

Date: 27 September 2023  
File ref.: CPB-1005-LET-0309



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-152/NOD-152: Utilising Stockpile 4W due to Lack of pavement material (select fill, subbase and basecourse)**

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**

Due to lack of suitable material on site (Common Fill, Select Fill, Sub-Base, Basecourse), the Engineer has directed the Contractor to utilise stockpile 4W to acquire these materials. Whilst the stockpile typically is conforming to Type B – Common Fill, unfortunately, there is extra works involved in using this material from the 4W stockpile to get it into useable compliant pavement material. This is due to the volatility and variability of the material that has been stockpiled here. The Contractor is working with the Client to get this material into useable compliant pavement material, however, even with using these additional resources, some of the material may still be deemed unsuitable after stockpiling and testing.

**2. NOTICE OF VARIATION**

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

The Contractor confirms that it is proceeding on the basis of incorporating the revised information and is currently reviewing the information to fully ascertain the impacts, if any.

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 in 20 days in accordance with Clause 9.2(b).

**3. DELAY NOTICE**

The Contractor is experiencing delays due to getting the material tested and compliant, due to lack of compliant materials in the borrow pits. The Contractor is also currently reviewing any associated delay

impacts and shall provide a further update in 20 days. The Contractor is currently unable to provide the anticipated impact of the delay due to *this being an ongoing issue*.

#### **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**