



REQUEST FOR PROPOSALS (RFP).

TRANSPORT (DISTRIBUTION) SERVICE.

RFP #: MEDS/RFP/TSP/001/2023

Release Date: 3rd April, 2023

Close Date: 3rd May, 2023

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RFP SUMMARY

MEDS RFP #	MEDS/RFP/TSP/001/2023
Release Date	3 rd April, 2023
RFP Title	Transport (Distribution) Services
Submission Address	tenders2023@meds.or.ke
Closing Date of RFP	3 rd May, 2023
Questions Submission closing dates	11 th April, 2023
Responses to questions raised.	18 th April, 2023
Expected Type of contract	Indefinite Delivery Indefinite Quantity Subcontract

1. INTRODUCTION

1.1 Background.

MEDS is responsible for facilitating the warehousing and distribution of pharmaceutical cold chain, pharmaceutical grade, and/or ambient health commodities, On-Pharmaceuticals, Cold chain and Ambient Laboratory commodities in Kenya in line with WHO Good Distribution Practices. MEDS is inviting qualified vendors to provide technical and cost proposals for Transportation (Distribution) services in Kenya as detailed in this Request for Proposals(RFP).

1.2 Place of Issue

The place of issue of this RFP is Nairobi, Kenya, MEDS Headquarters on Mombasa Road, Viwandani.

1.3 Expected Award Type

Indefinite Delivery Indefinite Quantity Subcontract

3.0 GENERAL INSTRUCTIONS OF THE RFP

1.4 General Instructions

All interested vendors are required to submit a technical and financial proposal, separately, submitted by email not later than **Wednesday 3rd May 2023 at 4:00 PM, EAT.**

Vendors must submit the proposal in electronic form with up to 5 MB limit per email compatible with Adobe Portable Document (PDF) format in a Microsoft XP environment. Vendors must not submit zipped files. Those pages requiring original manual signatures should be scanned and sent in PDF format as an email attachment.

Vendors are responsible for ensuring that their offers are received in accordance with the instructions stated herein. Late vendors may be considered at the discretion of MEDS. MEDS does not guarantee that late vendors will be considered.

1.5 Questions from Vendors

MEDS realizes that Bidders may have additional questions after reading this RFP. Interested Bidders can submit their questions to [Diana Ogutu: dogutu@meds.or.ke](mailto:dogutu@meds.or.ke) (email contact above) according to the instructions in the RFP.

The vendor is responsible to carefully read, understand, and comply with the RFP requirements including terms and conditions there in for responsiveness. Any requests for clarification or need for additional information from the vendor must be submitted in writing via email to [Diana Ogutu dogutu@meds.or.ke](mailto:dogutu@meds.or.ke) MEDS will provide answers to all relevant questions as the below dates & by email ONLY.

Question submission-closing date Tuesday, 11th April, 2023

Responses to questions raised:

MEDS will not respond to any questions by phone and any verbal information from MEDS employee/s shall not be considered official response to such questions by the vendors. All responses will be provided to all vendors who receive this RFP.

2. TECHNICAL PROPOSAL SUBMISSION

2.1 Technical Approach

The vendor's proposal will be required to explain and demonstrate how the scope of work will be achieved and completed. An approach on how the work will be executed in acceptable time and manner. Such explanation must meet or surpass the expectations of MEDS in the outlined technical specifications and requirements. Vendors must include details of their technical approach or methodology and may provide a detailed work plan for the distribution services.

2.2 Organizational & Management Capacity

The vendor will implement and follow the World Health Organization (WHO) Good Distribution Practices, WHO Model Guidance for the Storage and Transport of Time- and Temperature- Sensitive Pharmaceutical Products, and consultation provided by MEDS on relevant quality standards. The selected vendor(s) shall be responsible for the safety and security of its personnel and property, and of the commodities and property in the vendor's custody.

The vendor shall be responsible for distribution of medical supplies in Kenya. The Transporter shall comply with applicable statutory and regulatory requirements for distribution of Health Products and Technologies in Kenya, including but not limited to compliance with the latest guidelines on Transportation of Pharmaceuticals, Good Distribution Practices for Medical Products and Health Technologies in Kenya issued by the Pharmacy and Poisons Board. The selected vendor (s) shall be responsible for the safety and security of its personnel and MEDS commodities entrusted to them.

The vendor will be required to submit a detailed proposal that covers all the aspects under this RFP and their technical approach on how they will ensure the conditions are not only met but also maintained and improved.

4.2.1 Organization Capacity

- a) The vendor shall describe the organization ownership, leadership structure and provide the number, details, qualification, and experience of key staff within the organization relevant to this proposal, this includes but not limited to Senior Management, Operations Manager, Transport/ Fleet Manager, Key Account Manager, Route/ Branch Supervisors, Drivers and Loaders. The vendor will provide CV's and job descriptions (JDs) of the key staff.
- b) The vendor shall describe their personnel onboarding procedure on-job training and background checks done to staff. The on-job training on safe handling of medical supplies and compliance to the Pharmacy and Poisons Board Good Transportation Practices. The vendor shall provide evidence of such trainings'
- c) The vendor shall provide evidence of the standard procedures that guide operations. The SOPs that need to be in place for all distribution processes include:
 - i. Distribution / transportation procedure
 - ii. Fleet maintenance
 - iii. Procedure for vehicle / consignment security and tracking.
 - iv. Incident management and reporting
 - v. Contingency plan and recovery
 - vi. Theft or misappropriation
 - vii. Recruitment and staff / driver training.
 - viii. Cleaning and waste disposal
 - ix. Prevention of cross-contamination
 - x. Pest control

The vendor shall ensure the drivers used for distributing medicines and related medical supplies must:

- a) Ensure all drivers have a valid driver license

- b) Take responsibility for loading before transit and off-loading at delivery destinations, including labor and other costs associated with off-loading
- c) Be sufficient in number to distribute health commodities to the destinations in the timeframe specified.
- d) Be sufficiently literate to manage the inventory of listed health commodities. Drivers may be assigned the responsibilities of keeping the truck movement log and maintenance schedule.
- e) Be responsible and accountable for the health commodities from the point they are loaded on the trucks, up to the point they are offloaded and delivered, and ensure all the stipulated documentation is completed to demonstrate clear transfer of custody of commodities between the truck and the recipient
- f) Must undergo initial and on the job training. The topics to be covered in the trainings include but not limited to cargo security, good distribution practices for pharmaceutical products, handling health products and technologies, handling hazardous, narcotics and psychotropic products, personnel hygiene, customer services and handling cold chain products. MEDS may request training records from the vendor.

2.2.1 Distribution Methodology

The vendor shall submit a detailed distribution plan covering the methodology that the transporter will utilize to achieve last mile (door-to-door) distribution per county within the regions/zones defined as per the MEDS logistical plan.

MEDS has subdivided the country into five (5) logistics regions based on market segments and transportation corridors. The vendor will be required to give a proposal on how to effectively conduct distribution to all the market segments (including last-mile deliveries) within the region. Based on the vendor’s capacity, the transporter is free to submit proposals for regions where they have established capacity and experience. The proposal must cover all the market segments within a region for it be considered responsive.

- (i) Proposed Distribution Region for MEDS Headquarters

PROPOSED DISTRIBUTION REGION (MEDS HEADQUARTERS NAIROBI)			
Region 1	Region 2	Region 3	Region 4
Turkana	Kirinyaga	Machakos	Isiolo
Uasin Gishu	Laikipia	Kitui	Kwale
Elgeyo Marakwet	Kiambu	Makueni	Tana River
Baringo	Murang’a	Kajiado	Wajir
Nakuru	Nyandarua	Embu	Kilifi

Trans Nzoia	Nyeri	Tharaka Nithi	Mandera
	Samburu	Meru	Lamu
	Marsabit	Garrissa	Mombasa
	Nairobi		Taita Taveta
6	9	8	9

(ii) Proposed Distribution Region for MEDS Kisumu Branch

PROPOSED DISTRIBUTION REGIONS (KISUMU BRANCH)		
ZONE 1	ZONE 2	ZONE 3
Bungoma	West Pokot	Bomet
Busia	Narok	Kericho
Kakamega	Nandi	Kisii
Kisumu		Migori
Siaya		Nyamira
Vihiga		Homabay
6	3	6

Note:

(a) Deliveries within 20kilometers radius

Deliveries within 20kms radius for MEDS Headquarters & Kisumu Branch, vendors to bid as per the provided list of facilities within Nairobi Metropolitan & Kisumu Metropolitan respectively as the focal point.

(b) Use of Small Vans for same day deliveries

Small vans shall be recommended for day time deliveries to client orders processed within the day for both the branch and MEDS Headquarters.

The vendor shall submit a detailed methodology on how they propose to conduct successful distribution with the regions identifying any possible risks and a detailed mitigation plan. The vendor shall provide a plan that covers quoted zone(s) (region/s) This *methodology will be submitted in Annex 1 excel template.*

2.2.2 Distribution Vehicles

The vendor shall provide details of all vehicles that they intend to deploy to actualize the distributions. Vehicle type and their capacity to handle dry and rainy season distributions as summarized below.

Vehicle type (e.g. ; Vans/pickups,4x4 , truck)	Registration Number	Capacity (Tones)	Body type (closed, fibre or metal)	Security and Tracking Solution	Vehicle ownership

Trucks used for distributing pharmaceuticals, non-drugs consumables, and other health commodities must meet the following requirements:

- a) Load and distribute commodities upon timely notification by MEDS
- b) Provide fully enclosed, lockable cargo compartments/clean containers attached to the truck at all times during the distribution
- c) Be appropriate for the volume and type of commodities being shipped.
- d) Be clean, dry, and free of vermin; cleaning records will be maintained for vehicles and for reusable shipping containers
- e) Be well serviced and regularly maintained in proper working order, with no damage that would impact their ability to operate.
- f) For pharmaceutical grade commodities, will have compartments that are well covered and padded to ensure that the temperature within the compartments is conducive and in keeping with warehousing storage conditions
- g) Must have equipment and containers that are clean, suitable for use, and able to appropriately protect products from exposure to conditions that could affect their stability or packaging integrity
- h) Shall not be passenger vehicles leased from public or private distribution organizations
- i) Have a tracking device and GPS data to monitor the location of vehicles and duration of time travelled in the delivery of health commodities. **Presence of a tracking system will be an added advantage.**
- j) Must ensure that the commodities and quantities match the shipping documents before taking possession of the commodities; the vendor must notify MEDS immediately of any damage, tampering, theft or missing items upon arrival or during transit.
- k) Take the most direct route while in transit.
- l) Ensure trucks and trailers of trucks to be used for the work are ready for visual inspection by MEDS.
- m) Maintain the trucks in optimal working conditions throughout the duration of the contract.

- n) Take responsibility for maintenance (mechanical, electrical, and otherwise), including the fueling of the truck(s), and record activities in a maintenance log

2.2.3 Consignment Monitoring and Tracking Electronic Proof of Delivery Capability

- a) The vendor shall demonstrate their capacity to manage delivery notes and provide the electronic proof of delivery (e-POD). The electronic proof delivery should cover real-time distribution with geo coordinates of place and time of delivery. **Presence of a functional e-POD system will be an added advantage.**
- b) The e-POD system shall offer the image capturing capabilities with an audit trail of commodity flow. The system should have capability to store the data for a period not less than five (5) years.
- c) The vendor shall provide details on their e-POD system, national coverage, devise or web based, unique capabilities. The vendor shall offer evidence to these capabilities for evaluation. The vendor should indicate the duration the system has been in use, its achievements and limitations for vendors having a fully-fledged monitoring & tracking system.
- d) The vendor will provide a detailed security and tracking system installed in the vehicles proposed for distribution. The vendor security system is meant to ensure the goods on transit are monitored at all times. Provide the name of the system, developer, country of origin, system route coverage, backup system, control tower mechanism. Applicable to vendors with a fully fledged tracking & monitoring system). **A vendor with these capabilities will have added advantage.**

Temperature and Humidity Monitoring Capabilities

- a) The vendor must install automated systems for continuous monitoring and recording of temperature and relative humidity for vehicles and consignments on transit and retain records as evidence of compliance. The system should have capability to record and store data for at least 3 years and regularly back-up the data. The vendor shall give MEDS access to the temperature and relative humidity monitoring system.
- b) Vendor shall ensure that all devices and sensor used for monitoring temperature and relative humidity are calibrated at least annually by a laboratory accredited by KEBS/KENAS. The devices should be calibrated using a traceable reference standard and all calibration records retained to demonstrate compliance.
- c) The vendor shall ensure that all devices used for controlling and monitoring temperature and relative humidity have an accuracy of at ± 0.5 °C and 5% RH respectively.
- d) The vendor must use validated and temperature-controlled vehicles for transportation of health products and technologies requiring ambient, refrigerated and sub-zero storage conditions. The vehicles must be insulated.

2.2.4 On-transit Consignment Management

- a) The vendor shall demonstrate their approach to safeguard the quality, safety and efficacy of medical products while in transit. This will include the protection of health products and technologies from adverse weather conditions such as rain, direct sunlight, and dust as well as breakage of consignment due to careless driving. The vendor shall demonstrate their ability and willingness to handle consignments with utmost care to avoid damages, spillage, breakage, contamination and/or pilferage. This should include but not limited to use of vehicle closed, made of fiber, air- conditioned, and a demonstrated careful driving of trucks to safeguard consignment on transit
- b) The vendor shall take all actions necessary to safeguard the quality, safety and efficacy of pharmaceutical products in transit including scheduled cleaning of vehicles, fumigation of vehicles and storage areas at least on quarterly basis and protection of health products and technologies from adverse weather conditions such as rain, direct sunlight, and dust. Vendor must retain records as proof of compliance.
- c) Vehicles must be loaded in such a way that cargo is stable and the possibility of shifting during distribution is limited. Necessary materials should be used to secure the cargo to prevent movement and subsequent damage to the cargo
- d) Deliver health commodities safely and securely and in prescribed condition to the recipient and destination, as evidenced by a signed physical POD and e-POD; PODs must include:
 - i. Consignee name and physical address, delivery location
 - ii. Date of departure
 - iii. List and description of commodities delivered
 - iv. Quantity of articles delivered
 - v. Date and time of delivery
 - vi. Name and signature of driver and recipient at destination
 - vii. Remarks or notation of any loss or damages
- e) Submit PODs with the invoice to MEDS for payment processing
- f) Be legally and financially responsible for the commodities during the distribution process
- g) Continually assess security in the operating environment and must communicate all changes or concerns immediately to MEDS
- h) Take responsibility for all offloading costs at the point of delivery, including labor
- i) Supervise the offloading and handover of the correct quantity of commodities to the designated recipient(s)
- j) The vendor must maintain temperatures not exceeding 30 °C for general pharmaceutical products and between 2°C - 8°C for cold storage medicines and other supplies during storage and transportation.
- k) The vendor must be willing to deliver full consignments door-to-door as indicated on MEDS delivery note. There shall be no part deliveries.
- l) The vendor shall describe the communication procedure that they will utilize to

inform MEDS within 12 hours of any distribution incidences, accidents, failed deliveries and/or undelivered/uncollected parcels.

- m) Unless instructed otherwise by MEDS, delivery to health facilities shall be within working hours, that is, Monday to Friday 8.00am to 4.00pm
- n) The vendor must have documented contingency plans for the safe storage of health products and technologies in cases of equipment failure, extended power outage and vehicles breakdown during transit.
- o) Vendor who wishes to make alternative arrangements must seek prior authority from MEDS in writing. MEDS must approve any changes/shift from agreed specifications before they become effective.
- p) The vendor to comply with applicable statutory and regulatory requirements for distribution of health products and technologies in Kenya, including but not limited to compliance with the latest guidelines on Transportation of Pharmaceuticals in Kenya, Guidelines for Good Distribution Practices for Medical Products and Health Technologies in Kenya issued by the Pharmacy and Poisons Board. **Total compliance will be an added advantage.**

2.2.5 Security and Disaster Recovery

- a) The vendor shall ensure and deploy reasonable and cost-effective strategies, actions, processes and measures to ensure that all commodities being transported are not lost in transit, from the point of pick up until custody is transferred to the designated recipients. These strategies, actions, processes, and measures must be approved by MEDS and include, but are not limited to the following:
 - i. Planned routes for transit of vehicles are the safest available, based on an assessment of the various options;
 - ii. Vehicles are parked in secure locations (Police stations or secured county hospital e.g) after close of business to ensure both commodity and vehicle security;
 - iii. The Transporter must have documented contingency plans for the safe storage of health products and technologies in cases of equipment failure, and vehicles breakdown during transit.
 - iv. Incidents are immediately reported and investigated.
- b) The vendor shall maintain appropriate disaster recovery and security systems to provide continuity of services in case of causes beyond the control and without the fault or negligence of the vendor such as (1) acts of God or of the public enemy, (2) acts of the government in either its sovereign or contractual capacity, (3) fires, (4) floods, (5) pandemics and/or epidemics, (6) quarantine restrictions, (7) strikes, (8) freight embargoes, and (9) unusually severe weather, or(10) security breach (each a

“Force Majeure Event”).

During a Force Majeure Event, the vendor and MEDS shall discuss the continued and uninterrupted provision of services and MEDS shall reasonably consider any request by vendor to alter the performance and deliverable timelines for a limited period of time. For clarity, the parties agree that a Force Majeure Event will not excuse performance by the vendor in the Contract issued

- i. Immediately upon occurrence of any Force Majeure Event, the vendor shall implement the alternate performance deliverable timelines and unless the parties agree otherwise, make best efforts to recover consignment and resume operations within forty-eight (48) hours thereafter.
 - ii. Should the vendor suffer a Force Majeure Event, the vendor shall use all reasonable efforts to ensure the continuity of services.
- c) The vendor shall maintain adequate and comprehensive insurance cover against all loss or damage to products and ensure the consignment, the vehicle and staff and third parties are covered while on transit. The vendor will list all applicable covers as listed below
- The vendor to have valid Carrier Liability Insurance cover. Minimum sum insured per load/any one carry of Ksh 6m.
 - The vessel; Motor Vehicle/ Trailer to be deployed must have valid TLB License and adequately Insured.
 - The vessel; Motor Vehicle/Trailer that has 3rd party Interest to have comprehensive Insurance cover arrangement. Provide 3rd party contractual arrangement.
 - Ownership of the vessel; Motor Vehicle/ Trailer to be disclosed. Where there is 3rd party interest, disclose. Provide 3rd party contractual arrangement.
 - Having own GIT Insurance cover to supplement MEDS Cover an added advantage.
 - Evidence that the Transporter has WIBA cover for his crew an added advantage.

Type of Insurance Cover	Insurer	Insured amount	Conditions

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The vendor shall provide evidence of the insurance covers demonstrated above or capacity to procure them.

2.3 Past Performance in Related Scope of Work

The vendor shall provide their experience in handling similar contracts and their level of success. The table below will summarize the experience while the vendor shall provide evidence of such contracts.

Client / Organization	Period of Performance	Contract Value	Client Contact- Reference Person, email address and telephone contact.	Status / Comment

2.4 MEDS Roles Responsibilities

MEDS will provide an updated list of Service Delivery Points per distribution zones prior to the commencement of a distribution. The location and number of the facilities may vary as per the various market segment.

MEDS will make best efforts to ensure this notification includes relevant shipping documents and the following data:

- a. Date of Distribution.
- b. Delivery documents.
- c. Distribution zones as per the market segment
- d. Contacts of receiving staff / point of contact at the facilities.
- e. Order description and quantities to be delivered.
- f. Any special conditions pertaining to storage conditions (i.e. cold chain, Ambient or general product)

2.5 Vendor Responsibilities

The vendor has the overall responsibility of ensuring that health commodities are loaded and distributed on time and in full to the assigned SDPs and in adherence to all the Service Level Agreements as stated herein. The vendor is expected to provide proof of delivery, distribution reports and an invoice.

2.6 Deliverables

MEDS shall share the Key Performance Indicators (KPIs) at the time of contracting with the vendor.

Number	Deliverable	Comment
1	Truck Availability	Sufficient number, type and capacity of vehicles dedicated to the distribution
2	On-Time Delivery	Delivery of consignments to all health facilities within the Contractual period KPI of 5 days
3	Proof of Deliveries (POD)	Electronic proof of delivery (e-POD) systems with real-time cloud access and GPS tracking shall be utilized to increase accuracy and efficiency. Both hard copies and e-POD shall be used for deliveries. The vendor shall provide PODs, at the most 3 working days after completing the distribution, to the MEDS and original copies to be submitted with the Invoices
4	On Transit Safety / Security	Security and safety of commodity up to the Service Delivery Point
5	Weekly Distribution Updates	During each approved distribution, the vendor shall give weekly updates on the progress of distribution.
6	Reporting and resolution of incidences.	The vendor shall ensure incidents are reported immediately and not later than 12 hours after happening. The resolution should be done within a reasonable time that does not affect overall KPI. All incidents and their resolution shall be form part of activity report

7	Temperature & Relative Humidity Distribution Reports for compliant vendors.	The vendor shall submit upon completion of each approved commodity distribution, data loggers on temperature and relative humidity to MEDS where a TMD is used. Vendors with or planning to have the solution will have added advantage.
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MEDS may require additional deliverables based on vendor’s proposal(s) that will be determined during negotiations, and preceding award. This however does not provide a guarantee until such a proceeding award is approved.

2.7 Proposal Evaluation (Criteria and Scoring)

All proposals received shall be subject to an evaluation by a MEDS technical evaluation committee. The selected vendor will provide the "best value" taking into consideration the most beneficial combination of qualifications, services and cost and who has met the requirements of this RFP. Only proposals determined to be responsive and compliant to the submission requirements set forth in this RFP will be evaluated. MEDS is not bound to accept the lowest priced offer, nor is MEDS bound to award a contract to any vendor because of this RFP process.

Criteria	Weight
Bid submission <ul style="list-style-type: none"> • Bid submitted on time • Bid includes Team CVs, writing samples and technical approach to • Any potential conflict of interest • References 	Fail/Pass

Corporate Capabilities. Description of company or organization, including parent company or subsidiaries	15%
Personnel. CVs, skill training of vendors core team	
Past experience and References - Successful past performance providing services as requested in the RFP, with references to support this at least 3 references.	10%
Technical approach - Bidders will be evaluated based on their response to technical factors below	
Distribution Methodology. Completeness and technical approach to actualize deliveries within the distribution zones /regions. An updated risk matrix to assure successful distribution.	25%
Distribution Vehicles. Number, Type, Capacity and security and tracking features	20%
Electronic Proof of Delivery. (ePOD) capability and coverage	5%
Temperature and Humidity. Control and monitoring of temperature and humidity	5%
On-transit Consignment Management. Capability to load, handle and deliver consignments on time and in full to the last mile within KPI timelines	10%
Security and Disaster Recovery. Security features in place, risk mitigation measures in place, insurance covers in place	10%
Total weight	100%

The Technical and Cost sections of each vendor's proposal will be evaluated separately. The MEDS committee will review the two separately to make a determination.

Specifically, MEDS will evaluate each technical proposal upon the following criteria

3. COST PROPOSAL

3.1 Submission of Cost Proposal

The Cost Proposal will be used to determine which proposals represent the best value and serve as a basis of negotiation before award of a vendor. The Cost Proposal will include all costs associated with implementation of the technical proposal.

The vendor will use the cost proposal template, which is an *Annex 2* to this proposal. The vendor will clearly indicate the cost of transporting consignment in a 1-3 tonner, 5 tonner, 10 tonner and 15 tonner trucks from MEDS to the respective distribution zones/regions. An additional cost as a percentage will be indicated for conducting last mile distribution to the rural health facilities within the distribution zones/regions. The vendor will give the indicative cost of delivering a carton to the distribution zones/regions.

The type of the contract to be awarded will be an Indefinite Delivery Indefinite Quantity. No profit, fees, taxes, or additional costs can be added after award. All financial information must be expressed in Kenya Shillings.

Supporting information must be provided in sufficient detail to allow for a complete analysis of each financial element. MEDS reserves the right to request additional financial information if the evaluation committee has concerns of the reasonableness, realism, or completeness of a vendors proposed cost.

Under no circumstances may financial information be included in the technical proposal. No financial information or any prices, whether for deliverables or line items, may be included in the technical proposal. Financial information must only be shown in the Cost proposal.

3.2 Cost Evaluation

The evaluators will tally all the individual scores for each section and calculate the average score. The total average scores will be added to obtain the total points achieved by the individual supplier. The score for the cost proposal will be calculated in the following manner. Cost proposal score = $100 \times \text{lowest proposed cost} / \text{proposed cost under consideration}$. The lowest proposed cost will receive the full 100 points. The total score will be calculated as follows: Total score = Technical proposal score of the proposal under consideration multiplied by 80% plus (+) Cost proposal score of the proposal under consideration multiplied by 20%.

4. BASIS OF AWARD

4.1 Basis of Award

All proposals will be reviewed by MEDS and award will be made based on technical and cost evaluation. The award will be based on best value to MEDS. While a proposal may be offering best value, MEDS may exclude or not consider such an offer if MEDS determines that a vendor is "not responsible". For example, if a determination is made that a vendor does

not have management capacity, financial capacity, staffing or previous experience to perform the work.

While cost will be evaluated for reasonableness and realism, MEDS may award to a higher priced vendor if there is a determination that a vendor offers a superior technical solution that justifies the price. All vendors must submit their best price during the submission. This does not exclude MEDS entering into a further negotiation with the best vendor.

Negotiations

Best offer proposals are requested. It is anticipated that a contract will be awarded solely on the basis of the original offers received. However, MEDS reserves the right to request clarifications prior to award. Furthermore, MEDS reserves the right to conduct a competitive range and to limit the number of Bidders in the competitive range to permit an efficient evaluation environment among the most highly-rated proposals. Highest-rated Bidders, as determined by the technical evaluation committee, may be asked to submit their best prices or technical responses during a competitive range. At the sole discretion of MEDS, Bidders may be requested to conduct oral presentations. If deemed an opportunity, MEDS reserves the right to make separate awards per component or to make no award at all.

4.2 Determining Vendor's Responsibility

Before the top vendor is announced, MEDS will conduct a responsibility determination exercise by the following process:

- (a) Conduct a reference check and plan a physical site/office verification. A reference check will be conducted from the references provided by the vendor during the application submission. While the references provided by the vendor, MEDS may extend reference checks to other sources for assurance and independent comparison of such feedback.
- (b) Before an award is made to the best vendor, MEDS will verify the following;
 - 1) The vendor has the required business registration, licenses, permits, and certifications as required by the scope of work and in compliance with applicable host governments or international requirements as may be applicable for conducting business.
 - 2) The vendor will be able to execute the scope of work within the required time and conditions while considering that the vendor may have other business orders or commitments.
 - 3) The vendor has the required technical capability, equipment, and facilities with applicable certifications.
 - 4) The vendor has adequate cash flow or financial resources to start off the work or delivery or has access to such financial sources to fund deliverables up front before such costs are reimbursed or deliverables paid upon approval by the project. Financial stability checks can be tested through various accounting methods from the requested audited financial statements on the vendor's liquidity or debt ratios.
 - 5) The vendor demonstrates acceptable good business practices, ethics, and

integrity.

5. RFP TERMS AND CONDITIONS

General Terms and Conditions

The following terms and conditions shall apply to all the Service Providers offering Transport Services to MEDS.

5.1 The Transport Services

The buyer (MEDS) shall offer medicines and medical/laboratory supplies to be transported to specified distribution zones/regions. The buyer shall ensure that all such consignments are properly labelled with the consignee's physical address and contacts.

5.2 Authorised Signatories

The top management or the appointed official representatives of the two parties (MEDS and the vendor) shall be the Authorised Contracting Signatories. The contract will specify the contracted routes and the agreed rates of payments for the consignment content.

5.3 Certification

Individual vendors and their agents shall hold a valid trade certification and any other license from the relevant government authority. The vendor shall submit to MEDS, evidence of adequate insurance cover and professional indemnity cover in case of losses

5.4 Company Ownership

Ownership of the transporting company must be declared prior to being contracted by MEDS for the transport services. Names and Identity Card numbers of all the directors as well as names and address of the banks used must also be declared.

5.5 Waybills and Electronic Proof of Deliveries (e- Pods)

The vendor to submit signed and stamped PODs immediately after making deliveries to MEDS clients. E-POD Shall be an added advantage. The registration number of the vehicle used should be indicated on the waybill where applicable. Invoices for one month's services should be submitted by end-month along with the statement of account. Only invoices that are accompanied by signed and rubber-stamped PODs from MEDS clients shall be settled.

5.6 Disclosure

The vendor must be willing to submit to MEDS copies of their audited accounts prior to offer of business for the previous two years and on subsequent requests. If there are no audited accounts, any other form of disclosing the operations of the vendor can be provided.

5.7 Contract Period and Prices

The contract period will be three years. Extension of this contract will depend on the performance of the service provider. Contract prices shall apply throughout the period of the contract.

5.8 Payment

Unless otherwise agreed, payment will be made 30 days after the date of the vendor's Month-end statement of account, subject to all outstanding credit notes having been issued.

5.9 Due Diligence

MEDS has the right to request for company ownership information and financial documents in determination of the responsibility of the awardee. This request for proposals does not in itself amount to an award. MEDS reserve the right to reject any proposals and does not guarantee awarding or payment to any vendor in the process or refund of any cost incurred pre award.

ETHICAL BUSINESS PRACTICES

The vendor is responsible and must provide complete and accurate information while responding to this RFP. Any information that falsely represents the vendor in any way will lead to automatic disqualification and will not be considered for any future business with MEDS.

By the signing of Annex 1 certifications, MEDS confirms compliance with the content therein. Any information that is considered unethical from the vendor or by MEDS must be reported to MEDS immediately through the point of contact.

6. ATTACHMENTS

6.1. Attachment 1. Mandatory Requirements

The below documents are required during the submission of the proposal.

- i Name of the company or organization
- ii Type of company or organization
- iii Address
- iv Telephone
- v E-mail address

- vi Full names of members of the Board of Directors and Legal Representative (as Appropriate
- vii A certified copy of the vendor certificate of incorporation/registration.
- viii A copy of the company KRA PIN
- ix A copy of valid KRA tax compliance Certificate
- x A Copy of trade license, or equivalent document.
- xi TIMS (Tax Information Management system) Compliance.
- xiii Evidence that the vendor has adequate financial resources and management capability and staff to carry out Scope of Work.

7.2 Attachment 2 - Proposal Cover Letter

The vendor must prepare a cover letter with the proposal on the vendor's company letterhead with a duly authorized signature and company stamp/seal. The cover letter shall include the following items:

- a) Address from and to MEDS
- b) The vendor will certify a validity period of 30 days for the prices provided.
- c) Signed by an authorized official.

7.3 Attachment 3: Annex 1- Distribution List per Region (Attached)

All vendors will be required to comply with WHO GDP requirements, regulator and MEDS guidelines on the contracting process once selected. During the application, vendors are required to sign certifications and representations in ANNEX 2.

I . CONFLICT OF INTEREST

The vendor or its personnel shall not engage in any activity that may potentially result in to a conflict of interest. If the applicant becomes aware of such potential conflict that may impair the applicant's objectivity, communication must be made in writing to MEDS immediately.

8.0 Submission Information

All bids MUST be submitted in softcopy and a hardcopy on Company Letter head addressed to:

Address to: **MEDS Procurement Section.**
P. O. Box 78040, 00507, Viwandani
NAIROBI, Kenya

Email address: tenders2023@meds.or.ke

All interested vendors MUST submit their proposal on or before Wednesday 3rd May 2023 by 4.00 PM East African Time. Late proposals will automatically be rejected.