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WESTERN DISTRICT OF VIRGINIA

BEFORE THE SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND THE INTERNET

HEARING ON:

"GSA's Failure to Meet the Needs of the Judiciary: A Case Study of Bureaucratic Negligence and Waste"

June 19, 2014

Good morning, Chairman Coble, Chairman Goodlatte, Ranking Members Nadler and Conyers, and esteemed Members of the Subcommittee. My name is Jennifer Smith and I am the Architect and Project Manager for the United States District Court for the Western District of Virginia. Thank you for inviting me and giving me the opportunity to present testimony before this subcommittee today concerning the impacts of the ARRA Modernization Project at the Richard H. Poff Federal Building.

Since March of 2011, my primary job responsibility has been representing the Court in daily interactions with the GSA Management Team and General Contractor responsible for construction activities at the Poff Building. My position was funded by the Courts specifically to provide assistance in Roanoke during the ARRA project. In consideration of the problems encountered by the Courts during this project, and in anticipation of imminent future projects at the Poff Building, I offer the following observations and recommendations:

Improve Planning and Design Efforts
Below are some of the problems that I observed which, in my professional opinion, should have been addressed during Planning and Design:

- **Failure of West Brick Façade and Deterioration of Parking Garage** – Although GSA had knowledge of these major structural problems, the planning team selected lower priority items for inclusion in the project such as replacement of bathroom fixtures and finishes. A comprehensive needs assessment of the building should have put these items at the top of the list, considering the severity of the deterioration evidenced by the emergency closure of the building for one week in November of 2012 to allow safe removal of the failing brick façade. These repairs are currently under consideration for funding in 2015.

- **Imminent Retaining Wall Project Will Demolish Recently Completed Work** -- Although a study and preliminary designs for new retaining walls, security bollards, and secure gates and fencing was underway prior to the beginning of the ARRA project, this scope was not included in the project. Work on the retaining walls will require demolition of new paving, landscaping, and irrigation systems installed in the last few months.

- **Unsafe Electrical Conditions** – An existing conditions survey by the Architectural/Engineering Team should have identified the dangerous conditions discovered by electrical subcontractors during construction. A separate contract was created while the ARRA project construction was underway to address the concerns. Work is still underway.

- **Excessive Noise** – Plans called for new steel anchors to be attached to the concrete frame of the building in hundreds of locations. This work activity lasted for months. The hammer-drill required for this job created noise levels which made normal conversation impossible in office and Chambers areas, and frequently disrupted court. This work should have been planned for night shift only.

- **Uninformed Design Decisions –** Because the Courts were not adequately involved in planning and design decision making, several problems arose. A few examples of these are listed below:

    - Motion Sensor lights were installed in secure corridors, rendering the USMS security cameras ineffective.
    - A bullet-resistant door was slated for replacement by a standard glass door at the Judge's Entry Corridor.
    - Pendant lights specified for one Courtroom dropped below eye level for the Judge when he stood at the bench, and low enough to obstruct audio visual system cameras.

- **Phasing Plan Errors** – Phasing Plans drawn by the Architect contained several errors, including the planned demolition of all public restrooms at the same time, no provision for contractor access to phased construction areas, and no provision for work in secure vaults, storage rooms, and Judicial Chambers.

- **Elevator Replacement Not Included** – Elevators malfunction frequently, stranding staff and the public until repairmen arrive. A comprehensive needs assessment would have identified elevator replacement as a priority for the renovation.

- **Demolition of Recently Renovated Space** – Plans called for protection or removal and re-installation of existing finishes along curtain walls. In reality, the extent of work made this strategy impossible and new finishes were required. In some cases, these new spaces had been occupied for less than a year prior to demolition.

Improve Project Management

The following problems interfered with GSA's ability to prevent or respond to frequent emergencies and disruptions experienced by the Court:

- **Lack of Consistent Staffing** – GSA changed the project manager 3 times during the 3 year project.

- **Lack of Onsite Presence** – GSA's Philadelphia based project management team was onsite once a month, except during the middle of the project when travel funding was frozen and they were unable to visit the site at all. Frequently the Courts brought problems and concerns to GSA of which they were completely unaware. The construction management contractor for GSA was frequently slow to respond and unknowledgeable about the daily construction schedule. The GSA field office representative to the project was terminated and no replacement was made.

- **Standard Project Management Processes Not in Place** – Industry standard processes established by the Project Management Body of Knowledge were not put into practice. Of these processes, the lack of a risk management plan most affected the Courts. A risk management plan would have compiled a list of potential risks for each work activity, modified the activities to reduce risks, and planned responses in case the risks occurred.

Improve Contractor Oversight

Failure to manage contractor work and behavior created the following problems for the Courts:

- **Violations of Life Safety Code** – Numerous code violations brought to GSA's attention by the Courts included blocked fire exits and stairs, construction of fencing which obstructed egress from the building, use of highly flammable protection board in fire exit corridors, disabling of smoke detectors by workers, and removal of fire-proofing of structural steel without immediate replacement. Additionally, temporary construction doors leading to open air work areas where windows had been removed were frequently found unlocked and readily accessible to the public. These areas had no barriers to prevent falls from several stories.

- **Frequent Floods –** On multiple occasions, flooding caused by sub-contractor errors caused significant damage to occupied Court Office space and required replacement of walls, carpet and ceilings.

- **Dangerous Work Conditions –** Contractor work posed serious risk to building occupants on several occasions. A large sheet of glass was dropped from several stories up to an area adjacent the main entry, narrowly missing a Court staff person. Crane operations were allowed with open hoppers of demolition debris over staff walkways. Loose floor protection, screws, and other debris created hazards on a daily basis.

- **Security Breaches –** Inadequate planning left sub-contractors without access to work areas blocked by occupied secure space. On several occasions, the workers were discovered to have spied on staff to obtain security codes. It was common to find secure doors propped open by workers for access.

- **Unexpected Loss of Power –** Loss of lighting and power was routinely caused by sub-contractors flipping off breakers without notification to the Courts. The most damaging incident involved an emergency circuit supplying the server room. This power loss destroyed 2 servers, shut down phone and internet services for the public, and caused IT staff to work hours of overtime to restore systems.

- **Disruption of Court Proceedings –** Despite repeated requests by the Court to schedule noisy work around court proceedings, GSA was unable to prevent sub-contractors from performing this work as they found convenient for their own schedules.

- **Noxious Fumes –** Although the specifications required the Contractor to maintain negative air pressure in construction areas to prevent dust and odors from migrating to occupied areas, GSA was unable to enforce this. Odors from solvents and glues caused staff to relocate or telecommute on several occasions.

- **Frequent Fire Alarms –** Construction activities such as soldering and sawing were conducted without temporary disabling of smoke detectors. The dust and smoke set off fire alarms frequently. Court Proceedings and staff work were disrupted as the building was evacuated in each instance.

Conclusion

It is my hope that the projects planned for the Poff Building in the near future will benefit from a close analysis by GSA of the problems I've outlined in this testimony. To more fully detail the extent and nature of the day to day impacts this project had on the Courts, I have appended my chronological incident report covering all three years of construction. Thank you, Mr. Chairman, Ranking Members Nadler and Conyers, and Members for your time today. I will be pleased to answer any questions you may have for me about the impact to the court staff.