



QUICK START GUIDE

**FOR
CONTRACTORS**



WELCOME!

Dear Contractor,

Congratulations on taking this important step toward protecting your Construction business with the legal protection needed to fortify and preserve your interests and assets. If peace of mind and affordable legal protection are what you're looking for, then **your decision to invest in Drafted Legal's Construction Contractor Templates was a wise choice.**

While it can be tempting to do business based on a handshake, this can lead to problems down the road. Operating without signed legal agreements between you and your clients, employees, or contractors can lead to misunderstandings, delayed or unfinished work, and bad feelings.

In some cases, the consequences are more severe. **As an attorney, I've seen too many clients who come to me with legal problems that could have been prevented.** They've been sued, lost money, or even lost their entire business because they didn't have the most basic legal agreements in place to:

- outline expectations and responsibilities
- make it clear how disagreements would be settled between parties
- limit their liabilities when things go wrong

If they only had straightforward legal documents in place they would have suffered less and preserved more of what they had worked so hard to build.

That's why we created the Drafted Legal collection of legal templates. We want to help business owners just like you with the legal side of things so you can build your business and get more clients without worrying about what might go wrong – or dealing with the mess when it does.

So...let's make sure you get started out right!

Begin by reading the Quick Start Guide. It outlines everything you need to do to get the most of the Construction Contractor Templates so that you're legally protected in your business dealings. It also outlines the steps to take if you have questions or still need some help.

A quick word on LLCs. If you're not already using an LLC, I highly recommend it. We have a lot of information on the [Drafted Legal website](#) about the benefits of the LLC and the dangers of the sole proprietorship. There may be nothing more important you could do for yourself and your business than setting up an LLC. The liability protection you receive with an LLC is invaluable and something you should very strongly consider.

It is our honor to partner with you in setting your business up for success. If you have suggestions for improving or adding to our collection of business templates, we'd love to hear from you at info@draftedlegal.com.

Kind Regards,

Wesley Henderson



Getting The Most Out Of Your Templates

1. **Download and Organize Your Files.** The best starting place is to get organized with the documents you have by following these steps:
 - a. **Create a Folder.** Set up a folder on your hard drive or other storage location titled “Drafted Legal Construction Contractor Templates.”
 - b. **Download Files.** Download all the documents into that folder. You should have a total of six (6) Word documents and seven (7) PDF files (this guide plus instructions sheets). Use the checklist below to help you keep track.
 - c. **Print PDFs.** This step is optional but strongly recommended. Print all the PDF instructions so you can reference them and more easily follow along as you customize the templates for your business.
 - d. **Organize in a Binder or Folder.** This step is also optional but will help keep your organized. Set up a manila folder or small three ring binder to keep your documents in for easy reference.

Use the Checklist of Contents in the next section to help you keep track as you download and work through each document.

2. **Familiarize Yourself with the Included Documents.** This program includes four customizable agreements and two additional documents with legal language that should go on your website(s) (namely, the Terms of Use and Privacy Policy). In the course of your business you may use just a few of them or you may use them all. Get to know what each document is for so you know when to use it in the future and which one(s) to start with today. Do this by reading through the “Documents Overview” section below.

- 3. Jump in and Start Customizing.** After familiarizing yourself with all the documents, pick one that you want to start with. (If you don't know where to start, we recommend starting with the Terms of Use and Privacy Policy for your website(s). These are simple and quick to implement. Give yourself about 30 minutes per document.

For each document, you have a PDF instruction sheet with step-by-step details and an accompanying video to walk you through the customizing process. For each one:

- a. **Watch the Video Tutorial.** The instructional videos include valuable information about each of the documents, including how they can protect you and what can happen when you don't have them in place. We recommend watching the instructional video before filling out the template.
- b. **Read the Instruction Sheet.** Whether you have the template printed out so you can make changes by hand or you have it pulled up on your computer monitor, keep the instructions handy so you can go through both of them side-by-side and line-by-line. This ensures that you 1) understand the document you're putting together, and 2) complete the document correctly.

You invested in these templates because you want to run your business correctly and to protect the assets you're working so hard to create. Set a goal to work through these templates over the next 2-4 weeks. Put dates on the calendar and schedule time with yourself to get each one customized for your business, one at a time, so they're ready when you need them.

- 4. Use and Keep a Signed Version.** For each new client, contractor, or employee you work with, be sure to not only get the agreement signed (electronically or in person) but also keep a copy of the signed version (it won't do any good if you don't have a signed copy).

- 5. Getting Help.** You're not on your own – we're here to help if you run into any questions. Find out what to do in the section titled "How to Get Help."

Template Cheat Sheet: When to Use Each Document

IF YOU ARE...	YOU NEED THE...
Bringing on a new client	Construction Contract
Making payment to a subcontractor for services already delivered	Lien Waiver
Subcontracting someone to services to a client	Independent Contractor Agreement – Subcontractor Services
Building a website for your business	Privacy Policy AND Terms of Use
Hiring an employee	Employment Agreement

You've taken an important step in protecting your business and interests. Now take the next steps to get these important documents in place so you, and all those who benefit from your business and services, will be protected.

Checklist of Contents

Your Contractor Templates contain several documents you need to set up and operate your business legally. All the documents are drafted for you and include detailed, line-by-line instruction sheets and videos to guide you through the process of filling out and customizing each one for your business. Your Welcome Letter and Quick Start Guide outline the steps to take to get you up and running in no time.

Use the following checklist to keep track as you download files, read the accompanying instruction sheets, watch the videos, and customize each one.

File or Document Name	Received & Downloaded	Read Instructions	Viewed Video	Customized
Quick Start Guide	<input type="checkbox"/>	<input type="checkbox"/>	n/a	n/a
Construction Contract	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Independent Contractor Agreement – Subcontractor Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lien Waiver	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terms of Use for Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Privacy Policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Documents Overview

The following is an overview of the templates and agreements for your Construction business so you can understand what each one is, what it does, why you need it, and when to use it. You may not need all of them right away, but by becoming familiar with them now, you'll be able to quickly access and customize the right agreement with ease if and when the need arises.

1. Construction Contract

- **What It Is:** This is an agreement between you and your client that outlines the terms of your relationship.
- **What It Does:** This agreement sets expectations and outlines terms for you and your client. By signing this agreement, you and your client are literally “on the same page” when it comes to working together. Among other things, this agreement:
 - Contains details about your project specifics, payment terms, material allowances, timelines, and other expectations of the parties
 - Limits your liabilities (that is, it protects you and your business legally and financially)
 - Provides protocols for changing the scope of work, termination of the agreement, and more
 - Provides you recourse (e.g., in the event you need to collect payments)
 - Ensures that any legal action brought against you will be handled in the state in which you reside so that you're not required to fly across the country if a client on the other coast sues you and you have to appear in court
- **Why You Need It:** To help prevent misunderstandings and disagreements with your clients. When you're both crystal clear about what to expect, there's less chance of confusion, and if there is a disagreement, you can refer back to the agreement to determine what to do about it. Without a signed agreement like this in place, you may not be able to call collect attorney's fees or even enforce basic provisions of the deal.
- **When to Use It:** Every time you sign on a new client.

2. Independent Contractor Agreement - Subcontractor Services

- **What It Is:** This is an agreement between you and a third party you hire (subcontractor) to provide a particular service for your clients. For example, if you use a subcontractor for bathroom tile work, use this.
- **What It Does:** This agreement sets expectations and outlines terms for you and the third-party independent contractor you hire. You may decide or need to utilize a third party to provide services by subcontracting work. Among other things, this agreement:
 - Contains details on the nature of the services the independent contractor will provide to you or your clients, including deliverables and due date
 - Outlines how and how much you'll pay them for their services
 - Protects you from the independent contractor poaching your clients to work with them directly
- **Why You Need It:** To help prevent misunderstandings and disagreements with the independent contractor. Without a signed agreement like this in place, the independent contractor could legally poach your clients to work with them directly, which could be very costly to your business. You may also have difficulty in regards to proving how much is owed if a dispute arises.
- **When to Use It:** Every time you subcontract an independent contractor to provide services for one of your clients on your behalf or for your own business.

3. Lien Waiver

- **What It Is:** This agreement acknowledges that a contractor or subcontractor has been paid (meaning they cannot file a lien for work performed).
- **What It Does:** It acts a receipt of payment and memorializes payment in an industry that oftentimes ends up in disputes over amounts owed.
- **Why You Need It:** The way state mechanics lien statutes are written can work against you. In many states, a contractor, subcontractor, or supplier can file a lien against property for amounts allegedly owed just by showing the invoice along with an affidavit of nonpayment. This lien waiver will prevent any disagreement (and, trust me, disagreements are common) over whether or not they have been paid. The filing of mechanics liens causes significant problems for property owners and the contractors that serve them, so it's best to avoid them if at all possible. Doing so will help your relationship with your client.
- **When to Use It:** Every time you make payment to a subcontractor, other contractor, or supplier for services rendered.

4. Employment Agreement

- **What It Is:** This is an agreement that sets out the terms of employment between you and an employee you hire.
- **What It Does:** This agreement sets expectations and outlines terms for you and your employee. Among other things, this agreement:
 - Establishes the duties of the employee
 - Outlines how and how much they will be paid
 - Outlines when you can fire them and when they can quit, making a potential termination easier if the employee is not performing part of their job description
 - Helps ensure that they won't steal your customers or other employees and that they'll keep your secrets
 - Establishes liability limits for both parties
- **Why You Need It:** To help prevent misunderstandings and disagreements with your employee. Depending on your state, you may not be required to have an employment agreement, but it's strongly recommended that you have one anyway. If you don't and something goes wrong, your "implied" employment agreement may be governed the state and federal laws. Do you know what those laws are? Are you okay with them? If not, creating an employment agreement will make it crystal clear what both you and your employee are agreeing to. Without a signed agreement like this in place, you may have challenges with regard to proper employee expectations, limited protections for your business (i.e. no noncompete or nonsolicitation clauses), and even issues if termination of employment is later needed.
- **When to Use It:** Every time you hire someone to work in your business as an employee. (Is the person you're bringing on an independent contractor or an employee? To understand the difference between an independent contractor and an employee, read this [IRS article](#). If you're bringing on an independent contractor, use the "Independent Contractor Agreement – Consulting Services" described above.)

5. Terms of Use

- **What It Is:** Legalese that should be posted on your website(s) (along with your Privacy Policy – see above) in order to protect you.
- **What It Does:** Terms of Use – also called Terms of Service or Terms and Conditions – set the rules for anyone using your website. This is a great place to protect yourself and set expectations with your website visitors as to what is expected of them. In fact, it's the only chance you get to set those terms, so take advantage of it. Terms of Use:
 - Outlines the rules for using your website and any content you provide there
 - Limits your liability if a customer or site visitor takes you to court
 - Protects the content you publish on your site
 - Includes several other things like liability limitations, disclaimers, dispute resolution outlines, and DMCA compliance
- **Why You Need It:** There is no legal requirement for Terms of Use BUT if someone brings legal action against you as a result of using your website and its contents, a court will look at your Terms of Use documentation to determine the contractual agreement established between you and the parties visiting your website. Without Terms of Use posted on your website(s), you will have missed your opportunity to set the terms in your favor in the event a dispute arises.
- **When to Use It:** Once per website on every one of your websites. You can include a link to your terms of use from landing pages so that they're also covered without adding an additional page or navigation.

6. Privacy Policy

- **What It Is:** Legalese that needs to be posted on your website(s) (along with your Terms of Use – see below) in order to be compliant with privacy laws.
- **What It Does:** This privacy policy lets your website visitors know what type of data you're collecting and what you're doing with it. This privacy policy:
 - Allows you to comply with multiple regulations to allow you to collect cookies, nonpersonal information, and personal information you specifically request from your website users (e.g., name, email, etc.)
 - Includes several other things required to comply with a number of laws in various states and countries
- **Why You Need It:** According to Hubspot.com, “skipping out on a privacy policy is just asking for trouble.” There are a number of regulations requiring a privacy policy on your website, including: [California Online Privacy Protection Act](#), [Privacy Shield](#), EU General Data Protection Regulation (AKA [GDPR](#)), and the [Children's Online Privacy Protection Rule](#). Plus, both Google and Facebook require a privacy policy if you're going to use their sites to drive traffic to yours with the intent to collect any type of information (e.g., leads).
- **When to Use It:** Once per website on every one of your websites where you capture any type of information, whether it be by using cookies, tracking pixels, opt-in forms, or otherwise.

How to Get Help

If at any point you have questions about how to fill out or use the templates included, follow the instructions below.

Need help? No problem!

First, please assure you can answer YES to the questions below and take the actions mentioned before initiating a support ticket.

1. I have read the description of the document I am working on in the “Documents Overview” file.
2. I have read through the *entire* “Instruction Sheet” for the document I am working on.
3. I have watched the Instructional Video about the document I am working on.

**If you have read the instructions and watched the videos and still have questions about what a clause means, please contact us at info@draftedlegal.com with a subject line “Member Question” and we will do our best to help!*