

Annex 14

APPENDIX 11 OF ANNEX XX

ADDITIONAL NOTES

PART A: CENTRAL AMERICAN STATES

c. Guatemala

1. Unless otherwise specified herein, the following General Notes apply without exception to Chapter 7 of this Agreement, including to all Appendices to this Annex.

2. Nothing in Chapter 7 of this Agreement, shall be construed to prevent a Party from taking any action or not disclosing any information that it considers necessary for the protection of its essential security interests relating to the procurement of arms, ammunition, or war materials, or to procurement indispensable for national security or for national defence purposes.

3. Chapter 7 of this Agreement does not apply to procurement by one Guatemala entity of a good or service obtained or acquired from another Guatemala entity.

4. Chapter 7 of this Agreement does not apply to procurement of unrefined minerals naturally occurring in Guatemala for the construction of public works.

5. Chapter 7 of this Agreement does 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* and its amendments.

6. Procuring entities listed in Appendices 1, 2 and 3 to this Annex may award contracts by limited tendering procedures if these contracts are concluded to urgently obtain legal advice on specific legal procedures or if these contracts concern conciliation and arbitration services.

7. Procuring entities listed in Appendices 1, 2 or 3 to this Annex may use list of suppliers.

8. Just if domestic legislation so foresees, a procuring entity listed in Appendices 1, 2 or 3 may apply to paragraph 4 of Article 7.10.

9. Chapter 7 of this Agreement does not apply to government procurement programs for small, medium, and micro enterprises.

10. For greater certainty, Guatemala shall only apply Article 7.16 before tenders are opened.

11. The notices, publications and obligations imposed on the procuring entities in Article 7.13 shall be executed by the operators of corresponding registers and not by the procuring entities.

12. To be able to offer goods or services in Guatemala, it is mandatory to be registered in the corresponding registry.

13. For greater certainty, Guatemala understands that subparagraph 1 (d) of Article 7.18 shall apply in the cases of urgency.
