

ANNEX 9-A
PART 1
LIST OF COMMITMENTS OF COLOMBIA

SECTION A: ENTITIES AT THE CENTRAL LEVEL

Goods¹

Thresholds: 130,000 SDR

Services

Thresholds: 130,000 SDR

Construction Services

Thresholds: 8,500,000 SDR

Starting from the sixth year after coming into force of the revised GPA for Israel: 5,000,000 SDR

List of Entities of the Executive Branch

1. Departamento Administrativo de la Presidencia de la República (Administrative Department of the Presidency)
2. Ministerio del Interior (Ministry of Internal Affairs)
3. Ministerio de Justicia y del Derecho (Ministry of Justice and Law)
4. Ministerio de Relaciones Exteriores (Ministry of Foreign Affairs)
5. Ministerio de Hacienda y Crédito Público (Ministry of Finance and Public Credit)
6. Ministerio de Defensa Nacional (Ministry of National Defense) (Note 2)
7. Ministerio de Agricultura y Desarrollo Rural (Ministry of Agriculture and Rural Development) (Note 3)
8. Ministerio de Salud y Protección Social (Ministry of Health and Social Protection) (Note 4)
9. Ministerio de Minas y Energía (Ministry of Mining and Energy) (Note 5)
10. Ministerio de Comercio, Industria y Turismo (Ministry of Trade, Industry and Tourism)
11. Ministerio de Educación Nacional (Ministry of Education)
12. Ministerio de Ambiente y Desarrollo Sostenible (Ministry of Environment and Sustainable Development)
13. Ministerio de Tecnologías de la Información y Comunicaciones (Ministry of Information Technologies and Telecommunications)
14. Ministerio del Transporte (Ministry of Transportation) (Note 6)
15. Ministerio de Cultura (Ministry of Culture)
16. Ministerio de Vivienda, Ciudad y Territorio (Ministry of Housing, City and Territory)
17. Ministerio de Trabajo (Ministry of Labor)
18. Departamento Nacional de Planeación (National Planning Department)

¹ This term shall be construed in an equivalent manner to the term “supplies” as referred to in Part 2 of this Annex (List of Commitments of Israel).

19. Dirección Nacional de Inteligencia (National Bureau of Intelligence)
20. Departamento Administrativo de la Función Pública (Administrative Department of Civil Service)
21. Departamento Administrativo Nacional de Estadísticas (National Bureau of Statistics)
22. Departamento Administrativo Nacional de Economía Solidaria (National Bureau of Economic Solidarity)
23. Departamento Administrativo de Ciencia, Tecnología e Innovación (National Bureau of Science, Technology and Innovation).
24. Departamento Administrativo del Deporte la Recreación, la Actividad Física y el Aprovechamiento del Tiempo Libre "Coldeportes" (National Bureau of Sports Recreation, Physical Activity and Leisure "Coldeportes")

Notes to this Section

1. All ministries and administrative departments are covered. Unless otherwise specified herein, this Chapter applies to the “superintendencias (*superintendents*)”, “unidades administrativas especiales (*special administrative units*)”, and “establecimientos públicos (*public institutions*)” of the entities listed in this Section.
2. Ministerio de Defensa Nacional (*Ministry of National Defense*): This Chapter does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the United Nations Central Product Classification (hereinafter referred to as the “CPC”) version 1.0 by Comando General de las Fuerzas Armadas (*General Command of the Armed Forces*), Ejército Nacional (*National Army*), Armada Nacional (*National Navy*), Fuerza Aérea Colombiana (*Colombian Air Force*), and Policía Nacional (*National Police*).
3. Ministerio de Agricultura y Desarrollo Rural (*Ministry of Agriculture and Rural Development*): This Chapter does not cover the procurement of food, agricultural raw materials or inputs, and live animals related to agricultural support programs and food assistance.
4. Ministerio de Salud y Protección Social (*Ministry of Health Social Protection*): This Chapter does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC version 1.0 by Instituto Colombiano de Bienestar Familiar – ICBF (*Colombian Family Welfare Institute*) for social assistance programs.
5. Ministerio de Minas y Energía (*Ministry of Mining and Energy*): This Chapter does not cover the procurement of nuclear materials and technology by Servicio Geológico Colombiano (*Colombian Geological Service*).
6. Ministerio del Transporte (*Ministry of Transportation*): The procurements by the Unidad Administrativa Especial de Aeronáutica Civil – AEROCIVIL (*Administrative Unit of Civil Aeronautics*), will only be subject to the provisions set forth in Article 9.4.1 and Article 9.4.2, except the procurements related to the infrastructure of the airport systems and to the national air space system, which are not covered by this Chapter.

SECTION B: ENTITIES AT SUB-CENTRAL LEVEL

Goods²

Thresholds: 250,000 SDR

Services

Thresholds: 250,000 SDR

Construction Services

Thresholds: 5,000,000 SDR

List of Entities

All Departamentos are covered by this Annex unless otherwise specified herein.

The list of *Departamentos* covered is :

Departamentos (Regional Entities)

1. Gobernación del Departamento de Amazonas (Government of Department of Amazonas)
2. Gobernación del Departamento de Antioquia (Government of Department of Antioquia)
3. Gobernación del Departamento de Arauca (Government of Department of Arauca)
4. Gobernación del Departamento de Atlántico (Government of Department of Atlántico)
5. Gobernación del Departamento de Bolívar (Government of Department of Bolívar)
6. Gobernación del Departamento de Boyacá (Government of Department of Boyacá)
7. Gobernación del Departamento de Caldas (Government of Department of Caldas)
8. Gobernación del Departamento de Caquetá (Government of Department of Caquetá)
9. Gobernación del Departamento de Casanare (Government of Department of Casanare)
10. Gobernación del Departamento de Cauca (Government of Department of Cauca)
11. Gobernación del Departamento de Cesar (Government of Department of César)
12. Gobernación del Departamento de Choco (Government of Department of Choco)
13. Gobernación del Departamento de Córdoba (Government of Department of Córdoba)
14. Gobernación del Departamento de Cundinamarca (Government of Department of Cundinamarca)
15. Gobernación del Departamento de Guainía (Government of Department of Guainía)

² This term shall be construed in an equivalent manner to the term “supplies” as referred to in Part 2 of this Annex (List of Commitments of Israel).

16. Gobernación del Departamento de Guaviare (Government of Department of Guaviare)
17. Gobernación del Departamento de Huila (Government of Department of Huila)
18. Gobernación del Departamento de La Guajira (Government of Department of La Guajira)
19. Gobernación del Departamento de Magdalena (Government of Department of Magdalena)
20. Gobernación del Departamento de Meta (Government of Department of Meta)
21. Gobernación del Departamento de Nariño (Government of Department of Nariño)
22. Gobernación del Departamento de Norte de Santander (Government of Department of Norte de Santander)
23. Gobernación del Departamento de Putumayo (Government of Department of Putumayo)
24. Gobernación del Departamento de Quindío (Government of Department of Quindío)
25. Gobernación del Departamento de Risaralda (Government of Department of Risaralda)
26. Gobernación del Departamento de San Andrés y Providencia (Government of Department of San Andrés y Providencia)
27. Gobernación del Departamento de Santander (Government of Department of Santander)
28. Gobernación del Departamento de Sucre (Government of Department of Sucre)
29. Gobernación del Departamento de Tolima (Government of Department of Tolima)
30. Gobernación del Departamento de Valle del Cauca (Government of Department of Valle del Cauca)
31. Gobernación del Departamento de Vaupés (Government of Department of Vaupés)
32. Gobernación del Departamento de Vichada (Government of Department of Vichada)

Municipios (Municipal entities)

The following *Municipios* are covered (indicative list):

1. Bogota
2. Medellin
3. Cali
4. Barranquilla
5. Bucaramanga

Notes to this Section

1. This Chapter does not cover:
 - (a) procurements of food, agricultural raw materials/inputs, and live animals related to agricultural support programs and food assistance.

(b) procurements of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the Central Product Classification version 1.0 (hereinafter referred to as the CPC) for social assistance programs.

SECTION C: OTHER COVERED ENTITIES

Goods³

Thresholds: 355.000 SDR

Services

Thresholds: 355.000 SDR

Construction Services

Thresholds: 5,000,000 SDR

Unless otherwise specified herein, this Chapter applies only to the entities listed in this section

List

1. Agencia Logística de las Fuerzas Militares (Logistic Agency for Armed Forces) (Note 1)
2. Fondo Rotatorio de la Policía Nacional (Loan Fund for Police Employees) (Note 1)
3. Instituto de Casas Fiscales del Ejército (Housing for Army Members Institute)
4. Dirección de Impuestos y Aduanas Nacionales – DIAN (National Tax and Customs Direction)
5. Instituto Colombiano para el Fomento de la Educación Superior – ICFES (Colombian Institute for the Promotion of Higher Education)
6. Instituto Nacional Penitenciario y Carcelario – INPEC (National Penitentiary and Prison Institute)
7. Unidad de Servicios Penitenciarios y Carcelarios –SPC (Penitentiary and Prison Services)
8. Servicio Nacional de Aprendizaje – SENA (National Training Service)

Note to this Section

1. Agencia Logística de las Fuerzas Militares, Fondo Rotatorio de la Policía Nacional, y Fondo Rotatorio del Departamento Administrativo de Seguridad (*Logistic Agency for Armed Forces, Loan Fund for Police Employees, Loan Fund for the Administrative Security Department Employees*). this Chapter does not cover procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC by the entities listed for the Comando

³ This term shall be construed in an equivalent manner to the term “supplies” as referred to in Part 2 of this Annex (List of Commitments of Israel).

General de las Fuerzas Armadas (*General Command of the Armed Forces*), Ejército Nacional (*National Army*), Armada Nacional (*National Navy*), Fuerza Aérea Colombiana (*Colombian Air Force*), and the Policía Nacional (*National Police*).

SECTION D: GOODS

This Chapter applies to all goods procured by the entities listed in Sections A through C of Part 1, subject to their respective Notes and General Notes, except to the following goods:

1. The acquisition of goods required to conduct research and development services.

SECTION E: SERVICES

This Chapter shall apply to all services procured by the entities listed in Sections A through C of Part 1, subject to their respective Notes, the General Notes, and Notes to this Section, except for services excluded from this list.

List of Services

This Chapter does not cover the procurement of the following services, as elaborated in the CPC (For complete listing of Central Product Classification Version 1.0, see <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=3>)

1. Research and Development Services
 - (a) Division 81 Research and development services
 - (b) Group 835 Scientific and other technical services
 - (c) Data processing (8596) and trade fair and exhibition organization (8597), required for carrying out scientific and technological activities
2. Utilities
 - (a) Division 69 Electricity distribution services; gas and water distribution services through mains
 - (b) Division 94 Sewer and refuse disposal, sanitation, and other environmental protection services
 - (c) Basic telecommunication services (not including value-added telecommunication services)
3. Social Services
 - (a) Division 91 Public administration and other services for the general public; compulsory social security services
 - (b) Division 92 Education services
 - (c) Group 931 Human health services

4. Production of television programs
 - (a) Subclass 96121 Motion picture, video and television program production services

SECTION F: CONSTRUCTION SERVICES

This Chapter applies to all construction services procured by the entities listed in Annexes 1 through 3, subject to the notes to the respective Annexes, to the General Notes, and the Notes to this Annex.

Note to this section

Notwithstanding any other provision of this Chapter, a procuring entity of Colombia, in a procurement of construction services for the construction, maintenance, or rehabilitation of roads and highways, may apply a condition relating to the hiring of local personnel in rural areas in order to promote employment and improve living conditions in such areas.

SECTION G: GENERAL NOTES

1. Unless specified otherwise, the following General Notes apply without exception to this Chapter, including all attachments to this Part.

This Chapter does not apply to:

- (a) Procurements of goods and services by the defense sector and Dirección Nacional de Inteligencia (National Bureau of Intelligence), where secrecy is required.
- (b) Set-asides of procurements below SDR 130,000 on behalf of SMEs. The set-asides include any form of preference, such as the exclusive right to provide a good or a service and measures conducive to facilitate the transfer of technology and sub-contracting.
- (c) Procurements under programs of reintegration to civil life as a result of peace processes, to aid to persons displaced due to violence, to support those living in conflict zones, and general programs resulting from the resolution of the armed conflict.
- (d) Procurements by the missions of the foreign service of the Republic of Colombia exclusively for their operation and management.

2. Colombian authorities for purposes of Article 9.17: In the case of Colombia, the Tribunal Contencioso Administrativo and Consejo de Estado are impartial authorities for the purposes of Article 9.17.4. As these impartial authorities do not have authority to provide the interim measures referred to in Article 9.17.7(a), the remedies available to

the Procuraduría General de la Nación shall be deemed to satisfy the requirements of that paragraph. The Procuraduría General de la Nación is an independent agency that has the authority to suspend tendering procedures and the awarding of a contract in the course of any disciplinary proceedings brought against the government agents responsible for a procurement.

3. Note to Article 9.8.7: In the case of the “concurso de méritos”, the multi use lists with a maximum duration of one year, have a specific time limit for its establishment determined by the procuring entity. Once this time limit is over, the inclusion of new suppliers will not be possible. Only suppliers included in the list may present tenders.

SECTION H: NON-COVERED ENTITIES

Pursuant to its Law 1150 of 2007, Colombia shall ensure that each of the following listed Colombian entities conducts its procurements in a transparent manner, in accordance with commercial considerations, and treats Israeli suppliers at least as favorably as it treats domestic and other foreign suppliers with respect to all aspects of its procurement including the conditions, requirements, procedures and awarding rules for a procurement.

List:

1. Comisión de Regulación de Energía y Gas (CREG) (Regulatory Commission of Energy and Gas)
2. Unidad de Planeación Minero Energética (UPME) (Planning Division for Mining and Energy)
3. Caja de Previsión Social de Comunicaciones (CAPRECOM) (Pension Fund for Communications)
4. Servicios Postales Nacionales S.A. (National Postal services)
5. COLJUEGOS
6. Imprenta Nacional de Colombia (National Printing Office)
7. Industria Militar (INDUMIL) (Military Industry)
8. Administradora Colombiana de Pensiones (COLPENSIONES)
9. Radio Televisión Nacional de Colombia (RTVC) (National Broadcasting of Colombia)
10. Servicio Aéreo a Territorios Nacionales (SATENA) (Air Services for National Territories)
11. Empresa Colombiana de Petróleos, S.A. (ECOPETROL) (Colombian Oil Company)
12. Interconexión Eléctrica S.A. (ISA) (Electric Interconnection)
13. ISAGEN