

Subcontractors - working as equal partners

The basics of working with subcontractors

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The use of subcontractors is part of daily business in the industry and construction sector

A large proportion of the orders would not be feasible at all without the work of external service providers. Subcontractors from abroad offer a quick and efficient solution to this problem.

But be careful - offers from foreign workers are a dime a dozen.

However, separating the wheat from the chaff is more difficult than expected for most entrepreneurs and quickly the avoidable solution to the problem only causes further difficulties. If you really want to work with only the best subcontractors, there are a few things to consider.

It is essential to clarify fundamental questions:

Am I allowed to use a subcontractor?

The main company is not permitted to transfer parts of the agreed service to third parties without further ado. It is therefore strongly recommended to regulate in the service contract with the contractor under which conditions the subcontractor is allowed to work (e.g. identification requirements, wearing of protective clothing, etc.).

What is the relationship between subcontractors and employer?

If the contractor - the main company - commissions a subcontractor, the main company remains the sole contractual partner of the client. There is no direct relationship under the law of obligations between the client and the subcontractor. By accepting the order, the subcontractor does not enter into any legal relationship with the client, even if the contracts are economically related.



Essential questions!

Who is liable?

In principle, the client has no liability claims against the subcontractor, since the two parties are not in any legal relationship. The main company is liable for any fault of the subcontractor according to § 278 BGB. However, claims can be passed on to the subcontractor and corrections of defects can be demanded.

ADVICE

If you work with a professional brokerage company, there are in most cases already pre-fabricated contracts. Subauftrag.com acts as an arrangement service and has a complete set of contracts, which contain a warranty obligation as well as the right or obligation to remedy defects.

What about the documentation obligation?

The main company assumes liability for the public law regulations and documentation obligations. Therefore, the contracts expressly require a subcontractor declaration, with which compliance with the law in terms of commercial law, tax law and social law is proven.

How is the invoice issued?

The main company invoices the client, the subcontractor invoices the main company. Invoicing is subject to the previously agreed conditions.

How will performance issues be avoided during the assignment?

In order to avoid ambiguity regarding the provided services, the bill of quantities, construction plans, etc. must be forwarded to the subcontractor without any changes. Naturally, however, only for the part to be provided by the subcontractor. The chain of liability between the client - main contractor - subcontractor is only valid if the documents have been forwarded to the subcontractor without any changes.

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The cheapest solution can become the most expensive

Experts also warn against this: "Taking the cheapest companies or workers is often more expensive in the end than relying on tried and tested, well-known companies from the beginning,"

If you want to be sure that you only work with competent partners, a professional subcontractor is recommended. Subauftrag.com looks back on many years of experience in this area and has impressive references. Furthermore Subauftrag.com has an international network of subcontractors, which is especially important for orders outside of Germany.

Subcontracting has workers who are already familiar with national practices, working methods and legal requirements.



No secretary needed

Subcontracting takes care of the entire bureaucratic effort, which is often underestimated by companies. This also includes the entire process, starting with the search for subcontractors, through the entire contract processing and the support during the project. There is also no danger of meeting black sheep in the industry: All subcontractors who are placed are subject to regular quality controls and are therefore partners on an equal footing with whom companies can gain a strategic advantage.



Contact

Subauftrag.com

T: +43 (0) 1336 0151-191

Franz-Dullnig-Gasse 5

Klagenfurt | Austria

E: office@subauftrag.com

www.subauftrag.com