



January 30, 2026

Letter No. 336
BY-CRE-04585

Washington State Department of Transportation
I-405/SR 167 Program
18911 N Creek Pkwy S, Suite 150
Bothell, WA 98011

Attention: Evelyn Pao, P.E.
Project Director

Project: I-405/Brickyard to SR 527 – Improvement Project
Contract No.: 009727

Subject: Notice of Dispute – Protest 006 - PCO 123 DSC Clay Layer ESU 2C

Reference:

1. Skanska Letter No. 226, Notice of DSC at Wall 23.80R, I-405 Mainline Bridge Abutment 10, Wall 23.72R, Wall 23.73R, and Wall 23.74R (09/04/2025).
2. WSDOT SL No. 9727-162, RE: Notice of DSC ... (09/18/2025).
3. Skanska Letter No. 244, WSDOT Laboratory Testing Package 01 – Clarifications (09/30/2025).
4. Skanska Letter No. 246, Notice of Protest 006 and extension request (10/01/2025).
5. WSDOT SL No. 9727-175, extension granted to 12/08/2025 for supplemental protest (10/10/2025).
6. Skanska Letter No. 291, Supplement to Notice of Protest 006 – Clay Layer ESU 2C (12/08/2025).
7. WSDOT SL No. 9727-242, Response to Supplement to Notice of Protest 006 (01/16/2026).
8. WSDOT SL No. 9727-103, Acknowledgment of potential DSC at Wall 23.80R (04/23/2025).

Dear Ms. Pao:

Skanska submits this letter as formal notice of dispute in accordance with Section 1-04.5(1) of the RFP, on behalf of AECOM and GeoEngineers. Related correspondence is attached and/or previously transmitted.

Brief Timeline of Events:

- **04/23/2025** – WSDOT acknowledged potential DSC at Wall 23.80R (SL 9727-103).
- **09/04/2025** – Skanska issued Notice of DSC (Letter No. 226).
- **09/18/2025** – WSDOT issued SL No. 9727-162 denying entitlement and directing protest procedures.
- **09/30/2025** – Skanska submitted Letter No. 244 noting laboratory data discrepancies and requesting reliance confirmation.
- **10/01/2025** – Skanska submitted Letter No. 246, Notice of Protest 006 and extension request.
- **10/10/2025** – WSDOT issued SL No. 9727-175 granting supplemental deadline of 12/08/2025.
- **12/08/2025** – Skanska submitted Letter No. 291, Supplemental Notice of Protest 006.
- **01/16/2026** – WSDOT issued SL No. 9727-242 maintaining denial.

Given that the DRB is already established for this project, we believe submitting the dispute for review by the Board is an appropriate means of resolving this matter. We look forward to working collaboratively through this process.

Skanska reserves all rights under the Contract and applicable law, including the right to pursue additional compensation, schedule relief, and dispute resolution up to and including the DRB. Nothing in this

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correspondence shall be interpreted as acceptance of WSDOT's interpretation or as a waiver of any rights previously asserted. This letter is without prejudice to, and with full reservation of, Skanska's rights, remedies, causes of action, and defenses under the Contract, at law, in equity, or otherwise.

Please let us know if WSDOT would like to coordinate referral timing or procedural steps, understanding that each party may prepare and submit its own referral independently.

Thank you for your attention to this matter.

Regards,



Patrick Prendergast, Vice President

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

Attachments:

AECOM Letter dated January 29, 2026 – RE: Notice of Dispute, Protest 006



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

1/29/2026

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

NOTICE OF DISPUTE

RE: Response to WSDOT SL No. 9727-242, and Notice of Dispute 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. 9727-242), dated January 16, 2026. In this letter, WSDOT determined that Protest No 006 pertaining to Skanska Letter No. 291 – Supplement to Notice of Protest 006 – DSC 006 for Clay Layer ESU 2C, dated December 8, 2025, is without merit. (See Skanska Letter No. 291, Supplement to Notice of Protest 006 – DSC 006 for Clay Layer ESU 2C, dated December 8, 2025. and the attached AECOM letter dated December 5, 2025 - RE: 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.

As AECOM disagrees with this determination, we hereby request that Skanska submit this letter to WSDOT as a formal notice of dispute in accordance with Section 1-04.5 (1) of the RFP, on AECOM's behalf. Pursuant to Section 1-04.5 (1) of the RFP, AECOM will continue to pursue the dispute and intends to proceed with referring this matter in dispute to the Disputes Review Board (DRB or Board).

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 dispute to WSDOT per the Design-Build Contract, by no later than January 30, 2026.**

Yours sincerely,

AECOM Technical Services, Inc.

A handwritten signature in black ink, appearing to read 'Jon Guerrero', with a stylized flourish at the end.

Jon Guerrero, PE

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E:jon.guerrero@aecom.com

cc: Evan Grant (AECOM)

Richard Patterson (AECOM)