



January 23, 2026

Letter No. 330  
BY-CRE-04520

Washington State Department of Transportation  
I-405/SR 167Program  
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:** Protest 012 Supplemental, CCTV Pole Pullout at SB I-405 ~4014+50

Dear Ms. Pao:

Skanska is in receipt of WSDOT Serial Letter No. 9727-236, dated January 8, 2026, establishing January 23, 2026 as the deadline for supplemental protest information. In accordance with RFP Section 1-04.5, Skanska hereby provides the following supplemental information in support of Protest 012, as initiated by Skanska Serial Letter No. 313, dated January 7, 2026.

**a. The Date and nature of the protested determination.**

Date of Protested Order: December 24, 2025

Nature of Protested Order: WSDOT Serial Letter No. 9727-225 denied Skanska's request for a change order for design costs associated with the CCTV Pole Pullout at SB I-405 ~4014+50, stating "there is no contractual basis for a change order."

Skanska disputes this determination. The Design-Build team provided a contract-compliant design utilizing a camera lowering device (CLD), which satisfies TR Section 2.18.5.2's requirement that ITS devices be "accessible and maintainable using current maintenance methods and materials." This solution was collaboratively developed with WSDOT through multiple Task Force meetings and validated during a December 17, 2024 field walk—during which WSDOT representatives themselves suggested the CLD approach.

WSDOT's subsequent rejection of this compliant solution in March 2025, based on maintenance team preference rather than any cited contract requirement, constitutes a change in direction that generated additional design effort beyond the contract scope.

**b. Full Discussion of the circumstances which caused the protest, including names of persons involved, time, duration and nature of the Work involved, and a review of the Contract Documents/Design Documents referenced to support the protest.**

Please refer to the enclosed supplemental submission from our design partner AECOM, dated January 21, 2026, which provides a detailed chronology of events, personnel involved, and contract references supporting this protest. Skanska incorporates AECOM's submission herein by reference.



The key facts are:

- RFP Appendix M1 specified replacing the existing camera on the existing pole
- Site constraints (NE 160th overcrossing) precluded a standard Type 2 Maintenance Pullout at the existing location
- The Design-Build team collaborated with WSDOT through Task Force meetings to develop an alternative solution
- WSDOT agreed to the CLD solution in the January 30, 2025 Roadway Task Force meeting
- WSDOT's maintenance team reversed this position on March 13, 2025, refusing to close design comments
- WSDOT never identified a Technical Requirement that prohibits use of a CLD
- The resulting 8-month standstill (March–November 2025) and redesign effort constitute additional work caused by WSDOT's change in direction

**c. The estimated dollar cost, if any, of the protested Work and a detailed breakdown showing how the estimate was determined.**

Total cost of work with a 15% markup is calculated at \$104,879.00. Please see attached for the detailed breakdown.

**d. An analysis of the progress schedule showing the schedule change or disruption of the Design-Builder is asserting a schedule change or disruption.**

As noted in AECOM's supplemental submission, the design was at standstill from March 13, 2025 through November 5, 2025 due to WSDOT's change in direction. Skanska's proactive approach of advancing this design to RFC concurrently with other contractual RFCs has eliminated potential project delays related to this additional scope.

Skanska reserves its rights under the contract and applicable laws to seek equitable compensation for cost and time impacts incurred to perform this scope of work.

If you have any questions or require additional information, please contact me at your convenience.

Regards,

Patrick Prendergast, Vice President

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

**Attachments:**

AECOM: Supplement Letter for Notice of Protest – PCN-00100 – CCTV Camera Pull Out

January 21, 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

**Re: I-405/Brickyard to SR 527 Improvement Project (the "Project")  
AECOM Project No. 60713342  
Supplement Letter for Notice of Protest – PCN-00100 – CCTV Camera Pull Out**

Dear Mr. Prendergast:

I am writing on behalf of AECOM in response to WSDOT Serial Letter No. 9727-225 entitled "RE: CCTV Pole Pullout at SB I-405 ~4014+50" and dated December 24, 2025 and WSDOT's Serial Letter No. 9727-236 entitled "RE: Protest 012, CCTV Pole Pullout at SB I-405 ~4014+50" and dated January 8, 2026. In accordance with the protest procedures outlined in Section 1-04.5 of the RFP: Procedure, Protest, and Dispute by the Design-Builder, AECOM hereby disputes WSDOT's denial stating that there is contractual basis for a change order. **As required by the agreement between Skanska USA Civil West California District Inc. ("Skanska") and AECOM Technical Services, Inc. ("AECOM"), dated October 25, 2022 (the "Design Subcontract"), please forward this to WSDOT as soon as possible, but no later than the WSDOT provided deadline January 23, 2025.**

As a supplement to AECOM's Notice of Protest, dated January 6, 2025, entitled, "Response to WSDOT SL No. 9727-225 RE: CCTV Pole Pullout at SB I-405 ~4014+50 Notice of Protest per RFP Section 1-04.5" AECOM provides additional information as requested by WSDOT, as follows:

**a. The date and nature of the protested order, direction, instruction, interpretation, determination:**

Date of Protested Order: December 24, 2025

Nature of Protested Order: On December 24, 2025, WSDOT advised in Serial Letter No. 9727-225 that they had reviewed Skanska's Serial Letter No. 294, CCTV Pole Pullout at SB I-405~4014+50 and determined "there is no contractual basis for a change order."

**b. A full discussion of the circumstances which caused the protest, including names of Persons involved, time, duration and nature of the Work involved, and a review of the Contract Documents/Design Documents referenced to support the protest.**

RFP Appendix M1 denotes an existing CCTV camera on SB I-405 ~4014+50 to be replaced with a new camera, mounted on the existing pole. In accordance with Section 2.18.5.2 of the Technical Requirements (TR's), "All ITS devices shall be designed and constructed so that they are accessible and maintainable using current maintenance methods and materials." As such, the new camera must have maintenance access which is typically provided using a standard Type 2 Maintenance pullout with allowable clearance for a bucket truck. Due to the constraint of the existing NE 160<sup>th</sup> overcrossing, the standard Type 2 Maintenance Pullout could not be implemented while maintaining the existing camera pole location. To determine path forward, the Design-Build team collaborated with WSDOT during Task

Force meetings to identify a solution for maintaining the CCTV camera. The teams collaboratively agreed to add a new pole adjacent to the NE 160<sup>th</sup> to SB405 ramp. This new pole could be maintained from the Communication Hub access road. To confirm this solution was feasible, AECOM rendered camera views and discovered a potential obstruction for viewing the new ramp meter signal which conflicted with TR requirement 2.18.4.6; this required the project team to reassess the design approach.

During a field walk on 12/17/24, WSDOT suggested exploring alternative locations for the CCTV camera pole. Following WSDOT direction, AECOM evaluated camera pole locations that provided clear field of views to the surrounding area while also accommodating the required maintenance pullout on I-405. The design-build team collaborated with WSDOT during task force meetings and agreed in the 1/30/25 Roadway TFM on utilizing the maintenance road at the Comm Hub, and install a lowering device for maintenance access. This solution was confirmed to be best because the Comm Hub is walking distance from the camera pole and a bucket truck could not get close enough to provide adequate access if a pullout was installed. This was also agreed to by all parties as the safest solution for WSDOT staff since this would not require accessing the pole from a maintenance pullout on the high-speed freeway. WSDOT told the design team that lowering devices are not preferred by WSDOT, but WSDOT uses them when no other options are available. Lowering devices are contract compliant in accordance with TR section 2.18.5.2 because the lowering device is a “current maintenance method.”

When closing out final comments for NDC 057 RFC submission on 3/13/25, WSDOT's maintenance team changed their position, stating they would not accept the lowering device and refused to close design comments without removing the lowering device. To progress project schedule, this area was grayed out in the NDC 057 RFC submission, and comments deferred.

In good faith, the design team developed new options to meet WSDOT maintenance teams preferences while maintaining contract compliance and presented them to WSDOT. Upon multiple meetings, WSDOT eventually selected a revised alternative to expand the site of the Comm Hub so the CCTV camera pole could be maintained by bucket truck. This additional analysis to provide preferential options and design for the selected alternative, required additional design efforts by AECOM for which AECOM should be compensated.

AECOM had already provided a compliant design that had been agreed to amongst all parties. Rework was required to close WSDOT preferential comments in addition to exploration of various alternatives. The design team acted in good faith and began the redesign after being told the preferential comments would not be closed. AECOM should be compensated for this additional work. The AECOM design team has been impacted by this preferential request and additional work. Specifically the roadway, ITS, and landscape teams were impacted.

The AECOM roadway and ITS teams dedicated significant time to demonstrating the site constraints, exploring alternatives suggested by WSDOT that they later deemed unacceptable (foot access to pole for use of lowering device, Type B pullout), achieving comment resolution and providing additional submittals. Ultimately, the revision for the agreed upon design resulted in modeling efforts, plan updates, and additional time based on the need to place previously RFC'd design elements under gray to withhold them from being released for construction and then subsequently issue an additional submittal revision.

The revised grading configuration triggered rework for the AECOM landscape team. The roadside restoration team had to adjust limits of restoration planting, soil preparation, and irrigation drawings as a result including providing revised planting quantities to align with the new layout.

Below is a timeline of the evolution of the CCTV camera pole location and access.

- Appendix M1\_11\_ITS\_Plans of the RFP shows replacing the existing camera with a new camera on the existing pole (405vc02256).
- January 17, 2024 – Roadway Task Force meeting, design team notified WSDOT of insufficient space for Type 2 Maintenance Pullout as showed in the provided exhibit.

- January 24, 2024 - Topic discussed at Roadway Task Force and several ITS Task Force meetings with an agreement to replace the existing pole and provide access to the CCTV from Comm Hub Maintenance access road.
- February 2024 - RFP concept was shown on the Segment 1 preliminary plans.
- October 2024 - The Seg 1 ITS final plans submittal incorporated the removal of the existing camera and pole. A new camera and pole (405vc02253) were proposed near the new Bothell comm hub with the intent of using the hub access driveway for the maintenance access to the new CCTV.
- November 6, 2024 - An RCSR comment was received on the final CCTV views indicating a luminaire arm appeared to be blocking the view of the new ramp meter signal from the new CCTV location. AECOM agreed to gray the proposed camera in the Seg 1 ITS RFC plans and address the comment in a future NDC.
- December 17, 2024 - During a comm hub field visit, AECOM, Skanska, Liberty, WSDOT's NWR ITS engineer, and WSDOT maintenance staff discussed several different options for the proposed camera location. AECOM mentioned the location being limited to locations accessible by a bucket truck. WSDOT suggested using a camera lowering device (CLD) for locations not accessible from a bucket truck. It was decided to look at the options in more detail and discuss them further in an upcoming task force meeting.
- Skanska took drone photos of several proposed locations at various heights near the comm hub and AECOM developed camera view renderings. These were presented during task force meetings
- (1/9/25, 1/16/25, 1/23/25, 1/30/25) Several camera view photos and renderings were presented during ITS Task Force meetings. The discussion included AECOM, Skanska, WSDOT NWR ITS, and WSDOT maintenance. It was agreed by the group that the location nearest SB I-405 had the best views compared to the other options considered. It was noted that a CLD would be needed for CCTV maintenance at this location.
- February 2025 - AECOM updated the proposed CCTV location in good faith based on the task force meeting discussions and called out the installation of a CLD.
- Early March 2025 - This new location was submitted as part of NDC 057 final plans.
- March 19, 2025 - As part of the NDC 057 final review, WSDOT provided RCSR comments stating the CLD is not approved and that a maintenance pullout for the CCTV should be provided. These comments were discussed during ITS task force meetings (3/13/25, 3/20/25) where AECOM provided exhibits showing the constraints prohibiting a maintenance pullout along SB I-405. The comments were not resolved through the task force discussions. WSDOT approved graying out the CCTV location and submitting NDC 057 RFC to progress design.
- First week of April 2025 – AECOM roadway team presented exhibits demonstrating that neither Maintenance Pullout Type A nor Maintenance Pullout Type 2 could be accommodated within the ROW while maintaining the existing NE 160<sup>th</sup> bridge. Celso Hermogenes (WSDOT consultant) suggested Type B and directed to lay that out on the drawings. DB Team stated they would proceed at WSDOT direction but it did not meet the Technical Requirements.
- April 9, 2025 – At roadway Task Force, Celso Hermogenes (WSDOT consultant) confirmed that Type B did not meet requirements and suggested to analyze if Type A was feasible. Natalie Laughlin's (AECOM roadway design lead) notes state, "Will get official direction from Sonia to use a modified Type A"
- April 16, 2025 - Via email, Sonia (WSDOT's Consultant) provided layout for modified Type A pullout that was assumed to be agreed to by WSDOT 'maintenance and design team' and instructed that it would require a DBIC. The layout impacted the existing bridge abutment and introduced a retaining wall.
- April 21, 2025 - AECOM responded via email that if WSDOT has a preference for the non-compliant modified type A, then they would need to issue an owner-initiated change (OIC) and revise the Technical Requirements accordingly. AECOM noted that the modified Type A layout was not our preference due to the high-speed roadway.

- April 24, 2025 – Sonia Berriz (WSDOT's Consultant) reiterated that the lowering device isn't allowed by contract. Note: the WSDOT consultant did not provide the conflicting TR.
- June 2025 - WSDOT requests to see what a maintenance walking path to a lowering device would look like as an option for design they would accept.
- June 2025 – Roadway team develops grading design from access road to CCTV pole. AECOM (Jon Guerrero) presents it to WSDOT on 6/11/25.
- August 11, 2025 - AECOM started the grading design option for bucket truck access from the top as a design solution presented by Skanska in a later meeting.
- August 13, 2025 – Skanska (Michelle Peterson) sent email to WSDOT regarding no progress on a resolution listing out three options; bucket truck access from the top, lowering device, revert to the original plan in the conceptual plans developed by WSDOT with the camera on existing pole.
- August 14, 2025 – Sonia (WSDOT Consultant) replied by email that the issue was escalated to deputy director/director level and she would no longer be involved in resolution
- November 5, 2025 - WSDOT accepted concept to use bucket truck and additional grading at the Comm Hub.
- December 2025 – Roadway issued the RFC plans for the CCTV Camera grading that revised the com hub access road to incorporate the bucket from access to the CCTV camera pole.

Due to the indecision and change of direction from the WSDOT team, this design, and therefore construction, was at standstill from March 13, 2025 through November 5, 2025. This 8-month holding pattern caused delay for the design team's contractual design packages, and disruption for the team as these preferential analyses and discussions removed resources and focus from required activities. The design team worked diligently and collaboratively with WSDOT to resolve their preferential requests and should be compensated appropriately.



**d. An analysis of the progress schedule showing the schedule change or disruption if the Design-Builder is asserting a schedule change or disruption.**

AECOM has completed this work and submitted RFC in good faith. AECOM is currently developing a delay analysis that will determine the actual delay regarding this issue. Upon completion, AECOM will revise this request to reflect actual delay, corresponding cost and a request for a time extension. This design has been worked through concurrently with other contractual design plan sets and has caused delay to the contractual submittals. Actual delay is currently being evaluated and will be provided once full delay is assessed.

Note that the foregoing estimates are 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, and which are specifically excluded from the cost and schedule impact estimates. The above estimates should not be considered binding, and they may need to be revised as additional information is gathered. 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. Again, **please promptly provide this notice of protest to WSDOT per the Design Subcontract and Design-Build Contract by no later than January 23, 2026.**

Yours sincerely,

**AECOM Technical Services, Inc.**



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**cc:** Evan Grant (AECOM)