



## HOW TO GET THE BEST OUT OF YOUR BUILDING CONTRACTOR

The following guidelines are provided by the Master Builders Association in the interests of maintaining a good relationship between client and contractor.

### Planning

Before calling in a contractor to give a quotation, plan exactly what you want done and the amount you can afford to spend.

Be specific, writing down exactly what work is required, the type, specifications, grade of the materials to be used and quality of work finishes required.

For substantial work obtain a detailed cost estimate and adjust your requirements to suit your budget. Employ a qualified person to draw plans, determine specifications and submit them to the local authority for approval (this applies to all building work to ensure compliance with National Building Regulations and Municipal regulations).

In the case of significant alterations or new building work, you would be well advised to employ an Architect or Project Manager to see the project through to completion. Be sure to check the credentials of your Architect or Project Manager as well.

### Choose a Reliable Contractor

*Is your builder a Master Builder?*

Whether you are looking for a general building contractor or a specialist subcontractor make sure that he is registered with the Master Builders Association.

The association screens its members to ensure that they are registered in terms of various statutory requirements and also performs credit and background checks. Members are also graded and must serve a probationary period before being accepted into full/standard membership.

Ensure that your contractor is registered with the necessary legal or statutory bodies.

Obtain references from former clients of the contractors and satisfy yourself that their standard of workmanship is acceptable to you.

Legislation currently requires all home builders to be registered with the National Home Builders Registration Council (NHBRC) if you are building a new house (alterations or additions are excluded). Registration takes about 5 weeks, so don't be caught out by starting to build and then finding that the bank wants a certificate of registration before making the first payment. There is a compulsory levy which has to be paid to the NHBRC by the homeowner via the home builder for a warranty. The warranty will protect you in the event of structural defects to the foundations, superstructure and roof. It will not protect you against non-structural defects or ensure that your new home has a professional quality of finishes.

### Insurance

Your contractor should be insured for Public Liability and appropriate insurance should be agreed to cover the risk of possible damage to your building and contents during the construction period.

It is advisable to inform your own insurance company that you are having building work or renovations done to ensure you have suitable cover during construction.

## **Quotations**

It is best to ask for detailed quotations from at least three reputable contractors.

Provide a detailed written description of work required or explain carefully, to enable the contractor to provide you with a detailed written quotation (there may be a difference between a cost estimate and a detailed written quotation to carry out the work). When comparing the quotations, make sure that each is quoting on the same basis, in accordance with the specifications and ensure that the quotation is clear as to whether the price is inclusive of VAT.

Beware of unrealistically low quotations and make sure that all the necessary costs have been included.

## **Acceptance of Quote and Contractor**

Don't sign acceptance unless the contractor's offer is firm, in writing, clear, covers all your requirements and is signed.

Make sure that you confirm acceptance of your selected contractor's quotation in writing before the start of the work.

It is advisable to use an MBA approved Standard Building Contract.

Make sure that the agreement includes the starting date, the approximate duration of the work, the anticipated completion date, cleaning up during the work including the disposal of waste or rubble, the order in which the contractor will proceed while on your premises and payment details.

## **General**

If you are unable to determine defects and quality workmanship, it is advisable to employ a building consultant or architect to monitor the construction work for the duration of the contract.

Agree on safe storage of tools and materials. If required, provide your contractor with water, electricity and toilet facilities.

Organise, communicate and co-ordinate with your contractor and not with his workers. Instructions to the contractor should preferably be committed to writing.

## **Extra Work and / or Variations**

Extra work during the contract can be expensive and may cause disputes and bitter arguments. It is advisable to establish the cost of any extra work requested from the contractor in writing before the work is carried out and confirm any changes in writing, with both parties signing acceptance.

Always communicate instructions to the contractor himself to ensure good communication.

## **Payment**

You should normally not be required to make a deposit before work commences or payment of workers wages during the contract.

With larger projects, interim payments on completion of certain sections may be agreed upon or specified in a contract or agreement. A request for a progress payment should be accompanied by an invoice detailing the value of the work completed.

For a small project, payment is normally made in one lump sum when the work is satisfactorily completed.

Before making final payment, inspect the completed work and put your complaints or defects regarding workmanship or materials used, in writing.

Whilst it is acceptable to withhold money for defects or incomplete work in terms of most contracts, it is extremely unfair to withhold a large sum of money for minor defects.

## **Disputes with Non MBA Contractors**

Clients currently have little recourse to Local Authorities, Financial Institutions and their inspectors or municipal building inspectors for building, electrical or plumbing problems with contractors. The MBA may be unable to assist the client unless an MBA approved contract has been used and the above steps have been followed.

In the absence of a Standard Contract, the only recourse available may be the Consumer Council, Small Claims Court, Legal Resource Centre or litigation through the courts.

## **Complaints Procedure with MBA Contractors**

In the event of complaints against a member company who has refused to attend to them within a reasonable period, you may appeal to the MBA provided the contractor is a registered member and that your complaint has been submitted to us in writing. Please address all complaints to:

The Executive Director  
Master Builders Association  
P O Box 7086  
Newton Park  
6055

or fax no: 041 3641676 or email: [ecmba@global.co.za](mailto:ecmba@global.co.za)

The MBA undertakes to thoroughly investigate your complaint and in this regard the association will endeavour to resolve any complaints received in a fair and equitable manner with due regard to the circumstances and industry norms.

It must be noted that the MBA is a voluntary association of contractors, suppliers, manufacturers and consultants. There is no legal requirement that contractors must belong to the association and as such the association does not have jurisdiction to be prescriptive but will endeavour by all means at its disposal to resolve disputes.

**ISSUED FREE OF CHARGE BY THE EAST CAPE MASTER BUILDERS' & ALLIED INDUSTRIES ASSOCIATION  
IN THE INTERESTS OF THE INDUSTRY AND THEIR CLIENTS.**

### **Contact us:**

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