# Invitation to Tender

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| **Tender Name: Advance Defensive and Protective Driver Training** | | **Tender No: MCK-NBO-TRA-023-006** |
| Location: **Nairobi** | Correspondence Language(s): English | |
| Brief Summary Description of Project:  Mercy Corps is a global humanitarian aid organization that assists communities affected by conflict, natural disasters, and economic crises. In this regard, it is a non-profit organization focused on providing emergency relief, long-term development, and resilience-building programs. To help in implementing its activities and achieve its goals, it has engaged staff in different capacities to help with this. At the center of its Logistics operations, we have drivers who help in moving teams and goods to various field sites and implementation areas which include, Samburu, Turkana, Marsabit, Garissa, Isiolo, and Wajir counties. These operations areas offer various challenges to the drivers which require them to be equipped with the necessary skills that help enhance the safety and security of the staff and road users. | | |

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| **Tender Package Available from:**  **(10 / 03/ 2023)** | **Tender Package Pickup Location:**  <https://www.mercycorps.org/tenders> |
| **Deadline for Offer Submission:**  **(17 / 03 / 2023; 1700hrs)** | **Submit Offers to:**  ke-bids@mercycorps.org  **Clearly state Tender number** “**MCK-NBO-TRA-023-006**” on the subject line of the email.  ONLY SOFT COPIES OF TENDER APPLICATIONS WILL BE ACCEPTED |

*Mercy Corps reserves the right to accept or reject any late offers*

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| **Questions and Answers (Q&A)** | |
| If any, Submit Questions in writing to: [ke-pr@mercycorps.org](mailto:ke-pr@mercycorps.org) Clearly state Tender number “**MCK-NBO-TRA-023-006”** on the subject line of the email. | |
| Last Day for Questions:  (14/ 03 / 2023; 1700hrs) | Questions will be answered by:  (15 / 03 / 2023; 1700hrs) |
| Questions will be answered through: All questions and answers will be posted in the Mercy Corps website | |

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| **Documentation Checklist** | |
| These documents are contained within this tender package: | * Invitation to Tender * General Conditions for Tender * Criteria and Submittals * Price Offer Sheet * Supplier Information Form * Scope of Work * Sample Contract- this is an anticipated contract |

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# General Conditions for Tender

Mercy Corps invites proposals for the goods, services and/or works described and summarized in these documents, and in accordance with procedures, conditions and contract terms presented herein. Mercy Corps reserves the right to vary the quantity of work/materials specified in the Tender Package without any changes in unit price or other terms and conditions and to accept or reject any, all, or part of submitted offers.

**2.1 Mercy Corps’ Anti-Bribery and Anti-Corruption Statement**

**Mercy Corps strictly prohibits**:

* *Any form of bribe or kickback in relation to its activities*

This prohibition includes any *request* from any Mercy Corps employee, consultant or agent for anything of value from any company or individual in exchange for the employee, consultant or agents taking or not taking any action related to the award of a contract or the contract once awarded.  It also applies to any *offer* from any company or individual to provide anything of value to any Mercy Corps employee, consultant or agent in exchange for that person taking or not taking any action related to the award of the contract or the contract.

* *Conflicts of interests in the awarding or management of contracts*

If a company is owned by, whether directly or indirectly, in whole or in part, any Mercy Corps employee or any person who is related to a Mercy Corps employee, the company must ensure that it and the employee disclose the relationship as part of or prior to submitting the offer.

* *The sharing or obtaining of confidential information*

Mercy Corps prohibits its employees from sharing, and any offerors from obtaining, confidential information related to this solicitation, including information regarding Mercy Corps’ price estimates, competing offerors or competing offers, etc.  Any information provided to one offeror must be provided to all other offerors.

* *Collusion between/among offerors*

Mercy Corps requires fair and open competition for this solicitation.  No two (or more) companies submitting proposals can be owned or controlled by the same individual(s). Companies submitting offers cannot share prices or other offer information or take any other action intended to pre-determine which company will win the solicitation and what price will be paid.

Violations of these prohibitions, along with all evidence of such violations, should be reported to:

[**http://mercycorps.org/integrityhotline**](http://mercycorps.org/integrityhotline)

Mercy Corps will investigate allegations fully and will take appropriate action.  Any company, or individual that participates in any of the above prohibited conduct, will have its actions reported to the appropriate authorities, will be investigated fully, will have its offer rejected and/or contract terminated, and will not be eligible for future contracts with Mercy Corps. Employees participating in such conduct will have his/her employment terminated.

Violations will also be reported to Mercy Corps’ donors, who may also choose to investigate and debar or suspend companies and their owners from receiving any contract that is funded in part by the donor, whether the contract is with Mercy Corps or any other entity.

**2.2 Tender Basis:**

* All offers shall be made in accordance with these instructions, and all documents requested should be furnished, including any required (but not limited to) supplier-specific information, technical specifications, drawings, bill of quantities, and/or delivery schedule. If any requested document is not furnished, a reason should be given for its omission in an exception sheet.
* No respondent should add, omit or change any item, term or condition herein.
* If suppliers have any additional requests and conditions, these shall be stipulated in an exception sheet.
* Each offeror may make one response only.
* Each offer shall be valid for the period of [180 days] from its date of submission.
* All offers should indicate whether they include taxes, compulsory payments, levies and/or duties, including VAT, if applicable.
* Suppliers should ensure that financial offers are devoid of calculation errors. If errors are identified during the evaluation process, the unit price will prevail. If there is ambiguity on the unit price, the Selection Committee may decide to disqualify the offer.
* Any requests for clarifications regarding the project that are not addressed in written documents must be presented to Mercy Corps in writing. The answer to any question raised in writing by any offeror will be issued to that offeror. In some cases Mercy Corps may choose to issue clarifications to all offerors. It is a condition of this tender that no clarification shall be deemed to supersede, contradict, add to or detract from the conditions hereof, unless made in writing as an Addendum to Tender and signed by Mercy Corps or its designated representative.
* This Tender does not obligate Mercy Corps to execute a contract nor does it commit Mercy Corps to pay any costs incurred in the preparation and submission of proposals. Furthermore, Mercy Corps reserves the right to reject any and all proposals, if such action is considered to be in the best interest of Mercy Corps.

**2.3 Supplier Eligibility**

Suppliers may not apply, and will be rejected as ineligible, if they:

* Are not registered companies
* Are bankrupt or in the process of going bankrupt
* Have been convicted of illegal/corrupt activities, and/or unprofessional conduct
* Have been guilty of grave professional misconduct
* Have not fulfilled obligations related to payment of social security and taxes
* Are guilty of serious misinterpretation in supplying information
* Are in violation of the policies outlined in Mercy Corps Anti Bribery or Anti-Corruption Statement
* Supplier (or supplier’s principals) are on any list of sanctioned parties issued by; or are presently excluded or disqualified from participation in this transaction by: the United States Government or United Nations by the United States Government, the United Kingdom, the European Union, the United Nations, other national governments, or public international organizations.

Additional eligibility criteria, if applicable, are stated in section 3.2 of this tender package.

**2.4 Response Documents**

Offerors can either utilize the response documents contained in this tender package to submit their offer or they can submit an offer in their own format as long as it contains all the required documents and information specified by this tender.

**2.5 Acceptance of Successful Response**

Documentation submitted by offerors will be verified by Mercy Corps. The winning offeror will be required to sign a contract for the stated, agreed upon amount.

**2.6 Certification Regarding Terrorism**

It is Mercy Corps’ policy to comply with humanitarian principles and the laws and regulations of the United States, the European Union, the United Nations, the United Kingdom, host nations, and other applicable donors concerning transactions with or support to individuals or entities that have engaged in fraud, waste, abuse, human trafficking, corruption, or terrorist activity. These laws and regulations prohibit Mercy Corps from transacting with or providing support to any individuals or entities that are the subject of government sanctions, donor rules, or laws prohibiting transactions or support to such parties.

# Criteria & Submittals

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| **3.1 Contract Terms**  Mercy Corps intends to issue a **Fixed Price** contract to one or several company (ies) or organization(s) or individuals. The successful offeror(s) shall be required to adhere to the statement of work and terms and conditions of the resulting contract. The anticipated contract is incorporated in Section 6 herein. By submitting an offer, offerors certify that they understand and agree to all of the terms and clauses contained in Section 6. |
| **3.2 Specific Eligibility Criteria**  Eligibility criteria must be met and the corresponding supporting documents listed below under “Tender Submittals” **must** be submitted with offers. Offerors who do not submit these documents may be **disqualified** from any further technical or financial evaluation.  Eligibility Criteria:   * The offeror must be legally registered * The offeror must be in good standing with its governing tax authority |
| **3.3 Tender Submittals**  Documents and required information listed in tender submittals are necessary in order to support the eligibility criteria and to conduct technical evaluations of received offers (and due diligence). While absence of these documents and/or information does not denote mandatory disqualification of suppliers, the lack of these items has the potential to severely and negatively impact the technical evaluation of an offer.  **Documents supporting the Eligibility Criteria:**   * legal registration document/certificate of incorporation or registration * Business Permit * Tax compliance certificate   **Documents to conduct the Technical Evaluation and additional Due Diligence:**   * Company Profile * References from previous work projects (including contact information) * Key Personnel CVs * Company certifications/accreditations * Training course description   **Price Offer:**  The Price offer is used to determine which offer represents the best value and serves as a basis of negotiation before award of a contract. As a Fixed-Price contract, the price of the contract to be awarded will be an all-inclusive fixed price basis, either in the form of a total fixed price or a per-unit/deliverable fixed price. No profit, fees, taxes, or additional costs can be added after contract signing. Offerors must show unit prices, quantities, and total price, as displayed in the Offer Sheet in Section 4. All items must be clearly labeled and included in the total offered price.  Offerors must include VAT and all applicable taxes in their offer. |
| **3.4 Currency**  Offers should be submitted in: **KES**  Payments will be made in: **KES** |
| **3.5 Tender Evaluation (Trade-Off Selection Method)**  Based on the above submittals, a Mercy Corps Tender Committee will conduct a tender evaluation process. Mercy Corps reserves the right to accept or reject any or all proposals, and to accept the offer(s) deemed to be in the best interest of Mercy Corps. MC will not be responsible for or pay for any expenses or losses which may be incurred by any Offeror in the preparation of their tender.  Evaluations will be conducted as described in the following subsections: |
| **3.5.1 Scoring Evaluation**  ***Trade-Off Method***  Mercy Corps Tender Committee will conduct a technical evaluation which will grade technical criteria on a weighted basis (each criteria is given a percentage, all together equaling 100%). Offeror's proposals should consist of all required technical submittals so a Mercy Corps committee can thoroughly evaluate the technical criteria listed herein and assign points based on the strength of a technical submission.  Award criteria shall be based on the proposal’s overall “value for money” (quality, cost, delivery time, etc.) while taking into consideration donor and internal requirements and regulations. Each individual criteria has been assigned a weighting prior to the release of this tender based on its importance to Mercy Corps in this process.  Offeror(s) with the best score will be accepted as the winning offeror(s), assuming the price is deemed fair and reasonable and subject to the additional due diligence in section 3.5.2.  When performing the Scoring Evaluation, the Mercy Corps tender committee will assign points for each criteria based on the following scale:   |  |  | | --- | --- | | **Point** | **Rationale** | | 0 | Not acceptable; has not met any part of the specified criteria | | 1-4 | Has met only some minimum requirements and may not be acceptable | | 5 | Acceptable | | 6-9 | Acceptable; has met all requirements and exceeds some | | 10 | Acceptable; has exceeded all requirements |  |  |  |  |  | | --- | --- | --- | --- | | **Evaluation Criteria** | **Weight**  **(%)** | **Possible Points**  **(1 to 10)** | **Weighted Score** | | **(A)** | **(B)** | **(A\*B)** | | ***Trainers’ experience and accreditations*** *in defensive drivers training, security driving with vehicle ramming & pursuit, Personal security awareness lectures, and close protection driving.* | 30% | 10 | XX | | ***Training adequacy and availability of training facilities*** *to provide Classroom training models, marram training track, concrete training track, and aquaplaning skid plan.* | 30% | 10 | XX | | ***Clear training and evaluation methodology*** *which provides the ability to establish clearly defined and measurable performance objectives for participants and accurately determine if those objectives have been met* | 20% | 10 | XX | | Total for Technical evaluation | 80% |  |  | | Vendors who score **70%** on the technical evaluation will be evaluated on financials | | | | | **Financial Evaluation** |  |  |  | | Financials- (Entity’s ability to propose a competitive price for SOW described above - Lowest get 10 pts others reverse scoring (lowest cost of all bids/cost of bid for this firm) \*10) | 20% | 10 | XX | | **TOTAL POSSIBLE SCORE (Technical + Financials):** | **100%** | **XX** | **XX** | |
| **3.5.2 Additional Due Diligence**  Upon completion of both the technical and financial evaluations Mercy Corps may choose to engage in additional due diligence processes with a particular supplier or supplier(s). The purpose of these processes is to ensure that Mercy Corps engages with reputable, ethical, responsible Suppliers with solid financials and the ability to fulfill the contract. Additional due diligence may take the form of the following processes (though it is not limited to):   * Reference Checks * Supplier’s facility visits * Analysis of audited financial statements * Determination of relations and affiliations between offerors * Other appropriate documented method giving Mercy Corps increased confidence in the supplier’s ability to perform |

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# Offer Form

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| **Offerors must submit their own independent offer including at least (but not limited to):**   * All documents requested in the “Eligibility Criteria” section of this Tender Package * All documents requested in the “Tender Submittals” section of this Tender Package * All information listed in the “Documents Comprising the Proposal” section below   **All offers must be duly signed (including the position and full name of the signer) and stamped, with the date of completion.** |

***Documents Comprising the Proposal***

The following information must be included in the offer of any potential offeror:

* **Cover Letter** explaining interest to be a contracted vendor or supplier, and the details of the Proposal. The content of the cover letter shall include the following information:
* A detailed specification of the offered goods, services and/or works (Proposal)
* Warranty (if necessary and appropriate)
* Delivery time
* Price validity date (for this purpose and as stated on the advertisement, quote given shall remain unchanged for 180 working days)
* A Price Offer detailing the unit price only, using the **Price Offer Sheet** template provided in **section 6**
* Completed and signed Mercy Corps **Supplier Information Form** template provided in **section 6**
* Other important documents the offeror feels need to be attached to support their proposal

The original proposal shall be signed by the offeror or a person or persons duly authorized to bind the offeror to the contract. Financial offer pages of the proposal shall be initialed by the person or persons signing the proposal and stamped with the company seal.

Any interlineations, erasures, or overwriting shall be valid only if they are initialed by the person or persons signing the proposal.

# Scope of Work/Technical Specifications

**5.1 Background**

**Background:**

Mercy Corps is powered by the belief that a better world is possible. To do this, we know our teams do their best work when they are diverse, and every team member feels that they belong. We welcome diverse backgrounds, perspectives, and skills so that we can be stronger and have long-term impact.

Mercy Corps has been working in Kenya since 2008, partnering with Kenyan communities to drive peace and development. Last year, our programs reached over 905,000 people across the country in the areas of strengthening governance, empowering young people, promoting peace and stability, and supporting resilient livelihoods.

**Purpose:**

The purpose of defensive and protective driver training is to improve driver safety by equipping drivers with the skills and knowledge necessary to recognize and avoid potential hazards on the road. The training aims to promote responsible driving behaviors, reduce the risk of accidents, and minimize the severity of any accidents that do occur. Defensive and protective driver training typically covers a range of topics, including defensive driving techniques, hazard perception, emergency response, and other relevant skills. By completing this training, drivers can better understand the risks associated with driving and learn how to mitigate those risks to protect themselves, their passengers, and other road users. Overall, the purpose of defensive and protective driver training is to promote safer driving behaviors and ultimately reduce the number of accidents and fatalities on the road.

**Training Objectives:**

The objectives of advanced defensive and protective driver training are to build on the skills and knowledge acquired in basic defensive driver training and provide drivers with the skills and knowledge necessary to become safer, more confident, and more responsible drivers.

**Training Activities:**

The training institution will facilitate a collaborative process designed to help drivers develop the skills and knowledge necessary to recognize and avoid potential hazards on the road through bellow activities:

1. Classroom Instruction: Classroom instruction provides a foundation for defensive and protective driving principles, including hazard perception, vehicle control, and emergency response.
2. Practical Exercises: Practical exercises allow drivers to practice defensive driving techniques in a controlled environment. Exercises may include maneuvering around obstacles, emergency braking, and evasive maneuvers.
3. Simulation Exercises: Simulation exercises use advanced technology to recreate real-world driving scenarios and help drivers develop hazard perception and risk management skills.
4. Group Discussions: Group discussions provide an opportunity for drivers to share experiences and learn from each other. Discussions may focus on specific driving situations or challenges.
5. Case Studies: Case studies analyze real-world driving incidents and help drivers develop critical thinking skills for hazard perception and risk management.
6. Self-Assessments: Self-assessments allow drivers to evaluate their own driving skills and identify areas for improvement. This helps to reinforce responsible driving behaviors and promote self-awareness.
7. Instructor Feedback: Instructor feedback is an essential component of defensive and protective driver training. Feedback helps drivers identify areas for improvement and reinforce positive driving behaviors.

**Trainer Deliverables:**

Defensive and protective driver training deliverables refer to the outputs or outcomes that will be expected from completing the training program. Here are some common deliverables that will be expected from defensive and protective driver training:

1. Improved Hazard Perception: Defensive and protective driver training aims to improve drivers' ability to recognize potential hazards and react appropriately.
2. Enhanced Vehicle Control: Drivers will learn techniques for maintaining control of their vehicle in challenging driving situations, such as emergency braking and skid control.
3. Increased Situational Awareness: Drivers will learn to develop situational awareness to anticipate potential hazards and react appropriately.
4. Reduced Risk of Accidents: Defensive and protective driver training aims to reduce the risk of accidents by equipping drivers with the skills and knowledge necessary to avoid potential hazards on the road.
5. Increased Confidence: Through training, drivers will develop the confidence necessary to navigate challenging driving situations and make responsible driving decisions.
6. Improved Fuel Efficiency: Defensive and protective driver training will include instruction on fuel-efficient driving techniques, which can help to reduce fuel consumption and costs.
7. Reduced Vehicle Maintenance Costs: Defensive and protective driver training should help to reduce vehicle maintenance costs by promoting responsible driving behaviors that minimize wear and tear on vehicles.

**Timeframe / Schedule:**

* April to May 2023

**The Trainer will report to:** Zack Omondi – Logistics Coordinator & Safeguarding Champion – Mercy Corps Kenya

**The Trainer will work closely with:** Mercy Corps Kenya Logistics Team

**Diversity, Equity & Inclusion**Achieving our mission begins with how we build our team and work together. Through our commitment to enriching our organization with people of different origins, beliefs, backgrounds, and ways of thinking, we are better able to leverage the collective power of our teams and solve the world’s most complex challenges. We strive for a culture of trust and respect, where everyone contributes their perspectives and authentic selves, reaches their potential as individuals and teams, and collaborates to do the best work of their lives.

We recognize that diversity and inclusion is a journey, and we are committed to learning, listening and evolving to become more diverse, equitable and inclusive than we are today.

**Equal Employment Opportunity**We are committed to providing an environment of respect and psychological safety where equal employment opportunities are available to all. We do not engage in or tolerate discrimination on the basis of race, color, gender identity, gender expression, religion, age, sexual orientation, national or ethnic origin, disability (including HIV/AIDS status), marital status, military veteran status or any other protected group in the locations where we work.

**Safeguarding & Ethics**Mercy Corps team members are expected to support all efforts toward accountability, specifically to our stakeholders and to international standards guiding international relief and development work, while actively engaging communities as equal partners in the design, monitoring and evaluation of our field projects. Team members are expected to conduct themselves in a professional manner and respect local laws, customs and MC's policies, procedures, and values at all times and in all in-country venues.

# Annexes

# Annex 1: Sample Contract

This is the anticipated service contract. However, if required, additional terms and conditions may be added by Mercy Corps in the final contract.



**Annex 2: Supplier Information Form**

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**Annex 3: Price Offer Sheet**

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