

Annex 9.1.2(b)(ii)

Section A: Entities

For Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua:

- (a) this Chapter applies to covered procurement by central, sub-central, and other government entities, subject to Section I (Transition Mechanisms) of Annex 9.1.2(b)(i), and the General Notes to this Annex; and
- (b) notwithstanding subparagraph (a), and subject to Articles 9.2 and 9.3, each Party's law shall apply 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; and
 - (ii) not listed in Annex 9.1.2(b)(i).

Section B: Goods

For Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua, this Chapter applies to all goods procured by the entities listed in Section A, subject to the General Notes, and except as otherwise provided in Section A.

Section C: Services

For Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua, this Chapter applies to all services procured by the entities listed in Section A, subject to the existing measures listed in each Party's Schedule to Annex I and the General Notes, and except as otherwise provided in Section A.

Section D: Construction Services

For Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua, this Chapter applies to all construction services procured by the entities listed in Section A, subject to the existing measures listed in each Party's Schedule to Annex I and the General Notes, and except as otherwise provided in Section A.

Section E: General Notes

Schedule of Costa Rica

1. This Chapter does not apply to procurement by one Costa Rican entity of a good or service obtained or acquired from another Costa Rican entity.
2. This Chapter does not apply to government procurement programs on behalf of small, medium, and micro enterprises.
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. Notwithstanding Article 9.15.6(a), ICE shall provide no less than three business days for suppliers to prepare and submit written challenges.

Schedule of El Salvador

This Chapter does not apply to procurement by one Salvadoran entity of a good or service obtained or acquired from another Salvadoran entity.

Schedule of Guatemala

1. This Chapter does not apply to procurement by one Guatemalan entity of a good or service obtained or acquired from another Guatemalan entity.
2. This Chapter does not apply to the exceptions established in Article 44 of the *Ley de Contrataciones del Estado, Decreto 57-92 del Congreso de la República*.
3. Guatemala shall be permitted to implement a procurement measure that is intended to promote the development of its minority-owned or small, medium, and micro enterprises to the same extent that any such program is permitted under Guatemala’s Schedule to Section G of Annex 9.1.2(b)(i).

Schedule of Honduras

This Chapter does not apply to procurement by one Honduran entity of a good or service obtained or acquired from another Honduran entity.

Schedule of Nicaragua

1. This Chapter does not apply to procurement by one Nicaraguan entity of a good or service obtained or acquired from another Nicaraguan entity.

2. This Chapter does not apply to the acquisition of weapons, ammunitions, warfare materials, or any other procurement required for national security, public security, or national defense purposes.