

December 19, 2025

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

WSDOT SL No. 9727-221

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

Subject: **Notice of Protest 010 – Interpretive Engineering Decision for Waterproofing
for Brickyard West, Brickyard East, and Canyon Park BRT Stations**

Mr. Prendergast:

WSDOT acknowledges receipt of Skanska Letter No. 287, Notice of Protest 010 – Interpretive Engineering Decision for Waterproofing for Brickyard West, East and Canyon Park BRT Stations, dated December 5, 2025, submitted in accordance with Section 1-04.5. WSDOT expected the supplemental information for this protest from Skanska by December 19, 2025.

Skanska LTR 287 states that the engineering and waterproofing issues addressed in WSDOT SL 209 were previously raised and responded to by Skanska’s November 20, 2025, email and that WSDOT SL 209 does not acknowledge or recognize those responses. That is not correct. WSDOT confirms that Skanska’s November 20, 2025, email, including its technical arguments, was reviewed and considered in developing the Interpretive Engineering Decision (IED). The issues raised in Skanska 287 and the November email are the same issues analyzed and resolved in the IED, which remains the Engineer’s Written Determination.

Skanska LTR 287 asserts the waterproofing system that was confirmed via RFI 565 meets the applicable Contract standards and that its compliance “remains valid.” WSDOT does not agree with this assertion. Under the Contract, the order of precedence and the governing Sound Transit Specifications and Design Criteria Manual control. Responses to RFIs and intermediate design reviews do not override those requirements. As documented in the IED, WSDOT’s later review of the Brickyard vertical elements and elevator pits concluded that the then-current design and submittals provided by Skanska did not meet the contract requirements, which resulted in NCI 009727-00414-001. The Design-Builder must revise its design and submittals to achieve compliance with the IED and the Contract.

Skanska LTR 287 states SL 209 “does not provide any further or additional direction” and asks

Pat Prendergast
WSDOT SL No. 9727-221
December 19, 2025
Page 2 of 2

whether previously completed construction will be rejected and whether a final determination has been made requiring waterproofing beneath the east Brickyard foundation. The IED and WSDOT SL 209 confirm that the Contract requires sheet-applied membrane waterproofing at the applicable below-grade elements and watertight elevator pits for the Brickyard West, Brickyard East, and Canyon Park vertical structures. The Design-Builder must update its design and related documentation to close the NCI and demonstrate compliance with the Contract.

At Brickyard West, Skanska shall submit a DBIC that aligns with the NCI resolution that shows how the contract terms can be met or accepted. At all future sites, the design and construction shall comply with WSDOT's interpretation of the Contract as presented in the IED dated December 3, 2025.

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

Sincerely,

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

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

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