



Legal News

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State Enterprise Policy Office - Criteria and procedures for implementing partnership project that has a lower value than stated in the Public-Private Partnership Act

On 20 July 2020 the State Enterprise Policy Office announced the criteria and procedures for implementing partnership project that has a lower value than the value specified in Section 9 of the Public-Private Partnership Act B.E. 2562 [2019] (“Act”) B.E. 2563 [2020] (“**Announcement**”), details as follows:

- The partnership project with lower value than specified (“**Partnership Project**”) means a partnership project which has a value below five thousand million Baht or below the value additionally prescribed by the Ministerial Regulation according to Section 9 of the Act.
- In the implementation of Partnership Projects, the Minister in charge is authorized to consider the Partnership Project between the government and the private sector and has the authority to approve in the matters relating to the Partnership Project, which are:
 - Principles of the Partnership Project;
 - The selection of private sector without bidding;

- Drafting the Partnership Agreement and the terms and conditions of the agreement;
 - Appointment of the Supervisory Committee;
 - Amendments of the Partnership Agreement; and
 - Guidelines for continuing the Partnership Project after the termination of the Partnership Agreement.
- In implementing the Partnership Project, the project owner shall have to report on the analysis and feasibility study of the Partnership Project which must at least contain all the information prescribed in the Announcement, for example:
 - Background to the Partnership Project principles and the reason behind the implementation of the Partnership Project;
 - Essential elements of the Partnership Project which includes objectives, goals, scope, duration of the project, the estimated costs and operating expenses of the Partnership Project;
 - Adequacy to execute the Partnership Project including availability of the acquisition of the title or rights in the use of the property, the public impact from the implementation of the Partnership Project and the laws, regulations, announcements or orders in relation to the Partnership Project;
 - Feasibility of the project on technical, technological, environmental, legal, financial or economical aspects; and
 - The risk identification, consideration of the potential risk, the impact of the risk and how to manage the risks identified.

This Announcement came into effect as of 21 July 2020.

For more information and how Deloitte can help you, please contact:

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