(a) is consistent with this Chapter;

(b) avoids conflicts of interest; and

(c) prevents corrupt practices.

Article 151
Qualification of Suppliers

1. In the process of qualifying suppliers, each Party shall ensure that its procuring entities do not discriminate against suppliers of the other Party. Qualification procedures shall be consistent with the following:

(a) any conditions for participation in tendering procedures shall be published in adequate time to enable interested suppliers to initiate and, to the extent that it is compatible with efficient operation of the procurement process, complete the qualification procedures;

(b) any conditions for participation in tendering procedures shall be limited to those which are essential to ensure the potential supplier's capability to fulfill the contract in question;

(c) any conditions for participation required from suppliers, including financial guarantees, technical qualifications and information necessary for establishing the financial, commercial and technical capacity of suppliers, as well as the verification of qualifications, shall be no less favorable to suppliers of the other Party than to domestic suppliers. The financial, commercial and technical capacity of a supplier shall be judged on the basis both of that supplier's global business activity as well as of its activity in the Area of the Party of the procuring entity, taking due account of the legal relationship between the supply organizations;

(d) the process of, and the time required for, qualifying suppliers shall not be used in order to keep suppliers of the other Party off a suppliers' list or from being considered for a particular intended procurement;

(e) a Party, including its procuring entities, shall not adopt or apply any registration system or qualification procedure with the purpose or the effect of creating unnecessary obstacles to the participation of suppliers of the other Party in its procurement;

(f) procuring entities shall base their determination on the conditions specified in advance in notices or tender documentation;

(g) procuring entities may require relevant prior experience where essential to meet requirements of the procurement;

(h) procuring entities shall recognize as qualified suppliers such suppliers of the other Party who meet the conditions for participation in a particular intended procurement and shall allow them to participate in the procurement. Suppliers requesting to participate in a particular intended procurement who may not yet be qualified shall also be considered, provided there is sufficient time to complete the qualification procedure;

(i) procuring entities may maintain permanent lists of qualified suppliers. The entities shall ensure:

(i) that suppliers may apply for qualification at any time; and

(ii) that all qualified suppliers so requesting are included in the lists within a reasonably short time;