

Date: 03 February 2023
File ref.: CPB-1005-LET-0013



Worley Services Pty Ltd
Craig Ramm
Engineer Representative
Level 1 93-95 William Street
Perth WA 6000

Attention: Mr Craig Ramm

Dear Sir,

CONTRACT NO. WR/C/CC/1005
WESTERN RANGE PROJECT – MAIN INFRASTRUCTURE BULK EARTHWORKS
Clause 9.1 Variation initiated by the Contractor, Clause 56.1 Delay Events
RE: VAR-002/NOD-002: AR Boundary

The Contractor notifies the Engineer of the following:

- in accordance with clause 9.2 the Contractor reasonably believes that a Variation to the Works has occurred in the absence of a Direction by the Engineer;
- in accordance with clause 56.1, of a potential delay to the completion of Milestones and/or achievement of Practical completion

The Contractor makes reference to the following documents:

- 20 December 2022 – Aconex mail WR-GCOR-004871 Main Development AR Approved
- 13 January 2023 – Aconex mail CPB Con-GCOR-000007 AR Requirements

DETAILS

On 20 December 2022 the Engineer issued the approved Project Main Development AR to the Contractor for reference (refer **Attachment 1** *Aconex mail WR-GCOR-004871*). On 13 January 2023 the Contractor advised the Engineer (refer **Attachment 2** *Aconex mail CPB Con-GCOR-000007*) of a number of potential issues with the AR boundary provided, including:

- Design areas outside of AR Boundaries;
- Temporary design areas outside of AR Boundaries

The Contractor requested a meeting to discuss these potential issues in further detail. During the Progress Meeting held on 18 January 2023 the AR Boundary was discussed in detail. The Contractor refers to **Attachment 3** which the Contractor believes is an accurate summary of the discussions and agreed actions of the meeting.

NOTICE OF VARIATION

The Contractor believes that the issuance of the Project Main Development AR constitutes a Variation under the Contract. The Contractor requests the Engineer to confirm this Direction in writing so that the Variation may be assessed under clause 9.1 of the Contract.

The Contractor advises of potential impact to the Contract Price as a result of this Variation may include:

- Construction of additional temporary haul roads;
- Additional barricading / windrow requirements;
- Double handling of materials;
- Haulage inefficiencies due to revised temporary haul road locations;
- Additional surveying and Supervision resources due to the revised methodology;
- Additional flights and accommodation costs

The Contractor is unable to finalise the impact of this Variation until further information has been provided regarding the extended AR boundary.

DELAY NOTICE

The Contractor advises of the following potential Delay to the Contract Milestones and the overall Completion of Works as a result of the changes to the AR boundary:

- Delay to the temporary Works;
 - Installation and access of construction water;
 - Haul road construction
 - Access to stockpile locations
- Delay in access to Borrow Areas
- Delays to the permanent Works

The Contractor is unable to finalise the impact of these Delays until the Contractor has further visibility on the proposed extension to the AR boundary and anticipated acceptance date.

MITIGATION

The Contractor shall continue to liaise closely with the Engineer's personnel to minimise the potential impact of this change.

The Contractor reserves all its rights under the Contract and at law.

Yours sincerely

CPB Contractors Pty Ltd



Richard Walford

Contractor's Representative

Attachment 1 - Aconex mail WR-GCOR-004871
Attachment 2 – Aconex mail CPB Con-GCOR-000007
Attachment 3 – Meeting Notes