

Date: 11 September 2023
File ref.: CPB-1005-LET-0295



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-0148/NOD-0148: BSA19 Delay in Material Handover

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)).

1.Details

As per the scope of works in Contract the Engineers other Contractor (MACA) is to make available Select Fill Type - A material from Borrow Pit BSA-19 to the Contractor. On 7 September 2023 the Contractor carted the last 838 m³ quantity of Select Fill Type - A material. This material is transported by the Contractor to use in different critical work areas like Construction of Laydown 8, Rom Pad area. COS Laydown works and backfilling behind MSE Wall.

Currently this material is exhausted impacting Contractor Construction of the critical works like COS Laydown and MSE Wall works as they cannot relocate material without select fill and no alternative materials has been made available to the Contractor. The Contractor loading and hauling activity in BSA19 area is also impacted and plant and personnel will now be placed on standby.

2.NOTICE OF VARIATION

The Contractor believes this correspondence identifies a Variation under the Contract.

The Contractor notes that incorporating these changes will result in cost impact incurred by the standby of the Contractors Plant and personnel allocated to operate in these areas and impacting critical Construction activities due to unavailability of the Select Fill Type - A material.

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