

Annex 2

**ANNEX 8-A  
COVERAGE**

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COVERAGE**

**Section A:**

**CENTRAL GOVERNMENT ENTITIES**

**G. SCHEDULE OF GUATEMALA**

Chapter 8 shall apply to the entities of central level of government which procure in accordance with the provisions of such Chapter, where the value of the procurement equals or exceeds:

**GOODS**

Thresholds: SDR 130 000; or for the three year period following the date of entry into force, SDR 260 000

**SERVICES**

Specified in Section D

Thresholds: SDR 130 000; or for the three year period following the date of entry into force, SDR 260 000

**CONSTRUCTION SERVICES**

Specified in Section E

Thresholds: SDR 5 000 000; or for the three year period following the date of entry into force, SDR 6 000 000

**LIST OF ENTITIES**

- |    |  |   |
|----|--|---|
| 1. | Ministerio de Economía                                       | Ministry of Economy                                       |
| 2. | Ministerio de Cultura y Deportes                             | Ministry of Culture and Sports                            |
| 3. | Ministerio de Finanzas Públicas                              | Ministry of Public Finance                                |
| 4. | Ministerio de Ambiente y Recursos Naturales                  | Ministry of Environment and Natural Resources             |
| 5. | Secretaría General de la Presidencia                         | General Secretariat of the Presidency                     |
| 6. | Secretaría de Coordinación Ejecutiva de la Presidencia       | Executive Coordination Secretariat of the Presidency      |
| 7. | Secretaría de Planificación y Programación de la Presidencia | Secretariat of Planning and Programming of the Presidency |

8.	Secretaría de Análisis Estratégico de la Presidencia	Strategic Analysis Secretariat of the Presidency
9.	Secretaría de la Paz de la Presidencia de la República	Peace Secretariat of the Presidency of the Republic
10.	Secretaría de Asuntos Administrativos y de Seguridad de la Presidencia de la República	Secretariat of Administrative Affairs and Security of the Presidency of the Republic
11.	Secretaría de Asuntos Agrarios de la Presidencia	Secretariat of Agrarian Affairs of the Presidency
12.	Secretaría Presidencial de la Mujer	Presidential Secretariat for Women
13.	Secretaría de Bienestar Social de la Presidencia de la República	Social Welfare Secretariat of the Presidency of the Republic
14.	Secretaría de Comunicación Social de la Presidencia	Secretariat of Social Communication of the Presidency
15.	Secretaría Ejecutiva de la Comisión contra el Consumo, Adicción y Tráfico Ilícito de Drogas	Executive Secretariat of the Commission against Consumption, Addiction and Illicit Drug Trafficking
16.	Secretaría de Obras Sociales de la Esposa del Presidente de la República	Secretariat of Social Works of the Wife of the President of the Republic
17.	Comisión Presidencial Coordinadora de la Política del Ejecutivo en materia de Derechos Humanos	Presidential Commission for Coordinating Executive Policy on Human Rights
18.	Comisión Presidencial para la reforma del Estado, la Descentralización y la Participación Ciudadana	Presidential Commission for State Reform, Decentralization and Citizen Participation
19.	Consejo Nacional de Ciencia y Tecnología	National Council of Science and Technology
20.	Coordinadora Nacional para la Reducción de Desastres	National Coordinator for Disaster Reduction
21.	Junta Nacional del Servicio Civil	National Civil Service Board
22.	Oficina Nacional del Servicio Civil	National Civil Service Office
23.	Fondo de Desarrollo Indígena Guatemalteco	Fund of Guatemalan Indigenous Development
24.	Fondo Nacional de Ciencia y Tecnología	National Fund for Science and Technology
25.	Fondo Nacional para la Paz	National Fund for Peace
26.	Consejo Nacional de la Juventud	National Youth Council

Notes to Section A

Unless otherwise specified, Chapter 8 covers all agencies subordinate to the entities listed in this Schedule, provided they do not have separate legal personality.

## **Section B:**

### **SUB-CENTRAL GOVERNMENT ENTITIES**

#### **F. SCHEDULE OF GUATEMALA**

1. Chapter 8 shall apply to the entities of sub-central level of government which procure in accordance with the provisions of such Chapter, where the value of the procurement equals or exceeds:

##### **GOODS**

Thresholds: SDR 355 000; or for the three year period following the date of entry into force, SDR 490 000

##### **SERVICES**

Specified in Section D

Thresholds: SDR 355 000; or for the three year period following the date of entry into force, SDR 490 000

##### **CONSTRUCTION SERVICES**

Specified in Section E

Thresholds: SDR 15 000 000; or for the three year period following the date of entry into force, SDR 16 000 000

2. Chapter 8 shall only apply to the entities listed in this Schedule.

##### **LIST OF ENTITIES**

###### **Municipalities of the Department of Guatemala:**

1. Fraijanes
2. San Juan Sacatepéquez
3. San Pedro Sacatepéquez
4. San Raymundo
5. San Pedro Ayampuc
6. Chinautla
7. Santa Catarina Pinula
8. Guatemala
9. Mixco
10. Villa Nueva

Chapter 8 does not cover procurement of construction services by entities of the Department of Guatemala.

Municipalities of the Department of Quetzaltenango

11. Quetzaltenango
12. Coatepeque

Municipalities of the Department of Escuintla

13. Chiquimulilla
14. Santa Lucía Cotzumalguapa
15. Escuintla
16. Puerto de San José

Municipalities of the Department of Zacapa

17. Zacapa
18. Río Hondo
19. Teculután

Municipalities of the Department of Chiquimula

20. Chiquimula

Municipalities of the Department of El Quiché

21. Santa Cruz del Quiché

Municipalities of the Department of El Petén

22. Flores
23. San Benito

Municipalities of the Department of El Progreso

24. Guastatoya

Municipalities of the Department of Izabal

25. Puerto Barrios

Municipalities of the Department of Huehuetenango

26. Huehuetenango

Municipalities of the Department of Jalapa

27. Jalapa

Municipalities of the Department of Jutiapa

28. Jutiapa

Municipalities of the Department of Alta Verapaz

29. Cobán

Municipalities of the Department of Baja Verapaz

30. Salamá

**Section C:**

**OTHER COVERED ENTITIES**

**G. SCHEDULE OF GUATEMALA**

1. Chapter 8 shall apply to other covered entities which procure in accordance with the provisions of such Chapter, where the value of the procurement equals or exceeds:

**GOODS**

Thresholds:

1. For entities of List A: SDR 200 000; or for the three year period following the date of entry into force, SDR 274 000
2. For entities of List B: SDR 400 000; or for the three year period following the date of entry into force, SDR 550 000

**SERVICES**

Specified in Section D

Thresholds:

1. For entities of List A: SDR 200 000; or for the three year period following the date of entry into force, SDR 274 000
2. For entities of List B: SDR 400 000; or for the three year period following the date of entry into force, SDR 550 000

**CONSTRUCTION SERVICES**

Specified in Section E

Thresholds: For entities of Lists A and B: SDR 15 000 000; or the three year period following the date of entry into force, SDR 16 000 000

2. Unless otherwise specified, Chapter 8 covers only the entities listed in this Schedule.

**LIST OF ENTITIES**

List A

1. Academia de Lenguas Mayas de Guatemala Academy of Mayan Languages of Guatemala

- |     |  |  |
|-----|--|--|
| 2.  | Confederación Deportiva Autónoma de Guatemala  | Autonomous Sports Confederation of Guatemala                                     |
| 3.  | Comisión Institucional para el Desarrollo y Fortalecimiento de la Propiedad de la Tierra | Institutional Commission for the Development and Strengthening of Land Ownership |
| 4.  | Comité Olímpico Guatemalteco   | Guatemalan Olympic Committee   |
| 5.  | Comité Permanente de Exposiciones  | Standing Committee on Exhibitions  |
| 6.  | Consejo Nacional para la Protección de la Antigua Guatemala                              | National Council for the Protection of Antigua Guatemala                         |
| 7.  | Escuela Nacional Central de Agricultura  | Central National School of Agriculture   |
| 8.  | Instituto de Ciencia y Tecnología Agrícolas  | Institute of Agricultural Science and Technology                                 |
| 9.  | Instituto de Fomento Municipal   | Municipal Development Institute  |
| 10. | Instituto Guatemalteco de Turismo  | Guatemalan Tourism Institute   |
| 11. | Instituto Nacional de Administración Pública   | National Institute of Public Administration                                      |
| 12. | Instituto Nacional de Bosques  | National Forestry Institute  |
| 13. | Instituto Nacional de Comercialización Agrícola  | National Institute of Agricultural Marketing                                     |
| 14. | Instituto Nacional de Cooperativas   | National Institute of Cooperatives   |
| 15. | Instituto Nacional de Estadística  | National Statistics Institute  |
| 16. | Instituto Técnico de Capacitación y Productividad  | Technical Institute for Training and Productivity                                |
| 17. | Superintendencia de Administración Tributaria  | Superintendency of Tax Administration  |
| 18. | Fondo de Tierras   | Land Fund  |

List B

- |    |  |  |
|----|--|--|
| 1. | Empresa Guatemalteca de Telecomunicaciones | Guatemalan Telecommunications Enterprise |
|----|--|--|



**Section E:**

**SERVICES**

**G. SCHEDULE OF GUATEMALA**

Chapter 8 shall apply to all services procured by the entities listed in Sections A, B and C, subject to the General Notes except for the services listed in this Section. All services covered by this Annex are subject to the measures listed in Guatemala's Schedule to Annexes I, II and III.

Chapter 8 does not cover procurement of the following services, as classified in the United Nations Central Product Classification 1.0 (CPC version 1.0):

(a) Public Services

Division 69	Electricity Distribution Services; Gas and Water Distribution Services through mains
Division 91	Public Administration and other services to the community as a whole; Compulsory Social Security Services
Division 92	Education Services (public education)
Division 93	Health and Social Services
Division 94	Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services

(b) Individual Professional Services (Chapter 8 does not cover the contracting of individuals, for defined periods, who provide a professional service, where such contracting is not used to avoid the obligations of such Chapter).

**Section F:**

**CONSTRUCTION SERVICES**

**G. SCHEDULE OF GUATEMALA**

Chapter 8 shall apply to all construction services procured by the entities listed in Sections A, B and C, subject to the Notes to the respective Sections and General Notes. All construction services covered by this Annex are subject to Guatemala's Schedule to Annexes I, II and III.

## **Section G:**

### **GENERAL NOTES**

#### **G. SCHEDULE OF GUATEMALA**

Unless otherwise specified herein, the following General Notes apply without exception to Chapter 8, including to all Sections of this Annex.

1. Chapter 8 shall not apply to procurement by a Guatemala procuring entity of goods or services made or provided by a Guatemala public entity.
2. Chapter 8 shall not apply to procurement of unrefined minerals naturally occurring in Guatemala for the construction of public works.
3. Chapter 8 shall not apply to the exceptions established in Article 44 of the Ley de Contrataciones del Estado, Decreto No. 57-92 del Congreso de la República de Guatemala (State Procurement Law, Decree No. 57-92 of the Congress of the Republic of Guatemala) and its amendments.
4. Procuring entities listed in Sections A, B and C may award contracts by limited tendering procedures, in addition to those listed in Article 8.11, if these contracts are concluded to urgently obtain legal advice on specific legal procedures or if these contracts concern conciliation and arbitration services.
5. Chapter 8 shall not apply to purchases made under exceptionally advantageous conditions that only arise in the very short term, such as unusual disposals by companies that normally are not suppliers, or disposals of assets of businesses in liquidation or receivership.
6. Regarding Article 8.4 (General Principles) paragraph 6 (Rules of Origin), Guatemala may apply the provisions of this Chapter only to a service supplier of the other Party that is owned or controlled by persons of the Parties and has substantial business activities in the territory of the Party.
7. Guatemala shall convert the thresholds of this Annex into its national currency at two year intervals. Each adjustment will take effect on January 1, beginning in the following year after the entry into force of this Protocol. The conversion shall be based on the official conversion rate of the Central Bank of Guatemala, using the average of the daily values of national currency in terms of the US dollar. Such procedure will take place over the two-year period ending on September 30, preceding the year in which the adjustment will be effective.