

SKANSKA

February 26, 2026

Letter No. 359
BY-CRE- 04780

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 Protest 016 – Issue SKA-0308 – DSC 007 Bridge No. 405/70N-W Deck Thickness

Dear Ms. Pao:

Skanska has received the following WSDOT written determination per WSDOT SL No. 9727-264 dated February 12, 2026:

"WSDOT investigated the reported conditions and reviewed the applicable Contract Documents. Based on this investigation and review, WSDOT has determined that a Differing Site Condition does not exist. No adjustment will be made to the Contract Price or Contract Time."

Skanska believes WSDOT's interpretation is incorrect. Skanska respectfully disagrees with WSDOT's interpretation of Section 1-04.7, Differing Site Conditions, and the applicability of RFP Section 2.13.1 and Sections 1-01.3 and 1-02.2 as grounds to deny the existence of a Differing Site Condition.

This signed written Notice of Protest of the Engineer's Written Determination is provided in accordance with General Provisions section 1-04.5. Pursuant to Section 1-04.5, Item 2, Skanska requests a 14 Calendar Day extension to the supplemental written statement deadline. Skanska will supplement the written protest within 28 Calendar Days of this notice, on or before March 26, 2026, in accordance with General Provisions 1-04.5.

If you have any questions or concerns, please feel free to contact me.

Regards,



Patrick Prendergast, Vice President

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

Attachments:

Penhall Company Response to WSDOT SL No. 9727-264, dated February 23, 2026



(800) 661-1340
info@penhall.com
www.penhall.com
1212 Corporate Dr. Suite 500
Irving, TX 75038

February, 23, 2026

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

ATTN: **Zachary Lucarelli**
Reference: **Contract No. 9727**
I-405, Brickyard to SR 527 Improvement Project
Subject: RE: WSDOT SL No. 9727-264
1-04.7 Potential Differing Site Condition Bridge No. 405/70N-W
(Northbound I-405 to Westbound SR 522)

Mr. Lucarelli:

Penhall Company, through Skanska USA Civil West California District Inc., respectfully disagrees with WSDOT's February 12, 2026 Written Determination that no Differing Site Condition exists.

The materially increased bridge deck thickness qualifies as a Differing Site Condition under Section 1-04.7 for the following reasons:

- **Material Deviation:** The actual deck thickness materially exceeds the dimensions indicated in the as-built documentation included in Appendix N.
- **Latent Physical Condition:** Deck thickness is not observable and cannot be verified without destructive testing.
- **Not Reasonably Discoverable:** Accurate verification would have required coring and lane closures on an active interstate structure—activities not reasonably feasible during procurement.
- **Field Verification Clause:** Section 2.13.1 does not eliminate Section 1-04.7 protections. "Field measure and verify" cannot reasonably be interpreted to require invasive structural investigation prior to award.
- **Reference Document Disclaimer:** A general disclaimer does not shift the risk of materially inaccurate owner-furnished structural dimensions or nullify the Differing Site Condition clause.

The condition differs materially from Contract indications and was not reasonably discoverable through customary pre-bid investigation methods. Accordingly, it is compensable under Section 1-04.7.

If a supplemental written statement is required, Penhall requests an extension from 14 days to 28 days for submittal.

Pursuant to the Prime Contract and applicable flow-down provisions, Penhall reserves all rights and nothing herein shall be construed as a waiver of any such rights.

Sincerely,

A handwritten signature in black ink that reads "Andrew Park". The signature is fluid and cursive.

Andrew Park
Project Engineer