified in the Schedule for Australia in Annex 15-G (General Notes) apply to this Annex.

Schedule of the United States

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
19. Department of Homeland Security⁶
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

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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 Administration⁸
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. Pennsylvania Avenue Development Corporation
72. Railroad Retirement Board
73. Securities and Exchange Commission
74. Selective Service System
75. Small Business Administration
76. Smithsonian Institution
77. Susquehanna River Basin Commission
78. United States Agency for International Development
79. United States International Trade Commission

Notes

1. Unless otherwise specified in this Schedule, all agencies subordinate to the listed entities are

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covered by this Chapter.

2. Department of Agriculture: The procurement of agricultural goods made in furtherance of agricultural support programs or human feeding programs are not covered by this Chapter.
3. Department of Commerce: Shipbuilding activities of the U.S. National Oceanic and Atmospheric Administration (NOAA) are not covered by this Chapter.
4. Department of Defense: The procurement of the goods listed below are not covered by this Chapter. (*For complete listing of U.S. Federal Supply Classification, see www.scrantonrtg.com/secrc/fsc-codes/fsc.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	Fiber 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, flagstuffs, 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) The goods in the following FSC categories are not generally covered by this Chapter due to application of Article 23.2 of the General Provisions :

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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: National security 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 are not covered by this Chapter.
6. Department of Homeland Security:
 - (a) Procurement by the Transportation Security Administration is not covered by this Chapter.
 - (b) The national security considerations applicable to the Department of Defense are equally applicable to the U.S. Coast Guard.
7. Department of Transportation: Procurement by the Federal Aviation Administration is not covered by this Chapter.
8. General Services Administration: The procurement of the goods in the following FSC categories are not covered by this Chapter:

FSC 51	Hand Tools
FSC 52	Measuring Tools
FSC 7340	Cutlery and Flatware
9. The conditions specified in the Schedule of the United States in Annex 15-G (General Notes) apply to this Annex.

ANNEX 15-B GOVERNMENT ENTERPRISES

Thresholds:

For goods and services of List A entities *(to be adjusted according to the formula in Annex 15-H paragraph 1):*

A\$409,000

US\$292,751

For goods and services of List B entities *(to be adjusted according to the formula in Annex 15-H paragraph 2):*

US\$538,000

For construction services of both List A and B entities *(to be adjusted according to the formula in Annex 15-H paragraph 2):*

A\$9,396,000

US\$6,725,000

Schedule of Australia

List A:

Aged Care Standards and Accreditation Agency Ltd
Australian Accounting Standards Board
Australian Broadcasting Authority
Australian Communications Authority
Australian Fisheries Management Authority
Australian Institute of Criminology
Australian Institute of Health and Welfare
Australian Institute of Marine Science
Australian Law Reform Commission
Australian Maritime Safety Authority
Australian National Maritime Museum
Australian Nuclear Science and Technology Organization
Australian Pesticides and Veterinary Medicines Authority
Australian Prudential Regulation Authority
Australian Securities and Investments Commission
Australian Tourist Commission
Australian Trade Commission (Austrade)
Australian War Memorial
Comcare
Commonwealth Scientific and Industrial Research Organization
Corporations and Markets Advisory Committee
Export Finance and Insurance Corporation
Grains Research and Development Corporation
Great Barrier Reef Marine Park Authority
Health Insurance Commission

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Land and Water Resources Research and Development Corporation
National Gallery of Australia
National Museum of Australia
National Occupational Health and Safety Commission
Reserve Bank of Australia
Sydney Harbour Federation Trust
The Director of National Parks
The National Institute of Clinical Studies Ltd

Notes

1. Only the entities listed are covered by the Chapter.
2. For all entities listed in Annex 15-A and 15-B, this Chapter does not apply to the procurement of motor vehicles.
3. With respect to procurement by the Australian War Memorial, this Chapter does not apply to telecommunication services.
4. The conditions specified in the Australian General Notes in Annex 15-G apply to this Annex.

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:

1. Rural Utilities Service¹

Notes

1. Rural Utilities Service:
 - (a) Waiver of federal buy national requirements imposed as conditions of funding by the Rural Utilities Service for all power generation projects (excluding restrictions on financing for telecommunications projects).
 - (b) Application of WTO Government Procurement Agreement-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.

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2. With respect to procurement by entities listed in this Annex, this Chapter shall not apply to restrictions attached to Federal funds for airport projects.
3. The conditions specified in the General Notes apply to this Annex.

ANNEX 15-C SUB-CENTRAL ENTITIES

[NEGOTIATORS NOTE: The Parties are continuing to work with their respective States and Territories to improve their Sub-Central coverage. Until this coverage is finalized, either Party may modify or withdraw any part or all of its sub-central coverage.]

Thresholds:

For procurement of goods and services (*to be adjusted according to the formula in Annex 15-H paragraph 2*):

A\$666,000
US\$477,000

For procurement of construction services (*to be adjusted according to the formula in Annex 15-H paragraph 1(b)*):

A\$9,396,000
US\$6,725,000

Schedule of Australia

Australian Capital Territory^{1,2,3}

ACT Auditor-General's Office
ACT Electoral Commission
ACT Gambling and Racing Commission
ACT Health
ACT Insurance Authority
ACT Planning and Land Authority
ACT Planning and Land Council
ACT Workcover
ACTION
Australia Capital Tourism
Chief Minister's Department
Cultural Facilities Corporation
Department of Disability, Housing and Community Services
Department of Education, Youth and Family Services
Department of Justice and Community Safety
Department of Treasury
Department of Urban Services
Director of Public Prosecutions
Environment Commissioner
Human Rights Office
Legal Aid Office

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National Exhibition Centre Trust
Ombudsman of the ACT
The Independent Competition and Regulatory Commission

Note for the Australian Capital Territory

In addition to the exceptions noted in the Notes to this Annex and in the Schedule for Australia in Annex 15-G (General Notes), the Chapter does not apply to utility services.

New South Wales^{1,2}

Aboriginal Housing Office
Attorney General's Department
Cabinet Office
Commission for Children and Young People
Community Relations Commission
Department for Women
Department of Aboriginal Affairs
Department of Ageing, Disability and Home Care
Department of Agriculture
Department of Commerce
Department of Community Services
Department of Corrective Services
Department of Education and Training
Department of Environment and Conservation
Department of Gaming and Racing
Department of Health
Department of Infrastructure, Planning and Natural Resources
Department of Juvenile Justice
Department of Lands
Department of Local Government
Department of Mineral Resources
Department of Rural Fire Service
Department of State and Regional Development
Department of Tourism, Sport and Recreation
Forestry Commission (except State Forests)
Health Care Complaints Commission
Heritage Office
Legal Aid Commission
Ministry for Police
Ministry for the Arts
Ministry of Energy and Utilities
Ministry of Transport
Motor Accidents Authority
Motor Vehicle Repair Industry Authority
New South Wales Crime Commission
New South Wales Fire Brigades
NSW Fisheries
Office of Co-ordinator General of Rail

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Office of the Board of Studies
Office of the Children's Guardian
Office of the Director of Public Prosecutions
Ombudsman's Office
Parliamentary Counsel's Office
Police Integrity Commission
Premier's Department
Rural Assistance Authority
Safe Food Production NSW
State Electoral Office
State Emergency Service
State Forests, Forestry Commission
Sydney Harbour Foreshore Authority
Sydney Olympic Park Authority
The Audit Office of New South Wales
The Treasury
WorkCover Authority

Note for New South Wales

In addition to the exceptions noted in the Notes to this Annex and in the Schedule for Australia in 15-G (General Notes), the Chapter does not apply to industry and regional development services, and support for small and medium enterprises; aboriginal services and all preference schemes.

Northern Territory

Chief Minister's Portfolio

Department of the Chief Minister
Auditor General's Office
Department of Legislative Assembly
Ombudsman's Office
Remuneration Tribunal

Asian Relations and Trade, Business and Industry, Mines and Energy, Primary Industry and Fisheries Portfolio

Department of Business, Industry and Resource Development

Indigenous Affairs Portfolio

Aboriginal Areas Protection Authority

Arts and Museums, Community Development, Sport and Recreation, Regional Development Portfolio

Department of Community Development, Sport and Cultural Affairs
Museum and Art Galleries
Strehlow Centre Board

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

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Health and Community Services Complaints Commission

Justice and Attorney –General’s Portfolio

Department of Justice

Lands and Planning Portfolio

Land Development Corporation

Parks and Wildlife Portfolio

Parks and Wildlife Commission of the Northern Territory

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

Northern Territory Treasury Corporation

Utilities Commission of the Northern Territory

Notes for the Northern Territory

1. In addition to the exceptions noted in the Notes to this Annex and in the Schedule for Australia in Annex 15-G (General Notes), the Chapter does not apply to set-asides on behalf of the Charles Darwin University pursuant to Partnership Agreements between the Northern Territory Government and Charles Darwin University.

2. The non-compliant parts of the *Building Northern Territory Industry Participation* program will be phased out within three years from the date of entry into force of this Agreement.

South Australia^{1,2,3,4}

Department of the Premier and Cabinet

Arts SA

Department of Treasury and Finance

Independent Gambling Authority

Department of Trade and Economic Development

Department of Primary Industries and Resources SA

Department of Justice

Attorney-General’s Department

Department for Correctional Services

Country Fire Services

Courts Administration Authority

Emergency Services Administrative Unit

South Australian Metropolitan Fire Services

South Australian Police Department

State Electoral Office

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Auditor-General's Department
Department of Human Services
Incorporated Health and Disability Services Organisations
South Australian Housing Trust
Aboriginal Housing Authority
Department of Education and Children's Services
Department of Further Education Employment, Science & Technology
SA Tourism Commission
Department for Environment and Heritage
Environment Protection Authority
Department of Water, Land and Biodiversity Conservation
Department of Transport and Urban Planning
Transport Services
Transport Planning
Passenger Transport Board
Planning SA
TransAdelaide
Office for Sustainable Social, Environmental and Economic Development
Office of Local Government
Department for Administrative and Information Services
Department for Aboriginal Affairs and Reconciliation
Office of Recreation and Sport
State Supply Board
Workplace Services
Office of Infrastructure Development

Tasmania^{1,2,4}

Department of Education
Department of Health and Human Services
Department of Infrastructure, Energy and Resources
Department of Justice and Industrial Relations
Department of Police and Public Safety
Department of Premier and Cabinet
Department of Primary Industries, Water and Environment
Department of Economic Development
Department of Tourism, Parks, Heritage and the Arts
Department of Treasury and Finance
House of Assembly
Legislative Council
Legislature-General
Office of the Governor
Tasmanian Audit Office

Victoria³

Departments

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Department of Education and Training
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

Victorian Auditor-General's Office
Office of Public Prosecutions
Office of the Chief Commissioner of Police
Office of the Ombudsman
Office of the Commissioner for Public Employment
Essential Services Commission
Office of the Legal Ombudsman
Victorian Electoral Commission
Office of the Privacy Commissioner

Western Australia

Agriculture; Forestry and Fisheries; The Midwest, Wheatbelt and Great Southern Portfolio

Department of Agriculture
Rural Business Development Corporation of Western Australia
Department of Fisheries
Mid West Development Commission
Wheatbelt Development Commission
Great Southern Development Commission

Attorney General; Health; Electoral Affairs Portfolio

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

Community Development, Women's Interests, Seniors and Youth; Disability Services; Culture and the Arts Portfolio

Department for Community Development
Disability Services Commission
Department of Culture and the Arts

Consumer and Employment Protection; Indigenous Affairs Portfolio

Department of Consumer and Employment Protection
Department of Indigenous Affairs
Department of the Registrar, Western Australian Industrial Relations Commission

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Education and Training Portfolio

Department of Education and Training
Country High Schools Hostels Authority
Curriculum Council of Western Australia
Department of Education Services

Environment Portfolio

Department of Conservation and Land Management
Botanic Gardens and Parks Authority
Department of Environment
Office of Water Policy
Swan River Trust
Water and Rivers Commission
Zoological Gardens Board

Housing and Works; Racing and Gaming; Government Enterprises; Land Information Portfolio

Department of Housing and Works
State Supply Commission of Western Australia
Department of Racing, Gaming and Liquor

**Local Government and Regional Development; Heritage; the Kimberley, Pilbara and Gascoyne;
Goldfields-Esperance Portfolio**

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

Planning and Infrastructure Portfolio

Department for Planning and Infrastructure
Main Roads Western Australia
Western Australian Planning Commission
Public Transport Authority
Department of Land Information

Police and Emergency Services; Justice; Community Safety Portfolio

Fire and Emergency Services Authority of Western Australia
Department of Justice
Office of the Inspector of Custodial Services
Western Australia Police Service

**Premier; Public Sector Management; Federal Affairs; Science; Citizenship and Multicultural
Interests Portfolio**

Department of the Premier and Cabinet
Governor's Establishment
Office of the Public Sector Standards Commission
Salaries and Allowances Tribunal

State Development Portfolio

Department of Industry and Resources
Minerals and Energy Research Institute of Western Australia

Tourism; Small Business; Sport and Recreation; Peel and the South West Portfolio

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Western Australian Tourism Commission
Small Business Development Corporation
Rottnest Island Authority
Recreation Camps and Reserves Board
Department of Sport and Recreation
Western Australian Sports Centre Trust
Peel Development Commission
South West Development Commission

Treasury; Energy Portfolio

Department of Treasury and Finance
Office of Energy
Perth International Centre for Application of Solar Energy

Parliament

Legislative Assembly
Legislative Council
Office of the Auditor General
Office of the Parliamentary Commissioner for Administrative Investigations
Corruption and Crime Commission
Parliamentary Services Department

Note for Western Australia:

In addition to the exceptions noted in the Notes to this Annex and in the Schedule for Australia in 15-G (General Notes), the Chapter does not apply to preferences or restrictions associated with programs promoting regional development.

Notes to Annex 15-C

1. Only the entities listed are covered by the Chapter.
2. In addition to the conditions specified in the Australian General Notes in Annex 15-G, the following conditions apply, the following exceptions apply to the designated States and Territories:
 1. This Chapter does not apply to procurement of health and welfare services;
 2. This Chapter does not apply to procurement of education services;
 3. This Chapter does not apply to procurement of motor vehicles; and
 4. This Chapter does not apply to procurement of advertising services.

Schedule of the United States

Arkansas

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

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services

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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

In addition to the exceptions noted at the end of this Annex, the procurement of beef and compost and mulch are not covered.

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)

Iowa*

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

Kansas

Executive Branch Agencies (excluding construction services, automobiles, and aircraft)

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

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Department of Licensing and Regulation
Department of Natural Resources
Department of Personnel
Department of Public Safety and Correctional Services
Department of Transportation

Minnesota

Executive branch agencies

Missouri

Office of Administration
Division of Purchasing and Materials Management

Nebraska

Central Procurement Agency

New Hampshire*

Central Procurement Agency

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.

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

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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 the Annex, procurements of beef are not covered.

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

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- 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.

Wyoming*

Procurement Services Division
Wyoming Department of Transportation
University of Wyoming

Notes

In addition to the conditions specified in the General Notes in Annex 15-G, the following conditions apply:

1. For the states marked by an asterisk (*) with pre-existing restrictions, the Chapter does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.
2. This Chapter 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. This Chapter shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. This Chapter shall not apply to restrictions attached to Federal funds for mass transit and highway projects.
6. This Chapter shall not apply to the procurement of printing services.

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ANNEX 15-D GOODS

Schedule for Australia

This Chapter applies to all goods procured by the entities listed in Annexes 15-A, 15-B and 15-C, subject to the Australian notes in Annexes 15-A, 15-B and 15-C and the Schedule of Australia in Annex 15-G (General Notes).

Schedule for the United States

This Chapter applies to all goods procured by the entities listed in Annexes 15-A, 15-B and 15-C subject to Notes to Annexes 15-A, 15-B, and 15-C and the Schedule of the United States in Annex 15-G (General Notes). (*For complete listing of U.S. Federal Supply Classification, see: www.scrantonrtg.com/secrc/fsc-codes/fsc.html.*)

ANNEX 15-E SERVICES

Schedule of Australia

This Chapter applies to all services procured by the entities listed in Annexes 15-A, 15-B, and 15-C subject to the notes in Annexes 15-A, 15-B, and 15-C and the Schedule of Australia to Annex 15-G (General Notes), and except for the following services:

Plasma Fractionation Services; and
Government Advertising.

Schedule of the United States

This Chapter applies to all services procured by the entities listed in Annexes 15-A, 15-B, and 15-C, subject to the Notes to Annexes 15-A, 15-B, and 15-C and the Schedule of the United States to Annex 15-G (General Notes), and except for the services in the following categories of the Common Classification System and the WTO system of classification – W/120. (*For complete listing of Common Classification System, see: <http://www.tcc.mac.doc.gov/cgi-bin/doiit.cgi?204:66:601961876:49#An1001.1b-2-B>.*)

Basic telecommunications network and services listed in paragraph 2C (a) to (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 U.S.C. 153 (20).

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

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- For all entities: M180 Research and Development
- S. **Utilities:** All Classes
- V. **Transportation, Travel and Relocation Services:** All Classes except V503 Travel Agent Services

Note

1. All services purchased in support of military forces overseas are excluded from coverage of this Chapter.

ANNEX 15-F CONSTRUCTION SERVICES

Schedule of Australia

This Chapter applies to all construction services procured by the entities listed in Annexes 15-A, 15-B, and 15-C, subject to the notes in Annexes 15-A, 15-B, and 15-C and the Schedule of Australia in Annex 15-G (General Notes).

Schedule of the United States

This Chapter applies to all construction services procured by the entities listed in Annexes 15-A, 15-B, and 15-C, subject to the Notes to Annexes 15-A, 15-B, and 15-C and the Schedule of the United States to Annex 15-G (General Notes), and except for dredging in the following categories of the Provisional Central Product Classification system that are procured by entities listed in Annexes 15-A and 15-B (*For complete listing of the Provisional Central Product Classification system, see <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Lg=1>*):

CPC 513	Construction Work for Civil Engineering
CPC 522	Civil Engineering Works

Note

1. In accordance with this Chapter, buy national requirements on articles, supplies and materials acquired for use in construction services contracts covered by this Chapter shall not apply to goods of either Party.

ANNEX 15-G GENERAL NOTES

Schedule for Australia

This Chapter does not apply to:

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

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- (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 for the United States

1. This Chapter does not apply to set asides on behalf of small and 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 Annexes 15-A or 15-B, this Chapter shall not be construed to cover 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.

ANNEX 15-H: THRESHOLD ADJUSTMENT FORMULA

1. With regard to the thresholds referred to in Annex 15-A (goods and services) and Annex 15-B (for List A goods and services only), the United States shall calculate:
 - (a) the thresholds 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 a two-year time period from November 1, three years prior to the inflationary adjustment through October 31, a year prior to the adjustment, and using the following formula:
$$T_0 \times (1 + i) = T_1$$

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
 - (b) subsequent adjustments using two-year periods, with each period beginning November 1, and taking effect in January of the year immediately following the end of the two-year period.

2. The thresholds for goods and services in Annex 15-B (for List B entities only) and Annex 15-C and for construction services for Annexes 15-A, 15-B, and 15-C are conversions into U.S. dollars of the thresholds listed in the U.S. Appendix 1 to the World Trade Organization Agreement on Government Procurement, which are set out in Special Drawing Rights (SDRs) and listed below. The United States shall calculate adjustments of these thresholds based on the daily values of the U.S. dollar in terms of SDRs, using the two-year period preceding October 1 or November 1 of the year prior to the thresholds in national currency becoming effective, which will be in January, using the conversion rates published by the IMF in its monthly "International Financial Statistics":

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- (a) 5 million SDRs for construction services;
 - (b) 400,000 SDRs for goods and services for Annex 15-B List B entities; and
 - (c) 355,000 SDRs for goods and services for Annex 15-C entities; and
3. The United States shall notify Australia of the adjusted threshold values in December of the year before the adjusted thresholds take effect in January.
4. Australia shall:
- (a) convert the value of the adjusted thresholds values notified by the United States under paragraph 3 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 of the year in which the United States notifies the adjusted thresholds, and rounded to the nearest thousand Australian dollars; and
 - (b) promptly notify the United States of the value in Australian dollars of the adjusted thresholds.
5. The first adjustments shall take effect on January 1, 2006.
6. The Parties shall consult bilaterally 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.