



April 8, 2026

Letter No. 396
BY-CRE-05153

Washington State Department of Transportation
I-405/SR 167 Program
18911 N Creek Pkwy S, Suite 150
Bothell, WA 98011

Attention: Evelyn Pao, P.E.
Project Director

Project: I-405/Brickyard to SR 527 – Improvement Project
Contract No.: 009727

Subject: Notice of Dispute - Protest 014 - NB405 Bridge 405-103E Widening

Reference:

1. WSDOT SL No. 9727-201, NB405: Bridge 405/103E Widening (November 21, 2025)
2. Skanska Letter No. 288, NB405: Bridge 405/103E Widening (December 5, 2025)
3. WSDOT SL No. 9727-237, RE: Skanska Serial Letter No. 288 (January 13, 2026)
4. Skanska Letter No. 333, NB405: Bridge 405/103E Widening, Response to WSDOT SL-237 (January 27, 2026)
5. WSDOT SL No. 9727-262, RE: Skanska Serial Letter No. 333 (February 6, 2026)
6. Skanska Letter No. 356, Notice of Protest 014 – NB405 Bridge 405/103E Widening – ATC-1 Interpretation (February 20, 2026)
7. WSDOT SL No. 9727-277, RE: Notice of Protest 014 (February 23, 2026)
8. Skanska Letter No. 370, Supplement to Notice of Protest 014 – NB405 Bridge 405/103E Widening – ATC-1 Interpretation (March 6, 2026)
9. WSDOT SL No. 9727-303, RE: Skanska Serial Letter 370, Notice of Protest 014 – NB405 Bridge 405/103E Widening – ATC-1 Interpretation (March 27, 2026)
10. AECOM Dispute Referral Letter, PCN-00080 – Bridge 103E Widening ([DATE])
11. General Provisions Section 1-04.5 – Procedure, Protest, and Dispute by the Design-Builder

Dear Ms. Pao:

Skanska respectfully requests your concurrence in resolving the following dispute through the established Disputes Review Board (DRB) process, as outlined in Section 1-04.5(1) of the General Provisions.

Below is a brief timeline of events:

- **04/03/23** – WSDOT provided unconditional approval of ATC-1, incorporating pier wall design at intermediate Piers 2 and 3 for Bridge 405/103E
- **05/01/24** – AECOM submitted Preliminary Design for Bridge 103E reflecting separate substructure approach
- **11/19/24** – WSDOT closed Preliminary Design Comment #9, directing the Design-Build team to "show closure pour in FIN submittal," which the Design-Build team reasonably understood as acceptance of the separate substructure approach

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- **03/05/25** – WSDOT consultant (Jason Pang) first alleged the separate substructure design was not contractually compliant during the Structures Task Force Meeting
- **05/09/25** – WSDOT consultant (Sonia Berriz) acknowledged there was nothing in the contract other than WSDOT's interpretation of ATC-1 that required a different design approach
- **06/17/25** – Design-Build team submitted RFI 461 requesting WSDOT confirm the structural approach for the 103E widening
- **06/25/25** – WSDOT responded to RFI 461 stating a DBIC would be required for the Design-Build team's proposed approach
- **10/22/25** – AECOM conducted Type Selection Workshop with WSDOT presenting eight design alternatives; WSDOT declined to accept the Design-Build team's preferred approach (Option 3)
- **11/21/25** – WSDOT issued SL No. 9727-201 formally directing Skanska to design per ATC-1 with full structural continuity
- **12/05/25** – Skanska issued Letter No. 288 disputing WSDOT's interpretation and asserting forward compatibility is outside contract scope
- **01/13/26** – WSDOT issued SL No. 9727-237 reiterating continuity requirement and citing GP 1-03.2 and GP 1-04.4(5)(n)
- **01/27/26** – Skanska issued Letter No. 333 maintaining disagreement and requesting WSDOT identify specific contract language requiring full continuity
- **02/06/26** – WSDOT issued SL No. 9727-262 directing Skanska to submit a DBIC or file a Notice of Protest
- **02/20/26** – Skanska issued Letter No. 356, Notice of Protest 014, disputing WSDOT's Written Determination
- **02/23/26** – WSDOT issued SL No. 9727-277 denying Skanska's request for an extension and establishing a supplemental submission deadline of March 6, 2026
- **03/06/26** – Skanska issued Letter No. 370, Supplement to Notice of Protest 014, incorporating AECOM's technical analysis and asserting a total estimated cost impact of \$1,406,243
- **03/27/26** – WSDOT issued SL No. 9727-303 denying Protest 014 in its entirety and declaring the protest without merit, constituting WSDOT's Written Determination under GP 1-04.5
- **04/07/26** – AECOM issued Dispute Referral Letter, PCN-00080 – Bridge 103E Widening (attached)

Skanska notes that WSDOT's Written Determination in SL No. 9727-303 introduces, for the first time, TR Section 2.13.4.1.2 as an independent basis for the continuity requirement. This argument was not raised in any prior correspondence, including WSDOT's SL No. 9727-201, SL No. 9727-237, or SL No. 9727-262, all of which grounded WSDOT's position exclusively in ATC-1. Skanska disputes that TR 2.13.4.1.2 independently requires the directed design approach, particularly in light of the Design-Build team's reasonable reliance on WSDOT's November 2024 comment closure and WSDOT's own consultants' contemporaneous representations that no specific contract provision required a different design. Skanska further disputes WSDOT's characterization that the November 2024 comment closure constituted a purely administrative action with no bearing on the Design-Build team's design direction. Skanska reserves all rights to address these arguments fully in the DRB proceeding, and incorporates by reference the attached AECOM Dispute Referral Letter in its entirety.

Given that the DRB is already established for this project, we believe that submitting this dispute for review by the Board is an appropriate and efficient means of resolving the matter. We are seeking your agreement to proceed with the DRB process and would appreciate your confirmation to formally initiate the DRB review.

Please let us know if any further documentation or procedural steps are required from our side to facilitate this process. We look forward to your prompt response and hope to work collaboratively in resolving this issue.

Thank you for your attention to this matter.

SKANSKA

Sincerely,



Patrick Prendergast, Vice President

Skanska USA Civil
18911 N Creek Parkway S
Suite 300
Bothell, WA 98011

Attachments:

AECOM issued Dispute Referral Letter, PCN-00080 – Bridge 103E Widening (dated 4/7/2026)



AECOM Technical Services, Inc.
1111 Third Ave., Suite 1600
Seattle, WA 98101, USA
aecom.com

4/7/2026

Via E-mail

Patrick Prendergast
Contractor's Representative
Skanska USA Civil West California
District Inc.
18911 N Creek Pkwy, Suite 300
Bothell, WA 98011
Patrick.Prendergast@skanska.com

NOTICE OF DISPUTE

RE: Response to WSDOT SL No. 9727-261, and Notice of Dispute per RFP Section 1-04.5
I-405/Brickyard to SR 527 Improvement Project
Contract No: 009727
PCN-00080 – Bridge I-405 103E Widening – ATC-1 Interpretation
RE: Skanska Serial Letter 370 Notice of Protest 014 - NB405 Bridge 405-103E
Widening - ATC-1 Interpretation

Dear Mr. Prendergast:

AECOM acknowledges receipt of WSDOT's correspondence (WSDOT SL No. 9727-303), dated March 27, 2026. In this letter, WSDOT determined that Protest No 014 pertaining to the Bridge I-405 103E Widening – ATC-1 Interpretation is without merit. (See Skanska Letter No. 370, Supplement to Notice of Protest 014 - NB405 Bridge 405/103E Widening - ATC-1 Interpretation, dated March 6, 2026, providing supplemental information per GP 1-04.5, including supporting documentation from AECOM).

As AECOM disagrees with this determination, we hereby request that Skanska submit this letter to WSDOT as a formal notice of dispute in accordance with Section 1-04.5 (1) of the RFP, on AECOM's behalf. Pursuant to Section 1-04.5 (1) of the RFP, AECOM will continue to pursue the dispute and intends to proceed with referring this matter in dispute to the Disputes Review Board (DRB or Board).

This letter is without prejudice to, and with a full reservation of, AECOM's rights, remedies, causes of action, and defenses under the Subcontract, at law, in equity, or otherwise. Nothing in this letter shall be interpreted as a modification or waiver, or an estoppel of AECOM's right to assert the same.

I appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact me directly. **Please promptly provide this notice of dispute to WSDOT per the Design-Build Contract, by no later than April 10, 2026.**

Yours sincerely,

AECOM Technical Services, Inc.

A handwritten signature in black ink, appearing to read 'Jon Guerrero', with a stylized flourish at the end.

Jon Guerrero, PE

T: 206.579.0292

E: jon.guerrero@aecom.com

cc: Evan Grant (AECOM)
Richard Patterson (AECOM)