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**INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
MEXICAN SECTION**

(Seal
Secretariat of
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DISCREET

Ciudad Juárez, Chih., July 28, 2005

BERNARDINO OLAGUE
PRINCIPAL ENGINEER
INTERNATIONAL BOUNDARY AND WATER COMMISSION
THE COMMONS BUILDING C-100
4171 NORTH MESA
EL PASO, TEXAS 79902-1422

I refer to the United States Section bulletin dated July 27, 2005, relative to the implementation of the Wastewater Treatment Project in Tijuana, B.C., within Commission Minute 311.

In regards to this matter, I permit myself to present to you the Mexican Section concerns in relation to the points made known to the public in the referenced bulletin.

- In the first place, the Key Milestones mentioned correspond to the United States Section, not to the Commission. The publication of the SEIS, as well as the start of negotiations with the BAJAGUA Company, are matters that the United States Section has undertaken unilaterally. We understand the first because of your country's legislative requirements, and the second one at your own determination. With respect to that, through letter NO. CEU 00919/05 dated July 7, 2005, we have requested that no document be formalized implicating work in Mexico without the express consent of the Mexican Section.
- Secondly, it points out that the **preferred alternative** is alternative 4c, BAJAGUA proposal, and that the site and treatment facilities will be the ones proposed by BAJAGUA. Mexico has always pointed out the necessity that the proposal presented by the United States for its consideration needs to have adequate flexibility for adapting to the necessities of the city of Tijuana (letters CEU 00254/05 and CEU 00919/05 dated February 23 and July 7 of 2005, respectively, and the meetings of February 1 and April 12 of 2005). In that sense, it is of concern that aspects that may not be possible in practice are announced publicly.
- Also, it is a concern that a plan for contracting and administration that the United States Section has not formally presented within the Commission is announced publicly. The

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August 5, 2005
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File: SWQ 11 Tijuana Sanitation Project

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plan includes two phases, first the contracting through sole-source negotiations with BAJAGUA as owner of the facilities and services, and subsequent contracting by BAJAGUA through public solicitation for engineering, construction, and O&M. This plan was outlined in a general manner in the Commission meeting with its technical advisors on April 12, 2005 where the Mexican delegation requested a formal presentation in order to be able to comment on it, which has not happened to this date, nevertheless, it has already been made public.

Finally, I propose that we hold a meeting on August 5 regarding the referenced project in order to consolidate a joint plan regarding this matter that will allow insuring the success of the same.

I take this opportunity to reiterate to you the assurances of my most distinguished consideration.

SINCERELY,
(Signed)
ENG. LUIS ANTONIO RASCÓN MENDOZA
PRINCIPAL ENGINEER