

1925

19

KENYA

25553

Date

4th June 1925

REC
RE. 5 JUN 25

RELATION

Blackburn

KILINDINI HARBOUR WORKS.

Encloses copy of corres from Contractors and from Consulting Engineers regarding delay in completion. Consulting Engineers have agreed to an extension of time to 7th February 1926 and consider Contractors shd be held responsible for delay beyond that date.

Previous Page

MINUTES

As it does not appear from these papers that the Contractors have been definitely named as to their responsibility after the 7th Feb 1926 I mentioned the point to Mr Spiller. I gather from his remarks that the Contractors are actually responsible for any delay beyond the Enclosed date that nothing is to be claimed. Showing the point which

It was a copy of the 4th Feb 1925
You should be able to check the
Contract date for the completion of
the work has now the 7th Feb 1926

[See my letter has been delayed because of other notes] 1/1/26



Handwritten initials

25553

REC
RE: 5 JUN 25

ALL COMMUNICATIONS
TO BE ADDRESSED TO THE
CROWN AGENTS FOR THE COLONIES
THE DATE OF THIS LETTER BEING QUOTED
THE FOLLOWING REFERENCE
TELEGRAMS "CROWN, LONDON"
TELEPHONE 1715, AUSTRIA

B/470/5

4, MILLBANK
WESTMINSTER,
LONDON, S.W. 1.

14th June 1925 321

Sir,

I have the Honour to acknowledge the receipt of your letter No. 19233/25 of the 18th May regarding the date of completion of the Contract for the construction of the Kilindini Harbour Works.

2. We informed the Contractors that the Secretary of State had been advised by the Governor of Kenya that progress in connection with their contract was inauspiciously slow and that the Secretary of State hoped that every effort would be made to expedite the completion of the works.

We now enclose a copy of a letter dated 22nd June which we have received from the Contractors. A copy of this letter was forwarded to the Consulting Engineers for their observations, and we now enclose a copy of a letter dated 2nd June which we have received from them. We also enclose a copy of the letter dated 24th May from the Consulting Engineers to which reference is made in their letter of the 2nd June. It will be seen from the accompanying letters that due to the substitution of double storey sheds for single storey sheds on the seaward face, the Consulting Engineers have agreed to an extension of nine months to the Contract period for completion.

Secretary of State,
Colonial Office.

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The Contract date for the completion of the work is now February 7th, 1926 but the Consulting Engineers point out that the work will not be finished by that date and that for any delay beyond that date the Contractors should, in their opinion, be held responsible.

It will further be observed from the Consulting Engineers' letter of the 27th May that the Contractors are claiming compensation in respect of the disadvantages resulting from the substitution of double storey stanchions on the front for single storey stanchions and the greater maintenance risks which, they allege, are thereby incurred. It may, however, be noted that the question of compensation should, without prejudice, stand over until the work is nearing completion.

The Consulting Engineers in the last paragraph of their letter of the 2nd June express the opinion that the Contractors are genuinely anxious to complete the work as soon as possible.

I have the honor to be,

Your obedient servant,

W. A. H. Merchant

for OFFICE AGENTS.

LETTER FROM MESSRS PAULING & CO., LTD., TO THE CROWN AGENTS.

26 Victoria Street,

S.W.1.

22nd May 1925.

We are in receipt of your letter E. 19/5 dated 20th May 1925.

We consider that the Governor of Kenya has been wrongly advised as regards the progress of the works in connection with our contract for deep water wharves at Kilindini.

The transit sheds, now being built, are of a most elaborate and intricate nature and are entirely different from those as originally contracted to build.

Although labour in this country is infinitely superior to that which is obtainable in Kenya, similar sheds have taken such longer to erect in England than the advisers of the Governor seem to think necessary at Kilindini.

We shall be much obliged if you will assure the Government of Kenya that we are working and will continue to make every effort to get the works completed at the earliest possible moment.

Yours faithfully,

Your obedient servants,

PAULING & CO., LIMITED.

(Signed) DAVID BUCHAN.

Secretary.

2, Victoria Street,

London, E.V.1.

23d. June 1925

WILMINGTON WAREHOUSE.

We have to acknowledge the receipt of your letter No. 430/5 dated May 25-26, 1925, and enclosure.

2. The Contractors refer to the transit sheds now being built, which are entirely different to those originally contemplated to be built. The original transit sheds were single storey whereas the transit sheds now under construction are double storey, so they are correct if transit sheds only are taken into consideration.

3. On the other hand the double storey transit sheds, now being built, are not in our opinion, substantially different from the double storey warehouses which the Contractors also contracted to build, though some modifications in details of the warehouse design had to be made to accommodate the weighing and travelling cranes which are to be installed therein.

4. The Contractors are, in our opinion, undoubtedly entitled to an extension of time on account of having to build double instead of single storey sheds on the quay face. We have extended the date for completion of this account by 2 months and addressed a separate letter to you on the subject on 29th. May 1925.

5. The extended date for completion of the Contract is now February 1st, 1926. It is certain, however, that the work will not be finished by that date. For the delay in completion beyond that date the Contractors should properly, in our opinion, be held responsible.

(With/

6. With regard to the Contractors' statement that similar work has taken much longer to erect in England than the advisers of the Government deem to be necessary at Kilindini, this is untrue.

7. Both the other two similar works referred to in stating that in the Port of London two sheds of very similar design, but respectively 1,100 and 1,150 feet long against 414 feet at Kilindini, were erected slightly sooner than the other; all the foundation piles for both sheds having previously been driven in 3 months.

8. At Kilindini, where the construction of the superstructure is proceeding pari passu with the driving of the foundation piles, it is only necessary to have a 100 ft or 120 ft span on the piles to enable the superstructure work to be proceeded with continuously. A comparison with the progress of the above mentioned similar work in England can thus readily be made.

9. We believe that the Contractors are genuinely anxious to complete the work as soon as possible, and they are so far from their opinion, taking steps to this end; though these steps may not always be those which we or our assistants would consider ideal, so have the best progress.

Yours obediently,
 For Capt. WATKINS, Wilson & Mitchell,
 11, Broad Street, London, W.1.

5. It has been agreed that the question of compensation shall, without prejudice, stand over until the work is nearing completion, and if the Contractors desire the question of an extension of time to be settled now.

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6. This particular claim for an extension is contained in the letter of 24th April 1924, in which they say:

"The question of extension of time can be fairly well settled now so as our work can be placed in the same position as we were under the contract when we were allowed one year for driving the simple piles and setting the drawings, and two years for building the warehouse." This specific allowance of time for the shed work was neither discussed nor arranged with the Contractors, but as the Contractors were free to open to them to make the above statement.

7. Our view on the question of the extension of time that should be granted is that it hinges on the time required to build the second double storey shed. If the Contractors had given a reasonable extension of time for the second shed, they should have built the double first shed, as the site for the first shed was back, and construction actually commenced, long before the site for the second shed was ready.

8. Work on the quay front, whether single or double storey, should not be started till the filling at the back of the quay, progress on which depends on the progress on the quay wall, is sufficiently far advanced to allow of the foundation piles being driven; so the date for the completion of the sheds, must be considered in relation to the present extended date for completion, 21 May 7th 1925, which date was fixed after taking into account the difficulties, and consequent delay, met with when building the quay wall.

9. We consider that the extension of time that should be granted is the difference between the time required to construct a single storey shed on simplex piles, as originally intended, and a double storey shed on ferro concrete piles, as now arranged for.

10. We are of opinion that a single storey shed on simplex piles could not have been built at Kilindini under six months, and that there would be no difficulty in building at Kilindini a double storey shed on reinforced concrete piles in 15 months.

11. We have therefore granted the Contractors an extension of 15 months on this account and enclose a copy of our letter to them on the subject.

12. This makes the extended date for completion February 7th 1926.

13. This does not imply that the work will actually be finished on that date, as this does not take into account delays for which the Contractors should be held responsible.

14. In our letter to you of 23rd April, 1925, we informed you that the Contractors anticipate completing the work by August 1925.

15. Though every endeavour will continue to be made to complete the work, we fear it is unlikely that the Contractors will complete the work much earlier than the date they have given.

We have the honour to be,

Gentlemen,

Your obedient servants,

FOR COOP, STEWART, WILSON & MITCHELL,

(Signed) H. R. S. MITCHELL.

Ca. 14553/95 Kenya

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all June 26
Jus 27/6/25

June 1925
= 1 JUL 1925

day
month
year
initials
signature
date

ca 14553/95

With ref. to my tel. of the
16th of May, I am in receipt
to you for your information, a
copy of a letter, with enclosures
from the O.A. for the ~~purpose~~
from which you will see that
the date of completion of
contract date for the
the contract for the construction
of the Kilindini Harbour

596

001

4 June

25553

works, for which you
will see that the contract
date for the completion
is now the 7th of Feb
1926.

[Handwritten signature]

SIGNED L. S. AMERY