

Preparation of PPPs: Thailand (Template)

Full Description

Context of regulatory and institutional framework governing PPPs.

- Does the regulatory framework in your country allow procuring PPPs?
- Are you aware of any reforms related to PPPs that: Took place in or after 2017, but before June 1, 2019?
- Ongoing and/or are planned reforms to be adopted after June 1, 2019?
- For which of the following sectors is the above-mentioned regulatory framework applicable?
- Does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors, besides national defense and other matters of national security?
- PPP procuring authorities and their website(s)
- In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?

Questions	Answer	Legal Basis / Details
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Are ongoing and/or are planned to be adopted after June 1, 2019?		Yes	<p><i>Description:</i></p> <p>Under the PPP Act, the relevant authorities (Enterprise Policy Office) must issue the notification and regulations required for the implementation of the PPP within 180 from the effective date of the PPP (September 2019).</p>
For which of the following sectors is the above-mentioned regulatory framework applicable?			
	Transport	Yes	<p><i>Legal Basis:</i></p> <p>Under Section 7 of the PPP Act, the PPP project under the PPP Act must involve with the following public services: (1) road, highways, motorway, transport; (2) train, electric train and rail transport; (3) airport and air transport; (4) port and water transport;</p>
	Water	Yes	<p><i>Legal Basis:</i></p> <p>Under Section 7 of the PPP Act, the PPP project under the PPP Act must involve with the following public services: (5) water management, irrigation and wastewater treatment;</p>
	Energy	Yes	<p><i>Legal Basis:</i></p> <p>Under Section 7 of the PPP Act, the PPP project under the PPP Act must involve with the following public services: (6) energy;</p>
	ICT	Yes	<p><i>Legal Basis:</i></p> <p>Under Section 7 of the PPP Act, the PPP project under the PPP Act must involve with the following public services: (7) telecommunications and communication;</p>

	Social infrastructure	Yes	<i>Legal Basis:</i> Under Section 7 of the PPP Act, the PPP project must involve with the following public services: (8) hospital and public health services; (9) education; (10) housing and facilities for low income earners, elders, underprivileged or disable people; (11) exhibition center and conference center; and
	Other	Yes	<i>Legal Basis:</i> Under Section 7 of the PPP Act, the PPP project must involve with the following public services: (12) other activities to be announced by the President in a Decree.
Does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors, besides national defense and other matters of national security?			
	Transport	No	
	Water	No	
	Energy	No	
	ICT	No	
	Social infrastructure	No	
	Other	No	

<p>The PPP procuring authorities and their website(s)</p>		<p><i>Name and Website:</i></p> <p>According to Section 4 of the PPP Act, "State government agency, state enterprise, local administrative organization and other state agencies. Therefore, the procuring authorities can be any government agency, state enterprise, local administrative organization and other state agencies. Given the case study assumptions, the Department of Highways (http://www.doh.go.th/) would most likely be the procuring authority.</p>
<p>In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</p>	<p>Yes</p>	<p><i>Name and Website:</i></p> <p>According to Section 4 of the PPP Act, "State government agency, state enterprise, local administrative organization and other state agencies. Therefore, the procuring authorities can be any government agency, state enterprise, local administrative organization and other state agencies. Given the case study assumptions, the Department of Highways (http://www.doh.go.th/) would most likely be the procuring authority.</p> <p><i>Year: 2002</i></p> <p><i>Legal Basis:</i></p> <p>In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</p> <p>Reorganization of Ministry, Sub-Ministry, and Department, B.E. 2545 (2002) under Section 11 states: Section 11 Ministry of Finance shall have the following powers over government agencies: (8) State Enterprise Power</p>

	<p>What are the main responsibilities of the PPP Unit?</p>		<p><i>Legal Basis:</i></p> <p>The main responsibilities of SEPO are set out in Section 21 of the PPP Act; SEPO has to prepare the master plan for the Joint Investment Project which is to be approved by the Council of Ministers. The master plan on the development of infrastructure and other aspects of the country prepared by the Office of the National Economic and Social Development Council. Section 21. The Office shall prepare partnership project preparation in a manner consistent with the national masterplan for the development of infrastructure and for social and economic development by the Office of the National Economic and Social Development Council and submit the same to the Commission for consideration and approval. Section 21. The Office shall be responsible for clerical work of the Commission. The Office shall have the duties and powers as follows: (1) to prepare the Commission partnership project preparation for consideration and approval; (2) to propose to the Council of Ministers the designation of State agencies as project host agencies; (3) to develop necessary databases and bodies of knowledge; (4) to provide dissemination, training, education and information in connection with public-private partnership; (5) to provide advice to, or lay down practices for, agencies in connection with the execution of this Act; (6) to report progress and obstacles in regard to the execution of this Act to the Council of Ministers; (7) to perform other activities entrusted by the Council of Ministers or the Commission.</p>
	<p>- PPP regulation and policy guidance</p>	Yes	
	<p>- PPP capacity building for other public authorities</p>	Yes	
	<p>- PPP promotion among the public and/or private sectors in national and international forums</p>	Yes	

	- Technical support in implementing PPP projects	Yes	
	- Identification and selection of PPP projects from the pipeline	No	
	- Revision of fiscal risks born by the Government	No	
	- Consultation with affected communities on potential impact of PPP projects	No	
	- Approval of PPP projects	Yes	
	- Undertaking the procurement of PPPs	No	
	- Oversight of PPP implementation	No	
	- Post-project appraisal and audit	No	
	- Other	No	

Is there a central project development fund (support mechanism) for project preparation?

Name and website

Public-Private Partnership Promotion Fund

Year: 2019

Legal Basis:

The Fund is regulated under PART VI of the PRIVATE PARTNERSHIP PROMOTION FUND ACT. There shall be established in the Ministry of Infrastructure called the “Public-Private Partnership Promotion Fund” for the purpose of supporting the execution of this Act. Money of the Fund shall be expended to the following cases: (1) the employment of advisors in this Act; (2) the development of databases, knowledge as well as the dissemination, training, provision of advice in connection with public-private partnership; (3) costs of the management of the Fund.

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