



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

Workshop 3 - Managing Conflicts of Interest in Practice: Mitigation Tools, Controls, and Decision-Making Approaches

培训会（三） - 利益冲突管理实践： 减轻工具、控制措施与决策方法

Case Background: PMC Consortium & CS-10 Project Context

案例背景：PMC联合体与CS-10项目关联

- A government agency is implementing a skills development project supported by a multilateral development institution.
 - A **Project Management Consultant (PMC)**, consisting of **Alpha Consulting (Lead)** and **Beta Institute (JV Partner)**, was engaged to support project implementation. Its responsibilities include monitoring project activities, coordinating stakeholders, reviewing deliverables, and reporting on project progress.
 - The agency later launches a bidding for separate consulting assignment, **CS-10: Capacity Assessment and Design of Training Centers**.
 - **Beta Institute** and **Gamma Center** form a joint venture to bid for CS-10, and the JV entered shortlist for CS-10
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- 某政府机构正在实施一项由多边发展机构支持的职业技能发展项目。
 - 项目聘请了一家项目管理顾问（**PMC**）联合体为项目实施提供支持，联合体成员包括：（1）甲咨询有限公司（牵头方）；和（2）乙培训研究院（联合体成员）。
 - 根据**PMC**合同，联合体负责项目进度监测、活动协调、成果审阅以及项目执行情况报告等工作。该政府机构随后启动了另一项咨询服务采购，项目名称为“区域培训中心能力评估与设计咨询服务”（**CS-10**）。
 - 在CS-10项目的入围短名单中，乙培训研究院与丙中心组成联营体投标。

- Beta Institute is both a PMC JV partner and a shortlisted bidder for CS-10.
- The CS-10 consultant must coordinate regularly with the PMC and share reports and deliverables.
- Certain reports are to be "validated" by project stakeholders, including the PMC.
- The agency states that:
 - The PMC did not draft the CS-10 TOR.
 - The CS-10 consultant reports directly to the agency.
 - The PMC does not supervise or approve CS-10 outputs.
 - "Validation" means providing comments and feedback, not formal approval.
- 乙培训研究院既是PMC联合体成员，又参与CS-10项目竞标。
- CS-10咨询团队需与PMC保持定期沟通，并提交阶段性成果和进展报告。
- 部分成果文件需经包括PMC在内的项目相关方进行“确认（Validation）”。
- 项目业主说明如下：
 - PMC未参与CS-10项目招标文件或工作大纲的编制；
 - CS-10咨询团队直接向业主汇报；
 - PMC无权批准或验收CS-10成果；
 - “确认（Validation）”仅指提出意见和建议，不构成正式审批。

Discussion Questions Set 1

讨论问题第1组

01. Does Beta Institute's participation in both contracts create a conflict of interest?
02. Are there actual, potential, or perceived COI risks in this case?
03. Could PMC's review and comment on CS-10 outputs compromise its independence and objectivity?
04. Is the lack of approval authority enough to eliminate the conflict of interest risk?
05. What additional information or facts would you need to make a definitive judgment?
06. What safeguards or mitigation measures can address the identified risks if Beta Institute wins the CS-10 bid?

01. 乙培训研究院同时参与两个合同的执行，是否构成实质性的利益冲突？
02. 本案例中涉及的利益冲突，属于实际存在的冲突、潜在的风险，还是仅为表面的利益冲突表象？
03. PMC对CS-10项目成果拥有审阅与反馈权，这一权限是否会影响其作为项目管理方的独立性与客观性？
04. 业主方强调PMC不具备最终审批权，这一点是否足以消除利益冲突带来的潜在风险？
05. 为了做出准确的判断，您认为还需要补充哪些关键信息或事实依据？
06. 若乙培训研究院最终中标CS-10项目，可采取哪些具体的风险缓释措施或保障机制来规避利益冲突？

- Gamma Center employs **former government-agency personnel** who previously participated in research and project preparation for the skills development project, including drafting its objectives, implementation standards, and assessment criteria.
- 丙中心聘有该政府机构的前雇员；这些人员此前曾参与职业技能发展项目的调研和立项工作，包括拟定项目目标、执行标准和考核标准。
- 07. Does Gamma Center's employment of former agency personnel who helped shape the project create an actual, potential, or perceived conflict of interest?
- 08. Could the prior involvement of former government-agency give Gamma Center a competitive advantage? If so, what competitive advantages?
- 09. What additional facts are needed regarding the individuals' former roles, timing and extent of involvement, access to information, disclosure, and any applicable cooling-off restrictions?
- 10. What safeguards would be appropriate, such as disclosure, recusal or information barriers, independent review, or replacement of the relevant personnel?
- 丙中心聘用曾参与该项目设计的政府机构前雇员，是否构成实际、潜在或表象上的利益冲突？
- 这些人员是否可能使丙中心获得竞争优势？如是，哪些竞争优势？
- 还需了解哪些补充事实，包括相关人员原任职务、参与时间和程度、是否接触非公开信息、是否已作披露，以及是否适用离职冷却期等限制？
- 可采取哪些风险缓释措施，例如披露、回避或设置内部信息隔离、独立审查，或更换相关人员？