

Hiring a Contractor

***NOTE:** We cannot recommend contractors, we do however give you enough information to assist you in the interview, hiring and getting a protective contract. Follow our guidelines where they apply, always use local codes and laws first.*

This information does not constitute rendering of legal advice or service. This information is intended as a guideline and is not to be a substitute for legal advice. State Laws vary, please consult an attorney in the case of legal matters.

This information was not prepared by someone licensed to practice law.

Contractors come in two main types:

1. **General Contractor:** This type of contractor is, as the name implies, “General”. They coordinate construction projects from small remodels to large commercial projects. They control all facets of the project including the Subcontractors, which they hire and are responsible for the subcontractor’s timely and proper completion of the project.
2. **Subcontractor:** This type is your tile contractor. They work directly for the owner on smaller projects or for the General Contractor on many of the projects where multiple subcontractors are involved.

Before you start making calls:

Decide in principle what you want to do the areas to be tiled and the general types of products to be used. This will be critical for your contractor to give you an accurate estimate.

Be open to some ideas on better ways to trim or install the job. Many contractors have different ways of getting to the same result. Ask for an explanation, listen, and verify the information on our site if you do not feel you understand or agree with what you hear.

Qualify the potential contractors:

At thetiledoctor.com site, you will find a searchable database of tile contractors by zip code. Whether or not you select from this list or use another form of referral, like a word of mouth recommendation, it is a perfectly expected practice to check on past work referrals.

Ask for a list of the most recent customers and their contact phone numbers in order to check on their work. Since most contractors work to keep food on the table for themselves or their family it’s not likely that they haven’t worked within the last few weeks. Be skeptical of anyone who cannot or will not furnish you current job listings, but instead may want to give you a selected group of referrals, these could be arranged in order to give the best possible recommendations and possibly not the true to life facts.

Questions to ask:

- Would they use this contractor again
- Was the contractor punctual
- Were the employees, if any, supervised well
- Did they complete on time
- Were the original estimates accurate? If not why?
- Were they clean or did they damage anything

Additional Check Points:

Check with the contractor's license board of your state. In most states they require a contractor to be licensed and they must carry liability and workers compensation insurance.

A license will tell you that this person would have a minimum level of experience and should understand the local codes.

Always make sure the person's license is current and active with no unresolved complaints.

A contractor who is "bonded", in addition to all of the above, means they have a performance bond which guarantees, to a certain dollar amount, that they will satisfactorily complete the project. If they fail to complete the project, the bonding company will pay up to the bond amount and the contractor will forfeit the bond. Ask for a copy of the bond if the contractor indicates they have one and call the bonding company to insure it is current and that the amount will cover completion of the job should the contractor not complete the project.

The bond will cost extra in all cases, as the contractor pays for this as a percentage of their annual billing. It is worth it, if available, for that extra piece of mind if you are not familiar with the contractor.

A license, insurance or bonding does in no way guarantee that the contractor is competent or reputable.

Get it in Writing:

A good contract is the best way to protect all involved. It will decrease the chances of misunderstandings and be the one document that will settle any disputes.

Below you will find a sample contract that must be modified to reflect local laws and codes. An attorney should be consulted when you are unsure of laws and codes.

The following are the most critical elements of the document:

- Names and addresses of the Contractor, You and the project location if it varies from your address.
- Description of the project
- Detailed description of all work to be performed, (Scope of Work) A detailed drawing of the installation method (get this from the installation and layout section under "First Things First". Download and print this information and use it for Exhibit A, as the specification for the project.)
- Clearly identify all materials to be used. Brand of product can be very important if you are worried about substitutions.
- Total price of contract and when and how payments are scheduled (Progress Payments). Never give an up front amount to exceed 1/3 of the project. Best practice would be if contractor is to furnish all materials, give the 1/3 down, but make the check payable to both the contractor and the material

supplier (Joint Check). If the contractor is furnishing installation materials only and their labor, pay nothing up front. Pay on completion or on progress after first day of work begins.

- Final payment is never made until all work is inspected and approved and all potential liens are cleared. Contractors or suppliers who have not been paid can file liens. Check state laws and get valid lien releases from the suppliers and all contractors before final payment is made. Your local building department can assist in most cases.
- Start date and completion date (If time is an issue consider a penalty for late completion or bonus for early completion.)
- The contract should be subject to binding arbitration. This means you do not have to go to court to settle the dispute, a state-licensed arbitrator will hear both sides and make a fully binding judgement. This will save time and money and will be the simplest most equitable means to resolve disputes.

So you did it all right and something went wrong

When you are dealing with licensed professionals the contract is your written understanding of your agreement. However, no paper document can prevent you from being taken advantage of. If your contractor has not performed up to the contract, you must seek a solution.

- File a complaint with the state license board
- File a complaint with the Better Business Bureau in your area
- Request arbitration
- Contact your local building department if codes are not met

In most cases a few of these steps will show a change in the contractors willingness to resolve your concerns. If not, weigh the financial cost of all the remedies and proceed with the best suited to your particular situation.

If during the course of the project you feel things are not going according to plan, you have the option of **Paging The Doctor**. thetiledoctor.com will help resolve any questions you have and we will speak directly to the contractor if you wish. (Fee is involved)

In addition, if you wish, we can schedule a **House Call**. The doctor will visit your job, make an independent unbiased inspection with a written report and photo's to follow, that can be used in a court of law as a legal document. This document will help demonstrate the problems and give the remedies. (Fee is involved)