Guidance for DU signatory entering into an agreement for transportation services abroad and Program Leaders on site the day services are rendered

This document provides guidelines and recommendations to manage, mitigate, and transfer the risk of charter transportation use abroad. The intent is to help the DU authorized signatory determine an acceptable level of safe transportation of students, faculty, staff, and guests when contracts or insurances normally required are not customary or reasonable in the country where Contractor is operating. This process involves pre-qualification, entering a contract for services, and pre-trip checklist and inspection.

**Pre-qualification:**

Vetting potential Contractors is the responsibility of the DU authorized signatory. While Enterprise Risk Management may offer advice, the DU authorized signatory accepts the risk based on the documented evidence of responsible business practices collected.

It is recommended that the DU authorized signatory or delegate request and review the following (if Contractor does not have, this should be taken into consideration before signing an agreement):

* Maintenance: on-site/off-site, personnel qualifications, inspections
  + It is important to verify maintenance facilities are up to satisfactory standards for vehicles, including certified maintenance personnel. The Contractor may also be asked to provide evidence of proper vehicle and driver documentation and record-keeping, including maintenance and inspection records and validation that drivers have appropriate licensure, medical certificates, etc.
* State or national professional associations or emergency aid organization membership
* Policy on emergencies, breakdowns, and accidents; discuss recent breakdowns and accidents
  + Emergency action plan (in response to deteriorated road or traffic conditions, inclement weather, driver illness, etc.) and breakdown procedures should be discussed and provided as determined to be necessary.
* Policies on drivers’ hours of service
* Drug and alcohol testing
* Driver qualifications
  + Contractors should certify that drivers are properly certified; in compliance with federal and state laws; and meet all criteria including proper licensing, MVR requirements and medical certifications. Carrier must certify that drivers do not violate hours of service limitations.
* Statement on how often and on what schedule driver’s license or motor vehicle records (MVR) checks are performed on all drivers.
* Date of last compliance review (safety rating) and copy of the review if available
* Client attestations of quality (if little else, a Contractor should be able to produce these)
  + Ask carrier to provide references from groups that have used their service within the past year. Your institution should verify that any issues have been resolved prior to pursing contract with Contractor.

It is recommended that the Pre-Trip Checklist and Inspection be shared with potential Contractor, and it be made clear that such will be used on site to determine fitness for transport.

Risks to consider:

* Insurance is a way to defer liability. Is any lack of insurance offset by lower risk or DU provided insurance (e.g., DU provides medical insurance so, it might be OK to forgo requiring such from the Contractor)?
* What type of driving conditions will be necessary?
  + Remote; mountain; unpaved; single lane roads
  + Night driving
  + Chaotic traffic
  + High speeds
  + Extreme weather
* Is there a back-up driver? Can the Program Leader drive if necessary (strongly consider typical driving conditions in country, and Program Leader’s experience)?
* Are there recommendations to avoid the route at certain times or all together?
* Will borders be crossed which may require additional documentation/qualifications?
* How easy will it be for emergency services to arrive at the scene of an accident at any point during the trip?
* Does someone traveling with the group know and is willing to perform first-aid?
* Is more than one vehicle necessary to transport the group, thereby compounding the risks?
* Does the sponsoring unit have funds to provide back-up transportation if needed?

**Contract for Services:**

Prior to travel, a contract must be established with the Contractor as transportation services carry a higher-than-normal risk. Vehicle accidents are the number one cause of death for US citizens abroad. Contracts can be for single program use or on an annual basis when a program intends to utilize Contractor during subsequent programs. Needs may vary from program to program, and specifics may be amended to a general contract; DU authorized signatories or their delegate (i.e., Program Leader(s)) must verify that Contractors meet all criteria for a given program.

A program Trip Addendum with the Contractor should include hold harmless/indemnification language in favor of the institution, statutory safety equipment, routes, pickup and drop-off times, and equipment requirements.

**Pre-Trip Checklist and Inspection:**

Each DU signatory should consider which risk management attributes are appropriate, relative to DU and their unit’s tolerance for risk for pre-departure validation by an on-site DU employee. DU faculty/staff should verify specific information before releasing a charter vehicle for travel on the institution's behalf. The Contractor should be made aware of any items the driver will be expected to show onsite.

Prior to departure, the following should be arranged with the driver:

* Verify emergency contacts and make note of them in personal phone
* Check for valid driver’s license and medical card, and ask to see the driver’s logbook (ensure they have enough hours to complete the contracted trip)
* Check vehicle registration to make sure vehicle is authorized in the country(ies)/state(s) of travel, and that VIN and license plate match the registration
* Perform “walk-around” with driver using departure checklist

Day of Service Departure Checklist:

Operational:

* Review the terms of contract/contract addendum specific to this program
* Note emergency contact name and phone number
* Check that the transport company which arrives is the one contracted for.
  + If any vehicle is not from that company, ensure the vehicle assigned is from a valid subcontractor.
* Make sure the proper number of vehicles and drivers are present, and as stipulated in the contract/contract addendum

Vehicle:

* Windows/windshield in undamaged condition
* Interior lights as appropriate
* Noted existing wear and tear on interior
* Headlights (high beam/low beam)
* Taillights/brake lights
* Horn
* Seat belts as appropriate
* Tires in acceptable condition
* Fire extinguisher (charged)