

Date: 11 September 2023
File ref.: CPB-1005-LET-0294



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-0147/NOD-0147 MSE Wall Base Level

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. Drawing reference: WR-1890-Y-00013 Rev 1
2. Email conversation with the Engineer “MSE Wall Base Level”.

1.Details

The Contractor carried out the excavation to the MSE Wall base levels detailed on WR-1890-Y-00013 Rev 1. Additionally, the Contractor had conducted tests and survey works after the MSE Wall excavation and these were approved by the Engineer. Subsequently the Engineer gave direction to the Contractor to proceed with backfilling work of the Type A – Select fill material and these works were completed. However, on 8 September 2023 the Engineer revised the details, and their Lead Civil Engineer informed the Contractor that Drg. No. WR-1890-Y-00013 with the 1V:1H batter up from the concrete levelling pad is incorrect as per the email (*See Attachment 1*).

As a result, the Contractor will have to trim off the tested, surveyed, and approved layer by approximately 100mm to 350mm down. This action will significantly impact the MSE Wall Construction activity.

2.NOTICE OF VARIATION

The Contractor believes this correspondence constitutes a potential Variation under the Contract.

The Contractor notes that incorporating these changes will result in cost impact incurred due to impact in activities like MSE Wall backfilling works, excavation works, MSE Wall Installation works, and detailed excavation works as per Engineer advice.

Once reviewed 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 9 October 2023 in accordance with Clause 9.2(b).

3. DELAY NOTICE

The Contractor confirms that there is a delay impact and will provide a further update by 9 October 2023. The Contractor is currently unable to provide the anticipated impact of the delay.

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 – Email conversation with the Engineer “MSE Wall Base Level”.