

Date: 26 May 2023
File ref.: CPB-1005-LET-0120



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 Notice of potential Variation; Clause 56.2(a) Notice of anticipated delay
RE: VAR-0075/NOD-0075: Blade Mixing of Foundation Material to achieve OMC

In accordance with the General Conditions of the Contract, the Contractor notifies the Engineer that the Contractor:

1. reasonably believes a Variation to the Works has occurred in the absence of a Direction by the Engineer (with reference to Clause 9.2); and
2. is of the opinion a potential delay to the Completion of the Works and/or Milestones has occurred (with reference to Clause 56.2 and Delay Event Clause 56.1(f)).

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

1. WR-SPE-Y0001_03_Approved

1. DETAILS

As per attached document “WR-SPE-Y-0001”, clause 7.2.4 states” Suitable foundation areas of Common material must be scarified for the upper 150mm by tyning then moisture conditioned as necessary to achieve the nominated uniform OMC within -2% to +3% of the Modified optimum moisture content (MOMC) for that material as determined by AS 1289.2.1.1 then rolled with a sheeps foot roller to achieve the minimum requirements for compaction in accordance with this specification”.

The Contractor has not been able to achieve this OMC when using Engineer’s methodology specified in Spec and Contract documents. The Contractor is of the opinion that OMC is only achieved in foundation material when blade mixing with a grader is added to the process, however this method is not specified in Specification and Contract documents. The Contractor is of the opinion that the properties of foundation material do not allow it to absorb moisture just by tyning and conditioning in accordance with the spec. The Contractor is of the opinion that the end product specification, is only able to be achieved by further mixing the foundation material.

2. NOTICE OF VARIATION

The Contractor considers that this additional Works constitutes a potential Variation under the Contract. The Contractor confirms that initial reviews have highlighted that changing the methodology to include blade mixing is time consuming and forecast productivity is significantly reduced. The Contractor is reviewing all impacts and will advise in its update. The Contractor will request the Engineer to issue a

determination to confirm the Direction and value accordingly in accordance with Clause 9.3 of the Contract.

The Contractor will issue a further update by 24 June 2023, in accordance with Clause 9.2(b).

3. DELAY NOTICE

Accordingly, the Contractor advises there has been a Delay Event with reference to Clause 56.1(f) with potential delay to the Completion of the Works and/or Milestones.

Additional time will be required to blade mix after tyning as specified.

The Contractor is proceeding on the basis of incorporating the disruptive Works and is currently reviewing the Works to fully ascertain the impacts.

The Contractor is currently reviewing any associated delay impacts and shall provide a further update by 24 June 2023. The Contractor will be required to divert resources (plant and operators) from other activities.

4. MITIGATION

The Contractor shall continue to liaise closely with the Engineer to minimise the potential impact of this change and is proceeding with these Works to mitigate against potential delay, whilst awaiting formal Direction.

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 - WR-SPE-Y0001_03_Approved