APICF

Xiamen National Accounting Institute
厦门国家会计学院

ASIAN DEVELOPMENT BANK
亚洲开发银行

Multilateral Cooperation Center for Development Finance
多边开发融资合作中心

China International Contractors Association
中国对外承包工程商会

Asian Infrastructure Investment Bank
亚洲基础设施投资银行

From Red Flags to Controls in MDB Projects

MDB项目中的利益冲突：从风险信号到控制措施

Sean Jiang 蒋宣

Partner, Zhong Lun Law Firm

中伦律师事务所 合伙人

A Practical Framework
实务管理框架

A red flag is not automatically a violation. It triggers a structured review. Disclosure is the beginning of COI management, not the end. 风险信号并不当然构成违规，而是启动结构化审查。披露是利益冲突管理的起点，而非终点。

Framework 框架	Application 实务方法
Identify 识别	Identify the relationship, interest, influence, information advantage and timing. 识别相关关系、利益、影响力、信息优势及发生时间。
Assess 评估	Determine the nature, seriousness and effect on independence and fair competition. 判断冲突的性质、严重程度及其对独立判断和公平竞争的影响。
Mitigate 管控	Select proportionate measures and test the remaining risk. 采取与风险程度相称的措施，并检验剩余风险。
Document 记录	Record facts, analysis, approvals, safeguards and re-assessment. 记录事实、分析、审批、保障措施及重新评估。

Five COI Risk Categories
五类利益冲突风险

Undisclosed Relationships
未披露关系

Prior employment or close personal or business ties with procurement officials, evaluators, competitors or advisers; opaque links involving affiliates, JV partners, subcontractors, consultants or agents; unexplained intermediary payments.
项目人员曾与采购官员共事，或与评审人员、竞争对手、顾问存在未披露的密切私人或商业关系；关联公司、联合体成员、分包商、顾问或代理之间关系不透明；中介付款缺乏合理解释。

Family and Financial Ties
家庭及财务关系

Close family members working for the borrower, implementing agency or competitor; direct or indirect financial interests; opaque beneficial ownership; connected consultants or intermediaries.
近亲属任职于借款人、执行机构或竞争对手；存在直接或间接经济利益；受益所有权不透明；顾问或中介与采购决策人员存在关联。

External Employment and Activities
外部任职及活动

Experts working for competing bidders or both the borrower and a bidder; project related outside roles; inconsistent employment, availability or outside engagement information.
专家同时为竞争投标人工作，或同时向借款人和投标人提供服务；存在与项目相关的外部任职；就业状态、可用性或外部业务信息前后不一致。

Five COI Risk Categories
五类利益冲突风险

Revolving Door Issues 旋转门问题
Former MDB, borrower or agency personnel join the bid team; prior involvement in project design, specifications or evaluation; retained confidential information or influence; possible cooling off restrictions. 前多边开发银行、借款人或执行机构人员加入投标团队；曾参与项目设计、技术规格或评审；仍掌握保密信息或具有影响力；可能受到冷却期限制。

Influence from Connected Parties 关联方施加影响
Agents claim influence over specifications, evaluation or award; promises of privileged or competitor information; off the record contacts; unusual fees or unofficial communications. 代理声称能够影响技术规格、评审或授标；承诺提供特权信息或竞争对手信息；要求私下联系；出现异常费用或非正式沟通。

Assessment Factors and Classification
评估因素及类型判断

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Mitigate 管控	Select proportionate measures and test the remaining risk. 采取与风险程度相称的措施，并检验剩余风险。
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Assessment Factors and Classification
评估因素及类型判断

Dimension 维度	Question 核心问题
Who 人员	Who is involved across the company, consortium, advisers and connected parties? 公司、联合体、顾问及关联方中涉及哪些人员？
Relationship 关系	What family, personal, professional, ownership or former employment link exists? 存在何种家庭、私人、专业、所有权或过往任职关系？
Interest 利益	What direct or indirect benefit could arise? 可能产生何种直接或间接利益？
Influence 影响	Can the person affect a specification, evaluation, negotiation or decision? 相关人员能否影响技术规格、评审、谈判或决策？
Information 信息	What confidential or sensitive information is available? 相关人员能够接触何种保密或敏感信息？
Timing 时间	When did the issue arise and at what procurement stage? 问题在何时、采购的哪个阶段产生？

Factor 因素	Practical Question 实务问题
Decision making power 决策影响力	Can the person influence procurement, evaluation, negotiation or contract administration? 该人员能否影响采购、评审、谈判或合同管理？
Information access 信息接触	Does the person have confidential or competitively sensitive information? 该人员是否掌握保密或竞争敏感信息？
Financial benefit 财务利益	Is there a direct or indirect economic interest in the outcome? 该人员是否可能从结果中获得直接或间接经济利益？
Relationship 关系程度	How close, current and significant is the relationship? 相关关系是否密切、当前存在且具有实质影响？
Timing 时间因素	Does the issue arise at a sensitive stage or during a cooling off period? 问题是否发生在采购敏感阶段或冷却期内？

Mitigation Measures and Residual Risk
管控措施及剩余风险

Measure 措施	Application 适用方式
Disclosure 披露	Notify legal or compliance and disclose externally where required. Disclosure begins the process; it does not resolve the issue. 通知法务或合规，并按要求进行外部披露。披露是管理起点，并不等于问题已经解决。
Recusal 回避	Remove the person from relevant preparation, communications, negotiation, approval or contract administration. 将相关人员排除在投标准备、沟通、谈判、审批或合同管理之外。
Segregation 隔离	Separate duties and information through access restrictions, permissions, meetings and reporting lines. 通过权限、文件、会议及汇报线安排，实现职责和信息隔离。
Replacement 更换	Replace the individual or third party where lesser controls leave material risk. 如较轻措施仍留下重大风险，应更换相关人员或第三方。
Cooling off 冷却期	Confirm and apply the actual institutional, contractual or post employment restriction. 确认并执行实际适用的机构规则、合同限制或离职后限制。
Exclusion or withdrawal 排除或退出	Remove the person or entity, or do not participate, where the conflict or unfair advantage cannot be neutralised. 如无法消除冲突或不公平优势，应排除相关人员或实体，必要时退出采购。

Documentation: Record the facts and relationships, the assessment under the five factors, the selected measures, residual risk, decision-maker, approval basis, implementation responsibility and supporting evidence. **记录：**记录相关事实和关系、按照五项因素作出的评估、所选措施、剩余风险、决策人员、审批依据、执行责任及支持材料。

Reassessment: Define monitoring arrangements and reassess when people, relationships, information access or the procurement stage changes. **重新评估：**明确监控安排，并在人员、关系、信息权限或采购阶段发生变化时重新评估。

Summary
小结

1 **Systematic management**: Growing attention to COI requires a process that operates throughout the procurement lifecycle.

2 **Appropriate measures**: Select measures that match the nature and seriousness of the risk, test whether they work and address the remaining risk.

3 **Professional judgment:** Assess each case on its facts. Determine whether the conflict can be managed, whether stronger action is needed and how the reasons should be documented.

1 **系统化管理**：对利益冲突的关注持续上升，企业需要建立贯穿采购全生命周期的管理流程。

2 **适当措施**：根据风险的性质和严重程度选择相称措施，检验实际效果，并处理剩余风险。

3 **专业判断**：结合个案事实，判断冲突能否得到有效管理、是否需要采取更严格措施，并完整记录判断理由。