



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Referencia: WLI/100

1° de noviembre de 2004

**ACUERDO SOBRE CONTRATACIÓN PÚBLICA
HECHO EN MARRAKECH EL 15 DE ABRIL DE 1994**

CERTIFICACIÓN DE MODIFICACIONES DEL ACUERDO

ENVÍO DE COPIAS AUTENTICADAS DE LAS PÁGINAS SUSTITUTIVAS
DEL SISTEMA DE HOJAS AMOVIBLES PARA LOS APÉNDICES
QUE CONTIENEN LAS MODIFICACIONES
CERTIFICADAS DEL ACUERDO

Tengo el honor de remitirle adjuntas copias autenticadas de las páginas sustitutivas 1/5 a 3/5 del Anexo 1 y 1/2 del Anexo 3 del Apéndice I que contienen las modificaciones certificadas.

Las modificaciones corresponden a los **Estados Unidos** y surten efecto a partir del **1° de octubre de 2004**.

Supachai Panitchpakdi
Director General

**ACUERDO SOBRE CONTRATACIÓN PÚBLICA
HECHO EN MARRAKECH EL 15 DE ABRIL DE 1994**

CERTIFICACIÓN DE MODIFICACIONES DEL ACUERDO

Certifico por la presente que las modificaciones de los Anexos 1 y 3 del Apéndice I del Acuerdo sobre Contratación Pública (1994) referentes a los **Estados Unidos**, que se notificaron al Comité de Contratación Pública (documento GPA/W/153) en virtud del procedimiento previsto en el párrafo 6 del artículo XXIV, surten efecto desde el **1º de octubre de 2004** (excepto la modificación propuesta para la "Uranium Enrichment Corporation", que figura en el Anexo 1 del Apéndice I, respecto de la cual se sigue manteniendo una objeción).

De conformidad con la Decisión adoptada por el Comité de Contratación Pública el 4 de junio de 1996 sobre el establecimiento de un sistema de hojas amovibles con efectos jurídicos para actualizar periódicamente los Apéndices del Acuerdo sobre Contratación Pública (GPA/M/2) y los procedimientos para las modificaciones del sistema de hojas amovibles (GPA/M/5), las modificaciones figuran en las páginas sustitutivas del sistema de hojas amovibles que se adjuntan a la presente. En consecuencia, las páginas adjuntas sustituyen a las páginas 1/5 a 3/5 del Anexo 1 y 1/2 del Anexo 3 del Apéndice I de los **Estados Unidos** en el sistema de hojas amovibles de los Apéndices, con sujeción a las Decisiones antes mencionadas.

La presente notificación se efectúa de conformidad con el párrafo 14 del artículo XXIV del Acuerdo.

La presente Certificación queda depositada en poder del Director General de la Organización Mundial del Comercio, quien remitirá sin dilación una copia autenticada a cada parte en el Acuerdo sobre Contratación Pública. La certificación será registrada de conformidad con las disposiciones del Artículo 102 de la Carta de las Naciones Unidas.

Hecha en Ginebra el veinte de octubre de dos mil cuatro.

Supachai Panitchpakdi

Copia autenticada:

Director General

UNITED STATES

(Authentic in the English language only)

ANNEX 1

*Central Government Entities which Procure in Accordance
With the Provisions of this Agreement*

Threshold: 130,000 SDRs for supplies and services
5 million SDRs for construction

List of Entities:

1. Department of Agriculture (not including procurement of agricultural products made in furtherance of agricultural support programmes or human feeding programmes)
2. Department of Commerce (not including shipbuilding activities of NOAA, as excluded in Annex 4)
3. Department of Education
4. Department of Health and Human Services
5. Department of Housing and Urban Development
6. Department of the Interior (including the Bureau of Reclamation)
7. Department of Justice
8. Department of Labor
9. Department of State
10. United States Agency for International Development (not including procurement for the direct purpose of providing foreign assistance)
11. Department of the Treasury
12. Department of Transportation (not including procurement by the Federal Aviation Administration, and pursuant to Article XXIII, the national security considerations applicable to the Department of Defense are equally applicable to the Coast Guard, a military unit of the United States)
13. Department of Energy (pursuant to Article XXIII, national security exceptions include procurements made in support of safeguarding nuclear materials or technology and entered into under the authority of the Atomic Energy Act, and oil purchases related to the Strategic Petroleum Reserve)
14. General Services Administration (except Federal Supply Groups 51 and 52 and Federal Supply Class 7340)
15. National Aeronautics and Space Administration
16. The Department of Veterans Affairs
17. Environmental Protection Agency
18. National Science Foundation
19. Executive Office of the President
20. Farm Credit Administration
21. National Credit Union Administration

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22. Merit Systems Protection Board
23. The Corporation for National and Community Service
24. Office of Thrift Supervision
25. Federal Housing Finance Board
26. National Labor Relations Board
27. National Mediation Board
28. Railroad Retirement Board
29. American Battle Monuments Commission
30. Federal Communications Commission
31. Federal Trade Commission
32. Securities and Exchange Commission
33. Office of Personnel Management
34. United States International Trade Commission
35. Export-Import Bank of the United States
36. Federal Mediation and Conciliation Service
37. Selective Service System
38. Smithsonian Institution
39. Federal Deposit Insurance Corporation
40. Consumer Product Safety Commission
41. Equal Employment Opportunity Commission
42. Federal Maritime Commission
43. National Transportation Safety Board
44. Nuclear Regulatory Commission
45. Overseas Private Investment Corporation
46. Broadcasting Board of Governors
47. Commission on Civil Rights
48. Commodity Futures Trading Commission
49. Peace Corps
50. National Archives and Records Administration
51. Advisory Commission on Intergovernmental Relations
52. African Development Foundation
53. Alaska Natural Gas Transportation System
54. Appalachian Regional Commission
55. Commission of Fine Arts
56. Delaware River Basin Commission
57. Federal Election Commission
58. Federal Emergency Management Agency
59. Federal Home Loan Mortgage Corporation
60. Federal Maritime Commission
61. Federal Mine Safety and Health Review Commission
62. Federal Reserve System
63. Federal Retirement Thrift Investment Board
64. Holocaust Memorial Council
65. Inter-American Foundation
66. National Capital Planning Commission
67. National Commission on Libraries and Information Science
68. National Council on Disability
69. National Foundation on the Arts and the Humanities

70. Occupational Safety and Health Review Commission
71. Office of Government Ethics
72. Office of the Nuclear Waste Negotiator
73. Office of Special Counsel
74. Small Business Administration
75. Susquehanna River Basin Commission
76. Pennsylvania Avenue Development Corporation
77. Federal Crop Insurance Corporation
78. Federal Prison Industries, Inc.
79. Government National Mortgage Association
80. Uranium Enrichment Corporation
81. Department of Defense, including the Corps of Army Engineers

This Agreement will not apply to the following purchases of the Department of Defense:

- (a) Federal Supply Classification (FSC) 83 - all elements of this classification other than pins, needles, sewing kits, flagstuffs, flagpoles, and flagstaff trucks;
- (b) FSC 84 - all elements other than sub-class 8460 (luggage);
- (c) FSC 89 - all elements other than sub-class 8975 (tobacco products);
- (d) FSC 2310 - (buses only);
- (e) Speciality metals, defined as steels melted in steelmanufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by DOD: (1) manganese, 1.65 per cent; silicon, 0.60 per cent; or copper, 0.06 per cent; or which contains more than 0.25 per cent of any of the following elements: aluminium, chromium, cobalt, columbium, olybdenum, nickel, titanium, tungsten, or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 per cent; (3) titanium and titanium alloys; or (4) zirconium base alloys;
- (f) FSC 19 and 20 - that part of these classifications defined as naval vessels or major components of the hull or superstructure thereof;
- (g) FSC 51 and 52;
- (h) Following FSC categories are not generally covered due to application of Article XXIII, paragraph 1: 10, 12, 13, 14, 15, 16, 17, 19, 20, 28, 31, 58, 59, 95.

This Agreement will generally apply to purchases of the following FSC categories subject to United States Government determinations under the provisions of Article XXIII, paragraph 1.

ANNEX 3

*All Other Entities which Procure in Accordance
With the Provisions of this Agreement*

Threshold: 400,000 SDRs for supplies and services (except as specified below)
5 million SDRs for construction

List of Entities:

The following entities at the SDR equivalent of \$250,000 for supplies and services:

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- St. Lawrence Seaway Development Corporation

The following entities are 400,000 SDRs for supplies and services:

The Port Authority of New York and New Jersey with the following exceptions:

- Maintenance, repair and operating materials and supplies (e.g., hardware, tools, lamps/lighting, plumbing);
- In exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors;
- Procurements pursuant to multi-jurisdictional agreement (i.e., for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of New York in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Utilities Service Financing:

- (1) waiver of Buy American restriction on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);
- (2) application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.