

Exhibit "A"

Independent Contractor Status

Independent Contractor Status. All performance of any labor or services required to be performed by Contractor shall be performed in accordance with the standards set forth in ORS 670.600, and as follows:

- 1) Contractor shall provide the labor or services free from direction and control by SUB over the means and manner of providing the labor or services, and subject only to the right of SUB to specify the desired results;
- 2) Contractor shall be responsible for obtaining all assumed business registrations or professional occupation licenses required by state law or local government ordinances for Contractor to conduct the business;
- 3) Contractor shall furnish the tools and equipment necessary for performance of the labor or services required to be performed under this Agreement;
- 4) Contractor shall have the authority to hire and fire employees to perform the labor or services;
- 5) Contractor shall only be entitled to payment by SUB for the labor or services upon completion of the performance of specific portions of the project or on the basis of an annual or periodic retainer, including but not limited to partial payments made periodically during the term of this Agreement;
- 6) Contractor shall be registered with the Oregon Construction Contractors Board (CCB) if Contractor provides labor or services for which such registration is required;
- 7) Federal and state income tax returns in the name of Contractor, or a business Schedule C or Farm Schedule F as part of the personal income tax return, were filed for the previous year if the Contractor performed labor or services as a Contractor in the previous year; and
- 8) Contractor shall represent to the public that the labor or services are provided by an independently established business. Except when Contractor files a Schedule F as part of the personal income tax returns and the Independent Contractor performs farm labor or services that are reportable on Schedule C, Contractor shall be considered to be engaged in an independently established business when four or more of the following circumstances exist:
 - (a) The labor or services are primarily carried out at a location that is separate from the residence of an individual who performs the labor or services, or are primarily carried out in a specific portion of the residence, which portion is set aside as the location of the business;
 - (b) Commercial advertising or business cards as is customary in operating similar businesses are purchased for the business, or the individual or business entity has a trade association membership;
 - (c) Telephone listing and service are used for the business that is separate from the personal residence listing and service used by an individual who performs the labor or services;
 - (d) Labor or services are performed only pursuant to written contracts;
 - (e) Labor or services are performed for two or more different persons within a period of one year; or
 - (f) The individual or business entity assumes financial responsibility for defective workmanship or for service not provided as evidenced by the ownership of performance bonds, warranties, errors and omission insurance or liability insurance relating to the labor or services to be provided.