PROPOSAL CLARIFYING THE SCOPE OF “MATERIAL CHANGE”
Background

1. At its ninth meeting, the Adaptation Fund Board (the Board) approved a Memorandum of Understanding (MOU) for the implementation of projects/programmes funded by the Adaptation Fund. The MOU was replaced by a standard legal agreement approved by the Board at its twelfth meeting. This agreement included Article 4.03 which stipulates the following: “Any material change made in the original budget allocation for the Project by the Implementing Entity, in consultation with the Executing Entity, shall be communicated to the Board for its approval. “Material change” shall mean any change that involves ten per cent (10%) or more of the total budget”. This article has not been amended since then.¹

2. In parallel, at its tenth meeting in June 2010, the Board agreed to the Results Based Management (RBM) approach outlined in document AFB/EFC.1/3/Rev.2. The document delineated that fund level portfolio performance will be presented annually at the last Board meeting of the calendar year, through an Annual Performance Report (APR). Under the direction of the Ethics and Finance Committee (EFC), the secretariat is responsible for preparing the APR, which is the principal instrument for reporting on the Fund’s portfolio of active projects and programmes. The APR includes, among other things, an analysis of project approvals to date, an elapsed time analysis, a description of the expected results from approved projects, a summary of progress made by projects under implementation, and a presentation of the management effectiveness and efficiency indicators for the Fund. Given the maturation of the portfolio, the increasing number of various post-approval requests received by the secretariat from the Implementing Entities (IEs) is summarized in a list included as an annex to the APR. Examples of such requests include requests for no-cost project extension, requests for material change, requests for revision of activity/outputs/outcomes target indicators, and requests for direct project services².

3. At its nineteenth meeting, the EFC reviewed the fifth APR, for fiscal year 2016, prepared by the secretariat. During the presentation of the report to EFC, the secretariat noted that over the recent years, it received several requests from IEs related to the article 4.03 of the standard legal agreement between the Board and IEs. Moreover, the bases set by article 4.03 did not cover some types of requests the secretariat had received. For instance, some of these requests were closely related to changes in original target indicators (at activity, output or outcome levels), which were not covered by Article 4.03 which only related to budgetary changes. Furthermore, the article included elements that could lead to different interpretations among IEs, such as the way the ten per cent budget threshold was calculated.

4. During the presentation, it was noted that in the cases of budget or activity changes, if such requests were at the outcome level³ (and therefore could be considered as major changes of activities), one interpretation could be that a new review of the project/programme proposal was needed if the modified project component substantially differs from the one included in the original project agreement. However, given a possible occurrence of such an event and a current lack of clear guidance on that matter, the secretariat was of the view that it would be beneficial for the Fund’s standard legal agreement to bring more clarity on this matter. Such clarification could help avoid any ambiguity which may arise when the IEs make a request relating to the Article 4.03.

5. Having considered the comments and recommendation from the EFC, the Board decided (Decision B.28/34), as its twenty-eighth meeting, and in light of paragraph 28 of document AFB/EFC.19/3, to request the secretariat to prepare a proposal for consideration by the EFC at its twentieth meeting clarifying the scope of “material change” under Article 4.03 of the standard legal

² For definition of direct project services, see Annex I.
³ Defined respectively in the Results Framework and Baseline Guidance document (https://www.adaptation-fund.org/wp-content/uploads/2015/01/Results%20Framework%20and%20Baseline%20Guidance%20final%20compressed.pdf) as “The products and services resulting from the completion of activities within a development intervention,” and “The intended or achieved short-term and medium term effects of an intervention’s outputs, usually requiring the collective effort of partners. Outcomes represent changes in development conditions that occur between the completion of outputs and the achievement of impact.”
agreement between the Board and implementing entities (amended in October 2015).

6. The secretariat has developed the present document which includes a proposal for clarifying the scope of application of “material change” under Article 4.03 of the standard legal agreement between the Board and IEs. The document also suggests a way forward in dealing with requests for revision of activity/output/outcome target indicators, which are often submitted along with the requests for material change. An overview of the current policies, guidelines and procedures for handling the other requests related to project/programme implementation received by the secretariat from IEs, i.e. requests for extension of project/programme completion date, requests for extension for project/programme start and requests for direct project support services, is also provided in annex 1 to this document.

7. After reviewing the document, the EFC may wish to consider the proposal presented in this document and recommend a way forward to the Board for approval.

Requests for material change (change made in the original budget allocation)

8. Annexes 2 and 3 show that a total of seven requests for material changes have been received by the secretariat since the operationalization of the Fund. As stated in the introduction, the “material change” has been defined by the Board as follows: “Any material change made in the original budget allocation for the Project by the Implementing Entity, in consultation with the Executing Entity, shall be communicated to the Board for its approval. “Material change” shall mean any change that involves ten per cent (10%) or more of the total budget”. This paragraph sets a basic frame for such budget revision cases. However, based on the requests for material change received to date by the secretariat, it appears that a few aspects of that article can lead to different interpretations by IEs, and that some other aspects of requests for changes in project/programme are currently not taken into consideration in that Article 4.03.

9. First, Annexes 2 and 3 show that there have been five cases where the requests for material change were received by the secretariat only after internal arrangements (referring to an agreement, either formal or informal, between a country, an implementing entity and/or the executing entity(ies)) have been made on budget changes and already implemented at the country-level, before the request of approval was submitted to the Board. In other words, the IEs had already discussed, approved and implemented such changes before submitting the request to the Board. In order to address such situation of fait accompli, the Board may, as has been the case for requests for direct project services (see Annex 1), further decide that IEs shall submit the requests prior to the actual implementation of such material changes, for Board approval.

10. Second, the way the ten per cent threshold is calculated has been subject to different interpretations by Implementing Entities, although the secretariat has consistently applied a single method. The secretariat, based on Article 4.03 that refers to ten per cent threshold of “the total budget”, has calculated the threshold by comparing the cumulative total budget changes at output-level between the revised budget and the original budget as agreed in the project agreement. The rationale of comparing budgets at output-level (as opposed to outcome or activity levels) was that, it seemed the most useful to consider, given the Fund’s mandate to support visible and tangible concrete adaptation projects. Indeed, outcomes may be considered as umbrella objectives that do not necessarily reflect directly the concrete activities, and activities may be considered as too detailed and comparing at that level might be perceived as micro-management. Such comparison has allowed the secretariat to identify whether funds have been spent for the purposes that were originally approved for in the project/programme agreements. While the secretariat has been consistent in applying the method described above, IEs have had different interpretations, which have been presented in their submissions, with some IEs comparing budget at outcome-level only, and others comparing changes in annual allocations to budget lines. Therefore, to avoid any misinterpretation by IEs and to ensure consistency, this could be clarified in the article 4.03 of the project agreement.
11. Third, the procedure to be followed by the secretariat and the documents the IEs should provide in such cases are currently not explicitly listed in Article 4.03. The secretariat has consistently requested the IEs to provide the following documents as part of their requests: i) a revised budget at the output level with comparison to the original; ii) a revised results framework with comparison to the original; iii) a written explanation that would clarify both the changes and the reasons why they were necessary; and iv) a letter from the Designated Authority endorsing such budget changes. Following the receipt of these documents, the secretariat has circulated a brief analysis of the material changes to the Board, along with the documents provided by the Implementing Entity, for Board approval.

**Recommendation 1**

12. Considering the three observations described in the previous paragraphs, the EFC may recommend the Board:

a) To further define material change as any cumulative total budget change at output-level between the revised budget and the original budget that involves ten per cent (10%) or more of the total budget of the project/programme;

b) To request the Implementing Entities wishing to submit requests for material change to do so, through the secretariat, prior to the implementation of the changes considered in the request;

c) To decide that such request for material change shall include, at least, a revised budget at output-level with comparison to the original, a revised results framework with comparison to the original, a written clarification on the change itself and the reasons for the need of material change, and a letter from the Designated Authority endorsing the material change;

d) To recall that the existing caps on implementing entity’s fees and execution costs shall apply and shall not be exceeded due to budget changes.

13. Also, in the process of reviewing the requests for material change, it was noted that in some cases such requests for budget changes were closely related to changes in activities, outputs or outcomes of the project/programme and/or their related indicators and targets, and that such changes were not currently covered by any policies and guidelines. This topic is discussed in the next section.

**Requests for revision of original activity/output/outcome and/or associated indicators and targets**

14. While reviewing requests for material changes from IEs, it was noted that in some cases the requests for budget changes were closely related to changes in the results framework of the project/programme, i.e. changes in activities, outputs or outcomes of the project/programme and/or their related indicators and targets. These budget changes were sometimes caused by changes made in terms of concrete activities that had been implemented. In other cases, budget changes were caused by savings made under specific outputs, allowing an increased investment in other outputs. Similarly, changes made to the original activity/output/outcome indicators and/or targets were sometimes caused by the results arising out of baseline studies, mid-term reviews, or other factors suggesting the IEs that the original indicators and/or targets were not applicable anymore. None of these cases are currently covered by the policies or guidelines approved by the Board to date, including the Article 4.03 on material change. As a result, the EFC may recommend the Board to set up conditions under which such changes in the project's/programme’s results framework would be allowed.

15. From the review of the requests for material change received to date, there are three categories of changes in the project's/programme’s results framework:
i. The introduction of activities/outputs/outcomes that were not included in the original proposal approved by the Board;

ii. The modification or deletion of activities/outputs/outcomes that were included in the original proposal approved by the Board;

iii. The modification or deletion of activity/output/outcome indicators and/or associated targets that were included in the original proposal approved by the Board.

16. Different ways of addressing these requests are possible:

- Disallow any change in the original results framework contained in the fully-developed project/programme document approved by the Board. In that case, Article 4 of the standard legal agreement between the Board and IEs, which addresses the Project Implementation can be amended in a way to specify that the original proposal’s results framework approved by the Board cannot be modified by the IEs. However, this option may be considered too extreme given that there are always exceptional circumstances that may trigger a need for such changes.

- Allow changes from the original proposal’s results framework approved by the Board, provided that certain conditions, such as the prior approval from the Board and endorsement by the DA, are met. In that case, Article 4 of the standard legal agreement between the Board and IEs which address Project implementation, can be revised in a way to specify that any change of the proposal’s results framework approved by the Board cannot be done without prior approval from the Board, at the written request from the IEs attaching endorsement from the country Designated Authority. Such request should include an explanation of the rationale behind the change. Other conditions could be requested, if deemed appropriate by the Board.

- Allow changes in the proposal’s results framework approved by the Board, without Board approval, but with some conditions that would be assessed by the secretariat. In that scenario, IEs could make changes without the approval of the Board as long as (i) the changes do not trigger the material change clause (i.e. without triggering a budget change of ten per cent or more of the total budget) and (ii) the changed activity(ies)/output(s)/outcome(s)/indicator(s) and/or associated target(s) are consistent with or do not jeopardize the objectives of the project and (in the case of changes at the activity or output level) the relevant outcome(s).

17. Alternatively, the EFC may recommend the Board to make different decisions depending on the level of changes requested: for instance, allow such introduction without Board approval for changes made at activity-level (e.g. changes made following the project/programme inception workshop); allow them with prior approval from the Board for changes made at output-level; and allow such changes at outcome-level, under exceptional circumstances, on condition that it does not significantly change the objectives or scope of the project/programme, and that it is subject to a full technical review of the fully-developed proposal by the PPRC and approval by the Board of the changes included in the revised fully-developed proposal.

18. Lastly, the EFC may recommend the Board to formalize its previous decisions related to requests for direct project services, requests for material change, and (if approved) the decision related to requests for revision of original activity/output/outcome and/or associated indicators and targets in a new annex of the Operational Policies and Guidelines related to requests received by the secretariat from IEs related to project/programme implementation.

**Recommendation 2**

19. The Ethics and Finance Committee (EFC) may want to consider recommending the Adaptation Fund Board that the Board decide, with respect to requests for revision of original
activity/output/outcome and/or associated indicators and targets:

a) In cases of introduction of activities/outputs/outcomes that were not included in the original proposal approved by the Board, to allow such introduction without Board approval for changes made at activity-level; allow them with prior approval from the Board for changes made at output-level; and allow such introduction at outcome-level under exceptional circumstances only, on the condition that it does not significantly change the objectives or scope of the project/programme, and subject to a full technical review of the fully-developed project/programme document by the PPRC and approval by the Board of the changes as included in the revised fully-developed project/programme document;

b) In cases of modification or deletion of activities/outputs/outcomes that were included in the original proposal approved by the Board, to allow such modification/deletion without Board approval for changes made at activity-level, allow them with prior approval for changes made at output-level; and allow the modification or deletion for changes at outcome-level under exceptional circumstances only, on the condition that it does not significantly change the objectives or scope of the project/programme, and subject to a full technical review of the fully-developed project/programme document by the PPRC and approval by the Board of the changes as included in the revised fully-developed project/programme document; and

c) In cases of modification or deletion of activity/output/outcome indicators and/or associated targets that were included in the original proposal approved by the Board to allow such modification/deletion without its approval for changes of indicators and/or associated targets made at activity-level; allow them with prior approval for changes made at output or outcome level, under exceptional circumstances, upon submission by Implementing Entities of rationale for such changes, and up to the submission of the first Project Performance Report for the project/programme; changes at the outcome level would be subject to a full technical review of a revised fully-developed project/programme document by the PPRC and approval by the Board.

**Recommendation 3**

In addition, the Ethics and Finance Committee (EFC) may want to consider recommending the Adaptation Fund Board that the Board request the secretariat to consolidate all previous decisions related to requests for direct project services, requests for material change, and requests for revision of original activity/output/outcome and/or associated indicators and targets into a new annex of the Operational Policies and Guidelines related to project/programme implementation, (and to present it at the twenty-first meeting of the EFC).

**Recommendation 4**

20. Lastly, the EFC may recommend to amend the standard legal agreement between the Board and Implementing Entities as follow (see underlined section):

"4.03. Any material change made in the original budget allocation for the Project by the Implementing Entity, in consultation with the Executing Entity, shall be communicated to the Board for its approval and shall be made in conformity with the Operational Policies and Guidelines of the Fund. “Material change” shall mean any change that involves ten per cent (10%) or more of the total budget."
Annex 1: Overview of the current policies, guidelines and procedures for handling requests related to project/programme implementation

Extension of project/programme completion date

1. Annexes 2 and 3 show that a total of seven requests for projects/programmes extension by the Implementing Entities (IEs) have been received by the secretariat since the operationalization of the Fund. Such requests relate to an extension of the project/programme completion date.

2. At its twenty-first meeting, the Board approved a Policy for Project/programme delays. This policy includes, among others, a section related to project completion. This section states the following:

"8. Indicative project/programme completions must be included in project/programme proposals for funding. These are usually general estimates and expected completion dates will depend on when a project/programme starts implementation. For this reason, in the first PPR submitted to the secretariat the implementing entity should include, if applicable, a revised expected project/programme completion date. The revised date will be reviewed and cleared by the secretariat during its PPR clearance procedure. The date included in the first PPR will be the date that the project/programme will be tracked against.

9. If there are any project/programme implementation delays, these should be reported through the PPR and explanations given as to any delays. If the implementing entity expects a project/programme requires additional time to close, the implementing entity must submit a request for extension (see template in Annex A). The request for extension should be submitted as soon as it becomes clear that there are obstacles to a project/programme closing on time and no later than six months prior to the expected project/programme completion date. All project/programme extensions must be approved by the Board.

10. An implementing entity may request for a project/programme extension for up to 18 months beyond the original completion date if (i) no additional funds are required; (ii) the project/programme’s originally approved scope will not change; and (iii) the entity provides reasons and justifications for the extension. The DA must be notified of an extension request. Additional time beyond 18 months may be granted under exceptional circumstances"

3. Paragraphs 9 and 10 of this policy have set a clear frame for addressing such requests. As a result, the secretariat has consistently applied the guidelines set under this section to its review of such requests, and has presented these requests to the Board once the conditions listed in those paragraphs were met.

Requests for extension for project/programme start

4. Annexes 2 and 3 show that a total of two requests for extension for project/programme start have been received by the secretariat since the operationalization of the Fund. Such requests are formulated by IEs in cases where factors that may be outside of control of IEs lead to a failure to start a project/programme within the six-month target set by the Board from the approval of a specific proposal to project/programme inception (defined by Decision B.18/29 as the first day of the project/programme’s inception workshop).

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5. The Policy for Project/programme delays includes, among others, a section related to project start. This section states the following:

“2. The Board has set a target of six months from the first cash transfer to project/programme start. Each implementing entity has its own internal project cycle with different definitions for various milestones, including project start dates. Some may consider project start to be the date an implementing entity’s board approves a project, others the date of first disbursement, still others the date of the signed agreement between the entity and the government. The Adaptation Fund Board decided to consider the start date the first day of the project/programme’s inception workshop (Decision B.18/29).

3. Implementing entities can work to mitigate delays by working with the government, during project/programme design, to ensure a mutual understanding and commitment on how to proceed once a project/programme is approved. There are, however, many factors that are situation-specific and may be outside the control of the implementing entity. The six month target is therefore an average target for the Fund’s portfolio. If a project/programme is not expected to start within six months, however, the implementing entity must send a notification to the secretariat with an explanation of the delay and an estimated start date. The Designated Authority (DA) must also be notified.

4. The secretariat will report to the Board through the Annual Performance Report (APR) on any project/programme start delays. The Board may decide, on a case-by-case basis to cancel a project/programme if start-up delays are significant.”

6. Paragraphs 3 and 4 of this policy have set a clear frame for addressing such requests. As a result, the secretariat has consistently applied the guidelines set under this section and has presented such requests to the Board in accordance with these conditions.

**Requests for direct project support services**

7. Annexes 2 and 3 show that a total of five requests for direct project support services were received by the secretariat since the operationalization of the Fund. Direct project support services relate to a situation where the implementing entity, in addition to its supervisory role, would undertake some project execution related tasks. Such requests occur when an Implementing Entity requests the Board’s clearance for undertaking such activities as well as reassignment of funds for them (in addition to the implementing entity fees), at the expense of the budget for concrete adaptation activities.

8. In the cases of requests for direct project services, the Board has put in place explicit rules that, at the project proposal technical review stage, limit or prevent IEs taking execution roles in the projects they are implementing.

9. At its seventeenth meeting, the Board decided, through Decision B.17/17, to cap execution costs for projects/programmes implemented and executed by the same entity at 1.5% of the project/programme cost. In that specific case the Board, by the same decision, also requested the implementing entity i) to provide a rationale which shall be reaffirmed by the Designated Authority in the letter of endorsement, for serving as both the Implementing Entity and the Executing Entity for the project considered; ii) to ensure that detailed and

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5 Established through the Annual Performance Report as part of the Fund level management effectiveness and efficiency indicators

6 The secretariat may alert the Board to any delays outside of the APR however must provide an update at least once a year on project status through the APR
specific steps will be in place to involve the country’s local/national institutions as co-executing entities for the execution of the components of the project to ensure that national ownership is achieved, and that those detailed and specific steps shall be described in the project proposal; iii) that adequate arrangements have been made to provide for clear separation of implementing and executing functions and responsibilities, including those of monitoring and evaluation, supervision and reporting; iv) that an independent mid-term evaluation be conducted, which shall include the evaluation of executing arrangements; and v) that the implementing entity demonstrates that it has the capacity to execute all the components of the project considered.

10. Similarly, the Board confirmed, by Decision B.18/30, as a principle, the separation between implementing and execution services. This decision states that execution services will only be provided by IEs on an exceptional basis and at the written request by the recipient country, involving designated authorities in the process, and providing rationale for such a request. It adds that the responsibility for these services shall be stipulated, their budget estimated in the fully developed project/programme document, and covered by the execution costs budget of the project/programme. In accordance with the decision, the secretariat communicated the Decision B.18/30 to Designated Authorities and concerned IEs as well as updated the document “Instructions for Preparing a Request for Project Funding”.

11. Finally, the Board requested, by Decision B.26/33, the secretariat to inform IEs that the Board expects execution services provided by them to be submitted for consideration by the Board at the time of project approval, and that such submissions should comply with the aforementioned Board Decisions (B.17/17 and B.18/30) on such services. It also requested IEs to clarify with partner executing entities the services that may be requested of the IEs before submission of fully-developed project/programme documents to the Board, and that the request for direct project services be submitted to the secretariat prior any accord is signed between the Implementing Entity and the government or executing entity for the provision of those services. Finally, it decided that, when submitting to the secretariat a request for direct project services for a project/programme already approved by the Board, IEs submit all the relevant justification for the request for direct project services explaining how the costs were established, along with a letter from the Designated Authority of the Adaptation Fund for the country(ies) of the project/programme endorsing the request for direct project services.

12. These decisions have set a frame for the Board to deal with requests for direct project services. However, this frame has not been formalized yet in any of the Fund policies or guidelines (e.g. standard legal agreement between the Board and the IEs, policy for project/programme delays, Operational Policies and Guidelines of the Fund). As a result, for consistency and formalization of such procedure, it may be appropriate to do so, recalling the different conditions (mentioned above) set by the Board. To this respect, the EFC may recommend the Board to formalize its previous decisions with respect to requests for direct project services in a new annex to the Operational Policies and Guidelines related to project/programme implementation.
## Annex 2: Requests received from Implementing Entities up to 30 June 2015

<table>
<thead>
<tr>
<th>Project</th>
<th>IE</th>
<th>Nature of request</th>
<th>Status of the request</th>
<th>Date of project approval</th>
<th>Date of internal arrangements</th>
<th>Date of receipt of the request</th>
<th>Amount</th>
<th>Time btw project approval and request (months)</th>
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<tbody>
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<td>CSE</td>
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<td>Approved B.22/19</td>
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<td>Material change, project extension &amp;</td>
<td>Approved B.23-24/5</td>
<td>9/16/2011</td>
<td>10/11/2013&lt;sup&gt;7&lt;/sup&gt;</td>
<td>12/4/2013&lt;sup&gt;8&lt;/sup&gt;</td>
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<td>Approved B.24-25/1</td>
<td>12/14/2011</td>
<td>9/7/2014&lt;sup&gt;26&lt;/sup&gt;</td>
<td>10/8/2014</td>
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<td>Material change</td>
<td>Approved B.24-25/2</td>
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<td>9/9/2014&lt;sup&gt;26&lt;/sup&gt;</td>
<td>10/13/2014</td>
<td>&gt;10%</td>
<td>48.87</td>
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<tr>
<td>Turkmenistan</td>
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<td>6/22/2011</td>
<td>no date&lt;sup&gt;10&lt;/sup&gt;</td>
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<td>6/28/2012</td>
<td>5/6/2013&lt;sup&gt;11&lt;/sup&gt;</td>
<td>1/20/2015&lt;sup&gt;12&lt;/sup&gt;</td>
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<td>Extension for project start up</td>
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<td>3/18/2011</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<sup>7</sup> Date of signature of the letter of agreement between UNDP and the government
<sup>8</sup> All the necessary documents were received on 12/04/2013, 02/28/2014, 03/18/2014
<sup>9</sup> Date of approval by project steering committee
<sup>10</sup> No date on the Letter of Agreement between UNDP and the government
<sup>11</sup> Changes were “socialized and discussed” in the inception workshop on March 21 2013, approved by the project steering committee on May 6th 2013 at the Ministry of environment
<sup>12</sup> First letter (dated 08/01/2014) received on the 1/20/2015. The remaining documents were sent on the 02/05/2015, 04/08/2015
## Annex 3: Requests received from Implementing Entities during fiscal year 2016 (1 July 2015 to 30 June 2016)

<table>
<thead>
<tr>
<th>Project</th>
<th>IE</th>
<th>Nature of request</th>
<th>Status of the request</th>
<th>Date of project approval</th>
<th>Date of internal arrangements</th>
<th>Date of receipt of the request</th>
<th>Amount / scope</th>
<th>Time btw project approval and request (months)</th>
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<td>Eritrea</td>
<td>UNDP</td>
<td>Extension for project start up</td>
<td>Approved B.15-16/2</td>
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<td>No-cost extension</td>
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<td>PIOJ</td>
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<td>Approved B.27-28/1</td>
<td>06/28/2012</td>
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<td>09/17/2010</td>
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<td>12/14/2011</td>
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<td>&gt;10% (see supporting documents of B.27-28/11 – see Annex 8)</td>
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<td>June 2016</td>
<td>06/22/2016</td>
<td>Pending additional documents</td>
<td>27.8</td>
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13 No internal arrangements were made before submission of the request
14 Date at which all the necessary documents were received