



8/1/2025

Letter No. 218
BY-CRE-03160

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

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

Subject: Notice of WSDOT-Initiated Change – 522 Comfort Hub Septic (Holding) Tank

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

Dear Ms. Pao:

We are writing to inform you of a change to the contract that requires your further attention. Our Designer, AECOM, has provided a septic holding tank for the bathrooms of the 522 Comfort Station building. This has been a collaborative problem-solving effort between AECOM, WSDOT and Sound Transit. While a composting toilet system is contractually mandated, the product that forms the technical basis of the contract's requirements is no longer being produced by the manufacturer.

Please see attached the attached letter from AECOM providing more detailed information on the nature of the change. Skanska requests that WSDOT issue an Owner-Initiated Change.

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 Letter AESK_008 - PCN-00021 - Compost to Septic Tank Design Issue

7/21/2025

Via E-mail

Kyle Sharrer
Skanska USA Civil West California
District Inc.
18911 North Creek Pkwy, Suite 300
Bothell, WA 98011
Kyle.Sharrer@skanska.com

**Re: I-405/Brickyard to SR 527 Improvement Project (the "Project")
AECOM Project No. 60713342
AECOM-SKA-008
PCN-00021- Compost to Septic Tank Design Issue**

Dear Kyle:

This letter (the "Claim Notice") is being sent pursuant to section 8.2 of 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.**

In various Vertical Task Force Meetings, the AECOM design team was requested to utilize septic tanks in lieu of required compost tanks at the SR 522 Transit Hub Bus Rapid Transit Station. TR section 2.31.3.7.7.1 states, "Sound Transit comfort station at the SR 522 Transit Hub BRT Station shall conform to Transit Facilities Architectural and Urban Design Criteria (Appendix S), the Vertical Construction Specifications (Appendix S), the Sound Transit Design Criteria Manual (Appendix S), and the following requirements..." One of these requirements states, "Each restroom with below-grade composting unit." Additionally, Appendix S7, Vertical Construction Specifications, specifies requirements for the compost tank to be provided.

The request to change the comfort station receptacle from a compost tank to a septic tank was provided in task force meetings where the issue was reviewed and discussed by the Owner and Design Build teams. The Design Build team then requested an owner initiated change (OIC) for this Contractual Change. WSDOT requested the Design Builder submit an RFI to document the direction for this Change. AECOM submitted RFI 144 with the request for an OIC. WSDOT responded that Sound Transit did not request this Change, but did not take exception to the use of septic tanks as discussed in the task force meetings.

AECOM does not agree with this response. This Change to utilize a septic tank was triggered by a compost unit not being available that met the original contract requirements. While advancing the design, the Design Build Team's review of the requirements of the compost tank found the only tank configuration that aligned with these specifications was the model M54 fabricated by Clivus Multrum, per a company representative. It was then determined by the Design Build Team the model M54 tank these

specifications were based upon was no longer manufactured. The most similar compost tank currently being manufactured that met the contract requirements added issues and impacted the proposed design. These issues were presented to Sound Transit / WSDOT on 6/4/24 in the BRT Task Force Meeting and Sound Transit stated they did not want to use this contract compliant compost tank. WSDOT / Sound Transit requested the team to review a sewer option and septic tank option for Sound Transit's review and comment. After many task force meetings Sound Transit provided direction to utilize the septic tank and revised building configuration option on 7/23/24. There is no specification or requirement for septic tanks in the contract.

Because of WSDOT / Sound Transit's direction to provide design elements outside contract requirements in lieu of an explicitly stated contractual design requirement, AECOM is requesting an OIC. Once we receive the OIC, we will provide cost and schedule impacts occurring from this Change.

Note that the foregoing description of Change is preliminary, based only on the information available to AECOM at this time. As more information becomes available, additional impacts may be discovered which are unknown as of today. The above description should not be considered binding and 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 based on our current understanding of the scope 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.



Ryan Abraham, PE

Vice President

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cc: Jon Guerrero, PE (AECOM)
Raina Richter (AECOM)