



OFFICE: 262.542.9000  
WEBSITE: [www.vjscs.com](http://www.vjscs.com)

BUILDING WITH PURPOSE

HEADQUARTERS:  
W233 N2847 Roundy Circle West  
Pewaukee, WI 53072

MILWAUKEE OFFICE:  
411 East Wisconsin Avenue, Ste. 320,  
Milwaukee, WI 53202

May 20, 2025

VIA CERTIFIED MAIL AND E-MAIL ([mdejewski@westalliswi.gov](mailto:mdejewski@westalliswi.gov);  
[jonw@kuenyarch.com](mailto:jonw@kuenyarch.com); [johns@kuenyarch.com](mailto:johns@kuenyarch.com))

Melinda K. Dejewski, PE  
City of West Allis  
7525 W. Greenfield Avenue  
West Allis, WI 53214

Jon Wallenkamp  
John Schmidbauer  
Kueny Architects, LLC  
10505 Corporate Drive, Suite 100  
Pleasant Prairie, WI 53158

RE: West Allis Department of Public Works Facility

Dear Melinda, Jon, and John:

VJS Construction Services, Inc. ("VJS") is in receipt of the letter from Kueny Architects, LLC ("Kueny") dated April 25, 2025, which responds to VJS's February 4, 2025 Notice of Concealed or Unknown Conditions ("Notice"), as well as the City of West Allis' e-mail of May 9, 2025, in which it asked VJS to respond to the City's position that the presence of organic soils was noted in a NR716 Site Investigation Report dated June 13, 2019 from Braun Intertec (the "NR716 Report"). The NR716 Report was not included in the Invitation to Bid but was included in Addendum 3 in response to a question from a bidder about radon.

Kueny's response constitutes a rejection of VJS's Notice, and it appears that the City of West Allis believes that VJS and its subcontractor, CNC Foundations, Inc. ("CNC"), should have known there were organic soils based on the NR716 Report. Therefore, please accept this letter as a Notice of Claim pursuant to Section 15.1.3.1 of the A201-2017 General Conditions. Kueny is designated as the Initial Decision Maker in the parties' contract. VJS asks Kueny as the Initial Decision Maker to determine that the soils constitute a changed condition, entitling VJS to recover its costs identified in COR-57 and to additional time to perform as shown in the Construction Schedule updated on May 14, 2025.

Enclosed herewith are the following documents, which we believe are necessary for Kueny to make its decision:

- 1) GeoTest preliminary geotechnical evaluation dated June 6, 2023
- 2) February 4, 2025 Notice of Concealed or Unknown Conditions
- 3) GeoTest letter dated February 6, 2025



- 4) CNC Foundations, Inc. letter dated March 20, 2025
- 5) Wiss, Janney, Elstner Associates (WJE) letter dated March 26, 2025
- 6) GeoTest letter dated March 27, 2025
- 7) Wiss, Janney, Elstner Associates (WJE) letter dated April 10, 2025
- 8) Kueny Architects, L.L.C letter dated April 25, 2025
- 9) GeoTest letter dated April 25, 2025
- 10) CNC Foundations, Inc. letter dated May 13, 2025 re: WJE letter dated April 10, 2025
- 11) CNC Foundations, Inc. letter dated May 13, 2025 re: Response to NR716 Site Investigation Report
- 12) CNC Foundations, Inc. letter dated May 13, 2025 re: Change in Site Conditions
- 13) COR-57
- 14) Construction Schedule updated May 14, 2025
- 15) Construction Schedule Dated October 29, 2024

Please note that per Section 15.2.1 of the A201-2017, a response from Kueny is due within 30 days.

SINCERELY,

A handwritten signature in black ink, appearing to read "L Nelson", written over a horizontal line.

Luke Nelson  
Senior Project Manager  
VJS Construction Services, Inc.