(c) procurement for the direct purpose of providing international assistance, including development aid;

(d) procurement of research and development services;

(e) procurement of goods and services outside the Area of the procuring Party, for consumption outside the Area of the procuring Party;

(f) public employment contracts;

(g) procurement conducted under the particular procedure or condition of an international organisation, or funded by international grants, loans, or other assistance where the applicable procedure or condition would be inconsistent with this Chapter;

(h) procurement funded by grants and sponsorship payments received from a person other than a procuring entity of a Party;

(i) the acquisition or rental of land, existing buildings, or other immovable property or rights thereon;

(j) procurement conducted under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project; and

(k) procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes, derivatives and other securities.

4. Neither Party shall prepare, design or otherwise structure any government procurement contract in order to avoid the obligations under this Chapter.

Article 17.2
Definitions

For the purposes of this Chapter:

(a) the terms “build-operate-transfer contract” and “public works concession contract” mean any contractual arrangement the primary purpose of which is to provide for the construction or rehabilitation of physical infrastructure, plant, buildings, facilities, or other government owned works and under which, as consideration for a supplier’s execution of a contractual arrangement, a procuring entity grants the supplier, for a specified period of time, temporary ownership or a right to control and operate, and demand payment for, the use of such works for the duration of the contract;

(b) the term “conditions for participation” means minimum conditions that potential suppliers must meet in order to participate in a procurement process or for submissions to be considered. This may include a requirement to undertake an accreditation or validation procedure;

(c) the term “in writing” means any worded or numbered expression that can be read, reproduced, and later communicated. This may include electronically transmitted and stored information;

(d) the term “limited tendering” means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice;

(e) the term “multi-use list” means a list of suppliers that a procuring entity has determined satisfy the conditions for participation in that list, and that a Party intends to use more than once;

(f) the term “open tendering” means a procurement method whereby all interested suppliers may submit a tender;