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GOVERNMENT

Storage

TO PROVIDE ADDITIONAL AUTHORIZATION FOR THE
LIBRARY OF CONGRESS JAMES MADISON MEMORIAL
BUILDING

CUMENTS

(95-52)

JUL 25 1978

FARRELL LIBRARY
KANSAS STATE UNIVERSITY

HEARING
BEFORE THE
SUBCOMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS
OF THE
COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

APRIL 26, 1978

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Committee on Public Works and Transportation



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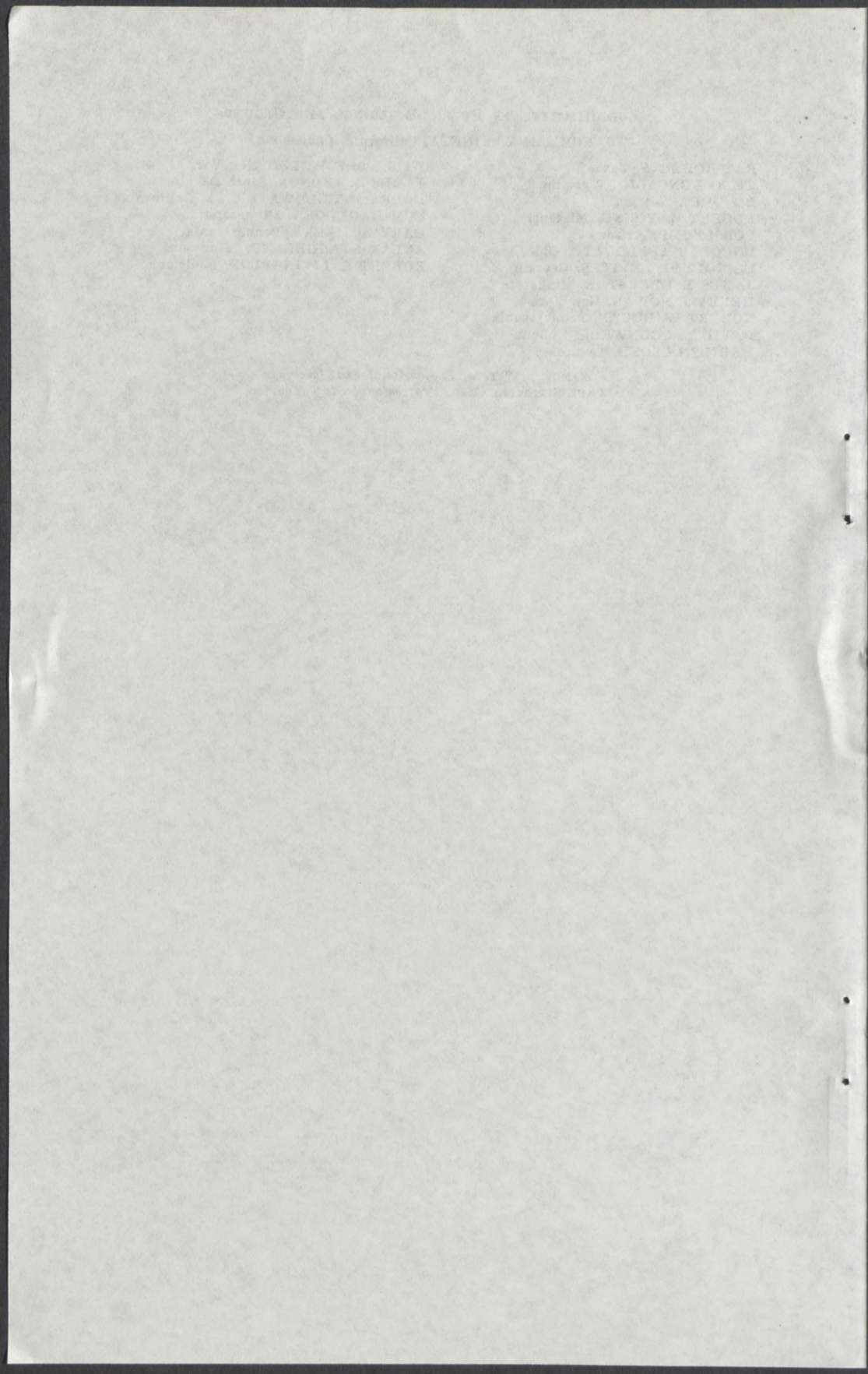
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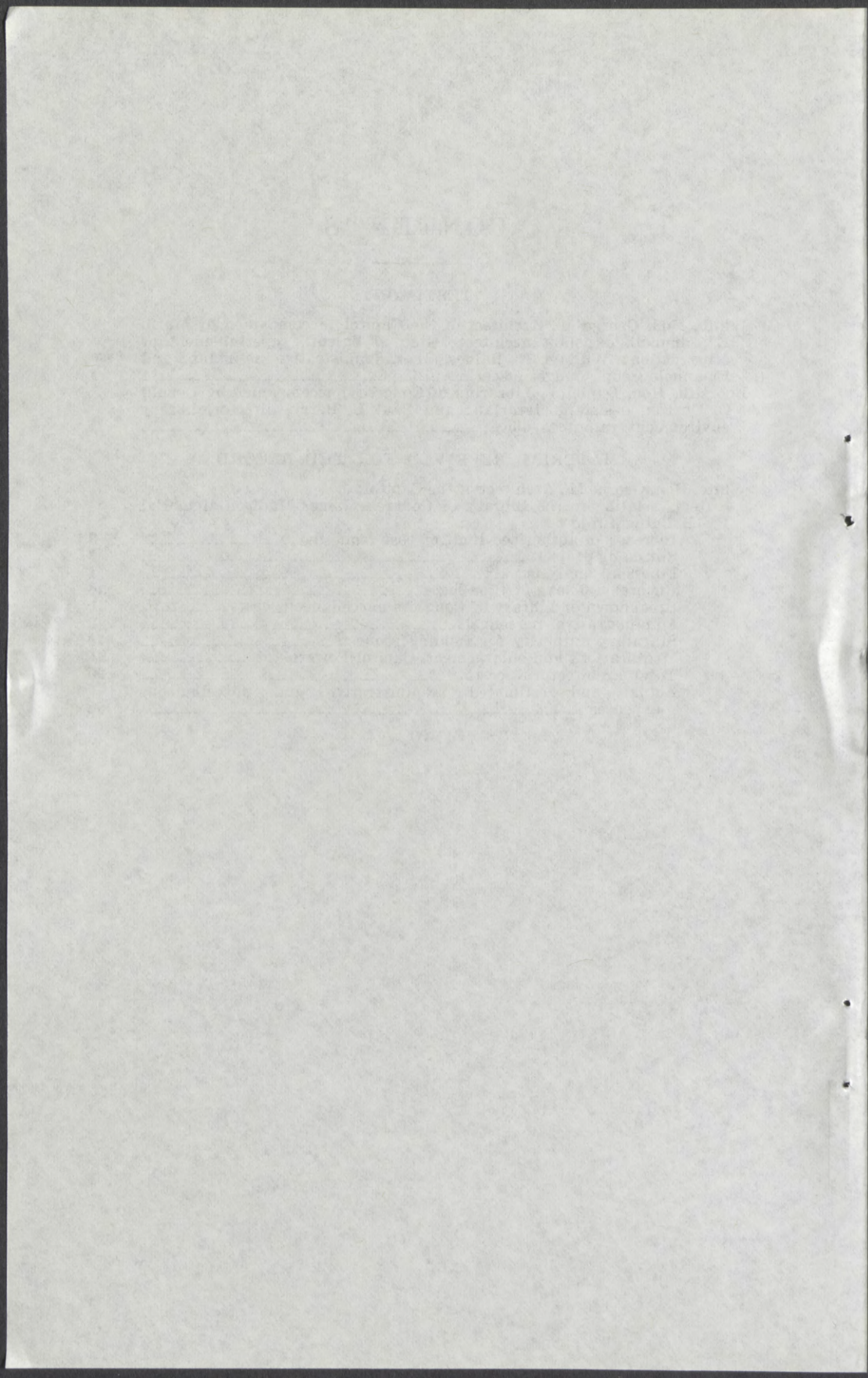
CONTENTS

TESTIMONY

White, Hon. George M., Architect of the Capitol; accompanied by Mario E. Campioli, assistant architect; Gino S. Valenti, superintendent of construction; William F. Raines, Jr., administrative assistant; and Emanuele Crupi, budget officer-----	Page 1
Boorstin, Hon. Daniel J., Librarian of Congress; accompanied by Donald C. Curran, assistant librarian; and Paul L. Berry, director, library environment resources office-----	1

MATERIAL RECEIVED FOR THE RECORD

White, Hon. George M., Architect of the Capitol:	
Items relating to the Library of Congress James Madison Memorial Building Project:	
Increase in authorized limit of cost requested-----	3
Status of project-----	3
Financial analysis-----	4
Report on delays or time lags-----	14
Breakdown of Library of Congress miscellaneous costs-----	31
Administrative personnel-----	42
Statutory authority for funding requests-----	76
Modifications and enlargement, Capitol Powerplant-----	81
Total architectural cost-----	95
Actual and estimated administrative and miscellaneous expenses -----	98



TO PROVIDE ADDITIONAL AUTHORIZATION FOR THE LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

WEDNESDAY, APRIL 26, 1978

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS
OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, D.C.

The subcommittee met at 9:40 a.m., in room 2167 Rayburn House Office Building, Hon. Norman Y. Mineta (chairman of the subcommittee) presiding.

Mr. MINETA. The Subcommittee on Public Buildings and Grounds will please come to order.

The item on the agenda is the Library of Congress James Madison Memorial Building.

We are pleased to have with us this morning the Architect of the Capitol, George M. White, accompanied, as I understand, by Mario E. Campioli.

Mr. Walsh, do you have any comments at this time?

Mr. WALSH. No.

Mr. MINETA. Please proceed, Mr. White.

TESTIMONY OF HON. GEORGE M. WHITE, ARCHITECT OF THE CAPITOL; ACCOMPANIED BY MARIO E. CAMPIOLI, ASSISTANT ARCHITECT; GINO S. VALENTI, SUPERINTENDENT OF CONSTRUCTION; WILLIAM F. RAINES, JR., ADMINISTRATIVE ASSISTANT; AND EMANUELE CRUPI, BUDGET OFFICER. DR. DANIEL J. BOORSTIN, LIBRARIAN OF CONGRESS; ACCOMPANIED BY DONALD C. CURRAN, ASSISTANT LIBRARIAN OF CONGRESS, AND PAUL L. BERRY, DIRECTOR, LIBRARY ENVIRONMENT RESOURCES OFFICE

Mr. WHITE. I might add that I have accompanying me, not only Mr. Campioli, but other members of my staff who are available to answer questions.

They can adequately respond to any of the concerns that the committee might have. It became apparent, several months ago, that we would be unable to complete the project, in accordance with its program, without some additional funds.

And as you know, I am, as the contracting officer, unable to authorize any changes or any possible expenditure of funds which might exceed the authority in the law.

And, therefore, it is necessary for us to present the problem to your committee, in order to direct us how to proceed.

The cost increases have arisen, as you can see from the justification, which I believe has been submitted—page 3—from various items.

The basic needs have arisen as a result of some changes by the Library of Congress. In order to conform to the needs of the Congress—I understand the Librarian is here with some of his staff, in order to respond to the committee with regard to Library needs.

We, of course, are responding to them as well, in an effort to adjust the building, in accordance with those needs.

Other changes have occurred as the result of job conditions that were unforeseeable, a circumstance which is not unusual in a project of this magnitude. Some other changes have been required as a result of what we consider to be certain inadequacies in the drawings and specifications that were furnished by our associate architects.

We have a certain number of change orders, for which supplements have been issued.

And, therefore, we have a firm dollar amount associated with them. We have others which we estimate will take place between now and the end of the project. We have tried to be conservative in that estimate, so that we will cover ourselves as well as we can for future possibilities.

However, as we are all aware, none of us knows what the future holds. And, therefore, we thought it was appropriate to have a contingency amount in this request, which is why we rounded it out, frankly, Mr. Chairman, to \$10 million, and set the contingency at the proper number to arrive at that amount.

The moneys, of course, in that contingency account, would not be expended unless the necessity arose, and if not expended, of course they would be returned to the Treasury.

We thought it would be appropriate, since we are now coming toward the end of the project and can see our way more clearly, that we would minimize that contingency amount.

And with that, Mr. Chairman, I would be happy to answer any questions that you may have.

[The following was received for the record:]

April 26, 1978

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT

Increase in authorized limit of cost requested..... \$ 10,000,000

This project was authorized by Public Law 89-260, approved October 19, 1965, at a limit of cost of \$75,000,000. The limit of cost was increased to \$90,000,000 by Public Law 91-214, approved March 16, 1970, and to \$123,000,000 by Public Law 94-219, approved February 27, 1976. The full amount authorized has been appropriated. Obligations incurred to March 1, 1978, totaled \$117,462,000. To complete the project, based on projected expenditures for the final stage of construction work and other requirements, it is now estimated that an increase of \$10,000,000 in the authorized limit of cost and an additional appropriation in that amount will be required. The basis of this projection is shown on the financial statement at the end of my report.

Status of Project

Work under this project is being performed in 4 construction phases. Phase I "Excavations and foundations" has been completed at a cost of \$7,301,224. Phase II "Quarrying, fabrication, and delivery of the exterior marble and granite and other exterior stonework required for the super-structure" has been completed at a cost of \$5,353,418. Phase III "Construction of the Super-structure" (excluding interior work, finished interiors, and other items related to such interior work, being performed under a separate contract) has been completed at a cost of \$25,687,176. Phase IV "Interior and Related work" is now in progress, with a present completion date of May 31, 1979, under a contract for such work in the current amount of \$67,896,352. Other obligated items total \$11,223,830, resulting in the unobligated balance of \$5,538,000.

The following financial statement is submitted for the information of the Committee in support of this request. As evidenced by the statement, the total required amount to complete this project is \$15,538,000. An unobligated appropriation balance of \$5,538,000, as of March 1, 1978, remains to finance the project to completion. Therefore, this balance of \$5,538,000 reduces the total amount required to complete the project from \$15,538,000 to \$10,000,000, and such amount represents the increase in authorized limit of cost requested.

April 26, 1978

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT
FINANCIAL ANALYSIS

Total Authorized Limit of Cost of Project..... \$ 123,000,000

Total Appropriated for Project..... \$123,000,000

Total Obligated to March 1, 1978:

Phase I: Excavations and Foundations.....	7,301,224
Phase II: Exterior Stone.....	5,353,418
Phase III: Superstructure.....	25,687,176
Phase IV: Interior and Related Work.....	67,896,352
Shop Inspection of structural steel.....	9,629
Relocation of water and sewer lines and street and curb work.....	268,862
Soil testing, surveys, and miscellaneous construction costs.....	53,814
Modelling and carving Madison statue.....	100,000
Design and installation of decorative screen, main entrance.....	50,000
Design model, sculptural fountain.....	24,500
Design and sculpturing of 2 bronze medallions...	8,150
Design-carving in glass Library of Congress seal.....	5,750
Exhibit Consultant Services.....	70,000
Architectural and Engineering Services, including Preliminary Plans and Supplements to such Plans.....	5,555,000
Administrative and Miscellaneous Expenses.....	<u>5,078,125</u>

Total obligated to 3/1/78..... (-)117,462,000

Unobligated Balance 3/1/78..... 5,538,000

April 26, 1978

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT
(Continued)

Projected Obligations Required to Complete Project:

Library of Congress changes:		
Partitions.....	\$ 785,000	
Computer Facilities.....	483,000	
Electrical Services.....	153,000	
Television Facilities.....	250,000	
Miscellaneous Changes (Such as changes in type of movable partitions, revisions to the underfloor ducts in the Law Library Attendants' Station, installation of chemical fire extinguishers in lieu of the 2 1/2 gallon extinguishers, and revision to wall finishes at cores and corridors).....	<u>308,000</u>	\$ 1,979,000
Existing Building Changes (Pedestrian tunnel modifications -- increased scope).....		100,000
Operation and Maintenance of HVAC(Beneficial occupancy requirement).....		800,000
Changes Resulting from Job Conditions, Design Errors and Omissions:		
Estimated Value of Change Orders for which Supplements have been Issued.....	\$2,400,000	
Estimated Value of Change Orders Projected to completion of Project.....	<u>4,219,500</u>	<u>6,619,500</u>
Total Additional Construction Cost.....		\$ 9,498,500
Administrative and Miscellaneous Expenses.....		3,335,500
Architectural and Engineering Fees.....		379,000
Contingency.....		<u>2,325,000</u>
Total Funds Required to Complete Project.....		\$15,538,000
Less: Unobligated balance, 3/1/78.....		<u>5,538,000</u>
INCREASE IN AUTHORIZED LIMIT OF COST REQUESTED.....		<u>\$10,000,000</u>

Mr. MINETA. Thank you very much, Mr. White.

Let me be very candid on this thing, because I am deeply concerned—as I believe the other members of this committee are—that you are back before this subcommittee seeking additional authorization, increasing the cost of the Madison Library to \$133 million.

In March of 1970, during debate on the House floor concerning the increase from \$75 million to \$90 million, the then chairman of the subcommittee states, and I quote:

I want to make the record clear here today that as long as I remain as Chairman of this Subcommittee, I will not be back, as in the case of the Rayburn Building, saying \$90 million was not enough. We need more. They will either build for \$90 million or go out for bids, and if the bids are over that figure, they will come back and cut the plans to the size and stay within the \$90 million.

In February 1976, during debate on the House floor concerning the increase from \$90 to \$122, providing for the completion of the Library, the chairman of the full committee at that time, the Honorable Bob Jones, stated that the:

Appropriation of \$33 million contains a reasonable amount for any contingency which may arise during the completion of the project. The Architect of the Capitol, during hearings before our Committee, assured us that the building can be completed within this increase. Thus, it is imperative, if the government is to have the benefit of the low bid, that we approve this legislation in order to avoid higher costs.

Now, this committee has been to the House floor three times with this project, and, as you know, the saying goes "Three strikes and you are out."

On this note, Mr. White, what would be the consequences if this committee decided not to approve any of the requested increases?

Mr. WHITE. If that were true, Mr. Chairman, we would have to leave incomplete certain portions of the interior of the building.

There were simply not enough funds to complete it, in accordance with its program.

Now, I might add that certain of the funds, which we are required to expend, have resulted from some unforeseeable difficulties that arose, and for which we believe there may be an opportunity for reimbursement to the Government.

This was unpredictable at the time of the last increase in authorization.

On the other hand, if we are directed to complete the building within the present costs, and leave some of the areas unfinished within the building, it is predictable, I believe, that sometime in the future, those areas would be completed. And it surely will cost more to do it later than it will now, if past history of increases in costs in the construction industry are any indication.

Mr. MINETA. What reimbursement are you referring to?

Mr. WHITE. I am referring to the item which is entitled "Changes resulting from job conditions, design errors, and omissions."

I believe that portion, we have not separated it, but the portion which is allocable to design errors and omissions is something which I believe our associate architects are legally liable for, and therefore, my presumption that should the Government pursue that road, it would enable the Government to recover certain of those funds.

Mr. MINETA. Are you referring to the \$2.4 million and the \$4.219 million?

Mr. WHITE. Yes.

The total of \$6.6 million. That is split into two sections, Mr. Chairman, only to indicate those which we are most positive of.

And the \$2.4, incidentally, was the determination as of March 16. Since that time, that has changed to \$3.5 and the figure \$4.219 has changed comparably downward to \$3.119. So the total remains the same.

It is simply that more of those have become firm since the time that these figures were prepared.

Mr. MINETA. So given the \$6.6, at least in terms—some portion of that is reimbursable back to the Government, it must be \$5.5 million that you have left in your present appropriations.

Is that enough to complete the work?

Mr. WHITE. Well, it would not be enough to complete it, Mr. Chairman, because the recoverability of those funds may take several years.

Of course, I am not enabled by law to authorize the expenditure of funds in excess of the limitation of the authorization, even on the presumption that they might be returnable to the Government.

We would have to spend them first, and hope to recover them later.

Mr. MINETA. Well, why are these listed as design errors?

Where should we have caught those design errors, and what would be your relationship to the associate architect in that kind of supervisory responsibility?

Mr. WHITE. Well, the associate architects have a professional responsibility of their own.

We do not design the building for them. And we merely review the drawings for conformity with the design concepts. But we do not check the details of calculations, or things of that nature.

That is their responsibility, for which they are paid.

It is in the same category with any professional liability, in the medical field or in the legal field. And sometimes the professional makes a mistake. He is not required, of course, to be an insurer of perfection.

We expect some errors, because it is a fallible, human system.

On the other hand, there is a point beyond which those errors are answerable in law, and we think we are in that category here.

Mr. MINETA. The pursuit of these reimbursements for design errors or omissions will not be taken up until after the completion of the project?

Mr. WHITE. That is correct.

COMPLETION DELAY CAUSES

Mr. MINETA. I guess the thing that bothers me—I do not question the need for the Madison Library. But I really am concerned about the public perception of how we feel about Government contracts. And here we have a building that was started with authorization appropriation for \$75 million, and a plan for occupancy, originally, in what, 1972?

And now we are in 1978, talking about 1980 occupancy, with a request going up to \$133 million, and I am just wondering: How do we cope with these overruns, and this kind of delay that puts us from a 1972 date to a 1980 date?

Mr. WHITE. Well, there are a number of reasons for that, Mr. Chairman.

And I think you may be aware of the first.

I might add that this is a unique building. It has over 2 million square feet in it, and therefore has complications that an ordinary building, of a smaller size, might not have.

In addition to that, there have been a number of changes in the mission of the Library over the years, not only in the 1970 Reorganization Act—as I understand it—but in legislation since that time, to which I am sure the Library people will be able to respond much much better than I.

So that as the mission changes, the use changes. Needs change within the building, and therefore the physical building must change.

In addition to that, Mr. Chairman, as you may recall, there was a 9-month delay, to which I referred earlier, occasioned by the debate in the House, as to whether the building should be partially used by the House of Representatives as an office building.

There are a number of delays of that nature, which have added to the total length of time that it takes.

I think one of the unfortunate comparisons, that are made in the public eye, is comparing the unique and monumental government buildings on the Hill, for example, to an office building in the middle of a city somewhere else in the country, or even in the city of Washington.

We make an effort here on the Hill to build buildings that will last for many years. That is a policy judgment, I suppose.

On the other hand, speculative office buildings, or even corporate headquarters buildings, built throughout the country, are intended to have an economic life of 20 to 30 years, maybe 40 at the most.

They may last longer than that, but their economic life is what is used as means of determining the quality of construction. Whereas we intend a building here to be used for 100 years, and ad infinitum, as the Government wants to use it.

So that the quality is of a more substantial nature. And that, too, involves more design time and more construction time.

Mr. MINETA. There is the old phrase about time is money. Delays, especially in the construction business, are very, very expensive. Your construction schedule on the Madison Library Building has slipped some 8 years.

How many of these years were delayed because of the delayed authorization, or delayed appropriation, delay in your own office, or delays by suppliers or contractors? Is there a way of being able to—

Mr. WHITE. Yes, sir, there is.

I am not prepared to answer in detail, Mr. Chairman.

I might say that the building, the construction—the breaking of the ground for the construction began in 1971, shortly after I arrived here. I am not sure what the schedule was prior to that, when it was intended to be made available.

I do know that a program had been written for the needs of the building, and then as the Library's needs changed, that program was altered to some degree, even after I arrived here in 1971.

There have been a minimum of delays since construction began, so far as I know.

We had, I would guess, something like 100 days during the first three phases of construction that resulted from strikes in the construction industry locally. One hundred working days, which meant a number of months, because the 5-day week is a workweek.

Then there was 9 months of debate before the last increase in authorization after the bids were received. I might refresh my recollection—

Mr. MINETA. What was that 9-month delay?

Mr. WHITE. Pardon me?

Mr. MINETA. What was that 9-month delay?

Mr. WHITE. When the bids were received for phase 4, the last phase—which is now under construction, and the question arose as to whether an increase in authorization should take place.

You may recall that there was a debate that ensued on the House floor and within the committee itself, as to whether or not a portion of the building should be utilized by the House of Representatives for office space for the House rather than all of it for the Library.

And from the time that the bids were received, until the time that we could let a contract, as a result of requiring an increase in authorization and an increase in appropriations, was approximately 9 months.

Mr. MINETA. Well, Mr. White, I have a number of questions, but I know that you are going to have to be leaving.

So at this time I will pass up my further questions and turn to our distinguished ranking colleague from New York, Mr. Walsh.

Mr. WALSH. Thank you, Mr. Chairman.

And thank you, Mr. White. I know you are in a hurry, but I would like to ask a few questions.

You have offered to come back, and I may take you up on that offer.

You came on the job, as I understand it, in early 1971.

Mr. WHITE. That is correct.

Mr. WALSH. So you were not here when the building was originally planned?

Mr. WHITE. That is correct.

Others of my staff were, however, Mr. Walsh, and perhaps can answer some of these question.

RELATIONSHIP OF ARCHITECT TO ASSOCIATE ARCHITECT

Mr. WALSH. What is the usual relationship of the Architect of the Capitol and the architect on the job?

Mr. WHITE. The architect, who is hired to design the building, is termed an associate architect. I think it is a term of art, because of laws saying that the Architect of the Capitol is the architect.

The relationship is one of client to professional, but in addition to that, because we are professionals ourselves, we probably exert a little more control and supervision over what the associate architect does than if we, for example, were dentists or doctors.

Mr. WALSH. Well, is the relationship of client to architect with the Architect of the Capitol as a client, or is it with the Library as a client, or with GSA as the client—

Mr. WHITE. GSA has nothing to do with our operation; they are part of the executive branch, and the Architect of the Capitol is, in a sense, a GSA for the legislative branch of the government.

So I am the contracting officer.

Mr. WALSH. Your office is the client?

Mr. WHITE. That is correct.

Mr. WALSH. The plan developer of your office sits down with the associate architect, and then draws up a list of your needs and wants and desires, and it is then the responsibility of the associate architect to put it into plans and specs?

Mr. WHITE. That is almost correct, Mr. Walsh.

Actually, because the Library is the user, a program was written by the Library for its needs.

Mr. WALSH. That is what I am trying to get at. What is responsible for the actual client relationship with the Architect?

Is it a little responsibility of the Architect of the Capitol and the Library?

Mr. WHITE. The Library of Congress, the user, deals with the architect who is designing it, through the Architect of the Capitol. But the Library of Congress as the user, determines its own program, as to its needs, under the direction of the Joint Committee on the Library.

Mr. WALSH. And the responsibility for the actual relationship, who tells the associate architect what to do, is it the responsibility of the Architect of the Capitol?

Mr. WHITE. That is correct.

CONTINGENCY FEE AND INFLATION FACTOR

Mr. WALSH. What is the usual contingency fee that you would figure into a job?

Mr. WHITE. Well, we have been using 5 to 5½ percent.

Mr. WALSH. And this is to cover what contingencies?

Mr. WHITE. The various unforeseen problems that arise in a complicated construction project, that are unforeseeable in the light of human capacity to determine all of the problems that may exist in fitting together a custom built, very complicated building, as I believe you may be aware.

Mr. WALSH. In your determination of the 5 percent contingency fee, does that include a provision for inflation in construction costs?

Mr. WHITE. No.

Normally, the estimates of the actual value of construction will include an amount of anticipated inflation costs.

Mr. WALSH. So then, when you go to bid on an estimate, that does include an anticipated inflation factor?

Mr. WHITE. Yes; it does.

And the contingency amount is in addition to that. In other words, the separate line item is a contingency.

Mr. WALSH. In addition to the inflation factor?

Mr. WHITE. That is correct.

Mr. WALSH. Do you have any idea of what inflation factor was figured into these estimates and bids?

Mr. WHITE. Mr. Campioli can answer that, Mr. Walsh.

Mr. CAMPIOLI. In the original estimate of \$75 million, which were prepared at the time, I believe, that Lyndon Johnson was the President, Lyndon Johnson requested that the Government hold its inflation to 3.2 percent.

The estimates that were made, on which the \$75 million was based, was on that figure. The actual inflation that took place, following the preparation of that estimate, was in excess of 3.2, nearer 7 percent. And that inflation figure escalated to the point where at the present time it is rising at the rate of approximately 1 percent a month, and has been for the last few years.

Mr. WALSH. Now, in the last estimate, the one that was approved in 1976, what was your estimate of the inflation factor at that time, knowing that it had been 1 percent a month for several years?

Mr. CAMPIOLI. I believe we figured around 7½ percent at that time.

Mr. WALSH. What was the reason for taking that figure rather than the 1 percent a month?

Mr. CAMPIOLI. Well, the Government was constantly trying to make efforts to keep this inflation down, and we felt that we should keep in step with the Government and not indicate the exorbitant inflation figures that might come and might not.

Mr. WALSH. But the track record on inflation has been 1 percent a month for several years.

Mr. CAMPIOLI. But not back to the point when we submitted our last request for increase.

Mr. WALSH. In 1976, it did.

Mr. CAMPIOLI. Our figures were prepared prior to that time.

Mr. WALSH. But all during the early seventies, the inflation factor was 1 percent a month.

Mr. CAMPIOLI. I do not believe it has actually come to that. It is pretty high. It is higher than 7 percent.

Mr. WALSH. It certainly is.

So when this estimate was submitted, in 1976, you must have known it would be not enough to complete the job.

Mr. WHITE. Mr. Walsh, if I might interject, in 1976 we asked for the increase. We had a firm figure from a contractor for phase 4 which presumably was the cost that we could use, since we had an actual number. We were not estimating at that time.

We had a precise bid. We added to that some contingency.

We did not presume any additional inflation, because his bid we assumed had that already in it, since it was a public bidding process. And I do not believe inflation has been our problem in this particular instance.

I am talking now about our present request. I believe it has not been inflation in the economy which has caused these cost increases, although I might say that while the contractor waited, with his firm figure for 9 months, costs did increase for him. He had a firm figure, of course, to which he is still required to hold.

On the other hand, as you know, in the construction industry, it is almost impossible, in the course of a complicated construction project, not to have some kind of change orders, and that is true in public buildings, as well.

And the prudent contractor will do what he can to recover whatever additional costs he can as a result of having waited for 9 months, which is one of the reasons for making the contingency, here, larger than we might ordinarily do.

Mr. WALSH. When the ground was broken, in 1971, Mr. White, what was the anticipated completion date of the building?

Mr. WHITE. I understand it was to be completed sometime in 1976, when we broke ground in 1971.

Mr. WALSH. The 9-month delay was caused by the Congress in trying to—

Mr. WHITE. That is correct.

Mr. WALSH. How about the other 7 years that we are now getting into?

Mr. WHITE. Well, I think we have a 2-year period, from 1976 to 1978, which is the present anticipated completion date.

We have had—

Excuse me. I mean 1975, a 3-year period.

We had a number of months, as I mentioned earlier, that resulted from strikes in the construction industry, added in various phases over a period of time. And I believe there was a total of 3 to 4 months of that.

So that we have a year total for those two items.

We have had some additional delays of 6 months or so, resulting from some of the complications that have occurred in the course of construction of phase 4.

I have with me our Director of Engineering.

Mr. WALSH. Excuse me, Mr. White, was phase 4 scheduled to be completed in 1976 also?

Mr. WHITE. That is correct.

Mr. WALSH. And what caused the delay, up to that point, because you still had not at this point experienced the 9-month delay caused by the indecision of the Congress?

Mr. WHITE. That is correct.

And I am not prepared to answer that, although I will be glad to furnish for the record what caused it. Perhaps someone here can answer that.

I am told, Mr. Walsh, that at least in part, the reason resulted from some changes in the needs of the Library. For example, one of the items that you may recall, that caused the phase 4 figure to go up, was the installation of a fire control system which was substantially different than had been anticipated.

I think that amounted to over \$5 million for the sprinkler system, and other kinds of fire protection that resulted from concerns raised by the fire at the Federal Records Center, which caused a number of reconsiderations to be made.

The invention of the sprinkler head which turns off when the temperature drops was a factor also.

So that the Library, which had previously objected to the installation of sprinklers because of possible water damage to the valuable documents, was then desirous of protecting them through a sprinkler system that required a massive delay because of the need to redesign the mechanical systems in order to accommodate it.

And I think that may not have been the only item, but it is one that comes to light at this point.

Mr. WALSH. Mr. Chairman, with the permission of the Chair, I would like to request that the committee be furnished with a detailed explanation of the number of delays and reasons for them, from the time of ground breaking up until 1976, when this building was supposed to have been completed.

Mr. WHITE. I will be happy to do that.

[The following was received for the record:]

REPORT ON DELAYS OR TIME LAGSJAMES MADISON MEMORIAL BUILDING

Introduction

At the time hearings were held before the House Legislative Subcommittee of the Committee on Appropriations on the appropriation requests of the Architect of the Capitol for fiscal year 1972, the scheduled completion date for the Library of Congress James Madison Memorial Building project was April 1976. Subsequently, numerous delays for various causes were experienced. The attached chart indicates the major areas of delay in each of the several phases under which this project was designed and constructed. The chart offers an overview of the total project throughout the working drawing preparation and construction time span, including concurrencies; the following information is offered in further explanation of the events as they occurred.

It should be stated at the outset that the term "delay" may be somewhat inappropriate in that it implies that a certain specific and known time span has been exceeded. Actually, all construction schedules are estimates based upon the best information available at the time. Increases in the estimated time schedule are often a direct result of an unrealistic estimate rather than a "delay" resulting from inadequacies in the construction process.

In phased design and construction projects of the size and complexity of the James Madison Memorial Building, there is normally a tendency to experience domino-like effects in that early time lags often result in second and third generation time lags in subsequent phases.

This condition was aggravated in the case of the James Madison Memorial Building during project development especially by important improvements in some of the mechanical and electrical systems that were deemed to be in the government's best interest to incorporate into the building design and by changes in some of the Library's missions mandated by new legislation.

Phase I - Excavation and FoundationContract Documents

The Associate Architects were given an order to proceed on May 1, 1970 to commence preparation of working drawings for the Library of Congress James Madison Memorial Building. The Phase I drawings and specifications were scheduled for completion by October 1, 1970, but the actual completion occurred on November 20, 1970, fifty calendar days behind schedule.

Phase I - Excavation and Foundation (continued)Review, Bid and Award Contract

Original bids for Phase I were opened on January 15, 1971. The low bid was protested by the second low bidder. Prior to a ruling on the dispute by the Comptroller Generals office, a Presidential Proclamation was issued which suspended the provisions of the Davis-Bacon Act which had been incorporated into the first set of bid documents. The Presidential action necessitated the issuance of a revised Invitation for Bids. The second bid opening was held on April 22, 1971 with subsequent award to the low bidder on April 23, 1971 ---- A time lag of 98 calendar days.

Construction

The construction phase was scheduled to be completed on May 4, 1972 and was not completed until January 17, 1973 ---- A time lag of 257 calendar days. This circumstance resulted from the following items:

- a) Unforeseen job conditions which required extra work to prevent an earth slide of the berm on First Street at the southwest corner of the excavation ---- 2 days.
- b) Due to the shortage of welders during the fall of 1971, delayed completion of critical shoring and bracing work ---- 54 days.
- c) Due to continued use of the site by the Government as a temporary parking lot, the site was not made available to the Contractor as scheduled ---- 5 days.
- d) Unusually severe weather in 1971 requiring suspension of work ---- 9 days.
- e) Removal and re-installation of wood fence along Second Street, S.E. in order for piles to be driven without interference; removing additional earth in "berm form", out of sequence ---- 6 days.
- f) General areawide strikes by Laborers, Teamsters and Concrete Trades ---- 101 days.
- g) Miscellaneous contract changes ---- 32 days.
- h) Change in contract work required to add a concrete bracket on the North Side of Independence Avenue foundation wall ---- 6 days.
- i) Change in contract work required to relocate construction fence and office trailers and to provide off-site storage space ---- 42 days.

Phase II - Exterior StonePhase II - Contract Documents

The Phase II contract documents were scheduled to be completed on September 22, 1971. There were no delays and the scheduled date was achieved.

Phase II - Review, Bid and Award Contract

The Phase II contract was scheduled to be awarded on December 16, 1971. On December 3, 1971, Addendum No. 1 to the contract was issued, which made certain revisions to the original contract documents. The scheduled date was still achieved, however, and the contract was awarded on December 16, 1971.

Phase II - Fabrication and Delivery of Stone

The Phase II contract was divided into three sub-phases for procurement and delivery purposes. The first sub-phase involved the procurement and delivery of all stone required from the concrete grade shelf up to the belt course at the base of the columns. This sub-phase was scheduled to be completed on June 1, 1973. There were no delays and the scheduled date was achieved. The second sub-phase involved the procurement and delivery of all stone required from the belt course at the column base up to the top of the building. This sub-phase was scheduled to be completed on November 1, 1973, but was not completed until February 22, 1974. This time lag of 114 days resulted from the following reasons:

- a) Two quarrymen's strikes ---- 21 days.
- b) Unusually severe weather conditions ---- 53 days.
- c) Miscellaneous contract changes, such as revising the seventh floor coping stones, and providing additional anchorage in certain stone joints ---- 40 days.

The third sub-phase involved the procurement and delivery of all other stone required to complete the Phase II contract. This sub-phase was scheduled to be completed on May 1, 1974, but was not completed until October 2, 1974. The total of 154 days, resulted from the following reasons:

- a) Government additional time in the approval of certain shop drawings ---- 91 days.
- b) Contract changes ---- 63 days.

Phase III - SuperstructurePhase III - Contract Documents

The contract documents were scheduled to be completed on August 29, 1972, but were not completed until September 11, 1972. The total of 13 days resulted from the following reasons:

- a) The original Phase III contract documents were separated into Phase III - Superstructure, and Phase IV - Interior and Related Work Contract Documents.
- b) Additional requirements for "walk-in" tunnels for the building utilities.
- c) Additional requirements for a 5' - 0" high smoke monitor above the seventh floor roof.

Phase III - Review, Bid and Award Contract

The Phase III contract was scheduled to be awarded late December 1972. Four separate Addenda to the contract, which made certain revisions to the original Phase III contract drawings and specifications, were issued on November 7, 8, 16, and 20, 1972. The scheduled date was still achieved, however, and the contract was awarded ahead of schedule on December 7, 1972.

Phase III - Construction

Construction under the Phase III contract was scheduled to be completed on May 12, 1975, but was not completed until October 19, 1976. This total of 526 days, resulted from the following reasons: (It should be noted - see item g below - that the contract was substantially complete 284 days prior to the above date, but was extended for technical reasons to enable certain caulking to be accomplished.)

- a) A cement masons' strike ---- 3 days.
- b) A labor strike at the stainless steel fabrication plant ---- 7 days.
- c) A rodmen's strike ---- 1 day.
- d) Stone masons' and iron workers' strike ---- 59 days.
- e) A series of strikes by roofers, cement masons, operating engineers, laborers, and teamsters ---- 125 days.

Phase III - Construction (continued)

f) Miscellaneous changes such as:

- 1) Modifications to the chilled water tunnel;
- 2) Extension of stone shelf and concrete wall for "C" Street planters;
- 3) Construction of test pits in conjunction with the construction of the First Street tunnel;
- 4) Provision of street light posts;
- 5) Modifications to the sixth floor stone joints.

These changes added to the schedule by 47 days.

g) Replacement of failing caulking in the completed stone work - Directive was issued to Phase III Contractor in November 1975 to perform this work which could be accomplished only under certain temperature and weather conditions ---- 284 days.

Phase IV - Interior and Related WorkPhase IV - Contract Documents

While it was always intended that the James Madison Memorial Building be designed and constructed in phases, the original planning had to undergo a major change after the project was well underway. The original concept called for only three phases: the first two as actually accomplished and described above, and a single final Phase III, which would include all work required to finish the building, including installation of the stone procured under Phase II.

During the development of the plans and specifications for this original Phase III, it became clear that for various reasons, including additional study by the Library, the space and technical requirements of the Library of Congress could not be incorporated into the contract documents without suffering a substantial delay, which would necessarily result in a like delay to completion of the overall project. After examination of the alternate procedures available, it was decided to separate the last phase into two distinct phases:

Phase III - Superstructure

Phase IV - Interior and Related Works

Phase IV - Contract Documents (continued)

It was anticipated that this procedure would permit construction of the superstructure to proceed in accordance with the time frame in the original concept, while providing the Library and our Associate Architects more time in which to make decisions regarding requirements and to finalize the documents for the new Phase IV, thereby minimizing the overall delay.

The progress schedule dated November 1972 reflected this revised planning.

The contract documents were scheduled to be complete on December 15, 1972, but were not completed until October 15, 1974. This time lag of 669 calendar days resulted from many causes, including the following:

a) Revision of air conditioning system to accommodate the "Category III" design conditions for special book collection storage. Category III area requirements, changed from the original program, were stated as follows:

- Dry Bulb - Potential range of 68° F to 75° F with tolerance of 1° F at any temperature within the specified range.
- Relative Humidity - 45% ± 3% (minimum 42%, maximum 48%) all seasons - specified design conditions shall be maintained within the tolerance indicated on a 24-hour schedule throughout the year.

Architectural work involved considerable changes because of the requirement for vapor barrier walls around all category II areas and insulated slabs above and below same.

b) There was an increase in scope of the Library's Data Processing Center due to the Legislative Reorganization Act of 1970. Additional information on the Data Processing Center required the enlarging and relocating of that facility from the sixth floor to the ground floor. This imposed a cost and time penalty because this facility was originally planned for the sixth floor in order to have close proximity to the mechanical area directly above where all equipment could be installed and maintained as part of the overall building air conditioning system. At the ground floor, a remote separate equipment room had to be provided, posing a difficult problem of dispelling heat.

The subsequent result of this change was the revision to the ground floor plan to include a battery room and an Uninterruptible Power System equipment room and all equipment pertaining thereto, as well as an additional 250 KW emergency engine generator and fuel oil storage tank in the sub-basement and the exhaust piping of the emergency generator to the seventh floor roof, partitioning, etc.

Phase IV - Contract Documents (continued)

c) Revisions to the Monitoring and Surveillance Systems over and above the original scope of the work which were incorporated on the contract documents. Also, the original plans for the building, as developed from the 1967 program statement, excluded installation of a fire sprinkler system, except in isolated areas, due to the fear that such an installation would cause irreparable damage to the Library of Congress collections in the event of a fire, through a prolonged outpouring of water and the resultant saturation of books and documents with water. Accordingly, the working drawings and specifications for the final construction phase did not provide for such a system.

As an outgrowth of the vast damage wrought in Europe to books, documents, and other materials by the extensive floods of the early 1970's, exhaustive studies were conducted by specialists in the field of conservation and preservation of books, documents, and other materials, in order to find and develop methods and means of repairing damage caused to such collections and restoring them for future preservation and use.

Based on technological developments as a result of these studies, which resulted in the development of reliable methods of restoration of documents damaged by water, and technological developments in automatic control of sprinkler systems, including water control with temperature variation, it was decided that the collections would be better safeguarded and preserved by installing an automatic sprinkler system. This decision required that the contract documents be revised.

The drawings and specifications were, therefore, amended to include the following:

- 1) An automatic sprinkler system, interconnected with the standpipe system now provided for in the drawings, hydraulically designed with flush on/off heads, with reinforced water supply, pumps and emergency power, designed to zones.
- 2) Additional compartmentation to subdivide each floor into six fire zones (by 2-hour rated partitions and openings) for the purpose of smoke detection, sprinkler systems, alarms, public address systems, and additional egress reinforcement.
- 3) Additional compartmentation for fuel loadings.
- 4) A complete smoke control system by zones.
- 5) Modification of the Point of Combustion alarm system by zones.
- 6) Modification of the alarm system by zones, so that all systems interface.
- 7) A complete public address system, as part of the fire protection installation.

Phase IV - Contract Documents (continued)

This added Fire Protection installation, recommended after consultation with a Fire Protection Specialist engaged by the Associate Architects and the Librarian of Congress, involved extensive additional design work and came at a time when the bid documents for Phase IV had been completed and the building was physically more than half complete. It, in effect, constituted an alteration project. It involved the re-coordination of all trades for interferences and clearances, delineation of the additional work and modifications and the preparation of new working drawings at double the scale of the original set.

- d) The originally projected pneumatic tube system was revised in favor of a more comprehensive conveyor system serving the three Library buildings.
- e) Extensive revisions to the mechanical systems due to modifications in the original requirements for the flow rate and temperature of the chilled water system.
- f) Additional work due to revisions in the basement floor Geography and Map Division area concerning modified underfloor duct requirements and display case revisions.
- g) Additional work due to revisions in Compact Storage Areas and the inclusion of the compact storage tracks in the Phase IV contract. The compact storage tracks anchored to the structural slabs on the sub-basement floor were originally to be a part of the Compact Storage Equipment Contract. However, the tracks are now a part of the Phase IV - Interior and Related Work Contract.
- h) Changes to the movable metal partition locations on the ground through sixth floors, to provide greater flexibility not achieved in the original contract drawings.
- i) Provision of elevating docks at the ground floor loading dock, which were not included in the original contract drawings.
- j) Specific changes made to the contract documents for additional facilities to accommodate paraplegics and the removal of architectural barriers.
- k) Additional work due to changes in the original requirements for wood paneling and book cases, requiring extensive changes to architectural plans and details.
- l) Additional work due to changes made to the Music Division listening rooms for a highly sophisticated acoustic installation beyond what was conceived in the original contract requirements.
- m) Private toilets and requirements for additional plumbing were added to the work required by the contract documents.

-9-

Phase IV - Contract Documents (continued)

- n) Changes and modifications to the corridor nodes on all floors.
- o) Relocation of certain fire hose cabinets.
- p) Relocation and addition of corridor doors at all conveyor locations.
- q) Changes to masonry partitions in the Geography and Map Division - Basement Floor. Addition of suspended ceiling in Music Division Storage Room in the Basement.
- r) Changes in the layout of the Information Systems Office Department - Ground Floor.
- s) Change of masonry partitions to movable metal partitions - Duplication Unit - Ground Floor.
- t) Replanning of Central Services Division - Ground Floor.
- u) Restoration offices - Ground Floor. Changes of masonry partitions to movable metal partitions.
- v) Bi-Centennial Office - First Floor - Changes of masonry partitions to movable metal partitions.
- w) Music Division - First Floor - Changes of masonry partitions to movable metal partitions.
- x) Rare Music - First Floor - Changes in partition layout.
- y) Fifth Floor - major plan changes.
- z) Sixth Floor - major plan changes.
- aa) Change in Conveyor station at one location.
- bb) Cafeteria - including food equipment, group dining rooms, and Librarian's suite.
- cc) Provision of complete audio-visual equipment.
- dd) Provision of movable display cases.
- ee) Provision of additional underfloor ducts on the sub-basement level.
- ff) The provision of Additives in the Bid Form of the Contract Documents to establish priorities of work in the bid award process.

Phase IV - Review, Bid and Award Contract

The contract was scheduled to be awarded on September 1, 1973, but was not awarded until March 9, 1976. This total of 920 calendar days resulted from the following:

- a) The Contract Drawings and Specifications were not complete until October 15, 1974. This time lag of 669 days is due to reasons listed under "Contract Documents" for Phase IV.
- b) Postponement of original bid opening date of April 16, 1975 due to extensive changes to the contract drawings and specifications made by the issuance of eleven (11) separate Addenda as follows:

Addendum No. 1 Dated February 21, 1975

Included minor corrections and changes to the Project Manual, revisions to the Architectural and Exhibition Hall Drawings, and 8 new contract drawings.

Addendum No. 2 Dated March 14, 1975

Revised a section of the bidding conditions, minor changes to the Project Manual, revisions to the Architectural, Electrical and HVAC Drawings and added 9 new contract drawings.

Addendum No. 3 Dated April 8, 1975

Included a notice to bidders which informed them of a future major addendum to be issued on or about April 25, 1975, clarifying a question on the Automated Book Conveyor System and postponing the opening of bids to May 29, 1975. Also included was a revised wage rate schedule, revisions to the Project Manual and Contract Drawings, adding 16 new contract drawings and errata in Addenda 1 and 2.

Addendum No. 3A Dated April 18, 1975

Included minor revisions to the Project Manual.

Addendum No. 4 Dated May 13, 1975

Postponed the opening of bids to June 19, 1975 and advised bidders Addendum No. 6 would include a revised bid form. Included a new part 5 to the Project Manual which included an upgraded and highly sophisticated Fire Protection System which included 137 new Contract Drawings and Extensive Modifications to existing portions of the Project Manual to correspond to the upgrading.

Addendum No. 5 Dated May 19, 1975

Consisted of a completely revised section of the Project Manual on Veneer Stone, minor revisions to the Architectural Drawings and 4 new contract drawings.

-11-

Phase IV - Review, Bid and Award Contract (continued)Addendum No. 6 Dated June 2, 1975

Included a revised bid form and list of subcontractors, a revised schedule of wage rates, extensive revisions to the Project Manual and drawings and 15 new contract drawings.

Addendum No. 7 Dated June 19, 1975

Postponed the opening of bids to July 2, 1975, made minor modifications to the Project Manual and Drawings, and included 41 new contract drawings. This included extensive revisions to the mechanical systems for the installation of the dry bed filters for removing sulfur dioxide and other gaseous pollutants from the intake air of the Library of Congress James Madison Memorial Building.

Addendum No. 8 Dated July 3, 1975

Postponed the opening of bids to July 23, 1975 and included minor revisions to the Project Manual and drawings, errata in Addenda 4, 6, and 7 and 1 new Contract Drawing.

Addendum No. 9 Dated July 8, 1975

Consisted of a revised wage rate schedule as determined by the Secretary of Labor.

Addendum No. 10 Dated July 15, 1975

Consisted of a revised wage rate schedule.

Addendum No. 11 Dated July 18, 1975

Revisions to the Project Manual.

The above listed items added to the bidding period by 98 days.

c) Bids opened on July 23, 1975. Low bid exceeded allocated funds. Supplementary appropriation was subsequently approved by Public Law 94-226 dated March 9, 1976 and contract for Phase IV awarded March 9, 1976 ---- 229 days.

Phase IV - Construction

The Contractor was issued the First Notice to Proceed on March 18, 1976. It directed the Contractor to proceed with the letting of subcontracts, procurement of materials, preparation of shop drawings and work on the temporary heating system. The Second Notice to Proceed was issued on June 21, 1976. This authorized the Contractor to begin work at the jobsite with 900 calendar days for completion, yielding a scheduled completion date of December 8, 1978.

Phase IV - Construction (continued)

The Contractor has filed interim claims for extensions to its contract completion date and has indicated more such claims will be submitted in the future. We have taken what we believe to be the most appropriate steps available to protect the Government against excessive Contractor claims. To date, the contract completion date has been extended to May 31, 1979. Further extensions may be required. Present indications are that beneficial occupancy of the James Madison Memorial Library Building can be taken in late 1979 or early 1980.

The causes for these delays are many and varied. Final determination must await completion of construction and resolution of the Contractor's claims when finally submitted in total. Major claims by the Phase IV Contractor for delay include the following:

- 1) Review of the architectural, mechanical and electrical submittals, responses to contractor requests for information and clarifications of conflicts in the contract documents allegedly took an inordinate amount of time.
- 2) Revisions to the coordinated Drawings which became necessary due to the inclusion of various additives to the base contract.
- 3) Necessary changes to the Contract Documents due to specified materials becoming obsolete.
- 4) Review and evaluation of Contractor's submittals which deviated from what was specified in the Contract Documents.
- 5) Errors and omissions in the Phase IV Contracts Documents which came to light during construction.
- 6) Miscellaneous revisions to the Phase IV contract to adjust for problems arising from actual construction performed by Phase III contractor.

Mr. WALSH. I would like you to come back some day. I have several other questions, but I know Mr. White is in a hurry, so I will refrain. You can come back later this afternoon.

Mr. WHITE. I will be happy to, Mr. Walsh.

I appreciate the opportunity to go to the other hearing.

Mr. MINETA. Before you do leave, let me ask Mr. Johnson, the full committee chairman, whether he has any questions.

The CHAIRMAN. I have one or two questions. I have discussed this previously with the architect.

It appears to me that you have been asked to make certain changes in the Library, for the Library function; is that true?

Mr. WHITE. That is correct.

The CHAIRMAN. And they amount to approximately \$7 million, plus?

Mr. WHITE. That is the approximate amount, Mr. Chairman.

The CHAIRMAN. In addition to that, you are asking for a contingency item there?

Mr. WHITE. That is correct.

The CHAIRMAN. And that accounts for the \$10 million that you are asking for?

Mr. WHITE. That is correct.

The CHAIRMAN. You also said that if these funds were not expended, they were to be returned?

Mr. WHITE. That is correct.

The CHAIRMAN. Now, I think it is urgent upon the Congress, here, to allow enough money to complete the Library, as the Library, and the Library people would want to have it.

I also think that if we can come up here with a round figure—enough money to proceed with this—this will probably be the last time you come back to Congress.

I realize that the contractor on the job will probably, after completion, will make certain requests for additional moneys coming to him for delays, other items that he will bring before the proper people at that time.

It will be after completion; is that correct?

Mr. WHITE. That is correct.

It is moneys that the contractor claims, as a result of what he considers to be moneys that he is due, through no fault of his own, and with which we may disagree—and which may be litigated—the funds will, if he is successful, come from the Treasury and not from our appropriations.

The CHAIRMAN. That is all, Mr. Chairman.

Mr. MINETA. Thank you, Mr. Chairman.

Mr. Stangeland?

Mr. STANGELAND. Your questions and the questions of Mr. Walsh pretty much reflect my concern about what we are doing.

I guess I just do not understand how the Federal Government goes about the operation of building buildings. And this whole thing puzzles me a great deal.

But I will forego my questions at this time.

Mr. WHITE. Mr. Chairman, I appreciate the opportunity to leave. The people on my staff are here; they are very knowledgeable about

many of these facts, and are available to answer any question you may have.

Mr. MINETA. That would be fine, Mr. White.

If the hearings were to continue into the afternoon, would you be able to come back?

Mr. WHITE. Yes; I will be pleased to.

Mr. MINETA. I understand you have to be there by 10:30.

Mr. WHITE. Yes.

Mr. MINETA. Fine.

I will forego any further questions at the present time.

Thank you very much.

Mr. WHITE. Thank you, Mr. Chairman.

LIBRARY CHANGES MANDATED BY CONGRESS

Mr. MINETA. Mr. Campioli, we appreciate your being able to stay on, with other members of your staff, to answer some of the questions that we might have.

I would like to consider for a moment the question that the distinguished chairman has asked, relative to some of the changes in the Library's responsibilities which were mandated by the Congress, which added to the cost of the Madison Building.

As I understand it, we have the expanded role of Congressional Research Services, mandated by the Legislative Reorganization Act of 1970.

Under that act, the Congressional Research Services have expanded from 323 employees to 813 employees, in fiscal 1978, and will grow to approximately 1,000 in 1980.

Now, half of that expansion had taken place by 1976, and the rest must have been anticipated.

I am wondering, were not the costs associated with that expansion included in your request for an additional authorization of \$33 million in 1976?

If that is not the case, then why not?

Mr. CAMPIOLI. Mr. Chairman, at that time we did not anticipate these additional costs, that you referred to, inasmuch as the estimates that were prepared in 1976 were prepared in advance of knowledge of exactly what was required.

We had no knowledge of what these changes, dictated by the Congress, would amount to, and what they would translate to, in the form of revised plans.

We have had, since working drawings were started, two major sets of changes to this project, which were due as a result—as I understand from the discussion with the Library people—from mandates of the Congress, one took place about a year and a half after working drawings were underway and the last change taking place during the current past year.

Mr. MINETA. When were those working drawings started?

Mr. CAMPIOLI. The working drawings were authorized to start back in 1969.

Mr. MINETA. And then this change that you are referring to—

Mr. CAMPIOLI. The first set of changes which were approved in 1971, affected most of the floor plans in the building.

Mr. MINETA. After the first one had begun?

Mr. CAMPIOLI. Yes. And the last set of changes have been coming in during the past year.

We are still missing the required changes on one floor.

So, as for the moment, we cannot get an exact figure of what that may involve.

Mr. MINETA. How much of all the cost changes since construction began is attributable to the mandated requirements—changes in legislation—as far as responsibilities of certain things are concerned.

Mr. CAMPIOLI. I do not believe have those figures here, before me, particularly of changes that took place back in 1976. I believe that additional request in 1976 was not so much as a result of the changes alone, as it was of the difference between the actual low bid contract award, as against the estimated costs of phase 4.

Mr. MINETA. Well, the thing I see here is there is justification for these amounts, 1976 as well as 1978. And I see only roughly \$2 million of that is identified as a result of legislative mandates.

So the question is: What caused the use of the cost changes?

Mr. CAMPIOLI. Part of it, in 1976, was based on the fact that there was a difference in figures between the estimated costs for phase 4 and the actual low bid contract award.

Mr. MINETA. Well, it seems to me that those would be required, because we not only have to talk about the authorization, or increase the amount, but it seems to me that prior changes, and what we have gone through as far as our experience is concerned, is important here.

PHASE 4 CONSTRUCTION COSTS

Now, as far as the phase 4 is concerned, in July of 1975, you had a low bid of \$45.5 million for phase 4. And then, in March of 1976, you let the contract for somewhere between \$67 million and \$68 million.

How do you account for the difference?

Mr. CAMPIOLI. The first bids that we got were those that were awarded in 1976, to the phase 4 contractor.

Mr. MINETA. So the July 1975 figure of \$45.5 is the engineer's estimate?

Mr. CAMPIOLI. I believe I misunderstood the question.

The base bid came to \$44,480,000.

We had included in the proposals for a bid a number of additives. And the additives, which were items that were for the most part of the program of work amounted to \$22,555,300, and brought the total figure to \$67,035,300.

Mr. MINETA. I am looking at a report dated February 4, 1976. There we have the July 23, 1975, low bid of \$44,480,000.

Mr. CAMPIOLI. The present ones are actually supplements or design changes. The previous items, that were bid on at the time we received the low bid of \$44,480,000, the \$22,555,300 items were items that were considered as alternates, which—if the Architect of the Capitol, or the Librarian of Congress, had elected not to accept, could have been deleted in total, or in part, if the amounts exceeded the amounts available, but it would not have provide a building in as complete a state as it will be at the present time.

Mr. MINETA. How many of those alternatives were exercised?

How many of those options were exercised?

Mr. CAMPIOLI. There were 18.

Additive No. 1: 1 through 18, totaling the entire \$22 million, which brought the figure up to \$67 million, and this was the figure that was accepted.

Mr. MINETA. The total amount of options exercised amounted to \$22 million?

Mr. CAMPIOLI. Yes, sir.

Mr. MINETA. And those were—that is a decision exercised by the Architect? Or by whose request are those exercised?

Mr. CAMPIOLI. These were items that we included in the event that we did not have the money, or could not get the money to complete the work, that might have to be dropped out.

But they were considered desirable to the proper functioning of the Library.

And as a result, we did request the supplemental funds in 1976, and obtained them and we were able to include the additives of \$22,555,300.

Mr. MINETA. Who makes the decisions?

Does the Architect of the Capitol make that decision?

Mr. CAMPIOLI. In consultation with the Library, the Architect of the Capitol and the Librarian together made that decision.

Mr. MINETA. Where does the House Office Building Commission fit into that?

Mr. CAMPIOLI. The Architect of the Capitol has appeared on this project before, not only the House Office Building Commission, and the Senate Office Building Commission, but the Joint Committee of the Library, and on previous occasions, this committee.

Mr. MINETA. With regard to this request that is being made for this additional increase in the authorizations to the building mission, has either the House Office Building Commission, the Senate Office Building Commission, or the Joint Committee on the Library signed off on this request as well?

Mr. CAMPIOLI. I understand that the Joint Committee of the Library and the House Office Building Commission have approved the request.

Mr. MINETA. Is that for the \$7.7 million, or for the \$10 million?

Mr. CAMPIOLI. For the full amount.

Mr. MINETA. For the full \$10 million?

Mr. CAMPIOLI. Yes, sir.

Mr. MINETA. Now, going to your financial analysis of the Madison project, you show that the Library of Congress changes are roughly \$2 million. These are changes for computer facilities, partitions, electrical services, and television facilities that total \$1.67 million.

In what way are the miscellaneous changes of \$308,000 related to congressional mandate, and does this include items such as changing the colors of ceramic tile?

Mr. CAMPIOLI. These items are of a different nature, these are items that have been estimated, and I believe they have been authorized.

We have a list of these items, but I am not aware of whether the committee has a copy of the list of those items.

If not, we can furnish them.

Mr. MINETA. We have a list here in this report, I suppose, which is—has been prepared by your office on the Library of Congress James Madison Memorial Building project, April 26, 1978.

And in here, it says "Miscellaneous changes," such as changes in the type of partitions, revisions to the——

Again, to what extent are these changes related to the congressional mandates?

Mr. CAMPIOLI. Without going into the items one by one, I would be guessing at this point. I will be glad to go into that matter and furnish it for the record.

[The following was received for the record:]



THE LIBRARY OF CONGRESS

WASHINGTON, D.C. 20540

LIBRARY ENVIRONMENT RESOURCES OFFICE

May 5, 1978

Dear Mr. Crupi:

This is to confirm the list of numbers of Madison Building supplements that are directly or indirectly attributable to changed operational conditions in the Library resulting from Congressional actions. These are: 168, 490, 513, 583, 685, 700, 747, 762.

Sincerely yours,

A handwritten signature in cursive script, reading "Paul L. Berry".
Paul L. Berry
Director

Mr. Emanuele Crupi
Budget Officer
Office of the Architect of the Capitol
Room HB-26
United States Capitol
Washington, D. C. 20515

cc: Mr. Valenti
Mr. Curran
Ms. McCormick

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT
BREAKDOWN OF LIBRARY OF CONGRESS MISCELLANEOUS COSTS

SUPPLEMENT NO.	DESCRIPTION OF CHANGES	REASON	AMOUNT	
			PROPOSED	ESTIMATED
27	Deletion of 1/2" Depression in Concrete Topping. This Supplement provides for standard 3" concrete topping at specified locations in lieu of the originally specified 2-1/2" topping.	To accommodate Owner's changed thickness of carpet - a thicker carpet was deleted by Owner.	\$ 3,533.	
17	Revise and Add Column Furrings in the Third Floor Reading Rooms.	Revise furring to provide a shelf with hanging space below. Additional furring to balance area around central desk.	\$10,509.	
127	Revisions to the Underfloor Ducts in the Law Library Attendant's Station, N. E.	To provide the flexibility for future occupancy as noted in the Library of Congress memo dated April 21, 1976.	\$ 5,138.	
165	Changed Specification for the Control and Monitoring, Fire Alarm and Security System.	Design features and capacities of specified fire safety systems required revisions.	\$ 2,592.	
168	Provides the location of the clocks with changes to the number and type of clocks and relocation of certain clocks.	To accommodate the Library of Congress wishes for additional clocks and design change at certain locations.	\$1,800.	
240	Drupery Track Modifications	The type of drupery track specified for the Sixth Floor was not recommended for large installations.	\$12,000.	
280	Revises the Radio Interference Filters.	Library of Congress changed the areas for radio interference filters - memo dated 1-28-77.	\$ 3,625.	

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT
BREAKDOWN OF LIBRARY OF CONGRESS MISCELLANEOUS COSTS

SUPPLEMENT NO.	DESCRIPTION OF CHANGES	REASON	AMOUNT	
			PROPOSED	ESTIMATED
325	Changes to Architectural Woodwork on the Sixth Floor. Rift Oak in lieu of Mahogany.	To have wood paneling and trim that would be suitable for the contemporary furniture planned, chiefly in oak.	\$	500.
312	Electrical Changes to Sixth Floor. Changed Type X-6 Fixtures.	Type X-6 fixtures were a "step light" type fixture approximately 24" A.P.F. and were deleted for aesthetic reasons.	\$	5,500.
343	Additional Doors and Frames and Relocating Doors and Frames on Third Floor.	Revised partition layout on Third Floor.	\$	1,300.
357	Relocate Wall Conference Room NW-6126 and Office NW-611BB and delete door and masonry wall east of Column H-5.	Revisions to Sixth Floor layout.	\$	1,000.
401	Changes to Telephone Booth Alcoves and Telephone Directory Alcoves.	C & P Telephone Company no longer installs booths for pay phones. Library of Congress had to change to shelf unit.	\$	3,000.
402	Change Movable Metal Partitions from Series "Forecast 200" to Series "Forecast 150".	"Forecast 150" series allows for the application of hang-on accessories such as shelves, casework, etc., virtually anywhere in the system without modification.		\$58,000.
430	Additional Electrical Convenience Outlets on Basement Floor.	Lack of convenience outlets on contract drawings for many free-standing columns on the basement floor.	\$	8,716.

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT
BREAKDOWN OF LIBRARY OF CONGRESS MISCELLANEOUS COSTS

SUPPLEMENT NO.	DESCRIPTION OF CHANGES	REASON	AMOUNT	
			PROPOSED	ESTIMATED
490	Additional Underfloor Duct Service Fittings.	Walker Service Fitting Type 507AL were not provided for in the specifications but are needed to accommodate the five Amphenol cable connectors required for the large call director phones.	\$ 13,900.	
433	Delete Type 501-ALE Telephone Fitting and Substitute 518-AL Fitting.	The specified fitting would not conceal an amphenol connector furnished by the telephone company. The 518-AL fitting will.	\$ 41,192.	
429	Addition of Electrical Convenience Outlets.	Review of Contract Drawings revealed that additional electrical outlets would be required in the Subbasement N.W. and N.E. Compact Storage Area.	\$ 8,600.	
508	Masonry Revisions at Ground Floor Snack Bar.	To provide a continuous flush surface along the east wall of the Snack Bar Dining Area for the installation of a photo-mural.	\$ 300.	
513	Modifications at Ground Floor N.W. Information Systems Office. Adds door, relocates door. Deletes rails at access floor ramp. Deletes pass-thru window.	Modifications in the ramp in the computer room were required after re-study of the use of the computer room and adjacent area.	\$ 400.	
521	Underfloor Duct Service Fittings Locations - Sixth Floor.	Electrical and telephone services from underfloor duct system services fittings required by Library of Congress that were not required by contract.	\$ 2,200.	

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT
BREAKDOWN OF LIBRARY OF CONGRESS MISCELLANEOUS COSTS

SUPPLEMENT NO.	DESCRIPTION OF CHANGES	REASON	AMOUNT	
			PROPOSED	ESTIMATED
527	Install 10 lb. ABC Dry Chemical Fire Extinguishers in lieu of the 2-1/2 gallon extinguishers	2-1/2 gallon dry extinguishers are not manufactured	\$ 2,730.	
545	Revision to Wall Finishes at Cores and Corridors	In order to incorporate the interior design revision and/or additions for the general ring corridors and core areas. This change indicates the inclusion and extent of the various "wall stripes" of paint and/or vinyl which will serve to designate the specific quadrants by the use of color. Also contain re- visions to the treatment of plaster surfaces.	\$20,814.	
563	Additional Fume Hood Ductwork	Additional stainless steel fume hood ductwork from subbasement to the Seventh Floor as a re- sult of the creation of the Preservation Office Experimental Bindary.	\$ 27,800.	
578	Revisions to Ground Floor Plan S.E.	S.E. corner of Restoration is to be "Wet Area". Therefore required additional glazed facing tile and quarry tile curb separating area from major part of Restoration Shop.	\$ 10,800.	

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT
BREAKDOWN OF LIBRARY OF CONGRESS MISCELLANEOUS COSTS

SUPPLEMENT NO.	DESCRIPTION OF CHANGES	REASON	AMOUNT	
			PROPOSED	ESTIMATED
583	Door Location Revisions and Additions	Current plans for Library space assignments required these modifications. This Supplement deletes one door, relocates one door and adds two doors in the subbasement and Third Floor.	\$ 1,500.	
612	Electrical Service at Cabinets	Convenience outlets at miscellaneous wood cabinets which were not a contract requirement.	\$ 5,500.	
614	Changes to Vinyl Wall Coverings	Project Manual lists certain manufacturers of vinyl wall covering. Contractor's approved supplier does not offer color selections that meet the needs of the Library of Congress color schemes.	\$ 6,700.	
635	Fabric Change for Third Floor Auditorium Seating	Changed color schemes	\$ 2,500.	
642	Hollow Metal Door Modifications at Cafeteria	To accommodate Library of Congress request to provide more light in adjacent rooms.	\$ 500.	
654	Additional Mechanical and Electrical Service to Vending Machine in Two Lounge Areas and providing water service to vending machine at Ground Floor Snack area.	Not required by Contract.	\$ 3,300.	

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING PROJECT
BREAKDOWN OF LIBRARY OF CONGRESS MISCELLANEOUS COSTS

SUPPLEMENT NO.	DESCRIPTION OF CHANGES	REASON	AMOUNT	
			PROPOSED	ESTIMATED
650	Revise electrical work in the Main Library Tunnel, the Annex Building and the Subbasement of the James Madison Memorial Building for the Book Conveyor System.	Revise circuitry so that the Library of Congress's forces can install a new panel at a future date.	\$	900.
685	Revise the Central Services Division area on the Ground Floor.	Accommodate revised needs of the Library of Congress.	\$10,600.	
694	Revise ceramic tile colors in miscellaneous toilet rooms.	Color selections were changed and the material was already at the jobsite, or ordered by the sub-contractor.	\$	560.
700	Provide additional clocks at various locations throughout the building.	The Library of Congress determined that additional clocks would be necessary.	\$25,000.	
721	Modify the existing conveyor enclosure in the Annex Building to conform with the new enclosure added under this contract.	The existing materials on the existing enclosure could not be matched.	\$	1,100.
747	Provide locations for underfloor duct service fittings on the Third Floor.	To provide electrical and telephone service from the underfloor duct system. Reason it is an extra is because there are some fittings that the Library of Congress needs that are not required by Contract.	\$	3,300.
762	Provide locations for underfloor duct service fittings on the Second Floor.	See description for Supplement No. 747.	\$	900.
			\$115,657.00	\$192,592.00
			TOTAL	
			\$308,249.00	

Mr. MINETA. Mr. White has indicated that he has \$5.5 million or so available right now, from the appropriated fund, but that it was projected that he needs \$13.2 to complete the project.

As I understand it, then, only roughly \$2 million is attributable to the congressionally mandated changes in the Library's mission; is that correct?

Mr. CAMPIOLI. As of the present moment that would appear to be correct, if we discard the changes that were made back in 1971.

In supplement 654, the description of the changes is shown as changes to vinyl wall coverings. And the reason for it, the project manual lists certain manufacturers of vinyl wall coverings.

The contractor-approved supplier did not offer color selection that meets the needs of the Library system.

Mr. MINETA. Where did those changes come from?

Mr. CAMPIOLI. They emanated from the Library, I believe.

Perhaps someone from the Library may wish to answer that question.

Mr. BERRY is from the Library.

Mr. BERRY. Mr. Chairman, some of those changes—and I think you will admit that the amounts are very, very minor—were required in order to make the building accessible to the staff and the public, the changes in vinyl colors, for example.

In few instances were they designer changes?

Again, we are talking about small amounts of money, \$500 to a few thousand dollars.

Mr. MINETA. Minor amounts, \$6,700, in one case, and \$2,500 in another.

What is this reference to accessibility?

Mr. BERRY. The item that you just mentioned first, the change in the vinyl colors. We realized, when we began to work with the final design of the building, that it is an extremely large building.

We have between 4 and 5 acres of space on every floor in that building. We have corridors that range in length from 300 to 400 feet in one direction and 200 to 300 feet in another direction.

We are faced with the kinds of problems that have been solved, for example, in this building, by the use of color coding of areas of the building. This had not been planned in the original plans for the Madison Building.

We realized that in order to make the building usable and accessible to the staff and the public, who will have to find their way around these very large areas, that we needed to develop some sort of a color scheme.

ing. And it was my understanding that originally was to be done under the Architect's budget rather than under the construction authorization.

And I am wondering, why the change?

Mr. CAMPIOLI. Plans, as drawn, required the contractor to perform the work up to the existing building wall of the Library of Congress, and the Cannon Building. And since the time of preparation of this budget, we have received a request to convert the areas, at either end, to accommodate the tunnel. And we have prepared designs, and now know what is involved. And we hope to do this with inhouse day labor, which we have to pay.

It would not be done with inhouse maintenance forces, which are on the Government payments.

Mr. MINETA. Why is it that it was not done under the earlier authorization, originally? What was done with the amount of money that was set aside for the tunnel project in previous authorizations? What was done with that money?

And now we come back and have to add it to the 1976 authorization.

Mr. CAMPIOLI. There was a certain amount of this work that was to be done under the contract, and which, I understand, we are going to take a credit on and then we are going to do the balance of the work inhouse.

Mr. MINETA. Under this authorization, you are asking for beneficial occupancy operation of the HVA system, HVAC system, and that comes to \$800,000.

Where did this idea come from?

When was it decided that beneficial occupancy would be a good idea?

I am wondering: Is there any reason why that should not have been included under the 1976 authorization or the 1970, or the 1965 authorization, right from the beginning?

Mr. CAMPIOLI. This was not included at that time for the reason we had no indication that the Library might wish to start occupying spaces in the building prior to the completion of the entire construction work.

This would be a similar condition to what occurred in the Rayburn Building, when the building was finished by floors, starting with the top floor, going down, and was occupied, as each floor was completed.

Until the general contractor is off the job, it is not possible for us to take over the maintenance and operation of the mechanical and electrical systems without discharging the contractor and having the guarantee period commence as of the moment that the Government takes over.

This is a contingency item.

It may not be needed, but if it is needed, we would have the money. We have recently received, from the Library, a tentative schedule of how they would propose to move into the building. It is not firm yet, so this item is in there as a contingency item.

Mr. MINETA. Under the justification for this request, there is a figure for administrative and miscellaneous expenses of \$3,335,500.

Now, these are the costs incurred within your office, of which you associate with designing and managing the construction of the Madison Library project; is that correct?

Mr. CAMPIOLI. Yes, sir.

These cover all the costs of personnel that we have, who are strictly assigned to this project, both in the office and out in the field, that

are not on the permanent payrolls, and whose pay comes out of the appropriation for the project.

Mr. MINETA. In response to an earlier question by Mr. Walsh, Mr. White had indicated that the administrative, miscellaneous expenses are 5½ percent of construction costs, and given, let us say, the authorization being at \$133 million, that would be \$7,315,000.

If you add that \$3,335,500, that is included in this justification, and the \$5,078,125, which is attributable to administrative, miscellaneous expenses, through this date, that is a total of \$8,413,125.

We have got \$5,078,000, roughly, from 1965 to the present, and you are asking for \$3,335,000 for another year, a little over a year's worth of work.

Mr. CAMPIOLI. Well, the administrative costs on this work will continue long after the project is completed and occupied. There will be forces that will be required on the project, to screen the various supplements, change orders, and claims that the contractor is planning to make.

And that job will not be closed out for some time thereafter.

Mr. MINETA. I recognize that, but the question is based on the \$133 million of authorization, not in terms of time, or how long it will take to complete the work.

If you apply the 5½ percent to the \$133 million, then when you are charging off the Madison Library project or administrative and miscellaneous expenses, it is over \$1 million above what would be represented by 5½ percent.

Mr. CAMPIOLI. I believe Mr. White stated that we tried to keep it to 5½ percent, but this project—having been extended as long as it has—we have had to maintain personnel on it all this time. And we will continue to have personnel on this project for some time to come.

Mr. MINETA. What about the second part of it?

That is, if it costs us \$5.078 million for, let us say, 12 or 13 years of work, and here you are asking for \$3.3 million for a year's worth of work, again the proportion—it seems to me—is out of character. You are asking for a total of—I realize you have rounded it off to \$10 million—

Mr. CAMPIOLI. Perhaps I can ask Mr. Valenti, who is our project director on this project, to answer that question.

Mr. VALENTI. When we first contemplated—

Mr. MINETA. Excuse me.

For the record, could you give your name.

Mr. VALENTI. Gino S. Valenti.

Mr. MINETA. Your title, Mr. Valenti?

Mr. VALENTI. Superintendent of construction, head of construction, management division.

Mr. MINETA. Very good.

Mr. VALENTI. As I was saying, Mr. Chairman, when we first contemplated the staff size for the Madison project, we used the past history—that we had in our record for other projects of like size.

And with the costs of staff today, we projected the needs through the life of the project. We had a major delay of over 9 months, after the bid of the project on phase 4.

We had to carry the staff that I had already hired, and that, of course, kept the expenses going, even though, theoretically, the production of the staff could not be fully exercised.

But you have to plan ahead, otherwise when a project starts rolling, you do not have knowledgeable staff, competent to pick up the work load.

Then, during the course of the project, we received a great volume of correspondence because of some of the problems Mr. White alluded to earlier in the testimony, mainly, some of the design errors and omissions.

We have already received some 3,700 letters from the contractors and his approved subcontractors.

Now, the number is not very large, in one sense, but it is when you have to respond almost instantaneously to those questions that were in those letters, to carry on the timeframe of answers.

In other words, get these answers back in time.

Part of the problem that has occurred on this project for which we needed additional staff and special consultation—has been the delay claim that the contractor has already issued to us. He has not given a value to it but has made his intentions known to us.

And in order to protect ourselves, and to protect the Government's interests, we had to hire a consulting firm to follow this claim problem from its very early inception. This took place around the 1977 period, just at the turn of the last year.

Mr. MINETA. Is that the consulting service on CPM for \$126,000?

Mr. VALENTI. Yes, Mr. Chairman, that is what that is.

Of course, the contractor has been delayed because of the large number of changes that we have had to issue.

Of course, this has run his costs up, and comparably it has run my costs up, in order to maintain the proper staff to administer the project. In other words, I have to continue to respond to these questions for information, as the various letters come in.

I have to inspect the project, to assure that the Government's interests are protected.

And I have endeavored to do so with a good, competent staff.

And when you get a competent staff, I refer to people who are in the field themselves, and there is a past history, in other words, as superintendents of mechanical work, plumbing work, electrical work.

These are people who command a good salary in their private work. They have taken some reductions to come to work for us, but they are still competent people who require proper pay.

Of course, with the increase of supplements that we have to issue, I have had to increase those preparing estimates to protect the Government's interest in the proposals that are submitted. And to date, we have been reasonably successful in our efforts to hold down some of the costs.

Mr. MINETA. Mr. Valenti, how many people have you employed since this project was started?

And if you do not have those figures readily available, could you break it down, by phase 1, 2, 3, and 4?

Mr. VALENTI. Yes, Mr. Chairman. I will provide that to you for the record.

[The following was received for the record:]

May 24, 1978

JAMES MADISON MEMORIAL BUILDINGADMINISTRATIVE PERSONNEL

CLASSIFICATION	PHASE II														PHASE IV			
	DESIGN AND PLANNING						PHASE I				PHASE III				PHASE IV			
	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y	F Y
	68	69	70	71	72	73	74	75	76	77	78							
CONTRACT ADMINISTRATION	--	--	--	5	6	6	6	10	18	35	18							
ESTIMATING	--	--	--	1	1	1	1	2	3	4	9							
INSPECTION	--	--	--	2	8	12	14	10	17	19	16							
LEGAL	--	--	--	--	--	--	1	1	2	4	3							
SECRETARIAL/CLERICAL AND OFFICE SERVICES	1	1	--	5	12	14	21	16	26	27	11							
ELECTRICIANS, CARPENTERS, AND LABORERS	--	--	--	8	4	--	--	--	--	--	--							
TOTAL	1	1	--	21	31	33	43	39	66	89	57							

1/ Employee count was based on those people on board at the end of each Fiscal Year.

1/

Phase I - June 1, 1971 - January 1973.

Phase II - December 16, 1971 - Mid 1975.

Phase III - January 23, 1973 - Mid 1976.

Phase IV - Spring 1976 - 1979.

Mr. MINETA. And also, are these people under contract to you, or are they Civil Service employees?

What happens once the Madison Library project is completed? Is there then a reduction in force?

Mr. VALENTI. Yes, Mr. Chairman.

It would be a reduction in force.

The only contract people we have are the CPM consultants that I have referred to earlier. All other employees in the construction management division are temporary employees, and the reduction of force is made—or as the case is, we are presently handling the expenses of the powerplant facility and the Dirksen project.

And if the case required, and if the Dirksen powerplant staff must be increased, I may switch some of these persons to other projects as this workload increases.

Mr. MINETA. How many people have been added at the Capitol Power Plant, directly attributable to the construction of the Madison Library project?

Mr. VALENTI. To the Capitol Power Plant project, Mr. Chairman? I do not quite follow you.

Mr. MINETA. How many people have been added to your shop, because of the construction of the Madison Library project?

How many have been added to the Capitol Power Plant, and the cost of it?

Mr. VALENTI. Not only the personnel payroll, if that is what you are referring to. I am trying to follow your question.

I have not tied the powerplant project, in the sense that I would hire people to handle the powerplant project, because of Madison.

I would hire them only because of the need to administer the powerplant project itself.

Mr. MINETA. Let me separate it out a little further, then.

There are increased demands put on the Capitol Power Plant, are there not, from the Madison Library, because the Madison Library project is coming on line?

Mr. VALENTI. I think, maybe, if I am correct, by your description, you are thinking maybe an increase in personnel to operate the powerplant itself.

Mr. MINETA. Plus the increased requirements.

Mr. VALENTI. For the construction?

Mr. MINETA. For the construction.

Mr. VALENTI. Yes; I have increased those. I have approximately nine people—quick counting the listing I have here.

Mr. MINETA. That was approved under the 1965—or 1975—authorization?

Mr. VALENTI. For the powerplant?

Mr. CAMPIOLI. These are temporary employees, Mr. Chairman.

Mr. VALENTI. Temporary. Only hired during the course of construction, expansion of the facilities of the powerplant.

Mr. MINETA. I think it would be helpful if you could break down the number of employees that you have brought on by phases, if you would.

Mr. VALENTI. Yes, Mr. Chairman.

Mr. MINETA. I have a number of other questions, but I would like to yield to the minority.

Mr. WALSH. Mr. Chairman, I have to leave, but Mr. Stangeland will take over now. I have just one question before I leave.

Were all of the contractors, the general contractor and the subs, all under performance bonds?

Mr. VALENTI. Yes, Mr. Walsh.

Mr. WALSH. Is there, in your judgment, any reason to feel that they have not performed as contracted for?

Mr. VALENTI. Well, where I felt that they had not, Mr. Walsh, we have issued the proper rejection letters for work that we felt was not performed properly, but as an overall, this contractor and his subcontractors have been performing properly under the contract.

Mr. WALSH. You do not contemplate any recovery from any of the contractors or subcontractors for failure to perform?

Mr. VALENTI. Not at this time, other than any credits for deletion of work; items like changes that we have, we would go after them for that—that would be to get the credit for any work deleted.

Mr. WALSH. How many of the change orders relate to any errors that might have been made by the contractors?

Mr. VALENTI. At the present time, I know of none that really relate directly to that, because, Mr. Walsh, if the contractor creates an error, then it is to his expense and his cost, and all we may do is direct him on how to overcome the difficulty by issuing a change order or a supplement. But he pays the freight and the cost; in other words, it is done at no charge to the Government.

Mr. WALSH. Then, when you use the term "error" in these estimates of necessary changes, you are not referring to errors by the contractor; you are referring to, probably, errors in design?

Mr. VALENTI. Yes, Mr. Walsh, that is correct.

Mr. WALSH. And this is an error, then, by the associate architects?

Mr. VALENTI. Yes, Mr. Walsh, that is right.

Mr. WALSH. And do you anticipate any recovery from any errors that the associate architects might be responsible for?

Mr. VALENTI. Yes, this is what we anticipate.

Mr. WALSH. And do you have any estimate as to what that total might be?

Mr. VALENTI. Not at this time, Mr. Walsh, I do not.

Mr. WALSH. Is it a large amount or a small amount?

Mr. VALENTI. I would put it in a large amount category, Mr. Walsh.

Mr. WALSH. I do not like to get into "is it larger than a breadbox," but just how large is it? Give me a ballpark figure.

Mr. VALENTI. I think we are talking in the million or more figure.

Mr. WALSH. I will have to leave now, Mr. Chairman. Thank you very much, gentlemen.

Mr. MINETA. Mr. Stangeland, you may go ahead.

Mr. STANGELAND. Thank you, Mr. Chairman.

I am kind of curious as to what kind of communications that you have with the contractors, to the extent of 3,700 letters—what kinds of communications are those that he would write to you and you would have to respond to?

Mr. VALENTI. He would request information on problems that have occurred in his efforts to construct the project. They would fall in the categories of conflicts between one type of work—one trade in conflict with the work that has to be performed by another trade, and he asks our resolution of that particular type problem. And, of course, we, in

turn, request that from our associate architects to decide which way it should be corrected, on how to correct the problem that has been generated.

Mr. STANGELAND. Well, I assume that, to begin with, there was a schematic drawing and then there were blueprints. Are those not clear as to what he does and how he does it, and is he not competent to read those and do them under the direction of someone on the project site?

Mr. VALENTI. Well, they are clear, but they are not precise in the sense that field measurements and also the final shop drawings are prepared based on the general indications on the contract drawings and what is required in the specifications. And it is the actual physical placement of some of the work that reveals that there is a conflict of some type that requires a clarification or a change to the contract before they can install the work that we require.

Mr. STANGELAND. Let me ask this: Is a project of this magnitude bid on one original bid, or bid at stages? Is there not an overall estimate of the total cost of the project, because you asked for an authorization, to begin with, of \$75 million, as I recall?

Mr. CAMPIOLI. The estimates are prepared on the basis of estimates obtained by the associate architects and their engineers who have designed the job. They prepare the preliminary estimates on which the appropriations are requested.

Mr. STANGELAND. I gather there is one major contractor, one contracting company, construction company, which bid the project?

Mr. CAMPIOLI. We have had competitive lump-sum bids on each of the four phases of the work. We had a separate contractor for the foundation and excavation work. We had another contractor for the procurement of the stonework, and we had a third contractor for the erection of the superstructure, and now, a fourth contractor for the interior, finished work. Each contractor has worked more or less independently and free of the previous contractor.

Mr. STANGELAND. And were the requests, going back to the original \$75, and then up to \$90, and then to \$123 million—are these the result of one contractor not completing his work on time and additional changes in costs incurred, so that the next estimate of the next phase had to be increased and so you needed that kind of authorization?

I guess I do not understand. The ground was broken in 1971, what is taking so long?

Mr. CAMPIOLI. Well, Mr. White, I think, explained some of the delays. The one in particular which is fresh in our minds is the 9 months of delay during the time that the House was debating whether the building would continue to go ahead as a library or whether it would be taken over as a House office building.

Mr. STANGELAND. Well, I appreciate that; that is a 9 month delay.

Mr. CAMPIOLI. To answer your question, as far as I know, I am not aware of any one of the projects where we are considering at this time assessing liquidated damages for delay. Mr. Valenti could probably corroborate that statement.

Mr. VALENTI. So far, in each of the phases, 1, the foundation, was completed successfully on time. We did grant extensions of time due to extras to the contract, and there were no liquidated damages assessed.

On the stone supply, I believe that went through successfully, though there were some extensions of time given those through some changes that we authorized and, also, difficulties on a storage yard during the delivery of the stone that was established for the delivery of the stone and the storage of the stone.

Then, on the phase 3, we did have changes on that contract that did extend the contract time, but, again, the contractor performed successfully under the contract and the proper extensions as we authorized. And we do not anticipate any liquidated damages under that contract.

And, of course, this one that we are presently engaged in, by the large number of extras that we have had to authorize already, he, undoubtedly, will get extensions of time, one of which we have already granted to him. We do not anticipate any liquidated damages on this contract.

Mr. STANGELAND. Very good. I am going to forego any more questions, but, Mr. Chairman, before I turn it back to you, I would like to make one point, and I wanted to make it while Mr. White was here and maybe we will redo it then.

I realize that this is not, perhaps, a really fair comparison, but Mr. White made the remark that this building was not built like a corporate building would be for a 20- or 30-year lifespan, but for infinity. Well, in Minneapolis, they constructed the IDS Tower, and that building was not built for a 20- or 30-year lifespan. I am pretty certain—downtown Minneapolis, 57 stories—and I realize I may be comparing apples and oranges, but I daresay that there is more cost to building a building the size you are building on the footage and, yet, there are different costs in building a tower.

Now, it is 57 stories high; it has a total usable space of 1,898,000 square feet, so it is pretty close in the ballpark. It took 2 years from the first footings to its first occupancy to construct—April 1970 to April 1972—and it was constructed at a cost of \$83,700,000.

Now, I guess that building is pretty unique, as I am sure this building is unique. And that is what kind of puzzles me as a lay person coming into Congress as to why it takes this long and all of these additional costs; it just puzzles me.

I will turn it back to you, Mr. Chairman.

Mr. CAMPIOLI. May I cite one item in response to your statement, Mr. Congressman? One of the requirements of this building originally was to design a building so that any part of the building could be used as a library for collections or for office space. At that time, it was not possible to determine which areas would be used for collections—by “collections,” I mean books, manuscripts, newspapers, papers in general. And, consequently, the building has been designed with extremely heavy live loads on each floor. The majority of the floors have a live load capacity of 150 pounds a square foot, whereas in an ordinary office building, all you need to design is 60 pounds per square foot.

We also have floors at 250 pounds a square foot, and one floor at 300 pounds per square foot. Now, in these areas, you would be able to stack books from the floor to the ceiling without concern. Now, in an ordinary office building, I would doubt that you would find anybody who would invest in more than the minimum of 60 pounds a square foot.

Mr. STANGELAND. Well, I have to confess, as I said, I may not be making a fair comparison. But I am wondering if that additional construction to handle that kind of weight load—does that slow construction; does that mean the construction takes longer? I guess that is a point I would like to know.

Mr. CAMPIOLI. The construction is more massive, sir, and consequently, it does take longer than it does in ordinary investment-type office buildings.

Mr. STANGELAND. Thank you.

Mr. MINETA. Thank you very much, Mr. Stangeland.

Recognizing those floor loads that were built into this building, I think part of the other concern is that a lot of the occupancy is starting to become office space, office-type occupancy rather than book collection. I think that it was envisioned that this would be a place for scholars to come to and, yet, we start seeing a transition from that kind of a library to more office occupancy, where we do not need the 150, 300 pound per square foot loads. And I think this is some of the concern that is being reflected by our questions here, as well.

Mr. CAMPIOLI. Of course, Mr. Chairman, that is a condition that might change before this building is too far in use.

Mr. MINETA. That is the concern; even more so, if that trend is going to continue.

Because we have in our presence the very distinguished Librarian of the Congress, Dr. Boorstin, I would like to take this chance to—

Mr. ABDNOR. Mr. Chairman?

Mr. MINETA. Yes, Mr. Abdnor. I am sorry.

Mr. ABDNOR. I would just like to say that I am inclined to agree with Mr. Stangeland.

Let me ask you this: What was the goal when this building started out? How far behind are we in what was really intended in the construction of this building?

Mr. CAMPIOLI. Well, to give you the complete picture, the first program on the Library of Congress was prepared in July 1958.

Mr. ABDNOR. When you started this building, when you broke ground, what was the goal then; when were you anticipating its completion?

Mr. CAMPIOLI. We figured, in 1969, that we would be through in 1976.

Mr. ABDNOR. I cannot believe private enterprise—we were talking about them a little while ago—has all this trouble. When they set out something with goals, they come through.

I missed part of this conversation because I was late; I am sorry. Are we talking of the possibility of 4,800 people being staffed over there in this building; did I hear that somewhere around here?

Mr. CAMPIOLI. I believe the Librarian of Congress could answer that better than we can, if you will.

Mr. ABDNOR. Is that right?

Dr. BOORSTIN. Yes.

Mr. ABDNOR. Well, we are really getting off ground, are we not? I mean, we put up this expensive building with the purpose in mind of storage and all. How much room does it take for 4,800 people to be housed in there? How much of that building will be devoted towards office space, what percent of it?

Mr. MINETA. Maybe we could have Dr. Boorstin come up to the committee table at this time.

Dr. BOORSTIN. Mr. Chairman, I would like to ask that I be accompanied by Mr. Curran, who is the Assistant Librarian, and Mr. Berry, who is the Director of Library Environment Office and has been in charge of these programs.

Mr. MINETA. Fine.

Dr. BOORSTIN. Mr. Chairman, may I read a brief statement that may help answer some of these questions?

Mr. MINETA. That would be fine, Dr. Boorstin.

Dr. BOORSTIN. Mr. Chairman and members of the subcommittee, I do appreciate the opportunity to be here today to speak on the problem of additional authorization to complete the Library of Congress James Madison Memorial Building. I do regret that it is necessary for this to take place, but I do think the Library of Congress has been scrupulous in not asking for unnecessary changes in the requirements of the James Madison Memorial Building, and I would like to explain those that have been made.

There are only a few instances when we felt it was absolutely necessary to request changes in order to fulfill the mission of the Library. We could not, in good faith, ignore new requirements which, in most cases, were mandated by the Congress. I must, at this time, express to the subcommittee our indebtedness to the Architect of the Capitol for his cooperation and good will, as well as that of his talented and dedicated staff, some of whom are here today, in working toward the goal of making the Madison Building as effective as possible in meeting the changing needs of the Library of Congress.

There are four significant areas of major growth in the Library's programs that have resulted in increases in personnel and the need for adjustment of space in the Madison Building. These are the Congressional Research Service, the Copyright Office, the computer facilities, and television capability. For the most part, these changes have occurred since 1974, when the requirements for the bidding for the final phase of work on the Madison Building were prepared and were fixed by the bidding documents.

Consequently, since the award of the phase 4 contract in March 1976, it has been necessary to request certain adjustments that have added to the cost of the contract. These added costs have been estimated by the Architect of the Capitol to amount to over \$2 million in several categories.

The most expensive, approximately \$785,000, has been the need for changes in locations in the number of movable metal room partitions and associated costs for electrical and mechanical services. Changed space layouts, which use more room partitions, are needed because of the enactment of legislation for the general revision of the Copyright Act and by the creation of the American Television and Radio Archives and the expansion of existing programs, especially the research and support programs of the Congressional Research Service and the computer facilities which have been requested by the Congress.

It is estimated that changes in requirements for computer facilities will amount to approximately \$483,000. New applications of computer technology to the research needs of the Congress and bibliographic

programs of the Library have occurred since the planning work of 1974. The successful application of computer technology at the Library has exceeded our earlier estimates concerning the number and types of computer terminals that would be used in the building.

The building is now planned to accommodate some 2,000 computer terminals in the various offices and reading rooms in the Madison Building, a number far in excess of the terminals originally planned. This results in a need for increased electrical services in the computer and for special wiring throughout the building. There has been an increase in the original cost for electrical service fittings estimated at \$153,000 because of the additional Library staff who will occupy the building and, as I have said, the additional number of computer terminals.

The 1974 specifications included virtually no facilities for the receipt, transmission, or production of television programming. As you know, the Congress has become increasingly interested in the uses of television for its sessions and for its research needs, and has encouraged the Congressional Research Service to produce and distribute program material to Members and committees of Congress.

The changes we have requested in the Madison Building for this purpose, and at the cost of \$250,000, would allow the Congressional Research Service television/communications facilities that would be compatible with similar facilities being provided in adjacent congressional office buildings. In addition, it is our intention to locate the American Radio and Television Archives, which has been mandated by an act of Congress, Mr. Chairman, in the Madison Building. Its purpose is to preserve in the Library a selective and balanced sampling of television and radio programs for present and future generations to study.

Mr. Chairman, a great deal of work and planning has gone into the construction of the Madison Building, and the Library of Congress is grateful to the Congress for its support. This building is badly needed. The last building that was provided for the Library was in 1938, when our staff numbered 900 persons. Today, we have over 5,000 persons. Our book collection, alone, has increased from 5 million volumes to over 18 million. We are confident that with the occupancy of the Madison Building the Library will, for the first time in two decades, be able to house our staff in decent working conditions and provide proper storage for our priceless collections.

It also will give us an opportunity to restore the Main Library Building and the Thomas Jefferson Building to the original purposes for which they were intended. The main building is probably the most elegant building in Washington. Its true beauty has been hidden because of unsightly partitions, serious crowding, and other stopgap resources and measures to meet space needs. It also has been disqualified by those uses for its proper use as a cultural center, for which it was intended. I would hope we could once again make it what it was meant to be—a monument to learning in America.

I regret, Mr. Chairman, that I must be here to speak to an additional authorization for the Madison Building, but we could not, as responsible public officials, fail to face up to the need for certain changes in the building. It is our responsibility to make sure that it

will serve the Library well in carrying out its responsibilities to the Congress and to the Nation.

Thank you, Mr. Chairman.

Mr. MINETA. Thank you very much, Dr. Boorstin. You state in your testimony that there are four significant areas of major growth in the Library's programs that have resulted in increases in personnel and the need for adjustment of space in the Madison Building.

There is roughly about \$13 million of work remaining to be done, and as I look at the figures, I can only identify about \$2 million that are being actually identified as changes because of congressional mandates. Is that correct?

Dr. BOORSTIN. Yes, Mr. Chairman.

Mr. MINETA. Do you envision any further changes, knowing the given state of legislation and your responsibilities; do you envision any further changes?

Dr. BOORSTIN. I do not at the present, Mr. Chairman. On the other hand, for example, the mandate for a television and radio archives was just made by legislation during the last year, and that was something we could not have predicted. We would have to stand ready to follow the mandates of Congress, in the event that Congress should give us further responsibilities.

Mr. MINETA. So, you have no other contemplated changes above the \$2 million that you are requesting now for any other changes, other than the \$2 million that you have mentioned this morning.

Dr. BOORSTIN. Not at the present time, Mr. Chairman.

Mr. MINETA. Now, you mentioned some 5,000 employees. Are they all currently housed in either the Thomas Jefferson Building or the Main Library Building?

Dr. BOORSTIN. No, sir. For the details of that, I would like to call on Mr. Berry.

Mr. MINETA. Mr. Berry, in responding, on completion of the Madison, what will be the change in terms of the breakdown between the three buildings or any other locations?

Mr. BERRY. Mr. Chairman, we now have about 3,600 staff in the two buildings on Capitol Hill. Obviously, we have no one in the Madison Building at the present time. We have about 1,550 staff in rental buildings that are available throughout the metropolitan area that we are using at the present time.

In 1980, we estimate that we will have some 850 staff in the present two buildings on Capitol Hill, the Main Library Building and the Jefferson Annex; we will have 4,850 staff in the Madison Building, and still have 300 staff in the rental buildings that we will have.

Mr. MINETA. Now, Public Law 91-214 increased the maximum cost of the building from \$75 million to \$90 million, and at that time, a great deal of justification supporting this increase was that these funds would be recouped due to the fact that 12 Library operations located in leased space would be relocated to the Hill, and we would save the taxpayers approximately \$2 million annually.

Now, you do indicate that you are going to be reducing from 1,550 down to 300 employees in leased space. So, is this savings still about the same amount?

Mr. BERRY. Yes, Mr. Chairman. We are estimating now that we will save on an annual basis somewhere in the range of \$4 million from rental costs from the rental buildings that we will be able to give up.

Mr. MINETA. What is the cost of furnishing the Madison Building, and what committee authorizes the expenditure of those funds?

Mr. BERRY. Mr. Chairman, we have been requesting since fiscal year 1973 from the Appropriations Committees funds for the furniture and furnishings and equipment for the building. We have received, to date, about \$19 million in appropriations from those committees, through the normal appropriation process, and we estimate that we will require, before the building is occupied, somewhere in the range of \$27 million for the furnishing of that building.

Mr. MINETA. \$27 million?

Mr. BERRY. Yes, sir. Now, of course, that is largely for special purpose equipment. "Furniture and furnishings" is the appropriation title that is used under which this money is obtained, but it includes a great deal of special purpose, library type equipment that is not just standard office furniture. For example, nearly 40 percent of that amount will be for bookshelves and other special shelving for collections in that building.

Mr. MINETA. Now, Mr. Berry, you indicated you have received, so far, \$19 million of appropriations from the Appropriations Committees?

Mr. BERRY. That is correct.

Mr. MINETA. The 1970 increase to \$90 million anticipated a furniture cost of \$10 million for the Madison, and now you are talking about \$27 million needed. Do you have a breakdown of that \$27 million?

Mr. BERRY. Yes, Mr. Chairman. I cannot give you the breakdown in 1970—I do not have that—but at the present time, we are estimating \$10½ million for bookshelving, collection shelving, storage of one kind or another; \$4.1 million for special equipment and furniture for the public areas; \$380,000 for low partitions and room dividers; \$1½ million for carpeting for the building; \$2.7 million for other kinds of special purpose furniture; \$7½ million for office furniture; and we have been asking the Congress to provide us with about a half million for contingency.

The purchase and procurement of furnishings for this building have very directly affected by increased costs. I am sure that the amount of \$10 million that was anticipated in 1970 did not have an escalation factor. These furniture items, particularly metal items, wood items, have been escalating in cost somewhere very close to the kinds of figures that Mr. Campioli was giving for building costs, between 10 and 15 percent a year.

We have also, of course, had to provide for more furniture and equipment for more staff for the building.

Mr. MINETA. What about old furniture? Will this all be new furniture in the new building?

Mr. BERRY. For the office-type furniture, we plan to move about \$2 million worth of furniture from the present facilities. Unfortunately, the big items, such as the bookshelving, collection storage equipment, cannot be moved, because the bookstacks in the present two buildings are built into the building structure. So, the collections that we put in the Madison Building will have to have new book-stack equipment.

Mr. MINETA. And you are saying that roughly about 4,850 employees will be housed in the Madison, and you are asking for \$7½ million

in office furniture. That comes out to, let us say, a ballpark figure of about \$1,400 per employee for office furniture.

Mr. BERRY. That is fairly consistent with current cost; yes, sir. We are trying to use the concept in that building of modern modular furniture. Some examples have been seen recently on Capitol Hill in both the Senate and the House offices, where they have tried out some of these modular workstations, which make greater use of special kinds of furniture to increase the efficiency of the staff.

In many instances, we have planned spaces without ceiling-high partitions, and that has also saved costs, but it does add somewhat to the cost of the furniture.

Mr. MINETA. Now, under the legislation passed in 1970, the Legislative Reorganization Act of 1970, the CRS responsibilities were greatly expanded, and I am wondering if you could elaborate on that expansion.

Mr. CURRAN. Yes, sir. We also have Mr. Novotny, who is the Deputy Director of CRS, here, and he can assist in specific questions concerning the Service.

In particular, the act of 1970, of course, increased the responsibilities of the CRS to include a variety of functions which they previously had not performed, with particular emphasis on in-depth policy analysis for the Congress to give them a resource capability, which previously the Service could not perform. It was contemplated in the 1970 Reorganization Act that the Service would grow in a very substantial way, but in fact, the actual growth of the Service began occurring in the period 1972 through 1976. And during this period, particularly, I think, 1972, 1973, 1974, 1975, there was a relatively rapid escalation of the Service in terms of its staff and its facilities.

I think our initial planning—for the needs for space we did not adequately anticipate a new kind of people for the Service—we were clearly escalating the caliber of persons in the Service, and that was, I think, changing rather rapidly our concept of the kind of physical work environment that would be needed. In any case, the additional staff of the Service went up from 300 to over 800 today.

And, of course, at the same time, the Copyright Office, since 1976, 1977, and 1978, has also rapidly escalated their staffing because of the revision of the Copyright Act which occurred in 1976, and it was not really a certain matter until then.

Consequently, we have changed the staffing and needs for both of those departments, and that has caused us to substantially rework floor space layouts for those departments since 1974, when the plans were made. The bid of 1976 was based on estimates that were made for space needs in 1974. The bid documents, I believe, were largely finished in 1974. There was this kind of lag time where we were trying to determine what our needs were, and that is, in large part, the item of \$785,000 for partitions.

Mr. MINETA. Mr. Curran, that raises a question in my mind. It was in 1976 that we went from \$90 to \$123 million and, yet, this was the 1970 Legislative Reorganization Act that brought about some of these increases.

Mr. CURRAN. Yes, sir.

Mr. MINETA. In that 1976 request where we went to the \$123 million, was it anticipated that this increase from 323 positions of CRS, now

going to fiscal year 1978 and being 813—was that contemplated, or had that been built into when we increased it from \$90 to \$123 million?

Mr. CURRAN. Well, we certainly knew that we were going to have a larger staff in support of the Congress.

Mr. MINETA. Not counting the Copyright Office.

Mr. CURRAN. I am just dealing with the CRS, yes, sir. We certainly had estimates at that time of a growing staff. We did not have that staff hired, obviously, and the answer is partly yes, we did, in fact, know, and the space provided for it. But in what I would prefer to call the "fine tuning," when we, in fact, got most of those people hired and began to deal with real people instead of hypothetical situations and how these people would best be housed and how they would work, we were now dealing in the real world, rather than the world of speculation and certain adjustments had to be made.

Mr. MINETA. The legislative mandate of increased policy analysis and research support to Members of Congress and congressional committees has escalated the need for personnel, as well as space to house them, I take it?

Mr. CURRAN. I believe that, certainly since 1974, we have come to see much better what the space needs of the Service are, not just in terms of how many people are involved, but the kinds of people and the kinds of services that they provide and the kinds of physical arrangements that are called for.

And I might add that part of that cost associated with partitions also involves the style of equipment, which, I believe, has changed.

Mr. MINETA. Let me go to the second part of the legislative mandate, and that is the Copyright Act. Will they be on Capitol Hill, the Copyright Office?

Mr. CURRAN. Yes, sir, they will be occupying space in the Madison Building; the entire Copyright Office will be in the Madison Building, yes.

Mr. MINETA. Why is it necessary that they be located in the Madison Building?

Mr. CURRAN. We have considered that question, and it is our best judgment that the Copyright Office is an integral part of the Library of Congress, and that there are work processes that are comparable. If I may digress a moment, the reason for having the Copyright Office in the Library of Congress in the first instance is the benefit that derives to the national collections from copyright deposits—book materials, motion pictures—the whole range of materials that are received as copyright deposits.

There is a responsibility for the Copyright Office not only to receive the material, but to perform cataloging functions, a processing function, and then to pass through to the general collections of the Library those things that we want for the collections. It has been our feeling that by having the Copyright Office in adjacent space to other technical processing functions in the Library, which we call the processing department, that these processes would be better facilitated. In other words, it is easier and more efficient to have the Copyright Office in a workspace adjacent to the processing department of the Library that provides the basic cataloging services.

And we feel that there are other efficiencies of management that accrue to having that department of the Library in juxtaposition to

the rest of it. Obviously, it can work elsewhere; it is now in Virginia in Crystal City. And, of course, there is the savings in the rental of the space that they vacate.

Mr. MINETA. So, that goes back to, under the plans and specifications for the building, when the floor loads are built to withstand certain floor loads, as pointed out by Mr. Campioli. Dr. Boorstin has indicated that the Library collection has gone from some 5 million to 18 million volumes.

What percentage of those volumes were anticipated to be housed in the Madison Library at the time the Madison Library was authorized, and what percentage do you anticipate that that will be now?

Mr. CURRAN. I can give you a series of approximations because I was thinking of that when the question was asked, and I feel there may be some modest misunderstanding that I would like to try to correct, and ask Mr. Berry to assist me.

First of all, from the outset of our building program, it was contemplated that this building would house, in large measure, what we refer to as the special collections, or the nonbook collections, of the Library. The book collections are housed, and we expect to continue housing a substantial portion of them with certain exceptions, such as the law books, in the existing buildings. And as I say, from the outset, we anticipated that the nonbook materials—which are manuscripts, maps, music, prints and photographs, sound recordings—that these kinds of materials would be housed in the Madison Building. In fact, the reading rooms are built around them; if you look at floor plans of the building, there is a manuscript reading room, and prints and photographs reading room, a music reading room, a newspaper reading room, and a geography and map reading room. All of those kinds of things, with their associated materials, were planned from the outset for this building. That does not represent a departure from any plans which we have ever had.

The book materials, however—

Mr. MINETA. Those are contemplated on the first floor?

Mr. CURRAN. They are contemplated on several floors throughout the building. The entire law library collection and the serial materials, which are basically the newspaper collections in the Labrary, have always been designated for this building from the very beginning. That does not represent design change on our part. And, therefore, a large part, in terms of square footage—and I will ask Mr. Berry this in a moment—a substantial part of that building is reserved for the storage of those materials.

It was certainly our feeling at the time, in the sixties, and indeed today, that we try to give this building the best floor loading we could to insure that it would be available for any future uses. It has been our experience in existing buildings, that where we had stack areas in 1897, it becomes a staff area today. In the Jefferson Building, areas that were stack areas are now staff areas, and the airconditioning, the lighting, the whole physical environment is poor. We would expect to convert these areas to book storage when we occupy the Madison Building.

What we are interested in is a building that, in the year 2010, we can use for whatever purposes are needed then for the Library in its support of the Congress and its other functions. Hence, that was our

concern—to ask the architect to design a building that was as functional not simply for today, but for its life, which we would anticipate to be, of course, a near infinite life.

Also, if I may add just one more word, from the outset we anticipated that this would be also a people building. Our program statements from, certainly, the early seventies, and even into the sixties, I believe—we were estimating as many as 3,500 to 4,00 people would occupy the building. Obviously, that is up to 4,800 now.

The answer is it is both; it is a building that will house two-thirds of the collections of the Library, when you consider that these manuscript collections, map collections, serial collections, et cetera, really represent two-thirds of the total pieces that we have in the Library. But it will not house the book collections. That was not contemplated, except for law library books, for example. CRS will have thousands of special reference books. So, it is both.

Mr. MINETA. Thank you, Mr. Curran.

Mr. STANGELAND?

Mr. STANGELAND. How much staff does the Library have at the present time?

Mr. CURRAN. Approximately 5,170 people, as of the most recent pay period.

Mr. STANGELAND. 5,170 staff?

Mr. CURRAN. On the most recent pay period, we paid 5,137 people.

Mr. STANGELAND. And it is contemplated to have 4,800 staffed here?

Mr. CURRAN. In the Madison Building.

Mr. STANGELAND. What is the projected increase in staff by the time the Madison Building is ready for occupancy?

Mr. CURRAN. Obviously, it depends on the Appropriations Committee in the years 1979 and 1980, but let me say a couple words about that.

In the 1979 budget year, we have 233 additional staff requested. It is now before the committee; no action has been taken, of course, on the 1979 budget. Just to occupy the building, we asked in the 1979 budget—and then deferred it because of these delays we were referring to—a staff of 293, a little less than 300, people simply to occupy the building. This was for the special police, the janitor services, for all the building service people simply to occupy the place. In 1980, we will renew that request. Because of delays, we have withdrawn it in 1979, and we will ask for it again in 1980, plus the 1979 request, as it may be allowed by the Congress for additional staff, and any other additional staff that we might be seeking, say, in 1980.

So, my best guess might be 600, 700 more staff by, say, 1980, but I am, obviously, anticipating Appropriations Committee action, which I cannot know with any certainty.

Mr. STANGELAND. So, you anticipate, then, that 4,800 staff people will occupy the Madison Library, and then that would leave about 1,000 people for the Jefferson and the main building and wherever else?

Mr. CURRAN. That is correct.

Mr. STANGELAND. Why the increased number of staff in the Madison Building? Are the other buildings going to be utilized less? Is it a lower utilization, or what is the reason that we do not need the staff there?

Dr. BOORSTIN. May I add a comment, Mr. Chairman?

Mr. MINETA. Yes, sir.

Dr. BOORSTIN. Mr. Stangeland, one of the advantages of the construction of the Madison Building will be the restoration of the Main Library of Congress Building to its original purpose. That building was originally designed, to a very large extent, to be an exhibit building, a building in which to show the treasures of the Library to the American people, together with certain reading rooms, with a grand central reading room, and also with areas for display of some of the special format material. It was not designed as an office building, a building to house lots of staff. There is also a very large storage area in there for books; that was, of course, one of the main purposes of the building.

That building can be restored to its original purpose without accommodating very many people in it. In fact, that would be one way to insure that it was restored to its original purpose.

The Jefferson Building was designed also mainly as a storage building, and does not fulfill its purpose by accommodating primarily a large number of people.

Would you want to add a word to that, Mr. Berry?

Mr. BERRY. I think that is essentially the situation, Mr. Stangeland.

Mr. STANGELAND. Well, just let me interject one question here, because it will tie in with what you are going to answer.

In section 2 of the act passed on March 16, 1970, it said: "Nothing contained in the Act of October 19, 1965, 79 Stat. 986, shall be construed to authorize the use of the third Library of Congress building authorized by this Act for general office building purposes." Do you construe the fact that you are going to move all of your staff into the Madison Building as not being for general office purposes, but rather being supportive staff to maintain the Library; is that what I understand?

Dr. BOORSTIN. Mr. Stangeland, the staff that is being moved into the Madison Building will not be moved for general office purposes, but always in connection with a particular Library service to be offered there, such as the Congressional Research Service, the law library, or the special collections. We will not use the Madison Building as a general office building.

The administrative offices are scheduled to be there, but we do not consider that to be general office use; that would be for the administration of the services that are there.

Mr. STANGELAND. Well, let us go on here. You talk about the \$785,000 needed for changes in locations and number of movable metal room partitions, because of the legislation for the general revision of the Copyright Act and creation of the American Television and Radio Archives. Why movable metal partitions? Is this an area that is so flexible that there has to be that kind of flexibility in the building? Is it going to be a library, or is it going to be office space; why have movable metal partitions?

Mr. BERRY. Mr. Stangeland, I think perhaps we should go back to the question you were asking at the time that the Librarian began his statement. About 56 percent of the net space used by the Library, the net assignable space of the building, will be for office type activities.

Mr. STANGELAND. Fifty-six percent for office activities?

Mr. BERRY. Correct. And 25 percent will be for the collections that Mr. Curran was describing, and related to that figure, another 6 percent for reading rooms to service those collections. So, we are talking about 31 percent of the building for reader services; another 5 percent for general public facilities, which will include the exhibition hall that is part of the Madison Memorial concept of the building, the large public spaces, and the cafeteria.

There will be 6 percent used for the necessary storage for the servicing of the building, and 1 percent for a small occupancy by the House Library. So, we are not talking about the whole building, certainly, being for staff use.

One of the problems, again, that we have faced and that we have asked the architects to consider in the design of the building was this matter of flexibility for future uses and for future changes in uses. We have suffered with the present buildings because of the fixed masonry walls.

We asked the architects to design a wall system that would be removable, demountable, and relocatable so that we could, indeed, change offices, and this flexibility that you mentioned yourself has been built into the building, through the use of these movable metal partitions.

Now, this is a fairly standard application in commercial buildings, I believe, where they are using to an increased extent movable walls of one kind or another. We just happened to select the movable metal walls as being more appropriate for the Library's purposes. Again, they will have a longer life expectancy than, for example, gypsum walls, many of which are movable.

So, I think what we are doing is consistent in many ways with current building practices and will satisfy the Library's future needs, as well as our current needs. But it did occur, because of some of these changes both in the size and type of activity for the Congressional Research Service, and particularly the addition of staff of the Copyright Office, which made us have to redesign at least three major floors in that building. We did have to ask the architect to relocate the partitions that had been drawn into the original 1974-75 contract drawings. That is the explanation for that figure.

Mr. STANGELAND. Let me ask you this question: Does every floor have the same load bearing capacity, or are there variations in the floors?

Mr. BERRY. The three lowest floors, the below-grade floors, are 250 pounds. The floors from the first through the sixth are 150 pounds. A further word of explanation on that, if I may, sir: Even within our office or staff operations, there are frequently collections of books.

For example, virtually every division of the Congressional Research Service has book collections which have to be accommodated within their workspace. They have collections of reference material that they refer to constantly, and these can be located anywhere in their workspace.

The same is true with the technical services units of the Library, the processors and the catalogers. They have collections of books on which they are working. So, the floor loading is quite important for any library operation. It is not only the particular thing that we have here, it is a fairly standard requirement throughout libraries to have this

heavier floor loading than would be true in a standard commercial office building. Even many commercial office buildings have heavier floors at certain locations, of course, but we wanted them throughout the entire building.

Mr. CAMPIOLI. May I add to that statement?

Mr. MINETA. Yes.

Mr. CAMPIOLI. These metal partitions are made so that they can be located anywhere in the usable office space areas, 5 feet on center, to make rooms of different sizes. The partitions come in 5-foot units, and the partitions are equipped with movable shelf strips so that in any office, if there is need to provide storage for books or other material, the shelves can be put anywhere on these partitions.

Mr. STANGELAND. Do you still plan to install a cafeteria on the sixth floor, and at what cost will that be done?

Mr. BERRY. The cafeteria, yes, Mr. Stangeland, is planned on the sixth floor.

Mr. CAMPIOLI. We do not have any breakout on that cost. That is part of the general lump-sum contract that has been awarded for the interior work.

Mr. STANGELAND. That is not the only use for the sixth floor?

Mr. CAMPIOLI. No, sir.

Mr. BERRY. It is approximately 10 percent of the sixth floor.

Mr. STANGELAND. You indicate that you are going to relocate staff from five rental facilities. Do you have an estimate of what that relocation will cost?

Dr. BOORSTIN. Do you mean the moving costs, Mr. Stangeland?

Mr. STANGELAND. Yes, the relocation costs.

Mr. BERRY. We have estimated for that particular purpose, I would say \$300,000 to \$500,000. Of course, this again is offset by the savings in rental costs.

Mr. STANGELAND. How many rental facilities do we have?

Mr. BERRY. We now have 10 throughout the Washington metropolitan area.

Mr. STANGELAND. And the Madison Building will eliminate how many?

Mr. BERRY. Initially, it will eliminate all but three of those; certainly, the high-cost ones will be eliminated. We will still maintain staff at the Navy Yard Annex, which is a Government-owned facility.

Mr. STANGELAND. I have no other questions, Mr. Chairman.

Mr. MINETA. Thank you very much, Mr. Stangeland.

At this time—

Mr. STANGELAND. Excuse me, Mr. Chairman, I have a few other questions.

Mr. MINETA. Fine, Mr. Stangeland.

Mr. STANGELAND. These questions, Mr. Chairman, may well be for the Librarian, as well as the Architect.

Do you anticipate anymore change orders beyond this?

Dr. BOORSTIN. Mr. Chairman, I think the question of change orders is one that would have to be answered by the Architect.

Mr. STANGELAND. We can ask the Architect to respond.

Mr. CAMPIOLI. There will undoubtedly be additional change orders that come up as the work progresses and conditions arise that require resolution and perhaps consideration of payment.

But at the present moment, we assume that as soon as we get the fourth floor requirements from the Library, we do not anticipate any further changes of that type.

Mr. STANGELAND. If this \$10 million is authorized, when will the building be completed?

Mr. CAMPIOLI. As of the moment, it is scheduled for completion in the early part of 1980.

Mr. STANGELAND. And what would happen if you did not get this money?

Mr. CAMPIOLI. We would not be able to complete the building.

Mr. STANGELAND. You absolutely would not be to complete the building?

Mr. CAMPIOLI. We would not, sir.

Mr. STANGELAND. I have no other questions at this time.

Mr. MINETA. Dr. Boorstin, have you made additional requests for changes above the \$2 million and have been denied those requests for changes by the Architect?

Mr. BERRY. Nothing significant, Mr. Chairman, no. We work very closely with the Architect of the Capitol's office, and there is a give and take constantly on a daily basis. If the Architect's staff indicate to us, as they have on many occasions, that something that we have asked for will add an additional cost to the building, we will frequently back down. I think from now on, we will be extremely careful in what we would submit to them.

I cannot say that there would not be some things that would occur in the next year and a half that might require some changes. We will certainly be careful on that.

Mr. MINETA. Thank you very much, Mr. Berry, Mr. Curran, and Dr. Boorstin, for your presence here this morning. I do not think we will have to have you back this afternoon, Dr. Boorstin, because most of the other questions I have are related mostly to the Architect and the operation there. Just for some questions, maybe Mr. Berry or Mr. Curran might come back.

Dr. Boorstin, thank you very much for your presence here this morning.

Dr. BOORSTIN. Than you, Mr. Chairman.

Mr. MINETA. Without any further business before the subcommittee at this time, we will recess until 2. Thank you very much.

[Whereupon, at 12:01 p.m., a recess was taken.]

AFTERNOON SESSION

[Whereupon, at 2:37 p.m., the subcommittee reconvened, Hon. Norman Y. Mineta presiding.]

Mr. MINETA. The subcommittee will reconvene, and I apologize for holding everybody up. I was at the Defense Mapping Agency, having made a prior commitment there for a speech. I apologize for the delay.

Mr. Walsh, maybe I will start with you in terms of questions you might have of Mr. White.

CHANGE ORDERS

Mr. WALSH. Mr. White, are there anymore change orders contemplated at this time?

Mr. WHITE. Yes. The justification which we have submitted, Mr. Walsh, indicate our estimated value of change orders projected to the completion of the project. The number which is on the printed sheet, which amounts to—

Mr. WALSH. Is that \$4,219,000?

Mr. WHITE. That is correct. That now has changed to \$3,119,000, largely because some of those, as I think I indicated this morning, have been placed in the upper category—that is, the number on the line just above there, where supplements have already been issued; the latter have become firm and known, rather than estimated.

Mr. WALSH. What was the total amount of the change orders on this project?

Mr. WHITE. The total amount?

Mr. WALSH. From the beginning.

Mr. WHITE. The total in round numbers, Mr. Walsh, using \$6.6 million for the ones that are in front of you there—the total amount for phase 4 is \$7,625,000. We had \$893,000 on phase 3, \$66,000 on phase 2, and \$61,000 on phase 1. So, the bulk of them, as you can see, have been in phase 4, in the finishing of the building.

Mr. WALSH. Are these changes required as a result of requests made by the Library itself?

Mr. WHITE. Some of them, Mr. Walsh. In addition to the \$6.6 million, we have the \$1.9 million, or roughly \$2 million, of changes requested by the Library in this phase, which, really, to a large degree, could be termed a change in the program; in other words, from that which was originally used for the design of the building.

Mr. WALSH. As I understand it, Mr. White, we approved \$33 million for the phase 4 project. Is that about right?

Mr. WHITE. No; not exactly.

Mr. WALSH. How much did we approve for phase 4?

Mr. WHITE. In round numbers, \$67 million; that was the figure we had from the low bidder for phase 4.

Mr. WALSH. Now, phase 4 is—

Mr. WHITE. The final phase of the project.

Mr. WALSH. Right. We had spent how much up to phase 4?

Mr. WHITE. Slightly more than \$38 million.

Mr. WALSH. Phase 4 is the interior and the related work?

Mr. WHITE. That is correct.

Mr. WALSH. So, what you are requesting, then, is change orders in excess of 10 percent for the interior and related work. Is this not a high figure for change orders?

Mr. WHITE. Well, I think it could be viewed as high, but it could also be viewed as appropriate for phased construction. As you know, where one lets a single contract for the total construction of a building, all of the coordination of the various portions of the construction process is, by definition, put together in one contract.

Where one uses phased construction, one proceeds with the excavation, for example, before the finishing of the building has been determined. As a result of that, there tends to be more change orders through phased construction than there would be otherwise.

If one goes to what is sometimes termed fast-tracking, you have even more change orders.

Mr. WALSH. Did you not have a total plan for the building when you started it? Did the Architect not come up with a complete design, plans and specs for a complete building?

Mr. WHITE. In the preliminary sense, yes, but not in the final sense. The working drawings for phase 4 were not completed until phase 3 was almost complete, for example. Many of the decisions as to locations of partitions, for example, in phase 4 had not been made while the structure itself was being constructed—in other words, you commit yourself to certain conditions in the building when you proceed with phased construction; where the columns are located, et cetera. So, you are limited as to the flexibility.

Mr. WALSH. But this is all part of a general plan that you have.

Mr. WHITE. Yes, of course.

Mr. WALSH. It is not piecemeal construction. You have an idea of what your floor layout is; you know where the columns are, the elevators, the plumbing, the electrical, and the rest of it.

Mr. WHITE. That is correct.

Mr. WALSH. So, this seems to me like an inordinately high amount of money for change orders in one phase of construction, especially on the interior.

Mr. WHITE. You will notice, Mr. Walsh, that the final phase is the one in which most of the change orders have taken place.

Mr. WALSH. That is my point; it represents over 10 percent of the final phase.

Mr. WHITE. And it is in that phase when all of the prior phases come home to roost, as it were, because you are finishing the building at that juncture, and many of those final decisions will cause earlier decisions to have been inappropriately made, or appear to have been.

Mr. WALSH. I believe Mr. Stangeland asked this question this morning and I was not here, but I would, for my own information, like to raise it again. I do not believe you were here at the time.

If you do not get this \$7 million, plus, how much of this building would be incomplete?

Mr. WHITE. Well, I do not think I can answer that, offhand, in precise terms. We would have to leave unfinished a dollar value amounting to that \$7.5 million, or whatever that exact amount is. Now, what that means, percentagewise, or in terms of square feet or in terms of usability is something we could furnish for the record.

Mr. WALSH. Well, what it would mean, I assume, would be the changes in the computer facilities, the partitions, the electrical services, the television facilities, the movable partitions, the chemical fire extinguishers; all of these outlined in the project which you are requesting these funds for.

Could the Library function in the building, without severely handicapping the operation of the Library of Congress, if they did not get the \$10 million? Maybe that is a better way of asking the question.

Mr. WHITE. Well, I would guess the Library could better respond to that, Mr. Walsh. But I would say that if we did not get the \$10 million, there may be some tradeoffs. One might say at this stage, "Well, let us finish this instead of that, because that would be more appropriate from the standpoint of usability." One might say, "Well, let us put in the computer facilities and leave out finishing interiors of some offices."

Mr. WALSH. If they did not get the \$10 million, would it be possible for them to put in some of these facilities through their own operation and maintenance budget in the future? None of it involves major construction, as I see it.

Mr. WHITE. It does. I think you would have difficulty in viewing them as maintenance items. We are the ones, of course, who maintain the building. We would have to ask for funds to install, for example, the computer facilities, and it would probably cost a great deal more than \$483,000 if we were to do that 5 years from now, for example.

Mr. WALSH. Well, was the computer facility not planned in the building as part of the building itself to begin with?

Mr. WHITE. It was known that there would be a computer facility, but the extent of it or the facilities that were to be within it were unknown and were unprogramed, to the degree that additional requirements, as I understand it, have been placed on the Library of Congress by legislation requiring them to expand their computer facilities.

So, this is in addition to what had already been known in order to meet the needs of the Congress for response by the Congressional Research Service, for example, and I am really speaking for the Library at this point. I am relating what I understand to be true.

Mr. WALSH. I have no further questions, Mr. Chairman. Thank you, Mr. White.

Mr. MINETA. Mr. Stangeland?

CONTRACT BIDDING PROCEDURE

Mr. STANGELAND. I have just one additional question to the questions I asked this morning. Looking at the construction history, phase 2 was the contract for the clearing and delivery of the exterior stone, and the contract was awarded on December 16, 1971, and all of the material was not delivered until mid-1975. Could that contract be awarded at a dollar figure in 1971 and not have it affected by inflation clear through to 1975?

Mr. WHITE. It is affected by inflation to this extent: The bidders know how long it will take them to quarry the stone, shape it, deliver it, and so on, and they compute how much they estimate inflation to be. They gamble when they make their bid; that is part of the bidding process.

As some of the general contractors and subcontractors have said, they are basically gamblers, because they are dealing in futures.

Mr. STANGELAND. Are all contractors on projects like this held hard to that contract price, or is there any cost-plus contracts?

Mr. WHITE. They are held to that contract price. We have no escalation clauses in our contracts.

Mr. STANGELAND. No other questions, Mr. Chairman.

Mr. MINETA. There is a call of the House, and so we will have to recess and reconvene in about 10 minutes.

[Whereupon, a brief recess was taken.]

Mr. MINETA. The committee will reconvene.

Mr. Stangeland, at the time of the bells, you were asking a question. Did you get a response?

Mr. STANGELAND. Yes, I got a response.

Mr. MINETA. Mr. Hagedorn?

Mr. HAGEDORN. No questions.

COMPLETION FUNDS REQUIRED

Mr. MINETA. Mr. White, in your fiscal 1979 budget request, it outlines the present status of work for the Library of Congress James Madison Memorial Building, and it states in this connection, "It is to be noted that anticipated supplemental appropriations in the neighborhood of \$5 million are likely to be required for fiscal year 1978 in order to carry this project to final completion and settlement."

Given that statement, why are you requesting now, in its amended form, \$10 million from this committee, after stating that \$5 million should be sufficient to complete the project, recognizing that your original request was, I believe, for a total of \$7.65 million? Of course, that has been upped to \$10 million, but in the 1979 budget request, you had made the statement that \$5 million was likely to be required.

Mr. WHITE. Well, Mr. Chairman, I might recall that that budget figure was prepared back in September 1977. As you know, the budget process requires that we submit numbers very early in the year, in terms of the fiscal year. So, the budget was submitted 8 months ago, and at that time, we had not yet determined with any large degree of credibility just what we needed to request.

We knew it was going to be something, and that was primarily a need to alert the appropriations people and the budget people that something was going to be required. We have since refined that to the numbers that you now have in front of you.

I might say that going from the \$7.6 million to the \$10 million was a circumstance that we felt was necessary, in an effort to provide, as I mentioned this morning, a contingency of enough of an amount so that we would not get into further difficulty before completion of the project.

We are trying to predict into the future and, as fallible human beings, we do not predict very well. Therefore, no matter how hard we try, we seem to never predict enough. So we thought it would be useful to have a contingency that would be adequate, recognizing that the various committees that are involved—the Joint Committee on the Library, the House Office Building Commission, and the Senate Office Building Commission which, by law, direct us with respect to the progress of the construction—would control the expenditure of those funds.

Mr. MINETA. Now, when you speak of the September date, that is in terms of a submission to OMB?

Mr. WHITE. That is correct, and we thought it would be appropriate. Knowing and recognizing that we were in a financial circumstance that was going to require additional funds, we made a rough guess at that time, without enough detail. Of course, the detail began to develop as the time went on.

Mr. MINETA. As with other executive agencies, because you are under the legislative branch, would OMB have the authority to pare you back in terms of your figures?

Mr. WHITE. I am not sure what their legal authority is, but they never have. I gather they have no legal authority, either. They accept the numbers coming from the legislative branch, as prepared by the legislative branch.

Mr. MINETA. I would think so.

Mr. WHITE. They merely add them into their own budgeting process.

"SETTLEMENT" DEFINITION

Mr. MINETA. Now, in this justification, you have the phrase "to final completion and settlement." What is the word "settlement" in reference to?

Mr. WHITE. I think that is just a term of art which was used to indicate settlement of any outstanding construction change orders. It does not refer to settlement of claims of the contractor. That is not the intent of that expression, since those may take many years. As you may know, the problems with the underground garages south of the Rayburn Building are still in litigation and it is now 13 years after the garages were constructed.

Mr. MINETA. You mean the attorneys do not have a client; they have a career?

Mr. WHITE. That is correct. Some have described it as the attorney's retirement act when we do something of that nature.

BENEFICIAL OCCUPANCY

Mr. MINETA. Earlier, I had asked about beneficial occupancy, and I am wondering whether or not beneficial occupancy is not normally treated as a cost of occupancy, rather than as a construction cost.

Mr. WHITE. I suppose that is a matter of definition, Mr. Chairman, and we have both things taking place. For example, we have requested funds from the Appropriations Committee for supporting the cost of maintenance personnel, 22 people for about 4 months of the year of occupancy, so that we could put some of our maintenance people onto the construction site before it was occupied, in order to learn from the contractor the various ramifications of the motors, and primarily mechanical and electrical systems. That is a part of maintenance and operation.

When one comes to reimbursing the contractor for the cost of heating when one occupies beneficially, it is not normally viewed as a maintenance problem, but rather as a construction contingency. I suppose, depending on one's philosophy, you could view it either way.

I am not sure what the law would require, but I believe that, in general, in the construction industry it is viewed as a part of the construction cost, for tax purposes and other purposes, in private enterprise, as opposed to a maintenance problem.

Mr. MINETA. But mechanical systems operations are charged off to the architect's operating budget, are they not, rather than to construction?

Mr. WHITE. The cost of heating and cooling a building, and lighting, and so on, are, of course, part of the architect's maintenance budget, once the building is occupied. These funds are not intended to handle any of that, so far as I know.

Mr. MINETA. Why would they not be?

Mr. WHITE. The contractor has in his contract the requirement to heat the building while he is constructing it for his own purposes. If we partially occupy, we need to reimburse him for some of those items. One could make a choice and say that this should be part of a maintenance budget.

Now, partial occupancy maybe should require that. It is a matter of choice and definition, but these moneys are not intended to cover

that, particularly. They are intended to cover such things as having the contractor continue to operate the equipment in the building as a part of the construction process, even though we are in it, in order, for example, to not begin the warranties until we are fully occupied, or until the contractor has completed, let us say, elevator motors or generators, and such things as that.

As long as he is maintaining it and it is part of his construction obligation, then the warranty does not begin. These moneys are to cover us for reimbursement to the contractor who is going to say: "Yes; I will maintain them and operate them and let the warranty period toll until you occupy fully, but you have to reimburse me for that."

I suppose one could say that you could direct that to a maintenance budget. We chose not to, since it is related to the construction contractor. I must agree, Mr. Chairman, it is one of those items that could logically be put in either category.

Mr. MINETA. In this instance, are those warranties tolled until completion of contract?

Mr. WHITE. That is our intention, yes, as long as both parties are using the equipment.

DISCUSSION OF INCREASE BY ITEM

Mr. MINETA. We have gone over the design errors and omissions, and you have that as roughly \$3.5 million, plus the \$3,119,000. Do you anticipate filing a lawsuit on those against the architects or engineers for these omissions and design errors?

Mr. WHITE. We will, of course, do as we are directed. We intend to present it to the committees and commissions that are involved in directing us, and we will, of course, do as we are directed. I would guess this would have to be a judgment that would have to be made by not only those committees, but by legal counsel, as well.

Mr. MINETA. Now, as far as any settlement with the contractor, where do those moneys fit into this chart?

Mr. WHITE. They are in that category that you just recited, Mr. Chairman, that \$6.6 million, in total, change orders, or the changes that the Library has requested, which also become a change order, as far as the contractor is concerned; in other words, anything that we order the contractor to do—to add another light, or move a partition—and he gives us a bill and we agree to it, or negotiate with him and come to an agreement. It is those that we pay him for out of this fund.

If the contractor should make a claim that he is entitled to funds for, let us say, delay or a changed condition that he did not anticipate, or something of that nature, that kind of claim with which we do not agree, or even a change order amount with which we do not agree and which ultimately becomes litigated, when that is finally approved, if it should go to the Court of Claims, for example, at which point the litigation is taken over by the Department of Justice, if the contractor prevails, those moneys which he is paid come from the Treasury, and not from the appropriation to the building.

Mr. MINETA. It says: "changes resulting from job conditions, design errors and omissions, for a total of \$6.6 million." We do not know how much is contractors' claims, in contrast to how much we might be able to claim against the architect or engineer for design errors?

Mr. WHITE. That is correct. I am not prepared to respond to that at this point, but a reasonable amount of that, I believe, is recoverable.

Mr. MINETA. Now, the item "estimated value of change orders projected to completion of project, \$4.2 million," to what extent, again, are these change orders that have already become necessary, and to what extent is this figure just a guess as to what problems might occur in the future?

Mr. WHITE. Well, as I mentioned earlier, Mr. Chairman, that figure of \$4,219,000 is now \$3,119,000, since \$1.1 million of that has become firm and determined. The balance of it are estimates based upon the average cost per change order that we have experienced up to now, and a prediction of how many additional change orders, at that average cost, will continue into the future.

It is an estimate, and like all estimates, there is a tendency for the viewer of the estimate to look upon it as a firm contractual number, which it is not. That is, of course, the reason for the contingency. We are constantly struggling with the difference between what we can guess and what is finally determined.

Mr. MINETA. When we went up to the \$123 million authorization, there was a contingency of \$5,876,000. Is that correct?

Mr. WHITE. Yes; I believe that is correct.

Mr. MINETA. What happened to that contingency fund?

Mr. WHITE. It was \$5.6 million, I believe, Mr. Chairman. Is that the number that you have?

Mr. MINETA. Our figure from the report, back in 1976, is a contingency allowance of \$5,876,535.

Mr. WHITE. Yes, that is correct, Mr. Chairman; we have the same number. You asked what happened to that?

Mr. MINETA. Right.

Mr. WHITE. If you look at the second page of our justification, you will discover a number of items below the line marked "phase 4," which is the contractual amount. We did not allocate it specifically; it is distributed as we spent the money for the various items that are totaled in the remainder of that list, including the two items at the bottom which amount to the bulk of the funds, in addition to the contracts themselves.

Mr. MINETA. You are not including architectural and engineering services, and administrative and miscellaneous expenses as part of that?

Mr. WHITE. Not the architectural and engineering services, but the administrative and miscellaneous expenses have increased beyond what we thought they would.

Mr. MINETA. Mr. White, are you referring to page 2 of your report of April 26, 1978?

Mr. WHITE. Yes.

Mr. MINETA. You are looking at those figures underneath the \$67,896,000?

Mr. WHITE. That is correct.

Mr. MINETA. You start at \$9,629, and end at the \$70,000 figure?

Mr. WHITE. That is correct, plus the last figure, which is the administrative and miscellaneous expenses which are higher than we would have anticipated them to be.

Mr. MINETA. First of all, if you add those figures from \$9,629 down to the \$70,000, you are talking about roughly \$500,000 in there.

Mr. WHITE. Yes.

Mr. MINETA. From your previous authorization, you were given some sum for administrative and miscellaneous expenses. How much was that line item? Was that not \$2,539,000?

Mr. WHITE. I am having some difficulty, Mr. Chairman, in putting all these numbers together. The question, of course, is how did the \$5,876,000 get utilized, and it is really spread between the numbers that you see. There is some of it in phase 4, for example. You will discover that phase 4, that \$67,896,000, is higher than the amount that was presented in the request for funds at that time.

The request at that time was for \$67,035,300, and the difference occurred because the low bidder, on the basis of the manner in which the bids were determined to be low, which was the base bid—and those were the rules by which the bidders bid—the low bidder, it turned out, was not the low man with regard to the additives, and there was no way to pick the additives of the second low bidder and put that together with the base bid of the low bidder.

So, the actual amount was as you see it on these documents, and I see here that someone had determined at that time that \$693,000 of the contingency was applied initially to the original contract, for the reason that I have just stated. So, that is where part of it went.

Now, one might say that the unobligated balance which we still have, which is \$5,538,000 at this point, contains part of that contingency amount, as well. In other words, it is spread through the remainder of these numbers. The \$5,078,000 for administrative expenses is greater than we anticipated it would be to completion of the project.

We have had, for example, the administrative and miscellaneous expenses increased because of the necessity for us to hire some critical path method consultants in order to determine whether some of the contractor's claims for delay are appropriate or not.

Mr. MINETA. That was \$126,000, as I recall.

Mr. WHITE. Yes, something of that order of magnitude. So, there are a number of items of that nature which have added to the administrative costs. In addition to that, the large number that we have been discussing, the \$6.6 million in change orders, is quite a bit larger than we would ordinarily have expected, and there has been a lot of paperwork associated with that.

Some of our administrative expenses, in terms of allocable costs to inadequacies in drawings, are also assignable and perhaps recoverable, since we would not have had to expend as much labor and effort in the entire area of change orders if there had not been certain inadequacies in the drawings. I think that is important to recognize, as well.

Mr. MINETA. Mr. White, I guess the bottom line I am getting at is, how do we know and how do we make sure that when you or anybody else comes before us and asks us for a certain amount of money to build a certain project that we are, in fact, going to get that project for that stated amount?

Mr. WHITE. That is a question which has—

Mr. MINETA. And let me just add, parenthetically, that recognizing that \$2 million of this has been congressionally mandated as additional responsibilities which the Library of Congress has to now undertake, I can identify \$2 million worth of additional work.

How do I justify the total of \$13 million, when I can justify \$2 million of it as congressionally mandated? I am trying to find some answer to the balance.

Mr. WHITE. Well, some of it, as we discussed, has to do with operation and maintenance, which maybe should have been figured in the beginning. I think, to some degree, there were some inadequacies in the original estimate. I think, also, going back to the basic problem of the increase from the \$90 million to the \$123 million, there is a tendency, I believe—and this is not a digression, Mr. Chairman, but I think it may be worthy of note—there is a tendency for estimates to be viewed as bids.

I think it would be more appropriate to recognize that depending on when the estimate is made on a construction project, whether it is at the preliminary stage or the working drawing stage or the sketch stage, instead of giving a number, we rightfully ought to say, for example, at the very beginning, at the sketch stage, that there is a 60-percent probability that the cost will lie between this many dollars and that many dollars.

Then, as we go further into the project, we know that the probability increases and that the credibility of our numbers will be better, and therefore the narrowing of the limits between which these two numbers will go. I think that is especially true where a program is unknown, to begin with—by a “program,” I mean the intended detailed uses of the building.

If someone were to come to me as an architect to design a private home and say: “There is my wife and myself and three children,” and we design a house to accommodate them, and then part way through the design, they come in and say: “We are going to have another child,” I have to change the design of the house, perhaps, and add another bedroom, or whatever.

If the program changes during the course of the design of the building, then, of course, things begin to happen to change the cost. If, in the beginning, the concept of what was going to go in the building is at one level, and that begins to change over the 10 or 11 years of time that it seems to have taken for this particular project, that begins to cause changes, too.

Now, when we get into this particular category, I think it is obvious that the bulk of the additional costs that we are now talking about has arisen because of some change orders that were not anticipated in terms of the drawings themselves.

I am not sure there is a good answer. I think if we were to say that we want a building with so many square feet in it and it is a simple building and has a certain number of lineal feet of partition and it is going to accommodate a certain number of simple kinds of things, I think you come closest to getting what you want for a given dollar amount.

But here is a custom-built building that has a number of unique characteristics, the determination of the detail of which was not available to us in the beginning; for example, rare book storage and other areas requiring special low temperature and constant humidity characteristics; additional air filtering and chemical decontamination system required to prevent damage to rare documents for certain atmospheric pollutants.

I can recall spending a lot of time determining how best to prevent certain contaminants in the air from getting into the building through these systems. We had a lot of difficulty with the bidders with respect to how best to provide that.

The fire prevention system that went in was, as we discussed earlier, substantial. I think that between the fire prevention system and some of these other items, going back now again to the difference between the \$90 million and the \$123 million, I think there was \$9 million of that that was associated with that, alone; in addition, there was the inadequacy of the predictions about escalation.

A high redundancy emergency electric power system that is deemed necessary; uninterrupted power source for computer facilities; it is true that we knew largely what these were going to be. I guess what I am saying is that the estimates of cost were viewed inadequately, insofar as what they ultimately could have been.

That is part of the problem: An inability to make cost predictions. I believe that everyone has a tendency to minimize increases in costs and what ultimate costs will be. I suppose it is because, to some degree, if we knew at the beginning what it was going to cost at the end, we might never begin. I suppose there is a tendency to say, "Well, it should not cost that much more."

Mr. MINETA. I am quite sure my colleague, Mr. Walsh, when he was a mayor, ran into the same thing I did. If a department head wanted to sell me on something, they would have a low cost figure on something. We would say: "OK, let us get into it." We got into it, and then we would all have all kinds of escalations during the term of that project, where if we had known that right from the beginning, we would never have gone into it.

I recognize that there is a big difference between a cost estimate and a low bid, but it seems to me, right from the beginning, we have always known that this was a specialized structure. When the building was increased by the other \$33 million, there is this statement: "The building is a specialized structure that will offer the conditions needed to preserve, store, and efficiently use the information in its valued collections."

We have known since 1965 that that was one of the things that this structure was going to give us, and yet we have seen this escalate to the point of double what the original estimates were.

The other thing is, in looking at this cost justification for this request here, are there any items—you have got \$3.5 million for supplements which have already been issued, and then you have got the other \$3,119,000 for projected completion of project—is there anything in there that is already double counted from that itemized list up above?

Of the \$785,000, the \$483,000, the \$153,000, the \$250,000, and the \$308,000. is there anything that is being double counted at all?

Mr. WHITE. No, there is not, I am told, Mr. Chairman.

Mr. MINETA. Is that \$3,119,000 a contingency?

Mr. WHITE. No, it is not a contingency. Those items up above are separated. They are not in these changes resulting from job conditions, and so on. That estimated value of change orders is a separate item from the items which you see outlined up above.

Mr. MINETA. Those are already known change orders?

Mr. WHITE. No; they are estimates.

Mr. MINETA. Is it a contingency?

Mr. WHITE. No, I would not call it a contingency, because we know we are going to have some more change orders. We are estimating both the number of change orders and their average value, based upon what has happened up to now. Now, we have tried to be conservative in determining that, but again it is an estimate.

But I would not call it a contingency, since we are as certain as we are sitting here that there will be some additional change orders. The only question is how many and how much. So, we have used the past experience of existing change orders.

We have had a total of 704 supplements, which results in change orders that are finalized. The supplement means a supplement to the contract, and then we prepare a change order which finalizes it. We have had 700 of those up to now, based upon what has happened on the construction site.

Using that as a criterion, and taking the average dollar value of those—some have been as little as \$50 and some have been several thousand—we have averaged that number and predicted what we can anticipate from now until the end, and we have estimated it.

So, I would not call it a contingency. It is an estimate, and it could be wrong, which is why we have added a contingency.

Mr. MINETA. This morning, I think you said that administrative and miscellaneous expenses amount to about 5.5 percent. Is that correct?

Mr. WHITE. That is approximately correct, Mr. Chairman.

Mr. MINETA. So, again, if we use the \$133 million figure, 5.5 percent would be roughly—let us use the figure of \$7.3 million. If we add the administrative and miscellaneous expenses of the \$3,335,000 you are asking for here, plus the \$5,555,000 that you have already expended prior to this, we are up to \$8.8 million, which is \$1,200,000 more than what 5.5 percent applied to \$133 million is.

Then, if you look at the present justification of the \$3,335,000 request, as against the total additional construction cost you have, which is \$9,498,000, you are really talking about that being one-third.

Mr. WHITE. Well, I think, Mr. Chairman, you are correct in pointing out a discrepancy there. I believe that \$3,335,000 was determined last September and was based upon 2 full years of administrative costs, based upon what it has been up to now.

On the other hand, the number that remains, this \$5,538,000, the unobligated balance, is as of—

Mr. MINETA. Is that a September figure?

Mr. WHITE. No. That is as of March 1; I am talking about the unobligated balance on the previous page. So, that \$3,335,000 is probably a high number at this point, because we are almost—5 months into 1978, and that number was determined back in September, on the presumption that we would have 2 full years required for that purpose.

So, there may be a little more in there than is necessary, but again we felt that it was appropriate to have some leeway there. It really, in a sense, adds to contingency, I suppose. The fact is that we only expend what is necessary to expend, and that number, I am sure, could logically be reduced.

As I mentioned earlier, the \$10 million was a nice, round decimal number and the contingency amount was used as a rounding figure

and came out to whatever resulted. So, if we were to think in those terms, we might have—for example, if that number \$3,335,000 had been \$2,835,000, we would have probably rounded the contingency higher in order to come up with the \$10 million as a round decimal number, recognizing again that it seems that no matter how much contingency you have, it somehow results in an inadequacy.

Mr. MINETA. In 1976, you had stated that:

In my professional opinion, an amount equal to 10 percent of the cost of the remaining construction is not unreasonable sum to make available in order to provide the necessary funds to cover unforeseen job conditions, resulting in change orders, as well as possible change in program requirements on the project for interior and related work where the excavation, foundation, and superstructures have been performed under separate contracts being done under phased construction.

We are way over that 10 percent, are we not?

Mr. WHITE. That is correct. That 10 percent would have amounted at that time to \$6.7 million, and we asked for \$5.8 million, which is about 8.5 percent. But we are over the 10 percent, in any event.

Mr. MINETA. Do you not count the 10 percent on the remaining work to be done, and not on—

Mr. WHITE. The 10 percent was counted on the remaining work to be done, which was the \$67 million.

Mr. MINETA. \$6,896,000?

Mr. WHITE. That is right. We are, nevertheless, at this point slightly over that. I believe that it is not unreasonable to anticipate 10 percent. I believe that GSA uses 10 percent, for example.

I do not believe we will be over 10 percent on the total project, in terms of the expenditure of contingency. If you add up the contingency that we are asking for now and the contingency that had previously been appropriated, and take that as a percentage of \$133 million, I think it is considerably less than even 8 percent.

We have \$2,325,000 that we are asking for now, and \$5,876,000 that we asked for earlier, which is roughly \$8 million. And then we had a contingency in the first three phases, which I do not have in front of me, but it was probably something in the order of \$1 million; that is my recollection.

So, we would be at, let us say, \$9 million, and if you talk about \$133 million, 6 percent of \$133 million is \$7.8 million. I think our total contingency for the whole project, not including the funds that we have asked for for an expanded program and all the other things—I am talking about just the contingency amount—has not been unreasonable.

Mr. MINETA. To complete the work, not including the \$2,325,000 on contingency, there is about \$13 million of funds that is necessary to complete the work, is that correct?

Mr. WHITE. That is correct, of which we have an unobligated balance in the bank, so to speak, of \$5,538,000. As you get toward the end of a project, you begin to look at what you are going to need to complete it and deduct what you have left, which is what we did.

So, we estimate, as you announced, that difference between the \$13.3 million and the \$5.5 million, which is presently in unobligated funds.

Mr. MINETA. Does not \$3,335,500 for administrative and miscellaneous expenses for \$13 million more worth of work seem awfully high?

Mr. WHITE. It does, and I believe that it results, as I say, from two things. First, it was figured on 2 full years, which I am sure we will not need.

Mr. MINETA. Mr. White, could I interrupt you for just a moment? We have a call of the House again. Maybe you could formulate your ideas while we are gone. We will reconvene in about 12 minutes.

Mr. WHITE. Thank you, Mr. Chairman.

[Whereupon, a brief recess was taken.]

Mr. MINETA. The committee will reconvene.

Mr. White, we have roughly \$6.6 million, which I guess I might characterize as being a cost overrun, and this is being assigned to errors and omissions of the associate architect?

Mr. WHITE. Errors and omissions, and job conditions which may not be errors and omissions.

Mr. MINETA. All right. It appears that \$5.5 million has already been paid to the architectural firm.

Mr. WHITE. That is correct. It is either paid or obligated to be paid. I am not sure that it has all been expended.

Mr. MINETA. And you are also saying that you are going to be paying them an additional \$379,000, to the associate architect?

Mr. WHITE. Those figures are determined on the basis of obligations which were determined as a result of the percentage fee of construction costs. Those funds have not been expended, but that is what is predicted.

Mr. MINETA. And what is that percentage of the construction cost for architectural and engineering fees?

Mr. WHITE. It is 5 percent, Mr. Chairman. Their contract is 5 percent, but the \$379,000 is not a full 5 percent of the remaining amount. I believe it is because some of the construction cost items were not a part of their contractual obligation, and therefore they were not entitled to any fee on them; some of what we would call construction costs, but which they did not have anything to do with.

Mr. MINETA. So, it is not in any way related to certain design errors or omissions?

Mr. WHITE. No; it has not been. We did not think that was appropriate to do, until we made some legal determination of what their obligations might be.

Mr. MINETA. Going back again to this administrative and miscellaneous expense, our experience on this committee in working with GSA is that for their in-house costs, they usually charge 2 to 3 percent to oversee a phased construction project.

How is it that yours are roughly, let us say, about 6 percent?

Mr. WHITE. Well, I suspect it is to some degree because our costs include some things which theirs do not. For example, we have our own building inspectors. We do not come under anyone else's jurisdiction on the Hill, neither the city, nor the county, nor a State, nor anyone else.

So, any inspection to protect the Government's interests to see that a building is being properly built must be done by our own personnel. GSA does not do that. They may have GSA inspectors, but not to the degree that we have detail inspectors for concrete and steel and masonry, and so on.

In addition to that—and I think this is a point that ought to be clarified, Mr. Chairman, which I do not think I have done up to now—

any litigation that arises through the administrative process prior to a contractor's claim going to the Court of Claims is handled with our own in-house personnel; that is to say, lawyers on our staff hired on a payroll charged to the Library building, for example, or whatever other project there may be, responding to the contractor's claims. The GSA does not have that, either.

When I said earlier that if a contractor's claim finally goes to litigation and is determined to be recompensable by the Court of Claims, that money comes out of the Treasury. But the preparation for that litigation is done by our staff, as I have just described, and those moneys come out of this administrative expense.

When I indicated earlier that we were still in litigation on the underground garages south of this building after these many years, those moneys are coming out of the construction cost of the building, within a limitation of cost placed on it by the Congress at that time.

So, we need to have enough funds in here to be able to anticipate some future litigation. Otherwise, we will have to come back again.

Mr. MINETA. Is that person, as the head of the litigation division, just working on the Madison Library, or are there other projects that are under that person's responsibilities?

Mr. WHITE. Their time is charged to different projects, depending upon what they are working on. We have three major projects underway at the moment. As you may recall, we not only have the Library, but we have the Hart Senate Office Building; we have the expansion to the powerplant. Their time is allocated among those projects.

They are not permanent employees. We pay them on a temporary payroll, the funds for which are supplied through these administrative costs. Another thing that I might say, Mr. Chairman, that I am reminded of with regard to GSA, is that on some of their construction projects, they hire construction managers for a percentage fee or for a fixed fee. They are normally not included as a part of their administrative expenses; they are a separate expense of the construction. All of that, we do in-house, and it comes out of our administrative costs.

Mr. MINETA. Plus your contractual fee for consultants?

Mr. WHITE. That is correct.

Mr. MINETA. As in the critical path management; that is above your administrative expenses?

Mr. WHITE. That is correct, but it is in that total for funds expended. The only thing that is not in there in the way of fees is the fee to the associate architects and engineers who design the building.

AUTHORIZING LEGISLATION

Mr. MINETA. Pursuant to the rules of this House, this committee is charged with the responsibility of matters relating to Capitol buildings. In our budget report to the House Budget Committee every year, we account for a great percentage of your budget in our report, such as funds that are necessary for Capitol buildings and grounds, House office buildings, and the Capitol Power Plant.

I am somewhat troubled by the fact that prior to the transmittal of our report to the Budget Committee, we never really received any communication from your office requesting authorization for the expenditure of these funds.

Since you do not seek authorization from this committee, who, in fact, authorizes the expenditure of these funds prior to an appropriation?

Mr. WHITE. Expenditure of funds for Capitol Grounds, let us say?

Mr. MINETA. That is right.

Mr. WHITE. Let us take that as a particular item. We go each year, of course, to the Appropriations Committee for maintenance funds. Those items which are considered to be minor in nature, such as, for example, the replacement of sidewalks, are authorized, in effect, directly by the Appropriations Committee, as a part of what we are charged with by law, which is the care and maintenance of the buildings and grounds.

I suppose that it could be said that a limit should be set on how large the funds should be before the Public Works Committee should become involved. No one has ever directed me as to how much that should be. The fact is that when there is anything of any magnitude, it does come before this committee. Ordinary maintenance items do not.

For example, there may be nonrecurring items which are, nevertheless, of a maintenance nature. By "nonrecurring," I am referring to the replacement of a roof, for example, which may take place every 20 years as a major replacement item. We normally would not come to Public Works with that, since it is really a maintenance item, even though it occurs only once in 20 years.

Any new construction that takes place does come before this committee, insofar as I know and since I have been here.

Mr. MINETA. But my point is that under the House rules, we have the responsibility for reporting to the House Budget Committee. We have done a quick, back-of-the-envelope kind of computation, and that comes to in excess of \$50 million for all of the Capitol buildings and grounds, the Capitol Power Plant, the House office buildings, Library buildings and grounds. These all come to an amount in excess of \$50 million.

I recognize you go to the Appropriations Committee for the money. But, usually, for an appropriation, there has to be some kind of authorization.

Mr. WHITE. Well, the authorizing legislation for us, Mr. Chairman, are the acts of August 15, 1876—19 Stat. 147—and a continued list which I will provide for the record, and the acts of December 24, 1973, and so on; I am now talking about the Capitol Grounds.

[The following was received for the record:]

5/17/78

ARCHITECT OF THE CAPITOL

STATUTORY AUTHORITY
FOR FUNDING REQUESTS
(by Appropriation)

ANNUAL ACCOUNTS

Salaries

31 U.S.C. 689; 40 U.S.C. 162, 164a, 166b-3; 84 Stat. 817; Public Law 91-656; Public Law 94-82; 5 U.S.C. 5331-5337, 5341-5349, 5544-5549; Public Law 92-392. (The position of Architect of the Capitol has been in continuous existence from 1793-1978, with the exception of the periods 1795-1803 and 1829-1851 when no construction work was in progress).

Contingent Expenses

No specific statutory authority except 40 U.S.C. 166d.

CAPITOL BUILDINGS AND GROUNDS

Capitol Buildings

40 U.S.C. 162, 163, 166; 40 U.S.C. 163a; H. Con. Res. 550, 92nd Congress; 86 Stat. 1510 - (cost limitation increased by 87 Stat. 109, 89 Stat. 185, 90 Stat. 1453, 91 Stat. 673), 31 U.S.C. 689.

Capitol Grounds

40 U.S.C. 162, 193a; 40 U.S.C. 173; 31 U.S.C. 689.

Senate Office Buildings

40 U.S.C. 174c; 62 Stat. 1029; 31 U.S.C. 689; Public Laws 92-51 (85 Stat. 138), 93-305 (88 Stat. 206), and 94-157 (89 Stat. 832).

Senate Garage

40 U.S.C. 185a (47 Stat. 391 as amended by 78 Stat. 545); 31 U.S.C. 689.

House Office Buildings

40 U.S.C. 175; 45 Stat. 1071; 69 Stat. 41-42 (as implemented by order of the House Office Building Commission, October 17, 1967); 86 Stat. 222; 89 Stat. 12; 80 Stat. 365; 87 Stat. 542.

Capitol Power Plant

40 U.S.C. 185; 33 Stat. 479; 34 Stat. 36; 42 Stat. 767; 44 Stat. 1262; 45 Stat. 1071; 45 Stat. 1694; 46 Stat. 51, 583; 50 Stat. 9-10; 62 Stat. 1029; 63 Stat. 933; 68 Stat. 803; 69 Stat. 41; 79 Stat. 987; 85 Stat. 637; 49 Stat. 571; 91 Stat. 1374.

ANNUAL ACCOUNTS (continued)

LIBRARY BUILDINGS AND GROUNDS

Structural and Mechanical Care

2 U.S.C. 141; 46 Stat. 583; 79 Stat. 987 (Section 2); 31 U.S.C. 689.

BOTANIC GARDEN

Salaries and Expenses

40 U.S.C. 216; Public Law 69-665; 44 Stat. 774; 47 Stat. 161.

THE JUDICIARY

Supreme Court of the United States

Care of the Building and Grounds

40 U.S.C. 13a and 13b; 31 U.S.C. 689.

5/17/78

ARCHITECT OF THE CAPITOL

STATUTORY AUTHORITY
FOR FUNDING REQUESTS
(by Appropriation)NONRECURRING PROJECTS

Extension of the Capitol

69 Stat. 515-516; 83 Stat. 124. (No funds requested for 1978 or 1979).

West Central Front of the Capitol

91 Stat. 681-682. (No funds requested for 1978 or 1979).

Master Plan for Future Development
of the Capitol Grounds and Related Areas

88 Stat. 288-289. (Funds requested - 1978 Supplemental).

Acquisition of Property as an Addition
to the Capitol Grounds

40 U.S.C. 184b. (No funds requested under this head for 1978 or 1979).

Construction of an Extension to the
New Senate Office Building

86 Stat. 1510, 87 Stat. 1079, 88 Stat. 1777. (Funds requested - 1978 Supplemental).

Extension of Additional Senate Office Building Site

83 Stat. 352-353. (No funds requested for 1978 or 1979).

Acquisition of Property as a Site for
Parking Facilities for the United States Senate

86 Stat. 1510-1511. (No funds requested for 1978 or 1979).

Plans for Garage and Related Facilities
for the United States Senate

86 Stat. 1512. (No funds requested for 1978 or 1979).

Acquisition of Property, Construction, and Equipment
Additional House Office Building

69 Stat. 41. (No funds requested for 1978 or 1979).

Expansion of Facilities, Capitol Power Plant

72 Stat. 1714-1715. (No funds requested for 1978 or 1979).

Modifications and Enlargement,
Capitol Power Plant

85 Stat. 637, 87 Stat. 109-110. (No funds requested for 1978 or 1979).

Alterations and Improvements, Buildings and Grounds
to Provide Facilities for the Physically Handicapped

89 Stat. 290. (No funds requested for 1978 or 1979).

Mr. WHITE. I think we are authorized by those statutes, and there are separate ones for each of these areas—the House office buildings, the Senate office buildings, and so on. We would be glad to provide the statutes which authorize us to ask for the funds. This is for care and maintenance of the buildings, not the construction of new buildings. The office has been operating, long before I was here, under those circumstances.

If it should be determined that the Public Works Committee, because of its obligation to report this under the budget, should also be obligated to authorize, we would, of course, be pleased to appear here each year and testify. It has never been done that way, and it may be that the budgeting process has merely used the Public Works Committee as an easy conduit for the placing of the funds in the budget.

Mr. MINETA. Well, it is not the budget act that does that; it is the House rules.

Mr. WHITE. So far as I know, in the history of the Office of the Architect, that has never been done, except for new construction. On the other hand, if it is determined that we should do that, we would be happy to.

Mr. MINETA. I had asked Mr. Campioli earlier—and I understand it is his wife's birthday today, and Mr. Stangeland and I saw him a little earlier and wished his wife a happy birthday, as you have by sending him on home.

CAPITOL POWER PLANT COSTS ATTRIBUTABLE TO JMMB

In your fiscal year 1979 budget request, under the heading "Modifications and Enlargement, Capitol Power Plant," you have a figure of \$30,600,000 which provides for modifications to the Capitol Power Plant, the steam and chilled water distributions systems, including the enlargement thereof required to supply steam and chilled water for air conditioning for the Library of Congress, the James Madison Memorial Building, and the extension to the Dirksen Senate Office Building.

What percentage of this \$30 million is attributable to the James Madison Library?

Mr. WHITE. I would respond to that in a qualified way, Mr. Chairman. This unit which is being added to the power plant consists basically of four 6,000-ton air conditioning chillers. There will be about 6,000 tons required for the cooling of the James Madison Building. One could therefore oversimplify and say that 25 percent of that \$30 million is allocable to the James Madison Building.

On the other hand, we need more than that, and it would be unfair to do that. You could not build one-quarter of the building; it would cost a great deal more, percentagewise to build 25 percent of that module. So, it is probably something less than that. Maybe 15 percent, one could logically say, is allocable to the James Madison Building.

Mr. MINETA. And did this committee approve the necessary authorizing legislation?

Mr. WHITE. Yes.

Mr. MINETA. Do you know under what authority?

Mr. WHITE. Public Law 93-50, approved July 1, 1973, as amended by Public Law 94-440, approved October 1, 1976—those were the appropriations acts.

I do not have that citation, Mr. Chairman, but we did come to this committee and a hearing was held with regard to increasing that authorization. The citations I gave you were for the Appropriations Act.

Mr. MINETA. Those were for the Appropriations Act.

Mr. WHITE. Yes; I am sorry. I do not have that, but we will obtain it. There was a hearing, which I recall very distinctly, to increase and provide for that.

[The following was received for the record:]

MODIFICATIONS AND ENLARGEMENT, CAPITOL POWER PLANT

This project is authorized, at a limit of cost of \$30,600,000, by Public Law 93-50, approved July 1, 1973, "Second Supplemental Appropriations Act, 1973", as amended by Public Law 94-440, approved October 1, 1976, "Legislative Branch Appropriation Act, 1977". Public Law 93-50 included an appropriation of \$17,400,000 for the project and authorized such amount to be added to and merged with a prior appropriation of \$1,200,000 provided for engineering and other required design services for the project in Public Law 92-184, approved December 15, 1971, "Supplemental Appropriations Act, 1972". Public Law 94-440 increased those amounts by an additional \$12,000,000, from \$18,600,000 to \$30,600,000, and included the additional \$12,000,000 in that Act.

The following excerpts from Report No. 93-164, House of Representatives, Second Supplemental Appropriations Bill, 1973, pages 58-60, provide additional information with respect to the request for both the authorization and appropriation of funds for the modifications and enlargement of the Capitol Power Plant.

93^d CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

REPORT
No. 93-164

SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1973

MAY 3, 1973.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MAHON, from the Committee on Appropriations,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 7447]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

* * * * *

Modifications and enlargement, Capitol Power Plant.—The Committee recommends the appropriation of \$17,400,000 for an expansion of the Capitol Power Plant. As shown in the pertinent excerpts from the printed hearings below, there is an urgency to proceed with the work as soon as possible. The existing plant does not have the capacity to furnish air conditioning for the new Library of Congress James Madison Memorial Building which is due for completion in the latter part of 1975. A detailed justification appears in part 2 of the printed hearings on this bill commencing on page 45.

(The excerpts referred to follow:)

Mr. WHITE. Turning now to the modifications and enlargement of the Capitol Power Plant, this is an item which is not requested in our formal presentation before you, but which we consider urgent to present at this time. A short history of the need is given in the separate justifications, and I might just say in addition to that, the need arises basically because while we have enough capacity for additional heating for some years into the future, there being quite a bit of excess heating capacity at the moment, we have absolutely no additional cooling capacity in the Power Plant and have not had for several years. We are just operating on the ragged edge of being able to supply the present cooling needs of the buildings on the Hill, which are all supplied through the chilled-water source at the Capitol Power Plant. Distribution is through the $3\frac{1}{2}$ miles of heating and cooling pipe tunnels that we have on the Hill. Any additional buildings that are built require additional cooling capacity.

The request to include both the authorization and the funds in the bill is also explained in the testimony reprinted below:

[The excerpts referred to follow:]

ENGINEERING STUDY

Mr. WHITE. Because the new Madison Library Building was the first one to bring this necessity to the attention of everyone, the Congress authorized a study to be made of the required powerplant expansion. Funds were appropriated and the study was made by Hennessy, Hansen, & Jones, consulting engineers of New York.

In their study they made certain recommendations which were based upon our request that they look into both short-range and long-range needs to the year 2000 and beyond. We felt it would be inappropriate to add patches to the plant without looking at the needs from the broad overall standpoint so that we would be able to make the kind of alteration that would be useful to us later and which would not act as an obstacle to future needs.

HEARINGS BEFORE HOUSE PUBLIC WORKS SUBCOMMITTEE

Their recommendations were received and studied, and last year we had hearings before the Subcommittee on Public Buildings and Grounds of the House Public Works Committee that considers legislation of this particular character. Mr. Gray is the subcommittee chairman.

ACTION OF PUBLIC WORKS SUBCOMMITTEE

That subcommittee approved the recommendations which we made based upon the consultants' report as to how to proceed with expansions to the plant. Because of other needs of the Congress and the fact that this bill, timingwise, unfortunately was considered by the Public Works Committee late in the session, the bill was never brought to the floor. Congressman Gray asked me if that would be a detriment to us, and I said that in reexamining our schedule of needs for the Madison Building, we felt we had enough leeway to drop a few months out of the

schedule for powerplant expansion. The problem is that there is a certain leadtime required for the ordering of equipment, in addition to the construction of the plant, and if we are to have cooling available for the Madison Building in the summer of 1975 we must begin now to order equipment.

CONFERENCE WITH PUBLIC WORKS SUBCOMMITTEE CHAIRMAN

There is a leadtime of 18 months for some pieces of equipment, longer for others, and as a result of that I asked Mr. Gray just the other day whether or not it would be acceptable to him if we were to request the Appropriations Committee to provide the funds for this expansion and in effect authorize the expansion in the appropriations bill. He said he was agreeable, the reason being that if we now have to go back to hearings before his subcommittee and then have the bill come to the floor and then be authorized and then come back to Appropriations for funding, we will be at a point where we will have simply run out of time. It is this unfortunate timing circumstance that requires me to ask for your urgent consideration of this request for authorization and funding now.

As noted above, the language in the bill includes both authorization and appropriations for the project. A section by section analysis of the language recommended, including a breakdown of the estimate of cost of the short-range program, follows:

MODIFICATIONS AND ENLARGEMENT

CAPITOL POWER PLANT

SHORT-RANGE PROGRAM

The appropriation text describes in detail the short-range program improvements under the basic plan. The work under that program is described as follows:

(1) Demolish the existing two-story annex building constructed in 1931, located west of the original turbine room of the power plant,

(2) Construct on and adjacent to the site of the annex building, after its demolition, a new building to house a refrigeration plant of twenty-four thousand tons nominal capacity, to be operated in conjunction with the existing refrigeration plant of fifteen thousand four hundred tons capacity, as the first increment of a future modular-type plant.

(3) Install in the new refrigeration plant building four or more centrifugal refrigeration machines having a total nominal capacity of twenty-four thousand tons, together with necessary cooling towers, chilled water and condenser water pump and piping systems, local equipment controls, electrical load center and other associated auxiliary equipment.

(4) Install on the existing power plant site a new outdoor main electrical substation and underground distribution system.

(5) Construct on the power plant site a new operations building and install therein (a) equipment necessary to centralize the administration and control functions of both the new and existing refrigeration plants, (b) new sanitary and maintenance facilities, and (c) central monitoring and control equipment adequate to supervise and direct the operation of the entire Capitol Power Plant and its distribution systems.

(6) Install in a tunnel across the north portion of the existing power plant site a new underground chilled water pipe "headering" system to provide for appropriate connection of the existing and proposed new refrigeration plants with the existing and future distribution systems.

(7) Install necessary supply and return mains in branch tunnels and/or conduits to connect the Library of Congress James Madison Memorial Building and the Senate Office Building Extension to the existing steam distribution system and to the chilled water distribution system with flow-limiting equipment and flow and temperature measuring instrumentation.

(8) Modify the existing chilled water distribution system to accommodate the additional flow of chilled water to the James Madison Memorial Building and the Senate Office Building Extension.

(9) Install sectionalizing valves in both the chilled water supply and return mains at selected points in the existing distribution system.

(10) Reactivate, or replace as necessary, inoperative existing flow-limiting and flow-metering devices on chilled water mains in buildings supplied by the plant, and install new devices where they do not exist in such buildings.

(11) Install new dust collectors for the four existing oil-fired boilers and make necessary resulting modifications to mechanical draft equipment and smoke monitoring devices.

(12) Install new acoustical enclosures to minimize the noise from existing induced draft fans, overfire fans, forced draft fans, and diesel-driven air compressors.

(13) Soundproof local control rooms for protection of operators in both the existing refrigeration plant and the new refrigeration plant building.

(14) Install new noise attenuated ventilation system for the existing refrigeration plant and for the new refrigeration plant building.

(15) Install an acoustical barrier for the existing cooling tower installations to shield local residents from objectionable noise.

(16) Provide temporary quarters to house the present annex building activities until the new operations building is constructed and available for occupancy.

CONTRACT AUTHORITY

The language authorizes the Architect of the Capitol, under the direction of the House Office Building Commission, to enter into such contracts, incur such obligations, and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the provisions of the Bill. This Section also requires that any changes in the basic plan be approved by the House Office Building Commission.

FUNDS FOR THE PROJECT

The appropriation text provides for an appropriation of a total amount of \$17,400,000; provides that such amount when appropriated shall remain available until expended; and provides that the appropriation of \$17,400,000 shall be carried under the account "Modifications and Enlargement, Capitol Power Plant" as an addition to the appropriation of \$1,200,000 provided for engineering and other services in the Supplemental Appropriations Act, 1972, and now carried under that Account.

A breakdown of estimate of cost follows:

Breakdown of estimate of cost of short-range program

Refrigeration plant-----	\$11, 100, 000
Distribution systems-----	1, 575, 000
Operations building-----	425, 000
Noise abatement-----	450, 000
Air pollution control-----	325, 000
Sub-total-----	13, 875, 000
Add: For cost escalation projected to 1973-----	1, 385, 000
Sub-total-----	15, 260, 000
Contingencies, design and administration-----	3, 340, 000
Total-----	18, 600, 000
Deduct:	
Amount already appropriated in the Supplemental Appropriations Act, 1972, for engineering and other services, for work under this project-----	—1, 200, 000
Estimated cost of work-----	17, 400, 000

* * * * *

Mr. MINETA. At the present time, then, who is supplied steam from the Capitol Power Plant?

Mr. WHITE. Steam is supplied to all of the House office buildings, the Senate office buildings, the Capitol, the Supreme Court, the Library of Congress buildings, the Government Printing Office, the D.C. Post Office, the Folger Library, and the Botanical Gardens. That does not include the Senate office building annexes or the House office building annexes.

We have steam, at the moment, connected to the James Madison Library Building, also, Mr. Chairman, and therefore it is in partial use there. We are reimbursed for the cost of that steam by the Government Printing Office, by the Folger Library, by the D.C. Post Office, and during the hearings this year, it was determined that we would be reimbursed to the legislative branch by the judiciary branch for steam used by the Supreme Court.

MASTER PLAN

Mr. MINETA. If I might digress for a minute, I would like to ask about the master plan, Mr. White, if I could. In your fiscal year 1979 budget, it states that the master plan project was authorized and funded with an appropriation of \$350,000 in the Legislative Branch Appropriations Act of 1976.

To date, what funds have been actually appropriated, since it identifies that a supplemental appropriation of \$100,000 for fiscal year 1978 to carry this project through the final report stage has been included in the 1979 budget, as transmitted?

Mr. WHITE. \$350,000 has been appropriated. It has not all been obligated yet. We have finished the first two phases of the three phases that are designated for that project. We went into some greater depth in phase 2, and I think you have all received a copy of the phase 2 report. Each Congressman was sent one, and if you need more, we would be glad to supply them.

As you may recall, it is a rather extensive report. It became apparent, as we got into the process, that we were going to need a greater amount of information than was available on the basis of the budget that we had. So, we expended those funds on the basis of our professional judgment that it would be necessary.

While we can complete the project within the \$350,000 limit, as we testified before the Appropriations Committee, we feel that phase 3 should be completed at the same level of quality as the first two phases, and we have asked for the additional funds in order to do that.

Mr. MINETA. I will repeat again the same question. There does not appear to be any authorization, at least from this committee, providing for the development of the master plan for those funds.

Mr. WHITE. That is correct. The authorization was provided, in a sense, in the appropriations bill. It was introduced on the Senate side in the appropriations bill, and there was no authorizing legislation in either House. Of course, it was subject to a point of order, as you know, but that did not occur, and therefore the authorization is in the appropriations bill. So, we went back to the Appropriations Committee on that same basis.

STATUS OF OLD PROVIDENCE HOSPITAL SITE

Mr. MINETA. Pursuant to Public Law 92-607, the Architect was directed to use square 764, known as the Providence Hospital site, as a green park area, pending its development for permanent use as the site for the John W. McCormack Residential Page School, subject to congressional approval.

Following this directive by the Congress, legislation was proposed in the Legislative Branch Appropriations Bill for 1978, authorizing funds in the amount of \$483,000 to develop this land into a temporary parking facility. This language was stricken, due to a point of order being raised on the House floor.

What is the current status of square 764 at the present time?

Mr. WHITE. It remains unused, Mr. Chairman. We maintain it out of our maintenance funds.

Mr. MINETA. Could I interrupt you at that point?

Mr. WHITE. Yes.

Mr. MINETA. What maintenance do you do on that site? I mean, I was just there and it is strewn with debris. Frankly, Mr. White, it is a mess. It seems to me that under that public law I cited, it said that it would be developed into a green park area.

I was just at a friend's place the other day, and the place is, frankly, a mess. I would hate to have you say that you are expending some funds on maintenance, because I do not know what you are maintaining; a junkyard, maybe, but that is about it.

Mr. WHITE. Part of the problem is that it is not guarded as well as it perhaps should be, and it has become a place for people in the neighborhood and outside of the neighborhood to dump rubbish. I guess the bulk of our maintenance funds have been expended in removing that, but it is hard to remove it fast enough.

We have gone over there with our landscape people and laborers, and have cleaned the sidewalk. We have planted grass which, without capacity to water, does not grow very well. As you know from having seen it, the grade is substantially above that of the sidewalk, which is the way it was left when the hospital was demolished.

If it is intended that we should, indeed, convert that into a very nice park, it is going to take some substantial funds. The funds that were appropriated enabled us to buy it and to do some maintenance on it. We have put some swales in to direct the flow of water so that some of the rain water does not wash the dirt down, which was happening.

I suppose what we should do is ask for the funds to do a proper job. As you know, from the funds that were requested for the parking lot that was suggested, it will take a considerable number of dollars to remove the excess soil to the grade, which would be a substantial improvement and would enable us to do something park-like on it.

Mr. MINETA. Do you have any idea what it would cost to level it and plant grass in that manner?

Mr. WHITE. Yes. The figures which we estimated for that were, to grade square 764 by removal of the fill material to 6 inches below the existing perimeter sidewalks, we have an estimate of \$300,000 to remove that dirt and haul it away. And then the 6 inches, of course, would have to be filled, if we were going to make a park out of it, with topsoil. I do not have a figure for that, but it would probably

be somewhere in the neighborhood of \$50,000 to \$75,000 for that purpose. Then, of course, there would be the planting required.

If we planned in advance, we probably could grow enough material at the nursery of the Botanic Garden to provide for the landscaping, if it were planned long enough in advance for us to do it, which we do all the time. We buy small shrubs, or propagate small shrubs and trees and they grow; then we transplant them onto the Capitol Grounds, which is a considerable saving from buying them in their full size. We could do that, but we have not moved on it.

To some degree, Mr. Chairman, I might say that we need some direction as to what to do. As you know, a resolution was introduced on the Senate side to abandon, or at least change the page system to a different age group so that there would be no need for a page school. That resolution came to the House and has not moved since that time.

So, the whole question of whether it should be used for a page school is sort of in abeyance, and as a result, not much has happened. The green park thought was, as I recall when that legislation was introduced, placed there to prevent the installation of a parking lot and was intended, really, for that purpose, rather than the actual creation of a green park, for whatever definition that might have. That is, nevertheless, not to say it should not be properly maintained.

Mr. MINETA. With the completion of the Madison Library, is it contemplated that you are going to use this as a parking lot?

Mr. WHITE. No, it is not. As a part of the master planning effort, we have assumed the responsibility for making some recommendations to the Congress as to how that square should be used. We are not prepared to do that yet. It may be that it could have some recreational use.

At the moment, it is a part of the Capitol Grounds, as a result of which it has certain restrictions placed on it, by law, as to what can be done there and what cannot be done there.

Mr. MINETA. But Public Law 92-607 directed you to use 764 as a green park area, pending the development for permanent use as the site for the John W. McCormack Page School.

Mr. WHITE. That is correct.

Mr. MINETA. Could that funding not be included as part of your \$50 million that goes to the Appropriations Committee as part of your maintenance budget?

Mr. WHITE. I think it could, Mr. Chairman, and I think we have probably been somewhat derelict in not making that request, and with your direction, I would be glad to do that.

Mr. MINETA. I think that we have a responsibility to be good neighbors. Having seen that lot the other day and having seen it 2 years ago when I first got back here, it just seems to me that we have a responsibility in that area, Mr. White.

Mr. WHITE. I agree, Mr. Chairman. One of the thoughts that had occurred to us in the course of making these determinations about parking was that whatever is done there, that soil is going to have to be removed, and it will always cost more to remove it later.

There have been some suggestions made with regard to using it for recreational facilities. It will require some legislation to do that, but it will not require legislation to beautify it.

Mr. MINETA. As a passive activity and as a green park area, it would not require any legislation.

Mr. WHITE. That is correct.

Mr. MINETA. It just seems to me it requires your including that as part of your maintenance budget.

Mr. WHITE. That is correct. I will be glad to do that.

Mr. MINETA. I think it would be the right direction that we ought to be taking. I wonder whether or not, assuming that the development of the green park area cannot be completed for some time—let us say, before the summer season, in any event—would you have any objections to part of that space being used for vegetable gardening by residents in that area?

Mr. WHITE. I think I would have to object to that, legally. I have no personal objection, Mr. Chairman, but it is legally part of the Capitol Grounds. If that precedent were set, we would have vegetable gardens in front of the Capitol. It is no different than the lawn in front of the U.S. Capitol, by legal definition.

I think we would have to restrict any of those activities on that site, if we were to know about them and if we were directed otherwise. I think we could not sanction those activities on that site.

Mr. MINETA. Could that be done by permit?

Mr. WHITE. Not without legislation, Mr. Chairman, in my judgment. I say that as a result of my role, as you may know, as a member of the Capitol Police Board, I have been concerned with the law as it pertains to the Capitol Grounds. I have some familiarity with it, as a result.

Mr. MINETA. And the liability questions?

Mr. WHITE. That is correct.

CURRENT STATUS OF MASTER PLAN

Mr. MINETA. The current status of the master plan, what funds have been obligated, to date, associated with this plan?

Mr. WHITE. We have obligated \$337,000 of the \$350,000.

Mr. MINETA. And what do you plan on doing with the remaining \$100,000?

Mr. WHITE. When I say we have obligated the \$337,000, we have not actually expended it yet. Some of that is part of the contractual obligation that we have to our consultants, the master planning group. We would intend to bring the quality of the third phase up to the same level as phase 2, because we spent more money on phase 2, in the preparation of this report and in the determination of the substance of the report, than we originally intended to, but which we felt was necessary as we studied it.

So, the \$100,000 would be spent for phase 3, which is the final stage of the master plan. We can complete it with the \$350,000, but we felt it would be inappropriate; it would not be in the best interest of the Congress to diminish the quality of phase 3 because we do not have enough funds, we felt.

Mr. MINETA. When you contract with the National Capital Planning Commission for this service and assistance, is that just advisory?

Mr. WHITE. We have no contract with the National Capital Planning Commission. We maintain liaison with them. They are, of course,

the planning agency for the Federal interest in the District of Columbia. We also work very closely with the municipal planning office of the District government, which has been in existence since the advent of the Home Rule bill.

So, there are two planning agencies within the city and, of course, the Hill, as an enclave of its own, is, in effect, a third planning agency. We all work together to be sure that we are all aiming at the same basic goals.

Mr. MINETA. Do you go through a public hearing process? Did you do that as far as phases 1 and 2 were concerned?

Mr. WHITE. Yes, we have had a number of public hearings, and more than simply public hearings with the people in the neighborhood to the east. We have had open hearings; this has been an open planning process. We have had open hearings with interested members of the staffs of Congressmen and Senators and we have made presentations, as we are required to by law, to the leadership of both Houses in order to keep everyone apprised, and also the various agencies that I have mentioned.

Mr. MINETA. You were mentioning earlier that you are still undergoing litigation on this garage south of the Rayburn Building?

Mr. WHITE. That is correct.

Mr. MINETA. Do you know when all of those are going to be cleaned up? Is there any way of judging that?

Mr. WHITE. I suppose one could say that all things, sooner or later, come to an end, but it seems this one does not fit into that category.

Mr. MINETA. How much is remaining to be done in terms of claims, or whatever other kinds of litigations are involved?

Mr. WHITE. I believe there is something larger than \$3 million in litigation. It is in the Court of Claims and we have had a trial, at which I testified as the now contracting officer, which was a year and a half, or more, ago. I believe that the decision of the judge has not yet been rendered.

Mr. MINETA. Once that decision comes, that wraps it all up?

Mr. WHITE. That should wrap it up. There is an appeal process, you know, in our legal system, and I suppose it could go further. I am told that it could go further if it is ruled such that an appeal is available.

Mr. MINETA. Do you foresee construction of office buildings on top of the garage there, south of the Rayburn Building?

Mr. WHITE. Our master plan indicates that possibility, yes. It means, as I think you may be aware from prior discussion, more extensive cost than would otherwise exist. In some of the proposals that have been made in phase 2 of the master plan, you will see indicated the possibilities of building on those garages to some degree.

Mr. MINETA. What about the House Office Building Annex No. 1—the old Congressional Hotel—is that going to be torn down for a new building at all?

Mr. WHITE. The intention is to do that, yes. I would like to have torn it down long ago. On the other hand, we have a logistics problem. It is full of people and we have no place to put the people. The only time we could begin to do that is to find somewhere to put the people.

When we acquired jurisdiction over what is now House Office Building Annex No. 2, the old FBI identification building, there was great concern about whether we should expend those funds to refurbish the

interior and modernize it and put air-conditioning in, and so on, which the GSA was intending to do, in any event, for HEW, as you may recall. We had hearings in front of this committee about that at that time.

The concern was that there would not be enough people to occupy it; who was going to occupy it. Well, it is over 75 percent occupied now, which leaves us very little room in which to perform the construction operation. We have had to go to four phases instead of two as a result of that. And, still, Annex No. 1 is full.

So, until we build a building, or find a place to put some people that are now in Annex No. 1, there would be no way to demolish it, nor to build another building on that site. This is all part of this master planning effort, Mr. Chairman, I might say.

Mr. MINETA. Does that master plan also include the temporary parking lot that is behind the Congressional Hotel building?

Mr. WHITE. Yes.

Mr. MINETA. Roughly, what was the cost on that temporary parking lot, do you recall?

Mr. WHITE. The cost of improvements to the parking lot adjacent to House Annex No. 1—formerly known as the "Congressional Hotel"—was \$82,439.78.

Mr. MINETA. And the authorization for that would come from where?

Mr. WHITE. I believe the authorization came from the House Office Building Commission.

Mr. MINETA. Are they a legislative body?

Mr. WHITE. Well, no. We have no authorization of a legislative nature. I used the term inappropriately, from the standpoint of legislation. We were authorized to ask for funds for that purpose by the House Office Building Commission.

Again, I think this is an area that really needs some clarification. At what point is it maintenance and additional items to handle an existing building, and at what point is it a new building, and should this committee be concerned with maintenance and repairs? We do not know, and we have just been conducting our requests in a historical way.

Mr. MINETA. Well, I have sort of played lone ranger here for a little while, getting off the subject of the James Madison Library. I thought I would take advantage of this opportunity for you to be before us to ask a few more questions.

Mr. Stangeland, I have taken a lot of time, and I apologize.

Mr. STANGELAND. That is all right, Mr. Chairman; that is your prerogative. I have just a few questions, to clear up some things in my own mind.

ARCHITECTURAL ENGINEERING AND ADMINISTRATIVE COST

In the list of expenses here, it shows \$5,555,000 architectural, with an additional \$379,000. Are those moneys that have been paid to DeWitt, Poor & Shelton?

Mr. WHITE. Yes; have been paid or are intended to be paid.

Mr. STANGELAND. Within that, there are no lawyers' fees; that is strictly architectural?

Mr. WHITE. That is correct. Of course, it includes the engineering consultants and the whole design team.

Mr. STANGELAND. The outside expenditures?

Mr. WHITE. That is correct.

Mr. STANGELAND. What would be the normal cost of architectural services in construction, what percent of the project? There is generally a considered percent that would go to the architectural service?

Mr. WHITE. That is correct, and it varies, depending upon the kind of project. It varies from 5 to 8 or 10 percent. If you are doing alteration work in an existing building, it may be as high as 10 percent. If you are doing a new project, it may be as low as 4 or 5 percent; it depends on the complexity of it.

A hospital will command a different fee than will a speculative office building, and so on.

Mr. STANGELAND. The lawyers you mentioned earlier, who charge their time to different projects, they are paid by the hour, I gather.

Mr. WHITE. They are paid on an annual rate basis. We hire them as temporary employees and they get a check every payday. So they are not employed by the hour, as such.

Mr. STANGELAND. Well, then how do you establish how much time is charged to the project? Do you charge their time to each project that they work on?

Mr. WHITE. Yes, we charge the time and value the time on the basis of their annual rate. It is an accounting matter, really, more than anything else.

Mr. STANGELAND. And that cost will show up in administrative and miscellaneous expenses?

Mr. WHITE. That is correct.

Mr. STANGELAND. That would not be all of the administrative and miscellaneous, though?

Mr. WHITE. No.

Mr. STANGELAND. Then is there a way to determine how much we have expended on attorneys' fees—and you may have answered this and I may have missed it—for this project for the Madison Building?

Mr. WHITE. Since the inception of the James Madison Memorial Building project through March 31, 1978, we have expended \$237,730 in attorneys' fees.

Mr. STANGELAND. Then, in your operating budget, do you allocate a certain percent of that budget against projects such as the Madison Building?

Mr. WHITE. That is correct.

Mr. STANGELAND. Do you have any idea what percent of your budget would be allocated toward that?

Mr. WHITE. Well, I guess I would have to ask a question in order to answer. When you say "my budget," do you mean my budget for this project, or do you mean my total annual budget? My total annual budget includes care and maintenance of all of the buildings, grounds, and other projects, and so on.

Mr. STANGELAND. I understand that. I am wondering, do you have an allocation within your budget for your participation in the Madison Building?

Mr. WHITE. Yes.

Mr. STANGELAND. You do have that?

Mr. WHITE. That is in these numbers. In other words, all moneys associated with the construction of the Madison project are kept separately from all other portions of my budget, so that it is all accurately accounted for.

Mr. STANGELAND. And that would be a part of the administrative, then?

Mr. WHITE. That is correct. I might add that the General Accounting Office audits our books on an annual basis, so that we follow the directions of that arm of the legislative branch.

Mr. STANGELAND. Is it fair to say that the attorneys' fees really are part of the architectural cost?

Mr. WHITE. No, I would not put it on that basis. I would say they are part of the construction cost, part of the cost of the project. But they are not an architectural cost, unless they become associated with an architectural difficulty. Then one might view it that way, yes.

Mr. STANGELAND. Well, except for, let us say, if there is condemnation or some other litigation with the project, basically the architect's responsibility is to his client to be sure that the contractor fulfills his contract in the way the design and the blueprints call for.

So, I gather that a good portion of the attorneys' fees are in dealings by the architect with the contractor.

Mr. WHITE. Well, it may be that the contractor does not fulfill his obligations as a contractor, for example, which may have nothing to do with the architect. He may perform his work in a deficient way, and we may therefore have a claim against the contractor, or the contractor against the Government, and there may be litigation involved in that which does not even concern the architect.

Mr. STANGELAND. But it is the responsibility of the architect to be certain that the contractor does, indeed, perform.

Mr. WHITE. Only to some degree. The architect has obligations during the construction phase of the project, not to supervise, in detail, every hour of every day, but to come onto the construction site and, in general, see that the building is being constructed more or less in the way it was designed.

Mr. STANGELAND. Hopefully, more rather than less.

Mr. WHITE. Well, the primary distinction that I would like to make is that the hour by hour, day by day, continuous onsite inspection is not done by the associate architects. That is done by our staff, and the architect is not hired to do that. He would not have enough people to do that.

For example, the contractor has close to 500 people on that project, and if you walk through the building, you see hardly anyone. They are spread out through acres and acres of building. So, it is not really the architect's obligation to do that continuous, onsite inspection, unless you hire him for that, which we have not done.

Mr. STANGELAND. What I am trying to determine is how many dollars have been expended in the architectural area. We have 5.4 percent of the cost going to one architect, but there are other architects involved under your jurisdiction, apparently, through the administrative costs.

Mr. WHITE. Yes, but not to do architecture, but to perform the obligations of the owner in the form of inspection. We have a unique circumstance here on the Hill which does not exist anywhere else, in

that if we were to build a building, you and I, in the District of Columbia, and hired an architect, the city building inspectors would come to see whether the building is being constructed in accordance with the building code. The architect would make his occasional visits to the site, and the building would proceed.

We would look to the architect to tell us whether or not the building was being constructed in accordance with his drawings and specifications, in general. But if, for example, a workman should put too much water in the concrete and we did not have a concrete inspector there and the city inspector was not there, we might get into difficulty. So, we have a concrete inspector that we decide to hire.

Those are the things that this administrative cost covers, among other things, the detailed inspection of whether the concrete is proper. We send inspectors, for example, to the fabrication plant of the steel company to see whether the steel is being properly fabricated if it is being welded. We send them to the stone quarries to see that the marble is being properly sawed, cut, and dimensioned. There is a tremendous expense associated with that, which would normally be done by others. But that is part of our administrative expense.

Now, I do not think it is appropriate to allocate that to architecture, unless you broaden very much the definition of architecture. We have architects on our staff who are doing some of these things, but they are not doing architecture. They are doing inspection which would normally be done by others in another area.

Mr. STANGELAND. Well, I dare say that dealing with the Government is a unique situation. But if I wanted, as a private citizen, to build a building, I would hire an architect.

Mr. WHITE. That is correct.

Mr. STANGELAND. He would draw the design and he would write specifications. We would bid it and the contractor would come in, and that architect would be my protector to see to it that that building was built the way I wanted it.

We are also the customer here, and we have an in-house architect. But the work that is being done to see to it that that building ends up the way we want it to be done really is the responsibility of an architect, whatever we want to call him.

Mr. WHITE. That is correct.

Mr. STANGELAND. So those are really architectural costs.

Mr. WHITE. That is correct. In that sense, you are right.

Mr. STANGELAND. It may not be in the fine sense of a drawing and the blueprints, but that is the job of an architect.

Mr. WHITE. That is absolutely right.

Mr. STANGELAND. That is what I am wondering; what is the total cost of this building in that field.

Mr. WHITE. I understand what you are saying now, and I think I misunderstood you earlier. I gather what you are saying is that some of the costs that we call administrative are, to some degree, architectural costs, since we are doing some architectural work on the site because we are a special kind of entity. I think that is a fair statement.

I cannot, offhand, without some research, thought, and determination, tell you how much, but I think we would be glad to do that and submit it for the record.

[The following was received for the record:]

ARCHITECT OF CAPITOL SUBMISSION FOR THE RECORD

The total architectural cost for the James Madison Memorial Building project is estimated to be \$6,190,000. Included in that amount is \$256,000 for salaries of architectural personnel assigned to the project that are paid from administrative funds.

Mr. STANGELAND. We have a list here of the administrative personnel, their titles and their salaries, and there are three and a half pages, I guess. This list is only for the projects associated with the Madison Library. Do these figures reflect total compensation for one year, or are there other amounts paid to these employees? Are these employees employed full time on the Madison Library?

Mr. WHITE. Yes, that is correct.

Mr. STANGELAND. Well, I would appreciate your sending us what the architectural cost of the Madison Library is in the realm that I defined which, to me, is the inspection to make sure that the stone is the correct stone. I think this is part of somebody looking after the person who wants the building done. As compared to private construction, I guess we do something different here in the Government.

Mr. WHITE. Well, we do not do it differently; we merely allocate it differently. Let me suggest something, so that it is clear to me what you are after. If, as a private owner, you hire an architect and it is felt by the architect that because the local city inspector is probably not adequate to check the quality of the concrete, the architect will say to you, as the owner, "I recommend that we hire a concrete inspector," you can agree or disagree.

If you agree, you have to pay for it. He may take care of getting him and supervising him, but he is paid for separately. Now, that is normally not thought of as an architectural function. It is a part of the inspection necessary for a particular kind of construction.

So, we may be differing as we go through this process, in terms of what the industry thinks of as architecture and what you and I might arbitrarily decide is architecture. I would be glad to list them in the way that I view them, and you could allocate them in whatever way you like.

The fact is that the work needs to be done, no matter what you call it. Normally, an architect's fee does not include that, if special inspectors have to be hired. We hire them and put them on our staff, and some of them are not placed on our staff. We have some consultants that we hire to come in for some special purpose, if there is a particular problem on a project. We pay them a lump sum to give us a report and go away. That same thing would be done in private industry.

Now, you could call that an architectural function or an engineering function, but normally it is not thought of that way. It is thought of as part of the construction cost. For example, if you have to have a survey of a lot or a topographic map, that is normally something which the owner pays for himself. It is not done by the architect or through the architect. You could call it architecture, but normally that is charged to the cost of the land, for example, by most accountants.

Mr. STANGELAND. So, in effect, for the 5.4 percent of the cost, what DeWitt, Poor & Shelton have done is draw the plans and develop the estimates?

Mr. WHITE. And write the specifications, and they are also charged with responsibility for review of all of the shop drawings. There are

thousands of shop drawings that come in, to see whether they conform to the drawings. They do onsite administration, but not detailed, hour by hour. They have a man there a part of every day.

In other words, they do not simply draw the plans and the specifications.

Mr. STANGELAND. These people are the onsite, hour-by-hour people [indicating]?

Mr. WHITE. That is correct.

Mr. STANGELAND. I guess, Mr. Chairman, I have no other questions.

Mr. MINETA. Thank you, Mr. Stangeland.

Mr. White, I would like to ask if you could submit to us a breakdown of the \$5,078,125 of the administrative and miscellaneous expenses that you have spent to date for the record, and the breakdown of what is contemplated for administrative and miscellaneous expenses under the current request for the \$3,335,500.

I take it that when you came in originally, asking for the \$7,675,000, that you had no contingency fund at all?

Mr. WHITE. That is correct. We had no contingency in there, other than the caution that we used in not trying to diminish any of the numbers beyond a reasonable amount. For example, as I mentioned, that administrative amount of \$3,335,000, even recognizing that we have less than 2 years to go, we did not try to diminish it, thinking of it as sort of a contingency. But we did not have any in that original number, that is correct.

Mr. MINETA. If you could submit for our records the breakdown of those figures, the \$3,335,500 for administrative and miscellaneous expenses, and a breakdown of what has been expended so far for administrative and miscellaneous expenses under that \$5,078,125.

Mr. WHITE. I would be glad to do that. Incidentally, Mr. Chairman, in response to the question that I believe you asked just prior to the last vote that required our recess, the \$5,078,000 has been expended for a dollar amount that includes phases 1, 2, and 3, and 62 percent of phase 4, because phase 4 is now 62 percent complete.

If you determine that, it comes out to be 6.3 percent. Now, if you take the amount of construction yet to be completed, which is 38 percent of the \$68 million in phase 4, plus the additional amounts that we have asked for in this request, if you take 6.3 percent of that total, which I come out with as approximately \$35 million—and I have just done this in round numbers, Mr. Chairman—

Mr. MINETA. 6.3 percent of what?

Mr. WHITE. Of \$35 million, which is the \$25 million left to be completed in phase 4, plus \$10 million in this present request. Just using round numbers for ease of computation, I have \$35 million of construction left to perform. If I take 6.3 percent of that, I come up with roughly \$2.2 million of administrative cost.

So, the 3.3, while it may be a little high, and I explained why it is, it is not an appropriate comparison to say it is 3.3 percent on \$13 million, whereas the 5 is on \$100 million, and I wanted to explain that. It is not really that great a differential.

Mr. MINETA. In any event, for administrative and miscellaneous expenses, by the time we complete the project, you will have expended the sum of the \$5,078,125, plus \$3,335,500?

Mr. WHITE. That is correct. That is the way it is presently estimated.

Mr. MINETA. That is what I would like to get the breakdown on, what makes up those two figures.

Mr. WHITE. I would be glad to do that. I think we may not have to expend that \$3,335,000, but we will give you that breakdown.

[The following was received for the record:]

May 1, 1978

JAMES MADISON MEMORIAL BUILDING
ACTUAL AND ESTIMATED ADMINISTRATIVE AND MISCELLANEOUS EXPENSES

	ACTUAL (OBLIGATED) Feb. 28, '78	ESTIMATED FY 78 3/1 - 9/30	ESTIMATED FY 79	ESTIMATED FY 80	TOTAL ESTIMATED TO COMPLETION	TOTAL ACTUAL & ESTIMATED TO COMPLETION
SALARIES	\$ 4,226,298	742,000	1,140,000	600,000	2,482,000	6,708,298
BENEFITS	324,046	58,615	85,500	45,000	189,115	513,161
DRAWINGS	91,389	1,800	3,600	2,700	8,100	99,489
TRAVEL	917	3,000	6,000	1,000	10,000	10,917
ADVERTISING	27,412	250	500	250	1,000	28,412
MISC. SERVICE AND EQUIPMENT	14,078	6,000	12,000	4,000	22,000	36,078
MISC. TEST, SURVEYS AND STUDIES	142,663	94,000	100,000	50,000	244,000	386,663
OFFICE MACHINES AND EQUIPMENT	9,094	500	1,000	500	2,000	11,094
REMEDIAL WORK-REPLACE MORTAR WITH SEALANT	18,374	- 0 -	- 0 -	- 0 -	- 0 -	18,374
INSTALLATION OF LEAD WEATHER CAP.	- 0 -	6,000	- 0 -	- 0 -	6,000	6,000
STENOGRAPHIC SERVICE	2,748	2,500	5,000	10,000	17,500	20,248
CONSULTING SERVICES - CPM	112,700	50,000	100,000	100,000	250,000	362,700
ADMINISTRATIVE MISC.	108,406	28,785	50,000	25,000	103,785	212,191
TOTALS	\$5,078,125	993,450	1,503,600	838,450	3,335,500	8,413,625

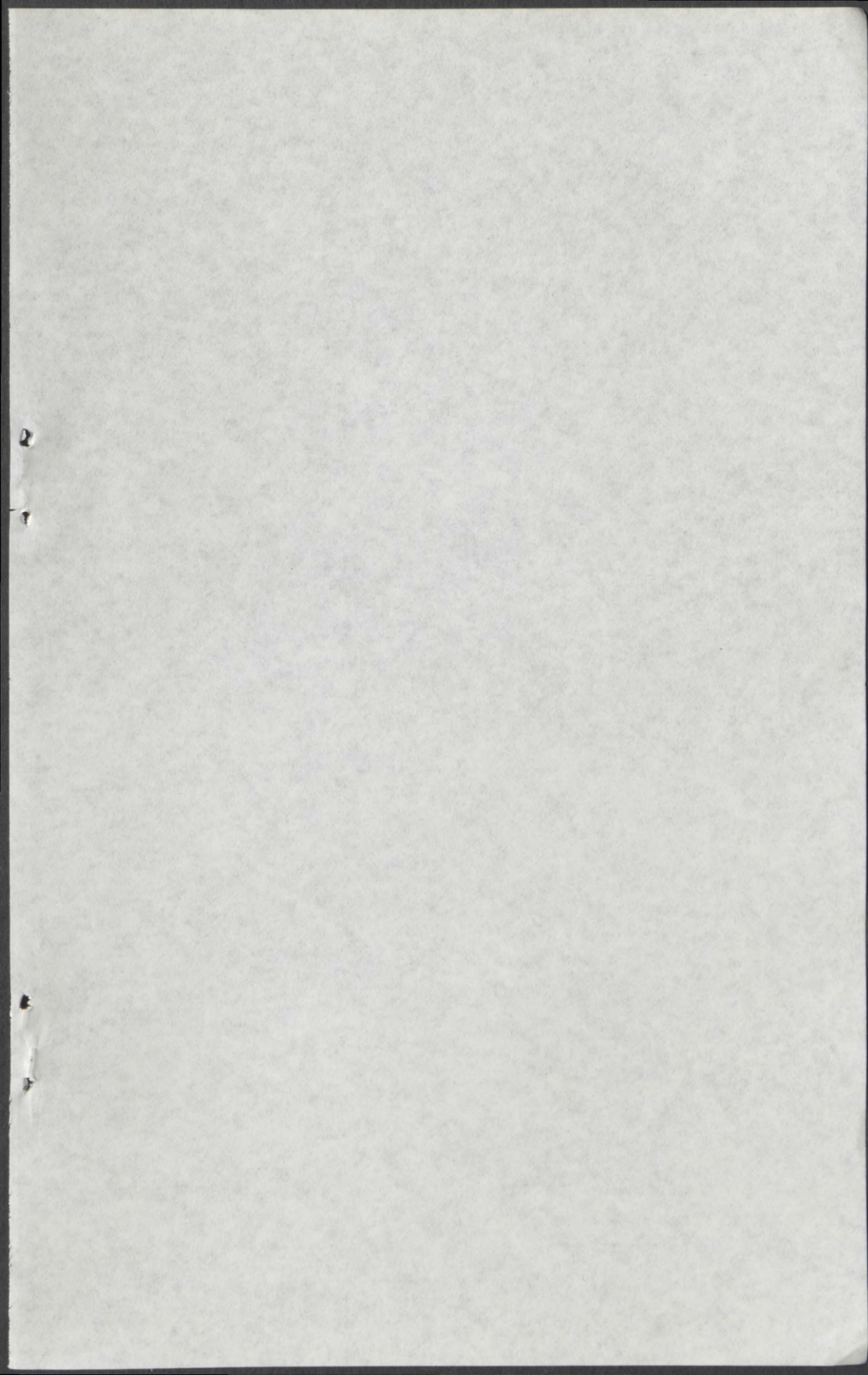
Mr. MINETA. If you could supply that to our staff, we would appreciate that very much. Also, if you could take a look at square 764, as to what we can do with that Providence Hospital site in terms of the green park area, since the authorization is already there, I would appreciate your taking a look at that.

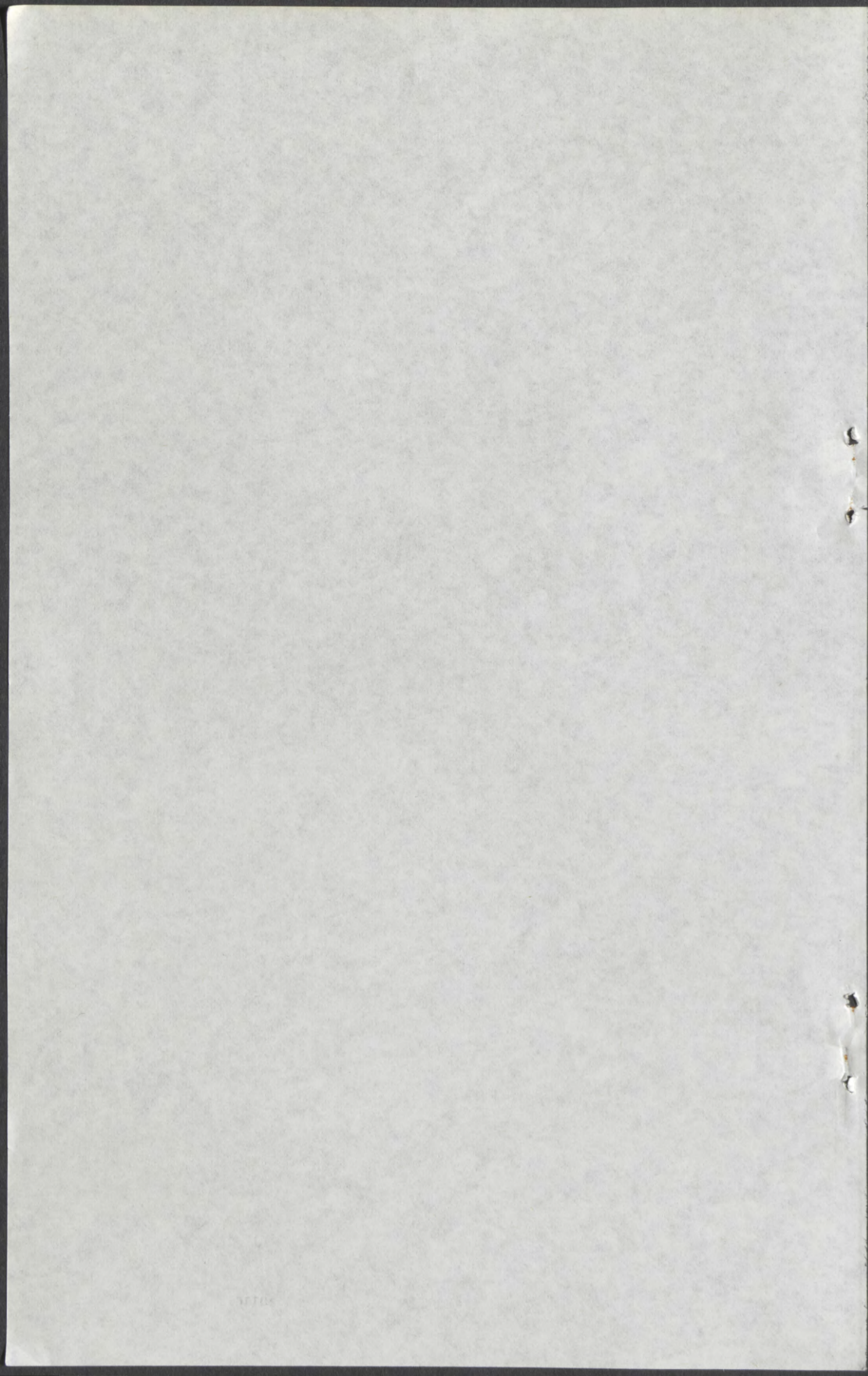
Mr. WHITE. I will, and at the next opportunity, we will make a request for funds to do the entire project, and in the meantime, see what we can do to beautify it to some degree as soon as possible.

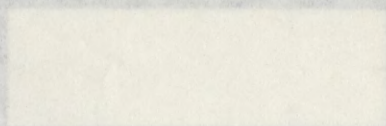
Mr. MINETA. Very good. Mr. White, I really want to thank you and Mr. Valenti and Mr. Campioli, and other members of your staff for your patience and indulgence during this hearing, as well as to Mr. Berry and Mr. Curran and Ms. McCormick for your time here today. We appreciate it very, very much.

There being no further business before the subcommittee at this time, the subcommittee stands adjourned.

[Whereupon, at 5:18 p.m., the hearing was adjourned.]









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