

## INDEPENDENT TRUCK OWNER/OPERATOR AGREEMENT

### The Independent Truck Owner/Operator agrees to the following:

The truck(s) or other vehicles used for hauling will be maintained in a safe, roadworthy condition as defined by the Massachusetts and New Hampshire Motor Vehicle Regulations.

The Independent Truck Owner/Operator will be responsible for meeting all legal Bridge and Highway Load Limits and Department of Transportation requirements.

The Independent Truck Owner/Operator will comply with the United States Department of Transportation Drug and Alcohol Testing Program.

All trucks must have the assigned Brox Industries truck number attached to the truck. This is mandatory per the Trucking Department.

The Independent Truck Owner/Operator is responsible for the timely delivery of materials loaded onto the truck and delivered to the designated job site.

All vehicles used for transporting hot mix and millings must be equipped with the following:

1. Tarps to adequately cover loads during cool or inclement weather.
2. Lips, of adequate size, to be installed on the dump body to dump mix into the pavers or spreader boxes without spillage.
3. Orange "Construction Vehicle Do Not Follow" sign
4. Flashing Amber lights on each mirror so that lights are visible from three sides of the vehicle. The flashing light system shall be in continuous operation while the vehicle is in any part of the construction zone.

### OSHA 10 Hour Training Card

In 2004, the Commonwealth of Massachusetts passed into law the "Act to Ensure Health and Safety on Public Construction Projects" (Chapter 306 of the Acts of 2004). This legislation became effective July 2006.

This statute requires that all Independent Truck Owner/Operators and all hired drivers who work on or perform work related to any Massachusetts public works project, as well as any county, city, or town in Massachusetts complete a 10 hour training course approved by the U.S. Occupational Safety & Health Administration (OSHA).

It is imperative that the Independent Truck Owner/Operator and all hired drivers forward copies of the OSHA 10-Hour Training course completion cards to Brox for our files. Without this

documentation, you and your hired drivers will not be able to work in Massachusetts. Note: It also requires that copies of the training card(s) be submitted with certified payroll paperwork.

### Certificates of Insurance

The Independent Truck Owner/Operator will be required to carry the following insurance coverage while performing hauling services for Brox Industries, Inc. Proof of insurance coverage (an original certificate) must be furnished to Brox Industries, Inc. prior to providing these services.

Insurance requirements:

1. Automobile Liability                    1,000,000 Combined Single Limit
- AND
2. General Liability                    1,000,000 General Aggregate/1,000,000 each occurrence

**NOTE: The following must be stated in the description of operations:**

***Brox Industries, Inc. to be named additional insured with respect to work performed on their behalf on General Liability Coverage only.***

### OR

1. Automobile Liability                    1,000,000 Combined Single Limit
- AND
2. Workers Compensation as per State Law

Insurance certificates must be kept up to date at all times so pay attention to the renewal dates. Invoices will not be processed and/or checks will be held until the updated Certificate of Insurance is received from your insurance agent.

### Form W-9

An original Request for Taxpayer Identification Number and Certification (W-9 Form) must be signed and returned to Brox Industries, Inc. Please provide your correct name, address and social security number or taxpayer identification number (TIN). Note: Furnishing your correct TIN and making the appropriate certification will prevent certain payments from being subject to backup withholding.

### Over Weight Permits

Please submit copies of your Over Weight Permits for Massachusetts and New Hampshire to the Trucking Department. Failure to maintain current permits will result in delays in payment.

## Daily Truck Reports

The Independent Truck Owner/Operator will be responsible for making sure the Daily Truck Reports and tickets are correct and all information, as listed below, is provided on the Daily Truck Report.

All Daily Truck Reports must include the following information:

1. Day and Date that the work was done.
2. Company Name
3. Please specify the type of truck being used (Triaxle, Tractor Trailer, etc.)
4. Assigned Brox Industries Inc. Truck Number.
5. Write in the Slip #, Net Weight, Product, Hauled From, Hauled to Job/Item, Loading Time – Arrive and Depart, Unloading Time – Arrive and Depart.
6. Please fill in the total hours at the top of the Daily Truck Report.
7. The driver must sign the Daily Truck Report

The Independent Truck Owner/Operator will be responsible for being signed out by authorized personnel of Brox Industries, Inc. at the job site or at the closest plant at the end of the day, or at the first plant at the beginning of the next day. In addition, all delivery tickets for tonnage hauls need to have signatures as proof of receipt of product. If the delivery tickets do not contain the authorized signature, Brox Industries, Inc. reserves the right to withhold payment.

The Independent Truck Owner/Operator will be responsible for turning in the white and yellow copies of the Daily Truck Report at the closest plant at the end of the day, or at the first plant at the beginning of the next day. A signed “received by” copy of all delivery tickets must be stapled to the back of the Daily Truck Report. If the delivery tickets do not contain the authorized signature, Brox Industries, Inc. reserves the right to withhold payment.

Failure to properly fill out the Daily Truck Report in its entirety will result in a delay in payment.

The Independent Truck Owner/Operator will note all breakdowns on the daily logs.

If you are requested to stand-by at the plant instead of hauling plant material, you will be paid only if the standby time is authorized by Brox personnel. Please make a note on the Daily Truck Report.

When hauling millings, debris and/or other materials off of a job site please write down where all millings are picked up from and the location of where they are being taken.

## Certified Payroll Paperwork

Brox Industries, Inc. will require certified payroll paperwork for all drivers working on certified jobs. If you are not sure you are working on a certified job, don't hesitate to ask. A blank copy of the certified payroll

paperwork is attached as well as a sample copy. Please make copies of the blank as needed. **Note: the driver's name on the Daily Truck Report should match the name on the Certified paperwork. Also, the driver's name and address are required on the Certified paperwork.**

### Payment Terms

Brox Industries has computerized payments for tonnage and per load trucking. An invoice is not required for weekly tonnage and per load trucking.

Hourly truckers: Brox Industries does require an invoice for hourly work. Certified payroll paperwork is also required if you or your drivers work on a certified job. Please send invoices to Brox Industries in a timely manner. If you get behind in sending in your invoices there could be a delay in getting paid.

Whether you work by the ton/load or hourly, truck owners/operators and hired drivers MUST turn in the white and yellow copies of the Daily Truck Report. A signed "received by" copy of all delivery tickets must be stapled to the back of the Daily Truck Report.

All rates paid to the Independent Truck Owner/Operator will cover all services including, without limitation, maintenance, repairs, fuel, oil, operators wages, insurance, etc. which are required for the operation of the vehicle.

Payment terms are net 21 days if all of the necessary paperwork is received. **If all the paperwork is not received (for whatever reason) a partial payment, if possible, will be made. A copy of the invoice will be enclosed with the partial payment stating the information that is needed so the invoice can be paid in full. We will not process information received in this office that is older than 12 months from the original date of service.**

For example, a payment issued on Friday, April 27, 2012 will be for services performed April 1st through April 7, 2012. All paperwork (Daily truck reports and invoices) should be received by April 16, 2012.

Note: All Daily Truck Reports with tickets are to be turned in on a daily basis.

Brox Industries, Inc. pays to the nearest ¼ hour, and will not pay for any time prior to the Independent Truck Owner/Operator's scheduled start time. If you haul plant material, you will be paid at a per ton rate unless told otherwise.

Per ton hauls will be paid at the rate per ton times the actual tons loaded at the plant or job site.

### Safety

It is the responsibility of the Independent Truck Owner/Operator to follow the following listed Safety Rules and Procedures for Truck Drivers:

1. Vehicles must come to a complete stop before entering scales.
2. Do not shift gears when entering or leaving scales.
3. Material location: Ask the scale master for directions to the location of the product you want.

4. Speed limits/road rules: Obey all speed limit and traffic signs at plants. Your speed should not exceed 10 mph.
5. At no time should a driver position himself between the truck and a high wall or stockpile.
6. Trainee drivers will be allowed on daytime jobs only with the expressed and advance permission of the Trucking Superintendent, the Project Superintendent or other authorized Brox management authority.
7. NO passengers are allowed in any truck on a nighttime Brox project.
8. At no time will a driver be allowed to operate a truck which is loading or unloading at a Brox project while using a cell phone or other device which will distract or impede the driver's ability to concentrate on their assigned task or interfere with verbal or signal communications.
9. Trucks backing up in areas where workers on foot may be authorized shall only move on visible hand signals by authorized traffic controller.
10. Use only the "Designated Safe Access Area" for trimming and covering loads.
11. Do not throw trash in truck bodies, trailers, or on Brox property or projects.
12. Please check your truck body every day before loading. Any load returned because of contamination will be charged to the trucker. The trucker will not be paid for the time the contaminated load is on the truck. Any extra cost to Brox Industries because of the contamination will be passed on to the trucker.
13. Oiling of truck bodies on Brox property is prohibited. Use release agent in designated area.
14. Remain in your truck while loading aggregate or while under asphalt plants.
15. Brox quarry trucks and equipment have the right of way at all times.
16. All trucks shall have, at a minimum, an operational automatic back-up alarm and operational high-intensity strobes or rotating beacons visible at 360 degrees.
17. A spotter may only be used with the expressed and advance permission of authorized Brox management personnel.
18. No practice shall be allowed, at any time, which renders the operational automatic back-up alarms inoperable.
19. All mirrors shall be whole, clean and unobstructed.
20. Seat belts must be worn and headlights turned on for safety.
21. Anytime you must leave your truck, hard hats, safety glasses and safety vests are required. Remain in the operator's view at all times.
22. **Brox has implemented a new cell phone use policy which includes the following:**

**In accordance with Federal Motor Carrier Safety Administration regulations, use of hand-held telephones and push-to-talk devices is prohibited while operating a Commercial Motor Vehicle on a public roadway (single or combination vehicles with GVWR or over 10,000 pounds).**

**Requirements of state and federal regulatory agencies always supersede company policy. Any current or future regulations that may be more restrictive than this policy, regarding cell phone use, must be adhered to.**

Drivers will make themselves familiar with the Brox Safety Rules and Procedures and all site-specific hazard recognition rules in effect.

Any truck found deficient or any driver found to be violating any of these procedures or determined to be operating in an unsafe manner, at the discretion of authorized Brox management personnel, shall be immediately removed from the project.

The Independent Truck Owner/Operator will be responsible for following instructions and directions of designated Brox personnel while operating their vehicles on Brox property or job sites.

The Safety Director or his designee, the Plant Manager, Project Supervisor/Foreman, DOT Engineer, or other designated competent person has the right to order the driver and/or vehicle to be removed for failure to comply with any statutory agency regulation or any Brox Safety rule or procedure.

Independent Truck Owner/Operators will be solely responsible for any violation, citation and fine issued as a result of unsafe actions or conditions under their control.

It is the responsibility of the Independent Truck Owner/Operator to communicate these procedures to their drivers and other employees. Brox Industries, Inc. reserves the right to withhold payment if these procedures are not followed.

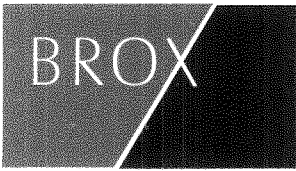
Brox Industries, Inc. reserves the right to hire any Independent Truck Owner/Operator based upon the quality of service provided. The length of service or seniority does not enter into daily hiring decisions of Brox Industries, Inc.

I understand and agree to comply with all of the above listed requests and requirements, as well as all local, state and federal regulations including the Dept. of Transportation (DOT), Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA) and Commercial Driver's License (CDL) requirements while working for Brox Industries, Inc.

### **Signature Page**

**Every year, in March, an updated Signature Page for the Independent Truck Owner/Operator Agreement will be mailed to truckers who work for Brox Industries. Please read the Signature Page, sign it, attach copies of the OSHA 10 hour training card (s) and mail all to Brox Industries. The Signature Page must be signed yearly and returned before invoices can be processed for payment.**

**FYI – An updated Independent Truck Owner/Operator Agreement and all other necessary paperwork can now be found online under Employment at [www.broxindustries.com](http://www.broxindustries.com)**



INDEPENDENT TRUCK OWNER/OPERATOR AGREEMENT  
SIGNATURE PAGE

Individual Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

The above named individual/company is an Independent Truck Owner/Operator, who provides hauling services for Brox Industries, Inc. and is not an employee of Brox Industries, Inc.

**Brox has implemented a new cell phone use policy which includes the following:**

**In accordance with Federal Motor Carrier Safety Administration regulations, use of hand-held telephones and push-to-talk devices is prohibited while operating a Commercial Motor Vehicle on a public roadway (single or combination vehicles with GVWR or over 10,000 pounds).**

**Requirements of state and federal regulatory agencies always supersede company policy. Any current or future regulations that may be more restrictive than this policy, regarding cell phone use, must be adhered to.**

I understand and agree to comply with all of the requests and requirements of the Brox Industries, Inc. Independent Truck Owner/Operator Agreement.

I understand and agree to comply with all local, state and federal regulations including the Dept. of Transportation (DOT), Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA) and Commercial Driver's License (CDL) requirements while working for Brox Industries, Inc.

I am aware that Brox Industries, Inc. will require certified payroll paperwork for all drivers working on certified jobs.

I am in compliance with the Commonwealth of Massachusetts law the "Act to Ensure Health and Safety on Public Construction Projects" (Chapter 306 of the Acts of 2004). I have attached a copy of my OSHA 10-Hour Training Card and copies of Training Cards for any hired drivers working for me.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owners' Name (Please print)

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

Please return completed form to:  
Brox Industries, Inc.  
Attn: Linda Shadeed  
1471 Methuen Street  
Dracut, MA 01826

## Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type See Specific instructions on page 2.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ ..... <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number : : :
or
Employer identification number : : :

### Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

**Sign Here**

Signature of U.S. person ▶

Date ▶

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity.









BROX INDUSTRIES, INC.

DIRECT DEPOSIT HIGHLIGHTS & AUTHORIZATION FORM

- Your weekly check amount will be deposited to your bank account by Monday and on holiday weekends by Tuesday.
- You can deposit your check into either your checking or savings account. We cannot split your check into two or more different accounts.
- In order to participate in the Direct Deposit program, we require a signed authorization form and a VOIDED CHECK from your chosen account.
- It will take approximately two weeks from the time we receive your authorization form and voided check for direct deposit to begin.
- In a separate envelope, after the payment has been sent to the bank, you will receive copies of the EFT transmission report, your hourly invoice if changes have been made as well as backup information for tonnage trucking.
- *We reserve the right to discontinue the program at any time. If we do so, we will revert back to checks.*

I (We) hereby authorize and request Brox Industries, Inc., hereinafter called COMPANY to make payment of any amounts owing to me (either of us) by initiating credit entries or adjustment entries to my BANK account and I (we) authorize and request the BANK to accept any credit entries or adjustment entries initiated by COMPANY to such account and to enter the same to such account without responsibility for the correctness thereof.

It is understood that this agreement may be terminated by me (either of us) at any time by written notification to COMPANY or BANK. Any such notification to COMPANY shall be effective only with respect to entries initiated by COMPANY after receipt of such notification and a reasonable opportunity to act on it. Any such notification to BANK shall be effective only with respect to entries credited to my (our) account by BANK after receipt of such notification and a reasonable time to act on it.

PLEASE SIGN THIS AUTHORIZATION FORM, ATTACH A VOIDED CHECK AND RETURN TO: BROX INDUSTRIES, INC., ATTN: LINDA SHADEED, 1471 METHUEN STREET, DRACUT, MA 01826

I, \_\_\_\_\_ have read the highlights of the direct deposit program and accept the terms.

Date \_\_\_\_\_ Company Name: \_\_\_\_\_ Signature \_\_\_\_\_