

## ***To Build or Not to Build? Part 1***

Building a better Baja is not always that easy. While it may seem cheaper in some ways down here for construction (labor) there are many costs that add up and if not careful you can end up with crap for a lot of money. I did!

The amazing thing was that after living here for more than 10 years I knew about the problems and the rights and responsibilities of construction. I hired what I thought was a friend who is a converted (nationalized Mexican) "Gringo". I thought he was going to supervise the work of his Mexican partner only to find in the end that he washes his hands of it all and says that he was only responsible for referring him to me. Well that is not what I thought I had done. I thought I had contracted him. I even have my first receipt filled out and signed by him on the construction company that he now says is not his.



Although I can prove much of what happened and have all of the receipts (facturas) and dates I will have to pay for it all, because I believed him when he said we wouldn't need a contract. You **NEED** a Contract! There is not much a lawyer can do with out one, even if you can prove your case with witnesses. Verbal contracts do not exist or at the very best they are very hard to enforce. If you listen to the advice I just (I)earned (big lesson) you want a contract with penalties for being late, over budget, or lack of quality.



This works for you in two ways, the contractor will be less likely to screw up knowing that you have a contract and if you need to, it can be enforced much quicker and easier than without. The other document he recommends is a Presupuesto )(bid or estimate). You want to be sure the bid contains the materials and labor for all construction as well as the quality of the materials, the structural


specifications if need be and the finish on the work. The latter I put in because in my latest job I found there is great latitude in what someone might call a finished concrete floor.

You need to specify everything for the finish, plastering, tiling, painting, electrical and plumbing.

After this there are two specific things that don't seem to get done properly down here very often. That is **YES** you **NEED** a Building Permit and **YOU** are responsible for the payment of Seguros (workers compensation insurance). Look to future articles here in the ***BajaInsider.com*** for more information on how to obtain these documents **BEFORE** building and avoid hassles and multas (fines).

All of this doesn't mean you can't or shouldn't risk building in Baja. It just means that you do your homework and fill in all the blanks, cross the "T's" and dot the "I's" as you really should do in any country. I will be providing ***BajaInsider.com*** in the future some example contracts and bids that can be used. As in the States, for example, they do have some regular "boilerplate" clauses that can be can be cut and pasted to create a fairly strong contract.

Just remember the more you specify the less left to guess if there is a problem in the future. You may also make use of an Abogado (lawyer) to create these. In the future we will try and recommend reputable lawyers. Of course many of us know that list may not be that long. It is hard to find good lawyers but I have a trick in La Paz that I use. I have found a lawyer who works for the government prosecuting lawyers and she seems to know who the truly good (not always expensive) ones are.

 I will continue this series as I learn more through my own saga and report it here in the *BajaInsider.com* so you can be the first to learn from my mistakes.

Happy building and please write us [Info@bajainsider.com](mailto:Info@bajainsider.com) with any *BajaInsider.com* information you may have concerning the life and lifestyles of those living in the Baja

**Also see To Build or Not to Build, Part II**

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