

## ANNEX 15-A

### SCHEDULE OF CANADA

#### SECTION A: Central Government Entities

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

*Thresholds:*

130,000 SDRs	Goods
130,000 SDRs	Services
5,000,000 SDRs	Construction Services

*List of Entities:*

1. Atlantic Canada Opportunities Agency
2. Canada Border Services Agency
3. Canada Emission Reduction Incentives Agency
4. Canada Employment Insurance Commission
5. Canada Industrial Relations Board
6. Canada Revenue Agency
7. Canada School of Public Service
8. Canadian Centre for Occupational Health and Safety
9. Canadian Environmental Assessment Agency
10. Canadian Food Inspection Agency
11. Canadian Grain Commission
12. Canadian Human Rights Commission
13. Canadian Human Rights Tribunal
14. Canadian Institutes of Health Research
15. Canadian Intergovernmental Conference Secretariat
16. Canadian International Trade Tribunal
17. Canadian Northern Economic Development Agency
18. Canadian Nuclear Safety Commission
19. Canadian Polar Commission
20. Canadian Radio-television and Telecommunications Commission
21. Canadian Transportation Accident Investigation and Safety Board
22. Canadian Transportation Agency
23. Copyright Board
24. Correctional Service of Canada
25. Courts Administration Service
26. Department of Agriculture and Agri-Food

27. Department of Canadian Heritage
28. Department of Citizenship and Immigration
29. Department of Employment and Social Development
30. Department of Finance
31. Department of Fisheries and Oceans
32. Department of Foreign Affairs, Trade and Development
33. Department of Health
34. Department of Indian Affairs and Northern Development
35. Department of Industry
36. Department of Justice
37. Department of National Defence
38. Department of Natural Resources
39. Department of Public Safety and Emergency Preparedness
40. Department of Public Works and Government Services
41. Department of the Environment
42. Department of Transport
43. Department of Veterans Affairs
44. Department of Western Economic Diversification
45. Director of Soldier Settlement
46. Director, The Veterans' Land Act
47. Economic Development Agency of Canada for the Regions of Quebec
48. Federal Economic Development Agency for Southern Ontario
49. Financial Consumer Agency of Canada
50. Immigration and Refugee Board
51. Indian Residential Schools Truth and Reconciliation Commission
52. Library and Archives of Canada
53. Military Grievances External Review Committee
54. Military Police Complaints Commission
55. National Battlefields Commission
56. National Energy Board
57. National Farm Products Council
58. National Film Board
59. National Research Council of Canada
60. Natural Sciences and Engineering Research Council
61. Northern Pipeline Agency
62. Office of Infrastructure of Canada
63. Office of the Auditor General
64. Office of the Chief Electoral Officer
65. Office of the Commissioner for Federal Judicial Affairs
66. Office of the Commissioner of Lobbying
67. Office of the Commissioner of Official Languages
68. Office of the Coordinator, Status of Women
69. Office of the Correctional Investigator of Canada
70. Office of the Director of Public Prosecutions
71. Office of the Governor General's Secretary
72. Office of the Public Sector Integrity Commissioner
73. Office of the Registrar of the Supreme Court of Canada

74. Office of the Superintendent of Financial Institutions
75. Offices of the Information and Privacy Commissioners of Canada
76. Parks Canada Agency
77. Parole Board of Canada
78. Patented Medicine Prices Review Board
79. Privy Council Office
80. Public Health Agency of Canada
81. Public Service Commission
82. Public Service Labour Relations and Employment Board
83. Registry of the Competition Tribunal
84. Registry of the Public Servants Disclosure Protection Tribunal
85. Registry of the Specific Claims Tribunal
86. Royal Canadian Mounted Police
87. Royal Canadian Mounted Police External Review Committee
88. Royal Canadian Mounted Police Public Complaints Commission
89. Security Intelligence Review Committee
90. Shared Services Canada
91. Social Sciences and Humanities Research Council
92. Statistics Canada
93. Transportation Appeal Tribunal of Canada
94. Treasury Board of Canada Secretariat
95. Veterans Review and Appeal Board

**Note to Section A**

No entity listed in this Section has the power to create subordinate entities.

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

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

### *Thresholds:*

355,000 SDRs	Goods
355,000 SDRs	Services
5,000,000 SDRs	Construction Services

### *List of Entities:*

#### **\*†ALBERTA**

All Ministries and Agencies (All Government Departments and Provincial Agencies, Boards, Councils, Committees and Commissions) of the Province.

This Section does not include:

1. Legislative Assembly
2. Legislative Assembly Office
3. Office of the Auditor General
4. Office of the Chief Electoral Officer
5. Office of the Ethics Commissioner
6. Office of the Information and Privacy Commissioner
7. Office of the Ombudsman

#### **\*†BRITISH COLUMBIA**

All Ministries, Boards, Commissions, Agencies and Committees of the Province.

This Section does not include the Legislative Assembly.

#### **†MANITOBA**

All Departments, Boards, Commissions and Committees of the Province.



## †NORTHWEST TERRITORIES

All Departments and Agencies of the Territory.

This Section does not cover procurement subject to the Northwest Territories Business Incentive Policy

## \*†NOVA SCOTIA

This Section applies to all Departments and Offices of the Province established under the *Public Service Act*, except for the following entities and circumstances:

1. Emergency Health Services (a subdivision of the Department of Health and Wellness) in respect to ambulance-related procurement, including telecommunications, for emergency health care purposes;
2. The Information, Communications and Technology Services Branch of the Department of Internal Services and the Chief Information Office of the Department of Health and Wellness;
3. Any measure Nova Scotia adopts or maintains with respect to culture or cultural industries; and
4. Procurement of FSC 58 (communications, detection and coherent radiation equipment).

## †NUNAVUT

All Departments and Agencies of the Territory.

This Section does not cover procurement subject to the Nunavummi Nangminiqagtunik Ikajuuti (NNI Policy) nor those contracts within the terms of Article 24 of the Nunavut Land Claims Agreement.

## ONTARIO

All Ministries of the Province.

The following Agencies are included:

1. AgriCorp
2. Centennial Centre of Science and Technology (Ontario Science Centre)
3. Deposit Insurance Corporation of Ontario

4. Metropolitan Convention Centre Corporation
5. Niagara Parks Commission
6. Ontario Clean Water Agency
7. Ontario Financial Services Commission
8. Ontario Immigrant Investor Corporation
9. Ontario Mortgage and Housing Corporation
10. Ontario Mortgage Corporation
11. Ontario Northland Transportation Commission
12. Ontario Tourism Marketing Partnership Corporation
13. Ottawa Congress Centre
14. Science North

#### **\*†PRINCE EDWARD ISLAND**

All Departments of the Province.

This Section does not cover procurement of construction materials that are used for highway construction and maintenance.

#### **\*QUÉBEC**

All departments of the Province and the governmental agencies set out in subparagraph (2) of the first paragraph of section 4 of the *Act Respecting Contracting by Public Bodies* (Chapter C-65.1).

The following entities are also included:

1. Agence du revenu du Québec (Québec Revenue Agency)
2. Institut national d'excellence en santé et en services sociaux (National Institute for Excellence in Health and Social Services)

This Section does not cover procurement:

- (a) of cultural or artistic goods and services;
- (b) of seedling production services;
- (c) for work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
- (d) of construction-grade steel (including requirements on subcontracts); and
- (e) from a non-profit organization.

Chapter 15 (Government Procurement) shall not apply to any measure of Québec adopted or maintained with respect to culture or cultural industries.

#### **\*†SASKATCHEWAN**

All Ministries of the Province.

The following Boards and Agencies are covered:

1. Public Employee Benefits Agency
2. Saskatchewan Archives Board
3. Saskatchewan Arts Board

This Section does not include Legislative Branch Entities.

#### **\*†YUKON**

The following Departments of the Territory are covered:

1. Department of Community Services
2. Department of Economic Development
3. Department of Education
4. Department of Energy, Mines and Resources
5. Department of Environment
6. Department of Finance
7. Department of Health and Social Services
8. Department of Highways and Public Works
9. Department of Justice
10. Department of Tourism and Culture
11. Executive Council Office
12. Public Service Commission

The following Agencies are included.

1. French Language Services Directorate
2. Women's Directorate
3. Yukon Worker's Compensation Health and Safety Board

#### **Notes to Section B**

1. For provinces and territories listed in this Section, Chapter 15 (Government Procurement) shall not apply to preferences or restrictions on highway projects.



2. For provinces and territories listed in this Section, Chapter 15 (Government Procurement) shall not apply to preferences or restrictions associated with programmes promoting the development of distressed areas.
3. Chapter 15 (Government Procurement) shall not cover procurement that is intended to contribute to economic development within the provinces of Manitoba, Newfoundland and Labrador, New Brunswick, Prince Edward Island and Nova Scotia or the territories of Nunavut, Yukon or Northwest Territories.
4. For those provinces and territories marked by an asterisk (\*), Chapter 15 (Government Procurement) shall not cover procurement:
  - (a) of goods purchased for representational or promotional purposes; or
  - (b) of services or construction services purchased for representational or promotional purposes outside the province or territory.
5. For those provinces and territories marked by an obelisk (†), Chapter 15 (Government Procurement) shall not cover the procurement of goods, services or construction services purchased for the benefit of, or which is to be transferred to the authority of, school boards or their functional equivalents, publicly-funded academic institutions, social services entities or hospitals.
6. Chapter 15 (Government Procurement) shall not include Crown Corporations of the provinces and territories.
7. For provinces and territories listed in Section B, Chapter 15 (Government Procurement) shall not cover procurement of urban rail and urban transportation equipment, systems, components and materials incorporated therein as well as all project related materials of iron or steel.
8. For Malaysia, Mexico, United States and Viet Nam, Chapter 15 (Government Procurement) shall not apply to procurement by entities listed in Section B. Canada is prepared to extend coverage of Section B upon the negotiation of mutually acceptable concessions.

## SECTION C: Other Entities

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

### *Thresholds:*

355,000 SDRs	Goods
355,000 SDRs	Services
5,000,000 SDRs	Construction Services

### *List of Other Entities:*

1. Atlantic Pilotage Authority
2. Blue Water Bridge Authority
3. Canada Development Investment Corporation
4. Canada Lands Company Limited
5. Canada Post Corporation
6. Canadian Museum for Human Rights
7. Canadian Museum of History
8. Canadian Museum of Nature
9. Canadian Museum of Immigration at Pier 21
10. Canadian Tourism Commission
11. Defence Construction (1951) Ltd.
12. Federal Bridge Corporation Limited
13. Great Lakes Pilotage Authority
14. Laurentian Pilotage Authority
15. Marine Atlantic Inc.
16. National Capital Commission
17. National Gallery of Canada
18. National Museum of Science and Technology
19. Pacific Pilotage Authority
20. PPP Canada Inc.
21. Royal Canadian Mint
22. Via Rail Canada Inc.

### **Notes to Section C**

1. Chapter 15 (Government Procurement) shall not cover procurement by or on behalf of the Royal Canadian Mint of direct inputs for use in minting anything other than Canada legal tender.
2. Chapter 15 (Government Procurement) shall not cover procurement by the Canada Lands Company Limited or its subsidiaries for the development of real property for commercial sale or resale.

3. Chapter 15 (Government Procurement) shall not cover leasing or rental of transportation equipment by or on behalf of Canada Post Corporation, Marine Atlantic Inc., or any pilotage authority.

## SECTION D: Goods

1. Unless otherwise specified and subject to paragraph 2, Chapter 15 (Government Procurement) shall cover all goods.
2. Subject to the application of Article 29.2 (Security Exceptions) with respect to procurement by the Department of National Defence, the Royal Canadian Mounted Police, the Department of Fisheries and Oceans for the Canadian Coast Guard, and provincial police forces, Chapter 15 (Government Procurement) shall cover only the goods described in the Federal Supply Classifications (FSC) listed below:

### *FSC Description*

- |    |   |
|----|---|
| 22 | Railway equipment   |
| 23 | Motor vehicles, trailers and cycles (except buses in 2310 and except military trucks and trailers in 2320 and 2330 and tracked combat, assault and tactical vehicles in 2350 and wheeled combat, assault and tactical vehicles in 2355 formerly classified in 2320) |
| 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 and air conditioning equipment  |
| 42 | Fire fighting, rescue and safety equipment (except 4220: Marine lifesaving and diving equipment; and 4230: Decontaminating and impregnating equipment)  |
| 43 | Pumps and compressors   |
| 44 | Furnace, steam plant, drying equipment and nuclear reactors   |
| 45 | Plumbing, heating and sanitation 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 and signal systems
- 65 Medical, dental and veterinary equipment and supplies
- 66 Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components; and 6665: Hazard detecting instruments and apparatus)
- 67 Photographic equipment
- 68 Chemicals and chemical products
- 69 Training aids and devices
- 70 General purpose automatic data processing equipment, software, supplies and support equipment (except 7010: Automatic Data Processing Equipment (ADPE) configurations)
- 71 Furniture
- 72 Household and commercial furnishings and appliances
- 73 Food preparation and serving equipment
- 74 Office machines, text processing system 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	Non-metallic fabricated materials
94	Non-metallic crude materials
96	Ores, minerals and their primary products
99	Miscellaneous

## SECTION E: Services

1. Unless otherwise specified, Chapter 15 (Government Procurement) shall cover the services specified in paragraphs 2 and 3. Such services are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) which is found at: <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Lg=1>. For purposes of implementation of Chapter 15 (Government Procurement), Canada reserves the right to use a classification system of its choosing.

2. Chapter 15 (Government Procurement) shall cover the following services procured by central government entities listed in Section A and other entities listed in Section C:

61	Sale, Maintenance and Repair Services of Motor Vehicles and Motorcycles
62	Commission agents' and wholesale trade services, except of motor vehicles and motorcycles
7522	Business network services
7525	Interconnection services
7526	Integrated telecommunications services
754	Telecommunications related services
83	Leasing or rental services without operator
861	Legal Services (advisory services on foreign and international law only)
862	Accounting, auditing and book-keeping services
863	Taxation Services (except legal services)
86503	Marketing management consulting services
8671	Architectural services
8672	Engineering services
8673	Integrated engineering services (except 86731 Integrated engineering services for transportation infrastructure turnkey projects)

8676	Technical testing and analysis services including quality control and inspection (except with reference to transportation equipment)
872	Placement and supply services of personnel
87903	Telephone answering services
87906	Mailing list compilation and mailing services
881	Services incidental to agriculture, hunting and forestry
882	Services incidental to fishing
884	Services incidental to manufacturing (except 88442 Publishing and printing, on a fee or contract basis)
885	Services incidental to the manufacture of metal products, machinery and equipment
886	Repair services incidental to metal products, machinery and equipment
8921	Patent Agents
8922	Trademark Agents
923/924	Vocational, Technical and Professional Training
932	Veterinary services (except veterinary diagnostic services relating to zoonotic infectious diseases and related surveillance services)
9701	Washing, cleaning and dyeing services
9702	Hairdressing and other beauty services

3. Chapter 15 (Government Procurement) shall cover the following services procured by central government entities listed in Section A, sub-central government entities listed in Section B, and other entities listed in Section C:

633	Repair services of personal and household goods
64	Hotel and Restaurant services
7471	Travel agency and tour operator services
7512	Commercial courier services (including multi-modal)



7523	Electronic data interchange (EDI)
7523	Electronic mail
7523	Enhanced/value-added facsimile services, including store and forward, store and retrieve - Code and protocol conversion
7523	On-line information and data base retrieval
7523	Voice mail
821	Real estate services involving own or leased property
822	Real estate services on a fee or contract basis
83106 to 83109 only	Leasing or rental services concerning machinery and equipment without operator
83203 to 83209 only	Leasing or rental services concerning personal and household goods
841	Consultancy services related to the installation of computer hardware
842	Software implementation services, including systems and software consulting services, systems analysis, design, programming and maintenance services
843	Data processing services, including processing, tabulation and facilities management services
843	On-line information and/or data processing (including transaction processing)
844	Data base services
845	Maintenance and repair services of office machinery and equipment including computers
849	Other computer services
86501	General management consulting services
86504	Human resources management consulting services

86505	Production management consulting services
866	Services related to management consulting (except 86602 Arbitration and conciliation services)
8674	Urban planning and landscape architectural services
8676	Technical testing and analysis services including quality control and inspection (except with reference to FSC 58 and transportation equipment)
874	Building-cleaning services
876	Packaging services
8814	Services incidental to forestry and logging, including forest management
883	Services incidental to mining, including drilling and field services
8861 to 8864, and 8866	Repair services incidental to metal products, machinery and equipment
94	Sewage and refuse disposal, sanitation and similar services

## Notes to Section E

1. Chapter 15 (Government Procurement) shall not cover procurement of the following:
  - (a) Services for the management and operation of government facilities or privately owned facilities used for government purposes, including federally-funded research and development;
  - (b) Public utilities services;
  - (c) Shipbuilding and repair and related architectural and engineering services;
  - (d) Services, with reference to those goods purchased by the Department of National Defence, the Royal Canadian Mounted Police, the Department of Fisheries and Oceans for the Canadian Coast Guard and provincial police forces which are not covered by Chapter 15 (Government Procurement);
  - (e) Services procured in support of military forces located overseas; and
  - (f) Services related to culture or cultural industries.

2. The coverage of any service listed in this Section that is provided by or from an aircraft is covered with respect to a particular Party only to the extent that such Party provides effective market access for such service in its territory.

## **SECTION F: Construction Services**

1. Unless otherwise specified and subject to paragraph 2, Chapter 15 (Government Procurement) shall cover all construction services identified in Division 51 of the United Nations Provisional Central Product Classification (CPC Prov.) .
2. Chapter 15 (Government Procurement) shall not cover procurement of the following:
  - (a) dredging services; and
  - (b) construction services procured by or on behalf of the federal Department of Transport.

## SECTION G: General Notes

Unless otherwise specified, the following General Notes shall apply to Chapter 15 (Government Procurement), including to Sections A through F.

1. Chapter 15 (Government Procurement) shall not cover procurement in respect of:
  - (a) shipbuilding and repair, including related architectural and engineering services;
  - (b) agricultural goods made in furtherance of agricultural support programmes or human feeding programmes;
  - (c) transportation services that form a part of, or are incidental to, a procurement contract; and
  - (d) an international crossing between Canada and another country, including the design, construction, operation or maintenance of the crossing as well as any related infrastructure.
2. Chapter 15 (Government Procurement) shall not cover procurement by a procuring entity from another government entity.
3. Chapter 15 (Government Procurement) shall not apply to:
  - (a) any form of preference, including set asides, to benefit micro, small and medium enterprises; and
  - (b) any measure adopted or maintained with respect to Aboriginal peoples, nor to set asides for aboriginal businesses; existing aboriginal or treaty rights of any of the Aboriginal peoples of Canada protected by section 35 of the *Constitution Act, 1982* are not affected by Chapter 15 (Government Procurement).
4. For greater certainty, Chapter 15 (Government Procurement) shall be interpreted in accordance with the following:
  - (a) The procurement process is the process that begins after a procuring entity has decided on its requirement and continues through to and including contract award;
  - (b) Where a contract to be awarded by a procuring entity is not covered by Chapter 15 (Government Procurement), Chapter 15 (Government Procurement) shall not be construed to cover any good or service component of that contract;

- (c) Any exclusion that is related either specifically or generally to a procuring entity will also apply to any successor entity in such a manner as to maintain the value of this offer;
- (d) For the purpose of the definition of build-operate-transfer contract and public works concession contract, a “contractual arrangement” means a contract;
- (e) Services covered by Chapter 15 (Government Procurement) are subject to Canada’s exclusions from and reservations to Chapter 10 (Cross-Border Trade in Services), Chapter 9 (Investment) and Chapter 11 (Financial Services);
- (f) For the purposes of Article 15.12.7 (Technical Specifications), "government information" includes third party information held by or on behalf of the government and "sensitive" information includes confidential, classified or otherwise protected information; and
- (g) 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 (Government Procurement) if it were conducted by the other entity itself.

## **SECTION H: Threshold Adjustment Formula**

1. The thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on January 1, beginning on January 1 of the first even-numbered year after the date of entry into force of this Agreement for Canada.
2. Every two years, Canada shall calculate and publish the value of the thresholds under Chapter 15 (Government Procurement) expressed in Canadian dollars. These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly *International Financial Statistics*.
3. The conversion rates shall be the average of the daily values of the Canadian dollar in terms of the Special Drawing Rights (SDR) over the two-year period preceding October 1 of the year before the adjusted thresholds are to take effect.
4. Canada shall consult if a major change in its national currency relative to the SDR or to the national currency of another Party were to create a significant problem with regard to the application of Chapter 15 (Government Procurement).

## **SECTION I: Procurement Information**

All information on government procurements is published on the following websites.

Legislation and Regulations: <http://laws-lois.justice.gc.ca>

Canadian Government Tender System: <https://buyandsell.gc.ca/>



## **SECTION J: Transitional Measures**

None.