

Annex 9.1.2(b)(iii)

Section A: Entities

For each Central American Party and the Dominican Republic:

- (a) this Chapter applies to covered procurements by Central, sub-central and other government entities, subject to Sections G (General Notes)^{1 2 3} and I (Transition Mechanisms) of Annex 9.1.2(b)(i), except those listed in each Party's Schedule to this Section; and
- (b) notwithstanding subparagraph (a) and according to Articles 9.2, 9.3, and 9.15, and subject to the General Notes of this Annex, each Party shall apply its law to procurement by entities:
 - (i) listed in Annex 9.1.2(b)(i) where the estimated value of the procurement is less than the applicable threshold provided in Sections A, B or C of that Annex;
 - (ii) not listed in Annex 9.1.2(b)(i).

I. Costa Rica – Dominican Republic

Schedule of Costa Rica

1. Non-state owned public entities where more than fifty percent (50%) of the financial resources come from the entities' own resources or contributions of its union members;
2. Public entities for which the majority of the capital stock belongs to individuals rather than the public sector;
3. *Banco Central de Costa Rica*
4. *Banco de Costa Rica*
5. *Banco Nacional de Costa Rica*
6. *Banco Popular y de Desarrollo Comunal*
7. *Banco Crédito Agrícola de Cartago*
8. *Banco Hipotecario de la Vivienda*
9. Those entities excluded by domestic law from the application of the procurement procedures contained in Costa Rica's *Ley de Contratación Administrativa*, No. 7494 of May 2, 1995.

¹ General Note No. 1 of the Dominican Republic's Schedule is of reciprocal application with El Salvador

² General Note No. 2 of the Dominican Republic's Schedule does not apply to each Central American Party.

³ General Notes No. 3 and 6 of the Dominican Republic's Schedule do not apply to Guatemala, except in relation to the border with Haiti.

Schedule of the Dominican Republic

1. Public entities for which the majority of its capital stock belongs to individuals rather than the public sector;
2. *Banco Central de la República Dominicana*
3. *Banco Agrícola*
4. *Corporación de Fomento Industrial*
5. *Banco Nacional de Fomento a la Vivienda y la Producción*

II. El Salvador–Dominican Republic

El Salvador and the Dominican Republic shall not exclude any institution from the scope of application of this Chapter.

III. Guatemala–Dominican Republic

Schedule of Guatemala

1. *Ministerio de la Defensa Nacional*
2. *Tribunal Supremo Electoral*
3. *Banco de Guatemala*

Schedule of the Dominican Republic

1. *Secretaría de Estado de las Fuerzas Armadas*
2. *Junta Central Electoral*
3. *Banco Central de la República Dominicana*

IV. Honduras–Dominican Republic

Schedule of Honduras

1. *Banco Central de Honduras*
2. Public enterprises where capital stock is shared with individuals
3. *Secretaría de Estado en el Despacho de Defensa Nacional and Secretaría de Estado en el Despacho de Seguridad*
4. *Tribunal Nacional de Elecciones*
5. Entities excluded by domestic law from the application of government procurement procedures.

Schedule of the Dominican Republic

1. *Banco Central de la República Dominicana*
2. Public enterprises where capital stock is shared with individuals
3. *Secretaría de Estado de las Fuerzas Armadas and the Policía Nacional*

4. *Junta Central Electoral*
5. Entities excluded by domestic law from the application of government procurement procedures.

V. Nicaragua – Dominican Republic

Schedule of Nicaragua

1. *Ministerio de Defensa (Army)*
2. Public Financial Sector

Schedule of the Dominican Republic

1. *Secretaría de Estado de las Fuerzas Armadas*, with respect to any matter exclusively dedicated to safeguard national security;
2. *Banco de Reservas*
3. *Banco Agrícola*
4. *Corporación de Fomento Industria*
5. *Banco Nacional de Fomento a la Vivienda y la Producción*

Section B: Goods

For each Central American Party and the Dominican Republic, this Chapter applies to all goods procured by covered entities in accordance with Section A, subject to the General Notes, and except as otherwise provided in Section A.

For each Central American Party and the Dominican Republic, this Chapter does not apply to the acquisition of weapons, ammunitions, warfare materials, or any other procurement of goods necessary to protect national security, public security, or for national defense purposes.

Section C: Services

For each Central American Party and the Dominican Republic, this Chapter applies to all services procured by covered entities in accordance with Section A, subject to the existing measures listed in each Parties' Schedule to Annex I, and the General Notes, and except as otherwise provided in Section A.

Section D: Construction Services

For each Central American Party and the Dominican Republic, this Chapter does not cover construction of public works or public works concession contracts; however each Central American Party and the Dominican Republic shall initiate consultations in order to determine the

viability and desirability of including in the coverage of this Chapter construction of public works and public works concession contracts.

Section E: General Notes

I. Costa Rica –Dominican Republic

Schedule of Costa Rica

1. This Chapter does not apply to:
 - (a) activities excluded from public tendering procedures explicitly listed in Article 2 of the *Ley de Contratación Administrativa N. 7494 del 2 de mayo de 1995*;
 - (b) employment relations;
 - (c) public loans;
 - (d) public works contracts, concession for public facilities, public works concession and work concessions for public service, transfers of real estate generally or any other type of contracting that is not a procurement of goods or services;
 - (e) other activities and public procurements that, according to domestic law, are subject to a special procurement regime, different than what is established in the *Ley de Contratación Administrativa No. 7494 del 2 de mayo de 1995* and its regulation, without prejudice to paragraph 2 to this list.
2. The procurements by the *Caja Costarricense del Seguro Social* under the procedures established in *Ley 6914 del 15 de noviembre de 1983*, shall be covered by the scope and other provisions of this Chapter with the only exception that these procurements shall not be subject to Articles 9.6 and 9.15.
3. The 40-day time limit set out in Article 9.5.1 shall not apply to the *Instituto Costarricense de Electricidad* (“ICE”). ICE shall provide suppliers sufficient time to prepare and submit responsive tenders. Without prejudice to Article 9.15.6(a), ICE shall provide no less than three business days for suppliers to prepare and submit written challenges.

Schedule of the Dominican Republic

This Chapter does not apply to:

- (a) procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by law;

- (b) the sell of special services conducted by public sector institutions;
- (c) negotiations and agreements with other States or with international public law entities, or the contractual activities between public entities;
- (d) procurement activities that by their nature, low value or other circumstances, cannot be subject or would not be convenient to be subject to a public tender, either because there is only one supplier, or because of special security reasons, extreme urgency or other exceptional circumstances, according to the domestic law;
- (e) procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations.
- (f) procurement of goods, services and supplies between State agencies, and between those and decentralized, autonomous and municipal entities;
- (g) procurement of goods and services by delegations, embassies and consulates in a foreign territory;
- (h) employment relations;
- (i) public works contracts, public works concession contracts and work concessions for public service, transfer of real estate and any other type of procurement that is not a procurement of goods or services.

II. El Salvador –Dominican Republic

Schedule of El Salvador- Dominican Republic

1. This Chapter does not apply to the procurement by public entities of strategic goods, services and supplies:
 - (a) to safeguard the borders, natural resources subject to international regimes, or the national territory;
 - (b) for the procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by law; and
 - (c) for the procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest or social benefit.

2. This Chapter does not apply to procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations, given that such financing is governed by contracts with special provisions.
3. This Chapter does not apply to procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities.
4. This Chapter does not apply to procurement of goods, services and supplies that are made or manufactured by public agencies, autonomous or municipal entities.
5. This Chapter does not apply to:
 - (a) articles procured for official parties or receptions; and
 - (b) articles procured in foreign territories to be used in offices located in foreign territories;
 - (c) subscriptions to or publication in newspapers, films, television editorial and television advertisement; and
 - (d) procurement of individual professional services in general.

III. Guatemala –Dominican Republic

Schedule of Guatemala

This Chapter does not apply to:

- (a) the procurement by public entities of strategic goods, public works concessions, services and supplies to safeguard the borders, bridges, natural resources subject to international regimes, or the national territory;
- (b) the procurement and acquisition of goods, supplies, public works, and services necessary for the resolution of situations arising from an exception status declared by law;
- (c) the procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest or social benefit;
- (d) procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations;

- (e) the procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities.
- (f) goods, work concessions, services and supplies, considered as specific exceptions procured by public entities including:
 - (i) goods, services or construction services procured by Guatemalan offices in a foreign territory, such as embassies, delegations and consulates or missions;
 - (ii) individual professional services in general; and
 - (iii) goods, supplies and services with sole suppliers.

Schedule of the Dominican Republic

This Chapter does not apply to:

- (a) procurement by public entities of strategic goods, public works concessions, services, and supplies to safeguard the borders, bridges, natural resources subject to international regimes, or the national territory;
- (b) procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by the applicable Dominican Republic law;
- (c) procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest according to the domestic law;
- (d) procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations;
- (e) procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities; as well as goods, work concessions, services and supplies, considered as specific exceptions procured by public entities including:
 - (i) goods, services and contracts by delegations, Embassies and consulates in a foreign territory;
 - (ii) individual professional services in general.

IV. Honduras –Dominican Republic

Schedule of Honduras – Dominican Republic

1. This Chapter does not apply to the procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by law;
2. This Chapter does not apply to the procurement by public entities of strategic goods, services and supplies:
 - (a) to safeguard the borders, bridges, natural resources subject to international regimes or the national territory;
 - (b) the procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations derived from an exception status declared by law;
 - (c) the procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest or social benefit.
3. This Chapter does not apply to the procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities;
4. Those that are made or manufactured by public agencies, autonomous or municipal entities.
5. This Chapter does not apply to the procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations, given that such financing is governed by contracts with special provisions.
6. This Chapter does not apply to government procurement programs on behalf of small, medium, and micro enterprises.
7. This Chapter does not apply to:
 - (a) procurement of goods, services and contracts by delegations, embassies and consulates in a foreign territory;
 - (b) procurement of individual professional services in general; and
 - (c) the acquisition and procurement of goods, supplies and services with sole suppliers.

V. Nicaragua –Dominican Republic

Schedule of Nicaragua

1. This Chapter does not apply to the exceptions included in Article 3 of Law No. 323, *Ley de Contrataciones del Estado*, published in *La Gaceta* 1 and 2 on January 3 and 4, 2000, and its amendments.
2. This Chapter does not apply to the procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations.

Schedule of the Dominican Republic

With respect to the Dominican Republic and Nicaragua this Chapter does not apply to the:

- (a) procurement and acquisition of goods, supplies, works and services necessary for the resolution of situations arising from an exception status declared by the applicable Dominican Republic law;
- (b) procurement of goods, supplies, works and services that are necessary and urgent for the resolution of situations of national interest according to the domestic law;
- (c) procurement financed by loans and donations made by persons, entities, associations or other international organisms or foreign governments for the benefit of any Party, its entities, institutions or municipal governments. These procurements shall be governed by the terms of such special loans and donations;
- (d) procurement of goods, services and supplies between State agencies, and between those and the decentralized, autonomous and municipal entities; as well as, goods, work concessions, services and supplies, considered as specific exceptions procured by public entities including:
 - (i) goods, services contracts or construction services by in delegations, embassies, and consulates a foreign territory;
 - (ii) individual professional services in general;
- (e) procurements or contracts to repair vehicles, engines, machinery and other similar items.