

## **EAST AYRSHIRE COUNCIL**

**CABINET - 21 APRIL 2010**

### **DEMOLITION OF ST MATTHEWS PRIMARY SCHOOL KILMARNOCK APPROVAL FOR ADDITIONAL EXPENDITURE**

#### **Report by the Executive Director of Finance and Corporate Support**

#### **1. PURPOSE OF REPORT**

- 1.1** To note that the value of the original tendered Demolition Contract Value for St Mathews Primary School has been exceeded due to unforeseen circumstances on site.

#### **2. BACKGROUND**

- 2.1** Following Competitive Tender a Contract was awarded to Burnfield Demolition, 10 Sannox Gardens, Glasgow, G31 3HY for The Demolition and Associated Rehabilitation Works at St Matthews Primary School, MacDonald Drive, Kilmarnock, the contract sum of £58,868.25 being the agreed value.
- 2.2** Prior to the demolition works all reasonable precautions were taken to ensure that there was no asbestos within the property. An asbestos Type 3 survey was carried by Exova (Bodycote Testing Limited) under an order from the Contract Administrator, the purpose of the Type 3 survey being to identify and quantify any asbestos containing materials (ACM's) within the building. The results of the survey were reported by Exova on 28<sup>th</sup> July 2009.
- 2.3** Following receipt of the results of the asbestos survey, Rhodar (Scotland) Ltd were given the order for removal of all asbestos materials from the property. A schedule of all the asbestos identified in the Type 3 survey was appended to the order. All asbestos containing materials were to be removed prior to the demolition contractor being allowed on site. Following removal of the asbestos air testing was carried out and no airborne fibres were detected either internally or externally.
- 2.4** During the demolition of the property the Contractor became aware that there was asbestos insulation board amongst the demolition debris. He immediately stopped work and contacted AIS to seek advice on how to proceed. The Council's Asbestos Co-ordinator and a representative from Rhodar Ltd attended site to advise on the situation. For Health and Safety reasons it was advised that the asbestos be identified, and removed from site as quickly as possible and this was carried out by operatives from Rhodar with assistance from Burnfield. Perimeter background re-assurance testing and air clearance testing was carried out by Exova following the removal of the contaminated waste. This provided reassurance that any fibre release

was within legal limits and there was no risk to any persons in the vicinity. Burnfield incurred cost due to delay, transportation and disposal of waste contaminated by asbestos materials.

- 2.5 Checks were made to try and identify how or why the asbestos had not been removed, the two possibilities being the original survey by Exova failed to identify all of the asbestos or Rhodar failed to remove the asbestos. The information passed to Rhodar checks against the survey results therefore Rhodar were aware of all asbestos located during the survey. Air testing following the removal did not indicate any asbestos was present. As the demolition contractor had largely demolished the building he could not identify where in the building the asbestos has been situated only that it appeared to be column cladding.
- 2.6 It is not possible to confirm which contractor failed in this instance but all reasonable precautions appear to have been taken to ensure that all asbestos was removed prior to demolition.
- 2.7 Future demolition contracts will contain a contingency for this type of event which, whilst unusual is not exceptional.

### **3. PROPOSAL**

- 3.1 Retrospective approval is sought for the expenditure of additional monies to cover the costs of the emergency asbestos removal and disposal not covered by the original demolition tender value.

### **4. FINANCIAL IMPLICATIONS**

4.1 Contract Sum:	£58,868.25
Estimated Final Account:	£71,500.00
Additional Expenditure:	£12,631.75

### **5. LEGAL IMPLICATIONS**

- 5.1 This report is presented in terms of paragraph 20.2 and 25.7 of the Councils Standing Orders Relating to Contracts and Tendering (Applicable from 1 January 2008).

### **6. COMMUNITY PLAN / POLICY IMPLICATIONS**

- 6.1 None.

## **7. RECOMMENDATIONS**

**7.1** It is recommended that Cabinet:

- (i) Retrospectively approve the additional expenditure due to the discovery of asbestos during the demolition contract under the terms of paragraph 20.2 and 25.7 of the Councils Standing Orders Relating to Contracts and Tendering (Applicable from 1 January 2008).

**Alex McPhee**  
**Executive Director of Finance and Corporate Support**  
**3 March 2010**

### **BACKGROUND PAPERS**

Nil

For further information on this report, please contact George Malone, Engineering Manager, Asset Improvement Service (Tel: 01563 55 5233).