

Date: 28 April 2023
File ref.: CPB-1005-LET-0065



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 9.2(b) Statement of Variation Impact; Clause 56.2(c)(i) Delay Event Update
RE: VAR-0037/NOD-0037: Poor Condition of Camp Road

In accordance with Clause 9.2(b) of the General Conditions of the Contract and further to initial notice provided to the Engineer, the Contractor hereby submits a statement to the Engineer:

1. setting out the reasons why the Contractor believes that there is a Variation; and
2. advising of its opinion of the impact of the claimed Variation on the Contract Price and the Completion Date (if any).

As part of this notification the Contractor refers to the following documents:

1. Letter reference CPB-1005-LET-0048, from the Contractor, titled “VAR-0037 / NOD-00037 – Poor Condition of camp Road”, issued 31 March 2023.
2. Email subject “Camp Access Road” from the Contractor, issued 11 March 2023.
3. Dayworks Dockets DW-0044 and DW-0048, dated 1 April 2023 and 2 April 2023 respectively.

1. DETAILS OF VARIATION

As captured within the initial notice provided to the Engineer on 31 March 2023 (refer **Attachment 1 Letter CPB-1005-LET-0048**) the conditions of Camp Road and access to Site were found to be poor with excess sharp gravel, potholes, and inadequate traction for float.

The Contractor corrects a statement made within the initial notice (refer **Attachment 1**), where reference was made to an emailed direction (*email “Ute & busses”*) to continue to use Camp Road, it is noted that this advice was given verbally not in writing. The other referred email is attached (refer **Attachment 2 Camp Access Road email**).

As a result of the conditions which differed from those reasonably expected for the Contractor to be able to undertake it’s works and mobilise plant on Site, the Contractor provides the impact of the claimed Variation on the Contract Price as set out below.

The Contractor also notes and appreciates that since the initial notification it has witnessed graders treating the road conditions at certain sections.

2. IMPACT OF CLAIMED VARIATION ON CONTRACT PRICE

The cost impact of the claimed Variation is **\$3,059.10** as set out in **Attachment 3 Financial Breakdown of Costs**. These costs consist of the works incurred due to the road not being suitable for a float carrying

a 150T Excavator, which could not pass through the Crest as the excess gravel failed to provide adequate traction for the float to pass through. The float required to be reversed into a temporary laydown where the excavator was unloaded. The hours spent were captured on dayworks docket for the additional hours for the escort.

At the time of the events dayworks docket were submitted as a record of time spent 2 April 2023 to the Engineer (refer **Attachment 4 Daywork docket DW-044 and DW-048**). These docket were not signed off by the Engineer as there is no site instruction for these works.

The Contract notes that the above costs are not all inclusive of costs experienced to date due to the conditions of Camp Road. The Contractor has experienced several tyre punctures on its LV's due to excess sharp gravel. However, in good faith the Contractor is not claiming addition costs associated with the road conditions apart from the above. The Contractor notes should additional costs be incurred the Contractor will notify the Engineer accordingly.

3. IMPACT OF VARIATION ON COMPLETION DATES

The Contractor does not anticipate that the additional result works have impacted the Completion Dates in the Contract to date. However, should further events occur as a result of the condition of Camp Road that may impact the Programme the Contractor will notify the Engineer accordingly.

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 – Letter reference CPB-1005-LET-0048, from the Contractor, titled “VAR-0037 / NOD-00037 – Poor Condition of camp Road”, issued via Aconex reference CPB Con-PRCO-000036, 31 March 2023.

Attachment 2 – Email subject “Camp Access Road”, from the Contractor, dated 11 March 2023.

Attachment 3 – Financial Breakdown of Costs for VAR-0037, dated 24 April 2023.

Attachment 4 – Dayworks Dockets, DW-044 and DW-048, dated 1-2 April 2023.