

# Engineering, Procurement & Construction Contract

## Public Company ORLEN Lietuva LPG flare system renovation

### Technical Annex No. 5 CHANGE ORDER PROCEDURE

<b>Rev.</b>	<b>0</b>	<b>1</b>	<b>2</b>
<b>Date</b>	<b>2019-05-29</b>		

TECHNICAL ANNEX 5 - CHANGE ORDER PROCEDURE

**1. ADVICE AND HANDLING OF CHANGES**

Revised or additional Technical Data will be transmitted to the CONTRACTOR by means of a Document Transmittal. The OWNER will indicate where the CONTRACTOR is requested to proceed immediately with the WORK shown on the Technical Data or where the CONTRACTOR is requested to submit a detailed price for the WORKS.

Any Technical Query (TQ) reviewed by the OWNER will be returned to the CONTRACTOR via a Document Transmittal. However, all TQ's will be regarded as a clarification for the CONTRACTOR's convenience and no TQ is an authorisation to perform the WORKS to which extra cost and/or extension of schedule milestones might accrue.

The CONTRACTOR is obliged to return the Document Transmittal to the OWNER, signed for receipt of Technical Data, with three working days of receipt of the transmittal. Where the CONTRACTOR has been requested to proceed with the WORKS, the CONTRACTOR shall indicate on the returned transmittal whether there is a cost and/or schedule impact on the CONTRACT by crossing the appropriate box(es) provided on the Document Transmittal.

The CONTRACTOR is obliged, within 10 days of return of the Document Transmittal, to submit to the OWNER full details of any cost or schedule impact indicated on the Document Transmittal by the CONTRACTOR. Submission of pricing and/or schedule details shall be made in the form agreed with the Owner.

**2. CHANGE REQUESTS**

The CONTRACTOR shall, subject to the provisions of Article 13 (*Changes and variations to the Works*) of the CONTRACT, give the OWNER written notice of any event which the CONTRACTOR believes may give rise to a Change Request by the CONTRACTOR for an increase in the CONTRACT PRICE and/or in the scheduled time for performance.

**3. CONTRACT MODIFICATION**

**3.1 Definition of Contract Modification**

A Contract Modification is the sole document by which the CONTRACT can be varied in content, price and/or schedule and is only valid upon signature by both PARTIES. A Contract Modification is also the only vehicle by which any price variation consequent to such Contract Modification can be invoiced.

Contract Modifications will be issued to incorporate the impact of CHANGES as per Article 13 (*Changes and variations to the Works*) of the CONTRACT.

Refer to Attachment No.3 - CONTRACT Modification of this procedure.

**3.2 Responsibilities**

The OWNER will prepare all the CONTRACT Modifications. The CONTRACT Modification will be signed by both PARTIES.

CONTRACT Modifications shall be numbered consecutively.

CONTRACTOR's Representative shall have all CONTRACT Modifications executed by an authorised proxy holder.

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**ATTACHMENT 1**      **DOCUMENT TRANSMITTAL**

DOCUMENT TRANSMITTAL	
To:	Date:
	Transmittal No.:
	Project:
	Contract No.:
Attention:	Contract Completion Date:
Transmitted herewith are	Prints
<input type="checkbox"/> Preliminary/For Information	<input type="checkbox"/> CONTRACTOR is Authorised and Requested to Proceed with Construction
<input type="checkbox"/> Per Your Request	<input type="checkbox"/> Revised as Noted
<input type="checkbox"/> Authorised as Noted	<input type="checkbox"/> CONTRACTOR is Requested to Submit Detailed Pricing
Document Number	Description
The above documents constitute the basis of: *	
<input type="checkbox"/> Changes in Contract Price	<input type="checkbox"/> Adjustments to the contractual completion date
<input type="checkbox"/> Changes or additions to the contractual unit price structure	<input type="checkbox"/> Adjustments to the contractual milestone event dates
* - CONTRACTOR to indicate impact by marking applicable subject	
- If one or more subjects have been marked, CONTRACTOR shall notify OWNER in writing of the magnitude of the changes/conditions, accompanied by full back-up justification (take-off's, estimates, etc.) within ten working days of CONTRACTOR's signature to this DT.	
Please acknowledge receipt of the above documents by signing below and returning one copy of this transmittal form to OWNER      Yours sincerely	
By:	_____
Title:	_____

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**ATTACHMENT 2      CHANGE ORDER**

<b>CHANGE ORDER</b>				
CONTRACTOR:	CONTRACT NO.:	CONTRACT TITLE:	C.O. NO.:	DATE:
REQUIRED START DATE:		REQUIRED COMPLETION DATE:		WORK AREA:
<b>SCOPE OF WORK DESCRIPTION</b>				
<b>PRICING BASIS:</b>				
<input type="checkbox"/> LUMP SUM				<input type="checkbox"/> COST PLUS
<input type="checkbox"/> EXISTING UNIT PRICES				<input type="checkbox"/> TIME RATE
<input type="checkbox"/> NEW UNIT PRICES				<input type="checkbox"/> OTHER (Specify): _____
<b>Impact on a TIME SCHEDULE</b> <input type="checkbox"/> Yes <input type="checkbox"/> No				
(if yes, till which time works must be completed)				
<b>BACK-CHARGE:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO                      TO WHOM:				
<b>CONTRACTOR'S ESTIMATED PRICE</b>				<b>EUR:</b>
<b>FINAL AGREED PRICE</b>				<b>EUR:</b>
<b>SIGNATURES</b>				
<b>OWNER</b>	<b>NAME</b>	<b>DATE</b>	<b>SIGNATURE</b>	
<b>CONTRACTOR</b>	<b>NAME</b>	<b>DATE</b>	<b>SIGNATURE</b>	

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**ATTACHMENT 3 CONTRACT MODIFICATION**

<b>CONTRACTOR</b>		Representative/s
<b>OWNER</b> Akcinė bendrovė „ORLEN Lietuva“ Juodeikių k., LT-89467 Mažeikių r.		Representative/s
CONTRACT No.	CONTRACT MODIFICATION NUMBER	Date
<i>CONTRACT SUBJECT</i>		
Unless established otherwise, the Parties hereby agree to amend the aforementioned contract by the terms and conditions specified herein.		
<b>DESCRIPTION</b>		
<p>PERFORMANCE OF THIS WORK MUST BEGIN ON <u>N/A</u> AND MUST BE COMPLETED NO LATER THAN <u>N/A</u></p> <p><i>ORIGINAL CONTRACT VALUE</i> _____</p> <p><i>PREVIOUS CONTRACT MODIFICATION NUMBER</i> _____ THRU _____ FROM _____</p> <p><i>AMOUNT THIS MODIFICATION</i> <input type="checkbox"/> ADDITIONAL, BUT UNGUARANTEED SUM <input type="checkbox"/> FIXED</p> <p><i>CURRENT CONTRACT VALUE</i> _____</p>		
<b>SIGNATURES</b> <i>Company name, job title, name, date)</i>		
<i>CONTRACTOR</i>		<i>OWNER</i> Akcinė bendrovė „ORLEN Lietuva“