

# CONSTRUCTION & DEMOLITION RECYCLING®

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# SEIZING THE Opportunity





**BY DANIEL A. HOFFMAN III**

## THE IMPORTANCE OF SETTING A DEMOLITION STANDARD

**D**id you ever notice the best ideas are always so simple you ask yourself, “Of course, why didn’t someone think of that sooner?” or the idea is really necessary but is overlooked until someone trips over it and it is discovered? Well that is what happened to me when I was reading depositions and trial testimony from the Salvation Army building collapse in Philadelphia. I was shocked when I realized there are no standards or guidelines to select a contractor to perform a demolition project.

I couldn’t believe that in all the years I have been providing expert witness testimony this didn’t jump out at me. The more I thought about it, the more I believe it is time to establish “Guidelines to Select a Demolition Contractor.”

These guidelines will not be as straight forward as other industry guidelines are since there are a great number of differences between the demolition industry and other trades. Demolition contractors are faced with a vast variety of buildings and range of structures, which in turn create a correspondingly wide variety and range of demolition techniques. I am not suggesting telling a demolition contractor how to perform the work since techniques will have to vary not only because of so many different types of structures, but also because of how those structures may have been affected in their past use.

For example, a simple storage building may have housed caustic substances causing deterioration of the structural supports. The structural components may have been deteriorated by weather. The structure may have contained or housed toxic chemicals or even radioactive materials. The structure may have been compromised by being bumped constantly by forklifts or vehicles.

Every single structure that was ever built, every different design, every kind of deteriorating action on this vast range of structures and affects from their past use makes the demolition process significantly different than any other specialty or general construction process. This is before you add another substantial difference: there are no drawings or material specifications available for the majority of these structures, and even if there were, do the drawings truly represent what is there?

Specialty contractors are well defined within the construction process, but demolition seems to be just another specialty. And it seems as though any of the other specialty contractors or even the general contractor will try to do demolition work. The question now becomes, what kind of demolition work? As mentioned earlier, there is such a wide range of demolition that even demolition contractors specialize within this specialty process.

Someone who wants to have elaborate woodwork installed would never go to the contractor listing sources and look under plumbers or electricians, nor would they hire a plumber to put in their cabinetry, nor would they hire a carpenter to install their toilets. So why it is these same folks will contract with anyone who has the lowest bid price on a demolition project? Because No. 5 of the “Demolition Common Misconceptions”<sup>\*</sup> is “Demolition is an unsophisticated business,” and that makes the almighty low bid win every time—unless you know better.

The first level of qualifications to be evaluated for any contractor is the type of work they have performed in the past. This is also true for demolition contractors since they, too, can fail to recognize what specialized skills and demolition experi-

ence may be required for a particular project. They may have the basic demolition skills and experience that nondemolition contractors are lacking, but remember the wide range of demolition projects. Does this contractor have the additional special skills and experience to perform this project?

Contracting out a demolition project must not only consider the basic specialty of the demolition process itself, but also for the specialty within this specialty due to the vast variety of structures, complicated by an infinite range of deterioration and operating impediments.

There is nothing tangible to be evaluated at completion. The end product of all demolition projects is to cause something not to be there when completed. This means the only thing measurable is the process itself, making any evaluation of a demolition project difficult and totally subjective. This is one of the most significant differences of all between the demolition process and all other specialty contracting processes.

Demolition is a process not a product. When you hire an incompetent demolition contractor you are far more likely to experience damage to property or damage to an adjacent structure. When you hire an incompetent demolition contractor, you may even kill people!

There were a number of occasions when the attorneys argued over the fact there were no standards for experts to cite as a basis for an opinion as to what makes a contractor qualified to perform a demolition project.

In Philadelphia seven people were killed and 12 people were injured (one became a double amputee) as a direct

It is time to put on our big-boy pants and craft these guidelines as most other industries have done, and then of course, before it goes public, have it reviewed for potential liability issues. Here is a starter list to check qualifications:

- **Experience** - specific to the proposed work to being performed by the contractor.
- **Insurance** - specific to demolition (some policies actually exclude demolition).
- **Licenses** - when mandated.
- **Safety** - program and implementation [Occupational Safety and Health Administration (OSHA) and Experience Modification Rating (EMR) record]
- **Regulatory** - contractor's record and how to find experience in public records.
- **Violations** - contractor's record and how to find violations in public records.
- **Supervisors** - Names, resumes (are they currently employed by this company?)
- **Tools and equipment** - specialty demolition equipment, owned or rented?
- **Proposed method** - Proposed plan for means and methods to perform the project.
- **Evaluation** - If you do not have the ability to evaluate a plan, retain someone qualified to review it.
- **Project listing** - List of projects with contact names and phone numbers.
- **Financial ability** - Can this company provide a performance bond? Are there collection actions against them?



**WHILE THERE SIMPLY ISN'T ANY OTHER SPECIALTY CONTRACTING PROCESS THAT HAS A HIGHER POTENTIAL TO WIND UP IN LITIGATION, NO GROUP HAS EVER ESTABLISHED ANY "GUIDELINES FOR THE SELECTION OF A DEMOLITION CONTRACTOR."**

result of the hiring of an unqualified demolition contractor.

While there simply isn't any other specialty contracting process that has a higher potential to wind up in litigation, no group has ever established any "Guidelines for the Selection of a Demolition Contractor."

Who would benefit? The entire body of qualified demolition contractors who are constantly beaten by lower bids from contractors unaware of the costs to perform a demolition project properly and thus, safely.

Even in the courtroom the lawyers are arguing that no standard exists and what one expert testifies to does not set the standard. Just because his father and his grandfather taught him what to look for when hiring a demolition contractor doesn't mean that is the standard for an industry. What one person does may be more or less than an industry standard.

Anyone who contracts out demolition projects such as public agencies, architects, purchasing groups, licensing and permitting agencies, general contracting associations and others need these guidelines. The vast majority of demolition contractors are family owned and operated and would most benefit from these guidelines being instituted. **C&DR**

While "Demo Dan" has been in the demolition industry for over 50 years, the past 20 plus years, he has passionately articulated the differences between the demolition process and the construction process. Most of his time is now spent testifying in courtrooms about these differences.

*\*\*"Demolition Common Misconceptions," National Demolition Association, [www.demolitionassociation.com/demo101](http://www.demolitionassociation.com/demo101).*