

Date: 03 October 2023  
File ref.: CPB-1005-LET-0336



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-0163/NOD-0163: Extra Tests for MSE Wall**

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. TQ#296 WRMI-TQ-CPB-00296 - MSE Wall -Confirmation of density test method and testing frequency.
2. Worley Project Specs WR-SPE-Y-0001-03 titled “TECHNICAL SPECIFICATION FOR EARTHWORKS, ROADWORKS AND DRAINAGE” (refer: Table 12.7D Compaction control test)
3. AS 3798-2007 “Guidelines on earthworks for commercial and residential developments Table: 8.1 Type 4 Confined operations”

**1.Details**

On 13 September 2023 the Contractor requested clarification, from the Engineer, regarding the testing of the Select fill for the MSE wall, via technical query TQ#296 (*refer attachment 1: MSE Wall - Confirmation of density test method and testing frequency*). On 27 September 2023 the Engineer replied to TQ#296, raised by the Contractor, and directed to significantly increase the frequency of Nuclear Density Meters (NDM) tests. The Engineer made the following changes shown in the table below:

No	Description	Specification	Engineer direction as per TQ#296
1	<b>Hand Compacted Zone:</b> 1.5M extent from the panels, minimum testing specification according to Australian Standards AS3798 (refer Table 8.1 type 4) (Refer attachment 2: AS3798)	One NDM test for two layers of 50 m <sup>2</sup> area.	One NDM test for one layer of 50 m <sup>2</sup> area.
2	<b>Outside the Hand Compaction Zone:</b> minimum testing specification according to the Engineer Project Specs WR-SPE-Y-0001-03 (refer: Table 12.7D Compaction control test) (Refer attachment 3: WR-SPE-Y-0001)	One NDM test for one-layer of 2500 m <sup>2</sup> area.	One NDM test for one layer of 300 m <sup>2</sup> area.

Due to above changes the Contractor needs to complete significantly more tests - approximately 560 extra Nuclear Density Meters (NDM) tests - which was not in the scope of works and will result in additional time and cost during the construction of MSE wall.

## **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 a cost impact incurred due to additional testing works now required by the Engineer.

The Contractor is estimating approximately \$65,000.00 additional impact on the Contract price due to extra testing works for MSE wall construction.

In addition to the cost of the additional testing there will be the cost of the construction inefficiency within the area. The construction team will be significantly impacted during the additional testing periods, which includes the sample taking, transportation to testing lab and issue of results. The contractor is currently assessing the impacts of the inefficiency and utilisation of the workforce during the testing periods to assist in mitigation and will revert to the Engineer once a full review can be assessed.

The Contractor will issue a further update by 20 working days 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 20 working days. 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 will endeavour to sequence the wall construction and material testing to reduce the inefficiency of the crews while the additional testing is carried out.

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 – TQ#296 WRMI-TQ-CPB-00296

Attachment 2 – Worley Project Specs WR-SPE-Y-0001-03

Attachment 3 – 3. AS 3798-2007