



Worley
93-95 William Street
Perth WA 6000 Australia

GPO Box B66
Perth WA 6838

T +61 8 9205 0200
F +61 8 9205 0350
www.worley.com

Private and confidential

CPB Contractors Pty Limited

Level 2, 202 Pier Street
Perth, WA 6000

Attention: Richard Walford

Via ACONEX: Richard.Walford@cpbcon.com.au

Project: P-0504730
Reference: 1005-0038
Your Ref: CPB-1005-LET-0036

18 April 2023

Dear Richard,

**RIO TINTO PROJECTS – IRON ORE
WESTERN RANGE PROJECT**

**CONTRACT: WR/C/CC/1005 MAIN INFRASTRUCTURE BULK EARTHWORKS
ENGINEER'S RESPONSE TO LET-0036 VAR-0032 NOD-0032 – DOCUMENT
TRANSMITTAL WR-TRANSMIT-004713 ISSUED BY THE ENGINEER (CLAUSE 9)**

The Engineer refers to the Contractor's correspondence referenced CPB-1005-LET-0036 dated 21 March 2023, originally transmitted on 21 March 2023 via Aconex reference CPB Con-LETTER-000020, later amended by letter issued with Aconex reference CPB Con-LETTER-000021 on 24 March 2023 (LET-0036) and responds as follows.

The Engineer considers that LET-0036 does not meet the notice requirements set out in Clause 9 (Variations) of the General Conditions, as follows:

- i. LET-0036 was submitted outside the timelines stated in Clause 9.2(a); and
- ii. the Contractor has not submitted a statement in accordance with Clause 9.2(b).

The Engineer may therefore reject the Contractor's Claim for a Variation and specifically reserves its right to do so.

Notwithstanding the foregoing, Clause 9.2(g) enables the Engineer to, in its absolute discretion (including where a Claim has not been submitted in accordance with the Contract), allow a change to the Contract Price.

The Engineer is reviewing the Contractor's Claim so that it can consider whether or not to use its discretion in this instance and awaits the Contractor's further submission as stated in LET-0036, by no later than 19 April 2023. The Engineer expects that the submission on 19 April 2023 will fully comply with the content requirements set out under Clause 9.2(b).



Yours sincerely,

pp

David Gill

CRAIG RAMM
Engineer's representative

Author: KXH
cc: CDR DDS, MLT, SNA, KDH, JWW