

ANNEX-III

GUIDANCE ON THE FUNCTIONS AND RESPONSIBILITIES OF AN OPERATION BENEFICIARY

While implementing the following activities, the OB shall comply, in every respect, with the requirements of the IPA Regulation 1085/2006 and its Implementing Regulation, including the Accreditation Criteria, together with all associated Turkish laws, regulations, PM Circulars, Orders, and instructions of the Operating Structure (İKGPRO) and/or the National Authorising Officer.

The OBs are mostly responsible to assume full responsibility regarding the following tasks¹;

1. Overall Management

- 1.1. Supervises the implementation of the operation through an Operation Coordination Unit (OCU) which has to be established within a month after the signature of Operational Agreement (which will be signed when İKGPRO and European Union Delegation in Turkey is decided to fund proposal operation) with satisfactory number of staff (in most of the cases at least 5 staff if there is no grant component under the operation) having appropriate profession and experience so as to provide efficient supervision and control of the operation in accordance with the provisions in Operational Agreement.
- 1.2. Submits to the İKGPRO a list of staff assigned to the OCU including their CVs and job descriptions in the Unit.
- 1.3. Organizes Operation Monthly Management Meetings and semi-annually gathering Operation Steering Committee in order to monitor implementation of the operation. First Operation Steering Committee meeting is organized 6 months after and first Operation Monthly Management Meeting is organized 1 month after the first contract signed under the Operation.
- 1.4. Submits monthly briefing note to Operation Monthly Management Meeting members 3 days before including the achievements in the previous month regarding output and result indicators stated in the Operation Identification Sheet (OIS) and contracts and risks of the operation.
- 1.5. Submits annual “Progress Report” on the overall progress of the Operation and “Final Component Report” when a component (service contract, supply contract, grant scheme etc.) of the Operation is concluded.

2. Procurement

- 2.1 As instructed by the İKGPRO, prepares and revises Operation Identification Sheets, Terms of reference, Technical Specifications, Guidelines for Applicants in accordance with the procedures and templates applicable for the respective procurement procedures (i.e. PRAG).
- 2.2 Submits any such documents to the OS together with a Declaration confirming that:
 - All requirements for the preparation of Terms of Reference / Technical Specifications / Guidelines for applicants have been strictly adhered to,

¹ Please be informed that this list of responsibilities are non-exhaustive, aim to guide potential operation beneficiaries and presume that an operation may include all different components of contracts (service, supply, grant)

- Terms of Reference / Technical Specifications / Guidelines for applicants have been subject to proper controls prior to submission to the OS and such controls fully documented and approved by the SROB (e.g. check-lists).
- 2.3 Submit to the OS CVs for members of Tender Evaluation Committees and/or Short List Panels together with a Declaration to formally confirm that :
- Technical capacity / required qualifications, command of English and Administrative capacity of the candidates proposed by the OB are satisfactory.
 - No potential / actual conflicts of interest [which might be detected even before tender opening session, i.e. any hierarchical, or personal relationship which might impact the objectivity and independence of the member proposed] have been detected
 - CVs of the proposed members have been subject to proper controls prior to submission to the OS and such controls fully documented and approved by the SROB (e.g. check-lists).
 - Appoints proposed candidates, who are approved by İKGPRO, to Evaluation Committees and/or Short List Panels and ensures their attendance to all meetings during evaluation process.

3. Implementation

- 3.1 Technical Management and monitoring of service, supply and work contracts of the operation, notifying İKGPRO of difficulties or non-performance during contract implementation,
- 3.2 Monitoring of grant contracts of grant beneficiaries in collaboration with relevant central and local authorities
- 3.2.1.1 Prepares a strategy (within the framework drawn and guidance given by İKGPRO) and submits İKGPRO within 2 months of Operational Agreement signed on how to execute monitoring on the grant projects (if any),
- 3.2.1.2 Prepares (within the framework drawn and guidance given by İKGPRO) and submits to İKGPRO a grant inception study in the contracting phase which reflects expected the aggregated outputs of the grant projects under the operation,
- 3.3 Cooperates with the contractor and renders logistical or other assistance, if deemed necessary by Senior Representative of Operation Beneficiary who is the official high level manager of the beneficiary,
- 3.4 Participates in contractual kick-off meetings.
- 3.5 Provides opinion and recommendation proposed contract modifications,
- 3.6 If determines a suspicion of one of the circumstances regarding suspension and termination of the contract, sends an early warning note to related Contract Manager of the Operation settled in İKGPRO,
- 3.7 Sends a notification to İKGPRO informing of the delay in implementation of the contract in cases of delay incurred by the Contractor in performing activities or submitting reports or other outputs,
- 3.8 Reviews and informs the İKGPRO of approval/disapproval of the reports of contractors (“read and approved”) checking for accuracy, completeness and conformity with the conditions of relevant tender documents and contract itself.
- 3.9 Approves (“read and approved”) the technical documents and invoices from the contactors prior to technical and financial verification and payment by İKGPRO guarantees that no invoices are approved prior to actual delivery [and where applicable acceptance] of actual contractual commitments by the Contractor,

- 3.10 Provides recommendations to İKGPRO regarding selection and approval of an appropriate CV for the replacement of key experts, approval of specific terms of references and CV's of non-key experts, monthly approval of the experts' timesheets, approval of incidental expenditure, home based work/weekend work requests, visibility materials and any other beneficiary related transactions proposed by the Contractor
- 3.11 Performs the provisional and final acceptances of supplies and works under supply and works contracts upon request by the contractor,
- 3.12 Informs İKGPRO regarding problems that have arisen or the defects that have been occurred with the supplies during the warranty period,
- 3.13 Bears all responsibilities to ensure convenient and predefined use of all materials which are supplied through a supply contract of this operation and informs İKGPRO about any change in terms of place or purpose of usage of the supplied materials till the end of execution period of the Operational Agreement. Undertakes any technical or financial responsibilities for the consequences of misuse of the equipment which might be determined by the relevant authorities.

4. Reporting

- 4.1 Submits annual "Progress Reports" on the overall progress of the Operation. First progress report will be submitted exactly one year after the first contract under the operation is signed.
- 4.2 Submits "Final Component Reports" when a component (service contract, supply contract, grant scheme etc.) of the Operation is concluded. Deadlines for submission of "Final Component Reports" are following;
 - 4.2.1 For service component; within two months after the end of service contract,
 - 4.2.2 For supply component; within 2 weeks after the last final acceptance certificate for relevant contracts is officially approved by İKGPRO,
 - 4.2.3 For grant component; within 2 months after final reporting deadline defined in relevant special conditions of grant contracts.
- 4.3 Submits quarterly monitoring reports on the grant projects in implementation. First report will be submitted exactly 3 months after implementation period of the first grant contract is started.
- 4.4 Introduce relevant data into the MIS system established by İKGPRO and IMIS established by Strategic Coordinator on the progress of the implementation of the contracts/operations.
- 4.5 Prepares and submits any report whenever requested by İKGPRO.

5. Irregularities

- 5.1 Any identified or suspected irregularity shall be reported without unreasonable delay to İKGPRO.
- 5.2 Irregularity Nil Report for OB shall be submitted to İKGPRO at the end of each quarter in case that there are no irregularities to report in the relevant quarter.

6. Risk assessment

- 6.1 Follows the instructions for Risk Management System required by İKGPRO.
- 6.2 Records the risks in Risk Register Table and prepares Risk Mitigation Plans on the implementation of the operation and sends them to the OS in an agreed schedule, requests meetings with İKGPRO and attends to the meeting requested by İKGPRO when necessary.

6.3 Prepares the Annual Risk Management Report and submits it to İKGPRO in schedule required by İKGPRO.

6.4 Ensures that the risks are assessed, reviewed and monitored in the Monthly Management Meetings.

7. *Management and Control Systems*

The OB shall be responsible to set up internal management and control procedures to ensure the sound management of the Operations and appropriately provide any document requested by İKGPRO controls on the management and control systems in the OB. To this end, the OB is obliged to develop the required Manuals of Procedures including related PIMs, POGs, annexes and check-lists at latest 6 months after Operational Agreement is signed to ensure sound management of the operations and sufficient audit trail.

8. *Monitoring*

8.1. Participates in Sectoral Monitoring Committee (SMC) meetings with the invitation of İKGPRO,

8.2. Prepares and presents any documents and presentations about the state of play and progress of the operation when requested for monitoring purposes.