



4/15/2025

Letter No. 176  
BY-CRE-02411

Evelyn Pao, P.E., Project Director  
Washington State Department of Transportation  
18911 N Creek Pkwy S, Suite 150  
Bothell, WA 98011

Project: I-405, Brickyard to SR 527 Improvement Project  
Contract No: 009727

**Subject: Supplement to Notice of Protest 001 – Vault NW12**

Dear Ms. Pao:

Skanska hereby provides our written protest with the following supplemental information per 1-04.5.

**a. The Date and nature of the protested determination.**

WSDOT provided the following determination in WSDOT SL No. 9727-088, dated March 20, 2025:

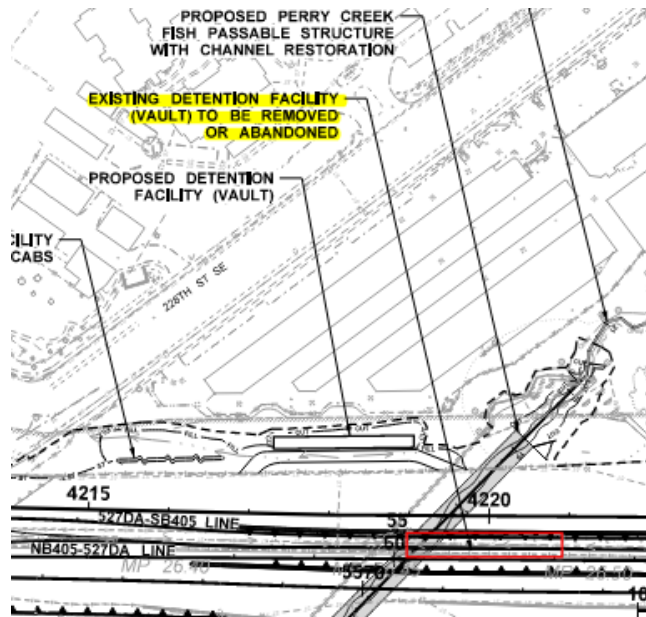
*WSDOT has confirmed that the conditions generally described at Vault NW12 in Skanska Serial Letter No. 145, do not qualify as a change condition and no adjustment in costs or time is warranted (Ref: RFP Section 1-05.1 Authority of the WSDOT Engineer).*

**b. Full Discussion of the circumstances which caused the protest, including names of persons involved, time, duration and nature of the Work involved, and a review of the Contract Documents/Design Documents referenced to support the protest.**

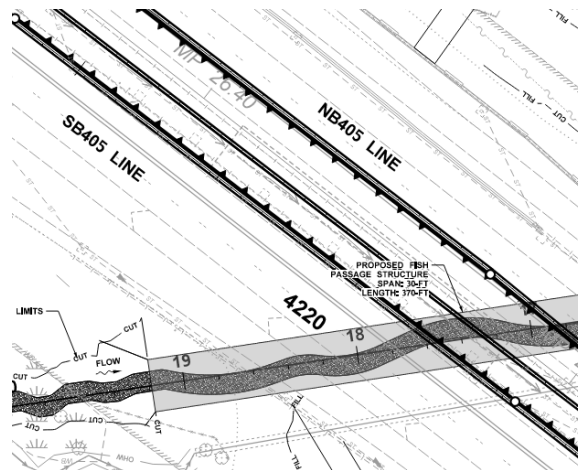
On February 5, 2025, while performing cleaning in preparation for video inspection, Skanska identified that Vault NW12 was significantly larger than indicated in the Request for Proposal (RFP) documents.

**Discrepancy Details:**

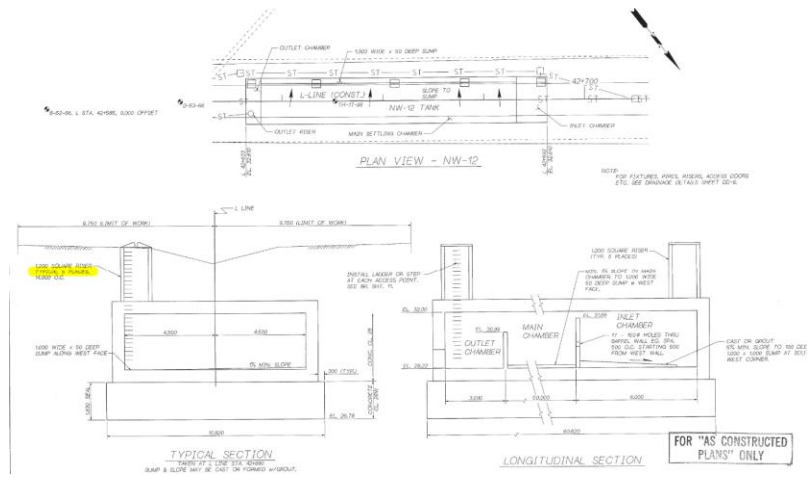
- **RFP Representation:** Approximately **195 feet long**, as indicated in:
  - **Appendix M1** – Basic Configuration -*Conceptual Plans*, drawing M01\_05 Drainage Plans, showing the vault's basic configuration and abandonment plan.



- **Appendix H3** – Contract Document - *Conceptual Stream Restoration Plans*, specifically the H03\_2\_North Fork Perry Creek drawings which define vault size used in RFP pricing.



- **Appendix N1** – Reference Document N01\_14a, containing as-built information that supports the size, shape, and lid dimensions shown in contract documents.



- Actual Field Condition:** After clearing and grubbing, and as part of the Segment 3 drainage system condition report, Vault NW12 was found to be approximately **291 feet long**. Additionally, the RFP documents described the structure as a **cast-in-place (CIP) vault**, but field conditions have confirmed it is a segmental **precast concrete vault**.

Photographs of the conditions found within the Vault:

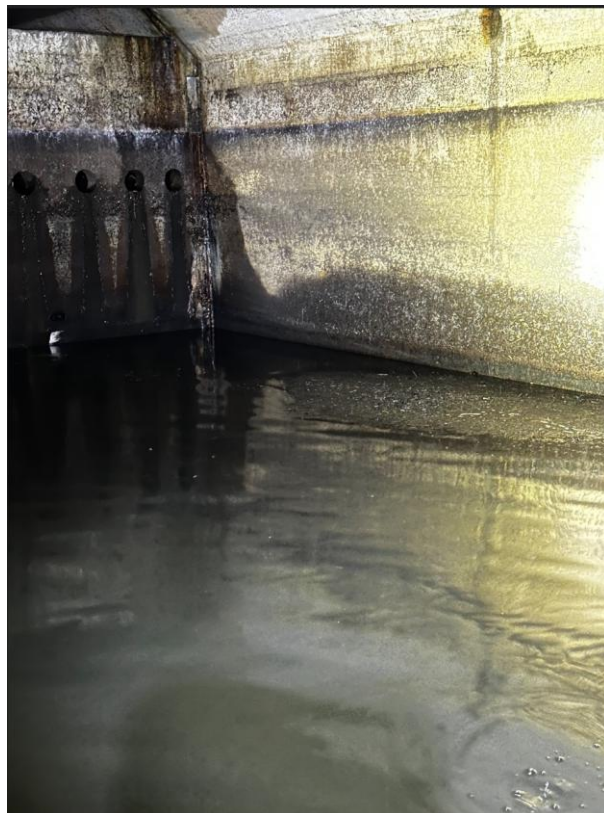


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### **Proposal Assumptions and Due Diligence:**

Skanska based its proposal on the information provided within the RFP package, including:

- Contract drawings and conceptual plans showing the vault's basic configuration.
- As-built documents presented in Appendix N1.
- Physical inspection and examination of the Site and surrounding areas.
- Other appropriate activities necessary to adequately understand surface and subsurface conditions discernible from the surface.

Contract drawings, the Conceptual drawings and the reference drawings all show the same dimensions which the design builder relied upon to provide a reasonable price proposal to WSDOT.

Further, the vault access lids were not accessible during bid time and a majority were covered with grass. During preliminary drainage video inspection, Skanska has determined the vault was never cleaned in the past given the amount of sediment found residing in the vault. No ladders were found present in the access risers.

These investigations and assumptions were in accordance with standard due diligence practices for a design-build contractor. No patent ambiguities were discovered in the bid documents that would have reasonably alerted Skanska to the actual size and type of Vault NW12 prior to submission.

Given that the actual site conditions materially differ from those represented in the RFP documents and are not conditions that could have been reasonably discovered or anticipated at the time of proposal, Skanska respectfully requests a change condition be recognized. Skanska should not be held responsible for cost or schedule impacts resulting from reliance on incorrect or incomplete data provided by WSDOT in the contract documents.

**c. The estimated dollar cost, if any, of the protested Work and a detailed breakdown showing how the estimate was determined.**

We are requesting an equitable adjustment to account for the impacts related to:

- a) Additional cleaning, removal, and disposal.
- b) Added survey.
- c) Revised inspection efforts.
- d) Rebar related scanning and selected demo.
- e) Updated design coordination / Design analysis.
- f) Structural fill.



- g) Abandonment demo time
- h) Selective Demo for drainage elements
- i) Selective Demo / abandonment for MSE / Embankment
- j) Extended schedule impacts, if any

The rough order of magnitude estimate of cost for the above items is in the order of Nine Hundred thousand dollars.

**d. An analysis of the progress schedule showing the schedule change or disruption of the Design-Builder is asserting a schedule change or disruption.**

At present, Skanska is finalizing the collection of as-built information required by the structural engineer to complete a structural evaluation of the existing vault. Once that evaluation is complete, a load rating report will be prepared and submitted to WSDOT for review. Until these steps are completed, a detailed schedule delay analysis cannot be finalized.

To help expedite the analysis and mitigate any potential schedule impacts, Skanska respectfully requests WSDOT provide any available actual as-built information for Vault NW12. This data would significantly assist in completing the structural assessment and load rating more efficiently.

We also request an expedited review of engineered details necessary to place traffic on top of Vault for MOT phase 1.

Skanska reserves its rights under the contract and applicable laws to seek equitable compensation for cost and time impacts incurred to perform this scope of work.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Prendergast", written over a horizontal line.

Patrick Prendergast, Project Executive  
Skanska USA Civil  
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Bothell, WA 98011