

LAKE CHARLES HARBOR AND TERMINAL DISTRICT
VESSEL AGENCY PERMIT PROCEDURES

1. Vessel Agency Requirement: Vessel Agency companies desiring to operate over the public wharves must file an application along with an application fee of \$500.00 as outlined herein. No vessel agent shall conduct business within the Lake Charles Harbor and Terminal District ("District") without first securing a permit from the District as set forth herein. Permits are granted for a period of one (1) year.

The District reserves unto the Executive Director the right to grant or deny any vessel agency application.

2. Vessel Agency Permit: A permit application form may be obtained from the District. An application will not be accepted and processed until the following documents and fees are received:

- (1) A fully completed application form;
- (2) The applicant's articles of incorporation or articles of organization, if any;
- (3) A list, including complete names and home addresses, of the applicant's full-time and part-time employees, including supervisors who the applicant intends to employ at the District.
- (4) Complete resumes or curricula vitae of the applicant's chairman, president, vice-president, chief financial officer and local business representative(s);
- (5) The applicant's most recent audited financial statements, balance sheet, income statement, note disclosures, and other documents which are verifiable and independently demonstrates its creditworthiness, financial responsibility, and resources, including credit references must be attached to the submitted application. At the applicant's expense, independent verification of financial conditions may be required by the District.
- (6) A copy of all business licenses held by the applicant; including evidence of authority and approval to conduct business within the State of Louisiana.
- (7) A list of all applicant's offices and business locations and a description of the type and volume of business conducted at each location;
- (8) A description of the type and volume of business that the applicant anticipates performing at the District, including a list of any potential customers;

- (9) Insurance certificates with limits and coverage as specified in Item No. 402 of the District's Tariff No. 13 or any subsequent tariffs. In addition to providing the required coverage limits, each applicant must also name the District as an "additional named insured" and grant a "waiver of subrogation". A copy of the endorsement and declaration pages to the policies and any other information requested by the Executive Director must also be provided;
- (10) Has applicant ever been a party in any lawsuit/claim brought by the U.S. Government or any of its agencies, any state or public port authority or any commercial entity?

Has applicant ever been a party in any lawsuit/claim brought by the District? If so, provide the name of the litigation/claim, docket number (if any), and nature of the litigation/claim.

Has applicant ever been debarred or determined ineligible to do business with the U.S. Government or any agency thereof? If so, please provide specific details?

Has applicant ever been convicted of a criminal offense other than traffic violations?

Has any officer, partner, member, or principal of applicant or person listed in response to questions in section two and section four(e) been convicted of a criminal offense, other than traffic violations?

Has applicant, or any officer, partner, member, or principal of applicant filed a bankruptcy proceeding other than as a creditor in the last ten years?

Does applicant have other information (such as involvement in other litigation) relevant to a review of applicant's financial history? If so, applicant must provide such information on separate pages.

- (11) A listing of all debts, secured or unsecured, describing the lender, amount of loan, current balance and any security as related with the debt;
- (12) The application fee of \$500.00; and
- (13) Any other information requested by the Executive Director.

3. Consideration of the Vessel Agency: The Executive Director shall review the information submitted by the applicant and may request additional information as he sees fit.

The Executive Director will consider:

- (1) The applicant's financial resources and financial responsibility, including, but not limited to, prior payment record, credit record, or any other financial documentation;
- (2) The applicant's past performance, including, but not limited to, its ability to provide consistent, adequate, and high quality services, its conformance with industry safety practices and environmental regulations, and its implementation of safety and training programs and substance abuse policies and programs;
- (3) The applicant's ability to provide full-time onsite personnel or other resources necessary and suitable for the services intended to be performed at the District;
- (4) The applicant's work experience and personnel at the District, including, but not limited to, its managers' and employees' work history, including such personnel's active involvement in sea ports and length of time in the vessel agency business;
- (5) The applicant's trustworthiness, including, but not limited to, whether the applicant or any of its officers, directors, executives, shareholders active in management, employees, or agents or other representatives have been convicted of any violation of state or federal law; and,
- (6) Such other factors that the Executive Director deems relevant.

If the Executive Director finds that the granting of a permit is consistent with public convenience and necessity based upon the factors enumerated above, he may, in his sole discretion, grant a permit to the applicant for one year and may impose such restrictions as he sees fit.

4. License: All permits will expire at the end of a one-year period unless the District and the permit holder determine otherwise and make alternative arrangements.

5. Decision by Executive Director: After receipt and review by the Executive Director of a completed application accompanied by all requested documentation, the Executive Director shall inform the requesting party, in writing, whether the permit will be granted, denied, or held in abeyance pending the receipt of further information or documentation. In the event

that further information or documentation is needed, the District shall inform the applicant of the information or documentation that is sought.

6. Suspension or Revocation: The Executive Director may suspend or revoke a license upon prior written notice to the permit holder based upon any of the following:

- (1) Failure of the permit holder to adhere to the terms and conditions of its permit, including the rules and regulations of the District;
- (2) Failure of the permit holder to comply with applicable federal, state, and local environmental laws, District's safety rules and regulations, District's Tariff, Facility Security Plan or other applicable regulations or laws;
- (3) Failure of the permit holder to perform in accordance with industry safety practices or its own adopted safety and substance abuse policy programs;
- (4) The submittal by the permit holder of false or misleading information to the District;
- (5) Failure of the permit holder to provide equipment necessary and suitable for the services performed or intended to be performed at the District;
- (6) Failure of a permit holder to conduct business at the District for twelve (12) consecutive months;
- (7) Neglect of duty, incompetency, inefficiency, or any acts detrimental to the interests of the District; or
- (8) Under the provisions of the District's Tariff, which is applicable to the activities under the permit, a vessel agent is responsible to the District for all charges incurred by the vessel and payment from the agent of the vessel must be timely made to the District regardless of whether the vessel pays the agent or not or whether the vessel is late in paying the agent.
- (8) Such other factors as the Executive Director may deem proper.

7. Appeal: A permit holder or an applicant may appeal the denial, revocation or suspension of a license by filing a written protest and request for a public hearing with the District. If an appeal is filed, the decision appealed will be held in abeyance pending the final determination of the Board of Commissioners.

An appeal hearing may be requested by (1) an applicant for a permit if such application is denied, or (2) a permit holder whose permit has been suspended or revoked.

A public hearing is requested by filing a written protest and request for a public hearing with the District within thirty (30) days of receiving written notice of the action being appealed. Any such appeal shall specify, in writing and in detail, all facts or reasons upon which such appeal is based. Any matter not specified shall not be considered.

Upon receipt of the protest and request for hearing, the District shall schedule a public hearing to take place within sixty (60) days and shall publish notice of the hearing in a local newspaper of general circulation. Notice of the hearing shall also be promptly mailed to the party who requested the hearing.

Any interested party may submit written statements of support or opposition to the District in advance of the hearing.

The Board of Commissioners shall determine whether to adopt or overturn the Executive Director's denial or whether to take other action as it may, in its discretion, determine is in the best interest of the District.

8. Miscellaneous: A permit shall not be assigned or transferred without the written consent of the District. An attempt at a transfer or assignment without consent is cause for revocation or suspension of the license.

A non-refundable application fee for applications will be established by the Board of Commissioners and set forth in the District's Tariff. These fees must be received prior to issuance of a permit.

9. Permit Conditions: By submitting an application and being granted a permit, a vessel agency agrees to the following:

- (1) Maintain a permanent manned office within the Port's facilities or Calcasieu or Cameron Parishes or alternatively, demonstrate to the satisfaction of the Executive Director that the agent has and continuously maintains adequate personnel and communication systems to provide adequate, reasonable and prompt services to vessels calling the facilities of the District. The Executive Director shall be advised, in writing, as to party in charge of operations, the telephone number and address of all offices. Each agent shall have at least one (1) person who is continuously available during normal working hours, forty (40) hours per week, Monday through Friday.
- (2) Insure that all employees of the vessel agency follow the safety rules, Facility Security Plan, Tariff, and rules and regulations of the District as they pertain to their operations; abide by the District's traffic regulations; and do not litter the District's grounds, docks or sheds.
- (3) Provide adequate and experienced personnel to assure that the tasks contracted for in a manner which will create good will and satisfaction with the District's customers.

10. Vessel agents recognize and agree that their use of the District's facilities is a limited privilege which carries the responsibility and liability of repairing and/or replacing all facilities and/or equipment owned or leased by the District and which are damaged and/or destroyed by the vessel agency's employees. The vessel agency company also has the responsibility of reporting such damage and/or destruction to the District's Harbor Police immediately after the accident.

11. Vessel agency shall furnish to and maintain with the District, current Certificates of Insurance on their General Liability in the sum of \$2,000,000 aggregate combined single limit per occurrence and in aggregate. Automobile Liability in the sum of \$2,000,000 combined single limit per occurrence and in aggregate (bodily injury) and Automobile Liability in sum of \$2,000,000 each occurrence combined single limit per occurrence and in aggregate. (property damage). Employers Liability \$2,000,000/\$2,000,000/\$2,000,000 and Workers' Compensation as required by the State of Louisiana Statutory Limitations. All coverages and each certificate of insurance supplied shall provide for the District to be an "additional named

insured” and provide for “waiver of subrogation” to the District. A copy of the endorsement and declaration pages to the policies as well as any other information requested by the Executive Director must also be provided. The District reserves the right to establish other minimum adequate coverage limits.

12. Vessel agencies found not complying with these conditions shall be placed on notice by the Executive Director. Continued non-compliance by the applicant will result in any permit to operate within the District's facilities being suspended or revoked fifteen (15) days from date of notice issued by the Executive Director. No refund of any part of the payment made with the permit application will be made upon cancellation. Any aggrieved Agent may appeal such decision as set forth in subsection 7 above.

13. These conditions are made a part of the vessel agency permits issued and attached thereto.

Terms/Conditions Accepted:
Vessel Agency Company

By: _____

Print Name: _____

LAKE CHARLES HARBOR AND TERMINAL DISTRICT
PORT OF LAKE CHARLES
VESSEL AGENCY PERMIT APPLICATION

In accordance with the provisions of Item 382, of the Lake Charles Harbor & Terminal District's Tariff No. 013 or the Tariff in place at the time and date the Lake Charles Harbor and Terminal District accepted the application, application is hereby made for a permit to operate as a provider of services at the Lake Charles Harbor & Terminal District. In support of this permit application, the following information is submitted: (Additional pages may be attached hereto in responding to these questions and those additional pages will be considered a part of this application. Please use the format attached for any additional pages.) Application, permit fee and supporting documents must be completed and updated annually.

1. Applicant's Company or Business name: _____

2. (a) Applicant's principle physical and mailing business addresses:

- (b) Telephone: _____

- (c) Email address: _____

3. (a) Address at which books and records of Applicant are, or will be maintained:

- (b) Telephone: _____

- (c) Email address: _____

4. (a) Applicant's form of business entity, proprietorship, partnership, corporation, limited liability company, other (please describe):

- (b) If corporation, State of incorporation: _____

5. (a) Names and positions of all officers of Applicant, and addresses, if different from No. 2 above: _____

(b) Names, addresses and nationalities of individuals and/or firms owning or having direct or indirect controlling interest in Applicant's business:

6. Have any owners or principal officers of Applicant ever been convicted of a felony of any type or violation of any narcotics laws? _____

If "YES", please describe in detail on separate sheet.

7. i. Has the company, person, agent or principals making this license application ever been a party in any lawsuit/claim by the U.S. Government or its agencies or any state or any public Port Authority or entity? If so, please provide details?

ii. Has applicant been a party in any lawsuit/claim brought by the Lake Charles Harbor and Terminal District? If so, name the litigation/claim (docket number if applicable), and nature of the litigation/claim.

iii. Has applicant ever been debarred or determined ineligible to do business with the U.S. Government or any agency thereof? If so, please provide details?

iv. Has applicant ever been convicted of a criminal offense other than traffic violations?

v. Has any officer, partner, member, or principal of applicant or person listed in response to questions in section two and section four been convicted of a criminal offense, other than traffic violations?

vi. Has applicant, or any officer, partner, or principal of applicant filed a bankruptcy proceeding other than as a creditor in the last ten years?

vii. Does applicant have other information (such as involvement in other litigation) relevant to a review of applicant's financial history? If so, applicant must provide such information on separate pages.

vii. Attach the applicant's most recent audited financial statements, balance sheet, income statement, note disclosures, and other documents which are verifiable and independently demonstrates its creditworthiness, financial responsibility, and resources, including credit references must be attached to the submitted application. At the applicant's expense, independent verification of financial conditions may be required by the port.

8. Is the company making this license application the same company that will perform the services as Licensee? _____
If not, explain in detail. _____

9. (a) Nature of Applicant's current business, if any, at the Lake Charles Harbor & Terminal District:

(b) If Applicant's current business is different than the purpose of the licensee, please explain how Applicant will undertake this new endeavor (use separate sheet).

10. (a) Does the Applicant or other business related entity currently hold a license to perform the proposed service, or similar services, at any other port or place? (Please list the ports or places, effective dates of licenses and names of the related entities): _____

(b) Has Applicant actually performed the service within the past six (6) months?

If "YES", state where and for whom services have been performed:

If "NO", state reason: _____

11. Customer, business and banking references (List names, addresses and telephone numbers): _____

12. (a) Does Applicant presently have a permanent office in Calcasieu or Cameron Parish, Louisiana? _____

If "YES", please give the address, phone number, and email address:

(b) If Applicant does not presently have a permanent office in Calcasieu or Cameron Parish, Louisiana, please provide the office location and all contact information for such office from which agent will supply services to the vessels calling District facilities.

13. If the Applicant's service will require employees, will the Applicant employ Calcasieu or Cameron Parish residents? If so, how many? _____

14. How many personnel does Applicant employ in other locations (where and number at each)? _____

15. The facilities of the Lake Charles Harbor & Terminal District are operated in an environmentally sound manner. Does the Applicant agree not to handle, store or bring onto Port property any substance considered hazardous under any federal, state or local law unless first receiving written approval of the District?

16. If the permit requested by this application is granted, will Applicant hold the Lake Charles Harbor & Terminal District harmless from claims arising out of any operation, in accordance with the Lake Charles Harbor & Terminal District's Tariff, Item 340?

17. In the event this permit application is approved and a permit is granted, will Applicant agree to abide by all the provisions of the Lake Charles Harbor & Terminal District's Tariff? _____

18. Will Applicant notify the Lake Charles Harbor & Terminal District in writing within ten (10) working days of any change in the information supplied in this application?

I, the undersigned, declare that all contents of this application, including all attachments, are true and factual. I understand that any misrepresentation of information shall be grounds for immediate rejection of the application or revocation of the permit. I acknowledge availability of a complete copy of the current tariff of the District.

Signature: _____ Date: _____

Print name: _____

Title. _____

Company's Name: _____

STATE OF _____

PARISH/COUNTY OF _____

PERSONALLY appeared before me, the undersigned authority, in and for the Parish/County of _____, State of _____ who, after being duly sworn, did say that he signed and delivered the foregoing instrument on the day and in the year therein mentioned as his voluntary act and deed and that he was authorized to do so on behalf of the Applicant.

THUS DONE AND SIGNED, this _____ day of _____,
20_____.

NOTARY PUBLIC
My Commission Expires:

PERMIT APPLICATION
Additional Information

Page ____ of ____

Date: _____

Applicant's Name: _____

Permit Desired: _____

REQUIRED ATTACHMENTS AND OTHER DOCUMENTS REQUIRED:

(See Vessel Agency Permits, Tariff Item 382)

- | Check if Attached | <u>ITEM</u> |
|-------------------|--|
| _____ (1) | A fully completed application form; |
| _____ (2) | The applicant's articles of incorporation or articles of organization, if any; |
| _____ (3) | A list, including complete names and home addresses, of the applicant's full-time and part-time employees, including supervisors, who the applicant intends to employ at the District. |
| _____ (4) | Complete resumes or curricula vitae of the applicant's chairman, president, vice president, chief financial officer and local business representative(s); |
| _____ (5) | A copy of the applicant's safety and training programs, including substance abuse policies or programs, if any; |
| _____ (6) | The applicant's most recent audited financial statements, balance sheet, income statement, note disclosures, and other documents which are verifiable and independently demonstrates its creditworthiness, financial responsibility, and resources, including credit references must be attached to the submitted application. At the applicant's expense, independent verification of financial conditions may be required by the Port. |
| _____ (7) | A copy of all current business licenses held by the applicant; including evidence of authority and approval to conduct business within the State of Louisiana. |
| _____ (8) | A list of all applicant's offices and business locations and a description of the type and volume of business conducted at each location; |
| _____ (9) | Insurance certificates (limits and coverage) as specified by the District. In addition to providing the required coverage limits, each applicant must also name the Port as an "additional named insured" and grant a "waiver of subrogation". A copy of the endorsement and declaration page to the policies as well as any other information requested by the Executive Director must also be provided; |
| _____ (10) | A list of the company, person, agent or principals making this license application which have been a party in any lawsuit/claim by the U.S. Government or its agencies or any state or any public Port Authority or entity. |

- _____ (11) Has the applicant's been a party in any lawsuit/claim brought by the Lake Charles Harbor and Terminal District? If so, name the litigation/claim and nature of the litigation/claim and provide a copy of the petition and/or complaint.
- _____ (12) Has the applicant ever been debarred or determined ineligible to do business with the U.S. Government or any agency thereof? If so, please provide details?
- _____ (13) A listing of all debts, secured or unsecured, describing the lender, amount of loan, current balance and any security as related with the debt; and
- _____ (14) The application fee of \$500.00 per year;
- _____ (15) Other information requested by the Executive Director.