

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

Re: Qualifications of Consultants

B.E. 2560

Whereas it is expedient to prescribe qualifications of Consultants of the project of Public-Private Partnership or Investment by Private Entities in the Eastern Economic Corridor.

By virtue of the provision of Clause 4 Paragraph 2, Clause 11 Paragraph 2, Clause 13 Paragraph 2, and Clause 20 Paragraph 2 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 the Eastern Economic Corridor hereby issues the Notification as follows:

Clause 1 This Notification is called “Notification of the Office for the Development of the Eastern Economic Corridor Re: Qualifications of Consultants B.E. 2560.”

Clause 2 The Notification of the Office for the Development of the Eastern Economic Corridor Re: Qualifications of Consultants B.E. 2560 notified on 9 October B.E. 2560 shall be repealed.

Clause 3 In this Notification:

“Consultant” means a juristic person who has occupation, profession, or provides consultancy service and has established with the purpose of being a Consultant;

“Thai Consultant” means a Consultant registered under Thai law with a number of shares of Thai shareholders exceeding fifty-one percent of the share with voting right and total distributed shared, and at least half of directors and authorised directors are Thai nationals;

“Foreign Consultant” means a Consultant registered as a juristic person under foreign law or a Consultant establishing under Thai law but is not a Thai Consultant;

“Proposer” means a private entity which is a juristic person submitting a proposal. It shall include all private entities who have submitted a proposal as a group of juristic person;

“Private Entity Relating to the Project” means a Proposer or a counterparty private entity. In case of jointly submitting a proposal as a group of juristic person, it shall include each juristic person

in a group of juristic person or financial supporter of a Proposer or a counterparty private entity.

Clause 4 A Consultant shall possess the following qualifications:

(1) A Consultant and personnel of a Consultant shall have knowledge, ability, expertise, and experience in a specialised field in line with size and complication of the project, number of project and period of experience of a Consultant and personnel of a Consultant, as prescribed by the Project Owner Agency;

(2) A financial Consultant, a legal Consultant and at least one personnel of each Consultant shall have experience in providing consultancy in the process of project proposal or private entity selection of at least one of the Public-Private Partnership project signed the joint investment contract in Thailand or abroad;

(3) In the case of Thai Consultant, it shall be the consultant registered in Level 1 at the Consultant Database Centre under the Ministry of Finance.

In the case of a Foreign Consultant, the Consultant shall have been established for not less than three years and have experience in the specialised field for not less than three projects. The Project Owner Agency shall consider procedures in certifying qualifications of the Consultant and show the credibility of the qualification documents.

The Consultant may submit a proposal as a group of Consultants to meet the experience required in (1) and (2). However, the Consultant Proposer shall not be able to calculate the experience in the same specialised aspect of each Consultant of the same group as a total experience to complete the requirement of such specialised Consultant.

Clause 5 The Consultant shall not possess any prohibited characteristics as follows:

(1) Being a Consultant of the Private Entities Relating to the Project giving consultancy to the project during the time of consultancy;

In the interest of this Clause, the Consultant in this Clause shall include directors, authorised directors, executives, managing partners, permanent personnel of the Consultant firm and person or juristic person hiring by the Consultant to operate the project providing consultancy.

(2) Being a shareholder of a Private Entities Relating to the Project during the time of consultancy;

In the interest of this Clause, the Consultant in this Clause shall include directors or executives of the Consultant firm.

(3) Having directors, authorised persons in management, full-time personnel of the Consultant, or a person hired by the Consultant to operate the project providing consultancy as managing directors, authorised directors, executives, or managing partners of the Private Entities Relating to the Project giving consultancy to the Project Owner Agency during the time of consultancy;

(4) Being a person identified and notified in the list of persons abandoning the work of government agencies;

(5) Being a person whom the state agencies have revoked the employment contract due to contract breaking;

(6) Being a person who the court has placed under receivership and being a bankrupt person.

Clause 6 The Project Owner Agency shall prescribe the requirements consisting of at least the details under Clause 4 and Clause 5 of this Notification in the consultant employment contract so that the Consultant shall maintain such requirements through the period of being the Project Consultant to the Project Owner Agency.

Clause 7 Regarding consultant employment, the Project Owner Agency shall strictly comply with the laws, rules, regulations, legislations, and orders relevant to the consultant employment of the Project Owner Agency.

Clause 8 The Office shall have authority to prescribe practical guidelines for implementation under this Notification.

Clause 9 This Notification shall come into force from the day of notification onwards.

Issued on the 27th day of November B.E. 2560 (2017)

Kanit Sangsubhan

Secretary-General

of the Eastern Economic Corridor Policy Committee