

January 9, 2026

Patrick Prendergast, P.E.
Vice President
Skanska USA Civil
18911 North Creek Parkway, Suite 300
Bothell, WA 98011

WSDOT SL No. 9727-238

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

Subject: **RE: Design Related Delays & Impacts for SR-522 Transit Hub Power Source Location**

Mr. Prendergast:

WSDOT is in receipt of Skanska serial letter No. 300 (Skanska SL-300), Supplemental Notice of Protest 011 – Revised 522 Hub Power Routing, dated December 19, 2025.

In response to Skanska SL-300, WSDOT notes the following in terms of what is Contractually binding.

The I-405/Brickyard to SR527 – Improvement Project Instructions to Proposers (ITP) addresses the validity of Proposer questions as they relate to the Contract. ITP Section 2.5, Request for Proposal Addenda and Responses to Questions, states:

“WSDOT will send an email notification to the interested parties list as soon as each addendum, response or group of responses is issued. Notwithstanding the foregoing, WSDOT will communicate with each Proposer on a one-on-one basis with regard to questions regarding ATCs that WSDOT determines are appropriate for confidential communications.

A final set of questions and answers will be compiled and distributed prior to the Proposal Due Date. Responses to questions are not considered part of the Contract, and shall not be relevant in interpreting the Contract.”

General Provision 1-04.4(5), Matters Not Eligible for Change Orders, corroborates this limitation where Proposer questions is concerned. GP 1-04.4(5), Item b), is applicable and states:

“Any design changes required by WSDOT as part of the process of reviewing the Design Documents for consistency with the requirements of the Contract Documents, except to the

extent directly attributable to errors, omissions, inconsistencies, or other defects in the Basic Configuration as provided herein.”

This provision is basis for WSDOT to determine that a given design approach, while potentially feasible in concept, is rendered not possible due to Contract requirements (permitting, maintenance access) not initially considered. Providing electrical power to facilities constructed by the Project is not a Basic Configuration component, it is a Technical Requirement per the Contract.

Regarding Technical Requirements, the attachments to Skanska SL-300 cited Technical Requirement 2.27.6.2.2 in noting that the design team is responsible for coordinating with PSE to install a power connection point within the interior of the transit hub, not providing a routing design. The key point of contention being whether Skanska is responsible to provide a routing design. RFP Technical Requirement 2.27.6.2.2, SR 522 Transit Hub BRT Station and SR 522 DA BRT Station, does state the following:

“The Design-Builder shall coordinate with the Utility Owner to install a power connection point within the interior of the transit hub.”

Stepping upward to RFP Section 2.27.6.2, Electrical Service and Distribution, the Technical Requirement states:

“The Design-Builder shall coordinate and provide electrical service connections at each BRT Station from the following Utility Owners:

- ...
- SR 522 Transit Hub BRT Station – Puget Sound Energy
- ...

The Design-Builder shall coordinate with the Utility Owner to identify the nearest electrical service point of connection and size the electrical service for each location.”

Following the Technical Requirements one more step upward arrives at RFP Section 2.27.6, Utilities, which states:

“The Design-Builder shall provide water, electrical service, and communications at each BRT Station. The Design-Builder shall furnish, permit, design, construct, test, and commission the Utilities.”

The requirements per RFP Section 2.27.6 are comprehensive regarding the Design-Builder’s responsibility for Utilities at the BRT stations. The Design-Builder shall provide the Utilities at each BRT station and provide the electrical service connection point based on coordination with the Utility owner. The Contract definition of Utilities is consistent with the scope of RFP Section 2.27.6, with General Provision 1-01.3, Definitions, stating:

“Utility(ies) – A privately, publicly, or cooperatively owned line, facility, or system (including municipal and government lines, facilities, and systems but excluding

WSDOT-owned lines, facilities, or systems) for transmitting or distributing communications, cable television, power, electricity, gas, oil, crude products, water, steam, waste, or any other similar commodity, including any irrigation system. The necessary appurtenances to each Utility facility (including fire hydrants as appurtenances to water lines) shall be considered part of such Utility. However, unless noted otherwise in the Technical Requirements, the term "Utility" or "utility" excludes (a) stormwater facilities that provide drainage solely for the Project Right of Way, (b) Traffic Control/Illumination Systems, and (c) facilities that are the subject of a wireless communication site lease. Without limitation, any Service Line shall be considered a Utility regardless of the ownership of such Service Line."

The Design-Builder is therefore responsible to provide Utilities to the BRT stations and the Utility Owner will provide the service connection point between the Utility and the corresponding site improvements at the BRT station.

WSDOT has therefore reviewed Skanska Protest 011 with consideration to the following:

- ITP Section 2.5,
- General Provision 1-04.4(5), Item b),
- RFP Sections 2.27.6, 2.27.6.2, 2.27.6.2.2.

Based upon this review, it is WSDOT's determination that Skanska Protest 011 does not have merit.

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

Sincerely,



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

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