

Translation

RULE OF THE MINISTRY OF FINANCE  
ON  
THE MANAGEMENT OF THE PROJECTS ON THE LOAN FOR ECONOMIC RECOVERY AND  
DEVELOPMENT OF BASIC INFRASTRUCTURE,  
B.E. 2554 (2011)

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Whereas the Council of Ministers passed a resolution on the 27<sup>th</sup> day of April B.E. 2553 (2010) permitting the Ministry of Finance to raise loans from the Public Sector Reform Development Policy Loan from the World Bank with a credit line of 1,000 million US dollars, and to raise loans from the Capital Market Development Program from the Asian Development Bank with a credit line of 300 million US dollars for the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure, and a resolution on the 4<sup>th</sup> day of April B.E. 2554 (2011) approving the establishment of a Screening and Management Committee for the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure;

So that the management of the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure is concise, effective and cost-efficient, and for the benefit of the development of the country's basic infrastructure, by virtue of section 20 of the State Administration Act, B.E. 2534 (1991), and its amendment (No.5), B.E. 2545 (2002) the Minister of Finance hereby issues the Rule as follows:

**Clause 1.** This Rule is called the "Rule of the Ministry of Finance on the Management of the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure, B.E. 2554 (2011)".

**Clause 2.** This Rule shall come into force as from the day of its publication in the Government Gazette.

**Clause 3.** In this Rule:

“responsible agency” means a government agency, State enterprise under the law on budgetary procedure, local administrative organisation, an agency under State oversight, and any other State agency;

“project” means a project or work plan under the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure;

“loan” means money which the Ministry of Finance, by approval of the Council of Ministers, borrows in the name of the Government of the Kingdom of Thailand under the law on public debt management for expenditure under the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure;

“Committee” means the Screening and Management Committee for the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure as established by approval of the Council of Ministers Resolution on the 4<sup>th</sup> day of April B.E. 2554 (2011).

**Clause 4.** The Minister of Finance shall have charge and control of the execution of this Rule.

## CHAPTER I GENERAL PROVISIONS

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**Clause 5.** The management of the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure shall be carried out via the project’s information technology system.

**Clause 6.** The Public Debt Management Office shall have the following duties:

(1) to open an account for the deposit of loan in accordance with clause 11, including to establish a system for the management of cash and the reporting of the loan’s status;

(2) to consider an application for transfer or change of details of a project and to report to the Committee for consideration and submission to the Council of Ministers in accordance with clause 10;

(3) to co-ordinate with the responsible agency to expedite the implementation of the project, including to monitor and evaluate the results of the project and to report the results to the Council of Ministers in accordance with clause 13;

(4) to prescribe relevant regulations or practices as it sees fit.

## CHAPTER II

### PROPOSAL, CONSIDERATION, SCREENING AND APPROVAL OF A PROJECT

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**Clause 7.** A responsible agency, with the approval of the Minister in charge, shall propose a project to the Committee whereby such project shall be in accordance with the objectives under the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure as approved by the Council of Ministers in one way or the other, as follows:

(1) being a project which invests in the government sector to support the increase of the long-term competitiveness of the country;

(2) being a project or work plan to increase domestic financial security by supporting government measures for economic recovery by increasing liquidity in the financial and economic system of the country, in order to extend the credit line to operators of small and medium businesses, exporters and other operators of the manufacturing sector, including to provide credit guarantee via State financial institutions;

(3) to support a project under the Thai Khem Khaeng Action Plan B.E. 2555 (2012).

For projects under the objective (3) the Rule of the Office of the Prime Minister on the Management of the Projects under the Thai Khem Khaeng Action Plan B.E. 2555 (2012), B.E. 2552 (2009) and its amendments shall be applied.

**Clause 8.** The Committee shall consider and screen the appropriateness and the readiness of a project and work plan, including a suitable investment budget for submission to the Council of Ministers for consideration and approval to carry out the project and to allocate loan. In the case where a project must comply with the procedures of any law and rule, the responsible agency shall act in accordance with the procedures of the relevant laws and rules.

**CHAPTER III**  
**IMPLEMENTATION OF THE PROJECTS**

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**Clause 9.** For procurement in the implementation of a project, the responsible agency shall act in accordance with the Rule of the Office of the Prime Minister on Procurement, B.E. 2535 (1992) and its amendments, and the Rules of the Office of the Prime Minister on E-Procurement, B.E. 2549 (2006), or in accordance with the laws, rules or by-laws of the responsible agency.

**Clause 10.** If the responsible agency wishes to transfer or change the details of a project, the responsible agency shall submit an application of such request along with the details of necessity to the Public Debt Management Office for submission to the Committee for consideration and giving of opinions, which shall then be submitted to the Council of Ministers for consideration and approval.

Transfer or change of details to another ministry or to another agency from the responsible agency cannot be made.

**CHAPTER IV**  
**SOURCING AND DISBURSEMENT OF LOANS**

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**Clause 11.**<sup>1</sup> The Public Debt Management Office shall deposit the loan with the Ministry of Finance in treasury deposit account at the Comptroller General's Department under the name "Deposit of the Loan for Economic Recovery and Development of Basic Infrastructure".

The provisions in paragraph one shall not apply in the case where the Ministry of Finance uses the loan to provide a loan for the responsible agency as a sub-loan.

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<sup>1</sup> Clause 11 is amended by the Rule of the Ministry of Finance on the Management of the Projects on the Loan for Economic Recovery and Development of Basic Infrastructure (No.2), B.E. 2556 (2013).

Herewith, the regulations, procedures and conditions relating to sub-loans shall apply *mutatis mutandis*.

For loan which is used to support a project under the Thai Khem Khaeng Action Plan B.E. 2555 (2012), the Public Debt Management Office shall transfer funds from the account under paragraph one into the account named “Thai Khem Khaeng Action Plan B.E. 2555 (2012)” and in doing so, it shall act in accordance with the Rule of the Office of the Prime Minister on the Management of Projects under the Thai Khem Khaeng Action Plan B.E. 2555 (2012), B.E. 2552 (2009), and its amendments.

**Clause 12.** The disbursement of loan shall be in accordance with the objectives of the loan under the law on public debt management.

In the disbursement of loan as expenditure for a project, the rules on disbursement in official service shall apply to the responsible agency *mutatis mutandis*.

## CHAPTER V

### MONITORING, EVALUATION AND REPORTING OF IMPLEMENTATION RESULTS

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**Clause 13.** In order to make the monitoring and evaluation of the implementation results of the project successfully efficient, relevant agencies shall act as follows:

(1) the Public Debt Management Office shall establish the project’s information technology system to support the monitoring of the progress of project implementation, disbursement, and evaluation of the project;

(2) the responsible agency shall report the progress of implementation of the project and expenditure via the project’s information technology system in accordance with the regulations and the period of time which the Public Debt Management Office prescribes;

(3) the Public Debt Management Office shall coordinate with the responsible agency to expedite the implementation of the project in accordance with the work plan approved by the Council of Ministers. It shall also monitor the progress of disbursement, and shall give recommendations to solve problems and obstacles relating to the implementation of the project and report to the Council of Ministers;

(4) the Public Debt Management Office shall carry out the monitoring and evaluation of the project to evaluate the success of the project, and report to the Council of Ministers.

## CHAPTER VI USE OF PAYABLE FUNDS

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**Clause 14.** In the case where a responsible agency has been allocated loan and a binding contract has been made, if there is a balance of payable funds and in such project a price adjustment contract with reparation to be paid for the cost of construction is made, it shall make an application for approval of payment of reparation for the cost of construction to the Public Debt Management Office, and once the Public Debt Management Office has approved such reparation, it shall disburse the loan to pay reparation for the cost of construction.

**Clause 15.** Once the responsible agency has completely implemented a project, if there remains a balance of funds for such project the responsible agency shall remit the funds into the account under clause 11.

Once the process under paragraph one has been completely carried out for all projects, the Public Debt Management Office shall close the Deposit of the Loan for Economic Recovery and Development of Basic Infrastructure account and remit the remaining funds to the treasury.

## TRANSITORY PROVISIONS

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**Clause 16.** Any proceeding relating to the Projects on the Deposit of Loans for the Loan for Economic Recovery and Development of Basic Infrastructure which was carried out prior to the day of entry into force of this Rule shall be deemed a proceeding

under this Rule, and any continuing proceeding for such project shall be in accordance with the provisions of this Rule.

Given on the 24<sup>th</sup> day of June B.E. 2554

Korn Chatikavanij

Minister of Finance