

Annex 1401

Annex 1401-1

Central Level Entities

Schedule of Canada

<i>Thresholds</i>	\$ Cdn 76,500	- Goods covered in Annex 1401-3
	\$ Cdn 76,500	- Services covered in Annex 1401-4
	5,000,000 SDRs	- Construction Services covered in Annex 1401-5

1. Atlantic Canada Opportunities Agency
2. Canada Border Services Agency
3. Canada Employment Insurance Commission
4. Canada Industrial Relations Board
5. Canada Revenue Agency
6. Canada School of Public Service
7. Canadian Centre for Occupational Health and Safety Board
8. Canadian Food Inspection Agency
9. Canadian Human Rights Commission
10. Canadian Institutes of Health Research
11. Canadian Intergovernmental Conference Secretariat
12. Canadian International Development Agency (on its own account)
13. Canadian International Trade Tribunal
14. Canadian Nuclear Safety Commission
15. Canadian Radio-television and Telecommunications Commission
16. Canadian Transportation Accident Investigation and Safety Board
17. Canadian Transportation Agency
18. Copyright Board
19. Correctional Service of Canada
20. Courts Administration Service
21. Department of Agriculture and Agri-Food
22. Department of Canadian Heritage
23. Department of Citizenship and Immigration
24. Department of Finance

25. Department of Fisheries and Oceans
26. Department of Foreign Affairs and International Trade
27. Department of Health
28. Department of Human Resources and Skills Development
29. Department of Indian Affairs and Northern Development
30. Department of Industry
31. Department of Justice
32. Department of National Defence
33. Department of Natural Resources
34. Department of Public Safety and Emergency Preparedness
35. Department of Public Works and Government Services (on its own account)
36. Department of the Environment
37. Department of Transport
38. Department of Veterans Affairs
39. Department of Western Economic Diversification
40. Director of Soldier Settlement
41. Director, The Veterans' Land Act
42. Economic Development Agency of Canada for the Regions of Quebec
43. Hazardous Materials Information Review Commission
44. Immigration and Refugee Board
45. Library and Archives Canada
46. Municipal Development and Loan Board
47. National Battlefields Commission
48. National Energy Board
49. National Farm Products Council
50. National Parole Board
51. National Research Council of Canada
52. Natural Sciences and Engineering Research Council of Canada
53. Northern Pipeline Agency
54. Office of the Auditor General
55. Office of the Chief Electoral Officer
56. Office of the Commissioner for Federal Judicial Affairs
57. Office of the Commissioner of Official Languages
58. Office of the Coordinator, Status of Women
59. Office of the Governor General's Secretary
60. Office of the Superintendent of Financial Institutions
61. Offices of the Information and Privacy Commissioners of Canada
62. Parks Canada Agency
63. Patented Medicine Prices Review Board

64. Privy Council Office
65. Public Health Agency of Canada
66. Public Service Commission
67. Public Service Human Resources Management Agency of Canada
68. Public Service Labour Relations Board
69. Registry of the Competition Tribunal
70. Royal Canadian Mounted Police
71. Royal Canadian Mounted Police External Review Committee
72. Royal Canadian Mounted Police Public Complaints Commission
73. Social Sciences and Humanities Research Council
74. Statistics Canada
75. Statute Revision Commission
76. Supreme Court of Canada
77. Transportation Appeal Tribunal of Canada
78. Treasury Board Secretariat

Note to Annex 1401-1

The General Notes in Annex 1401-6 apply to this Annex.

Schedule of Colombia

<i>Thresholds</i>	US\$67,826	- Goods covered in Annex 1401-3
	US\$67,826	- Services covered in Annex 1401-4
	5,000,000 SDRs	- Construction Services covered in Annex 1401-5

Executive Branch

1. Departamento Administrativo de la Presidencia de la República
2. Ministerio del Interior y de Justicia
3. Ministerio de Relaciones Exteriores
4. Ministerio de Hacienda y Crédito Público
5. Ministerio de Defensa Nacional (Note 2)
6. Ministerio de Agricultura y Desarrollo Rural (Note 3)
7. Ministerio de Protección Social (Note 4)
8. Ministerio de Minas y Energía (Note 5)
9. Ministerio de Comercio, Industria y Turismo
10. Ministerio de Educación Nacional
11. Ministerio de Ambiente, Vivienda y Desarrollo Territorial
12. Ministerio de Comunicaciones
13. Ministerio del Transporte (Note 6)
14. Ministerio de Cultura
15. Departamento Nacional de Planeación
16. Departamento Administrativo de Seguridad
17. Departamento Administrativo de la Función Pública
18. Departamento Administrativo Nacional de Estadísticas
19. Departamento Administrativo Nacional de Economía Solidaria

Legislative Branch

20. Senado de la República
21. Cámara de Representantes

Judicial Branch

22. Consejo Superior de la Judicatura
23. Fiscalía General de la Nación

Control Agencies

24. Contraloría General de la República
25. Auditoría General de la República
26. Procuraduría General de la Nación
27. Defensoría del Pueblo

Electoral Organization

28. Registraduría Nacional del Estado Civil (Note 7)

Notes to Schedule of Colombia

1. Unless otherwise specified herein, this Chapter applies to the “*superintendencias*”, “*unidades administrativas especiales*”, and “*establecimientos públicos*” of the entities listed in Colombia’s Schedule in this Section.
2. *Ministerio de Defensa Nacional*: 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 1.0 (CPC version 1.0) for the *Comando General de las Fuerzas Armadas, Ejército Nacional, Armada Nacional, Fuerza Aérea Colombiana*, and the *Policía Nacional*.
3. *Ministerio de Agricultura y Desarrollo Rural*: 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 Protección Social*: This Chapter does not cover the procurement by the *Instituto Colombiano de Bienestar Familiar (ICBF)* of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC version 1.0 for social assistance programs.
5. *Ministerio de Minas y Energía*: This Chapter does not cover the procurement of nuclear materials and technology by the *Instituto Colombiano de Geología y Minería (INGEOMINAS)*.

6. *Ministerio del Transporte*: This Chapter does not cover procurement by the *Unidad Administrativa Especial de Aeronáutica Civil (AEROCIVIL)*.

7. *Registraduría Nacional del Estado Civil*: This Chapter does not cover procurement for the preparation and conduct of elections.

Annex 1401-2

Other Covered Entities

Schedule of Canada

<i>Thresholds</i>	\$ Cdn 382,800	- Goods covered in Annex 1401-3
	\$ Cdn 382,800	- Services covered in Annex 1401-4
	\$ Cdn 12,200,000	- Construction Services covered in Annex 1401-5

1. Canada Post Corporation
2. Canadian Museum of Civilization
3. Canadian Museum of Nature
4. Canadian Tourism Commission
5. Defence Construction (1951) Ltd.
6. National Capital Commission
7. National Gallery of Canada
8. National Museum of Science and Technology
9. Royal Canadian Mint
10. Via Rail Canada Inc

Notes to Annex 1401-2

1. For greater certainty, Article 1411 (Disclosure of Information) applies to procurements by Via Rail Canada Inc. and the Royal Canadian Mint, respecting the protection of the commercial confidentiality of information provided.
2. This Chapter does not cover procurement by or on behalf of the Royal Canadian Mint of direct inputs for use in minting anything other than Canadian legal tender.
3. The General Notes in Annex 1401-6 apply to this Annex.

Schedule of Colombia

<i>Thresholds</i>	US\$ 339,132	- Goods covered in Annex 1401-3
	US\$ 339,132	- Services covered in Annex 1401-4
	US\$ 10,852,752	- Construction Services covered in Annex 1401-5

1. Agencia Logística de las Fuerzas Militares (Note 1)
2. Fondo Rotatorio de la Policía Nacional (Note 1)
3. Fondo Rotatorio del Departamento Administrativo de Seguridad (Note 1)
4. Instituto de Casas Fiscales del Ejército
5. Dirección de Impuestos y Aduanas Nacionales (DIAN)
6. Instituto Colombiano del Deporte (COLDEPORTES)
7. Instituto Colombiano Para el Desarrollo de la Ciencia y la Tecnología Francisco José de Caldas (COLCIENCIAS)
8. Instituto Colombiano para el Fomento de la Educación Superior (ICFES)
9. Instituto Nacional Penitenciario y Carcelario (INPEC)
10. Servicio Nacional de Aprendizaje (SENA)

Notes to Schedule of Colombia

Agencia Logística de las Fuerzas Militares, Fondo Rotatorio de la Policía Nacional, and Fondo Rotatorio del Departamento Administrativo de Seguridad: this Chapter does not cover procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the Central Product Classification (CPC version 1.0) by the entities listed for the Comando General de las Fuerzas Armadas, Ejército Nacional, Armada Nacional, Fuerza Aérea Colombiana, and the Policía Nacional.

Annex 1401-3

Goods

Schedule of Canada

Section A - General Provisions

1. All goods are covered subject to paragraph 2.
2. For procurement by the Department of National Defence, the Royal Canadian Mounted Police, and the Canadian Coast Guard, this Chapter covers only the goods listed in Section B subject to paragraph 1 of Article 1402:

Section B - List of Certain Goods

(Numbers refer to the Federal Supply Classification document dated May 2005 which can be found at: <http://www.dlis.dla.mil/forms/forms.asp>)

22. Railway equipment
23. Motor vehicles, trailers and cycles (except buses in 2310 and military trucks and trailers in 2320 and 2330 and tracked combat, assault and tactical vehicles in 2350 and wheeled combat, assault and tactical vehicles in 2355 formerly classified in 2320)
24. Tractors
25. Vehicular equipment components
26. Tires and tubes
29. Engine accessories
30. Mechanical power transmission equipment
32. Woodworking machinery and equipment
34. Metal working 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 and air conditioning equipment
42. Fire fighting, rescue and safety equipment (except 4220: Marine lifesaving and diving equipment; and 4230: Decontaminating and impregnating equipment)
43. Pumps and compressors
44. Furnace, steam plant, drying equipment and nuclear reactors
45. Plumbing, heating and sanitation equipment
46. Water purification and sewage treatment equipment
47. Pipe, tubing, hose and fittings
48. Valves
49. Maintenance and repair shop equipment
52. Measuring tools
53. Hardware and abrasives
54. Prefabricated structures and scaffolding

55. Lumber, millwork, plywood and veneer
56. Construction and building materials
61. Electric wire and power and distribution equipment
62. Lighting fixtures and lamps
63. Alarm and signal systems
65. Medical, dental and veterinary equipment and supplies
66. Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components; and 6665: Hazard detecting instruments and apparatus)
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 (except 7010: Automatic Data Processing Equipment (ADPE) configurations)
71. Furniture
72. Household and commercial furnishings and appliances
73. Food preparation and serving equipment
74. Office machines, text processing system and visible record equipment
75. Office supplies and devices
76. Books, maps and other publications (except 7650: drawings and specifications)
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
85. Toiletries
87. Agricultural supplies
88. Live animals
91. Fuels, lubricants, oils and waxes

- 93. Non-metallic fabricated materials
- 94. Non-metallic crude materials
- 96. Ores, minerals and their primary products
- 99. Miscellaneous

Note to Annex 1401-3

The General Notes in Annex 1401-6 apply to this Annex.

Schedule of Colombia

This Chapter does not apply to procurement of goods required to conduct research and development services.

Annex 1401-4

Services

Schedule of Canada

Section A - General Provisions

1. This Chapter covers procurement of all services that are procured by the entities in Annex 1401-1 and Annex 1401-2, subject to paragraph 3 and Section B of this Annex;
2. Services are identified in accordance with the Common Classification System, which may be found at: *<http://www.sice.oas.org/trade/nafta/chap-105.asp>*.
3. Annex 1401-5 applies to contracts for construction services.

Section B - Excluded Coverage

Services Exclusions by Major Service Category

Part I

This Chapter does not cover procurement of the following services by entities listed in Annex 1401-1 and Annex 1401-2:

A. Research and Development

All classes

B. Special Studies and Analysis - not R&D

B002 Animal and Fisheries Studies

B003 Grazing and Range Studies

B400 Aeronautic/Space Studies

B503 Medical and Health Studies

B507 Legal Studies (Except Advisory Services on Foreign Law)

C. Architecture and Engineering Services

C112 Airfield, Communication and Missile Facilities

C216 Marine Architect and Engineering Services

D. Information Processing and Related Telecommunications Services

D304 ADP Telecommunications and Transmission Services, except those classified as “enhanced or value-added services.” Enhanced or value added services means those telecommunications services employing computer processing applications that:

- (a) act on the format, content, code, protocol or similar aspects of a customer’s transmitted information;

- (b) provide a customer with additional, different or restructured information,
or
- (c) involve customer interaction with stored information.

For purposes of this provision, the procurement of “ADP Telecommunications and Transmission services” does not include the ownership or furnishing of facilities for the transmission of voice or data services. This provision only extends to providers of enhanced or value-added services whose underlying telecommunications transmission facilities are leased from providers of public telecommunications transport networks.

D305 ADP Teleprocessing and Timesharing Services

D309 Information and Data Broadcasting or Data Distribution Services (except enhanced/value added facsimile services, including store and forward, store and retrieve; Code and protocol conversion)

D316 Telecommunications Network Management Services (except enhanced/value added Electronic Data Interchange (EDI) Services)

D317 Automated News Services, Data Services, or Other Information Services. Buying data (the electronic equivalent of books, periodicals, newspapers, etc.) (except enhanced/value added electronic mail services; telecommunications - voice messaging; information retrieval services, database and automated news services)

D399 Other ADP and Telecommunications Services – (except enhanced/value added CD-ROM services and micrographic services)

F. Natural Resources and Conservation Services

- F004 Land Treatment Practices Services (plowing/clearing, etc)
- F005 Range Seeding Services (ground equipment)
- F006 Crop Services inc. Seed Collection/Production Services
- F011 Pesticides/Insecticides Support Services (except forestry and logging)
- F021 Veterinary/Animal Care Services (inc. livestock services)
- F029 Other Animal Care/Control Services
- F030 Fisheries Resources Management Services
- F031 Fish Hatchery Services
- F050 Recreation Site Maintenance Services (non-construction)
- F059 Other Natural Resource and Conservation Services

G. Health and Social Services

All classes

H. Quality Control, Testing and Inspection and Technical Representative Services

Services for the departments and functions listed in Annex 1401-6 – General Notes, Note 1 (e) to this schedule respecting FSC 36 – (Special Industry Machinery), FSC 70 – (Automatic Data Processing Equipment, software supplies and support equipment) and FSC 74 – (Office machines, text processing systems and visible record equipment)

FSC 58 (Communications, Detection, and Coherent Radiation Equipment)

Services with reference to transportation equipment

J. Maintenance, Repair, Modification, Rebuilding and Installation of Equipment

Services for the departments and functions listed in Annex 1401-6 – General Notes, Note 1 (e) to this schedule respecting FSC 36 – (Special Industry Machinery), FSC 70 – (Automatic Data Processing Equipment, software supplies and support equipment) and FSC 74 – (Office machines, text processing systems and visible record equipment)

FSC 58 (Communications, Detection, and Coherent Radiation Equipment)

Services with reference to transportation equipment

J019 Maintenance, Repair, Modification, Rebuilding and Installation of Equipment related to Ships

J998 Non-nuclear Ship Repair

K. Custodial Operations and Related Services

K0 Personal Care Services

K105 Guard Services

K109 Surveillance Services

K115 Preparation and Disposal of Excess and Surplus Property

L. Financial and Related Services

All classes

M. Operation of Government Owned Facilities

All facilities operated by:

The Department of National Defence
The Department of Transport
The Department of Natural Resources
and for all Departments: M180 and M140

R. Professional, Administrative and Management Support Services

- R003 Legal Services (Except Advisory Services on Foreign Law)
- R004 Certifications and accreditations for products and institutions other than Educational Institutions
- R007 Systems Engineering Services*
- R012 Patent and Trade Mark Services
- R101 Expert Witness
- R102 Weather Reporting/Observation Services
- R104 Transcription Services
- R106 Post Office Services
- R109 Translation and Interpreting Services (inc. sign language)
- R114 Logistics Support Services[†]
- R116 Court Reporting Services
- R117 Paper Shredding Services
- R201 Civilian Personnel Recruitment (inc. Services of Employment Agencies)

S. Utilities

All classes

T. Communications, Photographic, Mapping, Printing and Publications Services

All classes

U. Education and Training Services

- U010 Certifications and accreditations for Educational Institutions

V. Transportation, Travel and Relocation Services

All classes (except V503 Travel Agent Services (not including Tour Guides))

* with reference to transportation systems

[†] with respect to transportation and defence

W. Lease or Rental of Equipment

Services for the departments and functions listed in Annex 1401-6 – General Notes, Note 1 (e) to this schedule respecting FSC 36 – (Special Industry Machinery), FSC 70 – (Automatic Data Processing Equipment, software supplies and support equipment) and FSC 74 – (Office machines, text processing systems and visible record equipment)

FSC 58 (Communications, Detection, and Coherent Radiation Equipment)

Services with reference to transportation equipment

Part II

This Chapter does not cover procurement of the following services by entities listed in Annex 1401-2 :

D. Information Processing and Related Telecommunications Services

D309 Information and Data Broadcasting or Data Distribution Services

D316 Telecommunications Network Management Services

D317 Automated News Service, Data Services, or Other Information Services. Buying data, the electronic equivalent of books, periodicals, newspapers, etc.

D399 Other ADP and Telecommunications Services

F. Natural Resources and Conservation Services

F007 Seedling Production/Transplanting Services

F010 Other Range/Forest Improvements Services

R. Professional, Administrative and Management Support Services

R113 Data Collection Services

Notes to Annex 1401-4:

1. All services, with reference to those goods purchased by the Department of National Defence, the Royal Canadian Mounted Police and the Canadian Coast Guard which are not identified as subject to coverage by this chapter (Annex 1401-3), will be exempt from the disciplines of the Chapter.

2. All services purchased in support of military forces located overseas will be exempt from coverage by this chapter.

3. The General Notes in Annex 1401-6 apply to this Annex.

Schedule of Colombia

This Chapter does not cover the procurement of the following services, as described in the CPC:

1. Research and Development Services

Division 81 Research and development services

Group 835 Scientific and other technical services

Data processing (8596) and trade fair and exhibition organization (8597) required for carrying out scientific and technological activities

2. Engineering and Architectural Services

Class 8321 Architectural services.

Class 8334 Engineering design services

Class 8335 Engineering services during the construction and installation phase

3. Utilities

Division 69 Electricity distribution services; gas and water distribution services through mains

Division 94 Sewer and refuse disposal, sanitation, and other environmental protection services

Basic telecommunication services (not including value-added telecommunication services)

4. Social Services

Division 91 Public administration and other services for the general public; compulsory social security services

Division 92 Education services

Group 931 Human health services

5. Printing Services

6. Production of television programs

Subclass 96121 Motion picture, video and television program production services

Annex 1401-5

Construction Services

Schedule of Canada

Section A - General Provisions

1. This Chapter covers all construction services set out in the Common Classification System, except those listed in Section B that are procured by the entities listed in Annex 1401-1 and Annex 1401-2.
2. The Common Classification System can be found at:
<http://www.sice.oas.org/trade/nafta/chap-106.asp#An1001.1b-3>

Section B - Excluded Coverage

Services Exclusions by Major Service Category

The following services contracts are excluded:

1. Dredging
2. Construction contracts tendered by or on behalf of the Department of Transport
3. For CPC 5115 mining of oil and gas which is classified under CCS F042

Note to Annex 1401-5

The General Notes in Annex 1401-6 apply to this Annex.

Schedule of Colombia

This Chapter applies to all public works and construction services procured by the covered entities.

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.

Annex 1401-6

General Notes

Schedule of Canada

1. This Chapter does not cover procurements in respect of:
 - (a) shipbuilding and repair;
 - (b) urban rail and urban transportation equipment, systems, components and materials incorporated therein as well as all project related materials of iron or steel;
 - (c) contracts respecting FSC 58 (communications, detection and coherent radiation equipment);
 - (d) set-asides for small and minority businesses;
 - (e)
 - (i) the Department of Transport;
 - (ii) the Department of Fisheries and Oceans;
 - (iii) the Canadian Food Inspection Agency in respect of the administration and enforcement of the *Fish Inspection Act*;
 - (iv) the Department of Canadian Heritage in respect of those functions that were formerly the responsibility of the Department of Communications;

(v) the Department of Industry in respect of telecommunications, except in relation to (a) the planning and coordination of telecommunication services for departments, boards and agencies of the Government of Canada, and (b) broadcasting, other than in relation to spectrum management and the technical aspects of broadcasting; and

(vi) the Department of Public Works and Government Services in respect of the Government Telecommunications Agency;

respecting Federal Supply Classification (FSC) 70 (automatic data processing equipment, software supplies and support equipment), FSC 74 (office machines, text processing systems and visible record equipment) and FSC 36 (special industry machinery); and

(f) agricultural products made in furtherance of agricultural support programs or human feeding programs.

2. This Chapter does not cover procurement of transportation services that form a part of, or are incidental to, a procurement contract.

3. Pursuant to Article 1402 (Security and General Exceptions), national security exceptions include oil purchases related to any strategic reserve requirements.

4. National security exceptions include procurements made in support of safeguarding nuclear materials or technology.

5. The procurement process is the process that begins after an entity has decided on its requirement and continues through to and including contract award.

Schedule of Colombia

This Chapter does not apply to:

- (a) Renting or acquisition of real estate;
- (b) Set-asides of procurements below US\$125,000 on behalf of Micro, Small and Medium-sized Companies (MIPYMES). 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; and
- (d) Procurements by the missions of the foreign service of Colombia exclusively for their operation and management.

Annex 1401-7

Threshold Adjustment Formulas

1. The thresholds shall be adjusted at two-year intervals with each adjustment taking effect on January 1, beginning on January 1, 2010.
2. The thresholds for:
 - (a) goods and services procured by entities listed in Annex 1401-1 (Central Level Entities); and
 - (b) goods, services and construction services procured by entities listed in Annex 1401-2 (Other Covered Entities)

shall be adjusted in accordance with Annex 1001.1c of the *North American Free Trade Agreement between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America*, done at Mexico, Ottawa and Washington on 17 December 1992 (“North American Free Trade Agreement”). Canada shall notify Colombia in writing of the adjusted threshold values, in U.S. dollars, in December of the year before the adjusted thresholds take effect.

3. The threshold for construction services in Annex 1401-1 Central Level Entities for Canada and for Colombia shall be converted into the domestic currencies of the Parties based on an average daily conversion rates of the Canadian dollar for Canada and Pesos for Colombia in terms of SDRs, published by the IMF in its monthly “International Financial Statistics,” for the two year period preceding October 1 or November 1 of the year before the adjusted threshold is to take effect.
4. Each Party shall notify the other in writing of its adjusted thresholds in their domestic currencies by January 15 of the year in which the adjusted threshold takes effect.

5. Where a major change in a national currency of either Party during a year creates a significant problem with regard to the application of this Chapter, the Parties shall consult as to whether an interim adjustment is appropriate.

6. In the event that:

(a) Canada withdraws from the *North American Free Trade Agreement* pursuant to Article 2205 of that agreement;

(b) The *North American Free Trade Agreement* is terminated; or

(c) A threshold adjustment formula referenced in paragraphs 1, 2 and 3 is altered,

the Committee on Procurement shall agree on a suitable alternate threshold adjustment formula.

Annex 1401-8

Colombian Authorities for the Purpose of Article 1412

In the case of Colombia, the *Tribunal Contencioso Administrativo* and *Consejo de Estado* are impartial authorities for the purposes of paragraph 2 of Article 1412. As these impartial authorities do not have authority to provide the interim measures referred to in Paragraph 5 of Article 1412, 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.

Annex 1401-9

Extended Transparency Commitments

The provisions of Article 1402, Article 1404; Article 1405; paragraphs 1, 10,11 and subparagraph 4(b) of Article 1406; paragraphs 6 and 8 of Article 1407; paragraph 1 of Article 1408; paragraphs 4 and 5 of Article 1410; and Article 1411 apply where:

- (a) the procuring entity uses an open tendering process; and

- (b) the procurement is for goods, services and construction services in excess of CDN \$150,000 for Canada and COP \$300,000,000 for Colombia for entities listed in Annex 1401-1 and is otherwise excluded by Annexes 1401-3 (Goods), 1401-4 (Services), and 1401-5 (Construction Services).

Annex 1401-10

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 Canadian 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.

Schedule of Colombia

1. Comisión de Regulación de Energía y Gas (CREG)
2. Unidad de Planeación Minero Energética (UPME)
3. Caja de Previsión Social de Comunicaciones (CAPRECOM)
4. Caja Nacional de Previsión Social (CAJANAL)
5. Empresa Territorial para la Salud (ETESA)
6. Imprenta Nacional de Colombia
7. Industria Militar (INDUMIL)
8. Instituto de Seguros Sociales (ISS)
9. Radio Televisión Nacional de Colombia (RTVC)
10. Servicio Aéreo a Territorios Nacionales (SATENA)
11. Empresa Colombiana de Petroleos, S.A. (ECOPETROL)
12. Interconexion Electrica S.A. (ISA)
13. ISAGEN