



October 1, 2025

Letter No. 246
BY-CRE-03670

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 006: DSC 006 – Clay Layer ESU 2C Under Walls
23.80R, 23.72R, 23.73R, 23.74R & I-405 Mainline Abutment 10**

Reference: §1-04.5 Procedure, Protest, and Dispute by the Design-Builder

Dear Ms. Pao:

Skanska is in receipt of WSDOT letter SL No. 9727-162, dated September 18, 2025 that includes Attachment 1: DSC IED_V4. In DSC IED_V4, WSDOT has determined our Geotechnical Engineer's conclusions about clay layer ESU 2C do not constitute a Differing Site Condition under the contract. Skanska disagrees with the WSDOT's determination. Per §1-04.5 of the contract, please let this letter serve as our formal protest notice. Additionally, please see attached protest letter from Skanska's designers, AECOM Technical Services, Inc. (AECOM) and GeoEngineers.

Due to the substantial time required to provide a comprehensive report detailing the relevant facts and impacts, the standard timeframe of 14 calendar days is insufficient. Skanska respectfully requests WSDOT grant us an extension of 75 calendar days to provide the supplemental information as per §1-04.5.2.

As a result of this differing site condition, Skanska has incurred ongoing schedule delays and construction costs. Skanska reserves our rights per the contract and applicable laws for a compensable adjustment for all time and costs associated with this differing site condition and protest. 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

Attachments:

1. AECOM Response to WSDOT SL No 9727-162 DSC
2. GeoEngineers Memorandum Of Protest to WSDOT SL No 9727-162



AECOM Technical Services, Inc.
1111 Third Ave., Suite 1600
Seattle, WA 98101, USA
aecom.com

10/01/2025

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.cc

RE: Response to WSDOT SL No. 9727-162, 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. 9727-162), dated September 18, 2025. In this letter, WSDOT rejected Skanska's formal notice of a Differing Site Condition (See Letter No. 226 Notice of DSC at Wall 23.80R, I-405 Mainline Bridge Abutment 10, Wall 23.72R, Wall 23.7R, and Wall 23.74R, dated September 4, 2025) pertaining to Differing Site Conditions at Walls 23.80R, I-405 Mainline Bridge Abutment 10, Wall 23.72R, Wall 23.7R, and Wall 23.74R. 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 and 1-04.7 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 unforeseen site conditions at the aforementioned project locations. These unknown conditions continue to result in additional design Work and delays. We are providing this notice in accordance with Sections 1-02.4(1), 1-02.4(2) for subsurface DSC, 1-04.7, 1-08.8, and 1-05.15. In addition, attached is a formal notice of protest from our subconsultant GeoEngineers on this issue.

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.



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

cc: Raina Richter (AECOM)
Richard Patterson (AECOM)
Jon Guerrero (AECOM)

enclosure



Memorandum

17425 NE Union Hill Road, Suite 250, Redmond, WA 98052, Telephone: 425.861.6000

www.geoengineers.com

To: Ryan Abraham, P.E., AECOM, Project Design Manager for the I-405/Brickyard to SR 527 Design-Build Team

From: Benjamin M. Upsall, P.E., GeoEngineers, Geotechnical Group Manager for the I-405/Brickyard to SR 527 Design-Build Team

Date: September 30, 2025

File: 000180-423-04

Subject: Notice of Intent to Protest
Anticipated Differing Site Conditions
I-405, Brickyard to SR 527 Improvement Project
King and Snohomish Counties, Washington

GeoEngineers acknowledges receipt of WSDOT's correspondence (WSDOT SL No. 9727-162), dated September 18, 2025. In this letter, WSDOT rejected Skanska's formal notice of a Differing Site Condition (See Letter No. 226 Notice of DSC at Wall 23.80R, I-405 Mainline Bridge Abutment 10, Wall 23.72R, Wall 23.7R, and Wall 23.74R, dated September 4, 2025) pertaining to Differing Site Conditions at Walls 23.80R, I-405 Mainline Bridge Abutment 10, Wall 23.72R, Wall 23.7R, and Wall 23.74R. WSDOT further advised that, should Skanska disagree with its determination, the matter should be pursued via the protest procedures outlined in *RFP Chapter 1 General Provisions, Section 1-04.5 Procedure, Protest, and Dispute by the Design-Builder*.

As GeoEngineers 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 GeoEngineers is entitled to equitable adjustments to the Contract Price and Contract Time due to the unforeseen site conditions at the aforementioned project locations. These unknown conditions continue to result in additional design Work and delays. We are providing this notice in accordance with Sections 1-02.4(1), 1-02.4(2) for subsurface DSC, 1-04.7, 1-08.8, and 1-05.15.

Furthermore, pursuant to Section 1-04.5 (2) of the RFP, GeoEngineers 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, GeoEngineers 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, GeoEngineers' 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 GeoEngineers' 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.**

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. M. Upsall', written over a horizontal line.

Benjamin M. Upsall, P.E.

Principal Geotechnical Engineer

T: 206-919-3772

E: bupsall@geoengineers.com

Disclaimer: Any electronic form, facsimile or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments are only a copy of the original document. The original document is stored by GeoEngineers, Inc. and will serve as the official document of record.