

Notification of the Office for the Development of the Eastern Economic Corridor

Re: Additional details for Proposing the Private Entity Selection without Auction Procedure

B.E. 2560 (2017)

Whereas it is expedient to prescribe the details that shall be prepared additionally in proposing the selection of private entities without auction procedure for projects of Public-Private Partnership or investment by private entities in the Eastern Economic Corridor.

By virtue of the provision of Clause 25 of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities B.E. 2560 (2017), the Office for the Development of Eastern Economic Corridor hereby issues the Notification as follows:

Clause 1 This Notification is called “Notification of the Office for the Development of Eastern Economic Corridor Re: Additional details for Proposing Private Entity Selection without Auction Procedure B.E. 2560.”

Clause 2 In proposing to the Policy Committee for consideration of the private entity selection procedure without auction procedure under Clause 15 of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities B.E. 2560 (2017), the Project Owner Agency shall prepare the additional details apart from a feasibility study report as follows:

(1) The private entity selection procedure used in the project;

(2) Essential principles and rationales for applying the private entity selection procedure under (1) which shall comprise at least:

(a) Limitations of the private entity selection with auction procedure, which at least shows its effect to the project success, or constraint or practical and technical impossibility, or unworthy operating, or cause of the project or other project failure according to the plan for the development of the Eastern Economic Corridor and cause the disadvantages to the government or the public;

(b) Reasons and benefits of the private entity selection procedure under (1), which at least shows that such selection procedure is appropriate to the project and is able to solve the limitations of the private entity selection with auction procedure under (a).

(3) The practice guidelines and process of private entity selection procedure under (1), which at least shows that the Project Owner Agency and the Selection Committee are able to select the private entity transparently and fairly to all private entities able to participate in the joint investment, as well as preserving the government and public interest. The information about capital standards and investment capital of the project also shall be prepared, including public-private profit-sharing standards showing the preservation of government interest.

(4) In case the Project Owner Agency has names of private entities to be selected for joint investment according to the private entity selection procedure under (1); it shall prepare the information about such private entities at least as follows:

(a) General information of the private entities to be selected includes name, address, country, laws and type of establishment, paid-up capital, names of first ten major shareholders, list of directors, list of authorised directors, executives and managing partners;

(b) Business characteristics, performance, and financial status of the private entities to be selected;

(c) Qualifications and experiences related to the project of the private entities to be selected;

(d) Readiness and capability in a joint investment of the private entities to be selected;

(e) In case the private entities to be selected plans to establish a special-purpose vehicle for joint investment or project implementation, it shall include basic information about the establishment of such special-purpose vehicle and after-establishing operation, as well as the undertaking of the private entities to be selected showing that such special-purpose vehicle has the capability to implement the project.

(f) Process and reason that the project owner agency acquires the names of the private entities to be selected;

(g) A guarantee of the Project Owner Agency and the private entities to be selected that the Project Owner Agency, including directors and authorised persons of the Project Owner Agency, and the Selection Committee have no involvement or interest, whether directly or indirectly, with the private entities to be selected. The guarantee shall be as the form prescribed by the Office.

(5) The opinions of the Selection Committee to the proposal to select private entity without auction procedure.

Clause 3 The Office shall have the power to identify practical guidelines for implementation under this Notification.

Clause 4 This Notification shall come into force from the date of notification onwards.

Issued on the 9th day of October B.E. 2560 (2017)

Kanit Sangsubhan

Secretary-General

of the Eastern Economic Corridor Policy Committee