

Use of Procurement Agents in ADB Financed Projects: Policy and Related Issues

亚洲开发银行在融资项目中使用采购招标代理的 政策及相关问题



Yinguo Huang

Director, Operations Procurement for East Asia, Southeast Asian and Pacific
Asian Development Bank

亚洲开发银行中心业务管理局东亚，东南亚及太平洋地区采购招标管理处处长黄尹国

ADB

The Policy Framework in the ADB Charter

亚洲开发银行宪章有关政策框架

The Agreement Establishing the Asian Development Bank, also commonly referred to as the ADB Charter, in Chapter I Article 1, mandates that “The purpose of the Bank shall be to foster economic growth and co-operation in the region of Asia and the Far East (hereinafter referred to as the "region") and to contribute to the acceleration of the process of economic development of the developing member countries in the region, collectively and individually.

The Charter also requires, in Chapter III Article 8, that “The resources and facilities of the Bank shall be used exclusively to implement the purpose and functions set forth respectively in Articles 1 and 2 of this Agreement.”

亚洲开发银行建行协议，又称亚行宪章，第一章第一款规定“亚行的宗旨是促进亚洲及远东地区的经济发展与合作并为加速该地区发展中国家，整体的或个别的，的经济发展做出贡献”。

亚行宪章在第三章第八款要求亚行的资源与设施只能用于亚行宪章第一章第一款和第二款所规定的用途和业务。

The General Principles in the ADB Procurement Guidelines

亚洲开发银行采购指南基本原则

The responsibility for the implementation of the project, and therefore for the award and administration of contracts under the project, rests with the borrower. ADB, for its part, has the obligation to ensure that the proceeds of its financing are used with due attention to considerations of economy and efficiency.

借款人负责项目的实施，因此也就负责授予和管理项目中的合同。对亚行而言，它有义务确保任何一笔资金的使用都充分地注意到资金的经济性与效率性。

The General Principles in the ADB Procurement Guidelines

亚洲开发银行采购指南基本原则

- a) ...the proceeds of ADB financing can be used only for procurement of goods and works supplied from, and produced in, member countries of ADB,
- b) the need for economy and efficiency in the implementation of the project, including the procurement of the goods and works involved;
- c) ADB's interest in giving all eligible bidders from developed and developing countries the same information and equal opportunity to compete in providing goods and works financed by ADB;
- d) ADB's interest in encouraging the development of domestic contracting and manufacturing industries in the country of the borrower; and
- e) the importance of transparency in the procurement process.

- (a) ...亚行资金只能用于采购由亚行成员国提供的或在亚行成员国内生产的货物和工程；
- (b) 项目的实施需要经济性和效率性，包括所需货物和工程的采购；以及
- (c) 亚行关注向所有来自发达国家和发展中国家 4 的合格投标人提供同样的信息和平等的机会，为亚行资助的货物和工程而进行竞争；
- (d) 亚行关注促进借款国的承包业和制造业的发展；以及
- (e) 采购过程透明性的重要性。

The General Principles in the ADB Procurement Guidelines

亚洲开发银行采购指南基本原则

Open competition is the basis for efficient public procurement. Borrowers shall select the most appropriate method for the specific procurement. In most cases, international competitive bidding (ICB), properly administered, and with the allowance for preferences for domestically manufactured goods and, where appropriate, for domestic contractors⁵ for works under prescribed conditions is the most appropriate method. In most cases, therefore, ADB requires its borrowers to obtain goods, works and services through ICB open to eligible suppliers and contractors.⁶

公开竞争是有效公共采购的基础。借款人应为具体采购选择最合适的方式。在多数情况下，管理得当、按照事先确定的条件向国内制造的货物以及适当时向国内土建工程承包商提供优惠的国际竞争性招标（ICB，简称国际招标）是最合适的采购方式。因此，在多数情况下，亚行要求借款人通过对合格的供货商和承包商公开的国际招标来获得货物、土建工程和服务。

ADB's Procurement Guidelines

亚洲开发银行采购指南

Where borrowers lack the necessary organization, resources, and experience, borrowers may wish (or be required by ADB) to employ, as their agent, a firm specializing in handling procurement. The agent shall follow all the procurement procedures provided for in the financing agreement and the Guidelines, including use of ADB Standard Bidding Documents, review procedures, and documentation. This also applies in cases where UN agencies act as procurement agents.

当借款人缺乏必要的机构、资源和经验时，借款人可能希望（或亚行要求借款人）聘请一家专门从事采购的公司作为其代理。采购代理必须代表借款人遵循资助协定和亚行指南规定的所有采购程序，包括使用亚行的标准文件、遵循审查程序和文件要求。这一条也适用于联合国机构作为采购代理的情况。

The General Principles in the ADB Procurement Guidelines

亚洲开发银行采购指南基本原则

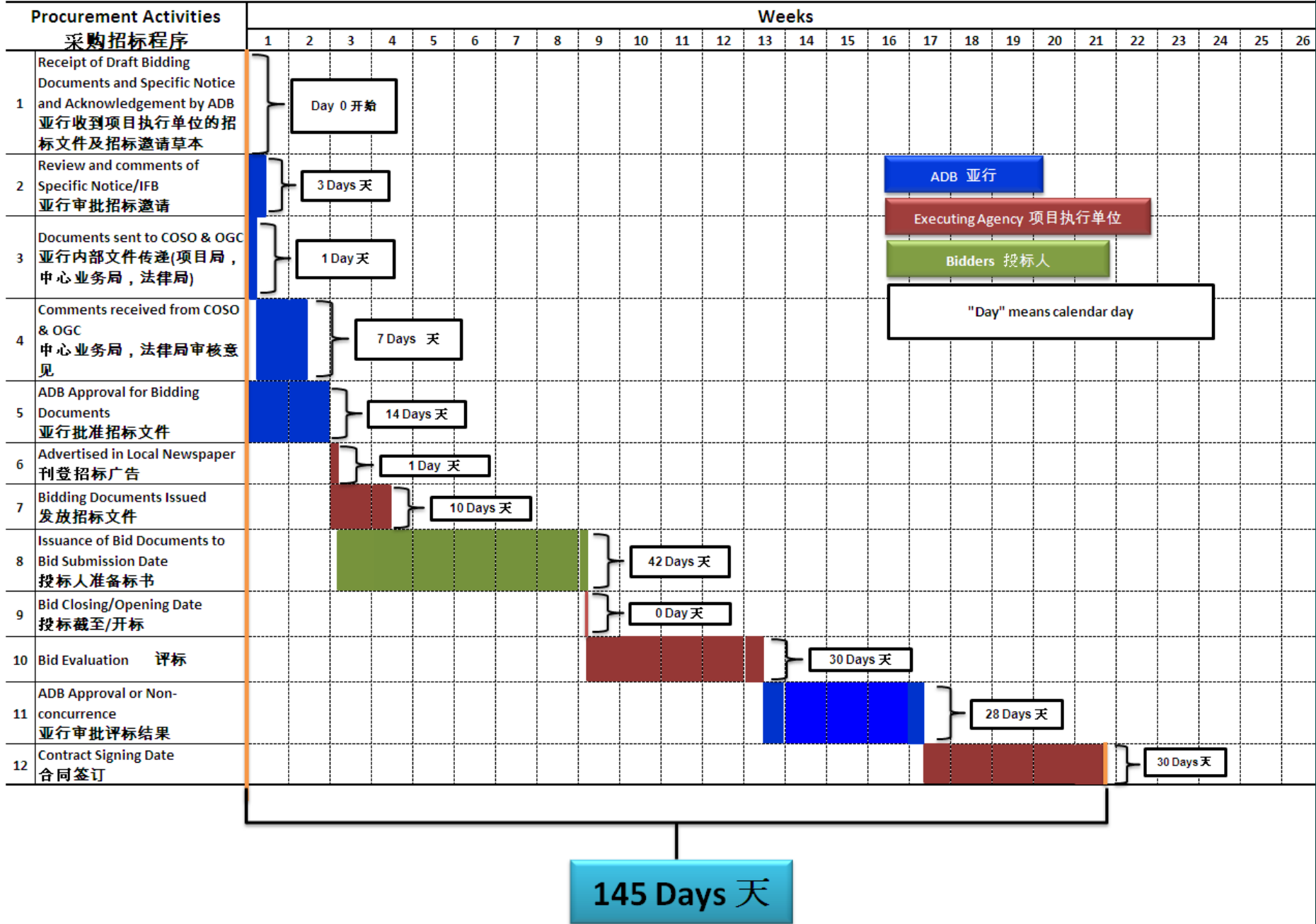
In highlighting the above policy framework and key principles, we may note the following key words:

- economy and efficiency
- equal opportunity to compete
- transparency

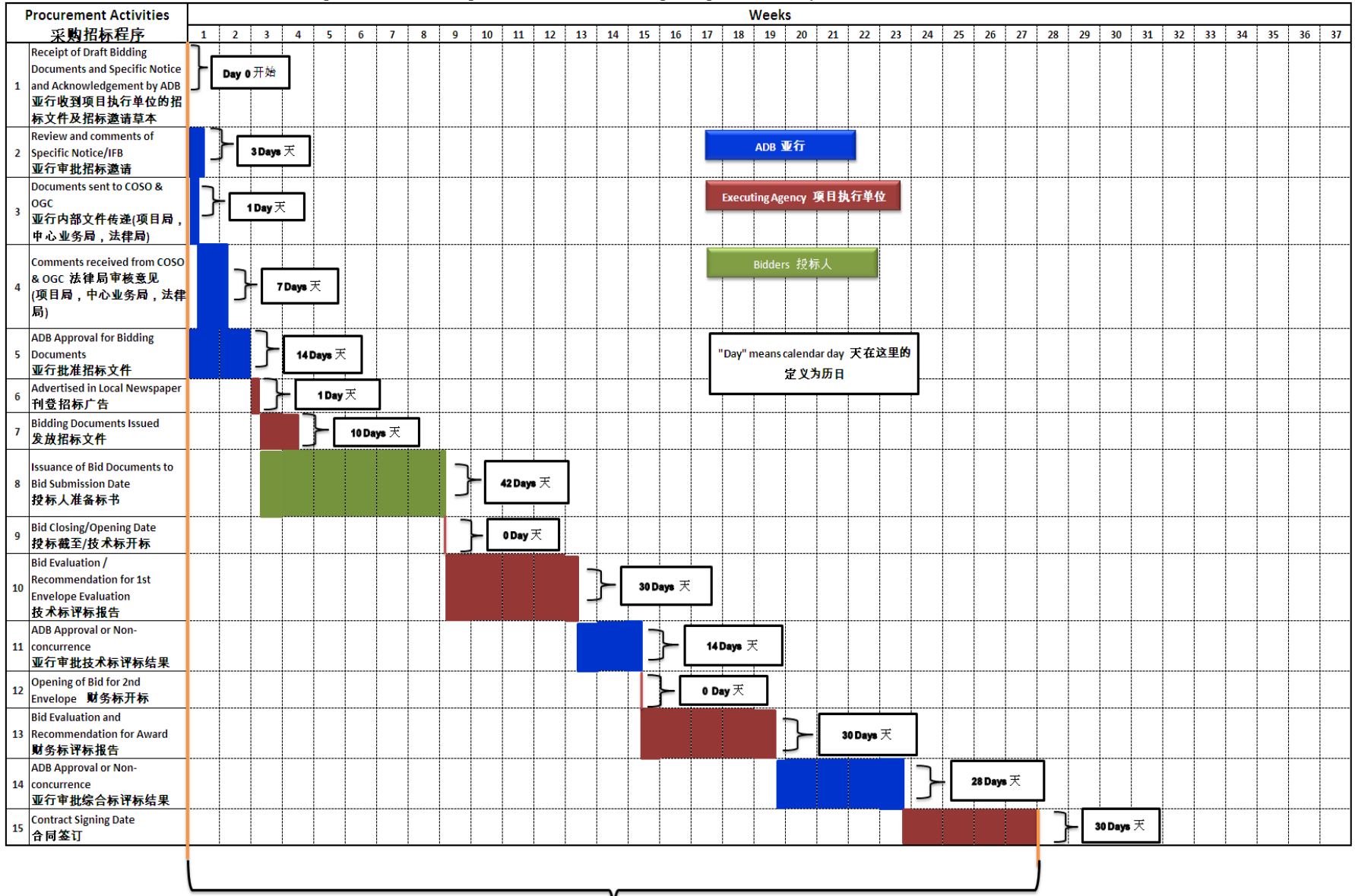
总结以上亚行政策要点，我们可以使用一下几个关键字：

- 经济与效率
- 公平竞争
- 透明

Average Time taken for ICB Single-Stage-One-Envelope Bidding Process 一步单封采购招标程序通常情况下所需时间



Average Duration of Bidding Documents Review for Single-Stage: Two Envelope Procedures 一步双封采购招标程序正通常情况下所需时间

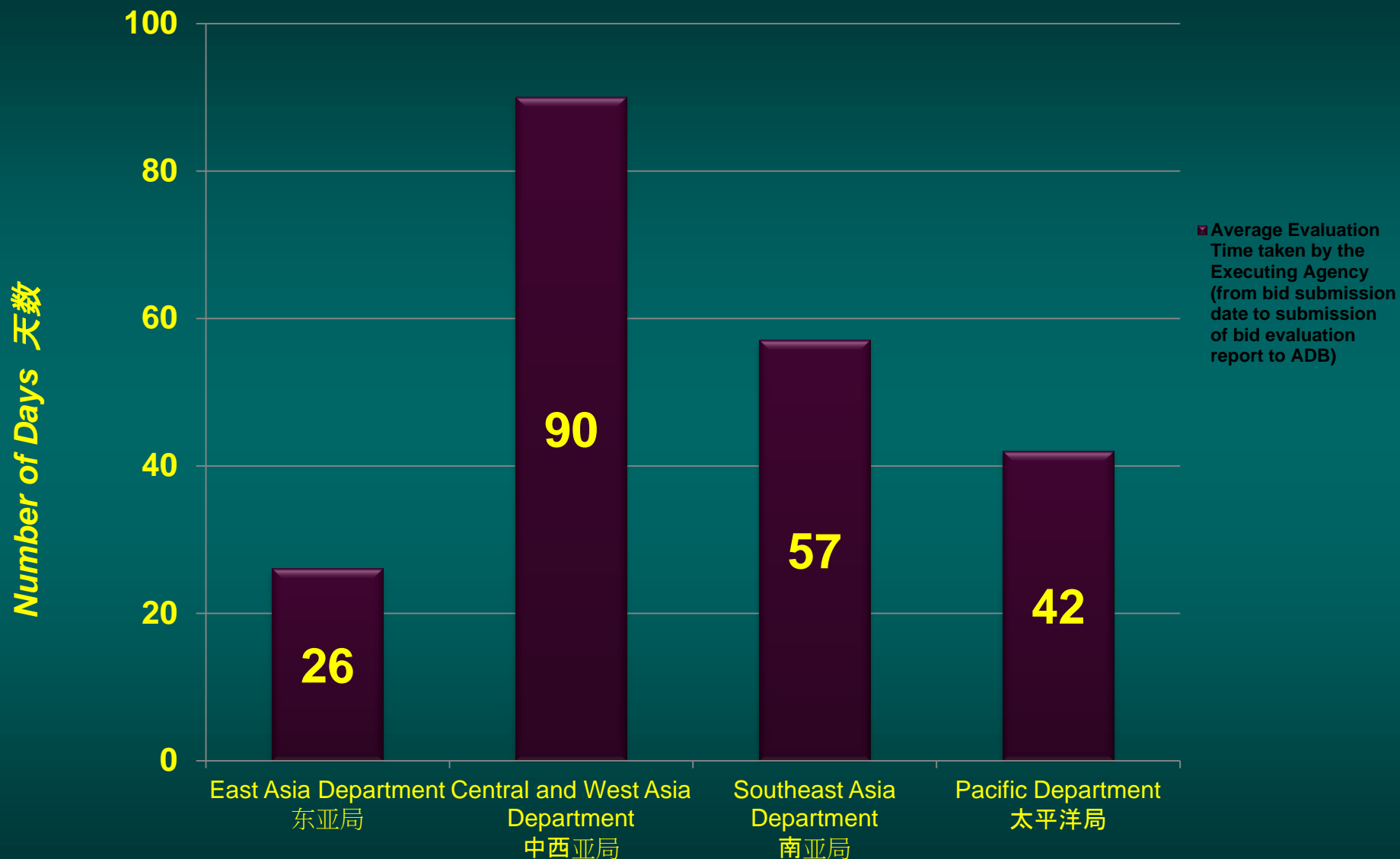


"Day" means calendar day 天在这里的定义为历日

189 Days

**Fig. 2. Actual Average Time taken for bid evaluation by EAs for ICB Single Stage:
One Envelope Bidding Procedure**

亚行发展中成员国项目执行机在一步单封国际招标中实际平均所用的评标时间



The Relevant Provisions on PAs provided by ADB's Guidelines on Use of Consultants

亚行咨询服务指南中的有关选聘采购代理的条款

When Procurement Agents (PAs) are specifically used as “agents” handling the procurement of specific items and generally working from their own offices, they are usually paid a percentage of the value of the procurements handled, or a combination of such a percentage and a fixed fee. In such cases PAs shall be selected using Quality-and-Cost-Based-Selection (QCBS) procedures with cost being given a weight up to 50%. However, when PAs provide only advisory services for procurement or act as “agents” for a whole project in a specific office for such project they are usually paid on a time basis, and in such cases, they shall be selected following the appropriate procedures for other consulting assignments using QCBS procedures and time-based contract, specified in these Guidelines. The agent shall follow all the procurement procedures outlined in the loan agreement and in the procurement plan approved by ADB on behalf of the borrower, including the ... review procedures, and documentation

当借款人缺乏必要的机构、资源或经验时，聘请个专门从事采购的公司作为其代理，不但效率高，而且效果也好。当采购代理是作为一个特别的“代理机构”负责具体品目的采购，而且是在其自己的办公室里工作时，通常是按采购额的一定百分比向其支付代理费，或按这种百分比和一个固定收费额相结合方式支付其代理费。在这种情况下，应**按照基于质量和费用的选择方式来聘请采购代理，其中费用所占的权重最大为50%。但是，当采购代理只提供采购顾问服务或作为“代理机构”在一个为项目而特别准备的办公室中为全项目服务时，通常是按时间向其支付代理费。在这种情况下，应像对待其他咨询任务那样，使用本指南规定的基于质量和费用的选择方式和以时间为基础的合同。代理机构应以借款人的名义遵守贷款协定规定的和亚行批准的采购计划规定的所有采购程序，包括使用建议书征询文件，审查程序和文件。**

ADB's Anticorruption Policy

亚行的反腐败政策

ADB's Anticorruption Policy requires that borrowers (including beneficiaries of ADB financed activities), as well as bidders, suppliers and contractors under ADB-financed contracts, observe the highest standard of ethics during the procurement and execution of such contracts. It is absolutely essential to establish a legal framework at the national level and a system with effective mechanisms, both within the EAs and the PAs, to ensure the independence and integrity of procurement agents in their services to their clients, and to create a competitive, fair and transparent environment for public procurement.

亚行的反腐败政策要求借款人（包括亚行资助活动的收益人）以及亚行资助合同下的投标人、供货商、承包商在采购和执行这些合同时遵守最高的道德标准。因此，绝对有必要在国家的层面上建立相关的政策框架和体制以及在项目执行单位和招标代理机构内部建立有效的配套措施来保证招标代理服务的独立性和公正性，同时创造一个公平竞争，透明廉洁的公共采购环境。

The Key Issues to be Discussed at the Conference

本次会议要讨论的重点议题

- Selection of the PAs
- PA-Client Relationship (PA independence)
- PA accreditation
- PA capacity building
- Suitability of use of PAs in developing countries

- 采购代理的选聘
- 采购代理的独立性
- 采购代理资质认定
- 提高采购代理业务水平
- 采购代理在发展中国家的使用性