

ANNEX 15-A

SCHEDULE OF NEW ZEALAND

SECTION A: Central Government Entities

Thresholds:

Chapter 15 (Government Procurement) shall apply to the central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 15.2 (Scope), to equal or exceed:

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

List of Entities:

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 of Business, Innovation and Employment
12. Ministry for Culture and Heritage
13. Ministry of Defence
14. Ministry of Education
15. Ministry for the Environment
16. Ministry of Foreign Affairs and Trade
17. Ministry of Health

18. Ministry of Justice
19. Ministry of Māori Development
20. Ministry for Pacific Peoples
21. Ministry for Primary Industries
22. Ministry of Social Development
23. Ministry of Transport
24. Ministry for Women
25. New Zealand Customs Service
26. New Zealand Defence Force
27. New Zealand Police
28. Serious Fraud Office
29. State Services Commission
30. Statistics New Zealand
31. The Treasury

Note to Section A

All agencies subordinate to the above listed central government entities are covered, provided that an agency does not have a separate legal personality.

SECTION B: Sub-Central Government Entities

None.

SECTION C: Other Entities

Thresholds:

Chapter 15 (Government Procurement) shall apply to the other government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 15.2 (Scope), to equal or exceed:

400,000 SDR	Goods
400,000 SDR	Services
5,000,000 SDR	Construction Services

List of Entities:

1. Careers New Zealand
2. Civil Aviation Authority of New Zealand
3. Education New Zealand
4. Energy Efficiency and Conservation Authority
5. Maritime New Zealand
6. New Zealand Antarctic Institute
7. New Zealand Fire Service Commission
8. New Zealand Trade and Enterprise
9. Sport New Zealand (excluding procurement of goods and services containing confidential information related to enhancing competitive sport performance)
10. Tertiary Education Commission

Notes to Section C

1. For the entities listed in this Section, Chapter 15 (Government Procurement) shall cover only those entities listed and does not extend to subordinate or subsidiary agencies.
2. New Zealand does not offer coverage for entities listed in this Section to Mexico.

SECTION D: Goods

Chapter 15 (Government Procurement) shall apply to all goods procured by the entities listed in Sections A and C of this Schedule, unless otherwise specified in Chapter 15 (Government Procurement), including this Schedule.

SECTION E: Services

Chapter 15 (Government Procurement) shall apply to all services procured by the entities listed in Sections A and C of this Schedule unless otherwise specified in Chapter 15 (Government Procurement), except the following:

- (a) procurement of research and development services;¹
- (b) procurement of public health, education and welfare services;² and
- (c) procurements listed in Section G of this Schedule.

¹ As defined in WTO document MTN.GNS/W/120 (CPC 851-853).

² Refers to procurement, for provision to the public, of services classified in WTO document MTN.GNS/W/120 under the sector headings “Educational Services” (CPC 921, 922, 923, 924 and 929) and “Health Related and Social Services”, (Public Health: CPC 931, including 9311, 9312 and 9319); Welfare: CPC 933 and 913).

SECTION F: Construction Services

Chapter 15 (Government Procurement) shall apply to all construction services³ procured by the entities listed in Sections A and C of this Schedule unless otherwise specified in Chapter 15 (Government Procurement), except for procurement not covered as set out in Section G of this Schedule.

³ Refers to WTO document MTN.GNS/W/120 sector heading “Construction and Related Engineering Services”.

SECTION G: General Notes

1. Chapter 15 (Government Procurement) shall not apply to:
 - (a) any procurement by an entity covered under this Schedule from another entity covered under this Schedule;
 - (b) procurement of goods or services in respect of contracts for construction, refurbishment or furnishing of chanceries abroad;⁴
 - (c) any programme, preference, set-aside or any other measure that benefits SMEs;
 - (d) any procurement for the purposes of developing, protecting or preserving national treasures of artistic, historic, archaeological value or cultural heritage; or
 - (e) procurement of storage or hosting of government data and related services based on storage or processing outside the territory of New Zealand to protect government information as described in Article 14.2.3(b) (Scope and General Provisions).

2. For greater certainty, Chapter 15 (Government Procurement) shall be interpreted in accordance with the following:
 - (a) a procuring entity may apply limited tendering procedures under Article 15.10.2(b) (Limited Tendering) or Article 15.10.2(g) in relation to unsolicited unique proposals;⁵
 - (b) with reference to Article 15.2.2(d) (Scope), Chapter 15 (Government Procurement) shall not apply to any procurement made by a procuring entity covered under this Schedule on behalf of an organisation that is not covered under this Schedule;
 - (c) with reference to Article 15.2.2 (Scope), Chapter 15 (Government Procurement) shall not apply to commercial sponsorship arrangements; and
 - (d) with reference to Article 15.2.2 (Scope), Chapter 15 (Government Procurement) shall not apply to governmental provision of goods and services.

⁴ For construction services, this refers to WTO document MTN.GNS/W/120 sector heading “Construction and Related Engineering Services”.

⁵ As defined and handled in the New Zealand government guidance document, *Unsolicited Unique Proposals – How to deal with uninvited bids* (May 2013), as may be updated .

SECTION H: Threshold Adjustment Formula

1. The thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on January 1, beginning on January 1 of the first even-numbered year after the date of entry into force of this Agreement for New Zealand.
2. Every two years, New Zealand shall calculate and publish the value of the thresholds under this Schedule expressed in New Zealand dollars. These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly *International Financial Statistics*.
3. The conversion rates shall be the average of the daily values of the New Zealand dollar in terms of the Special Drawing Rights (SDR) over the two-year period preceding October 1 of the year before the adjusted thresholds are to take effect.
4. New Zealand shall consult if a major change in its national currency relative to the SDR or to the national currency of another Party were to create a significant problem with regard to the application of Chapter 15 (Government Procurement).

SECTION I: Procurement Information

The information to be published under this Chapter 15 (Government Procurement) will be published as follows:

New procurement opportunities:	<u>www.gets.govt.nz</u>
Procurement policy and practice:	<u>www.procurement.govt.nz</u>
New Zealand legislation:	<u>www.legislation.govt.nz</u>

SECTION J: Transitional Measures

None.