

January 23, 2026

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

WSDOT SL No. 9727-247

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

Subject: **RE: Skanska Serial Letter 311, New Wetland – Juanita Creek**

Mr. Prendergast:

WSDOT is in receipt of Skanska serial letter No.311 (Skanska SL-311), New wetland – Juanita Creek, dated January 6, 2026. Skanska SL-311 explains that Skanska incurred unforeseen administrative costs of \$14,311.00 due to providing WSDOT with information in support of necessary permit updates.

Since the permit updates involve impacts to a previously unidentified wetland located within the Impact Area Line, there is no Impact Area Line revisions and therefore no Necessary Basic Configuration Change in this case. Barring any Contract change, this is purely a matter of permit modification to address the wetland impacts.

RFP Section 2.8.5.2.2, Permit Compliance, Modifications, and Additional Approvals, includes the statement:

*“All costs, delays, or both that result from the discovery of a previously unknown sensitive resource (i.e., streams, wetlands, other protected waters, and archaeological resources) due to any Alternative Technical Concept (ATC), alternative construction method, or design change shall be the Design-Builder's responsibility, in accordance with Section 1-04 of the General Provisions.”*

WSDOT recognizes that the permit modification in question involves neither an ATC nor an alternative construction method and, based upon Skanska SL-175, cannot be attributed to a design change. That said, Skanska's SL-175 included information that the newly discovered wetland was within the Project's grading path and was found while reviewing the proposed outfall location for the Juanita Creek over winter bypass. It is also apparent the Project's Conceptual Design for the realigned stream channel would have impacted the newly discovered wetland.

RFP Section 2.8.5.4.5, Additional Impacts, states the following (emphasis added):

*“If known or previously unidentified Sensitive Areas are present and would be impacted by the proposed change, or **if previously unidentified Sensitive Areas are present that would be impacted by the Conceptual Plans**, the Design-Builder shall provide the WSDOT Engineer with all information necessary to obtain a permit modification.”*

Skanska is therefore required to provide information in support of a permit modification. The cost incurred by Skanska in providing this support is included in the Contract Price. General Provision 1-04.1(1), Work Included in the Contract, Items (b) and (d), state:

*“The Design-Builder acknowledges and agrees that, subject only to the Design-Builder’s rights under Section 1-04.4 and its rights to receive Change Orders as expressly provided herein, the Contract Price includes*

*...*

*(b) performance of each and every portion of the Work;*

*...*

*(d) all costs of compliance with and maintenance of the Governmental Approvals and compliance with Governmental Rules, except for the work to be undertaken by WSDOT or others as described in the Contract*

*...”*

WSDOT recognizes that Skanska incurred administrative costs in supporting the necessary permit modification but does note that such cost is included in the Contract Price.

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

Sincerely,



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

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