



July 31, 2025

Patrick Prendergast, P.E.

Vice President

Skanska USA Civil

18911 N Creek Pkwy

Bothell, WA 98011

WSDOT SL No. 9727-131

Reference: **Contract No. 9727**

I-405, Brickyard to SR 527 Improvement Project

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

Mr. Prendergast:

WSDOT is in receipt of Skanska serial letter No. 202 (Skanska SL-202), Supplement to Notice of Protest 001 – Vault NW12, dated June 25, 2025.

After careful review of Skanska's attachment in Skanska SL-202, Vault NW12 Cleaning Costs, dated May 23, 2025, WSDOT has the following comments:

WSDOT agreed to review costs incurred by Skanska for the initial cleanout of vault NW12 that was completed in accordance with RFP Appendix D - WSDOT Maintenance Manual (M51-01). This agreement was made with the acknowledgement that WSDOT maintenance on the vault may have been deferred. Based on review of available daily inspection records documenting cleaning of Vault NW12, WSDOT will review Skanska costs from February 3, 2025 through February 13, 2025. Please resubmit the costs and back-up documentation for bringing maintenance current on Vault NW12 in accordance with RFP Section *1-09.6 Force Account* for the time frame of February 3, 2025 to February 13, 2025. WSDOT will initiate a Change Order for agreed to maintenance costs for vault NW12. In WSDOT's initial review of the package there appeared to be work included from other areas on the project (eg. Area 5/WSDOT yard), missing Force Account sheets, missing application of standby time, and other inconsistencies in the back-up invoices.

In addition to the maintenance and initial cleanout costs of Vault NW12, Skanska raised the following points within Skanska SL-202:

- **Inaccuracies in As-Built and RFP Documentation:**

As presented previously in WSDOT Serial Letters 079 and 106, the Appendix N1 as-builds are provided as a Reference Documents. The Design-Builder shall rely upon

Reference Documents at its own risk (Ref.: 1-01.3 Definitions, “Reference Documents”, and 1-02.2 Disclaimer Regarding Documentation).

WSDOT’s determination remains unchanged and there is no merit. In accordance with RFP Section 1-04.5 Procedure, Protest, and Dispute by the Design-Builder states “*If the Design-Builder does not accept WSDOT’s determination, then Design-Builder shall pursue the dispute and claims procedures set forth in Section 1-04.5(1). In spite of any protest, the Design-Builder shall proceed promptly with the Work as the WSDOT Engineer Orders.*”

- Delay in Approval of Load Rating Report:

Delay in approval of the load rating report, Skanska SL-202 stated “The resulting Load Rating Report was completed and submitted to WSDOT on May 6, 2025. Based on the originally anticipated review process, Skanska expected submission to the Bridge Group and final approval by June 5, 2025, allowing traffic to be placed over the vault starting June 6, 2025.”

Placing traffic over the vault starting June 6, 2025, assumes a thirty (30) Calendar Day review and comment period for the load rating report. RFP Section 2.13.7.4, Load Rating Report, states “*The Design-Builder shall complete and submit a load rating report as described in Section 15.12 of the WSDOT Bridge Design Manual to WSDOT for Review and Comment at least 90 Calendar Days before a structure is opened to vehicular traffic.*” Contractually, WSDOT therefore has at least 90 Calendar Days for Review and Comment of the load rating report.

WSDOT finds no merit for a change order or time extension in this matter since this request falls under RFP Section 1-04.4(5), Matters Not Eligible for Change Orders, Item (k) states: “*Matters which are the Design-Builder’s exclusive responsibility include the following: (k) Failure by the Design-Builder to comply with Contract requirements.*” Since this is the first notification of this issue (Delay in approval of Load Rating Report), if Skanska disagrees with WSDOT’s determination, please follow RFP Section 1-04.5 *Procedure, Protest, and Dispute by the Design-Builder.*

WSDOT and Skanska have continued to partner and WSDOT remains confident that we can continue our collaborative effort towards a successful project. If you have any questions, please contact me at (425) 495-1577.

Sincerely,



Evelyn C. Pao, P.E.
Project Director
ECP:js

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