



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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December 3, 1993

Ambassador Michael Kantor
United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20506

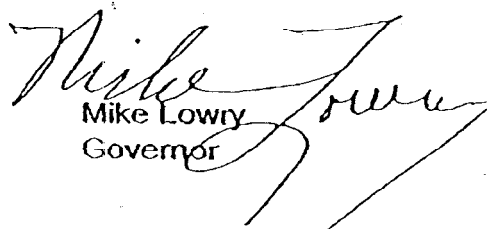
Dear Ambassador Kantor:

This letter confirms that the state of Washington agrees that the Office of the United States Trade Representative may offer procurement by the state entities listed in the attached annex for coverage under the GATT Agreement on Government Procurement (the Code). The United States offer in the Code negotiations should be subject to exceptions specified in the annex for each entity or for all entities in general. This agreement is effective immediately, although I understand that procurement by the listed entities will be affected only upon the scheduled date for implementation, as set forth in the final Code agreement and U.S. Federal implementing legislation.

I understand that this commitment will require that covered procurement contracts be awarded on the basis of competitive procedures consistent with those specified in the Code for subfederal entities. I also understand that procuring agencies awarding such contracts must not discriminate against suppliers, products, and services of foreign signatories to the Code.

With very few exceptions, Washington State's procurement laws, regulations and practices are already in compliance with the Code. Washington State's purchases are made on an open, competitive, nondiscriminatory bid basis. As you may be aware, Washington State is highly dependent on the international trade and we have a long history of pursuing policies and practices of open and fair trade. I will work with our legislature to ensure that both letter and spirit of the Code continue to be followed by our state.

Sincerely,


Mike Lowry
Governor

ANNEX

WASHINGTON STATE

The Office of the United States Trade Representative may offer the following entities for coverage under the Code:

1. All Washington State agencies and institutions such as the Department of General Administration, Department of Transportation and the state universities.

The offer shall not apply to the following procurements:

1. Emergency purchases (Revised Code of Washington 43.18.200);

Washington State reserves the right to purchase goods and services and to provide preferences to (for):

1. Small, minority, women owned and disadvantaged businesses (Revised Code of Washington 39.19 et seq, 43.19.536).
2. Sheltered workshops and programs of the Department of Social and Health Services (Revised Code of Washington 43.19.530).
3. Inmate work programs (Revised Code of Washington 43.19.535).
4. The purchase of products containing recycled material for any and all purchases by the state (RCW 43.19.538).
5. Fuel and paper products (Revised Code of Washington 39.24.).
6. Procurement, vessels or parts, components, equipment and engineering, design and marine architecture services for vessels specified in Chapter 493 (Substitute House Bill 1635) 1993 Session Laws.

Washington State also reserves the right to provide a preference or limit or restrict its offer in this annex when the Legislature finds that it is in the best interest of the public.

Notes

1. Nothing in this offer shall be construed to prevent any state entity from applying restrictions promoting the general environmental quality so long as they are not disguised restrictions on international trade.
2. This offer shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.