

March 27, 2026

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WSDOT SL No. 9727-303

Reference: **Contract No. 9727**
I-405, Brickyard to SR 527 Improvement Project

Subject: **RE: Skanska Serial Letter 370 Notice of Protest 014 - NB405 Bridge 405-103E Widening - ATC-1 Interpretation**

Mr. Prendergast:

WSDOT is in receipt of Skanska Letter (LTR) No. 356, Notice of Protest 014 - NB405 Bridge 405/103E Widening - ATC-1 Interpretation, dated February 20, 2026 and 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. WSDOT has determined that the protest is without merit. No adjustment will be made to the Contract Price or Contract Time.

Technical Requirements (TR) Section 2.13.4.1.2 Bridge Widening Design Criteria provides, "For Bridge No. 405/103E, the Work shall include the following seismic retrofit measures at a minimum: ...Existing shallow spread footings at the intermediate piers shall be made continuous to form a catenary or deep beam across the pier." ATC-1's proposed RFP modification removes the drilled shaft language from TR 2.13.4.1.2. It does not remove this continuity requirement. This Technical Requirement exists independently of ATC-1.

ATC-1, approved unconditionally on April 3, 2023, establishes structural continuity through its text. Item 3 provides: "For the Intermediate Piers, spread footings will be combined and capacity protected to the overstrength demand from the Pier Wall along its weak axis. Please, note the final design of combining the spread footing and the existing drilled shaft will be determined during final design. The concern is to avoid inducing excessive shear demand into the drilled shaft by combining the drilled shaft with the spread footing." Item 4 provides: "A Pier Wall will be provided for Piers 2 and 3 as shown in Figure 2 (attached)." Item 6 provides: "For Bridge 405/103E, the Pier diaphragm and Pier Cap will be widened to match the existing structure." WSDOT Serial Letter (SL) No. 9727-262, dated February 6, 2026, directs compliance with these existing contract requirements. SL 9727-262 did not create a new obligation.

Skanska's supplemental narrative raises additional arguments. None alter the analysis. Skanska asserts that WSDOT's closure of a preliminary design review comment in November 2024 constituted acceptance of a separate substructure approach. The WSDOT reviewer's closing comment was, "Please show closure pour in FIN submittal." General Provisions (GP) 1-03.7 provides that reviews conducted by WSDOT "do not constitute approval nor acceptance of the

materials or Work inspected or reviewed." If the Design-Builder believed WSDOT was accepting a departure from ATC-1's structural concept, the proper vehicle was a Design-Builder Initiated Change (DBIC) per GP 1-04.4. No DBIC was submitted.

Skanska's remaining protest bases do not alter this analysis. WSDOT's correction of "Forward Compatibility" terminology in WSDOT SL 9727-237 corrected a characterization, not WSDOT's position. ATC-1 includes a forward compatibility assessment, in which the Design-Builder represented "There are no impacts to forward compatibility." ATC-1's structural continuity requirement stands on Items 3, 4, and 6 independently of how it was initially described. The comparison to ATC-8 is invalid. ATC-8 is a roadway cross-section modification with no comparable structural text. WSDOT's ATC-1 position rests on specific structural provisions, not solely on figures.

Skanska's remaining arguments, including changed geotechnical conditions, BDM 15.2.10 compliance concerns, and industry practice, address engineering considerations that do not change the Contract. ATC-1 Items 3, 4, and 6 require structural continuity regardless of geotechnical conditions at the site. If conditions or engineering considerations warrant a different structural approach, the proper path is a DBIC per GP 1-04.4. In WSDOT's June 25, 2025 response to RFI 461, WSDOT stated it would be supportive of a DBIC that addressed the updated geotechnical information. WSDOT accepted two of the design alternatives presented. The Design-Builder has not submitted a DBIC.

This letter, together with WSDOT SL 9727-262, constitutes WSDOT's Written Determination on Protest 014 under GP 1-04.5. If the Design-Builder does not accept this determination, it may pursue the dispute procedures set forth in GP 1-04.5(1), which are conditions precedent to any claim under GP 1-09.11.

If you have any questions, please contact me at (425) 495-1577.

Sincerely,



Evelyn Pao, P.E.
Project Director
EP:za

cc: D. Case, D. Holmquist, J. Slavicek, J. Zimmerman, S. Berriz, B. Kane, N. Bergeman, R. Gehrlein, E-File