

CHAPTER 8

GOVERNMENT PROCUREMENT

Article 8.1: General

1. The Parties agree to establish a single government procurement market, in order to maximize competitive opportunities for their suppliers and reduce costs of doing business for both government and the private sectors;
2. This shall be achieved by the Parties through:
 - (a) ensuring the opportunity exists for their suppliers to compete on an equal and transparent basis for government procurements;
 - (b) ensuring the non-application against their suppliers of preferential schemes and other forms of discrimination based on the place of origin of goods and services;
 - (c) promoting the use of electronic means for government procurement; and
 - (d) ensuring fair and non-discriminatory processes, and mechanisms to eliminate any potential conflict of interest between persons administering the processes and suppliers participating in the processes.
3. In the event that a Party makes commitments under agreements relating to government procurement, which both are parties to, which are more favourable to the other Party than the commitments made under Annex 8A, the more favourable offer shall immediately and unconditionally apply.

Article 8.2: Scope and Coverage

1. This Chapter applies to any law, regulation, procedure or practice regarding any procurement by entities covered by this Chapter as specified in Annex 8A.
2. This Chapter applies to procurement by any contractual means, including through methods such as purchase or lease, rental or hire purchase, with or without an option to buy, of goods or services, or any combination of goods and services.
3. No entity shall require institutions not included in Annex 8A to award contracts with the intent of avoiding the obligations of this Chapter.
4. This Chapter applies to any procurement contract of a value of not less than the relevant threshold specified in Annex 8A.

5. This Chapter does not apply to:

- (a) non-contractual agreements or any form of governmental assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of products and services to persons or governmental authorities not specifically covered under Annex 8A;
- (b) purchases funded by loans and grants made to a Party or to an entity of a Party by a person, international entities, associations, international organizations or other States or foreign governments, to the extent that the conditions of such assistance are inconsistent with the provisions of this Chapter. In the case of such inconsistency, the conditions of the assistance shall prevail;
- (c) acquisition of fiscal agency services or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt;
- (d) hiring of government employees and related employment measures; and
- (e) purchases made under exceptionally advantageous conditions which only arise in the very short term. This provision is:
 - (i) intended to cover unusual disposals by companies which are not normally suppliers, or disposal of assets of businesses in liquidation or receivership; and
 - (i) not intended to cover routine purchases from regular suppliers.

6. No entity may prepare, design or otherwise structure or divide, at any stage of the procurement, any procurement with the intent of avoiding the obligations of this Chapter.

7. The provisions of this Chapter do not affect the rights and obligations provided for in Chapters 2 (*Trade in Goods*), 3 (*Rules of Origin*), 9 (*Investment*), 10 (*Cross-Border Trade in Services*) and 11 (*Financial Services*).

8. Nothing in this Chapter shall prevent either Party from modifying its procurement policies, procedures or contractual means, provided they are not inconsistent with this Chapter.

Article 8.3: National Treatment and Non-Discrimination

1. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this Chapter, each Party shall provide immediately and unconditionally to the goods, services and suppliers of the other Party offering such goods and services, treatment no less favourable than that accorded to domestic goods, services and suppliers.
2. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this Chapter, each Party shall ensure that its entities shall not:
 - (a) treat a locally established supplier less favourably than another locally established supplier on the basis of degree of foreign affiliation or ownership; and
 - (b) discriminate against a locally established supplier on the basis that that the goods or services offered by that supplier are goods or services of the other Party.
3. The provisions of paragraphs 1 and 2 shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations and formalities, and measures affecting trade in services other than laws, regulations, procedures and practices regarding government procurement covered by this Chapter.

Article: 8.4: Valuation of Contracts

The following provisions shall apply in determining the value of contracts for purposes of implementing this Chapter:

- (a) valuation shall take into account all forms of remuneration, including any premiums, fees, commissions and interest receivable;
- (b) the selection of a valuation method by a government body shall not be made, nor shall any procurement requirement be divided, with the intention of avoiding the application of this Chapter; and
- (c) in cases where an intended procurement includes option clauses, the basis for valuation shall be the total value of the maximum permissible procurement, inclusive of optional purchases.

Article 8.5: Rules of Origin

A Party shall not apply rules of origin to goods supplied for purposes of government procurement covered by this Chapter from the other Party, which are different from the rules of origin applied in the normal course of trade and at the time of the transaction in question to supplies of the same goods from that other Party.

Article 8.6: Offsets

Entities shall not, in the course of a procurement, impose, seek or consider offsets.

Article 8.7: Publication of Procurement Measures

1. Each Party shall promptly publish any law and regulation and the modifications thereof, and make publicly available any judicial decision and administrative ruling of general application and procedure specifically governing procurement covered by this Chapter in publicly accessible media.
2. Upon the request of a Party, the other Party will provide a copy of a judicial decision or administrative ruling of general application and procedure relating to procurement.

Article 8.8: Publication of Notice of Intended Procurement

1. Except as otherwise provided for in Article 8.13 (*Limited Tendering Procedures*), procuring entities shall publish a notice inviting interested suppliers to submit tenders for each procurement covered by this Chapter. This notice shall be published in publicly accessible media and made accessible during the entire period established for tendering for the relevant procurement.
2. Each notice of intended procurement shall include a description of the intended procurement, any conditions that suppliers must fulfil to participate in the procurement, the name of the entity issuing the notice, the address where suppliers may obtain all documents relating to the procurement, the time limits and address for submission of tenders and the delivery dates of the goods or services to be procured.

Article 8.9: Time Limits for the Tendering Processes

1. An entity shall prescribe time limits for the tendering process that allows sufficient time for suppliers to prepare and submit responsive tenders, taking into account the nature and complexity of the procurement. An entity

shall provide no less than 30 days between the date on which it publishes the notice of intended procurement and the deadline for submitting tenders.

2. Notwithstanding paragraph 1, an entity may establish a time period of less than 30 days, provided that the time period is sufficiently long to enable suppliers to prepare and submit responsive tenders and shall in no case be less than five working days, where the procurement is published by the entity by electronic means.

Article 8.10: Tender Documentation

1. An entity shall provide interested suppliers with tender documentation that includes all the information necessary to permit suppliers to prepare and submit responsive tenders. The documentation shall include all the criteria that the entity will consider in awarding the contract, including all cost factors, and the weights or, where appropriate, the relative values that the entity will assign to these criteria in evaluating tenders.

2. An entity shall endeavour to make available relevant tender documentation on the internet or a comparable publicly available computer-based telecommunications network openly accessible to all suppliers. Where an entity does not publish all the tender documentation by electronic means, the entity shall, on request of a supplier, promptly make the documentation available in written form to the supplier.

3. Where an entity, during the course of a procurement, modifies the criteria referred to in paragraph 1, it shall transmit all such modifications in writing or by electronic means:

- (a) to all suppliers that are participating in the procurement at the time the criteria was modified, if the identities of such suppliers are known, and in all other cases, in the same manner the original information was transmitted; and
- (b) in adequate time to allow such suppliers to modify and re-submit their tenders, as appropriate.

Article 8.11: Technical Specifications

1. Technical specifications laying down the characteristics of the goods or services to be procured shall not be prepared, adopted or applied with a view to, or with the effect of creating unnecessary obstacles to trade among the Parties.

2. Technical specifications prescribed by an entity shall, where appropriate, be:

- (a) in terms of performance requirements rather than design or descriptive characteristics; and
 - (b) based on international standards, where applicable; otherwise, on recognised national standards.
3. There shall be no requirement or reference to a particular trademark or trade name, patent, design or type, specific origin or producer or supplier unless there is no sufficiently precise or intelligible way of otherwise describing the procurement requirements and provided that, in such cases, words such as “or equivalent” are included in the tender documentation.
4. Entities shall not seek or accept, in a manner that would have the effect of precluding competition, advice that may be used in the preparation or adoption of any technical specification for a specific procurement from a person that may have a commercial interest in that procurement.

Article 8.12: Registration and Qualification of Suppliers

1. In the process of registering and / or qualifying suppliers, the entities of a Party shall not discriminate between domestic suppliers and suppliers of the other Party.
2. Any conditions for participation in open tendering procedures shall be no less favourable to suppliers of the other Party than to domestic suppliers.
3. The process of, and the time required for, registering and / or qualifying suppliers shall not be used in order to keep suppliers of the other Party off a list of suppliers or from being considered for a particular procurement.
4. Entities maintaining permanent lists of registered and / or qualified suppliers shall ensure that suppliers may apply for registration or qualification at any time, and that all registered and qualified suppliers are included in the lists within a reasonably short time.
5. Nothing in this Article shall preclude an entity from excluding a supplier from a procurement on grounds such as bankruptcy or false declaration, provided that such an action is consistent with the national treatment provisions of this Chapter.

Article 8.13: Limited Tendering Procedures

1. Entities shall award contracts by means of open tendering procedures, in the course of which any interested supplier may submit a tender.
2. Provided that the tendering procedure is not used to avoid competition or to protect domestic suppliers, entities may award contracts by means other

than open tendering procedures in the following circumstances, where applicable:

- (a) in the absence of tenders that conform to the essential requirements in the tender documentation provided in a prior invitation to tender, including any conditions for participation, on condition that the requirements of the initial procurement are not substantially modified in the contract as awarded;
- (b) where, for works of art, or for reasons connected with the protection of exclusive rights, such as patents or copyrights, or proprietary information, or where there is an absence of competition for technical reasons, the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute exists;
- (c) for additional deliveries by the original supplier that are intended either as replacement parts, extensions, or continuing services for existing equipment, software, services or installations, where a change of supplier would compel the entity to procure goods or services not meeting requirements of inter-changeability with existing equipment, software, services, or installations;
- (d) for goods purchased on a commodity market;
- (e) where an entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. When such contracts have been fulfilled, subsequent procurements of such goods or services shall be subject to the principles and procedures laid down in this Chapter;
- (f) where additional construction services that were not included in the initial contract but that were within the objectives of the original tender documentation have, due to unforeseeable circumstances, become necessary to complete the construction services described therein. However, the total value of contracts awarded for additional construction services may not exceed 50 percent of the amount of the initial contract;
- (g) for new construction services consisting of the repetition of similar construction services which conform to a basic project for which an initial contract was awarded in accordance with Articles 8.3 to 8.12;
- (h) in so far as is strictly necessary where, for reasons of urgency brought about by events unforeseeable by the entity, the goods or services could not be obtained in time by means of an open tendering procedure and the use of an open tendering

procedure would result in serious injury to the entity, or the entity's program responsibilities, or the Party; or

- (i) in the case of contracts awarded to the winner of a design contest provided that the contest has been organized in a manner which is consistent with the principles of this Chapter. The contest shall be judged by an independent jury with a view to design contracts being awarded to the winners.

3. An entity shall maintain a record for a period of at least one year from the date of the award of a contract, or prepare a written report on the contract awarded under these provisions, containing the name of the entity, the value and kind of goods or services procured, country of origin and the specific justifications for use of tender procedures other than open tendering procedures, as provided in paragraph 2.

Article 8.14: Information on Awards

1. Subject to Article 8.20 (*Non-Disclosure of Information*), an entity shall promptly inform suppliers participating in a tendering procedure of its contract award decision. The award notice should include at least the following information:

- (a) the name of the entity;
- (b) a description of the goods or services procured;
- (c) the name of the winning supplier;
- (d) the value of the contract award; and
- (e) where the entity has not used open tendering procedure, an indication of the circumstances according to Article 8.13 (*Limited Tendering Procedures*) justifying the procedures used.

2. Entities shall, on request from an unsuccessful supplier of the other Party which participated in the relevant tender, promptly provide pertinent information concerning reasons for the rejection of its tender, unless the release of such information would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interest of particular enterprises, public or private, or might prejudice fair competition between suppliers.

Article 8.15: Modifications and Rectifications to Coverage

1. When an entity or party thereof listed in Annex 8A is corporatised or privatized as a legal entity separate and distinct from the Government of a Party, regardless of whether or not the Government holds any shares in such

a legal entity, this Chapter shall no longer apply to that entity or the party thereof that is so corporatised or privatized. A Party shall notify the other Party of the name of such an entity before it is corporatised or privatized or as soon as possible thereafter. The Parties agree that no claim for compensatory adjustments shall be made in all such cases.

2. A Party may make technical rectifications of a purely formal nature to its coverage under this Chapter, or minor amendments to its schedules in Annex 8A to this Chapter, provided that it notifies the other Party in writing and that the other Party does not object in writing within 30 days of the notification. For such technical rectifications or minor amendments, no compensatory adjustments need to be provided to the other Party.

Article 8.16: Transparency

The Parties shall apply all procurement laws, regulations, procedures and practices consistently, fairly and equitably so that their corporate governance structures provide transparency to potential suppliers.

Article 8.17: Electronic Procurement

1. The Parties shall, within the context of their commitment to promote electronic commerce, seek to provide opportunities for government procurement to be undertaken through electronic means, hereinafter referred to as “e-procurement”.

2. Each Party shall work toward a single entry point for the purpose of enabling suppliers to access information on procurement opportunities in its territory.

3. Each Party shall endeavour to make procurement opportunities that are available to the public accessible to suppliers via the Internet or any publicly available electronic medium. Each Party shall endeavour to make available relevant documentation by the same means.

4. Each Party shall encourage its entities to publish, as early as possible in the fiscal year, information regarding the entity’s indicative procurement plans in the e-procurement portal.

Article 8.18: Challenge Procedures

1. In the event of a complaint by a supplier of a Party that there has been a breach of this Chapter in the context of procurement by an entity of the other Party, that Party shall encourage the supplier to seek resolution of its complaint in consultation with the entity of the other Party. In such instances the entity of the other Party shall accord timely and impartial consideration to

any such complaint, in such a manner that is not prejudicial to obtaining corrective measures under the challenge system.

2. Each Party shall provide suppliers of the other Party with non-discriminatory, timely, transparent and effective procedures, consistent with the principle of due process, to challenge alleged breaches of this Chapter arising in the context of procurements in which they have, or have had, an interest.

3. Each Party shall provide its challenge procedures in writing and make them generally available. An entity's total liability under these procedures for any breach of this Chapter or compensation for loss or damages suffered shall be limited to the costs for tender preparation reasonably incurred by the supplier for the purpose of the procurement.

Article 8.19: Exceptions

1. Nothing in this Chapter shall be construed to prevent any Party from taking any action or not disclosing any information which it considers necessary for the protection of its essential security interests relating to procurement indispensable for national security or for national defence purpose.

2. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade, nothing in this Chapter shall be construed to prevent any Party from imposing or enforcing measures:

- (a) necessary to protect public morals, order or safety;
- (b) necessary to protect human, animal or plant life or health;
- (c) necessary to protect intellectual property; or
- (d) relating to the products or services of handicapped persons, of philanthropic institutions or of prison labour.

Article 8.20: Non-Disclosure of Information

1. The Parties, their entities, and their review authorities shall not disclose confidential information, if such disclosure would prejudice the legitimate commercial interests of a particular person or might prejudice fair competition between suppliers, without the formal authorisation of the person that provided such information to the Party.

2. Nothing in this Chapter shall be construed as requiring a Party or its entities to disclose confidential information, if such disclosure would impede law enforcement or otherwise be contrary to the public interest.

Article 8.21: Cooperation

The Parties agree make available information and share best practices relating to government procurement, including the development and use of electronic means in government procurement systems.

Article 8.22: Definitions

For purposes of this Chapter:

1. **entity** means an entity of a Party listed in Annex 8A;
2. **offsets** means measures used to encourage local development or improve the balance-of-payments accounts by means of domestic content, licensing of technology, investment requirements, counter-trade or similar requirements;
3. **publish** means to disseminate information in an electronic or paper medium that is distributed widely and is readily accessible to the general public; and
4. **supplier** means a person that has provided, provides or could provide goods or services to an entity.

ANNEX 8A

GOVERNMENT PROCUREMENT

Section A: Central Level of Government Entities

1. This Chapter applies to the entities of the central level of government listed in this Section, where the value of the procurement is estimated to equal or exceed the following relevant threshold, for procurement of:

(a) Goods and Services: SDR 130,000; and

(b) Construction services: SDR 5,000,000.

2. Unless otherwise specified, this Chapter covers all agencies subordinate to the entities listed in each Party's Schedule.

Schedule of Panama

Asamblea Legislativa
Contraloría General de la República
Ministerio de Comercio e Industrias
Ministerio de Desarrollo Agropecuario
Ministerio de Economía y Finanzas
Ministerio de Educación (Note 2)
Ministerio de Desarrollo Social
Ministerio de Obras Públicas
Ministerio de Relaciones Exteriores
Ministerio de Trabajo y Desarrollo Laboral
Ministerio de Vivienda
Órgano Judicial

Notes to the Schedule of Panama

1. This Chapter does not cover procurement for the issuance of currency, coinage, tax or postage stamps.

2. Ministerio de Educación: This Chapter does not cover the procurement of goods classified under Divisions 21, 22, 23, 24, 26, 27, 28 and 29 of the *United Nations Central Product Classification (CPC)*.

3. Exceptions to coverage set forth in Section F apply to this Section.

Schedule of Singapore

Auditor-General's Office
Attorney-General's Office
Cabinet Office
Istana
Judicature
Ministry of Transport
Ministry of Community Development and Sports
Ministry of Education
Ministry of Environment
Ministry of Finance
Ministry of Foreign Affairs
Ministry of Health
Ministry of Home Affairs
Ministry of Information, Communications and the Arts
Ministry of Manpower
Ministry of Law
Ministry of National Development
Ministry of Trade and Industry
Parliament
Presidential Councils
Prime Minister's Office
Public Service Commission
Ministry of Defence

Notes to the Schedule of Singapore

1. This Chapter will generally apply to purchases by the Singapore Ministry of Defence of the following FSC (For complete listing of *U.S. Federal Supply Classification*, see: www.scrantonrtg.com/secrc/fsc-codes/fsc.html) categories (others being excluded) subject to the Government of Singapore's determinations under the provision of Article 8.19 (*Exceptions*) of this Chapter.

FSC Description

- | | |
|----|---|
| 22 | Railway Equipment |
| 23 | Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles |
| 24 | Tractors |
| 25 | Vehicular Equipment Components |
| 26 | Tires and Tubes |
| 29 | Engine Accessories |
| 30 | Mechanical Power Transmission Equipment |
| 31 | Bearings |
| 32 | Woodworking Machinery and Equipment |
| 34 | Metalworking Machinery |
| 35 | Service and Trade Equipment |
| 36 | Special Industry Machinery |

- 37 Agricultural Machinery and Equipment
- 38 Construction, Mining, Excavating and Highway Maintenance Equipment
- 39 Materials Handling Equipment
- 40 Rope, Cable, Chain and Fittings
- 41 Refrigeration, Air Conditioning and Air Circulating Equipment
- 42 Fire Fighting, Rescue and Safety Equipment
- 43 Pumps and Compressors
- 44 Furnace, Steam Plant and Drying Equipment
- 45 Plumbing, Heating and Sanitation Equipment
- 46 Water Purification and Sewage Treatment Equipment
- 47 Pipe, Tubing, Hose and Fittings
- 48 Valves
- 51 Handtools
- 52 Measuring Tools
- 53 Hardware and Abrasives
- 54 Prefabricated Structures and Scaffolding
- 55 Lumber, Mill work, Plywood and Veneer
- 56 Construction and Building Materials
- 61 Electric Wire, and Power and Distribution Equipment
- 62 Lighting, Fixtures and Lamps
- 63 Alarm, Signal and Security Detection Systems
- 65 Medical, Dental and Veterinary Equipment and Supplies
- 67 Photographic Equipment
- 68 Chemicals and Chemical Products
- 69 Training Aids and Devices
- 70 General Purpose Automatic Data Processing Equipment, Software, Supplies and Support Equipment
- 71 Furniture
- 72 Household and Commercial Furnishings and Appliances
- 73 Food Preparation and Serving Equipment
- 74 Office Machines, Text Processing Systems and Visible Record Equipment
- 75 Office Supplies and Devices
- 76 Books, Maps and other Publications
- 77 Musical Instruments, Phonographs and Home-Type Radios
- 78 Recreational and Athletic Equipment
- 79 Cleaning Equipment and Supplies
- 80 Brushes, Paints, Sealers and Adhesives
- 81 Containers, Packaging and Packing Supplies
- 83 Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags
- 84 Clothing, Individual Equipment, and Insignia
- 85 Toiletries
- 87 Agricultural Supplies
- 88 Live Animals
- 89 Subsistence
- 91 Fuels, Lubricants, Oils and Waxes
- 93 Non-metallic Fabricated Materials
- 94 Non-metallic Crude Materials
- 95 Metal Bars, Sheets and Shapes

- 96 Ores, Minerals, and their Primary Products
- 99 Miscellaneous

- 2. This Chapter shall not apply to any procurement in respect of:
 - (a) construction contracts for chanceries abroad and headquarters buildings made by the Ministry of Foreign Affairs; and
 - (b) contracts made by the Internal Security Department, Criminal Investigation Department, Security Branch and Central Narcotics Bureau of the Ministry of Home Affairs as well as procurement that have security considerations made by the Ministry.
- 3. This Chapter shall not apply to any procurement made by a covered entity on behalf of a non-covered institution.

Section B: Other Government Entities

- 1. This Chapter applies to the other covered entities listed in each Party's Schedule to this Section where the value of the procurement is estimated to equal or exceed the following relevant threshold, for procurement of:
 - (a) Goods and Services: SDR 400,000; and
 - (b) Construction services: SDR 5,000,000.
- 2. Unless otherwise specified, this Chapter covers only the entities listed in each Party's Schedule in this Section.

Schedule of Panama

Autoridad de Aeronáutica Civil
Autoridad de la Micro Pequeña y Mediana Empresa
Autoridad de la Región Interoceánica
Autoridad del Tránsito y Transporte Terrestre (Note 1)
Autoridad Marítima de Panamá
Autoridad Nacional del Ambiente
Banco de Desarrollo Agropecuario
Bingos Nacionales
Comisión de Libre Competencia y Asuntos del Consumidor
Comisión Nacional de Valores
Defensoría del Pueblo
Ente Regulador de los Servicios Públicos
Instituto de Investigación Agropecuaria
Instituto de Mercadeo Agropecuario
Instituto de Seguro Agropecuario
Instituto Nacional de Cultura

Instituto Nacional de Deportes
Instituto Nacional de Formación Profesional
Instituto Panameño Autónomo Cooperativo
Instituto Panameño de Rehabilitación Especial
Instituto Panameño de Turismo
Instituto para la Formación y Aprovechamiento de Recursos Humanos
Registro Público de Panamá
Superintendencia de Bancos
Universidad Autónoma de Chiriquí
Universidad Especializada de las Américas
Universidad Tecnológica de Panamá
Zona Libre de Colón

Notes to the Schedule of Panama

1. Autoridad del Tránsito y Transporte Terrestre: This Chapter does not cover the procurement of license plates or identification stickers for motor vehicles and bicycles.
2. Exceptions to coverage set forth in Section F apply to this Section.

Schedule of Singapore

Agency for Science, Technology and Research
Board of Architects
Civil Aviation Authority of Singapore
Building and Construction Authority
Economic Development Board
Housing and Development Board
Info-communications Development Authority of Singapore
Inland Revenue Authority of Singapore
International Enterprise Singapore
Land Transport Authority of Singapore
Jurong Town Corporation
Maritime and Port Authority of Singapore
Monetary Authority of Singapore
Nanyang Technological University
National Parks Board
National University of Singapore
Preservation of Monuments Board
Professional Engineers Board
Public Transport Council
Sentosa Development Corporation
Singapore Broadcasting Authority
Singapore Tourism Board
Standards, Productivity and Innovation Board
Urban Redevelopment Authority

Note to the Schedule of Singapore

This Chapter shall not apply to any procurement made by a covered entity on behalf of a non-covered institution.

Section C: Goods

This Chapter applies to all goods procured by the entities listed in Sections A and B for each Party, subject to the Notes to the respective Sections and the General Notes of each Party.

Section D: Services

This Chapter applies to services procured by the entities listed in Sections A and B, only if are included in each Party's Schedule to this Section (others being excluded), subject to the Notes to the respective Sections, the General Notes, and the Notes to this Section.

Schedule of Panama

This positive list includes the following services, in accordance with the *United Nations Central Product Classification (Provisional CPC) System* and the *MTN.GNS/W/120 Classification system*.

Code	Provisional CPC Description
61111	Wholesale trade services of motor vehicles
7523	Value-added telecommunications. h. electronic mail; i. voice mail; j. information extraction online and from databases; k. electronic data interchange (EDI) services; l. broadened/value-added facsimile services, including storage and retrieval services; m. code and protocol conversion; n. processing of data and / or online information (including transaction processing); o. other.
84	Information technology and related services
86401	Market research services
865	Management consulting services
8672	Engineering services
8675	Related scientific and technical consulting services
871	Advertising services
88442	Publishing and printing. Editorials only. Excludes: Press
9404	Cleaning services of exhaust gases
9405	Noise abatement services
9406	Nature and landscape protection services. (Part of CPC 94060) Exclusively: Services for conducting studies on the relationship between the environment and climate, including natural disaster assessment services and services to mitigate the effects of natural disasters.

96112	Motion Picture or Video Tape Production Services
96113	Motion Picture or Video Tape Distribution Services
96121	Motion Picture Projection Services
96122	Video Tape Projection Services
96311	Library Services
Code	MTN.GNS/W/120 Description
641-643	Hotels and Restaurants (including catering)
862	Accounting, Auditing and Book-keeping Services
7512	Courier Services
8671	Architectural Services
874	Building-Cleaning Services
87909	Convention services
8861-8866	Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)

Others

- Biotechnology Services
- Exhibition Services
- Commercial Market Research
- Interior Design Services, Excluding Architecture
- Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services

Notes to the Schedule of Panama

1. This Chapter covers the procurements of dredging services.
2. The limitations and conditions specified in the Republic of Panama's offer under GATS negotiations apply to this Section.
3. The non conforming measures set forth in Annexes I, II and III to Chapter 9 (*Investment*), Chapter 10 (*Cross-Border Trade in Services*) and Chapter 11 (*Financial Services*) applies to this Section.
4. Exceptions to coverage set forth in Section F apply to this Section.

Schedule of Singapore

The following services as contained in document MTN.GNS/W/120 are offered:

<u>CPC</u>	<u>Description</u>
862	Accounting, Auditing and Book-keeping Services
8671	Architectural Services
865	Management Consulting Services
874	Building-Cleaning Services
641-643	Hotels and Restaurants (incl. catering)

74710	Travel Agencies and Tour Operators
7472	Tourist Guide Services
843	Data Processing Services
844	Database Services
932	Veterinary Services
84100	Consultancy Services Related to the Installation of Computer Hardware
84210	Systems and Software Consulting Services
87905	Translation and Interpretation Services
7523	Electronic Mail
7523	Voice Mail
7523	On-Line Information and Database Retrieval
7523	Electronic Data Interchange
96112	Motion Picture or Video Tape Production Services
96113	Motion Picture or Video Tape Distribution Services
96121	Motion Picture Projection Services
96122	Video Tape Projection Services
96311	Library Services
8672	Engineering Services
8675	Related scientific and technical consulting services
8861-8866	Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (Note 2)
7512	Courier Services
-	Biotechnology Services
-	Exhibition Services
-	Commercial Market Research
-	Interior Design Services, Excluding Architecture
-	Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services

Notes to the Schedule of Singapore

1. This Chapter covers the procurements of dredging services.
2. This Chapter does not cover procurements of these services made by the Elections Department for elections related procurements.
3. The offer regarding services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.
4. This Chapter shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

Section E: Construction Services

This Chapter applies to construction services procured by the entities listed in Sections A and B, only if are included in each Party's Schedule to this Section

(others being excluded), subject to the Notes to the respective Sections, the General Notes, and the Notes to this Section.

Schedule of Panama

This positive list includes the following construction services, in accordance with the *United Nations Central Product Classification System (Provisional CPC)*.

Code:	Provisional CPC Description
511	Pre-erection work at construction sites
512	Construction work for buildings
513	Construction work for civil engineering
514	Assembly and erection of prefabricated constructions
515	Special trade construction work
516	Installation work
517	Building completion and finishing work
518	Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator

Notes to the Schedule of Panama

1. Individuals in charge of engineering or architectural works must be qualified professional engineers or architects in Panama.
2. The limitations and conditions specified in the Republic of Panama's offer under GATS negotiations apply to this Section.
3. The non conforming measures set forth in Annexes I, II and III to Chapter 9 (*Investment*), Chapter 10 (*Cross-Border Trade in Services*) and Chapter 11 (*Financial Services*) applies to this Section.
4. Exceptions to coverage set forth in Section F apply to this Section.

Schedule of Singapore

The following list of construction services as contained in document MTN.GNS/W/120 are offered:

<u>CPC</u>	<u>Description</u>
512	General construction work for buildings
513	General construction work for civil engineering
514, 516	Installation and assembly work
517	Building completion and finishing work
511, 515, 518	Others

Notes to the Schedule of Singapore

1. Individuals in charge of engineering or architectural works must be qualified professional engineers or architects in Singapore.
2. The offer regarding construction services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.
3. This Chapter shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

Section F: General Notes

Unless otherwise specified herein, the following General Notes in each Party's Schedule apply without exception to this Chapter, including to all sections of this Annex.

Schedule of Panama

This Chapter shall not apply to:

1. Procurements made under the system of concessions granted by the State, other than public works concession contracts and build-operate-transfer contracts.
2. Procurements designed to promote micro, small and medium enterprises.
3. Procurements of agricultural products linked to agricultural development and support and food aid programs, as well as those deemed sensitive by the Republic of Panama.
4. Procurements that are directly or indirectly related to social and/or geographic development programs.
5. Procurements made by a covered entity on behalf of a non-covered institution.

Schedule of Singapore

This Chapter shall not apply to:

Procurements made by a covered entity on behalf of a non-covered institution.