

# Contracting Third-Party Transport

## Recommended Terms - All Movements

If humanitarian organisations plan to solicit and contract third-party transport services, below is a general guide to terms and conditions that planners may wish to consider.

- The contracted trucking company should ensure that drivers fill in all required information on provided logbooks or activities sheets as instructed and agreed with the contracting agency.
- It is recommended that the contracted trucking company should ensure a proper and adequate [vehicle inspection checklist](#) is completed daily.
- The contracted trucking company should ensure all trucks have adequate lashing or tie down equipment, and all required handling equipment.
- The contracted trucking company should ensure that all drivers wear safety equipment present in the truck for driver use as and when required.
- It is recommended that humanitarian agencies require contracted trucking companies to use [logbooks](#), activity sheets and [vehicle inspection checklists](#), maintained for all drivers / equipment for quality assurance purposes. Contracting humanitarian agencies should inspect logbooks and activity sheets on a routine basis.
- Where possible, drivers should be reachable during the whole transportation time by the contracted trucking company and contracting humanitarian agency whenever needed.

### Driver Training

- The contracted trucking company should ensure the driver used for transporting humanitarian goods is well trained, and training can be demonstrated to contracting humanitarian agencies upon request.
- The contracted transport company should ensure that the drivers used for delivering pharmaceuticals or other temperature sensitive goods are trained well and are aware of the temperature requirement of the goods being carried.
- The contracted transport company should ensure that the drivers used for delivery dangerous goods are well trained on handling and transport of dangerous items, and in compliance with national and local laws and regulations.

### Contracted Trucking Company Responsibilities

- If any truck is subcontracted by contracted trucking company, the subcontracted vehicle is the contracted trucking company's sole responsibility and should ensure the subcontractors comply with the conditions agreed between the humanitarian organisation & contracted trucking company.
- The contracted trucking company is responsible for ensuring that all cargo is delivered within the agreed transit time period.
- The contracted trucking company should ensure the drivers reach the correct point of delivery and the proof of delivery has to be signed and stamped by the consignee.
- The contracted trucking company should ensure to handover of cargos at point of delivery.
- The contracted trucking company should submit invoice, and receipts to the contracting humanitarian agency within the pre-defined contracted period after delivery.

### Reports and Communications

- The contracted trucking company should clearly communicate the daily transportation requirements.
- The contracted trucking company should ensure that if drivers are not reachable, a status update report can be sent once the drivers are contacted. Update reports should be sent at a pre-defined period, established in the contract.
- The driver used for any transport should report any instance of the following within a contractually pre-defined period:
  - Accident, theft, or damage at any point during the transportation.
  - Security incidents, including checkpoints, detention, armed conflict on the road, harassment from security officials or any other security related matter.
  - Physical impediments including damaged infrastructure, road closures, impassable weather conditions, or anything else that may prevent vehicle movement.
- Any additional charges billed without transport supervisor / manager awareness should not be accepted and should be removed from any invoice or 'statement of account' of the contracted trucking company.
- The contracted trucking company should promptly inform the contracting humanitarian agency via phone or email in any case of discrepancy at the destination offloading point, such as short shipment, damages, theft, temperature variances or any other problem related to delays in delivering the cargo to the point of delivery.

### **Insurance and Limitations of Liabilities**

- The replacement costs of lost or damage of transported items due to negligence should be the responsibility of the contracted transport company, and all repayment terms and deadlines should be included in the contract between parties.
- The contracted trucking company should indemnify the contracting humanitarian organisation, its affiliates and its and its and their officers, and employees from and against all claims, liabilities, damages, and expenses arising out of or incidental to the performance of the services, for:
  - Any and all injuries to or death or illnesses of any person.
  - Any and all damage to or loss of property.
  - Any and all damage to or loss of humanitarian organisation's goods under the sole care, custody and control of contracted trucking company in the performance of the services.
  - Any and all breaches of applicable laws and regulations, except in cases of gross negligence or wilful misconduct of the contracting humanitarian organisation.
- It is strongly recommended that the contracted trucking company should be obliged to take out and maintain, in its own name and at its own expense insurance adequate to cover its liabilities in full force and effect at all times during the contracted transport process:
  - Liability insurance policy to cover any and all shortages, damages, pilferage, missing, misallocation or any other loss of the goods while in the contracted trucking company's care, custody or control subject to a maximum liability of an adequate amount to compensate the contracting humanitarian agency against any loss or goods damage in accordance to the applicable local laws and regulations; whichever is higher.
  - Motor third party liability insurance, with minimum compensation limits for bodily injury, death or property damage in accordance to local applicable law and regulations
- All insurance policies effected by the contracted trucking company should contain the provision that they cannot not be amended, deleted or permitted to lapse without the express prior approval of the contracted company.

- Deductibles under the insurances maintained by the contracted trucking company or its subcontractor should be the responsibility of contracted trucking company's or its subcontractor's.

## **Recommended Terms - Temperature Controlled Movements / Requirements**

For more information on contracting third party transporters to move temperature regulated medical cargo, please reference the [health supply chain](#) section of this guide.