

June 19, 2025

Patrick Prendergast, P.E.

WSDOT SL No. 9727-121

Vice President
Skanska USA Civil
18911 N Creek Pkwy
Bothell, WA 98011

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

Subject: **Response to WSDOT SL-106: Supplement to Notice of Protest 001 –**
Vault NW12 Cleaning & Vault Enhancements

Mr. Prendergast:

WSDOT is in receipt of Skanska serial letter No. 198, Response to WSDOT SL-106: Supplement to Notice of Protest 001 – Vault NW12 Cleaning & Vault Enhancements dated June 5, 2025.

After careful review of Skanska's Supplemental protest information provided in Serial letter No. 198, WSDOT finds no contractual reference or supporting documentation as required under RFP Chapter 1 General Provisions Section 1-04.5 *Procedure, Protest, and Dispute by the Design-Builder*, item 2, to justify the entitlement to additional compensation or time adjustment for this matter. Therefore, WSDOT's determination remains unchanged from WSDOT SL 106 dated April 29, 2025. WSDOT does not find merit in the request for payment or schedule adjustment for the design and construction impact associated with this issue.

For the initial cleanout of vault NW12, WSDOT is requesting corrected supplemental information be submitted within 14 Calendar Days. The corrected supplemental information shall include only the costs and back-up information relating to the initial cleanout of vault NW12.

For future reference, RFP Chapter 1 General Provisions Section 1-04.5 *Procedure, Protest, and Dispute by the Design-Builder*, item 2 requires the Design-Builder to submit a supplement to the Written protest within 14 Calendar Days or obtain a written extension of time from the WSDOT Engineer. RFP Chapter 1 General Provisions Section 1-04.5 states: "By failing to follow the procedure of this Section, the Design-Builder waives any claims for protested Work". By exceeding the notification window, a Design-Builder waives their right to any claim under RFP Chapter 1 General Provisions Section 1-09.11 *Claims* regarding this matter. With respect to the design and construction (including the load rating), WSDOT received no such request for an extension within the 14 Calendar Day period following WSDOT SL-106 which closed on May

13, 2025. Please ensure that all responses are provided in alignment with the timelines required by the contract.

Sincerely,

Daniel Holmquist, for

Evelyn C. Pao, P.E.
Project Director

cc: L. Hodgson, R. Woeck, D. Case, D. Holmquist, J. Slavicek, S. Berriz, B. Kane, M. Chong, N. Bergeman, R. Gehrlein, E-File