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กฎกระทรวง กำหนดพัสดุที่รัฐต้องการส่งเสริมหรือ  
สนับสนุน และกำหนดวิธีการจัดซื้อจัดจ้างพัสดุโดยวิธี  
คัดเลือกและวิธีเฉพาะเจาะจง พ.ศ. 2560

Ministerial Regulation: Prescribing of Supplies that the  
State needs to Promote or Support and Prescribing of  
Procurement Method by the Selection and Specific  
Methods B.E. 2560 (A.D. 2017)

(Official Emblem)

## Ministerial Regulation

Prescribing of Supplies that the State needs to Promote or Support and Prescribing of  
Procurement Method by the Selection and Specific Methods

B.E. 2560 (A.D. 2017)

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By virtue of Section 5 paragraph one and Section 56 paragraph one (1) (h), (2) (h), and paragraph two, Section 65 paragraph two, Section 70 paragraph one (3) (g), and Section 75 paragraph two of the Act on Public Procurement and Supplies Administration B.E. 2560 (A.D. 2017), the Minister of Finance issues this Ministerial Regulation as follows:

### Chapter 1

#### Supplies for Agricultural Promotion and Development

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Clause 1. In this Chapter,

“supplies for agricultural promotion and development” means outcomes or products obtained from agriculture, fishery, husbandry, or forestry, and byproducts of outcomes or products, and supplies or durable articles of agriculture.

Clause 2. Prescribing that the following supplies for agricultural promotion and development shall be supplies that the State needs to promote or support:

- (1) School milk manufactured by the Dairy Farming Promotion Organization of Thailand;
- (2) UHT milk of Chitralada and other products manufactured by the Royal Chitralada Projects;
- (3) Products and delicatessen manufactured by the Royal Factories of Delicacies through cooperatives of the Northern Royal Projects;
- (4) Rice and consumer goods of Public Warehouse Organization, Marketing Organization for Farmers, Marketing Organization, Agricultural Co-operative Federation of Thailand., Ltd., or Farmer Institutes;
- (5) Seedstock and factors of production of the Department of Agriculture;

- (6) Rice seed stock of the Rice Department;
- (7) Products or service contract in regard to plants made from craft tissues and foods that are within the household industry of Mae Fah Luang Foundation;
- (8) Agricultural supplies that are seedstock and animal breeds of Marketing Organization for Farmers, Agricultural Co-operative Federation of Thailand., Ltd., co-operative at the Ministry of Agriculture and cooperative certificates or agricultural groups that are juristic persons;
- (9) Agricultural supplies and equipment for agriculture of the Marketing Organization for Farmers, the Agricultural Co-operative Federation of Thailand., Ltd., co-operative at the Ministry of Agriculture and cooperative certificates or agricultural groups that are juristic persons;
- (10) Products and wood drying services, wood plane, wood seasoning and chemical treatment of Forest Industry Organization.

Clause 3. Procedures for procurement of supplies for agricultural promotion and development under Clause 2 shall be as follows:

- (1) a State agency financially supported by the Government in terms of procurement under Clause 2 (1) shall procure supplies by the specific method, using such budget, from the Dairy Farming Promotion Organization of Thailand;
- (2) a State agency shall procure supplies under Clause 2 (2) by the specific method from the Royal Chitralada Projects. If the State agency is not desirous to procure such supplies by using the specific method, such State agency may use the general solicitation method or the selection method instead;
- (3) the central government and provincial government shall procure supplies under Clause 2 (3) by the specific method from the Royal Factories of Delicacies. If the central government and provincial government are not desirous to procure such supplies by the specific method, such central government and regional government may use the general solicitation method or the selection method instead;
- (4) a State agency shall procure supplies under Clause 2 (4) from Public Warehouse Organization, Marketing Organization for Farmers, Marketing Organization, Agricultural Co-operative Federation of Thailand., Ltd., or Farmer Institutes located in the closest proximity by the selection method and shall inform such organizations, federations or institutes to submit proposals;
- (5) a State agency shall procure supplies under Clause 2 (5), (6), (7), or (10) by the specific method. If the State agency is not desirous to procure such supplies by the specific method, the State agency may use the general solicitation method or the selection method instead;
- (6) a State agency shall procure supplies under Clause 2 (8) and (9) of which the price per unit does not exceed 50,000 Thai baht by the selection method, and shall inform Public Warehouse Organization, Marketing Organization for Farmers, Marketing Organization, the Agricultural Co-operative Federation of Thailand., Ltd., cooperative at the Ministry of Agriculture and cooperative for certificates or agricultural groups that are juristic persons and manufacturers to submit proposals.

## Chapter 2

Supplies for Medium-Small Enterprise and Disadvantaged Person Promotion

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Clause 4. In this Chapter,

“supplies for medium-small enterprise and disadvantaged person promotion” means goods manufacturing, services provision, wholesaling, retailing, community business related to goods production, services, or other services provided by community enterprises, women group, housewife group, or other occupational groups in villages and Tambon, cooperative groups, cooperative shops, shops, or occupational groups that are under the supervision of State agencies or certified by State agencies, foundations, welfare organizations, or other similar occupational groups.

Clause 5. The following supplies for medium-small enterprise and disadvantaged person promotion shall be supplies that the State needs to promote or support:

(1) products made by women groups or occupational groups in villages and Tambon that have the following elements:

(a) a group of five or more living in the same community which generates incomes and establishes good quality of life within the area of such village and Tambon;

(b) continuation of administration or management of a group by organizing activities as well as assets or capitals owned by the group for the purposes of business operation;

(c) members of the group must be knowledgeable, skillful and ready for potential development in terms of goods manufacturing. All goods must be manufactured or managed by the members the group; and

(d) group operation is certified or registered by a State agency that promotes occupational groups;

(2) office supplies of cooperative shops certified by the Ministry of Agriculture;

(3) products which can be produced by the War Veterans Organization of Thailand, or security services of the War Veterans Organization of Thailand;

(4) products that are produced by organizations and foundations for disabled persons, Srithanya Hospital, industrial treatment plants, Phra Pradaeng Health Facility, schools for the blind, occupational centers for the blind, foundation for the deaf, schools for the deaft, or Srisangwan School (foundation for disabled persons);

(5) products from the penitentiaries and construction project completed by prisons, penitentiaries, occupational training institutes, or shops of the Department of Corrections.

Clause 6. Procedures for procurement of supplies for medium-small enterprise and disadvantaged person promotion under Clause 5 shall be as follows:

(1) a State agency shall procure supplies under Clause 5 (1), (2), or (4) by the specific method from women groups, or occupational groups in villages and Tambon. If the State agency is not desirous to procure supplies by the specific method, such State agency may use the general solicitation method or the selection method instead;

(2) a State agency shall procure supplies under Clause 5 (3) as follows:

(a) prescribing that the central government, provincial government, State enterprises, and agencies which directly report to the Ministry of Defense shall conduct procurement for supplies to be made, using the specific method, from the War Veterans Organization of Thailand. If the central government, provincial government, State enterprises, and agencies which directly report to the Ministry of Defense are not desirous to conduct procurement by using the specific method, the central government, provincial government, State enterprises, and agencies which directly report to the Ministry of Defense may use the general solicitation method or the selection method instead;

(b) prescribing that a State agency shall procure security services by using the specific method from the War Veterans Organization of Thailand. If the State agency is not desirous to procure such service by using the specific method, the State agency may use the general solicitation method or the selection method instead;

(3) central government and local government shall procure supplies under Clause 5 (4) by using the specific method from the Department of Corrections. If the central government and local government are not desirous to procure supplies by using the specific method, the central government and local government may use the general solicitation or the selection method instead.

### Chapter 3

#### Supplies for Learning Purposes

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Clause 7. In this Chapter,

“supplies for learning purposes” means outcomes, works, or services that are produced or provided within the learning scope and by personnel of an educational institute, or agency, or organization under the supervision of a State agency according to the mission of such State agency.

Clause 8. Prescribing that the following supplies for learning purposes shall be supplies that the State needs to promote or support:

(1) products or contracts of services of the King Mongkut’s University of Technology Thonburi, King Mongkut’s University of Technology North Bangkok, or King Mongkut’s University of Technology Ladkrabang which are produced or manufactured by the universities or institutes;

(2) wooden boatbuilding job of the Ayutthaya Ship Boatbuilding Industrial and Technology College, or contracts of boatbuilding, renovation or modification of wooden boats, or fiberglass boats of the College of Boatbuilding Industrial and Technology under the Office of Vocational Education Commission, the Ministry of Education that has curriculum for such topics;

(3) contract for durable articles production and construction of buildings for education purposes within the supervision of the Ministry of Education;

(4) scientific equipment and utensils and supplies of the Office of the Welfare Promotion Commission for Teachers and Educational Personnel;

(5) products or jobs within the learning scope of the Office of Vocational Education Commission;

(6) weapons or production of weapons of the Defence Industry and Energy Center;

(7) fix of aircraft and equipment of aircraft of Thai Aviation Industries Co., Ltd.

(8) batteries or services related to batteries, byproducts from production and products related to batteries of defense battery factories, the Department of Industrial Works, Defense Industry Department, Defense Industry and Energy Center;

(9) products or order of insignias, symbols for supporters in the government services, and products of the Treasury Department;

(10) printing jobs of a printing house of a State agency, or a printing house that is under supervision of a State agency.

Clause 9. Procedures for procurement of supplies for learning purposes shall be as follows:

(1) prescribing that the central government and local government shall procure supplies under Clause 8 (1) by using the specific method from King Mongkut's University of Technology Thonburi, King Mongkut's University of Technology North Bangkok, or King Mongkut's University of Technology Ladkrabang. If the central government and local government are not desirous to procure supplies by using the specific method, the central government and local government may use the general solicitation method or the selection method instead.

(2) prescribing that a State agency shall procure supplies under Clause 8 (2), (8), or (9) by using the specific method. If the State agency is not desirous to procure supplies by using the specific method, the State agency may use the general solicitation method or the selection method instead;

(3) prescribing that an educational institute under the Ministry of Education shall procure supplies under Clause 8 (3) that are owned by such educational institutes or the government sector under the Ministry of Education within a budget that does not exceed 1,000,000 Thai baht. If the educational institute under the Ministry of Education is not desirous to procure supplies by using the specific method, the State agency may use the general solicitation method or the selection method instead;

(4) prescribing that a State agency shall procure supplies under Clause 8 (4) as follows:

(a) prescribing that a State agency shall procure scientific equipment and utensils produced by the Business Organization as prescribed by the Institute for the Promotion of Teaching Science and Technology by using the specific method. If the State agency is not desirous to procure supplies by using the specific method, the State agency may use the general solicitation method or the selection method instead;

(b) prescribing that a State agency under the Ministry of Education shall procure office supplies from the Business Organization within a budget that does not exceed 130,000 Thai baht by using the specific method. If the State agency under the Ministry of Education is not desirous to procure supplies by using the specific method, the State agency under the Ministry of Education may use the general solicitation method or the selection method instead;

(5) prescribing that a State agency under the Ministry of Education shall procure supplies within the scope of learning from the Office of Vocational Education Commission by using the specific method. If the State agency under the Ministry of Education is not desirous to procure supplies by the specific method, such State agency under the Ministry of Education may use the solicitation method or the selection method instead;

(6) prescribing that the central government or provincial government shall procure supplies under Clause 8 (6) by using the specific method. If the central government or provincial government is not desirous to procure supplies by using the specific method, the State agency may use the general solicitation method or the selection method instead;

(7) prescribing that a State agency shall procure supplies related to aircrafts or fixing contract of aircrafts and equipment from Thai Aviation Industries Co., Ltd., by using the specific method. If the State agency is not desirous to use the specific method, such State agency may use the general solicitation method or the selection method instead. In this regard, Thai Aviation Industries Co., Ltd., shall proceed for a subcontract of fixing job only for the job that Thai Aviation Industries Co., Ltd., cannot carry out itself, and the importance of the conveyance of technologies for aircraft improvement must be concerned;

(8) prescribing that a State agency shall procure supplies under Clause 8 (1) according to the following conditions:

(a) In the case where a State agency has its own printing house or there is a printing house under supervision of a State agency, the State agency shall procure supplies by using the specific method from its own printing house or such printing house under supervision of the State agency;

(b) In the case where a State agency has its own printing house or there is a printing house under supervision of a State agency under (a), yet such printing house does not have capacity to complete the whole job, or have capacity to complete only some parts of the job, or the job amount exceeds its capacity limits, the State agency shall procure the printing job, only for the remaining parts, by using the selection method. If the State agency is not desirous to use the selection method, it may use the general solicitation method instead. In this regard, the State agency shall issue a solicitation document to invite not less than three of other public printing houses, or other printing houses that are under supervision of the State to submit proposals;

(c) In the case where a State agency has its own printing house or there is a printing house under supervision of a State agency under (a), but the job amount exceeds its capacity limits, the State agency shall procure such printing job, only for the remaining parts, by using the selection method. If the State agency is not desirous to use the selection method, it may use the general solicitation method instead. In this regard, the State agency shall issue a solicitation document inviting not less than three public printing houses or other printing houses under supervision of a State agency to submit proposals.

#### Chapter 4

#### Supplies for Research Promotion and Development or Provision of Educational Services

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Clause 10. In this Chapter,  
“supplies for research promotion and development or provision of educational services” means researches and development as well as educational services.

Clause 11. Prescribing that the following supplies for research promotion and development or provision of educational services shall be supplies that the State needs to promote or support:

- (1) academic services and researches of the National Science and Technology Development Agency;
- (2) academic services and researches of all public universities;
- (3) academic services and researches of Chulabhorn Research Institute;
- (4) academic services and researches of Thailand Institute of Scientific and Technological Research.

Clause 12. Prescribing that a State agency shall procure supplies under Clause 11 (1), (3), or (4) by using the specific method. If the State agency is not desirous to procure supplies by using the specific method, such State agency may use the general solicitation method or the selection method instead.

Clause 13. Prescribing that a State agency shall procure supplies under Clause 11 (2) within the fields that are taught in such university and operated by university personnel for the purposes of academic and research promotion by using the specific method. If the State agency is not desirous to procure supplies by using the specific method, such State agency may use the general solicitation method or the selection method instead. In this regard, the services provided by public universities must not have an impact to the class, research or other duties of government officials, teachers, students and personnel.



## Chapter 5 Supplies for Promotion of Innovations

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Clause 14. In this Chapter,  
“supplies for promotion of innovations” means goods or services that are listed in the Thai Innovation List of the Bureau of the Budget.

Clause 15. Prescribing that supplies for promotion of innovations shall be supplies that the State needs to promote or support.

Clause 16. Prescribing that a State agency shall procure supplies under Clause 15 as follows:

(1) If there is only one seller or service provider can provide supplies that are to be procured, a State agency shall directly procure such supplies by using the specific method from such seller or service provider;

(2) If there are two or more sellers or service providers can provide supplies that are to be procured, a State agency shall directly procure such supplies by using the selection method and inform all sellers or service providers to submit proposals.

## Chapter 6 Supplies for Health and Public Health Promotion

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Clause 17. In this Chapter,  
“supplies for health and public health promotion” means products or services related to prevention or treatment of diseases, medicines, or medical equipment.

Clause 18. Prescribing that the following supplies for health and public health promotion shall be supplies that the State needs to promote or support:

(1) medicines with generic names which are listed in the National List of Essential Medicines;

(2) medicines which are listed in the National List of Essential Medicines; or medical equipment, which has been produced and distributed by the Government Pharmaceutical Organization or Thai Red Cross Society;

(3) medicines which are listed in the National List of Essential Medicines; or medical equipment, which is not manufactured by the Government Pharmaceutical Organization or the Defense Pharmaceutical Factory, but is available for sales in the market;

(4) Medicines and medical equipment that are listed in the Thai Innovation List;

(5) Hepatitis B vaccines and other products which are produced by the Thai Red Cross Society and are not listed in the National List of Essential Medicines.

Clause 19. Prescribing that the central government and provincial government shall procure supplies under Clause 18 (1) of not less than 60 percent of the budget by using the specific method from the Government Pharmaceutical Organization or Thai Red Cross Society, with an exception for the central government and provincial government affiliated to the Ministry of Public Health, which shall use not less than 80 percent of the budget for the purchase of such medicines.

Clause 20. Prescribing that a State agency shall procure supplies under Clause 18 (2) by using the specific method from Government Pharmaceutical Organization or Thai Red Cross Society, with an exception for the central government and provincial government affiliated to the Ministry of Defense, which shall procure such medicines from the Defense Pharmaceutical Factory. In this regard, prices of the medicines or medical equipment distributed by such agency shall not be higher than the focal price determined by the National Drug System Development Committee.

Clause 21. Prescribing that the central government and provincial government shall procure supplies under Clause 18 (3) by using the selection method from the Government Pharmaceutical Organization, the Defense Pharmaceutical Factory, or any seller, with notification to the Government Pharmaceutical Organization, the Defense Pharmaceutical Factory required each time. This is except in the case where the price of supplies under Clause 18 (3) is not higher than the focal price determined by the National Drug System Development Committee. In such case, the central government and provincial government shall procure supplies by using the specific method from the National Drug System Development Committee.

Clause 22. Prescribing that a State agency shall procure supplies under Clause 18 (4) of not less than 30 percent of the procurement budget by using the specific method.

Clause 23. Prescribing that the central government, provincial government, and State enterprises shall procure supplies under Clause 18 (5) by using the specific method from the Thai Red Cross Society.

## Chapter 7 Supplies for Promotion of Stability of Energy and Natural Resources

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Clause 24. In this Chapter,  
“supplies for promotion of stability of energy and natural resources” means products or services related to natural resources, such as fuel, petroleum products, water, or electricity.

Clause 25. Prescribing that the following supplies for promotion of stability of energy and natural resources shall be supplies that the State needs to support or promote:

- (1) fuel and petroleum products of PTT Public Company Limited;
- (2) oil products of Fang Oil Refinery, the Defense Energy Department;

(3) electronic or water services of the Metropolitan Electricity Authority, Provincial Electricity Authority, Metropolitan Waterworks Authority, and Provincial Waterworks Authority.

Clause 26. Procedures for procurement of supplies under Clause 24 shall be as follows:

(1) the central government, provincial government, and State enterprises, apart from the Electricity Generating Authority of Thailand, shall procure supplies under Clause 25 (1) at 10,000 liters and above by using the specific method from PTT Public Company Limited. If the central government, provincial government and State enterprises are not desirous to procure such supplies by using the specific method, such central government, provincial government, and State enterprises may use the general solicitation method or the selection method instead;

(2) prescribing that a State agency affiliated to the Ministry of Defense shall procure supplies under Clause 25 (2) by using the specific method from Fang Oil Refinery, the Defense Energy Department. If the State agency affiliated to the Ministry of Defense is not desirous to procure supplies by using the specific method, such State agency affiliated to the Ministry of Defense may use the general solicitation method or selection method instead;

(3) Prescribing that the central government, provincial government, and State enterprises shall procure supplies under Clause 25 (3) by using the specific method from the Metropolitan Electricity Authority, Provincial Electricity Authority, Metropolitan Waterworks Authority, and Provincial Waterworks Authority. If the central government, provincial government, and State enterprises are not desirous to procure supplies by using the specific method, central government, provincial government, and State enterprises shall use the general solicitation method or the selection method instead.

Given on this 23<sup>rd</sup> day of August, 2017  
Apisak Tantivorawong  
Minister of Finance

Remarks: The reason of the enforcement of this Ministerial Regulation is that, whereas the Public Procurement and Supplies Administration B.E. 2560 (A.D. 2017) prescribes that consideration for procurement proposal selection by using the general solicitation or selection method shall concern price and other criteria, with an exception for the consultancy work, which shall concern on quality criteria. Other criteria or quality criteria shall include supplies or types of consultant that the State needs to promote or support according to the Ministerial Regulation. In procuring supplies by using the selection method and specific method, the Minister may issue a ministerial regulation prescribing that such supplies to be procured shall be supplies that the State needs to promote or support. At present, there are supplies or types of consultants that the State needs to promote or support by using such procurement methods. It is thus necessary to issue this Ministerial Regulation.