



Compliance Document Checklist

Certificate Holder Information

Certificate Holder Carrier (all coverages)

Insurances

**Express Messenger Systems INC DBA
OnTrac
2501 S Price Rd STE 201
Chandler, AZ, 85286**

- ☐ **Auto Liability**
 - Minimum Limits Required - \$1M CSL (Combined Single Limits)
 - ***Additional Insured/Certificate Holder:***
 - ***Express Messenger Systems INC
DBA: OnTrac***

Coverage Selections Accepted:

- Any Auto – No need to list any scheduled/HNOA vehicles
or
- Scheduled or Owned Autos, Hired Autos, and
Non-Owned Autos (All 3 Required) – List all scheduled vehicles & those covered by HNOA.

- ☐ **Cargo Insurance**
 - Minimum Limits Required - \$25,000/occurrence
 - ***Additional Insured/Certificate Holder:***
 - ***Express Messenger Systems INC
DBA: OnTrac***

Other types of policies accepted in lieu of cargo insurance:

- An Inland Marine policy qualifies (if maintaining a warehouse)
- Warehouse Legal Liability policy
- Property of Others coverage

DOING BUSINESS WITH **ONTRAC**

To: Motor Carriers Interested in Doing Business with **ONTRAC**

From: **ONTRAC** Vendor Relations Department

Re: Qualifications and Requirements for Contracting with **ONTRAC**

Date: _____

ONTRAC is a shipping and transportation logistics company that brokers “last mile” service to regional motor carriers (aka “Regional Service Providers” or “RSPs”) pursuant to **ONTRAC** FMCSA issued broker of property permit. To ensure **ONTRAC** only brokers last mile service to motor carriers that share **ONTRAC** commitment to safety, quality and legal compliance, **ONTRAC** only contracts with formally established motor carriers able to meet **ONTRAC** strict contracting standards.

This memorandum summarizes the specific requirements and conditions that must be met to enter into a broker-motor carrier arrangement with **ONTRAC**, and identifies the documentation and information a carrier must supply to prove it’s eligible to bid for and negotiate a Regional Service Agreement with **ONTRAC**. Upon request, a template of the Regional Service Agreement will also be made available for you to review the specific contract language relating to the requirements identified below. In fact, we encourage you to obtain a copy of the template and have it reviewed by your attorney or other business advisors, but to protect **ONTRAC** intellectual property, we ask that you refrain from disclosing it to others outside your company and its advisors.

If you have questions that are not answered by this memo, please feel free to contact **ONTRAC** Vendor Relations Department by phone or email at (800) 748-5012.

If your company meets the contracting requirements and is interested in establishing a broker to motor carrier relationship with **ONTRAC**, you may contact the Vendor Relations Department to discuss the contracts currently open for bid or submit a written proposal containing the categories of information identified in the sample “CARRIER Carrier Profile/Proposal” form also attached to this memorandum.

CONTRACTING REQUIREMENTS AND CONDITIONS

A carrier must meet all of the following requirements and conditions to be eligible to bid on a Regional Service Agreement and enter into a broker-motor carrier arrangement with **ONTRAC**.

1. **FORMAL ENTITY:** Carrier must be a formally established corporation or duly organized Limited Liability Company (LLC) or Limited Liability Partnership (LLP) registered to do business and in good standing in California and all other states in which carrier intends to perform transportation services arranged by **ONTRAC**.
2. **REGISTERED EMPLOYER:** Carrier must be a registered employer as evidenced by its possession of an active Employer Identification Number (EIN) issued by the Internal Revenue Service (IRS) and an Employer Account No. issued by the California EDD and/or the appropriate tax agency for each of the states in which Carrier intends to perform transportation services arranged by **ONTRAC**.
3. **USE OF EMPLOYEE PERSONNEL:** Carrier must agree to use only workers properly classified as employees to perform the services arranged and contracted by **ONTRAC**. This includes Carrier's owners, directors and/or managing members who work as drivers, helpers or provide other duties directly involved in the transportation services contracted by **ONTRAC**.
 - a. All personnel used by Carrier must meet all applicable regulatory requirements, including those applicable to commercial drivers.
 - b. At time of contracting, Carrier must provide the names and related information for all personnel Carrier intends to use to perform contracted services to enable **ONTRAC** to issue identification badges authorizing access to its facilities and other secure areas where shipments will be tendered to Carrier.
4. **MOTOR CARRIER AUTHORITY:** All carriers doing business with **ONTRAC** must have an active DOT number because many of the packages that **ONTRAC** will tender to the Carrier are interstate commerce. If Carrier's operations cross state lines or utilize regulated equipment then Carrier must also have a Federal Motor Carrier operating authority issued by the FMCSA.
5. **INTRASTATE MOTOR CARRIER AUTHORITY:** Carrier must possess the license, permit or other authority required to perform intrastate motor carrier services for each state in which Carrier intends to perform transportation services arranged by **ONTRAC**. (California for example requires all Carrier's to obtain and maintain a California Motor Carrier Permit (CMP) issued by the California Highway Patrol.
6. **SAFETY RATING:** If Carrier is subject to or has received a safety rating by any agency, the rating must be "satisfactory/fit" or "no rating/unrated." An unsatisfactory or unfit safety rating by any agency will disqualify.

7. **VEHICLES/EQUIPMENT:** Carrier must own or lawfully possess one or more tractors/power units/commercial motor vehicles registered to and legally operated under Carrier's motor carrier authority, which equipment must be in regular working order and in compliance with all applicable FMCSA and/or state-equivalent regulations (as applicable). Carrier must also own or otherwise legally possess the trailing equipment needed to safely and legally transport the specific type of shipments involved.
8. **SUBCONTRACTING:** Carrier may only subcontract with another Carrier that is active and approved by **ONTRAC**. Other than **ONTRAC** approved carriers the Carrier must agree not to subcontract or double-broker shipments contracted by **ONTRAC**. Carrier must be capable of lawfully transporting all contracted shipments on equipment operated under Carrier's motor carrier authority and driven by Carrier's employee personnel.
9. **VEHICLE INSURANCE:** All vehicles to be used to perform contracted services must be covered by one of the following: (1) a commercial or business vehicle liability insurance policy insuring "any auto" (symbol 1) with a minimum coverage limit of not less than one million dollars (\$1,000,000.00); or (2) a commercial or business vehicle liability policy insuring hired, non-owned and scheduled vehicles, as applicable to Contractor's operations, with a minimum coverage limit of not less than one-million dollars (\$1,000,000.00). Additional requirements:
 - a. Evidence of qualifying insurance coverage from the Carrier's insurance company or insurance agent must include a copy of the declaration page or a binder that specifies the coverage is active. The certificate of insurance must be provided prior to use of a vehicle to perform contracted services.
 - b. To ensure public safety, **ONTRAC** must be named as an additional insured under the policy.
 - c. For the purpose of receiving notice in the event insurance coverage lapses, **ONTRAC** must be listed as a certificate holder on Carrier's policies; verified by submission of the additional insured policy endorsement to **ONTRAC**.
 - d. Insurance policy must be issued by insurance carrier licensed to issue policies in the states in which Carrier intends to perform services arranged by **ONTRAC**.
 - e. If applicable, certificate of insurance must satisfy DOT's insurance regulations (49 CFR 387.11) or similar state law/regulation.
10. **CARGO INSURANCE:** Carrier must maintain and provide proof of insurance coverage for damage or loss to cargo in an amount of not less than \$25,000 per incident per vehicle for all vehicles used to perform contracted services. Coverage may be provided under a cargo insurance policy, an Inland Marine policy, a warehouse legal liability policy, or a property of others policy. Additional requirements:
11. **WORKER'S COMPENSATION INSURANCE:** Evidence of an active worker compensation policy including evidence of the worker class codes that are covered by the policy. To the

extent required by law, Carrier must maintain worker's compensation insurance covering all employees Carrier uses to perform services contracted by **ONTRAC**. Carrier must provide certificate of insurance; must list states covered if Carrier provides services outside state in which Carrier is based.

12. **DOT VEHICLE INSPECTION REPORT:** If applicable, Carrier must provide inspection report (not older than 60 days) for all equipment Carrier intends to use to perform services contracted by **ONTRAC** showing the equipment passed a full annual U.S. DOT inspection under 49 C.F.R. § 396.17.
13. **FMCSA DRIVER QUALIFICATION AND FILES:** If applicable, Carrier must agree to use only commercial motor vehicle drivers who satisfy the [minimum requirements](#) under the FMCSA regulations and/or state-equivalent. In the Agreement, Carrier must represent and warrant that it does and will continue to comply with this obligation, and, upon request, Carrier must agree to provide, proof of its compliance, including permitting inspection of Carrier's "qualification file" (as defined and required by 49 CFR 391) for each driver Carrier uses or intends to use to perform services contracted by **ONTRAC**.
14. **EMPLOYER PULL NOTICE (EPN) PROGRAM ENROLLMENT:** If applicable, Carrier must provide evidence of its enrollment in California's Employer Pull Notice Program (CVC 1808.1), and evidence of enrollment of all drivers to be used to perform services contracted by **ONTRAC** (e.g., by submission of a copy of the most recent action/activity report generated for each driver).
15. **CARB CERTIFICATE:** If applicable, Carrier must provide evidence demonstrating compliance with applicable CARB requirements.
16. **MOTOR CARRIER CERTIFICATE OF COMPLIANCE:** If applicable, as required by California law (CVC 34620(b) and 13 CCR § 1202(f)), Carrier must provide a Motor Carrier Certificate of Compliance (with a copy of the most recent MC 65 M (Certificate of Insurance) submitted to the California DMV with Carrier's motor carrier permit application/renewal).