



4/4/2025

Letter No. 168
BY-CRE-02358

Evelyn Pao, P.E., Project Director
Washington State Department of Transportation
18911 N Creek Pkwy S, Suite150
Bothell, WA 98011

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

**Subject: Notice of WSDOT-Initiated Change – Delay of BRT Station Designs
Due to Comment Resolution**

Reference: 1-04.4(1) WSDOT-Initiated Changes

Dear Ms. Pao:

We are writing to inform you of cost and schedule delays related to the comment resolution of the Bus Rapid Transit (BRT) Stations Design Package, as communicated by our designer, AECOM Technical Services, Inc. Please find the attached letter for reference.

The full extent of these cost and schedule impacts is currently unknown, as the delay is ongoing. Once these impacts are fully realized, Skanska requests that WSDOT issue an Owner Initiated Change to remedy cost and time impacts associated with the delay.

Skanska reserves its rights to just compensation in accordance with the contract and applicable law.

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

Sincerely,

Patrick Prendergast, Vice President

Skanska USA Civil
18911 N Creek Pkwy S, Suite 300
Bothell, WA 98011

Attachment:
AECOM Notice of Owner Change WSDOT ST CRM 2025-04-04

4/4/2025

Via E-mail

Pat Prendergast
Contractor's Representative
Skanska USA Civil West California
District Inc.
18911 N Creek Pkwy, Suite 300
Bothell, WA 98011
Patrick.Prendergast@skanska.com

Re: I-405/Brickyard to SR 527 Improvement Project (the "Project")
Contract No: 009727
AECOM Project No. 60713342
Notice of Owner Change / Claim Notice

Dear Mr. Prendergast:

This letter (the "Claim Notice") is being sent pursuant to the agreement between Skanska USA Civil West California District Inc. ("Skanska") and AECOM Technical Services, Inc. ("AECOM"), dated October 25, 2022 (the "Design Subcontract") concerning the Project. I am writing on behalf of AECOM to notify you of an Owner Change, which we believe entitles AECOM to an equitable adjustment to its fee and the design schedule. In accordance with Arts. 1-04.4, 1-08.8, and 1-05.15 of the General Provisions for the Design-Build Contract, I ask that you **please provide this Notice to the Washington State Department of Transportation ("WSDOT") as soon as possible.**

AECOM had been working in good faith with the ST reviewers to close their comments. We have held multiple comment resolution meetings with the ST reviewers to provide responses and backup for them to close their comments. AECOM setup BB sessions at ST's request to provide updated drawings and details for their review plan updates and close their comments. Our team has had eleven CRM's with ST over the last 5 weeks, multiple per week. WSDOT was invited to these meetings as well. After those meetings, ST has provided updated RCSR with their disposition to close comments that were reviewed.

In the WSDOT/DB Team issues meeting on March 12, 2025, WSDOT raised their concern that ST Reviewers were not coordinating internally with regards to if other discipline reviewers were being part of comment closeout. It is our position it is not the Design Build Team's responsibility to ensure ST reviewers are coordinating within their own organization/team. Our team coordinates with the person that makes the comment and has been working with them to provide information/updated plans and details for them to close the comment.

On March 12, 2025, WSDOT notified AECOM via email WSDOT had re-opened 40 comments previously closed by ST. Our team spent many meetings over the last month to work with the reviewer to close these comments. The reviewer has confirmed the comment was closed with an appropriate designation. As mentioned above, WSDOT was invited to these CRM's and no indication was given that the reviewer was not allowed to close these comments as part of these CRM's. The recent reopening of these comments will have a cost and schedule impact. AECOM provided written notice to WSDOT and Skanska of this cost and schedule impact and have remained engaged with this matter.

The amount of the cost and delay is unknown at this time as our team is impacted by the time and effort to re-close these comments. Additional schedule delay will be caused by staff having to halt

progressing work on other schedule critical items to revisit these issues. AECOM is tracking the delay and costs and will provide this information once we have additional information on this issue.

Note that the estimates are ongoing and will be based only on the information available to AECOM at this time. As more information becomes available, and as the design is coordinated with the stakeholders, additional impacts may be discovered which are unknown as of today, and which are specifically excluded from the cost and schedule impact estimates. Any estimates should not be considered binding, and they may need to be revised as additional information is gathered. If necessary, AECOM can send a supplemental written notice containing, as applicable, additional information regarding the circumstances giving rise to the claim for relief and the specific contractual adjustment or relief requested, including a Change Proposal if so requested by WSDOT.

This letter is without prejudice to, and with a full reservation of, AECOM's rights, remedies, causes of action, and defenses under the Subcontract, at law, in equity, or otherwise. Nothing in this letter shall be interpreted as a modification or waiver, or an estoppel of AECOM's right to assert the same.

I appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact me directly.

Yours sincerely,

AECOM Technical Services, Inc.



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cc: Jack Waldron, PE (AECOM)
Evan Grant (AECOM)