



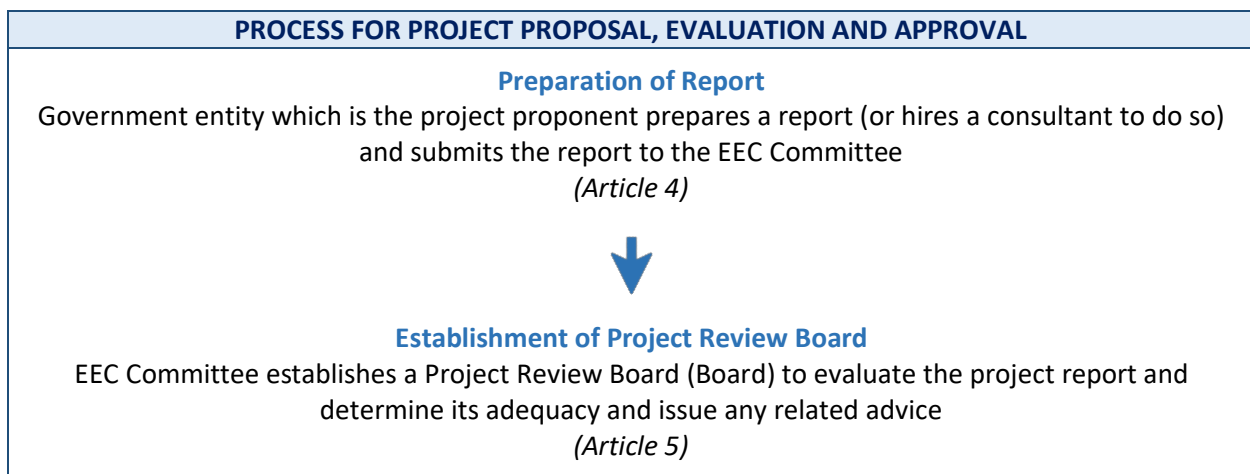
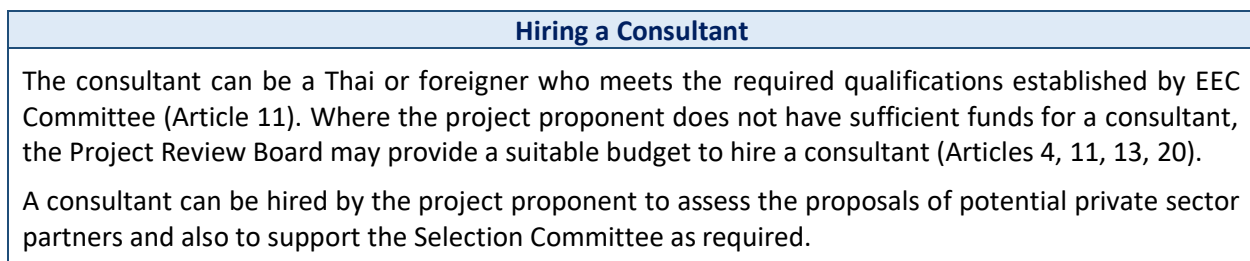
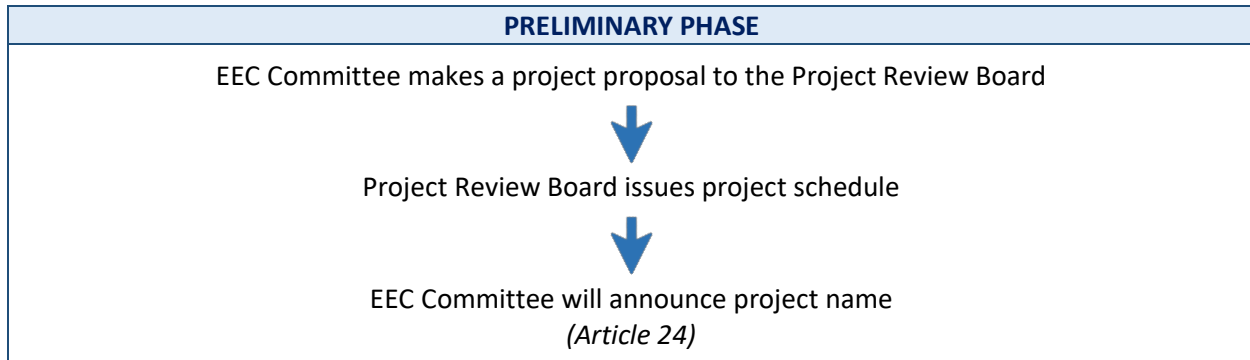
EEC Track Flowchart

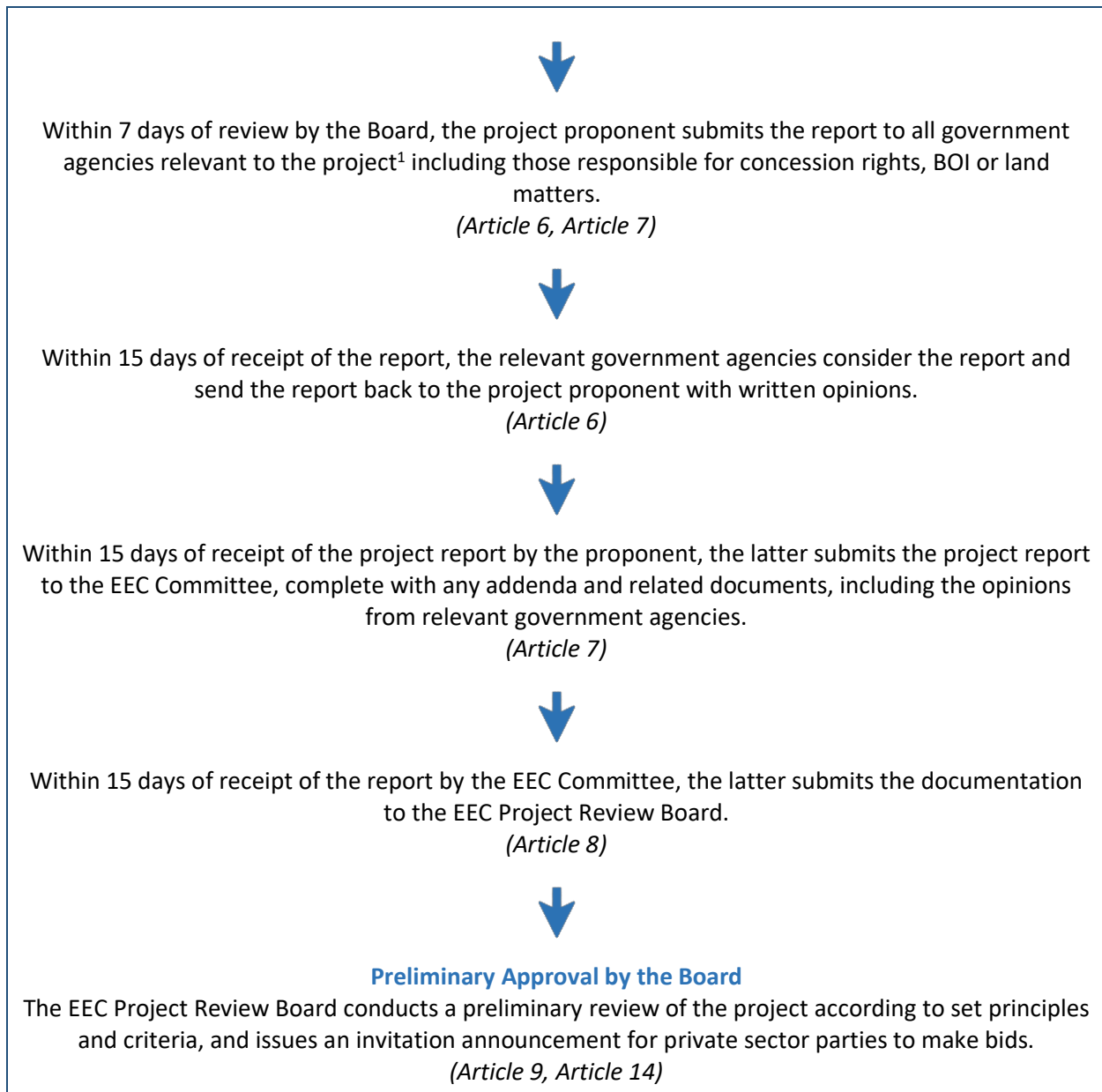
Summary of Rules of the Eastern Economic Corridor (EEC) Committee for Public-Private Partnerships and Investments by Private Entities

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SUMMARY OF RULES OF THE EASTERN ECONOMIC CORRIDOR (EEC) COMMITTEE FOR PUBLIC-PRIVATE PARTNERSHIPS AND INVESTMENTS BY PRIVATE ENTITIES

This document outlines the Announcement (B.E. 2560 (2017)) relating to the rules, procedures, conditions and processes for public-private partnerships and investment by private entities within the Eastern Economic Corridor (EEC), issued under the Eastern Special Development Zone Act (B.E. 2561 (2018)).





Selection of Private Sector Partner

Bidding Process

The project proponent reviews all proposal bids submitted by potential private sector partners and selects the most competitive bid. The project proponent prepares a summary report of the proposals and prepares a bidding package (or hires a consultant to prepare a bidding package)
(Article 25 and 26)

¹ This includes the Ministry having charge and control of the execution of projects, Office of the National Economic and Social, State Enterprise Policy Office and other related government entities



The project proponent will develop a draft joint investment contract between the project proponent and the potential private sector partner, for review by the Office of the Attorney General
(Article 11)



A Selection Committee is established by the EEC Project Review Board
(Article 12)



The Selection Committee reviews the bidding package and draft contract (using the Integrity Pact Method, i.e. guidance and procedures of the Anti-Corruption Co-operation and the Government Procurement and Supplies Management Act B.E. 2560 (2017)).
(Article 13)

N.B. Where the project proponent does not use the bidding method, the EEC Committee will establish the methodology to be followed in the selection of a private sector partner.
(Article 15)



Where the EEC Project Review Board issues an approval based on the preliminary review, the private sector partner is selected and negotiations on the joint investment contract are carried out.
(Article 13)



Preparation of Contract

The project proponent/project owner reviews the draft joint investment contract and submits the contract to the Office of the Attorney General.
(Article 11, Article 16)



Within 15 days of receipt of the draft contract, the Office of the Attorney General reviews the contract and issues a written decision to the project owner.
(Article 16)



Within 3 days of receipt of the draft contract reviewed by the Attorney General, the project owner submits the draft contract as well as the results of the negotiations and private sector selection to the EEC Committee.
(Article 17)



Within 15 days of submission to the EEC Committee, the latter presents the documents to the EEC Project Review Board for a final decision.
(Article 18)



Final Decision by the Board

Where the [Board approves](#), the project proponent/project owner signs the contract with the selected private sector partner.
Where the [Board rejects the proposal](#), the EEC Committee returns the documents to the project owner. The complete review process is required again, taking into account the opinions of the Board.
(Article 18)



Preparation and Publication of Final Report

Within 30 days of the signed contract, the project owner prepares a report summarizing the contract and how/why the private sector partner was selected. A copy of the contract is lodged with the National Anti-Corruption Commission, State Audit Office and the State Enterprise Policy Office (SEPO). These documents are made available to the public.
(Articles 27 and 29)



Project Activities and Performance Updates

The project owner prepares a report on project performance and activities and provides reports to the EEC Committee and SEPO every six months. This report is made available to the public.
(Article 28)

SUPERVISION AND MONITORING OF PROJECTS

Functions of the Supervisory Committee

The Project Review Board shall establish a Supervisory Committee. This Committee is responsible for project oversight and the preparation of performance and progress reports. The Committee also considers any issues arising from implementation and makes recommendations to the EEC Committee where required.
(Articles 19 and 20)

PROCEDURE FOR AMENDING CONTRACTS

Where a signed joint investment contract requires amendment, the project owner may propose amendments (and the reasons therefor), to the Supervisory Committee for consideration and any recommendations.

(Article 21)



The project owner submits the proposed amendments and any Supervisory Committee recommendations to the Office of the Attorney General for review.

(Article 21)



The EEC Project Review Board shall make a final decision on the amendments, upon receipt of the Attorney-General's review.

(Article 21)

PROCEDURE FOR CONTRACT RENEWAL

At least 5 years before the expiry of the existing contract, the project owner must go through the project proposal process again.

(Article 22)

TERMINATION OF CONTRACT

A contract may be terminated as per contract terms, or where a final court judgment is issued that the private sector partner has engaged in corrupt practices, resulting in termination of the agreement without compensation.

(Article 23)

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