

ANNEX 13-A

GOVERNMENT PROCUREMENT

Section A : List of Entities

Schedule of Korea

1. Anti-corruption and Civil Rights Commission of Korea
2. Board of Audit and Inspection
3. Cultural Heritage Administration
4. Defense Acquisition Program Administration (refer to Note 3 below)
5. Fair Trade Commission
6. Financial Services Commission
7. Korea Communications Commission
8. Korea Customs Service
9. Korea Forest Service
10. Korean Intellectual Property Office
11. Korea Meteorological Administration
12. Military Manpower Administration
13. Ministry of Agriculture, Food and Rural Affairs
14. Ministry of Culture, Sports and Tourism
15. Ministry of Education
16. Ministry of Employment and Labor
17. Ministry of Environment
18. Ministry of Food and Drug Safety
19. Ministry of Foreign Affairs
20. Ministry of Gender Equality and Family
21. Ministry of Government Administration and Home Affairs
22. Ministry of Government Legislation
23. Ministry for Health and Welfare
24. Ministry of Justice
25. Ministry of Land, Infrastructure and Transport
26. Ministry of National Defense (refer to Note 3 below)
27. Ministry of Oceans and Fisheries
28. Ministry of Patriots and Veterans Affairs
29. Ministry of Personnel Management
30. Ministry of Public Safety and Security (refer to Note 5 below)
31. Ministry of Science, ICT and Future Planning
32. Ministry of Strategy and Finance
33. Ministry of Trade, Industry and Energy
34. Ministry of Unification
35. Multifunctional Administrative City Construction Agency
36. National Human Rights Commission of Korea
37. National Police Agency (refer to Note 5 below)
38. National Tax Service

39. Office for Government Policy Coordination
40. Prime Minister`s Secretariat
41. Public Procurement Service (refer to Note 4 below)
42. Rural Development Administration
43. Small and Medium Business Administration
44. Statistics Korea
45. Supreme Prosecutors' Office

Schedule of New Zealand

1. Canterbury Earthquake Recovery Authority
2. Crown Law Office
3. Department of Conservation
4. Department of Corrections
5. Department of Internal Affairs
6. Department of the Prime Minister and Cabinet
7. Education Review Office
8. Government Communications Security Bureau
9. Inland Revenue Department
10. Land Information New Zealand
11. Ministry for Culture and Heritage
12. Ministry for the Environment
13. Ministry for Primary Industries
14. Ministry of Business, Innovation & Employment
15. Ministry of Defence
16. Ministry of Education
17. Ministry of Foreign Affairs and Trade
18. Ministry of Health
19. Ministry of Justice
20. Ministry of Pacific Island Affairs
21. Ministry of Social Development
22. Ministry of Transport
23. Ministry of Women's Affairs
24. New Zealand Customs Service
25. New Zealand Defence Force
26. New Zealand Police
27. Serious Fraud Office
28. State Services Commission
29. Statistics New Zealand
30. Te Puni Kokiri Ministry of Māori Development
31. The Treasury

Notes to the Schedule of Korea

Note 1

The above central government entities cover their “subordinate linear organisations”, “special local administrative agencies”, and “attached organs”, as prescribed in the relevant provisions of the *Government Organization Act*. Any entity with a separate legal personality that is not listed in this Annex is not covered.

Note 2

This Chapter does not apply to any set-asides for small and medium sized businesses in accordance with the *Act Relating to Contracts to Which the State is a Party* and its Presidential Decree, and the procurement of agricultural, fishery and livestock products in accordance with the *Grain Management Act*, the *Act on Distribution and Price Stabilization of Agricultural and Fishery Products*, and the *Livestock Industry Act*.

Note 3

Ministry of National Defense and Defense Acquisition Program Administration

Subject to the decision of the Korean Government under the provisions of Article 13.5 and Article 20.2 (Security Exceptions), for the purchases of the Ministry of National Defense and the Defense Acquisition Program Administration, this Chapter will generally apply to the following Federal Supply Classification (FSC) categories only, and for services and construction services listed in Sections B and C, it will apply only to those areas which are not related to national security and defense.

FSC 2510 Vehicular cab, body, and frame structural components

FSC 2520 Vehicular power transmission components

FSC 2540 Vehicular furniture and accessories

FSC 2590 Miscellaneous vehicular components

FSC 2610 Tires and tubes, pneumatic, nonaircraft

FSC 2910 Engine fuel system components, nonaircraft

FSC 2920 Engine electrical system components, nonaircraft

FSC 2930 Engine cooling system components, nonaircraft

FSC 2940 Engine air and oil filters, strainers and cleaners, nonaircraft

FSC 2990 Miscellaneous engine accessories, nonaircraft

FSC 3020 Gears, pulleys, sprockets and transmission chain

FSC 3416 Lathes

FSC 3417 Milling machines

FSC 3510 Laundry and dry cleaning equipment

FSC 4110 Refrigeration equipment

FSC 4230 Decontaminating and impregnating equipment

FSC 4520 Space and water heating equipment

FSC 4940 Miscellaneous maintenance and repair shop specialized equipment

FSC 5120 Hand tools, nonedged, nonpowered

FSC 5410 Prefabricated and portable buildings

FSC 5530 Plywood and veneer
FSC 5660 Fencing, fences, gates and components
FSC 5945 Relays and solenoids
FSC 5965 Headsets, handsets, microphones and speakers
FSC 5985 Antennae, waveguide, and related equipment
FSC 5995 Cable, cord, and wire assemblies: communication equipment
FSC 6505 Drugs and biologicals
FSC 6220 Electric vehicular lights and fixtures
FSC 6840 Pest control agents disinfectants
FSC 6850 Miscellaneous chemical, specialties
FSC 7310 Food cooking, baking, and serving equipment
FSC 7320 Kitchen equipment and appliances
FSC 7330 Kitchen hand tools and utensils
FSC 7350 Table ware
FSC 7360 Sets, kits, outfits, and modules food preparation and serving
FSC 7530 Stationery and record forms
FSC 7920 Brooms, brushes, mops, and sponges
FSC 7930 Cleaning and polishing compounds and preparations
FSC 8110 Drums and cans
FSC 9150 Oils and greases: cutting, lubricating, and hydraulic
FSC 9310 Paper and paperboard

Note 4

Public Procurement Service: This Chapter covers only those procurements carried out by the Public Procurement Service for the entities listed in this Section.

Note 5

Ministry of Public Safety and Security and National Police Agency: This Chapter does not cover procurement for the purposes of maintaining public order, as provided in Article 13.5.

Section B : Covered Goods and Services

Schedule of Korea

Goods

This Chapter applies to all goods procured by the entities listed in Section A.

Services

Of the *WTO Universal List of Services* as contained in document *WTO/MTN.GNS/W/120*, the following services are covered (others being excluded):

<u>GNS/W/120</u>	<u>CPC</u>	<u>Description</u>
1.A.b.	862	Accounting, auditing and bookkeeping services
1.A.c.	863	Taxation services
1.A.d.	8671	Architectural services
1.A.e.	8672	Engineering services
1.A.f.	8673	Integrated engineering services
1.A.g.	8674	Urban planning and landscape architectural services
1.B.a.	841	Consultancy services related to the installation of computer hardware
1.B.b.	842	Software implementation services
1.B.c.	843	Data processing services
1.B.d.	844	Data base services
1.B.e.	845	Maintenance and repair services of office machinery and equipment (including computers)
1.E.a.	83103	Rental/leasing services without operators relating to ships
1.E.b.	83104	Rental/leasing services without operators relating to aircraft
1.E.c.	83101, 83105*	Rental/leasing services without operators relating to other transport equipment (only passenger vehicles for less than fifteen passengers)
1.E.d.	83106, 83108, 83109, 83107	Rental/leasing services without operators relating to other machinery and equipment Rental/leasing services without operator relating to construction machinery and equipment
1.F.a.	8711, 8719	Advertising agency services
1.F.b.	864	Market research and public opinion polling services
1.F.c.	865	Management consulting services
1.F.d.	86601	Project management services
1.F.e.	86761*	Composition and purity testing and analysis services (only inspection, testing and analysis services of air, water, noise level and vibration level)
	86764	Technical inspection services
1.F.f.	8811*, 8812*	Consulting services relating to agriculture and animal husbandry
	8814*	Services incidental to forestry (excluding aerial fire fighting and disinfection)
1.F.g.	882*	Consulting services relating to fishing
1.F.h.	883*	Consulting services relating to mining
1.F.m.	86751, 86752	Related scientific and technical consulting services
1.F.n.	633, 8861, 8862, 8863, 8864, 8865, 8866	Maintenance and repair of equipment
1.F.p.	875	Photographic services
1.F.q.	876	Packaging services

<u>GNS/W/120</u>	<u>CPC</u>	<u>Description</u>
1.F.r.	88442*	Printing (screen printing, gravure printing, and services relating to printing)
1.F.s.	87909*	- Stenography services - Convention agency services
1.F.t.	87905	Translation and interpretation services
2.C.j.	7523*	On-line information and data-base retrieval
2.C.k.	7523*	Electronic data interchange
2.C.l.	7523*	Enhanced/value-added facsimile services including store and forward, store and retrieve
2.C.m.	-	Code and protocol conversion
2.C.n.	843*	On-line information and/or data processing (including transaction processing)
2.D.a.	96112*, 96113*	Motion picture and video tape production and distribution services (excluding those services for cable TV broadcasting)
2.D.e.	-	Record production and distribution services (sound recording)
6.A.	9401*	Refuse water disposal services (only collection and treatment services of industrial waste water)
6.B.	9402*	Industrial refuse disposal services (only collection, transport, and disposal services of industrial refuse)
6.D.	9404*, 9405*	Cleaning services of exhaust gases and noise abatement services (services other than construction work services)
	9406*, 9409*	Environmental testing and assessment services (only environmental impact assessment services)
11.A.b.	7212*	International transport, excluding cabotage
11.A.d.	8868*	Maintenance and repair of vessels
11.F.b.	71233*	Transportation of containerized freight, excluding cabotage
11.H.c	748*	Freight transport agency services - Maritime agency services - Maritime freight forwarding services - Shipping brokerage services - Air cargo transport agency services - Customs clearance services
11.I.	-	Freight forwarding for rail transport

Notes to the Schedule of Korea

Asterisks (*) designate "part of" as described in detail in the Revised Conditional Offer of the Republic of Korea Concerning Initial Commitments on Trade in Services.

Schedule of New Zealand

Goods

Unless otherwise specified, this Chapter applies to all goods procured by the entities listed in Section A.

Services

Unless otherwise specified, this Chapter covers all services procured by the entities listed in Section A.

This Chapter does not cover any of the services as identified in accordance with the CPC as set out in document *MTN.GNS/W/120*:

- (a) procurement of research and development services (*CPC 851-853*);
- (b) procurement of public health services (*CPC 931*, including *9311*, *9312* and *9319*);
- (c) procurement of education services (*CPC 921*, *922*, *923*, *924* and *929*);
- (d) procurement of welfare services (*CPC 933* and *913*); or
- (e) procurements listed in Section E.

Section C : Construction Services

Schedule of Korea

This Chapter applies to the procurement of all construction services under Division 51 of the CPC procured by the entities listed in Section A. Construction services includes build-operate-transfer contract and public works concession contract.

Notes to the Schedule of Korea

This Chapter does not apply to any set-asides for small and medium sized businesses according to the *Act on Private Participation in Infrastructure*.

Schedule of New Zealand

Unless otherwise specified, this Chapter covers procurement of all construction services in Division 51 of the CPC as set out in document *MTN.GNS/W/120* procured by the entities listed in Section A. Construction services includes build-operate-transfer contracts and public works concession contracts.

Section D : Thresholds

Goods	: 130,000 SDR
Services	: 130,000 SDR
Construction Services	: 5,000,000 SDR

The value of the thresholds set out in this Section shall be adjusted at two-year intervals with each adjustment taking effect in January.

Each Party shall calculate and publish the value of the thresholds under this Chapter expressed in the corresponding national currency, using the conversion rates published by the IMF in its monthly “International Financial Statistics”.

The conversion rate shall be the average of the daily values of the respective national currency in terms of the SDR over the two-year period preceding 1 November of the year prior to the thresholds in national currency. The conversion rate shall apply from 1 January of the following year.

Thresholds expressed in national currencies shall be fixed for two calendar years:

- (a) for Korea, the value of the thresholds for goods and services thus revised may, where necessary, be rounded to the nearest 10 million Korean won. The value of the thresholds for construction services thus revised shall, where necessary, be rounded to the nearest hundred million Korean won; and
- (b) for New Zealand, the value of the thresholds thus adjusted may, where necessary, be rounded to the nearest one thousand New Zealand dollars.

The Parties shall consult if a major change in a national currency relative to the SDR or to the national currency of the other Party were to create a significant problem with regard to the application of this Chapter.

Section E : General Notes

Schedule of Korea

This Chapter does not apply to procurement in furtherance of human feeding programmes.

For greater clarity, procurement for airports is not covered under this Chapter.

Schedule of New Zealand

This Chapter shall not apply to procurement of goods or services in respect of contracts for construction, refurbishment or furnishing of chanceries abroad.

For greater certainty, governmental provision of goods and services to persons or governmental authorities not specifically covered under this Annex is not covered.

Section F : Single Electronic Point of Access

For Korea:

www.g2b.go.kr, or if necessary, Electronic Gazettee at <http://gwanbo.korea.go.kr>

For New Zealand:

<http://www.gets.govt.nz>

Section G : Contact Points

For Korea:

Ministry of Trade, Industry and Energy
402 Hannuri-daero
Sejong-si, 339-012
Republic of Korea

For New Zealand:

Ministry of Business, Innovation and Employment
Government Procurement Branch
Level 3, 15 Stout Street
PO Box 10729
Wellington