

## ANNEX 15-A

### SCHEDULE OF MEXICO

#### SECTION A: Central Government Entities

##### *Thresholds:*

Unless otherwise specified, Chapter 15 (Government Procurement) shall cover procurement by entities listed in this Section, in accordance with the following thresholds and subject to Section H:

US\$79,507	Goods and Services
US\$10,335,931	Construction Services

##### *List of Entities:*

1. *Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación* (Ministry of Agriculture, Livestock, Rural Development, Fisheries and Feeding), includes:
  - (a) *Agencia de Servicios a la Comercialización y Desarrollo de Mercados Agropecuarios* (Support Services for Agricultural Marketing)
  - (b) *Comisión Nacional de Acuacultura y Pesca* (National Commission of Aquaculture and Fisheries)
  - (c) *Instituto Nacional de Investigaciones Forestales, Agrícolas y Pecuarias* (National Forestry, Agriculture and Cattle Research Institute)
  - (d) *Instituto Nacional de Pesca* (National Institute of Fisheries)
  - (e) *Servicio de Información Agroalimentaria y Pesquera* (Information Service and Agro-alimentary and Fisheries Statistics)
  - (f) *Servicio Nacional de Inspección y Certificación de Semillas* (National Service of Inspection and Certification of Seeds)
  - (g) *Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria* (National Service of Health, Innocuous and Agro-alimentary Quality)
2. *Secretaría de Comunicaciones y Transportes* (Ministry of Communication and Transportation), includes:
  - (a) *Instituto Mexicano del Transporte* (Mexican Institute of Transportation)

- (b) *Servicios a la Navegación en el Espacio Aéreo Mexicano* (Mexican Air Navigation Services)
3. *Secretaría de la Defensa Nacional* (Ministry of National Defense)
  4. *Secretaría de Desarrollo Agrario, Territorial y Urbano* (Ministry of Agrarian Territorial and Urban Development), includes:
    - (a) *Comisión Nacional de Vivienda* (National Housing Commission)
    - (b) *Procuraduría Agraria* (Agrarian Office of the Attorney)
    - (c) *Registro Agrario Nacional* (National Agrarian Registry)
  5. *Secretaría de Desarrollo Social* (Ministry of Social Development), includes:
    - (a) *Coordinación Nacional de PROSPERA* (National Coordination PROSPERA)
    - (b) *Instituto Nacional de Desarrollo Social* (National Institute for Social Development)
  6. *Secretaría de Economía* (Ministry of Economy), includes:
    - (a) *Comisión Federal de Mejora Regulatoria* (Federal Commission of Regulatory Improvement)
    - (b) *Instituto Nacional de la Economía Social* (National Institute for Social Economy)
    - (c) *Instituto Nacional del Emprendedor* (National Enterprenuer Institute)
  7. *Secretaría de Educación Pública* (Ministry of Public Education), includes:
    - (a) *Administración Federal de Servicios Educativos en el Distrito Federal* (Federal Administration of Educational Services in Mexico City)
    - (b) *Comisión de Apelación y Arbitraje del Deporte* (Arbitration and Appeal Committee for Sport)
    - (c) *Comisión Nacional de Cultura Física y Deporte* (National Physical Culture and Sports Commission)
    - (d) *Consejo Nacional para la Cultura y las Artes* (National Council for Culture and Arts)
    - (e) *Instituto Nacional de Antropología e Historia* (National Institute of Anthropology and History)
    - (f) *Instituto Nacional de Bellas Artes y Literatura* (National Institute of Fine Arts and Literature)
    - (g) *Instituto Nacional del Derecho de Autor* (National Institute for Copyrights)
    - (h) *Instituto Nacional de Estudios Históricos de las Revoluciones de Mexico* (National Institute of Historical Studies of Mexican Revolutions)
    - (i) *Instituto Politécnico Nacional* (National Polytechnic Institute)
    - (j) *Radio Educación* (Radio Education)
    - (k) *Universidad Pedagógica Nacional* (National Pedagogical University)

8. *Secretaría de Energía* (Ministry of Energy), includes:
- (a) *Comisión Nacional de Seguridad Nuclear y Salvaguardias* (National Commission on Nuclear Safety and Safeguards)
  - (b) *Comisión Nacional para el Uso Eficiente de la Energía* (National Commission for Energy Conservation)
  - (c) *Comisión Reguladora de Energía* (Regulatory Commission of Energy)
9. *Secretaría de la Función Pública* (Ministry of Public Administration), includes:
- (a) *Instituto de Administración y Avalúos de Bienes Nacionales* (Institute for Administration and Appraisal of National Property)
10. *Secretaría de Gobernación* (Ministry of Government), includes:
- (a) *Archivo General de la Nación* (General Archives of the Nation)
  - (b) *Centro Nacional de Prevención de Desastres* (National Disaster Prevention Center)
  - (c) *Centro de Producción de Programas Informativos y Especiales* (Production Center for Informative Programs and Specials)
  - (d) *Comisión Nacional para Prevenir y Erradicar la Violencia contra las Mujeres* (National Commission to Prevent and Eradicate Violence against Women)
  - (e) *Coordinación General de la Comisión Mexicana de Ayuda a Refugiados* (General Coordination of the Mexican Commission on Refugee Assistance)
  - (f) *Instituto Nacional de Migración* (National Institute of Migration)
  - (g) *Instituto Nacional para el Federalismo y el Desarrollo Municipal* (National Institute for Federalism and Municipal Development)
  - (h) *Policía Federal* (Federal Police)
  - (i) *Prevención y Readaptación Social* (Prevention and Social Readaptation)
  - (j) *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública* (Executive Secretariat of the Public Security National System)
  - (k) *Secretaría General del Consejo Nacional de Población* (General Secretary of the National Population Council)
  - (l) *Secretaría Técnica de la Comisión Calificadora de Publicaciones y Revistas Ilustradas* (Technical Secretary of Illustrated Periodicals and Publications Examining Commission)
  - (m) *Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal* (Technical Secretary of the Coordination Council for the Implementation of the Criminal Justice System)
11. *Secretaría de Hacienda y Crédito Público* (Ministry of Finance and Public Credit), includes:
- (a) *Comisión Nacional Bancaria y de Valores* (National Banking and Securities Commission)

- (b) *Comisión Nacional de Seguros y Fianzas* (National Commission of Insurance and Guarantees)
- (c) *Comisión Nacional del Sistema de Ahorro para el Retiro* (National Commission of the Saving System for Retirement)
- (d) *Servicio de Administración y Enajenación Bienes* (Assets Management and Disposition Agency)
- (e) *Servicio de Administración Tributaria* (Tax Administration Service)

12. *Secretaría de Marina* (Ministry of Navy)

13. *Secretaría de Medio Ambiente y Recursos Naturales* (Ministry of Environment and Natural Resources), includes:

- (a) *Comisión Nacional de Áreas Naturales Protegidas* (National Commission on Natural Protected Areas)
- (b) *Instituto Mexicano de Tecnología del Agua* (Mexican Water Technology Institute)
- (c) *Instituto Nacional de Ecología y Cambio Climático* (National Institute of Ecology and Climate Change)
- (d) *Procuraduría Federal de Protección al Ambiente* (Federal Attorney's Office for Environmental Protection)

14. *Secretaría de Relaciones Exteriores* (Ministry of Foreign Relations), includes:

- (a) *Agencia Mexicana de Cooperación Internacional para el Desarrollo* (Mexican International Cooperation Agency for Development)
- (b) *Instituto de los Mexicanos en el Exterior* (Institute for Mexicans Abroad)
- (c) *Instituto Matías Romero* (Matías Romero Institute)

15. *Secretaría de Salud* (Ministry of Health), includes:

- (a) *Administración del Patrimonio de la Beneficencia Pública* (Public Charity Fund Administration)
- (b) *Centro Nacional de Equidad de Género y Salud Reproductiva* (National Centre of Reproductive Health and Gender Equity)
- (c) *Centro Nacional de Excelencia Tecnológica en Salud* (National Centre for Health Technology Excellence)
- (d) *Centro Nacional de Programas Preventivos y Control de Enfermedades* (National Center for Prevention and Disease Control)
- (e) *Centro Nacional de Trasplantes* (National Transplants Center)
- (f) *Centro Nacional de la Transfusión Sanguínea* (National Blood Transfusion Center)
- (g) *Centro Nacional para la Prevención y Control de las Adicciones* (National Center for Prevention and Addiction Control)
- (h) *Centro Nacional para la Prevención y Control del VIH/SIDA* (National Center for the Prevention and Control of HIV/AIDS)

- (i) *Centro Nacional para la Salud de la Infancia y la Adolescencia* (National Center for Health of Childhood and Adolescence)
  - (j) *Comisión Federal para la Protección contra Riesgos Sanitarios* (Federal Commission for Protection Against Health Risks)
  - (k) *Comisión Nacional de Arbitraje Médico* (National Commission of Medical Arbitration)
  - (l) *Comisión Nacional de Bioética* (National Commission of Bioethics)
  - (m) *Comisión Nacional de Protección Social en Salud* (National Commission of Social Health Protection)
  - (n) *Instituto Nacional de Rehabilitación* (National Rehabilitation Institute)
  - (o) *Laboratorios de Biológicos y Reactivos de México, S.A. de C.V.* (Laboratories of Biologicals and Reagents of Mexico)
  - (p) *Servicios de Atención Psiquiátrica* (Psychiatric Attention Services)
16. *Secretaría del Trabajo y Previsión Social* (Ministry of Labor and Social Welfare), includes:
- (a) *Comité Nacional Mixto de Protección al Salario* (Joint National Committee for Wage Protection)
  - (b) *Procuraduría Federal de la Defensa del Trabajo* (Office of the Federal Attorney for Labor Defense)
17. *Secretaría de Turismo* (Ministry of Tourism), includes:
- (a) *Corporación de Servicios al Turista Ángeles Verdes* (Ángeles Verdes Corporation for Tourist Services)
  - (b) *Instituto de Competitividad Turística* (Institute for Tourist Competitiveness)
18. *Procuraduría General de la República* (Office of the Attorney General of the Republic)
19. *Centro de Ingeniería y Desarrollo Industrial* (Engineering and Industrial Development Center)
20. *Comisión Nacional de Libros de Texto Gratuitos* (National Commission of Free Textbooks)
21. *Comisión Nacional de las Zonas Áridas* (National Commission on Arid Zones)
22. *Consejo Nacional de Fomento Educativo* (National Educational Development Council)

**Note to Section A**

English translation of entities listed in this Section is only provided for the purposes of reference; it is not an official translation.

**SECTION B: Sub-Central Government Entities**

None.

## SECTION C: Other Entities

### *Thresholds:*

Unless otherwise specified, Chapter 15 (Government Procurement) shall cover procurement by the entities listed in this Section, in accordance with the following thresholds and subject to Section H:

US\$397,535	Goods and Services
US\$12,721,740	Construction Services

### *List of Other Entities:*

1. *Aeropuerto Internacional de la Ciudad de México, S.A. de C.V.* (International Airport of México City)
2. *Aeropuertos y Servicios Auxiliares (ASA)* (Airports and Auxiliary Services)
3. *Caminos y Puentes Federales de Ingresos y Servicios Conexos (CAPUFE)* (Federal Toll Roads and Bridges and Related Services)
4. *Centro de Integración Juvenil, A.C* (Youth Integration Centers)
5. *Comisión Federal de Electricidad (CFE)* (Federal Electricity Commission)
6. *Comisión Nacional del Agua* (National Water Commission)
7. *Comisión Nacional Forestal* (National Forestry Commission)
8. *Comisión Nacional para el Desarrollo de los Pueblos Indígenas* (National Commission for the Development of Indigenous People)
9. *Comisión para la Regularización de la Tenencia de la Tierra* (Commission for the Regularization of Land Tenure)
10. *Consejo Nacional de Ciencia y Tecnología (CONACYT)* (National Science and Technology Council)
11. *Consejo de Promoción Turística de México, S.A. de C.V.* (México Tourism Board)
12. *Distribuidora Impulsora Comercial de Conasupo S.A. de C.V.* (Diconsa) (Commercial Distributor and Trade Promotion)
13. *Ferrocarril del Istmo de Tehuantepec, S.A. de C.V.* (Railroad of the Istmo de Tehuantepec)
14. *Grupo Aeroportuario de la Ciudad de México S.A. de C.V.* (Airport Group of México City)
15. *Instituto Mexicano de Cinematografía* (Mexican Institute of Cinematography)
16. *Instituto Mexicano de la Juventud* (Mexican Youth Institute)
17. *Instituto Mexicano del Seguro Social (IMSS)* (Mexican Social Security Institute)
18. *Instituto Nacional de la Infraestructura Física Educativa* (National Institute of Physical Educational Infrastructure)
19. *Instituto Nacional de las Mujeres* (Women National Institute)



20. *Instituto Mexicano de la Propiedad Industrial* (Mexican Institute of Industrial Property)
21. *Instituto Nacional de las Personas Adultas Mayores* (National Institute for the Elderly)
22. *Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado* (ISSSTE) (Social Security and Services for Government Employees Institute)
23. *Instituto de Seguridad Social para las Fuerzas Armadas Mexicanas* (Social Security for the Mexican Armed Forces Institute)
24. *Instituto Nacional para la Educación de los Adultos* (National Institute for Adult Education)
25. *Leche Industrializada Conasupo S.A. de C.V.* (Liconsa) (*No incluye la compra de bienes agrícolas adquiridos para programas de apoyo a la agricultura o bienes para la alimentación humana*) (Conasupo Industrialized Milk) (Not including procurements of agricultural goods made in furtherance of agricultural support programs or human feeding programs)
26. *Lotería Nacional para la Asistencia Pública* (National Lottery for Public Assistance)
27. *NOTIMEX S.A. de C.V.*
28. *Petróleos Mexicanos* (PEMEX) (Mexican Petroleum) (*No incluye las compras de combustibles y gas*) (Not including procurements of fuels or gas)
  - (a) *PEMEX Corporativo* (PEMEX Corporative)
  - (b) *PEMEX Exploración y Producción* (PEMEX exploration and Production)
  - (c) *PEMEX Refinación* (PEMEX Refination)
  - (d) *PEMEX Gas y Petroquímica Básica* (PEMEX Gas and Basic Petrochemical)
  - (e) *PEMEX Petroquímica* (PEMEX Petrochemical)
29. *Procuraduría Federal del Consumidor* (Federal Office of The Attorney for Consumers)
30. *Pronósticos para la Asistencia Pública* (Forecasting for Public Assistance)
31. *Servicio Aeroportuario de la Ciudad de México, S.A. de C.V.* (Airport Services of México City)
32. *Servicio Geológico Mexicano* (Mexican Geological Service)
33. *Servicio Postal Mexicano* (Mexican Postal Services)
34. *Sistema Nacional para el Desarrollo Integral de la Familia* (DIF) (*No incluye las compras de bienes agrícolas adquiridos para programas de apoyo a la agricultura o bienes para la alimentación humana*) (National System for Integral Family Development) (Not including procurements of agricultural goods made in furtherance of agricultural support programs or human feeding programs).
35. *Talleres Gráficos de México* (National Printers of Mexico)
36. *Telecomunicaciones de México* (TELECOM) (Telecommunications of México)

### Notes to Section C

1. English translation of entities listed in this Section is only provided for the purposes of reference; it is not an official translation.

2. For Brunei, Malaysia, New Zealand and Viet Nam, Chapter 15 (Government Procurement) shall not apply to procurement by entities listed in this Section.

## SECTION D: Goods

Unless otherwise specified, Chapter 15 (Government Procurement) shall cover all goods that are procured by the entities listed in Sections A and C. However, for procurement by the *Secretaría de la Defensa Nacional* (Ministry of National Defense) and the *Secretaría de Marina* (Ministry of Navy) only the following goods are included in the coverage of Chapter 15 (Government Procurement):

(Note: numbers refer to the Federal Supply Classification (FSC) codes)

### *FSC Description*

- 22 Railway equipment
- 23 Ground effect vehicles, 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)
- 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, air conditioning, and air circulating equipment
- 42 Firefighting, rescue, and safety equipment; and environmental protection equipment and materials
- 43 Pumps and compressors
- 44 Furnace, steam plant, and drying equipment; and nuclear reactors
- 45 Plumbing, heating, and waste disposal 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, signal and security detection systems
65	Medical, dental, and veterinary equipment and supplies
66	Instruments and laboratory equipment
67	Photographic equipment
68	Chemicals and chemical products
69	Training aids and devices
70	Automatic data processing equipment (including firmware), software, supplies and support equipment
71	Furniture
72	Household and commercial furnishings and appliances
73	Food preparation and serving equipment
74	Office machines, text processing systems 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	Nonmetallic fabricated materials
94	Nonmetallic crude materials
96	Ores, minerals, and their primary products (except 9620: minerals, natural and synthetic)
99	Miscellaneous

## SECTION E: Services

Chapter 15 (Government Procurement) shall not cover the procurement of the following services identified in accordance with the *North American Free trade Agreement* (NAFTA) Common Classification System, Appendix 1001.1b-2-B of NAFTA that are procured by entities listed in Sections A and C:

- A Research and Development  
All classes
- C Architecture and Engineering Services
- C130 Restoration (only for preservation of historic sites and buildings)
- D Information Processing and Related Telecommunications Services
- D304 ADP Telecommunications and Transmissions Services except for those services that are classified as enhanced or value added, defined as telecommunications services using computerized processing systems, which:  
(a) act on the format, content, code, protocol or similar aspects of the information transmitted by the user, (b) provide the customer with additional, different or restructured information, or (c) involve user interaction with stored information. For purposes of this provision, the acquisition of ADP Telecommunications and Transmission Services do not include the ownership or furnishing of facilities for voice or data transmission services.
- D305 ADP Services for Teleprocessing and Timeshare.
- D309 Information and Data Broadcasting Services or Data Distribution Services.
- D316 Telecommunications Network Management Services.
- D317 Automated News Services, Data Services, or Other Information Services  
Buying Data (the electronic equivalent of books, periodicals, newspapers, etc.)
- D399 Other ADP Telecommunications Services (includes data storage on tape, CDs, etc.)
- F Natural Resources Services.
- F011 Pesticides/Insecticides Support Services
- G Health and Social Services.  
All classes
- J Maintenance, Repair, Modification, Rebuilding and Installation of Goods /  
Equipment
- J010 Armament
- J011 War Nuclear Material
- J012 Fire Equipment and Control
- J013 Ammunition and Explosives
- J014 Guided Missiles
- J015 Aircrafts and Aircraft Structures Components
- J016 Aircrafts Components and Accessories
- J017 Takeoff, Landing, and Ground Handling Aircraft Equipment

J018	Space Vehicles
J019	Shipments, Small Structures, Barges and Floating Docks
J020	Boats and Marine Equipment
J022	Rail Equipment
J023	Land Vehicles, Motored Vehicles, Trailers and Motorcycles
J024	Tractors
J025	Motor Vehicles Parts
J998	Non-nuclear Ships Repair
K	Custodial Operations and Related Services (professional services only for protection, personal security installations carried out by armed guards)
K103	Fueling and Other Petroleum Services –Excluding Storage-
K105	Guard services (professional services only for protection, personal security and surveillance installations carried out by armed guards)
K109	Surveillance services (professional services only for protection, personal security and surveillance installations carried out by armed guards)
K110	Solid Fuel Handling Services
L	Financial and Related Services
	All classes
R	Professional, Administrative and Management Support Services
R003	Legal Services
R004	Certifications and Accreditations for products and institutions other than Educational Institutions
R012	Patent and Trade Mark Services
R016	Personal Services Contracts
R101	Expert Witness (Only for legal services)
R103	Courier and Messenger Services
R105	Mail and Distribution Services (Post Office Services excluded)
R106	Post Office Services
R116	Court Reporting Services
R200	Military Recruitment
S	Utilities
	All classes
T	Communications, Photographic, Mapping, Printing and Publication Services
T000	Communications Studies
T001	Market Research and Public Opinion Services (Formerly Telephone and Field Interviews services, including Focus testing, Syndicated and attitude surveys) Except for CPC 86503 Management Consulting Marketing Services.
T002	Communication Services (including Exhibit Services)
T003	Advertising Services
T004	Public Relations Services (Including Writing Services, Event Planning and Management, Media Relations, Radio and TV Analysis, Press Services)
T005	Arts / Graphics Services
T008	Film Processing Services
T009	Film / Video Production Services
T010	Microfiche Services
T013	General Photography Services - Still

T014	Print / Binding Services
T015	Reproduction Services
T017	General Photography Services - Motion
T018	Audio / Visual Services
T099	Other Communication, Photography, Mapping, Printing and Publication Services
U	Educational and Training Services
U003	Reserves Training (Military)
U010	Certifications and Accreditations for Educational Institutions
V	Transportation, Travel and Relocation Services All classes (except V503 Travel Agent Services)
W	Lease and Rental of equipment which require patent protection, copyright or other proprietary rights.
W058	Communication, Detection and Coherent Radiation Equipment

### Notes to Section E

1. The provisions of Chapter 15 (Government Procurement) shall not apply to the operation of government facilities under concessions.
2. All services related to goods acquired by the *Secretaría de la Defensa Nacional* (Ministry of National Defense) and the *Secretaría de Marina* (Ministry of Navy) that are not covered by Chapter 15 (Government Procurement), shall be excluded.
3. All services that are not excluded from the coverage of Chapter 15 (Government Procurement) shall be subject to Chapter 10 (Cross-Border Trade in Services) and Annex I and Annex II of this Agreement.
4. The management and operating services contracts awarded to research and development centers operating with federal funds, or related to the implementation of research programmes sponsored by the government shall be excluded from the disciplines of Chapter 15 (Government Procurement).
5. Chapter 15 (Government Procurement) shall not apply to the procurement of transportation services that are part of, or are incidental to a purchase contract.

## **SECTION F: Construction Services**

Chapter 15 (Government Procurement) shall apply to all construction services procured by the entities listed in Sections A and C, identified in Division 51 of the United Nations Provisional Central Product Classification (CPC Prov) which can be found at: <http://unstats.un.org/unsd/cr/registry/regcs.asp?Cl=9&Lg=1&Co=51>, unless otherwise specified in Chapter 15 (Government Procurement) including this Schedule.



## SECTION G: General Notes

The following General Notes shall apply to Chapter 15 (Government Procurement), including Sections A through F:

### *Transitional Provisions*<sup>1</sup>

PEMEX, CFE and Non-Energy Construction

1. Mexico may set aside from the obligations of Chapter 15 (Government Procurement) for each calendar year following the date of entry into force of this Agreement for Mexico the respective percentage specified in paragraph 2 of:

- (a) the total value of procurement contracts for goods and services and any combination thereof and construction services procured by PEMEX in the year that are above the thresholds set out in Section C;
- (b) the total value of procurement contracts for goods and services and any combination thereof and construction services procured by CFE in the year that are above the thresholds set out in Section C; and
- (c) the total value of procurement contracts for construction services procured in the year that are above the thresholds set out in Section A, excluding procurement contracts for construction services procured by PEMEX and CFE.

2. The percentages referred to in paragraph 1 are as follows:

Year 1	Year 2	Year 3	Year 4	Year 5
50%	45%	45%	40%	40%
Year 6	Year 7	Year 8	Year 9	Year 10 and thereafter
35%	35%	30%	30%	0%

3. The value of procurement contracts that are financed by loans from regional and multilateral financial institutions shall not be included in the calculation of the total value of procurement contracts under paragraphs 1 and 2.

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<sup>1</sup>Transitional provisions in this Section shall not apply to Canada, Japan and the United States. With respect to Chile and Peru, Mexico shall apply the equivalent provisions set out in Annex 8.2, Section G General Note and Derogations (Chapter 8) of the *Protocolo Adicional al Acuerdo Marco de la Alianza del Pacífico (Additional Protocol to the Pacific Alliance Agreement)*.

4. Mexico shall ensure that the total value of the procurement contracts under any single FSC class (or other classification system agreed by the Parties) that are set aside by PEMEX or CFE under paragraphs 1 and 2 for any calendar year does not exceed 15 per cent of the total value of the procurement contracts that may be set aside by PEMEX or CFE for that year.

#### Pharmaceuticals

5. Until January 1 of the ninth calendar year following the entry into force of this Agreement for Mexico, Chapter 15 (Government Procurement) shall not apply to the procurement by the *Secretaría de Salud* (Ministry of Health), IMSS, ISSSTE, *Secretaría de la Defensa Nacional* (Ministry of National Defense) and the *Secretaría de Marina* (Ministry of Navy) of drugs that are not currently patented in Mexico or whose Mexican patents have expired. Nothing in this paragraph shall prejudice protection of intellectual property rights under Chapter 18 (Intellectual Property).

#### Permanent Provisions

6. Chapter 15 (Government Procurement) shall not apply to procurements made:

- (a) with a view to commercial resale by government owned retail stores;
- (b) by one entity from another entity of Mexico; or
- (c) for the purchase of water and for the supply of energy or of fuels for the production of energy.

7. Chapter 15 (Government Procurement) shall not apply to public utility services (including telecommunication, transmission, water and energy services).

8. Chapter 15 (Government Procurement) shall not apply to any transportation services including: land transportation (CPC 71); water transport (CPC 72); air transport (CPC 73); supporting and auxiliary transport (CPC 74); post and telecommunication (CPC 75); repair services of other transport equipment, on a fee or contractual basis (CPC 8868).

9. Chapter 15 (Government Procurement) shall not apply to build-operate-transfer contracts and public works concessions contracts.

10. Notwithstanding any provision in Chapter 15 (Government Procurement), Mexico may set aside procurement contracts from the obligations of Chapter 15 (Government Procurement), subject to the following:<sup>2</sup>

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<sup>2</sup> For the purposes of this paragraph, Mexico shall apply to: (i) Canada and the United States the equivalent provisions set out in Annex 1001.2b (Schedule of Mexico) of the NAFTA; (ii) Japan the equivalent provisions set out in Annex 16 referred to in Chapter 11 (General Notes of Mexico, Section 2, Permanent Provisions) of *Japan-Mexico Economic Partnership Agreement* and (iii) Chile and Peru the equivalent provisions set forth in Annex 8.2, Section G “General Note and Derogations” (Chapter 8) of *Protocolo Adicional al Acuerdo Marco de la Alianza del Pacífico (Additional Protocol to the Pacific Alliance Agreement)*.

(a) the total value of the contracts set aside may not exceed the Mexican peso equivalent of:

- (i) US\$1,340,000,000 in each year until December 31 of the ninth calendar year following the date of entry into force of this Agreement for Mexico, which may be allocated by all entities except PEMEX and CFE;
- (ii) US\$2,230,000,000 in each year beginning January 1 of the tenth calendar year following the date of entry into force of this Agreement for Mexico, which may be allocated by all entities;

(b) the total value of contracts under any single FSC class (or other classification system agreed by the Parties) that may be set aside under this paragraph in any year shall not exceed 10 per cent of the total value of contracts that may be set aside under this paragraph for that year;

(c) no entity subject to subparagraph (a) may set aside contracts in any calendar year of a value of more than 20 per cent of the total value of contracts that may be set aside for that year; and

(d) the total value of the contracts set aside by PEMEX or CFE may not exceed the Mexican peso equivalent of US\$892,000,000 in each calendar year, beginning January 1 of the 10<sup>th</sup> year following the date of entry into force of this Agreement for Mexico.

11. (a) Beginning in January of the next calendar year after the date of entry into force of this Agreement for Mexico, the dollar values referred to in paragraph 10 shall be adjusted annually for cumulative inflation from the date of entry into force of this Agreement for Mexico, based on the implicit price deflator for the United States Gross Domestic Product (USGDP) or any successor index published by the Council of Economic Advisors in “Economic Indicators”.

(b) The dollar values adjusted for cumulative inflation up to January of each calendar year following 2015 shall be equal to the original dollar values multiplied by the ratio of:

- (i) the implicit USGDP price deflator or any successor index published by the Council of Economic Advisors in “Economic Indicators”, current as of January of that year, to
- (ii) the implicit USGDP price deflator or any successor index published by the Council of Economic Advisors in “Economic Indicators”, current as of the date of entry into force of this Agreement for Mexico,

provided that the price deflators under subparagraphs (i) and (ii) have the same base year.

- (c) The resulting adjusted dollar values shall be rounded to the nearest million dollars.
12. The national security exception provided for in Article 29.2 (Security Exceptions) shall cover procurements made in support of safeguarding nuclear materials or technology.
13. (a) Notwithstanding any provision of Chapter 15 (Government Procurement), an entity may impose a local content requirement of no more than:
- (i) 40 per cent, for labour-intensive turnkey or major integrated projects; or
  - (ii) 25 per cent, for capital-intensive turnkey or major integrated projects.
- (b) For the purposes of this paragraph, “turnkey or major integrated project” means, in general, a construction, supply or installation project undertaken by a person pursuant to a right granted by an entity with respect to which:
- (i) the prime contractor is vested with the authority to select the general contractors or subcontractors;
  - (ii) neither the Government of Mexico nor its entities fund the project;
  - (iii) the person bears the risks associated with non-performance; and
  - (iv) the facility will be operated by an entity or through a procurement contract of that entity.
14. In the event that Mexico exceeds in any given year the total value of contracts it may set aside for that year in accordance with paragraph 10 of its Permanent Provisions or paragraphs 1, 2 and 4 of its Transitional Provisions, Mexico shall consult with the other Parties with a view to agreement on compensation in the form of additional procurement opportunities during the following year. The consultations shall be without prejudice to the rights of any Party under Chapter 28 (Dispute Settlement).
15. Nothing in Chapter 15 (Government Procurement) shall be construed to require PEMEX to enter into risk-sharing contracts.
16. Chapter 15 (Government Procurement) shall not apply to contracts to be awarded to cooperatives and rural or urban unprivileged groups that the government branch or entity agreed directly with them in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Mexico.
17. For greater certainty, Chapter 15 (Government Procurement) shall be interpreted in accordance with the following:

- (a) where a contract to be awarded by a procuring entity is not covered by Chapter 15 (Government Procurement), Chapter 15 shall not be construed to cover any good or service component of that contract;
- (b) any exclusion that is related either specifically or generally to a procuring entity shall also apply to any successor entity in such a manner as to maintain the value of this offer; and
- (c) Chapter 15 (Government Procurement) shall not cover procurement by a procuring entity on behalf of another entity where the procurement would not be covered by Chapter 15 if it were conducted by the other entity itself.

## **SECTION H: Thresholds Adjustment Formula**

1. Notwithstanding the threshold values set out in sections A and C, in order to provide equivalence to the current value of the thresholds applied in the context of the NAFTA, Mexico shall, from the date of entry into force of this Agreement for Mexico, apply the NAFTA thresholds, as may be amended, instead of those mentioned in Sections A and C.
2. Mexico shall calculate and convert the value of the thresholds into Mexican pesos using the conversion rate of the *Banco de México* (Bank of Mexico). Its conversion rate shall be the existing value of the Mexican peso in terms of the U.S. dollar as of December 1 and June 1 of each year, or the first working day thereafter. The conversion rate as of December 1 shall apply from January 1 to June 30 of the following year, and the conversion rate as of June 1 shall apply from July 1 to December 31 of that year.
3. Information related with thresholds shall be published in [www.compranet.gob.mx](http://www.compranet.gob.mx)

## **SECTION I: Procurement Information**

Information on government procurement shall be published in the following websites:

[www.dof.gob.mx](http://www.dof.gob.mx)

[www.compranet.gog.mx](http://www.compranet.gog.mx)

[www.pemex.com](http://www.pemex.com)

[www.cfe.gob.mx](http://www.cfe.gob.mx)

## **SECTION J: Transitional Measures**

None.