

Request for Inquiry

December 18, 2007

To: Dona Ana County Commissioners  
From: Talavera Community Association (TCA)  
Subject: Request for Action Regarding Discrepancies in the Tellbrook / Fillmore Flood Study Contract

Request for Proposal (RFP) #04-0069 was for the "Flood studies for the Tellbrook and Fillmore Arroyos, Dona Ana County". In the History and Background portion of the RFP, the third paragraph states, "The flood study for the Fillmore Arroyo reaches is estimated to extend upstream approximately eight miles and shall include all major reaches and major contributing water sheds". In the Notice of Request for Proposals, Item 13, "The awarded proposer shall guarantee for the minimum period of one year that all work completed under these specifications shall be free from defects."

A contract was awarded to URS Corporation for the sum of \$174,945.10 on June 30, 2004, and a Change Order adding \$1,446.23 increasing the total award / contract amount to \$176,391.33. Contract Number 05-024 was funded with Dona Ana County Purchase order #500064 from federal grant funds received by the Flood Commission from the Federal Emergency Management Agency (FEMA).

The Dona Ana County Flood Commission has been very open to providing the Tellbrook / Fillmore flood study documents for review by TCA members. Most questions have been answered promptly. The TCA review of the contract and associated deliverables has indicated the need to request an Inquiry by the Dona Ana County Attorney's office. The Inquiry is requested because:

1. The Contract appears to have not been completed although fully funded. The Fillmore Arroyo has 6 major tributaries (see Attachment A). Only three were studied (see Attachment B). Two of the three tributaries that were not studied travel through a very populated area and contribute a large volume of flow off of the Organ Mountains to the Fillmore dam.
2. No Change Orders or Amendments were found that would reduce the scope of work of the contract
3. The Statement of Work and costing provided by URS to Dona Ana county Flood Commission on 24 May 2004 stated that URS would provide a detailed survey and study of the Tellbrook and Fillmore Arroyo. Review of the completed data, which was supplied to FEMA and Dona Ana Flood Commission, found some extreme omissions as to what was stated would be supplied and what was supplied. Those omissions were:
  - A. On Attachment B flow of the water down Tributary #3 does not depict that it follows its natural channel but stops and flows laterally then floods another channel.

- B. Not all contributing watersheds were evaluated as to the volume flowing into the Fillmore Dam.
- C. Fillmore Tributaries #2, #5 and #6 were not studied, thus flawing the flood study.

Some of these flow through populated areas.

A recent third party, Bohannon-Huston, review of one of the studies conducted by URS for the City of Las Cruces has determined that the URS work was both incomplete and inaccurate with the council voting to fund additional review studies.

The Talavera Community Association now requests the Dona Ana County Attorney provide / conduct an Inquiry regarding the above delineated contractual failures together with: direction to and support for the Dona Ana County Flood Commission to default URS; demand for completion and review of the Fillmore / Tellbrook Arroyos study preferably by a third party other than URS; and demand for the Fillmore / Tellbrook study be removed as a 'Study' from the current FEMA mapping processes until this study is completed and cured.

Your attention and action on this matter will be greatly appreciated Point of Contact (POC) is Mr. Mike Park, 521-4368.

Best Regards,

Mike Park, Chairman, TCA Flood Study Review Committee

Copy to: Mr. Paul Dugie, Director, Dona Ana Flood Commission  
Ms. Karen Perez, Chair, Dona Ana County Commissioners