

INTERNAL / PRIVILEGED

Contract 9727 — I-405, Brickyard to SR 527 Improvement Project

Protest 001 — Vault NW12 (PCO 100) | Executive Briefing

Vault NW12 is an underground concrete drainage box buried in the I-405 median near the Canyon Park Park & Ride. Section 2.14.5.6 listed Vault NW12 for fill-and-abandon. Skanska instead elected to stage live traffic over the vault and to use it for stormwater management during construction. That decision, a construction means-and-methods choice under Section 1-05 and the DB's MOT responsibility under Section 2.22.1, drove every downstream cost now in dispute: load rating required by Section 2.13.4.5 for stormwater vaults carrying vehicular loads, structural analysis, shoring design, and field investigation. Skanska seeks approximately \$900,000 and a 91-day time extension.

During field verification, Skanska discovered the vault differed significantly from the Appendix N1 as-built drawings. The actual structure was approximately 96 feet longer (roughly 291 ft vs. 195 ft), segmental precast rather than cast-in-place, with accumulated sediment. WSDOT has offered limited compensation for deferred maintenance cleaning, demonstrating good-faith participation in the partnering process.

The dispute has been referred to the Dispute Review Board for hearing and recommendation on two questions:

1. Is the Design-Builder responsible for all Work related to Vault NW12?
2. Should the Design-Builder rely on Reference Documents (N1) to construct the Work?

Staging and MOT Responsibility

Section 2.13.7.4 required load rating submission at least 90 calendar days before opening a structure to vehicular traffic, yet Skanska allowed approximately 30 days before expecting to route traffic over the structure. If staging over the vault was always the plan, a thorough investigation should have started much earlier.

Three independent engineering reviews - 4M, AECOM, and WSDOT - concluded the vault could support intended loads unshored. Doka, the shoring manufacturer, disclaimed reshoring design responsibility. The extended timeline resulted from Skanska's pursuit of a shoring approach that all parties identified as unnecessary.

Reference Documents

The protest targets Reference Documents. Sections 1-01.3 and 1-02.2 are unambiguous: Reference Documents are informational, furnished for the Design-Builder's convenience, and relied upon at the DB's own risk. Section 1-02.4(1) required site examination of conditions discernible from the surface.

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Three contract appendices address Vault NW12, only one with dimensions Skanska relied upon:

- **H3** (Contract Document). Does not identify or dimension Vault NW12.
- **M1** (Basic Configuration). Shows vault on DR10, but BC excludes drainage structures per GP 1-01.3. Skanska LTR 176 attributed to H3, but it's from M1_05.
- **N1** (Reference Document). As-built dimensions shown (~195 ft), DB's own risk.

The as-built dimensions Skanska relied upon appeared exclusively in a Reference Document. The aerial photo from Skanska's own LTR 124 shows seven surface-visible access points spanning 292.96 ft, consistent with the field measurement and nearly 100 ft longer than the N1 as-builts. This discrepancy was observable from the surface without vault entry, per Section 1-02.4(1) Examination of Site Work. Skanska claims they investigated before bid, yet this discrepancy was visible from the surface.

Risks

1. The 49% vault length increase may generate DRB sympathy regardless of contract language.
2. The DRB may lean toward a compromise recommendation.
3. The extended June through Sep review duration could create a narrative of WSDOT delay.
4. Skanska believes they can win a 2/3 DRB decision on the Reference Document argument. This could be a strategic move to establish precedent.

Conclusion and Recommendation

WSDOT has maintained a consistent, Contractual position across three written determinations (SL 079, SL 106, SL 131). The fill-and-abandon path would have bypassed the entire dispute. Skanska's own subconsultants confirmed shoring was unnecessary, and the extended timeline resulted from pursuit of a shoring approach that its engineers, WSDOT, and the shoring manufacturer all identified as unnecessary and problematic.

Recommendation: Proceed to DRB. WSDOT holds strong contractual ground on both referred questions, on construction means and methods under Section 1-05 and MOT responsibility under Section 2.22.1 and on Reference Document risk under Sections 1-01.3 and 1-02.2. The hearing preserves the Reference Document risk framework as precedent for the remainder of the project.

Alternative: Present the consolidated argument directly to Skanska first, giving them an opportunity to reassess their position before committing to the DRB.

Scenario	Cost	Schedule	
Total Force Account Submitted	\$420,000	0	Submitted
Deferred Maintenance Feb 3-13	\$125,000	0	Offered (Est)
TIA 003 Skanska LTR 261	\$10,334,314	91	Submitted

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Date	Party	Event
2025-02-03	Skanska	Vault NW12 cleanout begins
2025-02-13	Skanska	LTR 124: Identifies vault discrepancies; requests change
2025-02-21	WSDOT	SL 079: Determines no change - Reference Document risk
2025-03-06	Skanska	LTR 145: Requests reconsideration
2025-03-20	WSDOT	SL 088: Reaffirms - no change condition
2025-04-01	Skanska	LTR 165: Files Notice of Protest 001
2025-04-29	WSDOT	SL 106: First Written Determination - no merit
2025-05-05	Skanska	Load Rating Report transmitted (BY-CRE-02517)
2025-06-04	Skanska	Load rating responses sent via email
2025-06-17	WSDOT	Load rating feedback: access, unknown material, shoring concern
2025-06-19	WSDOT	SL 121: Requests corrected supplement; cites Section 1-04.5
2025-06-25	Skanska	LTR 202: Revised supplement with updated cost data
2025-07-09	Both	In-person meeting with WSDOT HQ - vault access main concern
2025-07-22	WSDOT	Load rating feedback: factored loads, post spacing, shoring design
2025-07-24	Both	Meeting: WSDOT reviews vault access, concrete testing; flags improper screw
2025-07-31	Both	Meeting: WSDOT presents analysis: shoring may not be needed
2025-07-31	WSDOT	SL 131: Second Written Determination - Feb 3-13 maint window
2025-08-05	Both	Meeting: WSDOT confirms unshored is acceptable; shored approach requires
2025-08-13	Skanska	LTR 221: Requests DRB resolution
2025-08-18	Both	Meeting with Doka: disclaims reshoring design responsibility; 8.5-kip prop
2025-08-19	Both	Internal call: Doka post modeling questioned; unshored rating path discussed
2025-08-20	Both	Field inspection: spalls (no rebar exposed), connections, outfall
2025-08-21	WSDOT	HQ structural comments shared with Skanska
2025-09-04	Both	Meeting: screw jack AASHTO LRFD requirements
2025-10-28	Skanska	LTR 261: TIA 003 - 91-day extension + ~\$10M delay costs
2025-11-12	Skanska	Load Rating Report formal PRE submittal (BY-CRE-03898)
2025-11-17	WSDOT	Returns BY-CRE-03898 - "Exceptions as Noted"
2025-11-24	Skanska	Load Rating Report RFC transmitted (BY-CRE-04073)