



Playboy Marine Contractor Agreement

Initial and Sign Where Required

Playboy Marine Rules and Policies 2020

***Broward County Best Business Practices for Marine Facilities* and other informational resources can be found on our website playboymarine.com under the *Contractor/owner Resources* tab.

1. All contractors and employees must meet Playboy Marine insurance requirements, have a business license and be cleared by yard management prior to starting work.
2. Contractors and employees who have not met the insurance requirements and have not signed the contractor agreement will not be granted access to the yard.
3. All contractors and employees must sign in at the guard house every day.
4. All contractors are responsible for adhering to O.S.H.A. regulations.
5. All contractors are responsible for adhering to the *Broward Country Best Business Practices for Marine facilities*.
6. All bottom paints and materials for below waterline use (zincs included) must be purchased through the Playboy Marine Ship store.
7. No holding tank, bilge, or contaminated water may be discharged onto the ground.
8. No spray painting unless approved by Yard Superintendent Joe Miller or V.P. Powell Peck.
9. Playboy Marine Office Manager Lisa Moore must be informed of all spray painting operations in the yard after approval.

10. Only Playboy Marine approved contractors are permitted to perform complete hull and topside spray painting jobs.
11. All spray painting must have an enclosure to catch paint chips/dust and overspray.
12. Contractor should use common sense and be aware of weather/wind conditions when spray painting. If asked to stop operations by Playboy management, contractor will comply.
13. All spray painting must be in compliance with Broward County Best Business Practices for Marine facilities, O.S.H.A., and the NFPA 303.
14. Contractors are required to keep the area around vessels and workspaces clear and free of debris.
15. If Playboy Marine determines that a contractor is not keeping their workspace clean and clear of debris a written warning will be issued. If immediate action has not been taken a \$200 per day clean up fee charged to the vessel.
16. No open air sanding or grinding is permitted.
17. All paint removal, including hull and topsides, must be done by vacuum sanders. Tenting of vessel may be required as determined by Playboy Marine.
18. Paint dust, chips and debris must be captured, bagged and properly disposed of.
19. Contractors are required to immediately sweep up any residual paint dust, chips, or debris after sanding and properly dispose of it.
20. Sanding debris must not be allowed to enter water or be left where it could be exposed to rainwater runoff.

21. Shore block and jack stands must never be moved or adjusted by anyone other than Playboy Marine personnel.
22. All spills of gasoline, diesel, or other hazardous materials must be reported immediately to the facility operator.
23. No sand/wet blasting allowed (contact the office for approved blasting methods)
24. All hazardous Chemicals including oil rags, waste oil, engine coolant, hydraulic fluid, gasoline, diesel, paint, and solvents may only be disposed of in the designated containers located in the yard. Inquire with the office for disposal instructions.
25. Unauthorized use of any yard tools or equipment is forbidden.
26. Full removal of paint/gelcoat must be approved by Playboy Marine management.
27. Contractors may not provide forklifts, man lift or cranes without Playboy Marine approval. There may be a surcharge on equipment brought into the yard.
28. Lift operators must be certified for the equipment they are using and must have OSHA certification card on them. (after Playboy Marine approval)
29. All scaffolding and working platforms will be erected to O.S.H.A. regulations.
30. All ladders will follow O.S.H.A. regulations.
31. Contractors must comply with all OSHA regulations applicable to the work being performed.

32. Vehicles on the premises will proceed no faster than the posted speed limit of 5 MPH.
33. Outdoor disassembly of engines and engine parts is not permitted unless containment measures are taken to prevent any release of engine fluids.
34. Outside storage of disassembled parts is prohibited unless empty and stored with the fluid cavities open for inspection and in a manner which prevents contact with rainwater.
35. Parts washing must be done in a container or parts washer. The parts must be rinsed or air dried over the parts cleaning container. The dirty parts washing fluid must be recycled or disposed of properly
36. Contractors should be considerate of their neighboring vessels, vehicles, and workers. Contractors should not unduly interfere with other customers work.
37. Contractors and Employers are responsible for sharing these rules with all employees; therefore, employers are responsible for the actions of their employees.
38. Any Playboy Marine employee shall have the authority to stop actions that violate the rules or policies in this agreement or that may be posted elsewhere on the Playboy property.
39. Failure to abide with these rules may result in fines or expulsion from the premises, or both.

760 TAYLOR LANE, LLC
DBA PLAYBOY MARINE
760 Taylor Lane, Dania Beach, FL 33004

Contractor Insurance Requirements

Contractors agree to indemnify and hold-harmless 760 Taylor Lane, LLC dba Playboy Marine, its owners, officers, and employees from any and all liability arising from any accident or injury incurred, or for the treatment of such injury, while on the company premises. Contractors and Subcontractors will comply with all current OSHA regulations. All contractors must sign in daily, at the guard house, before starting work.

The general contractor shall ensure that all of his subcontractors (working at Playboy Marine) have sufficient insurance to meet these requirements. Should the subcontractor's limits not reach the required limits, they will not be granted access to the yard.

Any company, individual, or supplier wishing to work on vessels or provide materials for use at Playboy Marine shall provide us with a Certificate of Insurance (COI) showing the following policies in force.

1. **Marine General Liability (MGL) or Commercial General Liability (CGL) :**
 - a. **If Not an MGL policy, then one of the endorsements/policies mentioned in number 2 is required.**
 - b. Primary and non-contributory basis with Limits of \$1,000,000 per occurrence/\$2,000,000 aggregate – bodily injury, property damage, and products/completed operations.
 - c. 760 Taylor Lane, LLC dba Playboy Marine shall be added as an additional insured with waiver of subrogation. (Sudden and accidental pollution endorsement should be added, if applicable.)

2. **Marina Operators Legal Liability (MOLL) or Ship Repairers Legal Liability (SRL):**
 - a. \$1,000,000 PER OCCURRENCE.
 - b. 760 Taylor Lane, LLC dba Playboy Marine shall be added as an additional insured with waiver of subrogation.

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3. **Automobile Liability:**

- a. **Company with Commercial Policy:** Companies with a commercial auto policy that meets the following requirements:
 - i. \$1,000,000 combined single limit
 - ii. To include Coverage for Owned, Hired and Non-owned vehicles.
 - iii. 760 Taylor Lane, LLC dba playboy marine shall be added as an additional insured with full waiver of subrogation.
- b. **Contractors Driving Personal Vehicles for Work. (No Commercial Policy)**
 - i. A “Hired and Non-Owned Auto Endorsement” with a \$1,000,000 limit is required to be added under their general liability.

4. **Workers Compensation:**

- a. Statutory limits – employers liability and state statute benefits including admiralty/Jones Act coverage.
- b. Note that USL&H coverage is required on all commercial vessels.
- c. 760 Taylor Lane, LLC dba Playboy Marine will be endorsed with a full waiver of subrogation for worker’s compensation coverage.

5. **Workers Compensation Exemption:** Contractors who choose to work under the state’s worker’s compensation exemption waiver will be permitted under the following conditions:

- a.) Contractor must provide us with a current Florida exemption certificate; please note that Contractor cannot be exempt from USL&H requirements.
- b.) The exemption waiver for worker’s compensation shall only apply to vessels shown as “Recreation” or “Pleasure” on their current registration/document. A copy of the registration/document shall be presented prior to hauling and kept on file. The vessel’s owner/agent shall sign a statement verifying that the vessel’s use as shown is correct.
- c.) Only individuals who provide a Workers’ Comp Exemption Certificate that states their name will be given access to the yard. Exemptions only apply to the individual listed on the certificate, not the company.
- d.) Contractors must ensure and provide proof that all subcontractors, independent contractors, and employees are carrying coverage that meets the workers compensation requirements mentioned above in number 4.

760 TAYLOR LANE, LLC.
DBA Playboy Marine
P.O. Box 14550
Ft. Lauderdale, FL 33302

November 1, 2019

MEMO

To: Customers, Contractors, and Suppliers

From: J.S. Powell, III

Subject: National Pollutant Discharge Elimination System (NPDES) Stormwater Permit

The 1972 amendments to the Federal Water Pollution Control Act (Clean Water Act or CWA) laid the regulatory foundation for the EPA to develop and implement the NPDES program to prevent businesses and municipalities from allowing potentially polluted stormwater runoff from entering adjacent waterways. The Florida Department of Environmental Protection (FLDEP) is the EPA's local governmental agency in charge of enforcing the regulations. They do so by having businesses present their own stormwater pollution prevention plan (SWPPP) to the state for approval, and, once approved, doing spot checks on the businesses to insure compliance.

We have submitted and the state has accepted our SWPPP, and issued a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP).

What all of this means is that we all are going to have be more aware and realize how our daily work can and does affect the environment by allowing any, even small, seemingly insignificant amounts particulate pollutants become discarded onto the ground and in the air, only to eventually end up in our discharge waterway, the Dania Cut Off Canal.

The manner in which we will proceed with our plan is to see that all vessels (and the work being done on them) at Playboy Marine comply with the Broward County Best Management Practices (BMP) described in our SWPPP and in the Federal Register, Volume 60, No. 189, Sector R –

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Ship and Boat Building or Repairing Yards Fact Sheet. These BMPs are an updated version of the Broward County BMP that was first published in 1991, and revised in 1998 with input from the marine industry, Broward Sheriff's Office, City of Ft. Lauderdale, FLDEP, and Broward County Department of Planning and Environmental Protection. The BMPs often refer to state, county, and federal environmental rules. Violations of these rules can carry stiff penalties and fines, therefore, you should make yourself well versed in their language as you will all be expected to abide by these rules.

In fact, these BMPs are included in the environmental rules sheet in our document package that all customers sign off on, and have been for many years. It is only recently that we have become lax in their enforcement. We must all become more attentive to the waste we generate and how it is disposed.

Attached are the BMPs we will be enforcing. Please take every effort to comply. Note that not every Item Number will apply here at Playboy Marine (ie: #003 – Pumpout Facility, because we don't offer one).

Thank you for visiting Playboy Marine and caring for the environment.

760 TAYLOR LANE, LLC.
DBA Playboy Marine
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Ft. Lauderdale, FL 33302

May 28, 2020

MEMO

To: Workers' Compensation Exempt Contractors
From: Powell Peck
Subject: Workers' Compensation Coverage for Employees

Summary: For Workers' Compensation Exempt Contractors, only individuals who provide a Workers' Comp Exemption Certificate that states their name will be given access to the yard. Exemptions only apply to the individual listed on the certificate, not the company.

Florida Law states that any non-construction industry employers with four or more full-time or part-time employees must provide workers' compensation coverage for all employees. An exempt company owner may have up to 3 employees before being required to have workers' compensation insurance. Some contractors do not meet the state's requirement threshold to carry workers' compensation insurance and elect not to provide workers' compensation coverage to their employees. Playboy Marine, however, does not allow anyone to work in the yard without workers' compensation coverage, unless their name is stated on a Certificate of Exemption. Only the person whose name is stated on the certificate is exempt from coverage and will be allowed to work without workers' compensation coverage. Exempt contractors should, therefore, provide statutory workers' compensation coverage for their employees if they do not have any coverage.

Independent Contractors are not required by Florida law to carry worker compensation insurance. However, independent contractors are required to carry workers' compensation insurance by Playboy Marine. For this reason, independent contractors are treated as any other contractor and need to meet Playboy Marine Contractor Requirements before starting work. It is important for contractors who are workers' comp exempt to determine whether their workers are employees or independent contractors. If a contractor determines that a worker(s) is an employee, then the Employer is responsible for providing workers' compensation coverage to that worker(s). If a contractor determines a worker to be an independent contractor then it is up to the independent contractor to meet ALL of the insurance required by Playboy Marine. Any contractor who hires an independent contractor should instruct the independent contractor to provide proof of insurance to Playboy Marine management before starting work. This will ensure that all parties have met the contractor requirements for Playboy Marine Center. All contractors, regardless of determination, need to sign in daily at the ship store and be approved by Playboy Marine before starting work.

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Determining Employee or Subcontractor

“**The Common-Law Rules** are a set of twenty factors that provide evidence of the degree of control and independence between a worker and the employer. In determining whether the person providing service is an employee or an independent contractor, all information that provides evidence of the degree of control and independence must be considered.

The Common-Law Rules fall into three categories:

- Behavioral: Does the company control or have the right to control what the worker does and how the worker does his or her job?
- Financial: Are the business aspects of the worker’s job controlled by the payer? (these include things like how a worker is paid, whether expenses are reimbursed, who provides tools/supplies, etc.)
- Type of Relationship: Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business?” (Independent Contractor Determinations / State and Local Political Subdivisions / Retirement / Workforce Operations / Florida Department of Management Services - DMS, 2020)

There are serious financial and criminal consequences for companies that misclassify their workers, whether the misclassification was intentional or unintentional. “The intentional misclassification of a worker is a felony.” (Florida Dept. of Revenue - Reemployment Tax Employees vs. Independent Contractors, 2020)

***Companies trying to acquire workers’ comp. coverage for the first time should look at using a Professional Employment Organization (PEO)

References

Dms.myflorida.com. 2020. *Independent Contractor Determinations / State And Local Political Subdivisions / Retirement / Workforce Operations / Florida Department Of Management Services - DMS*. [online] Available at: <https://www.dms.myflorida.com/workforce_operations/retirement/state_and_local_political_subdivision/s/independent_contractor_determinations> [Accessed 18 May 2020].

Floridarevenue.com. 2020. *Florida Dept. Of Revenue - Reemployment Tax Employees Vs. Independent Contractors*. [online] Available at: <https://floridarevenue.com/taxes/taxesfees/Pages/rt_employee.aspx> [Accessed 20 May 2020]

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Acknowledgement Receipt

I acknowledge receipt of the following Documents:

1. November 1, 2019 Memo describing the required compliance of all customers, contractors, and suppliers with the Playboy Marine stormwater pollution prevention plan (SWPPP)
2. Playboy Marine Yard Rules and Policies.
3. Workers Compensation Exemption Memo.
4. The Contractor Insurance Requirements

I understand that I am responsible for adhering to the rules and requirements set forth in the above documents and will make every effort to follow the rules and requirements.

Signature: _____

Printed Name: _____

Vessel or Company: _____

Date: _____

Playboy Marine Representative: _____ Signature: _____