PPP Policy Committee Notification: Procedures for Below-Threshold (Section 9) PPP Projects, B.E. 2563 (2020)

English machine translation (DeepL, Aug 2026) prepared for the PIM policy repository from the Thai text. Not an official translation — the Thai original is authoritative.

Announcement of the Public-Private Partnership Policy Committee Regarding Guidelines and Procedures for Implementing Public-Private Partnership Projects with a Value Below the Threshold Specified in Section 9 of the Public-Private Partnership Act B.E. 2562 B.E. 2563

Whereas it is appropriate to establish guidelines and procedures for the implementation of public-private partnership projects with a value less than that specified in Section 9 of the Public-Private Partnership Act B.E. 2562 so that government agencies may comply with them Pursuant to the authority granted under Section 9, paragraph 1, and Section 20(4) and (8) of the on Public-Private Partnerships B.E. 2562, the Public-Private Partnership Policy Committee hereby issues the following Section 1 This Announcement shall be known as the "Announcement of the Public-Private Partnership Policy Committee on the Criteria and Procedures for Implementing Public-Private Partnership Projects with a Value Below the Threshold Specified in Section 9 of the Public-Private Partnership Act B.E. 2562, B.E. 2563" Section 2 This Announcement shall take effect on the day following its publication in the Royal Gazette. Section 3 In this Announcement "public-private partnership project with a value below the specified threshold" means a public-private partnership project with a total value of less than five billion baht or less than the value specified and increased by a Ministerial Regulation pursuant to Section 9 of the Public-Private Partnership Act B.E. 2562 Chapter 1 General Provisions

Section 4 In the case of any joint venture project with a value below the specified threshold for which there are rules, regulations, or requirements specifying that certain matters must be handled in a specific manner, regardless of the stage of the process, the project-owning agency shall comply with such rules, regulations, or requirements in full at every stage Section 5 In the implementation of a public-private partnership project with a value below the specified threshold, the Minister of the relevant ministry shall have the authority to consider the public-private partnership in the said project and shall approve the following matters: (1) The principles of the public-private partnership project with a value below the specified threshold, and the project study and analysis report as specified in Section 9 (2) The selection of a private sector partner without a competitive bidding process as specified in Sections 7 and 11 Page 35 Issue No. 137, Special Edition No. 165, Royal Gazette No. 20, July 2663

[page 1]

(3) The results of the private-sector selection process, the draft joint venture agreement, and the key terms of the joint venture agreement as specified in Section 17 (4) The appointment of a supervisory committee as specified in Section 20 (5) Amendments to the joint venture agreement as specified in Section 22 and (6) Guidelines for the continued implementation of the project following the termination of the joint venture agreement for projects with a value below the specified threshold as specified in Section 24 In the event that the project-owning entity referred to in the preceding paragraph is a local government entity, the Minister of the relevant ministry may delegate authority to a senior-level civil servant under his or her jurisdiction to act as the authorized official in considering public-private partnerships in such projects and to approve matters specified in this section on his or her behalf Section 2 Project Planning and Implementation

Section 1 Project Proposal

Section 6. In proposing a project for joint investment, the project-owning agency must prepare a project study and analysis report, which must include at least (1) the background of the project, the principles and rationale for proposing the project, including its alignment with the joint investment project development plan (2) The key details of the project, including the objectives, goals, scope, and duration of the project; estimates of costs and expenses for project implementation; and details of the valuation of the joint venture project with a value below the threshold, valued in accordance with the criteria and procedures announced by the Board pursuant to Section 8, Paragraph 2, of the Act on Public-Private Partnerships B.E. 2562 (3) Readiness to organize and implement the project, demonstrating the factors affecting the success of the project, including readiness regarding the acquisition of ownership or rights to use assets, the impact on the public resulting from project implementation, and any laws, rules, regulations, proclamations, or orders that affect on the project’s success (4) The project’s feasibility from technical, technological, environmental, legal, financial, or economic perspectives, specifying the assumptions used in the feasibility study of the project Page 36 Vol. 137, Special Issue No. 165, Royal Gazette No. 20, July 2020

[page 2]

(5) Project risks, including the identification of risks, consideration of the likelihood of their occurrence, the potential impacts should risks materialize, and methods for managing risks across various aspects (6) Options and models for public-private partnerships (PPPs), including the allocation of roles and responsibilities, risk allocation, and the distribution of returns between the government and the private sector, with a focus on enabling the private sector to utilize its knowledge, capabilities, expertise, and innovation in PPP projects valued below a specified threshold (7) The readiness of relevant government agencies involved in project planning and implementation, including the views of relevant government agencies, issues or obstacles that may affect the project’s success, along with strategies for addressing such issues or obstacles (8) The results of soliciting opinions from the relevant private sector, taking into

account the criteria and procedures for soliciting private sector input as set forth in the announcement issued by the Committee pursuant to Section 22, Paragraph 2, and Section 35, Paragraph 2, of the Public-Private Partnership Act, B.E. 2562 Clause 7: In cases where the project study and analysis phase indicates that the method of selecting a private sector partner through a competitive bidding process—which is any of the following cases—the project-owning agency shall specify the reasons and urgency, the advantages and disadvantages, and the benefits to be received by the government and the public in the project study and analysis report as specified in Clause 6 (1) In cases where there is an urgent need for private sector participation in a public-private partnership project due to unforeseeable circumstances, and where the use of a competitive bidding process could result in serious harm to the public interest (2) Cases where the joint venture project requires participation by a private entity possessing specific technical qualifications, and there is only one such private entity (3) Cases where, due to the nature of the project, the use of a competitive bidding process would be unsuitable for project implementation Section 8 The project owner agency may engage consultants to jointly prepare a study and analysis report the project as specified in Section 6. The qualifications and disqualifications of consultants shall be in accordance with the announcement issued by the Committee pursuant to Section 27, Paragraph 2, of the Public-Private Partnership Act, B.E. 2562 Section 9: The project owner shall prepare the terms of reference for public-private partnership projects with a value of less than as specified, to the Minister of the relevant ministry for consideration and approval, together with the project study and analysis report, and such consideration shall be completed within sixty days from the date the matter is submitted by the project owner agency The basic principles of a public-private partnership project with a value below the specified threshold under paragraph one shall include the following details: Vol. 37 No. 137, Special Edition No. 165, Section ง, Royal Gazette, July 20, 2563

(1) Project Objectives (2) Project Scope (3) The form of public-private partnership, which must include, at a minimum, the roles and responsibilities of the government and private sector entities in implementing the project, the project duration, ownership of project assets, and the distribution of benefits between the government and private sector entities (4) The rationale and justification for selecting a private entity without conducting a competitive bidding process as specified in Section 7 (if any) (5) Other matters (if any) Once the Minister of the relevant ministry has given approval, the project-owning agency shall submit the terms of the public-private partnership project with a value below the specified threshold, along with the project study and analysis report that have been approved to the relevant agency for consideration and further action in accordance with paragraph five below, except in the case of joint investment projects valued at less than one billion baht, in which case the project-owning agency shall proceed in accordance with the criteria and procedures specified in this Announcement In the event that the Minister of the competent ministry does not approve the proposal submitted by the project-owning agency, the Minister shall state the reasons for disapproval within fifteen days from the date the review is completed, and shall require the project-owning agency to revise and amend the principles of the joint investment project valued below the specified threshold or the the project study and analysis report within sixty days from the date of receiving the review results, in order to resubmit the proposal to the Minister of the competent ministry for reconsideration and approval Once the agency has received the project proposal for a joint investment valued below the specified threshold and the report the project study and analysis report that has been approved by the

Minister of the competent ministry, the agency shall review and determine whether the joint investment project with a value below the specified threshold is significant or consistent with the joint investment project development plan under Section 12. In this regard, the assessment of the significance of the project shall be in accordance with the criteria established by the Office with the approval of the Committee and shall submit such opinion to the Committee for further consideration Once the Committee has received the Office's opinion (1) If the Committee determines that the public-private partnership project with a value below the specified threshold is significant or consistent with the public-private partnership project development plan under Section 12, it shall proceed in accordance with the Public-Private Partnership Act B.E. 2562, the project-owning agency shall proceed in accordance with the criteria, procedures, and conditions specified in the Public-Private Partnership Act and Private Sector Act B.E. 2562 (2) In cases where the Committee deems that a joint investment project with a value below the aforementioned threshold should be implemented in accordance with the criteria and procedures specified in this Proclamation, the project owner agency shall continue to implement the project in accordance with the criteria and procedures specified in this Proclamation Once the Committee has provided its opinion, the relevant agency shall notify the project owner agency project owner agency to proceed accordingly Page 38 Volume 137 Special Issue 165 G Royal Gazette No. 20 July 2563

[page 4]

Section 2 Selection of Private Sector Entities

Section 10: The selection of private sector entities shall be conducted through a competitive bidding process, except in cases where the Minister of the relevant ministry has approved the use of a selection method that does not involve competitive bidding, as provided for in Sections 7 and 11 only The selection of private sector entities under the preceding paragraph shall be conducted in accordance with the criteria, procedures, and conditions set forth in the announcement issued by the Committee pursuant to Section 32, paragraph two, and the characteristics of private sector entities deemed unsuitable for joint investment as specified in the announcement issued by the Committee pursuant to Section 33 of the Public-Private Partnership Act B.E. 2562 Clause 11: In selecting private sector partners for joint investment, the project-owning agency may consider conducting the selection process without a competitive bidding procedure in any of the cases specified in Clause 7 with the prior approval of the Minister of the relevant ministry before proceeding further Section 12: When the Minister of the competent ministry approves the principles of a public-private partnership project with a value exceeding the specified threshold, along with the project study and analysis report as specified in Section 9, the project-owning agency shall prepare a draft invitation to bid, draft documents for the selection of private sector partners, and a draft joint venture agreement to submit to the Selection Committee for consideration and approval. In this regard, the details of such documents shall comply with the notice issued by the Committee pursuant to Section 35, Paragraph 5 of the Public-Private Partnership Act, B.E. 2562 In preparing the documents referred to in the preceding paragraph, the project owner shall solicit comments from the relevant private sector and take such comments into consideration when preparing the documents, while adhering to the criteria and procedures for soliciting comments from the private sector as set forth in the notice issued by the Committee pursuant to Section 22, paragraph two, and Section 35, paragraph two, of the Public-Private Partnership Act B.E. 2562 The project-owning agency may engage consultants to assist in carrying out the procedures under paragraph (1) and to support the performance of the duties of the project-owning agency and the Selection Committee The qualifications and disqualifications of consultants shall be in accordance with the regulations established by the Committee pursuant to Section 35, Paragraph 4, of the Public-Private Partnership Act B.E. 2562 Section 13: The project owner shall conduct the selection of private sector participants by appointing a selection committee consisting of no more than five members, comprising a representative of the project owner as chairperson, representatives of the competent ministry, and representatives of relevant government agencies as members. A representative of the project owner agency—who is a civil servant, employee, or executive of the project owner agency— shall serve as a member and secretary of the committee and shall have the duties and powers as provided in Section 38 of the Public-Private Partnership Act B.E. 2562 Vol. 39 No. 137, Special Issue No. 165, Royal Gazette No. 20, July 2563

[page 5]

The provisions of Section 19 of the Public-Private Partnership Act B.E. 2562 shall apply mutatis mutandis to the Selection Committee Section 14: Once the Selection Committee has approved the draft document referred to in Section 12, the project owner and the Selection Committee shall proceed with the selection of private sector entities as specified in the second paragraph of Section 10 Section 15: In any call for proposals, if only one private sector entity submits a proposal, or if multiple private sector entities submits multiple proposals, but only one proposal complies with the requirements set forth in the documents for the selection of private entities, the Selection Committee may proceed in accordance with the criteria and procedures specified in this Notice if it determines that the State will benefit Section 16: Once the results of the private sector selection and the draft joint investment agreement negotiated with the selected private sector entity are available, the project-owning agency shall submit said draft joint investment agreement to the for review within fifteen days and shall complete its review of the draft joint venture agreement and return it to the project-owning agency within forty-five days from the date of receipt of the draft joint venture agreement Section 17 The project-owning agency shall submit the results of the private sector selection and the draft joint venture agreement that has been reviewed by the Office of the Attorney General to the Minister of the relevant ministry for consideration and approval of the private sector selection results, the draft joint venture agreement, and the material terms of the joint venture agreement In this regard, the determination of the material terms of the joint investment agreement shall be in accordance with the regulations established by the Committee pursuant to Section 42 of the Public-Private Partnership Act, B.E. 2562 The Minister of the relevant ministry shall review the results of the private sector selection, the draft joint venture agreement, and the key terms of the joint venture agreement as specified in paragraph one, and must complete this review within thirty days from the date of receipt of the results of the private sector selection, the draft joint venture agreement, and the key terms of the joint venture agreement In the event that the Minister of the competent ministry does not approve the results of the private sector selection or the material terms of the public-private partnership agreement or the draft public-private partnership agreement, the Minister shall state the reasons for disapproval within fifteen days from the date the review is completed, and shall direct the project owner and the Selection Committee to review the results of the private sector selection, the material terms of the joint venture agreement, or the draft joint venture agreement within sixty days from the date of receiving the review results, so that they may be submitted to the Minister of the competent ministry for reconsideration and approval Section 18: Once the Minister of the competent ministry has reviewed and approved the results of the private sector selection, the key terms of the joint venture agreement, and the draft joint venture agreement, the project owner agency shall proceed to sign the joint venture agreement with the selected private sector partner to proceed with the joint venture Section 19. Upon the signing of the joint investment agreement for a joint investment project with a value below the specified threshold, the project-owning agency shall submit a summary of the key details of said project, in the format and within the timeframe specified by the relevant agency, along with the project guidelines, a copy of the joint venture agreement, and a copy of the key terms of the joint venture agreement to the competent ministry and the relevant agency Page 40 Vol. 137, Special Issue 165, Section G, Royal Gazette, July 20, 2563

[page 6]

Section 3 Establishment and Oversight of Joint Investment Projects with a Value Below the Specified Threshold

Section 20. Upon the signing of a joint investment agreement for a joint investment project with a value below the specified threshold, the Minister of the competent ministry shall appoint a single oversight committee consisting of no more than four members, consisting of a representative from the competent ministry holding a position no lower than senior administrative level or equivalent and not affiliated with the project-owning agency, who shall serve as chairperson; a representative from the Office of the Attorney General and a representative of the relevant government agency as members; and a representative of the project-owning agency who is a civil servant, employee, or executive of the project-owning agency as a member and secretary and shall have the duties and powers as provided in Section 44 of the Public-Private Partnership Act and Private Sector Act B.E. 2562 The provisions of Section 19 of the Public-Private Partnership Act B.E. 2562 shall apply mutatis mutandis to the Board of Directors Section 4 Amendment of the Joint Venture Agreement and Execution of a New Agreement

Article 21 In the event that an amendment to the joint venture agreement for a joint venture project with a value below the specified threshold is required, the project owner agency shall submit the reasons and details regarding the proposed amendments, the impact of the amendment, and other relevant information to the Supervisory Committee for consideration and review before submitting the draft amended public-private partnership agreement, which has been negotiated with the private-sector partner, to the Office of the Attorney General for review within fifteen days. The Office of the Attorney General shall review the draft amended joint venture agreement and return it to the project-owning agency within forty-five days from the date of receipt of the draft amended joint venture agreement Section 22: The project-owning agency shall present the rationale and justification for the proposed amendments the impact of the amendments, the opinions of the Supervisory Committee, and the draft amended joint investment agreement that has been reviewed by the Office of the Attorney General to the Minister of the relevant ministry for consideration and approval prior to signing the amended joint investment agreement. In this regard, any amendments to the joint investment agreement must remain within the scope of the joint investment project's objectives In this regard, the Minister of the competent ministry shall review the matter within thirty days, and if the Minister of the competent ministry does not approve the amendment to the joint investment agreement, the Minister shall state the reasons for disapproval within fifteen days Page 41 Lem 137 Special Edition 165 G Royal Gazette No. 20 July 2563

[page 7]

Effective from the date the review is completed, the project-owning agency shall review the amendments to the joint venture agreement and resubmit them to the Minister of the relevant ministry within sixty days from the date of receiving the review results. Section 23: Upon the signing of the amended joint venture agreement for a joint venture project with a value less than as specified, the project-owning agency shall submit a copy of the amended joint investment agreement to the competent ministry and the relevant agency within thirty days from the date the joint investment agreement was amended Section 24: In the event that the joint venture agreement for a joint venture project with a value below the specified threshold is set to expire in at least five years, the project owner shall prepare guidelines for the continued implementation of the project following the expiration of the joint venture agreement, by comparing the case where the government agency implements the project on its own and where private sector participation is involved, and submit the proposal to the Minister of the competent ministry for further consideration Section 25 When the Minister of the competent ministry decides to continue the project following the expiration of the joint venture agreement for a joint venture project with a value below the specified threshold through joint investment, the agency project owner to calculate the value of the joint venture project with a value below the specified threshold in accordance with the criteria and procedures announced by the Committee under Section 8, Paragraph 2 of the Act on Public-Private Partnerships and Private Sector Act B.E. 2562, and proceed as follows: (1) In the event that the project in question has a value equal to or greater than the value specified in Section 8 of the on Public-Private Partnerships B.E. 2562, the project owner shall proceed as if it were a new public-private partnership project, by proceeding in accordance with the criteria, procedures, and conditions specified in Chapter 4 Project Planning and Implementation of the Public-Private Partnership Act B.E. 2562 (2) In cases where the value of such a project is less than the value specified in Section 9 of the Public-Private Partnership Act B.E. 2562, the project owner shall proceed as if it were a new public-private partnership project, in accordance with the criteria and procedures set forth in this Proclamation Section 3 Supplementary Provisions

Section 26 Within thirty days from the date of signing the public-private partnership agreement as specified in Section 19 or the amended public-private partnership agreement as specified in Section 23, the project owner shall compile and submit project information pursuant to Section 60(2) and disclose a summary of the joint venture project information for projects with a value below the threshold specified in Section 60(3) of the Public-Private Partnership Act, B.E. 2562 Vol. 42 No. 137, Special Issue No. 165, Royal Gazette, July 20, 2563

[page 8]

Transitional Provisions

Section 27 Any small-scale project currently being implemented pursuant to the Announcement of the Committee on Policy for Private Sector Participation in State Enterprises regarding the criteria and procedures for private sector participation in projects with a project value below the threshold specified in Section 23 of the Act on Public-Private Partnerships B.E. 2556 B.E. 2559 on the date this Proclamation takes effect, and such project is subject to the Public-Private Partnership Act B.E. 2562 shall proceed as follows: (1) Projects currently in the stages specified in Chapter 2 (Small Projects) shall be allowed to continue shall continue to implement the project until its completion, and upon the signing of the joint investment agreement as specified in Section 13 of the aforementioned Proclamation, the project owner shall continue to manage and oversee the project as prescribed in Chapter 2, “Project Preparation and Implementation,” Section 3, “Management and Oversight of Public-Private Partnership Projects with a Value Below the Threshold Specified in This Proclamation.” (2) Projects currently in the stage described in Section 4, “New Contract Arrangements,” shall, once the project owner has completed the project valuation, proceed as if it were a new project in accordance with the criteria, procedures, and conditions specified in Section 4, “Project Tendering and Implementation,” of the Public-Private Partnership Act, B.E. 2562, or the criteria and procedures specified in this Announcement, as applicable Section 28 Any medium-sized project currently being implemented pursuant to the Announcement of the Committee on Policy for Private Sector Participation in State Enterprises regarding the criteria and procedures for private sector participation in projects with a project value below the threshold specified in Section 23 of the Act on Public-Private Partnerships B.E. 2556 and B.E. 2559 on the date this Proclamation takes effect, and such project is subject to the Public-Private Partnership Act of B.E. 2562 shall proceed as follows: (1) Projects currently in the stage described in Chapter 3, Medium-Sized Projects, Section 1, Proposal Projects and Section 2, Project Screening, shall be continued by the project-owning agency until completion, once the Minister of the relevant ministry has approved the project or the Public-Private Partnership Policy Committee on Private Sector Participation in State Enterprises has determined that the project must be conducted in accordance with the criteria and procedures specified in the Announcement of the Policy Committee on Private Sector Participation in State Enterprises regarding the criteria and procedures for private sector participation in projects with a budget value below the threshold specified in Section 23 of the Act on Private Sector Participation in State Enterprises B.E. 2556 and B.E. 2559 the project-owning agency shall proceed with the selection of private sector participants as specified in Section 2, "Arrangements and Project Implementation, Part 2: Selection of Private Sector Entities, of this Announcement Page 43 No. 137, Special Issue No. 165, Royal Gazette, July 20, 2663

[page 9]

(2) Projects currently in the stages specified in Section 3, Medium-Sized Projects, Part 3, Project Implementation shall be continued by the project-owning agency until completion once the contract for joint investment projects, the project-owning agency shall continue to manage and oversee the project as specified in Section 2, Project Planning and Implementation, Part 3, Management and Oversight of Joint Investment Projects with a value below the threshold specified in this Decree (3) Projects currently in the stages specified in Section 3, Medium-Sized Projects, Part 4, Supervision and Monitoring, shall have a supervision committee appointed by the Minister of the relevant ministry as specified in Clause 20 within ninety days from the date this Proclamation takes effect; and until a committee for management and supervision is appointed in accordance with this Proclamation, the existing committee for management and supervision shall continue to perform its duties until such a committee is appointed the monitoring and oversight committee under this promulgation (4) Projects currently in the stage described in Section 3, Medium-Sized Projects, Part 5, Contract Amendment shall be continued by the project-owning agency until completion. Upon the signing of the amended joint investment contract , the project owner shall continue to manage and supervise the project as specified in Section 2, Project Planning and Implementation, Part 3, Management and Supervision of Joint Investment Projects with a value below the threshold specified in this Decree (5) For projects currently in the stages described in Section 4, "New Contract Arrangements," the project owner shall continue operations until completion. Once the project owner has reassessed the project's value , the project owner shall proceed as if it were a new project in accordance with the criteria, procedures and conditions specified in Section 4, "Project Preparation and Implementation," of the Public-Private Partnership Act between the State and the Private Sector B.E. 2562, or the criteria and procedures specified in this Announcement, as applicable

Proclamation dated July 10, B.E. 2563 Somkid Jatusripitak Deputy Prime Minister Chairman of the Public-Private Partnership Policy Committee Page 44 No. 137, Special Edition No. 165, Royal Gazette, July 20, B.E. 2563

[page 10]