

February 13, 2026

Dan Galvin
Chair Dispute Review Board



WSDOT SL No. 9727-xxx

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

Subject: **Dispute Referral – Protest 001: Existing Vault NW12**

Dear Mr. Galvin:

In accordance with General Provisions Section 1-04.5(1).1.8 Standard Procedure for Consideration of Disputes WSDOT hereby refers to the Dispute Review Board for hearing and recommendation, the dispute defined as Protest 001: Existing Vault NW12.

This dispute is further defined as the existing stormwater Vault NW12 located in the I-405 median near the Canyon Park Park & Ride (MP 26.35–26.70). The Design-Builder identified differences between Reference Document Appendix N1 as-built drawings and observed conditions. The Design-Builder seeks additional compensation and time for cleaning, investigation, and load rating analysis. WSDOT has issued an Interpretive Engineering Decision and a determination of no merit for design and construction impacts, while offering limited compensation for deferred maintenance. The scope of the recommendation requested is whether the Design-Builder is entitled to a change order, in accordance with the Contract Documents.



DOT is not seeking a recommendation on cost or time.

1. Should the Design-Builder rely on the Reference Document Appendix N1 to construct the Work?
2. Is the Design-Builder responsible for all Work related to Vault NW12?

WSDOT requests that the Board Chair confer with the parties to establish a briefing schedule for pre-hearing submittal/rebuttals, and a date, time, and location for convening the Board hearing. WSDOT will arrange hearing facilities per Section 1-04.5(1).1.8.

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

Sincerely,

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

cc: D. Irwin, M. Morishige, P. Prendergast, D. Case, D. Holmquist, E-File