

I - Information requested from States parties and signatories in relation to prevention of corruption in procurement at various government levels and the effective use of technology to prevent, detect, deter and counter corruption in procurement (arts. 9 and Conference resolution 10/9).

1. Please describe (cite and summarize) the measures/steps your country has taken (or is planning to take) to implement this provision of the Convention.

In relation to integrity in public procurement processes, States parties and signatories may wish to cite and describe measures that:

- Ensure the national procurement system is based on principles of transparency, competition and objective criteria in decision-making;
- Provide for transparent publishing of all procurement decisions including publishing the invitations to tender;

Government procurement in Thailand is under the Public Procurement and Supplies Administration Act, B.E. 2560 (2017), which is based on value for money, transparency, accountability, efficiency, and effectiveness principles. This act focuses on transparency and fair competition and requires that all steps in a procurement process be published through the electronic Government Procurement (e-GP) system on a single portal website. All invitations from state agencies will be published on the website www.gprocurement.go.th. It emphasizes procurement planning and performance assessment, reduces the risk of corruption, and encourages public participation in the procurement process by allowing the public to observe and criticize government procurement projects. The Act also introduced criminal penalties for government officials who violated the law. If found guilty, they are subject to one to ten years' imprisonment and/or a fine of up to THB 200,000; penalties are extended to those in the private sector that pay bribes.

To increase transparency and integrity in government procurement, Thailand joined the Infrastructure Transparency Initiative (CoST), established by the British Department for International Development and the World Bank in 2014. The initiative requires disclosure to the public of information regarding ongoing infrastructure projects and verification of that information. It encourages stakeholder participation in the monitoring of projects under the initiative. A multi-stakeholder group, composed of representatives from the government, civil society, and the private sector, was established to oversee the implementation of relevant infrastructure projects.

Furthermore, to prevent corruption, Thailand has applied the Integrity Pact (IP) to the government procurement project, which is an agreement among three parties: government agencies seeking to procure goods and services; bidders interested in bidding to supply the goods and services to the private sector; and observers, who will have a role in monitoring compliance with the Integrity Pact. The observers are experts renowned for their ability, experience, and honesty. They will be selected by the Anti-Corruption Commission of Thailand (ACT). The observer will observe and monitor the whole process of government procurement, starting from the drafting of the term of reference to the end of the project. The observer can raise doubts on ambiguous matters or suspicious behavior, which might lead to corruption practice. They can then make a report or file a complaint with the procuring entity and related organizations, such as the National Anti-Corruption Commission (NACC), the Office of Public

Sector Anti-Corruption Commission (PACC), or the Office of the Auditor-General of Thailand (OAG).

- Establishing in advance the conditions for participation, including selection and award criteria and tendering rules;

Thailand has supplier registration for the e-GP system, which screens suppliers that meet the conditions for participation. After that, all registered suppliers can access all bidding documents and submission bids through the e-GP system. These processes can reduce collusion in government procurement.

- Provide for sufficient time to potential tenders to prepare and submit their tenders and using by default an open tender procedure;

According to clause 51 of Regulation of the Ministry of Finance on Public Procurement and Supplies Administration B.E. 2560 (2017), Thailand allows enough time for tender submission, depending on the value of the purchase and the technical complexity.

- Establish procedures, rules and regulations for review of the procurement process, including a system of appeal;

A bidder may submit an appeal within seven working days from the date on which the result of the procurement is announced. The appeal is first considered and decided by the procuring entity. A decision is made by that entity within seven working days. If the procuring entity does not agree with the appeal, it turns to the Appeals Committee for consideration. If the Appeals Committee considers the appeal justified and has material effects on the procurement, it orders the procuring entity to recommence the procurement. The decision of the Appeals Committee is final. If the bidder is not satisfied with the decision of the Appeals Committee and holds the opinion that the procuring entity should be liable to pay damages, it has the right to file a claim with the Court for compensation.

- Provide for a thorough selection of personnel responsible for procurement, including screening procedures; as well as establishing a conflict of interest management system with declarations of interest and methods to resolve conflicts in particular cases;

The Public Procurement and Supplies Administration Act (Section 13) states that a person having the duty to conduct procurement must not have any interests with tenderers of proposals or contractual parties in relation to the work concerned. In the case where it appears thereafter that the person having the duty to conduct the procurement has any interest with the tenderer of a proposal or the contractual party in any process of the procurement or is a member of a procurement committee without material prejudice to the procurement, such procurement shall not be impaired.

- Put in place other administrative practices promoting integrity in procurement (such as the rotation of personnel, debarment procedures, etc.).

Thailand has training programs for promoting and developing officials' knowledge and expertise in relation to public procurement and supply administration in accordance with professional principles and in accordance with the Act, best practices, code of conduct, and ethics. Furthermore, supplier debarment was stipulated in the Public Procurement and Supplies Administration Act (Section 109) in order to promote integrity in procurement.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to promote the effective use of technology to prevent, detect, deter and counter corruption in procurement.

States parties and signatories may wish to provide information on measures that:

- Utilize technology, such as online platforms for the distribution of information relating to public procurement and tenders as a way to prevent corruption, enhance transparency and ensure competition and objective criteria in procurement decision-making.

Government procurement in Thailand will be performed through the electronic Government Procurement (e-GP) system on a single portal website, which requires all steps in a procurement process to be published through the system, which include procurement planning, invitation notices, tender submissions, award-winning announcements, procurement law and regulations, and the procurement debarment list. The guidelines for using the e-GP system are also provided on the website, www.gprocurement.go.th.

3. Please outline actions required to strengthen or improve the measures described above and any specific challenges you might be facing in this respect.

To increase transparency in government procurement Thailand is planning to develop an e-GP system for red flags, framework agreements, and electronic appeals. There are challenges in amending the law and budgeting to support it.

4. Do you require technical assistance in relation to the measures described above? If so, please specify the forms of technical assistance that would be required. In case you have received or are receiving technical assistance to implement these measures, please indicate so in your response.

No technical assistance is required.