

Notification of the Anti-Corruption Cooperation Committee

Re: Infrastructure Transparency Initiative: CoST

By virtue of Section 17, second paragraph of the Public Procurement and Supplies Administration Act, B.E. 2560 (2017), the Anti-Corruption Cooperation Committee (ACC Committee) hereby issued the notification governing transparency in government construction initiatives, as a means to facilitate public participation in public procurement. Guidelines and methods of implementation shall be as prescribed below:

Article 1 This Notification shall be called the "Notification of the Anti-Corruption Cooperation Committee Re: Infrastructure Transparency Initiative: CoST".

Article 2 This Notification shall come into force upon the expiration of two hundred and forty days from the date of its publication in the Government Gazette.

Article 3 The Notification of the Anti-Corruption Cooperation Committee Re: Infrastructure Transparency Initiative: CoST dated 24 September 2019, shall be repealed.

Article 4 In this Notification:

"Infrastructure Transparency Initiative (CoST)" means a project in which the government agency that owns the construction project is required to publicly disclose information about the construction project throughout the period of construction. The Provincial CoST Working Group and the Assurance Team shall verify the accuracy of the disclosed information, assess information disclosure and prepare the Assurance Report to be submitted to the Sub-Committee on Infrastructure Transparency Initiative. The Sub-Committee shall act as a Multi-Stakeholder Group (MSG), representing the government, private sector, professional organizations and civil society sector to consider and present the report to the ACC Committee, for the Committee to approve the dissemination of such report to the public. The Project shall be referred to as the "CoST Project".

"Officer of the Infrastructure Transparency Initiative" means the officer of the Infrastructure Transparency Initiative, assigned by the project owner agency to disclose

Information relating to the construction project. The Officer shall be referred to as "CoST Officer".

"Working Group on Infrastructure Transparency Initiative of the Provincial Treasury Office" means the working group established by the Comptroller General's Department in accordance with Article 11. The Provincial Treasury Office shall appoint its personnel to monitor, inspect, analyze and evaluate the construction projects participating in the CoST Project within the province. The Working Group shall be called the "Provincial CoST Working Group".

"Assurance Team (AT)" means a working group established by the Comptroller General's Department in accordance with Article 11, by appointing from a pool of multi-disciplinary personnel with diverse knowledge and expertise, such as engineers, architects, economists, accountants and financial advisors, and etc., to monitor, inspect, analyze and evaluate construction projects participating in the CoST Project.

"Sub-Committee on Infrastructure Transparency Initiative Promotion" means a sub-committee appointed by the ACC Committee, with the authority and duty to consider, select and cancel construction projects of government agencies that will participate in the CoST Project, as well as to supervise and monitor the implementation of the CoST Project. The Sub-Committee shall be referred to as the "CoST Sub-Committee".

Article 5 When an approval on the procurement budget for each fiscal year is obtained from the relevant agencies or the agency authorized to consider the budget, the government agency shall inform the CoST Sub-Committee of the information of the construction project under Article 6 within 15 working days from the date of budget approval, for the project to be considered and selected to participate in the CoST Project. Notification of information shall be carried out through the information network system of the Comptroller General's Department.

Article 6 A construction project obligated to notify the information under Article 5 shall have the following characteristics:

- (1) A construction project the procurement of which will be conducted through the

information network system of the Comptroller General's Department, with the type of procurement indicated as construction. However, if any construction project has more than one contract or more than one sub-project, all contracts or sub-projects shall be deemed to be under that construction project and counted as one project.

(2) It is a construction project with any one of the following characteristics:

(2.1) It is the top three construction projects with the highest budget under a department or other department-equivalent government agency.

(2.2) It is a construction project with a budget of THB five million or more under a provincial administrative organization, a municipality or sub-district administrative organization.

(2.3) It is the top three construction projects with the highest budgets under the Special Local Governments.

(2.4) It is the top three construction project with the highest budgets under a state-owned enterprise.

(2.5) It is the top three construction project with the highest budget under other government agencies other than those in (2.1) – (2.4)

(2.6) It is a construction project in which the project owner wishes to participate in CoST Project.

In the event that the approved budget of the government agency for the construction project results in the change in the order of construction projects prescribed in (2.1), (2.3), (2.4) or (2.5), which has been notified to the CoST Sub-Committee, the government agency shall inform additional information regarding such construction projects via the information network system of the Comptroller General's Department, for the CoST Sub-Committee to consider and select the projects to be participating in Cost Project.

Article 7 The CoST Sub-Committee shall consider and select the construction projects with any of the qualifications according to the following criteria to participate in the CoST Project:

- (1) Construction projects notified by government agencies under Article 5
- (2) Construction projects that have an impact on the public
- (3) Construction projects that the CoST Sub-Committee deems appropriate to participate in the CoST Project

Article 8 In the event that the budget of the construction project selected to participate in the CoST Project has changed, or the construction project no longer possesses the characteristics specified in Article 6 (2.1) - (2.5) due to any other reasons whatsoever, as long as the construction project continues to be carried out, it shall continue to be deemed as a project in CoST Project.

Article 9 In the event that the project selected to participate in CoST Project got cancelled, the project owner agency shall notify through the information network system of the Comptroller General's Department, for the consideration of the CoST Sub-Committee.

Article 10 The project owner agency shall specify the list of CoST Officers in the project within 15 working days after the announcement of the selection results for the participation in the CoST Project in the information network system of the Comptroller General's Department. The construction project information shall be disclosed throughout the project term and the project owner agency shall allow the Provincial CoST Working Group or the Assurance Team to monitor, verify the disclosed information, as well as evaluate the results of the project information disclosure. Information disclosure shall be divided into two types: (1) public disclosure of project information or Proactive Disclosure, carried out through the information network system of the Comptroller General's Department; and (2) information disclosure upon request or Reactive Disclosure. The disclosure of information shall be as prescribed at the end of this Notification.

Article 11 The Comptroller General's Department shall be responsible for the secretarial work of the CoST Sub-Committee and arrange for the establishment of a Provincial CoST Working Group and the Assurance Team. Expenses necessary to support the operation of the CoST Sub-Committee, the Provincial CoST Working Group and the Assurance Team, shall be disbursed from the annual expenditure budget of the Comptroller General's

Department or other sources of funds.

Article 12 The Provincial CoST Working Group has the following duties:

(1) Monitor and verify information on construction projects participating in the CoST Project with the construction area located within the province.

(2) The Provincial CoST Working Group may conduct on-site visits within the province to monitor and verify the information, as well as organize a public forum to gather opinions regarding any specific construction project. In addition, the results of the data verification and public hearing on the visited projects shall be published through the information network system of the Comptroller General's Department.

Article 13 The Assurance Team has the following duties:

(1) Verify the information disclosed by the project owner agency. The verification is divided into 2 levels, as follows:

(1.1) Procuring entity level verification is the verification of the completeness and accuracy of the disclosed information and the general performance related to the construction project of the project owner agency.

(1.2) Project level verification is the verification of construction projects according to the interests of relevant stakeholders, such as fair competition in procurement, cost-effectiveness, and efficiency in budget spending, response to the public needs.

(2) The Assurance Team may conduct on-site visits to monitor and verify the information, as well as organize a public forum to gather opinions regarding any specific construction project, as it may deem appropriate.

(3) The results of the data verification shall be produced as an Assurance Report (AR) every fiscal year. The AR shall be presented in easily comprehensible language.

(4) Coordinate with the CoST Sub-Committee Secretariat to request additional information from the project owner agency.

(5) Submit the Assurance Report to the CoST Sub-Committee for preliminary consideration and certification of the Assurance Report and present the Assurance Report to

the ACC Committee for further consideration.

Article 14 When the ACC Committee certifies the Assurance Report, the Comptroller General's Department shall disclose the Assurance Report to the project owner agency and the public for their acknowledgement through the Comptroller General's Department's information network system within 15 working days.

Article 15 If the project owner agency has a project that has been selected to participate in the CoST Project but fails to specify the list of CoST Officers for the project and fails to disclose the construction project information through the information network system of the Comptroller General's Department, the CoST Sub-Committee shall issue a written notice informing the head of the government agency.

If the project owner agency fails to take any action within 15 working days from the date of receipt of the letter under the former paragraph by the head of the government agency, the CoST Sub-Committee shall notify the immediately higher regulating entity of the project owner agency.

If the project owner agency fails to take any action within 15 working days from the date on which the regulating entity received the letter under the second paragraph, the CoST Sub-Committee shall notify the highest supervisor of the affiliating ministry of the project owner agency.

Article 16 If the Provincial CoST Working Group and the Assurance Team find inaccurate information, incomplete disclosure of information or detection of corruption or potentially corrupted behavior, the operation shall be reported to the CoST Sub-Committee for consideration. If the CoST Sub-Committee finds the information to be inaccurate, incompletely disclosed or it is deemed that there is a corruption or potentially corrupted behavior, the project owner agency shall be immediately notified, for it to make certain clarifications or corrections within the period specified by the CoST Sub-Committee. If the project owner agency fails to clarify or correct such discrepancies within the specified time period, the CoST Sub-Committee shall notify the ACC Committee to consider the facts for further instructions. After examining the facts, should the ACC Committee find any corruption

or potentially corrupted behavior, relevant agencies shall be notified for further action.

Article 17 The implementation of CoST Project prescribed in the Notification of the Anti-Corruption Cooperation Committee Re: on Infrastructure Transparency Initiative dated 24 September 2019, which has not yet been completed, shall be deemed as the implementation of the CoST Project under this Notification. The authorized person under the project can continue to implement the project as such. The guidelines and methods of implementation under this Notification shall apply to the procedures that are in the process of being carried out or to be carried out until the implementation is completed.

Announced on 30 August 2023

Krisada Chinavicharana

Permanent Secretary of the Ministry of Finance

Chairperson of the Anti-Corruption Cooperation Committee

Details of Information Disclosure

(Annex to the Notification)

1. Characteristics of the information disclosed

Information disclosed can be divided into 2 characteristics:

1.1 Public disclosure of project information or Proactive Disclosure

For public disclosure of project information or Proactive Disclosure, the project owner agency shall ensure that the CoST Officers are disclosing information throughout the term of the construction project from project drafting and proposal, project preparation, procurement, implementation and post-completion period. There are 40 items of the project information to be disclosed, as follows:

- Details on the process of project drafting and proposal
 1. Name of project owner agency
 2. Budget allocation strategy or project strategy
 3. Project name
 4. Location of the project
 5. Project objectives
 6. Project details
- Details on project preparation
 7. Expected results from the implementation of the project
 8. Environmental impact (if any)
 9. Impact of land expropriation (if any)
 10. Contact details of the officers and project supervisors
 11. Budget sources
 12. Project budget
 13. Date of project budget approval
- Details on procurement
 14. Name of procurement agency
 15. Contact details of the procurement agency
 16. Scope of work
 17. Procurement methods
 18. Types of contracts

19. Current status of the contract
20. List of bidders and price tendered of each bidder
21. Mid-price
22. Contract management agency
23. Contract name and number
24. Name of the awarded company
25. Contract Value
26. Terms of work and contractual payment installment
27. Contract execution date, contract start date and contract period
- Details on project implementation
 28. Changes in the contract value
 29. Changed contract value due to currency fluctuations
 30. Changes to the contract period
 31. Changes in the contractual scope and the justification of such change
 32. Reasons for the change in the contract value
 33. Reasons for the change in the contract period
 34. Project status and progress
- Information after project completion and complaint management
 35. Total project costs
 36. Project completion date
 37. Photos or videos when the project is completed
 38. Self-assessment of the project owner agency
 39. Project audit and conclusions
 40. Complaint management

1.2 Disclosure of information upon request or Receptive Disclosure

Disclosure of information upon request or Receptive Disclosure covers the information that the project owner will disclose when requested. The information is divided into project details and contract details, as follows:

1.2.1 Project details

- Details of the project to be disclosed at the stage of project drafting, proposal and preparation include:

1. Long-term and budgetary action plan

2. Brief project details or feasibility study (if any)
 3. Environmental Impact Assessment (if any)
 4. Expropriation plan and compensation payment (if any)
 5. Project officers and duties
 6. Financial agreements
 7. Procurement plan
 8. Project approval
- Details of the project to be disclosed at the end of the project

include:

9. Progress report
10. Budget changes
11. Project closing report
12. Project evaluation report
13. Technical inspection report
14. Financial audit report

1.2.2 Contract Details

- Details of the contract to be disclosed in the procurement process

include:

1. Liaison officer and duties
2. Procurement methods
3. Tender documents
4. Tender evaluation results
5. Project design report

- Details of the contract to be disclosed during the contracting process

include:

6. Sale and purchase agreements and the terms and conditions
7. Company incorporation details and owner information
8. Features and construction drawings

- Details of the contract to be disclosed during the contract period

include:

9. Items that have changed or modified
10. List of additional approvals

11. Quality inspection report
12. Disbursement records or payment certificates
13. Amendment of the contract

However, the CoST Sub-Committee can propose to the Anti-Corruption Cooperation Committee to consider updating or adding additional items to the Proactive Disclosure list, as appropriate. For disclosure of information upon request or Reactive Disclosure, the project owner agency is permitted to disclose such information if requested by the public, and such disclosure is not deemed to be in violation of the Official Information Act B.E. 2540 (1997). If there is any request for information related to trade secrets or which may affect national security, the project owner agency shall notify the CoST Sub-Committee, for the matter to be presented to the Anti-Corruption Cooperation Committee for its deliberation.

2. Disclosure Channels

The project owner agency shall proceed with the public disclosure or Proactive Disclosure of the project through the information network system of the Comptroller General's Department.