

January 29, 2026

Patrick Prendergast, P.E.
Vice President
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18911 North Creek Parkway, Suite 300
Bothell, WA 98011

WSDOT SL No. 9727-252

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

Subject: **RE: LTR 322 Protest 003 Supplemental Information - Lateral Migration**

Mr. Prendergast:

WSDOT is in receipt of Skanska Letter No. 322, dated January 16, 2026. Pursuant to Section 1-04.5, WSDOT has reviewed Protest 003 and its supplemental information and determined it is without merit.

Section 2.30.5.2.1 *Certain Structure and Channel Design Characteristics* states that the Sammamish River "not low" lateral migration determination "shall apply to the new structures within the river flow limits defined by the 500-year flood elevation." The current draft Final Hydraulic Design (FHD) applies a "low" classification and is therefore non-compliant.

There is no conflict between the Contract Documents. Appendix H26 *Sammamish River Migration Risk Assessment* states that the lateral migration risk "is NOT LOW and therefore will require further analysis during final design..." The Design-Builder suggests this allows the analysis to revise the risk assessment. This is a misinterpretation. The "further analysis" concerns *how* to design for the "not low" assessment, not whether it applies. Also, since Appendix H26 was included as a Reference Document, Section 1-03.1 *Contract Documents* states that unless provided otherwise in the Contract, Reference Documents are for information purposes only and the Design-Builder shall rely upon Reference Documents at its own risk provides that Technical Requirements take precedence over reference documents in Appendix A1.

The Design-Builder executed Form A certifying receipt, understanding, and full consideration of all RFP documents and addenda – including Addendum 14, which added Section 2.30.5.2.1. The timing of when provisions were added does not diminish their enforceability.

Further, Skanska LTR 322 does not comply with Section 1-04.5(2). The cost estimate lacks the required detailed breakdown, and no schedule analysis was provided. WSDOT proceeds on the record submitted, and these deficiencies are noted should this matter proceed to Dispute.

WSDOT SL 116 is a valid Interpretive Engineering Decision under Section 1-03.5. Per Section 1-03.5, IEDs do not form the basis for price or time adjustments unless WSDOT expressly provides otherwise in writing.

If the Design-Builder seeks to change the classification from "not low" to "low," it must submit a Design-Builder Initiated Change under Section 1-04.4(2) with supporting technical justification. If the Design-Builder does not accept this Written Determination, it may proceed to the Disputes Review Board per Section 1-04.5(1), which is a condition precedent to any further claim under Section 1-09.11.

Three structures are affected by this issue: (1) the NB I-405 to EB SR 522 ramp bridge, (2) the future NB I-405 mainline bridge, and (3) the Direct Access Ramp (DAR) Bridge to NB I-405. As of today, WSDOT has not received a contractually compliant scour analysis in the Final Hydraulic Design (FHD) for any of the three structures. This also impacts the bridge designs which would also be non-compliant as they are not based on a compliant FHD.

Construction of the NB I-405 to EB SR 522 ramp bridge and the future NB I-405 mainline bridge is underway and WSDOT is willing to partner with Skanska to identify an acceptable solution that avoids demolition of these structures. WSDOT acknowledges and appreciates the potential solutions included in the Skanska supplemental information, however, WSDOT requires a contractually compliant scour analysis in the Final Hydraulic Design (FHD) to start a path forward. The DAR Bridge Final Design comment resolution is still pending and cannot advance to Release for Construction (RFC) until a contract compliant scour analysis is developed, and the FHD is submitted. Continued delay in resolving the lateral migration classification impacts dependent design activities.

The Sammamish River lateral migration issue was discussed at the last WSDOT and Skanska Executive Partnering meeting on December 15, 2025. The action item for the Design-Builder was to follow the IED and provide an updated scour analysis in the FHD. Please provide an anticipated date when WSDOT will receive a revised FHD submittal.

WSDOT reaffirms WSDOT SL 116 and expects the Design-Builder to resolve the FHD non-compliance through one of the paths identified above.

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

Sincerely,



Evelyn Pao, P.E.
Project Director
EP:za

cc: L. Hodgson, R. Woock, D. Case, D. Holmquist, J. Slavicek, J. Zimmerman, S. Berriz, B. Kane, N. Bergeman, R. Gehrlein, C. Christopher, R. Clayton (Skanska), J. Waldron (AECOM), E-File