

**Notice of Uncontested Sanctions Proceedings**

**May 11, 2011**

**Sanctions Case No. 118**

**MDTF-SS Grant No. TF056051**

**(Southern Sudan Emergency Transport and Infrastructure Development Program)**

**Respondent:**

**Yang Lin**

1. On February 4, 2011, the World Bank's Evaluation and Suspension Officer (the "EO") issued a Notice of Sanctions Proceedings (the "Notice") to Mr. Yang Lin (the "Respondent") pursuant to Section 4.01(a) of the World Bank Sanctions Procedures, as adopted by the World Bank as of January 1, 2011 (the "Sanctions Procedures").
2. The Statement of Accusations and Evidence ("SAE") prepared by the Bank's Integrity Vice Presidency ("INT") and appended to the Notice contained INT's accusations that the Respondent engaged in sanctionable practices in connection with the above-named project (the "Project"). The SAE also contained the evidence gathered by INT in support of these accusations.
3. The specific accusations made by INT in the SAE were that the Respondent engaged in fraudulent practices in connection with the procurement process for a Bank-financed works contract by submitting, on behalf of his employer, (i) a bid that contained forged evidence regarding the firm's purported experience in similar projects, and (ii) additional fraudulent documentation in response to subsequent inquiries about such experience.
4. Based on a review of INT's SAE conducted in accordance with Section 4.01(a) of the Sanctions Procedures, and pursuant to Section 4.01(c), Section 9.01 and Section 9.04 of the Sanctions Procedures, with due consideration of the factors set forth in Section 9.02 of the Sanctions Procedures and in the World Bank Sanctioning Guidelines, the EO recommended in the Notice that the Respondent, together with certain Affiliates (as defined in the Sanctions Procedures) where so specified, be sanctioned as follows:

Mr. Yang Lin ("Mr. Yang")

*It is recommended that Mr. Yang (together with any Affiliate of Mr. Yang that Mr. Yang directly or indirectly controls) be declared ineligible (i) to be awarded a contract for any Bank financed or Bank executed project or program governed by the Bank's Procurement Guidelines, Consultant*

*Guidelines or Anti-Corruption Guidelines, (ii) to be a nominated<sup>1</sup> sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Bank financed contract, and (iii) to receive the proceeds of any loan made by the Bank or otherwise to participate further in the preparation or implementation of any Bank financed or Bank executed project or program governed by the Bank's Procurement Guidelines, Consultant Guidelines or Anti-Corruption Guidelines; provided, however, that after a minimum period of ineligibility of three (3) years, Mr. Yang may be released from ineligibility only if Mr. Yang has, in accordance with Section 9.03 of the Sanctions Procedures, demonstrated to the Bank Group's Integrity Compliance Officer that Mr. Yang has complied with the following conditions:*

- (a) Mr. Yang has taken appropriate remedial measures to address the sanctionable practices for which Mr. Yang has been sanctioned;*
- (b) Mr. Yang has completed training and/or other educational programs that demonstrate a continuing commitment to personal integrity and business ethics; and*
- (c) Any Affiliate of Mr. Yang that Mr. Yang directly or indirectly controls has put in place an effective integrity compliance program acceptable to the Bank and has implemented this program in a manner satisfactory to the Bank.*

*In determining this recommended sanction, the EO took into account as an aggravating factor the repeated pattern of Mr. Yang's misconduct, noting that the Respondents submitted falsified or otherwise fraudulent documentation on a number of occasions over a period of months. The EO also took into account as a mitigating factor INT's representations as to the extent of Mr. Yang's cooperation during the course of the investigation, noting in particular that Mr. Yang admitted that he had engaged in fraudulent practices.*

*The foregoing declaration of ineligibility will extend across the operations of the World Bank Group, including IFC, MIGA and the guarantee operations of the Bank.<sup>2</sup> The Bank will also provide notice of this declaration of ineligibility to the other multilateral development banks ("MDBs") that are party to the Agreement for Mutual Enforcement of*

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<sup>1</sup> *A nominated sub-contractor, consultant, manufacturer or supplier, or service provider (different names are used depending on the particular bidding document) is one which has: (i) either been included by the bidder in its pre-qualification application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid; or (ii) appointed by the borrower.*

<sup>2</sup> *Sanctions Procedures, supra note 1, at 24 (Section 9.01(c)).*

*Debarment Decisions (the “MDB Cross-Debarment Agreement”) so that they may determine whether to enforce the declarations of ineligibility with respect to their own operations in accordance with the MDB Cross-Debarment Agreement and their own policies and procedures.*<sup>3</sup>

5. In accordance with Section 4.02(b) of the Sanctions Procedures, the Respondent submitted a written Explanation (as defined in the Sanctions Procedures) on March 7, 2011. After consideration of the arguments and evidence presented by INT in the SAE appended to the Notice and the arguments and evidence presented in the Respondent’s Explanation, the EO determined that there was no basis for (i) a withdrawal of the Notice pursuant to Section 4.03(a)(i) of the Sanctions Procedures; or (ii) a revision of the recommended sanction pursuant to Section 4.03(a)(ii) of the Sanctions Procedures.
6. Section 4.04 of the Sanctions Procedures provides that if a respondent does not contest the accusations or the sanction recommended by the EO in a Notice of Sanctions Proceedings by submitting a Response (as defined in the Sanctions Procedures) to the World Bank Group Sanctions Board (the “Sanctions Board”) within ninety (90) days after delivery of such Notice of Sanctions Proceedings, the sanction(s) recommended by the EO shall enter immediately into force.
7. No Response having been submitted to the Sanctions Board by the Respondent within the specified period, INT’s accusation in the SAE and the sanction recommended by the EO in the Notice are deemed uncontested for purposes of Section 4.04 of the Sanctions Procedures, and the recommended sanction set forth in paragraph 4 above has entered into force as of the date hereof.



Pascale H el ene Dubois  
Evaluation and Suspension Officer  
Office of Evaluation and Suspension (OES)  
The World Bank

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<sup>3</sup> *At present, the MDBs that are party to the Cross-Debarment Agreement are the Bank, the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development and the Inter-American Development Bank. The Cross-Debarment Agreement provides that, subject to the prerequisite conditions set forth in the Cross-Debarment Agreement, unless a participating MDB (i) believes that any of the prerequisite conditions set forth in the Cross-Debarment Agreement have not been met or (ii) decides to exercise its rights under the “opt out” clause set forth in the Cross-Debarment Agreement, each participating MDB will promptly enforce the debarment decisions of the other participating MDBs. More information about the Cross-Debarment Agreement is available on the Bank’s external website (<http://go.worldbank.org/B699B73Q00>).*