



April 28, 2025

Letter No. 180
BY-CRE-02470

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

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

Subject: Notice of Protest 002: Owner Delayed BRT Station Design Delivery
Reference: §1-04.5 Procedure, Protest, and Dispute by the Design-Builder

Dear Ms. Pao:

Skanska is in receipt of WSDOT letter SL No. 9727-168 in which WSDOT has rejected our request for an owner-initiated change order for the delay of the BRT stations design caused by Sound Transit. Skanska disagrees with the WSDOT Engineer's determination. Per §1-04.5 of the contract, please let this letter serve as a protest notice.

Please see attached protest letter from Skanska's designer, AECOM Technical Services, Inc. (AECOM). Due to the substantial time required to provide a comprehensive report detailing the relevant facts and impacts, Skanska requests WSDOT grant us a 75-day time extension to provide the supplemental information as per §1-04.5.

Thank you for your attention to this request. Do not hesitate to contact me with questions or comments.

Sincerely,

Patrick Prendergast, Project Executive

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



AECOM Technical Services, Inc.
1111 Third Ave., Suite 1600
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4/24/2025

Via E-mail

Patrick 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: Response to WSDOT SL No. 9727-100, and Notice of Protest per RFP Section 1-04.5
I-405/Brickyard to SR 527 Improvement Project
Contract No: 009727

Dear Mr. Prendergast:

AECOM acknowledges receipt of WSDOT's correspondence (WSDOT SL No. 9727-100), dated April 14, 2025. In this letter, WSDOT rejected Skanska's formal notice of a WSDOT Initiated Change (See Letter No. 168 BY-CRE-02358, dated April 4, 2025) pertaining to the delay in responding to the Working Drawings submitted for the Bus Rapid Transit (BRT) stations. WSDOT further advised that, should Skanska disagree with its determination, the matter should be pursued via the protest procedures outlined in Section 1-04.5 of the RFP: Procedure, Protest, and Dispute by the Design-Builder.

As AECOM disagrees with the WSDOT Engineer's Written Determination set forth in the aforementioned letter, we are hereby submitting a formal notice of protest in accordance with Section 1-04.5 (1) of the RFP. The protest is based on the assertion that AECOM is entitled to equitable adjustments to the Contract Price and Contract Time due to the unreasonable and excessive delays in WSDOT Design Review, which exceeded and continue to exceed the durations specified in Section 2.28.3.2 of the RFP and constitute unreasonable withholding of approval per Section 1-03.7.

Furthermore, pursuant to Section 1-04.5 (2) of the RFP, AECOM intends to supplement this written protest. Given the substantial time required to prepare a comprehensive report detailing the relevant facts and their impacts, the standard timeframe of 14 calendar days is insufficient. Therefore, AECOM respectfully requests an extension of 75 calendar days to ensure the development of an exhaustive and detailed supplemental submission.

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. **Please promptly provide this notice of protest and request for an extension of time to WSDOT per the Design-Build Contract.**

Yours sincerely,

AECOM Technical Services, Inc.

A handwritten signature in blue ink that reads "Ryan Abraham".

Ryan Abraham, PE
Vice President
T: 303.807.5730
E: Ryan.Abraham@aecom.com

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