

Erosion and Drainage Projects

As you are likely aware our HOA Board consists of five annually elected members who volunteer their time and efforts for our community. (The annual term limits vs. Board staggered term limits was recently adjusted to confirm to our original 'Incorporation' Articles.)

The Board is obligated to work in a fiduciary capacity for the benefit of the entire HOA membership. It strives to maintain our common areas and community standards.

We have a new Board where all members are working toward much fuller transparency and sharing of information while moving forward in a productive, positive, and cost-effective manner. This communication, focused on erosion and drainage and Board action, is being provided with those objectives in mind.

Brief history of Erosion and Drainage:

Over the last 20+ years the Board has been monitoring erosion and drainage issues of our HOA property by taking actions to add erosion and drainage improvements to those problematic areas, as needed, by priority and financially prudent allocations.

Approximately three (3) years ago (and prior to working with engineering consultant / ETC) all location based new improvements as well as any discussion of starting maintenance on existing drainage areas were put on hold.

Although the Board had conducted a HOA wide and specific site walk through on July 3, 2019, with our erosion and drainage contractor, the Board reversed location and priority-based plans and voted to instead take on a totally new, start from scratch, HOA wide approach.

To that end, the Board initially directed management to invite at least three professional vendors to reevaluate our entire property. That effort was never successfully completed by our management company.

Subsequently, the Board in still pursuing a totally new and HOA wide project approach vs. addressing needed maintenance and new project areas, voted in 2020 to hire an engineering consultant (ETC) to the tune of \$14K (final billing \$17K) to review our entire property and produce their own recommendations. The result was a very detailed and specific report which resulted in a directed and mandatory engineering focused requirements RFP for a completely new undertaking. The Board also requested that ETC provide us with a minimum of three (3) bids to the RFP.

Unfortunately, the Board never gave our consultant any budgetary guidelines. Once the ETC report was received and when asked to estimate what a totally new,

comprehensive one-time approach would cost, it was given a rough estimate \$300,000+.

Moving into the RFP process, ETC invited and conducted a pre bidders conference and walking review of all areas addressed in the RFP. Unfortunately, only two of the five companies attending would submit proposals to our highly detailed, technical and fixed specifications RFP.

As a result, ETC only provided the Board with two bids, with financially draining cost proposals of approximately \$750,000 and \$1.1 million dollars (before significant add-ons) and was never able to procure a third bidder. We paid ETC almost \$17K for this service.

Board members never entered discussions with bidders nor made a motion or voted to accept any bid. A multi-thousand special assessment against homeowners, was briefly discussed and rejected. Instead, adjustments and justifications were made impacting our professionally prepared reserve study. Multi-year phases were proposed to spread out reserve draining expenses and in attempt to justify bids. Ultimately, the Board took no action but continued to ask ETC for a third proposal.

Board and homeowner frustrations mounted, and in September 2021 all positions on the board were elected and Board officer positions changed.

Present Board:

Hearing from concerned homeowners and Board members about the lack of progress, in December 2021, and in an effort of due diligence and on behalf of the board, the HOA Board President reached out via email to ETC POC Cassie Park, to once again formally request 2022 pricing updates for the two bids already received and expressed the Board's continued desire to obtain a third bid.

ETC / Cassie notified the Board that we would receive the updates to the two bids and possibly the third bid by the end of January 2022.

The Board never received those updates nor a third bid.

Frustrated, as many of us were, and in an effort to make progress and seek resolution to this long-standing problem, the Board President then personally called the two bidders. He was informed they never were contacted by ETC for any pricing updates and so requested their pricing updates. The \$1.1 million dollar bidder stood firm with time limitations and the \$750K bidder gave a 5.5% and 8% increase with time limitations.

Additionally, and aware of past performance and lack of bidders to our RFP and working toward a resolution and progress, the Board President sought out additional bidders to the RFP and options of independent evaluations and proposals for our community.

In a December 17, 2021 email to the Board from the HOA President provided notification (quotes below):

“...It is the responsibility of the LPAS HOA Board to evaluate all options that are available and use due diligence to address our erosion and drainage concerns in a fiscally responsible manner....”

On that issue, as HOA President I intend to reach out to local and well-established erosion and drainage companies for available options to serve our community in a fiscally responsible manner....”

To that end, acting on behalf of the Board in seeking professional and independent proposals for all of our erosion and drainage areas, The HOA President contacted numerous, highly rated, and qualified erosion and drainage companies. All five contacted were established companies and stated they were willing to independently and professionally evaluate and bid on LPAS erosion and drainage projects. The HOA President met on site with all but one vendor (the original 1-million-dollar bidder) and conducted walking tours of all the major areas that have been under discussion.

March 28, 2022 Board Meeting:

The new and (2) original price revised proposals and bids were provided to Board members prior to the Board meeting and discussed in depth during our Executive session.

The motion was made and passed notifying the community in open session to “...enter into negotiations with LCS and have a special meeting to discuss specifics of their proposal.”

*NOTE: the Board reserved the right to accept, reject or modify any parts of the proposal. The Board remains aware that several areas need further discussion.

Therefore, over the next two weeks the Board wishes to hear from **ANY/ALL** interested homeowners via email of those specific considerations where further alternatives should be considered.

The Board is aware of the many years of concerns and will take all such comments under consideration and present progress reports over the next several months.

FAQ:

Q – Who was sent our RFP and who and how many vendors attended the pre-bidders conference and walk about?

A -- For \$17K, and during the RFP process many details were not shared with the Board.

Q – How did you obtain so many erosion and drainage companies willing to submit proposals for LPAS drainage and erosion improvements?

A -- For finding potential bidders for LPAS erosion projects the Board President searched for highly rated erosion and drainage companies, as well as using recommendations from other property managers. All those contacted expressed an interest in viewing, evaluating and potentially working for our HOA.

Q – Instead of using the ETC RPF how did you obtain independent evaluations?

A – The HOA President personally toured our property many times over the last several two months weeks with these vendors. The HOA President used the already known problem areas marked and numbered on a site map and reconfirmed from our ETC study.

Q – Does any one vendor present a commonly accepted solution to every specific area.

A -- It goes without saying that the vendors and their submitted proposals may not all fit our needs 100% by every specific location. Therefore, the Board wants to hear from perspectives from homeowners on specific areas on this important topic.

Accepting that after two years working with what appears to be a flawed approach, and rather than starting back at square one, we should be able to start by selecting at least one vendor to finally begin maintenance on existing areas and expand and tackle new, higher priority areas.

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