

Bijlage met paragrafen uit het protocol die een toelichting geven van Appendices II, III en IV.

APPENDIX II

ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS, REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL APPLICATION, STANDARD CONTRACT CLAUSES, AND PROCEDURES REGARDING GOVERNMENT PROCUREMENT COVERED BY THIS AGREEMENT PURSUANT TO ARTICLE VI

1. Each Party shall:
 - a. promptly publish any law, regulation, judicial decision, administrative ruling of general application, standard contract clause mandated by law or regulation and incorporated by reference in notices or tender documentation and procedure regarding covered procurement, and any modifications thereof, in an officially designated electronic or paper medium that is widely disseminated and remains readily accessible to the public; and

APPENDIX III

ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF NOTICES REQUIRED BY ARTICLES VII, IX:7 AND XVI:2 PURSUANT TO ARTICLE VI

1. For each covered procurement, a procuring entity shall publish a notice of intended procurement in the appropriate paper or electronic medium listed in Appendix III, except in the circumstances described in Article XIII. Such medium shall be widely disseminated and such notices shall remain readily accessible to the public, at least until expiration of the time-period indicated in the notice.
2. Except as otherwise provided in this Agreement, each notice of intended procurement shall include:
 - a. the name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any;
 - b. a description of the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity;
 - c. for recurring contracts, an estimate, if possible, of the timing of subsequent notices of intended procurement;
 - d. a description of any options;
 - e. the time-frame for delivery of goods or services or the duration of the contract;
 - f. the procurement method that will be used and whether it will involve negotiation or electronic auction;
 - g. where applicable, the address and any final date for the submission of requests for participation in the procurement;
 - h. the address and the final date for the submission of tenders;
 - i. the language or languages in which tenders or requests for participation may be submitted, if they may be submitted in a language other than an official language of the Party of the procuring entity;
 - j. a list and brief description of any conditions for participation of suppliers, including any requirements for specific documents or certifications to be provided by suppliers in connection therewith, unless such requirements are included in tender

- documentation that is made available to all interested suppliers at the same time as the notice of intended procurement;
- k. where, pursuant to Article IX, a procuring entity intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, where applicable, any limitation on the number of suppliers that will be permitted to tender; and
 - l. an indication that the procurement is covered by this Agreement.
3. For each case of intended procurement, a procuring entity shall publish a summary notice that is readily accessible, at the same time as the publication of the notice of intended procurement, in one of the WTO languages. The summary notice shall contain at least the following information:
- a. the subject-matter of the procurement;
 - b. the final date for the submission of tenders or, where applicable, any final date for the submission of requests for participation in the procurement or for inclusion on a multi-use list; and
 - c. the address from which documents relating to the procurement may be requested.
4. Procuring entities are encouraged to publish in the appropriate paper or electronic medium listed in Appendix III as early as possible in each fiscal year a notice regarding their future procurement plans (hereinafter referred to as "notice of planned procurement"). The notice of planned procurement should include the subject-matter of the procurement and the planned date of the publication of the notice of intended procurement.

IX:7 A procuring entity may maintain a multi-use list of suppliers, provided that a notice inviting interested suppliers to apply for inclusion on the list is:

- a. published annually; and
- b. where published by electronic means, made available continuously,

XVI:2 - Publication of Award Information

Not later than 72 days after the award of each contract covered by this Agreement, a procuring entity shall publish a notice in the appropriate paper or electronic medium listed in Appendix III. Where the entity publishes the notice only in an electronic medium, the information shall remain readily accessible for a reasonable period of time. The notice shall include at least the following information:

- a. a description of the goods or services procured;
- b. the name and address of the procuring entity;
- c. the name and address of the successful supplier;
- d. the value of the successful tender or the highest and lowest offers taken into account in the award of the contract;
- e. the date of award; and
- f. the type of procurement method used, and in cases where limited tendering was used in accordance with Article XIII, a description of the circumstances justifying the use of limited tendering.

APPENDIX IV

WEBSITE ADDRESS OR ADDRESSES WHERE PARTIES PUBLISH PROCUREMENT STATISTICS
PURSUANT TO ARTICLE XVI:5 AND NOTICES CONCERNING AWARDED CONTRACTS
PURSUANT TO ARTICLE XVI:6

1. Where a Party publishes its statistics on an official website, in a manner that is consistent with the requirements of paragraph 4, the Party may substitute a notification to the Committee of the website address for the submission of the data under paragraph 4, with any instructions necessary to access and use such statistics.

Collection and Reporting of Statistics

1. Each Party shall collect and report to the Committee statistics on its contracts covered by this Agreement. Each report shall cover one year and be submitted within two years of the end of the reporting period, and shall contain:
 - a. for Annex 1 procuring entities:
 - i. the number and total value, for all such entities, of all contracts covered by this Agreement;
 - ii. the number and total value of all contracts covered by this Agreement awarded by each such entity, broken down by categories of goods and services according to an internationally recognized uniform classification system; and
 - iii. the number and total value of all contracts covered by this Agreement awarded by each such entity under limited tendering;
 - b. for Annex 2 and 3 procuring entities, the number and total value of contracts covered by this Agreement awarded by all such entities, broken down by Annex; and
 - c. estimates for the data required under subparagraphs (a) and (b), with an explanation of the methodology used to develop the estimates, where it is not feasible to provide the data.
2. Where a Party requires notices concerning awarded contracts, pursuant to paragraph 2, to be published electronically and where such notices are accessible to the public through a single database in a form permitting analysis of the covered contracts, the Party may substitute a notification to the Committee of the website address for the submission of the data under paragraph 4, with any instructions necessary to access and use such data.



**AFKONDIGINGSBLAD
VAN
ARUBA**

2014 no. 41

MINISTERIËLE REGELING van 1 juli 2014 tot wijziging van artikel 4, eerste lid, van het Landsbesluit openbare aanbestedingen (AB 1996 no. 58)

Uitgegeven, 2 juli 2014

De minister van Justitie,

A.L. Dowers

De minister van ECONOMISCHE ZAKEN, COMMUNICATIE,
ENERGIE EN MILIEU,

In overweging genomen hebbende:

- dat op 30 maart 2012 te Genève het Protocol tot wijziging van de Overeenkomst inzake overheidsopdrachten (GPA) tot stand is gekomen;
- dat voor Aruba de onderhandelingen hebben geresulteerd in een gewijzigde Annex 1;
- dat de gewijzigde Annex 1 een verlaging van de drempelwaarden zoals opgenomen in het Landsbesluit openbare aanbestedingen (AB 1996 no. 58) inhoudt;
- dat thans het parlementaire goedkeuringsproces van het bovengenoemde Protocol binnen het Koninkrijk der Nederlanden is afgerond;
- dat het in verband met het bovenstaande noodzakelijk is om de bedragen opgenomen in artikel 4, eerste lid, van het Landsbesluit openbare aanbestedingen dien overeenkomstig aan te passen;

Gelet op:

artikel 4, derde lid, van het Landsbesluit openbare aanbestedingen (AB 1996 no. 58);

HEEFT BESLOTEN:

Artikel I

In artikel 4, eerste lid, van het Landsbesluit openbare aanbestedingen (AB 1996 no. 58) wordt “130.000” vervangen door “100.000” en wordt “5.000.000” vervangen door “4.000.000”.

Artikel II

Deze ministeriële regeling treedt in werking met ingang van de dag waarop het Protocol tot wijziging van de Overeenkomst inzake overheidsopdrachten in werking treedt voor Aruba.

M.E. de Meza

**FINAL APPENDIX I OFFER OF THE KINGDOM OF
THE NETHERLANDS WITH RESPECT TO ARUBA**

(Authentic in the English Language only)

ANNEX I

Central Government Entities

Supplies

Threshold: SDR 100,000

Services

Threshold: SDR 100,000

Construction Services

Threshold: SDR 4,000,000

List of Entities:

Ministry of General Affairs (Note 1)
Ministry of Justice and Education
Ministry of Finance, Communication, Utilities and Energy (Note 2)
Ministry of Health and Sport
Ministry of Integration, Infrastructure and Environment
Ministry of Economic Affairs, Social Affairs and Culture
Ministry of Tourism, Transportation and Labour
Parliament of Aruba
Raad van Advies (Council of Advisers)
Algemene Rekenkamer Aruba (Court of Auditors Aruba)
Dienst Openbare Werken (Department of Public Works)
Serlimar (Environmental Agency)
Sociale Verzekeringsbank (Social Insurance Bank)
Algemene Ziektekosten Vereniging (General Health Insurance Association)
Instituto Medico San Nicolas (Medical Institute)
Wegen Infrastructuur Fonds (Infrastructure Fund)

Notes to Annex I

1. For the Ministry of General Affairs, this Agreement does not cover procurement by its subordinate unit Veiligheidsdienst Aruba.
2. For the Ministry of Finance, Communication, Utilities and Energy, this Agreement does not cover the procurement by its subordinate unit Meldpunt Ongebruikelijke Transacties.



ARUBA

Directie Economische Zaken, Handel en Industrie
Department of Economic Affairs, Commerce and Industry

Zijne Excellentie
De Minister van Algemene Zaken
d.t.k.v. De Minister van Economische Zaken,
Communicatie, Energie en Milieu
De heer Ing. Mike Eric de Meza
Bestuurskantoor
Oranjestad - Alhier

Oranjestad, 30 JUL 2014

Ons kenmerk: DEZHI/Alg|BEB|0012

Onderwerp: Overheidsopdrachten/ WTO – GPA Annexes II t/m IV

Aruba is partij bij het WTO GPA, Government Procurement Agreement die onlangs is aangenomen en per 4 juli 2014 in werking treed en waaraan Aruba, dus alle overheidsdiensten moeten hieraan voldoen bij openbare aanbesteding.

Het complete protocol is beschikbaar op de website van het WTO, www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm en op die van DEZHI, www.arubaeconomicaffairs.aw onder Foreign Ecomic Relations, Trade Agreements.

De drempels zijn per ministerieel regeling AB 2014 no 41 aangepast. Dit betekent dat alle openbare aanbestedingen die hieraan voldoen gepubliceerd dienen te worden, en bij alle leden van het WTO bekend moet zijn. Publicatie moet volgens het geen is aangegeven in appendices II t/m IV van het GPA.

Appendices II t/m IV:

Het WTO secretariaat heeft aangewezen op het feit dat Aruba nog appendices II, III en IV moet indienen. In deze appendices gaat het om de **communicatiemiddelen** (websites, papieren, media) waarin relevante wetgeving, statistieken en dergelijke worden gepubliceerd.

- **APPENDIX II: ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS, REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL APPLICATION, STANDARD CONTRACT CLAUSES, AND PROCEDURES REGARDING GOVERNMENT PROCUREMENT COVERED BY THIS AGREEMENT PURSUANT TO ARTICLE VI**
(INFORMATIE BETREFFENDE APPENDIX II KOMT IN DE LOKALE MEDIA, LANDSCOURANT EN OP WWW.OVERHEID.AW)
- **APPENDIX III: ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF NOTICES REQUIRED BY ARTICLES VII, IX:7 AND XVI:2 PURSUANT TO ARTICLE VI**

(Informatie betreffende appendix III komt in de lokale krant en op www.overheid.aw)


- **APPENDIX IV:** WEBSITE ADDRESS OR ADDRESSES WHERE PARTIES PUBLISH PROCUREMENT STATISTICS PURSUANT TO ARTICLE XVI:5 AND NOTICES CONCERNING AWARDED CONTRACTS PURSUANT TO ARTICLE XVI:6

(Informatie betreffende appendix IV komt op www.overheid.aw en www.cbs.aw)

Informatie voor publicatie op www.overheids.aw moet digitaal aangevoerd worden aan BUVO.
Informatie voor publicatie op www.cbs.aw moet digitaal aangevoerd worden aan CBS.

Bijgaand heb ik bijgevoegd een concept schrijven met bijlage en toelichting voor bekendmaking aan alle ministeries.

Directeur,


Maria Dijkhoff-Pita



Bijlage: