

April 14, 2025

Patrick Prendergast, P.E.
Vice President
Skanska USA Civil
6100 219th Street SW Suite 300
Mountlake Terrace, WA 98043

WSDOT SL No. 9727-100

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

Subject: **RE: SL 168 Notice of WSDOT-Initiated Change – Delay of BRT Station
Designs Due to Comment Resolution**

Mr. Prendergast:

WSDOT is in receipt of Skanska serial letter No. 168, Notice of WSDOT-Initiated Change – Delay of BRT Station Designs Due to Comment Resolution, dated April 4, 2025.

WSDOT has reviewed the information in the letter and under Section 1-04.4(5) *Matters Not Eligible for Change Orders* (sub-bullet b, c, d, h, j, k, l, m, n, o, and p), the Design-Builder is responsible for this matter, so no adjustment for cost or delays is available (Ref: RFP Section 1-05.1 *Authority of the WSDOT Engineer*).

It is the responsibility of the Design Builder to complete the design, including resolution of the Review and Comment process. In accordance with Section 1-02.1 *Responsibility for Design*, it is the intent of the Contract Document that Design-Builder undertake full responsibility for delivery of the Project.

Furthermore, in Section 1-04.1(1) *Work Included in the Contract*, Design-Builder acknowledges and agrees that the Contract price is all-inclusive and covers all aspect of the Work except specifically provided under section 1-04.4 *Changes* and as mentioned in the above paragraph the matter is the responsibility of the Design-Builder.

If Skanska does not agree with the WSDOT Engineer's Written Determination, Skanska shall pursue the protest procedures in accordance with RFP Section 1-04.5 *Procedure, Protest, and Dispute by the Design-Builder*.

If you have any questions, please contact me at (425) 495-1577.

Sincerely,

A handwritten signature in black ink, appearing to read 'Evelyn C. Pao', written in a cursive style.

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

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