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ARCHITECTURAL COMPETITIONS

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HEARING

BEFORE THE

COMMITTEE ON

ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

S. 461

A BILL TO REQUIRE THAT COMPETITIONS BE CONDUCTED
TO ENHANCE THE NATION'S ARCHITECTURE AND DETERMINE
THE DESIGN OF CERTAIN NEW FEDERAL OFFICE BUILDINGS

OCTOBER 15, 1979

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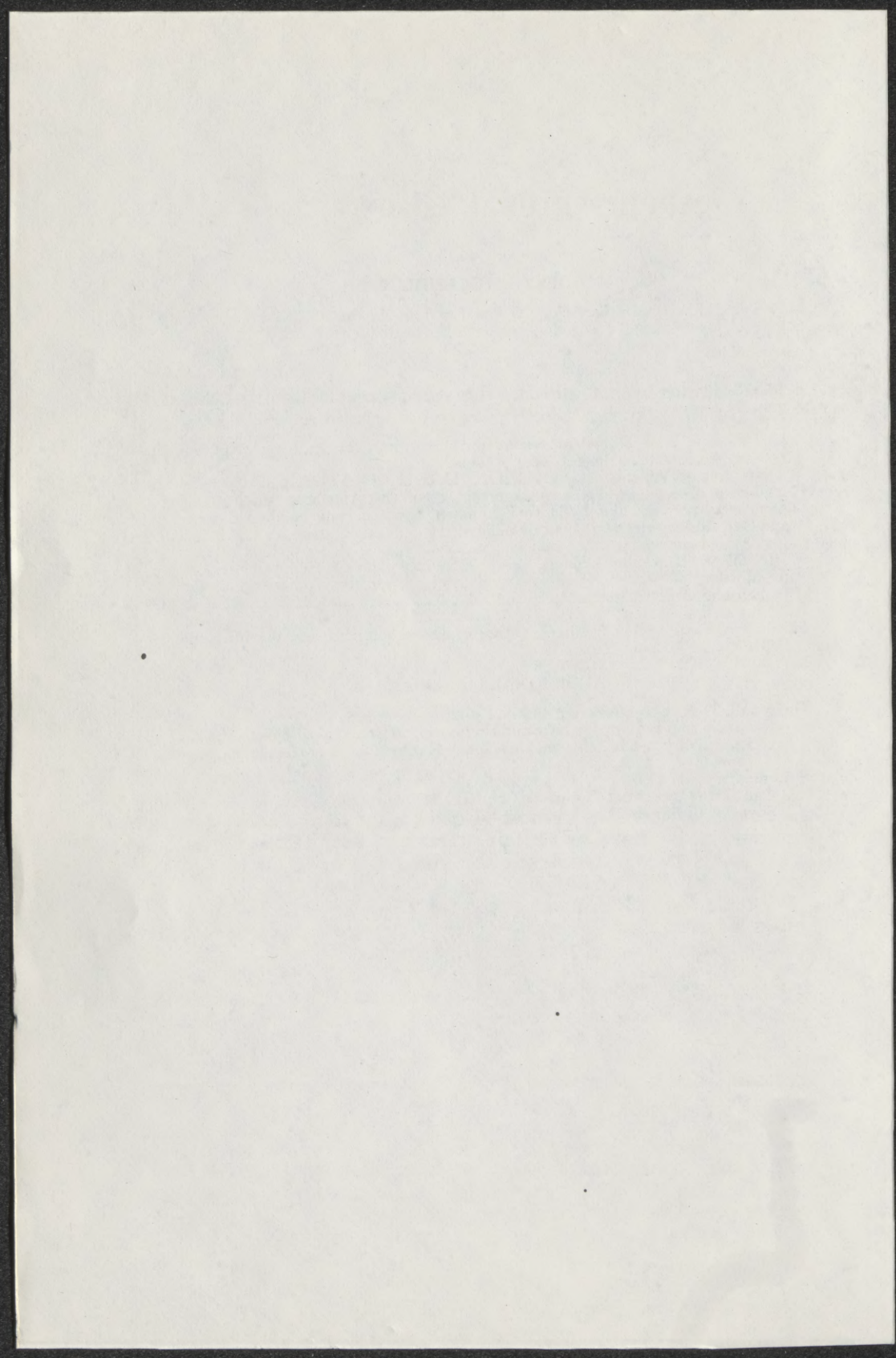
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ARCHITECTURAL COMPETITIONS

MONDAY, OCTOBER 15, 1979

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C.

The committee met at 10:40 a.m., in room 4200, Dirksen Senate Office Building, Hon. Daniel P. Moynihan presiding.

Present: Senators Moynihan and Stafford.

OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator MOYNIHAN. A very belated good morning to you.

I would like to express the regret of the committee for the confusion, which is unusual, but all the more culpable to come about as it did. It's just a question of schedules being in different directions.

As you know, the hearing is on the subject of architectural services for General Services' building projects, a matter of mighty concern to this committee, and a matter of some personal interest in particular to Senator Stafford, who has followed it for a long time.

We begin with a simple proposition that architecture is the one inescapable public art, and that in the main, it should be organized to produce a successful outcome. It's not easy. I think it probably is the case that where, as in most—I don't want to make any generalizations, but we have had a fair amount of architectural disasters in the last 50 years in this development, and as far as I know, we have had only a few triumphs.

We built a great building under the Eisenhower administration, Dulles Airport. And under the Kennedy administration, an equally great building was built at Cape Canaveral. Other than that, it's been pretty awful.

General Services has tried, and in the main, has not succeeded. The Congress has gone from one disaster to another. In the history of architecture there isn't anything as bad as the Rayburn Building, and we may have to wait for our Hart Building to see if that is surpassed. I'm quite serious. They are a monument to vulgarity, and much too rich.

One of the things that concerns this committee a great deal is that the GSA has increasingly been leasing space, and fewer than half of the Federal employees are now in federally owned buildings. We hope in the new Public Building Act, which we are going to have coming out of committee, that we will be able to begin a

new generation of building, and we hope it's going to be better than the last generation.

The Federal Government has tried hard under an impetus which arose under President Kennedy, and in which I had some part. I drafted for President Kennedy the guiding principles of Federal architecture which are oddly enough still in place. Vigorous efforts in GSA took place—and Karel Yasko is a name not to be overlooked in this discussion—and things were done differently than in the immediate past when Washington had been frozen in the Chicago Exposition style. But I have the impression—I may be wrong—that what GSA did is it went out to hire expensive architects whose names were absolutely secure, and they built buildings well past their prime. They took people whose names they read in Time Magazine, and were told they were great architects, and then they built distinctly less than great buildings.

Some of our concern here is, can we not develop techniques for bringing into this program persons who are newer and at their more creative moments, and undertake some chances. New ideas, I suppose, but not too many chances. It's not my view that Federal architecture should be so innovative. It should at all times be contemporary. They are supposed to be around for a long time, and if you always get the best of the period, you will get the good with the bad over the period.

So, here we are to discuss the matter. We are happy, once again, to welcome Admiral Marschall. He must think we're not going to let him get any work done. But we have Admiral Marschall, Commissioner of the Public Buildings Service. Before the Admiral begins I have a statement I would like to put in the record and also a statement from Senator Stafford, who will be here shortly.

[The statements follow:]

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

Our public buildings speak volumes about us, about who we are, and about the dignity or disdain with which we go about this governmental enterprise of ours. They will speak many more volumes about us to our descendants than will the volume of print that will preserve this morning's proceedings. What we say and do this morning will, nevertheless, influence the quality of those much more enduring buildings, because to seek quality in the buildings is to seek quality in those we entrust with their design.

It is astonishing that in our country, which so prides itself on its competitive spirit, which bases its government on the free competition of ideas and its economy on free competition in the marketplace, architectural competitions are so few and far between. It is particularly surprising that the Federal Government, so insistent on competitive bidding in its multi-billion dollar annual purchases from private industry, spurns the competition in acquiring the services of private architects. How else are we to assure the taxpayers that we have chosen on the basis of design talent and creativity, rather than on reputation and old school ties? How else are we to assure architectural professionals that it is effort and talent that count, and not wealth or political affiliation? Competitions are surely no guarantee of great architecture, but they are a guarantee that design, and the talent to design, are the criteria we rely on in choosing an architect.

While we are about the task of securing the best product of private architects for our public commissions, why don't we make sure that we can attract and retain some of the best architects for public service? They are the people who set the day-to-day standards in our public buildings program. One thing is certain: we do not have a prayer of attracting talented designers to the civil service if we do not allow them to design anything.

Most of the dignified old Federal courthouse, post office and mint buildings that we now think of as comprising the good old days of Federal architecture, were designed in the old Supervising Architect's office in the Treasury Department. The National Park Service, noteworthy among contemporary Federal agencies for the quality of its architectural, graphic, and exhibit design, performs a healthy portion of that work with its own staff. I dare say that the experience and confidence of its staff makes the Park Service a better client for the services of private designers.

A year ago, even six months ago, this hearing would have been an academic exercise. The General Services Administration was busy leasing buildings, with little or no regard to their architectural quality. I believe that we are close to putting the GSA back in the business of commissioning architecture, and that makes it all the more pressing that our discussions this morning bear fruit.

Our goal in this must not be to make every new Federal building project into a quest for architectural immortality; that search would be futile. Our goal, rather, must be to insure the highest level of quality and integrity in our building program that we can humanly attain. More than that we cannot do; how well we succeed will ultimately be determined by the quality of architects and architecture our age has to offer.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE
STATE OF VERMONT

Mr. CHAIRMAN. I am pleased to join with you in opening this hearing on Federal architecture, and in particular my bill, S. 461, the Architectural Excellence Act of 1979.

S. 461 is intended to foster improvements in the architectural design of new Federal office buildings. I believe that we can and should utilize the Federal building policy as an innovative tool in architectural design for new buildings. Such an approach would serve to encourage new, young architects, giving them opportunities they may not otherwise obtain for years.

In one recent year, the United States spent \$140,000,000 in architectural fees on 3,400 projects of the GSA and other agencies. Surely, we can set aside a small portion of that expenditure in a search for greater architectural innovation and excellence.

The architectural critic, Wolf Von Esckhardt, testified to our Committee that "practically all the best buildings in the world have been the result of competition." A few of the better known ones include the White House, the U.S. Capitol, the Houses of Parliament in London, and the Sydney Opera House in Australia. Many of these buildings are structures for the ages, structures deserving worldwide attention.

I do not claim that S. 461 would necessary produce such exciting and important buildings. But I do believe it will create a better atmosphere for architectural innovation and excitement.

The approach in S. 461 involves a limited first step. It would mandate competitions on each Federal building project that is expected to cost \$25,000,000 or more. That figure, which is an arbitrary one, would test the concept, and thus serve as a valid starting point.

My bill would set aside between one-half of 1 percent and 1 percent of the cost of the building to be used to run the competition, with the prize limited to a maximum of \$250,000. These figures, too, are arbitrary. I would hope that we will obtain testimony on how a valid figure can be established, if this one is considered to be inappropriate. The actual architectural fee, of course, would then be negotiated as if the winner were selected as the most qualified applicant, under the normal procedure.

Mr. Chairman, S. 461 also requires that all proceedings of the panel of judges be held in public so that the public and local community officials can observe and participate.

Mr. Chairman, I believe S. 461 is an innovative and worthy bill. I join with you in welcoming our witnesses and expressing our thanks to them.

Thank you.

Senator MOYNIHAN. Admiral, would you come forward, please?

STATEMENT OF A. R. MARSCHALL, COMMISSIONER, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION, ACCOMPANIED BY DAVID DIBNER, ASSISTANT COMMISSIONER FOR DESIGN AND CONSTRUCTION

Mr. MARSCHALL. Thank you, Mr. Chairman, for this opportunity to appear before you again. I don't yet feel like we are going stale, but that may happen.

The procedure I would like to use, with your permission, is submit my statement for the record (see p. 34), and highlight it as I go along; or, if you would prefer to have me read the whole thing, fine.

Senator MOYNIHAN. Yes, and perhaps you would introduce your associate.

Mr. MARSCHALL. This is Mr. David Dibner, the Assistant Commissioner for Design and Construction. The old name was Construction Management, but we are changing that.

Senator MOYNIHAN. You are changing it to Design and Construction.

Mr. MARSCHALL. Yes, we are going back to what it should be.

Senator MOYNIHAN. Good.

Mr. MARSCHALL. I am happy to tell you that Mr. Dibner is from the private sector, just 2 years on board, and is a Fellow of the American Institute of Architects. So he comes with impeccable credentials.

Senator MOYNIHAN. We welcome you, Mr. Dibner.

Mr. DIBNER. Thank you, sir.

Mr. MARSCHALL. I have a letter from the chairman, which touched on four particular items, and I would like to cover each of those in turn.

The first was the efficacy of the GSA selection system in providing high quality design. I think that our procedure is reasonable and good. I think there are certain things that I would plan to change in this process. The major thing that I intend to change is the use of the public advisory panel system. It was good in its time. When it was introduced, there were scandals, not in GSA, but in other developmental agencies, and it was thought that by bringing these people into the procedure that it would remove any hint of corruption in our process. We have discovered in the time that we have used these panels a lot of the fault that may well be our own, this is not all the fault of the public advisory panels—that there have been excessive administrative costs. This also slowed down the selection process, thereby increasing construction costs. We eliminated some highly qualified firms because their members were serving on these boards. Then, when a former panel member gets a commission, people think, gee, that's favoritism.

Sometimes, it's difficult to get the people to serve whom we would like to have on these panels.

Senator MOYNIHAN. Yes, I see.

Mr. MARSCHALL. It's difficult for members to arrange to attend meetings because of their personal business commitments. We find that in our own lives. When you try to get six people together who are very, very busy to begin with, it's a difficult proposition. When you get to the national level, and there are 15, it's even tougher.

It precludes the selection of any firm other than those recommended by the panel, which amounts to rejection by a nonstatutory group of firms wanting to do business with GSA.

Then, the last thing that I would mention has just come about. These people on the panels are, we feel, in the procurement chain. Anyone in the procurement chain of necessity must make a full disclosure of his finances, not company finances, personal finances. And I think that it would be necessary were we to continue public advisory panels, for each and every member of these panels to submit a full disclosure of his personal finances, which would then be available for review by anyone who cared to look, the same—

Senator MOYNIHAN. This is now the case?

Mr. MARSCHALL. No, sir.

Senator MOYNIHAN. It will become the case, you are saying?

Mr. MARSCHALL. You have been aware of a recent emphasis on those in the procurement chain having full disclosure of their personal finances. I had to submit my poverty oath, and it's available for anyone's perusal. You can find out where I don't get my money, and so forth, and that information, I feel, would be necessary from these members of the public advisory panels, if we were to continue them.

So, I am hoping that we can streamline our procedure with our own people, people in the Federal establishment who are charged and paid to do this type of thing.

Now—

Senator MOYNIHAN. Let's hear it. You are going to scrap the public panels as a technique?

Mr. MARSCHALL. Yes, sir.

Senator MOYNIHAN. How are you going to pick architects?

Mr. MARSCHALL. As you know, I have been around this track once before with another agency, and we found that by setting up a screening board which screened out the obvious—you know, we wouldn't select a four-man office to do a \$20 million job, nor would we select one of the big firms to do a \$50,000 job.

Senator MOYNIHAN. And the screening panel is made up of whom?

Mr. MARSCHALL. Public servants. Then we would have a slate selection board which is roughly the position that the public advisory panel is in now, in which these people would set up a slate for the eventual selection board. These people are different from the screening board.

Then the final selection board would select from the slate that the slate selection board put forward. We would have as many as 8 or 10 firms for that board to look at, interview, and choose from.

On a normal type thing, three to five names would be there. But, nobody would serve on two of the three boards or more. It would be different people.

Senator MOYNIHAN. Is this a panel for each project?

Mr. MARSCHALL. Yes, sir.

Senator MOYNIHAN. So a panel says, here are 20 firms that can do it, then a second panel says, here are the four we would recommend, any of these four. Then a third body says, we pick number three.

Mr. MARSCHALL. That is correct, sir.

Senator MOYNIHAN. That's spreading the responsibility around. That would be a good process.

I suppose you're always concerned in procurement with probity. The great danger you have is you always get an honest architect and you will always get a mediocre one, if you know what I mean.

That is a system that—there are conflicting problems here. Probably nowhere is it as hard in the things you have to do, nothing is as crucial as is how to get good design in a system in which it just drives out that consideration as a primary thing.

Your primary thing is to see that nobody steals; second, that no roofs fall in; and so forth.

Mr. MARSCHALL. I think that we have to provide any professional with the criteria which we have come up with for the function of the building. He must know the purpose for which it's being built, and he must have certain criteria which we provide him to include in his design. But once he obtained these criteria, and once he settled down with his commission, I see no reason that he should be interfered with as far as his professional approach to the problem.

Senator MOYNIHAN. Right, but when you say you see no reason, look about you.

Mr. MARSCHALL. Oh, of course, I have seen it. You have seen it. We have all seen it.

Senator MOYNIHAN. Yes.

Mr. MARSCHALL. And I think some of the worst things that I have seen have been the result of too many cooks spoiling the broth. I do think that in many cases—I was just recounting to someone before this hearing about an almost total disaster that occurred to me. I almost rejected a design and I said, well I am going to let this go, and it turned out to be the most beautiful building that I was associated with.

Senator MOYNIHAN. That's the way——

Mr. MARSCHALL. I am aware of these problems, Mr. Chairman, and I don't know how you can take the human factor out, but we can try.

Senator MOYNIHAN. You see the problem may not be of a systemic nature. You don't have great clients who want something great. If they do, they are not around long enough to tell whether they get it.

Mr. MARSCHALL. That is right.

Senator MOYNIHAN. The half-life of a cabinet officer is about 16 months now. The secretary of any office isn't there a long enough time before he knows he is going to have to resign pretty soon. About 16 months.

Mr. MARSCHALL. Yes.

Senator MOYNIHAN. Now, let's be clear. You are dropping the panel idea. Could you be specific, because I think this should be part of the record. There is a new disclosure law coming into effect?

Mr. MARSCHALL. No, sir. It's our interpretation of the disclosure law.

Senator MOYNIHAN. You have an interpretation which says that they are going to have to do things which up to now they have not been doing, or not had to do?

Mr. MARSCHALL. That is correct.

Senator MOYNIHAN. I want to say that you are, in this case, just the most recent office in the Government to find this is a hell of a problem. It comes from every direction. People are willing to provide advice to the Government, but not to disclose their entire lives.

Mr. MARSCHALL. I certainly, a year ago, wouldn't have provided my financial information to the Government to do a pro bono type thing.

Senator MOYNIHAN. That is exactly it. People say, look, you want a day a month from me, but I won't give you my entire financial disclosure. I'll help you out—

Mr. MARSCHALL. That is right.

Senator MOYNIHAN [continuing]. But not all of that. You are doing what you have to do, but perhaps not what you want to do. So, you are going to have this selection arrangement.

Mr. MARSCHALL. Yes. And we find it very successful. We had no hint of scandal there, and it will work out. I think we did choose some pretty fine architects and engineers. I wouldn't say that we have had 100 percent as a score, but we did get some mighty nice-looking structures.

Senator MOYNIHAN. You know what would interest this committee? If you could send us up some things that you have done lately that you are happy about. We would like to look at them. Why don't you do that, Mr. Dibner?

Mr. DIBNER. Be happy to.

Senator MOYNIHAN. We don't get much in touch with reality here, you know, with all these amounts of money involved.

Mr. MARSCHALL. Going on Mr. Chairman to the potential efficacy of design competitions. We find no great advantage to be shown here. We agree with the intent of the bill, with regard to simulating good design, but we feel that a more efficient and effective way of achieving these goals can be attained through rigorous predesign programming and employment of the process of selection which evaluates an A. & E.'s qualifications against these defined goals.

Another thing that worries me is that the design competition concept, when applied to lease construction, creates other concerns. These projects are developed on a performance-type specification, which encourages owner/developers to take a cost-effective approach to design innovations. Predesign of leased facilities would effectively eliminate incentives for the lessor and convey them to the architect.

We feel that with this third party in the act, we might have less than the best approach to our problem. We might limit the potential use of the site, just because someone has chosen an architect who decides that he is not going to develop the whole site. And, again, that is money.

I think that should we go to this pure design competition as outlined in S. 461, we can expect a greater expenditure of time and money. And time bothers me, particularly with this inflationary cycle we are in. We estimate that at least 1 percent a month is the current escalation in the construction industry. It's hard to put your finger exactly on it, but it just is like everything else, it's going up about 1 percent a month.

So, we feel that a better alternative is to elaborate on the design principles highlighted in S. 461 in our planning and predesign programming, followed by a rigorous overview to be sure we accomplish these goals in our subsequent designs.

Senator MOYNIHAN. So you are saying to us that you are not happy with the proposal in S. 461? How would you change it?

Mr. MARSCHALL. First of all, it's a sort of ironclad thing. We go at it on the basis that if it's \$25 million or more, we have a design competition.

Senator MOYNIHAN. Right.

Mr. MARSCHALL. I don't know that a dollar figure should be in a bill of this sort. I think that there should be some discretion as to whether there should be a design competition. For example, the Congress of the United States authorizes and funds everything we do. If in its wisdom, the Congress should decide we want a design competition on a specific building, I think it could easily be put in the bill.

Senator MOYNIHAN. I see.

Mr. MARSCHALL. But I think a \$25 million structure today could very easily, with inflation the way it's going, become a minor building in the not-too-distant future.

Senator MOYNIHAN. You think this could compromise almost any building that you put up?

Mr. MARSCHALL. Almost anything we do, if we put a dollar figure on it, it's going to change.

The second thing is that I am a little fuzzy about the intent of the payment; we can pay up to \$250,000 to the winner of the design competition. Yet, the bill doesn't say that it's necessary to hire that guy. It's implied, of course. Does that \$250,000 go on top of the fee? I am sure it's intended to do that, the way I read it. But these things are not clearly stated.

Senator MOYNIHAN. That is right.

Mr. MARSCHALL. Again, I think—first of all we have not had a \$25 million building in a while in GSA. I hope that we can look forward to several of them, because we certainly have the need. But, again, I think that the Congress could pick out what it wanted, if it wanted a design competition.

Senator MOYNIHAN. You think that this committee or our colleagues from the House could say, on this one we want a design competition?

Mr. MARSCHALL. I think you could do that just as easily as any way I know.

Senator MOYNIHAN. Rather than making it a routine through you?

Mr. MARSCHALL. Right.

Senator MOYNIHAN. If we had a panel, this panel would have to face those same disclosure requirements, won't they?

Mr. MARSCHALL. Yes.

Senator MOYNIHAN. I think we would like to hear in writing from you, Admiral, if you can, the process by which you reached the judgment that disclosure would be required of these persons.

I take it that looking at the law, you decided that this was part of the plot?

Mr. MARSCHALL. Definitely. We are in the procurement chain. We cannot even go back to the public advisory panel for more names. They give us names, and by our own rules, we are hamstrung. We then say, these are the firms from which you shall select. That puts them definitely in the procurement chain.

Senator MOYNIHAN. I am sure you are right, I am not happy to hear it, but I am not very surprised.

It's a peculiar notion of Government, and it's widespread, pervasive. Over in your old world of the military, the science advisory groups are just being pulverized by this, people are perfectly happy, as I say, to give 1 day a month to an advisory group on electronic surveillance, but not if it means all this disclosure.

Mr. MARSCHALL. With regard to the use of an in-house design staff, which was another point the chairman made, we have in recent years been moving in the direction of increasing our A. & E. contracts. We find that it's become necessary to procure more work from the private sector in order to keep up with our business. We do feel that we must keep up the skills of our civil service employees. And the only way you can do this is by doing it.

I am ashamed to admit that I probably haven't designed a simple beam in the last 30 years, because I have been on the administrative side of the engineering, and my connection with reality to review the specific work of people, would be very poor. That is why we want our people to work on the boards and be capable of designing, so that they can review the design of others in specific ways.

So what we are trying to do in our efforts now, is to do about 20 percent of the work that we do in-house, both on construction and major repair and alterations programs, and 80-percent contracted out.

Senator MOYNIHAN. Twenty-eighty. What have you been doing?

Mr. MARSCHALL. I think it's about a little more. Dave, do you have figures on that?

Mr. DIBNER. Yes, as the years have gone by, and we have increased the repair and alteration amounts that we have been doing, we are tending more toward it. But I would say about 5 years ago it might have been just about reversed, that we were doing 80 percent in-house, except for the new construction projects which we had then.

When you look at what we do, we have new construction and they're major projects, all of them, 100 percent of the new construction is given to private architect engineers.

The remainder of our program is our repair and alteration projects and the major parts of that—for instance, the old post office which is a major repair and alteration project—is given out to private firms. With the increase of the repair and alteration program, we have been tending to give out more and more, and our present objective, as Mr. Marschall pointed out, is to give out 80 percent of the design work. We can't give out that large a percentage of the construction supervision work, because the Government has certain responsibilities it just can't give to others during the construction. So that will remain fairly high as far as in-house work.

But, 80 percent—20 percent in-house will keep our skills sharp. Also, the 20 percent results from the fact there are many little, little projects that we do in-house that the private sector isn't interested in doing.

Senator MOYNIHAN. Don't apologize for your 20 percent, I mean is that enough?

Mr. DIBNER. Is that enough? I think it is, to keep our skills up.

Senator MOYNIHAN. That is your job, to know that it is enough.

Mr. DIBNER. Yes.

Senator MOYNIHAN. And if you think it's enough, that is it, you're there, you know.

Mr. MARSCHALL. We had a program similar to this in the Navy, and we found that in addition to 80-20 or 75-25, we tried to give each of our field office design divisions one challenging project. Not just the boiler plate, but one project a year which would give them something in which to sink their teeth.

Senator MOYNIHAN. All right. Sir, I am going to depend on your previous incarnation as a naval officer, because the one thing I know you do right in the Navy is you keep people trained and keep giving people exercises and keep them doing things others don't quite know how to do. So, it's that kind of using and stretching that is absolutely necessary.

If you think 80-20 is right, that is your job to decide, and so long as this committee knows that you have this question on your mind, this committee is satisfied.

I would like to have from you—and I think we must have a statement in writing, about how you made the decision about financial disclosure.

Mr. MARSCHALL. Yes.

Senator MOYNIHAN. It's something we will want to have. It will of necessity affect our judgment. If we have the happy fact of successful architects, that there are not many of them who are poor, and if they have to go through all that revealing things to serve on your panel, it may be you will end up with panels that only have unsuccessful architects, which is not the basis for the plan as it got started. And there also may be a time at hand to decide what in the devil are we doing with the Government's relationship with its constituencies, are we sealing ourselves off from the scientists and architects and technicians?

Mr. MARSCHALL. You've done it to yourselves, and we have had it done to us in the executive branch.

Senator MOYNIHAN. Admiral, I thank you very much. We thank you, Mr. Dibner. And we just want you to know that we think that things like major restorations are a good deal more important than repair, and we are doing a lot of major restoration in Federal architecture right now, owing to the efforts of the Congress to encourage it, and we will never understate the importance of taking something like the old post office and doing it right. That is something we will all be looking at for the rest of our lives. We look to you to do a very good job in our behalf. Thank you very much.

Mr. MARSCHALL. Thank you, Mr. Chairman.

[A response to Senator Moynihan's request for information regarding financial disclosure follows:]

GENERAL SERVICES ADMINISTRATION,
PUBLIC BUILDINGS SERVICE,
Washington, D.C., October 23, 1979.

HON. DANIEL P. MOYNIHAN,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the hearings before your Committee on October 15, 1979, you asked me to further clarify my statement that questions have arisen as to whether members of the General Services Administration (GSA) Public Advisory Panels on Architect-Engineers should be subject to requirements of the Ethics in Government Act of 1978 for public disclosure of finances.

I testified before the Committee to the effect that members of the Panels perform both advisory and operational functions for GSA. A prime function of the panels is to evaluate current statements of qualifications and performance data of architect-engineers on file with GSA, together with those that may be submitted by other firms regarding the proposed project. The panel then recommends from five to eight firms for consideration for award. Evaluated firms who are not recommended by the panel are effectively eliminated from any further consideration for award for the design contract. The requirement that statements and qualification data of all eligible firms be evaluated is a statutory one. See section 903 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 543).

In discussing the matter with counsel prior to my testimony, I was advised that since the Panel members performed functions governmental in nature which direct Government action and are final with respect to the elimination for consideration of interested architect-engineer firms, the panel members should be considered as special Government employees for purposes of the Government in Ethics Act.

Section 201(a) of the Act requires special Government employees to file financial reports provided that the position is classified at a rate equal to or greater than the minimum rate of pay fixed for GS-16. While advisory panel members receive reimbursement for expenses only, their responsibilities are such that if employed by GSA as private consultants, government personnel regulations would permit the rate of pay to be fixed at the 10th step of a GS-15, which exceeds the minimum rate specified for the first step of a GS-16. While the matter is not entirely free of doubt, counsel believes that the better interpretation of the Government in Ethics Act would require the filing of the report, a position that I concur in since the application of the Act depends upon the nature of the duties involved and the permitted rate of compensation for the work, rather than the fact that the services are performed for the Government at less than the permitted rate.

Sincerely,

A. R. MARSCHALL, *Commissioner.*

Senator MOYNIHAN. Now we'll hear from a man we all know and admire so much in the executive branch, because he came from the legislative branch—Livingston L. Biddle, Jr. We welcome you, sir. It's not your first visit this year to Capitol Hill, I know.

STATEMENT OF LIVINGSTON L. BIDDLE, JR., CHAIRMAN, NATIONAL ENDOWMENT FOR THE ARTS, CHAIRMAN, NATIONAL COUNCIL ON THE ARTS

Mr. BIDDLE. It's always a real pleasure to come back to these halls where I gained my training and experience and high regard for this wonderful body. We are very appreciative of the opportunity to give testimony today on the Architectural Excellence Act of 1979.

Mr. Chairman, if I may, I would like to pay particular respect and admiration to you for your pioneering efforts and your great concern.

Senator MOYNIHAN. I thank you, but as you know, this is Senator Stafford's bill.

Mr. BIDDLE. I know, but the guiding principles of Federal architecture and your long-time concern in these areas, is greatly admired by me.

Senator MOYNIHAN. Thank you.

Mr. BIDDLE. And by the Endowment for the Arts.

As you know, architecture is one of several fields which the Endowment supports throughout its fine arts program. Since 1973, we have been encouraged by each administration to work with other Federal agencies in improving the design quality of our public buildings, and in doing so, we have worked closely with the General Services Administration and other building agencies of the Government in carrying out this responsibility.

So, I am pleased to be here this morning with Admiral Marshall, and with Mr. Dibner, and with other witnesses here who are experts in this area.

Over the last year, Mr. Chairman, we have begun to take a really hard look at the processes by which architectural and design services are procured by the public sector, and we have concluded that there may be some real merit in encouraging the use of competitions in the selection process. I think it would be helpful if I could quickly outline some of our activities.

I should first say that design competitions, while part of the early tradition that produced such excellent work as the Capitol, the White House, the Washington Monument, and Pan American Union Building, have in this century, and in the last half century, fallen into disuse in this country. The reasons this has occurred, while almost all other Western democracies have been increasing the use of more open designer selection processes, are several, involving the complexities of procurement procedures, cost factors, some ambivalence on the part of the architectural profession to competitive selection, some difficulties with the procedures for design competitions, and some lack, particularly in the past, of public interest in the quality of its civic edifices.

Recently, however, as resources, energy, and capital have become increasingly scarce, we have observed a newly awakened interest in the public in its civic and cultural architecture.

I might say here that in the course of my wonderful job—

Senator MOYNIHAN. It's a good job.

Mr. BIDDLE. It's a great job, thank you. I feel it is, and I am very grateful to have it.

But I think in the past 2 years, since I have had this job, and traveling across the country, I see a great awakening by our people toward the values of all the arts. We have seen since the National Endowment started, a dramatic increase in the numbers of arts organizations, the numbers of orchestras doubling, the number of opera companies doubling, theater quadrupling, dance companies tenfold, State moneys for the arts increasing from \$4 million in 1966 totally to appropriated out-of-State legislatures, close to \$80 million. And the National Endowment's budget going from \$2½ million in 1966 to close to \$150 million at this time.

All this I think is producing what I like to call a naissence of the arts, not a renaissance, because I don't think we have ever had such a birth before. But people all over the country, as I travel, in all walks of life and in the smaller communities, as well as the larger communities, are beginning to see that the arts have a priority value, and even in innercity situations, often it is the arts that become a focal point for urban revitalization in those areas.

I think all of this is bringing to the attention of our people a sense of quality, a sense of awareness, a new sense of insight into this whole spectrum of our imaginative processes and as this occurs, I think it relates fundamentally to this concept we are talking about today, because people are becoming aware of what good designs should be.

As that occurs, increasingly, people will look askance at buildings which may not, as you have said earlier, be the greatest examples of our genius.

This is especially evident to us in the grant applications we receive from local governments and nonprofit organizations around the country requesting support for competitive architectural selection processes for the design and development of public improvements of all types. I could take as one example, which I think is quite illustrative: The Provincetown Playhouse in Massachusetts. This landmark building burned to the ground several years ago, and we awarded a small grant to the community, \$20,000, plus another \$2,000 came from the State of Massachusetts, its arts council, to conduct a regional competition to develop a new design for a future playhouse, even though at that time it was doubted that there would be sufficient capital to go ahead with the construction.

The construction took place in a kind of community setting in a restaurant that was a local place, and they began to develop models and the design competition went on and involved the local community very much in the process.

Finally, when the jury announced its selection and the presentation was made, it was made by Helen Hayes and I. M. Pei, and it created a tremendous excitement in this town which led to immediate pledges to construct the renovated playhouse.

So, here is an example of a design competition, really it was a major factor in rekindling interest in this poor facility.

Senator MOYNIHAN. Now if we can just find another Eugene O'Neill, we'll be in good shape.

Mr. BIDDLE. Yes, maybe there'll be one.

We are currently supporting design competitions in several cities around the country, including New Orleans and San Francisco, and I visited those areas and I am much impressed with the way the community is involving itself in this competitive process. And the enthusiasm for it is tremendous.

I would also like to stress in these remarks that through these kinds of efforts I think we are building up information on these particular types of projects, competitive projects, so that we are becoming able to give better advice to our colleagues in the business of building these projects in the Federal Government with respect to the efficacy of design competition. We consider the Arts Endowment as a catalyst working with other Federal agencies. We are obviously not equipped to provide large sums for construction. But, we can begin to engineer those processes which I think tend to show how things can be done in more innovative ways.

The Endowment has recently awarded a special grant, which is national in scope, to the American Institute of Architects. This is a \$30,000 award.

Senator MOYNIHAN. You still respond to those bells?

Mr. BIDDLE. I remember those bells, and I think the Senate is now in session, if I am not mistaken.

This is a grant to the American Institute of Architects to establish a competition advisory service with the AIA, which will provide technical assistance to communities with an interest in conducting architectural competitions.

So, here we are working directly with the American Institute of Architects to explore these important areas. And the manual on types, uses, and procedures for running these competitions will be published very shortly by us for national distribution.

We also believe that we can learn a great deal from other countries with respect to the utility of design competitions. Many of the most famous architectural masterpieces of Europe were the result of design competitions: The Paris Opera, the Eiffel Tower, the Spanish Steps in Rome, to name a few. They are widely held to be responsive to public concerns and effectively drew in national, and international talent available.

I might just say that before your hearing began this morning, I was talking to Paul Spreiregen, who is to be a witness with you later this morning, who was the first design architect program director for the National Endowment for the Arts, back in the very early days when Roger Stevens was the Chairman and I was the Deputy Chairman. And Paul wrote a book, which is fascinating to me, on this whole question of design competition.

Senator MOYNIHAN. Yes. Your point about European competitions is an important one. They do suggest that you can get newer talent through competitions. It's hard to find a way to get new people and competitions, curiously enough, tend to do it, because you don't match reputations, you match very directly with performance.

Mr. BIDDLE. I think ideally, this is a wonderful way to go at it. There are cost factors and other things that I really don't feel competent to talk to.

Senator MOYNIHAN. That is what Senator Stafford thinks. You have that soft Pompidou look which is there. There ought to be one building like that. I don't think there ought to be two.

Mr. BIDDLE. But it's an exciting building. I have studied—

Senator MOYNIHAN. It's a wonderful tower.

Mr. BIDDLE. But it has a uniqueness and certainly Parisians, I think are—

Senator MOYNIHAN. You know what is unique—in case people don't know this about the cultured French—is the public libraries. They don't have any in France, while we go around telling about what a bunch of—

Mr. BIDDLE. The only one is in the Pompidou itself.

Senator MOYNIHAN. That one library, yes, yes. Great people.

Mr. BIDDLE. But I think also the point there is that you look askance at it in the beginning and now people are beginning to accept it as a very innovative and interesting building in the middle of a very old section of Paris.

Senator MOYNIHAN. Yes.

Mr. BIDDLE. With regard to the legislation at hand, we would like to commend the committee for their leadership in exploring these areas, and we believe that the bill espouses the valid principle and

addresses importantly the means of insuring that the pool of creative design talent in this Nation will be given a better opportunity to address the goals that I think we all have in common.

With regard to types of competitions, we would like to suggest that there appears some evidence that recent architectural competitions in this country have been too oriented toward a specific reduction of one particular building and that there might be some merit in exploring competitions that would not only discover new talent, but would be used for the selection of a design concept, something that we could apply more universally than just to one building itself.

We would also like to stress that architectural areas of design and the design field, in defining that, or in describing how that should relate to this legislation, we shouldn't forget landscaping, graphic design, and so forth. Those areas that relate to architecture itself.

With regard to in-house design, we would like to point out that for a number of years the National Endowment for the Arts, in connection with the Office of Personnel Management, has worked to help improve civil service procedures so that the most talented designers are attracted into public service, architects, interior designers, landscape architects, graphic designers, illustrators, and photographers are now rated by a panel of their peers on the quality of their work as evidenced in actual design projects and the Register of Designers has now been established and is used by Federal agencies in filling design positions.

I think this is a good start. We would like to leave for the time the question of actual design work produced by an in-house staff. However, we believe that there are some excellent examples of in-house design in the country as a whole, and we mention in my testimony one specific example in Trenton, N.J., which I think is a good example of how a city has provided its own professional in-house staff to look at the design in that particular city.

We would recommend that the committee look into that particular issue first. As far as the compensation of architects goes, I don't feel really competent to make a full statement on that except to call attention to various studies that have been made which grade architects extremely high after doctors and lawyers. Often we find the architect listed at that high level on any list of important careers and important positions.

We believe that architects tend to receive relatively low compensation for their work in many cases, and we would like to refer the committee to a really very excellent study that was done by the Center for Building Technology of the National Bureau of Standards, on the life-cycle costing on buildings.

The Bureau has devised a model for estimating the total cost/benefit ratio of a typical office building over a 40-year average lifetime, and in that case design and construction costs account for less than 5 percent of the total expenditure over 40 years of time.

Other research conducted by the NBS, along with the work being done in Great Britain in particular, strongly suggest that there is a direct link between the productivity of office workers and the quality of design of a building in which they work. I guess that is a fairly obvious concept.

Senator MOYNIHAN. I see. Since I know something about British design, and I am aware of what has happened to their economy, I can put those two things together.

Mr. BIDDLE. Well, I think that it is generally conceded that the better the design the more productive is the work that takes place in that environment.

Senator MOYNIHAN. Let me just ask you, sir, does anybody know anything about that. How do you define better, is better that which produces more work—

Mr. BIDDLE. I think there are—

Senator MOYNIHAN [continuing]. Therefore it follows more work produced is better?

Mr. BIDDLE. Studies pertaining to that, and we would be happy to supply some of that for the record.

Maybe some of the other witnesses could discuss that more with you.

Senator MOYNIHAN. It is a very powerful point, but we would like to know what is known.

If better is prettier or more expensive—

Mr. BIDDLE. "Better" is a combination between the functional and esthetic. Combine those two.

Senator MOYNIHAN. It might be better for Mr. Biddle but, you know, maybe not otherwise. I would like to know. It is one of those subjects about which we need exposures.

Mr. BIDDLE. Studies have been done on colors of rooms and types of office furniture and all.

Senator MOYNIHAN. Sure, we would like to have those.

Mr. BIDDLE. Anyway, I would be happy to submit them to go into that a little further with some information of a specific nature.

Senator MOYNIHAN. Sure. Anything you can find we would like to put in the record. This is a very powerful idea.

In no way could we pass that over.

Mr. BIDDLE. In conclusion, just let me say that while the Endowment for the Arts is concerned with fostering the arts in America, we do recognize that efficient procurement of appropriate space for Federal operations requires consideration of many, many other factors and GSA certainly has addressed a good many of these today, and I think their views deserve careful attention as I know you will give them, Mr. Chairman.

But I think that if I could leave one thought with you, it would be that the National Endowment for the Arts, now in its—coming up on 14 years of being in existence, has created a resource that is important to the Government as a whole.

We now have approximately 500 panelists who serve with us each year in the different program areas. We find these are the real core of making the basic decisions that are needed in the arts. I think it would be very wrong for me, as Chairman, or for a few of us, to become arbiters about artistic quality.

Senator MOYNIHAN. Yes.

Mr. BIDDLE. Therefore, we depend very greatly on our panel system and on the National Council of the Arts, to whom the panel makes its recommendations. My job really is, as I see it, to assemble the best experts that I can in the country, and let them wrestle

with the very, very difficult problems of solving quality decisions and making quality judgments.

So I think it's a resource. We would like to work with you in any way you feel appropriate, and we would like to offer our resources in any way you feel would be helpful.

Senator MOYNIHAN. Sir, you know the respect you are held in by this committee, and by this Congress, and it is very, very important to us to hear you speak that way. Though it doesn't surprise us, we know how you feel.

I would like to, in behalf of the committee, ask you to do something.

Mr. BIDDLE. Absolutely.

Senator MOYNIHAN. And that is would you go over to GSA and get into this question of the financial disclosure requirements of people who might serve on panels. Because if it's there with GSA it's going to be making the way around to you, I suppose. And think about it for us.

Mr. BIDDLE. I would be happy to do that, Mr. Chairman. I think the difference between our panels and the GSA panels is that our panels make recommendations. They do not make a final determination.

Senator MOYNIHAN. Probably so. But is this going to reverse the trend which obviously we have been trying in one form or another to repress, which is to open the Government and expand its—Oh, God have mercy—interface, you know.

To make it a porous, rather than a sealed enterprise. And are we now just sealing it up again?

Mr. BIDDLE. I think it is a very large problem, Mr. Chairman, and you know, when the National Council on the Arts was first created, it was created so that it was a Presidentially appointed body. Then in the reauthorization that took place in 1976, the Council was still Presidentially appointed, but with the advice and consent of the Senate, which added a level of prestige, I think, to those Council members. But it also added the burden of disclosure and all the other things that go with it. A Presidential appointment with advice and consent of the Senate, of course, requires that. That does not apply to our panels.

Senator MOYNIHAN. Yes. But would you think about it as if it were our GSA selection panels. Because one thing, of all the Government arts, architecture is the one premiere one.

Mr. BIDDLE. It could be well called the most enduring of all the arts.

Senator MOYNIHAN. In a general way, but it is the one art that Government must be engaged in because it builds buildings.

Please look at it for us, and give us your advice. Would you try to find the time? I know you are busy.

Mr. BIDDLE. I would be very happy to do that and make some comments for you.

Senator MOYNIHAN. That would be more than appreciated. We thank you very much for very good testimony and this very nice business about the Bureau of Standards study, which I have not seen, and we will have to get on to it.

Mr. BIDDLE. Thank you very much for this opportunity, Mr. Chairman.

Senator MOYNIHAN. Our time is running, and we have to break at noon, but first Mr. Kassabaum, former president of the American Institute of Architects—Mr. Kassabaum, would you come forward, sir? I see you have some associates with you.

STATEMENT OF GEORGE E. KASSABAUM, FAIA; PAST PRESIDENT OF THE AMERICAN INSTITUTE OF ARCHITECTS, ACCOMPANIED BY DAVIS THOMASIN, DIRECTOR, CONGRESSIONAL LIAISON, AND STAN KOLBE, DIRECTOR OF PUBLIC POLICY

Mr. KASSABAUM. Yes, Mr. Chairman, thank you. It's good to appear before you. You may not recall, but as past president, I had the pleasure of introducing you at the beginning speech of the Chicago convention.

Senator MOYNIHAN. In Chicago, years ago.

Mr. KASSABAUM. Crying time for all of us. We appreciated your being with us.

I am George E. Kassabaum, former president of the American Institute of Architects. Today I no longer am connected with the institute, except as being a good member, and I am a partner in the firm Hellmuth, Obata & Kassabaum, Inc., St. Louis, Mo.

Senator MOYNIHAN. Would you have the kindness to introduce your associates.

Mr. KASSABAUM. Yes; accompanying me is Mr. Davis Thomasin, director for AIA, congressional liaison, and Mr. Stan Kolbe, director of public policy.

I appear this morning on behalf of the American Institute of Architects, which is the national society for the architectural profession. The purpose of my testimony is to present our opposition to S. 461, the Architectural Excellence Act of 1979, and to encourage a greater awareness of the architectural process.

We are in favor of excellence, and certainly all the intentions of this bill, but we feel this is not the way to go about it. The AIA has strongly supported the Federal Government's efforts in establishing and maintaining high design standards and quality design. Today the Federal presence is represented architecturally through more than 50 agencies and departments, constructing billions of dollars' worth of facilities of every type. Buildings within our Nation's Capital to appreciate the heritage of inspirational design we wish to preserve and sustain.

Senator MOYNIHAN. Like the Rayburn Building?

Mr. KASSABAUM. No.

Senator MOYNIHAN. Have you ever noticed that the older they are, the better they look?

Mr. KASSABAUM. As the architect of the National Air and Space Museum, I have to take some slight exception to that.

Senator MOYNIHAN. There are some.

Mr. KASSABAUM. But we are proud of our old buildings and proud of some of the new ones as well.

Senator MOYNIHAN. Did you do the Air and Space Museum?

Mr. KASSABAUM. Yes; we did.

Senator MOYNIHAN. Congratulations.

Mr. KASSABAUM. Thank you.

I think we do recognize what you have said, that it's a government's most lasting, and possibly most visible, and certainly the most positive statement about a design heritage, and you do seek superior design in this area.

As you mention, you were involved in this in 1962, and we all breathed a sigh of relief when President Kennedy recognized this valuable element in America's spirit when in 1962 he convened the Ad Hoc Committee on Federal Office Space. The Kennedy administration committed the U.S. Government to guiding principles of Federal architecture emphasizing architectural style and form which is distinguished and reflects the dignity, enterprise, vigor, and stability of American government.

We certainly do support that. Federal buildings must be representative of the finest achievement, the very best architectural expressions as entries into our future heritage. We feel we are leaving to succeeding generations a great heritage. All buildings of the past were not great buildings, but the great buildings tend to survive. I think that will be true of our time as well.

Furthering these recommendations for an improved policy on Federal architecture, Congress passed the Architect-Engineer Selection Act, Public Law 92-582, in October 1972. This law established the present method for employing architects and engineers for Federal projects.

We do not completely agree with General Marschall, but the American Institute of Architects fully supports the General Services Administration's current selection process as embodying the best interests of the Federal Government and the architectural design process. As you know, the law directs agency heads to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for those services on the basis of demonstrated competence and qualification for the type of professional services required at fair and reasonable prices. Further, the law requires agency heads to evaluate all interested firms based upon statements of qualifications and performance data and to conduct discussions with no less than three firms regarding the proposed project. Upon completion of this thorough review procedure, firms under consideration must be ranked in order of preference. Contract negotiations are then initiated with the firm ranked first in the detailed selection process.

Since the passage of Public Law 92-582, the General Services Administration has been successful in implementing the law. In 1975 GSA rewrote, with the help of the AIA and with other Federal agencies, the forms used by A/E firms to express interest in Government work, namely Standard Form 254: Architect-Engineer and Related Services Questionnaire and Standard Form 255: Architect-Engineer and Related Services Questionnaire for Specific Projects and GSA has utilized these documents perhaps more effectively than any other agency.

In this way, they have further improved the selection process. As an additional determinant in the selection process, GSA has established two separate levels of evaluation following the submission of SF 254's and SF 255's. Ten regional Public Advisory Panels screen all SF 254's and SF 255's following an advertisement in the Commerce Business Daily. These panels are composed of architects and

engineers in the private sector who are ineligible for GSA work while serving. The panels provide an excellent opportunity for learned public participation in GSA's selection process. The AIA enthusiastically supports the existence and function of these public panels and our State and local AIA chapters have assisted GSA's regional administrators by supplying names of architects who are interested in and qualified to serve on these panels.

The second level of evaluation in the A/E selection process at GSA is the regional evaluation boards. These in-house boards, composed of GSA professional employees, interview the unranked listings of firms deemed qualified to do the work by the Public Advisory Panel and establish a ranked short list of at least three firms that is forwarded to the Administrator.

In 1977 GSA initiated a level 3 test procedure which modified the past practice of architectural service selection. The rationale for the development of level 3 procedure was a method whereby selection of an A/E firm for a unique project could be made clearer by an actual demonstration of competence by participating firms.

The most publicized test of the level 3 process was the redesign of the old post office building on Pennsylvania Avenue in Washington. Although our old St. Louis renovation architect was selected in the same manner. In this modified competition, GSA selected three short-listed firms from a large number of entries to prepare preliminary conceptual design materials, including drawings, for the renovation of the structure, with each of the three firms being paid an equal amount for their professional services. The Washington project exemplifies a number of concerns the Institute has regarding modification in the selection process now in operation.

Once a building is contracted for, there are many costs practically predetermined. There are almost bound to be excessive costs to both the Government and the participating firms. Having served on a number of juries, I can assure you that neither the nature of the process or available time permits or encourages serious consideration of such poor cost determinants as: Is the building energy efficient? Does a designer permit economic structural system? Is the building located on the site or designed to accommodate an efficient foundation design, from the point of view of the life of the building? Does the design permit flexibility? Does it encourage expansion, promote easy and economical maintenance? When the building layout, size, shape, location on the site, glass areas, exterior materials, wall systems—when these are selected by a design competitions, rather than a thorough evaluation of all these considerations, construction costs are impossible to control.

Competitions do have their place. Monuments, simple projects, single-function buildings, but not where there are many complex factors to be weighed, such as in most Government buildings. The best building can only result from the involvement of the client and the exchange of ideas within the users and the architect in the case of Washington design-review boards, which is the true design process.

Today, when building costs are rapidly increasing, time means money, and additional time is required for competition. It's a cumbersome process. Design competitions overemphasize the cosmetics

of design, rather than the full range of services required of the time of architects and engineers.

The proposed legislation is clearly not immune to this "beauty contest" syndrome. Paul Spreiregan, FAIA, in his newly published book entitled "Design Competitions" states that what often occurs is not so much competition, but an extended preliminary design exploration with extremely high costs to those participating.

Because of the complexities involved in design competitions, cost overruns, and uneven results, the AIA is presently working with the National Endowment for the Arts to pursue alternatives and explore ways to overcome some of the obstacles.

Of considerable importance in supporting the present architectural selection process is the legislative history of Public Law 92-582, which provides for design competitions on projects of national significance. The language of S. 461 presents the likelihood of turning every large project into a formal design competition, a very expensive and time-consuming process, as witnessed earlier. Potential abuse of design selection through competition is prevented by the present selection process, Public Law 92-582, and requires no new legislative initiatives.

Another area of concern which is properly being examined in these hearings is the role of the inhouse design staff in providing architectural services. The AIA is firmly committed to the employment of design-oriented registered architects in responsible positions within the Federal Government. However, these design professionals should be utilized in areas where their services are currently most needed, project administration. This would create a collaborative relationship between the private architect and the project administrator, insuring that an efficient and cost effective design process becomes a reality.

Once the selection process is completed, the Federal Government is not always the best client for architectural services. Contract compliance and administrative snafus can be overwhelming to the actual design process. The federally employed design professional would ideally serve as the client, monitoring both the design and the inherent constraints on the entire design process including budget limitations, space needs, and time schedules. Additionally, the in-house design staff can control and supervise any building modifications and additions to better preserve the integrity of the basic design.

It should be emphasized that the client/architect relationship is essential to the evolutionary process of design and the in-house designer as client can promote the universal objective of distinguished Federal architecture.

Mr. Chairman, I would like to further emphasize that Congress has within its powers to insure that high design standards and building design quality for Government projects are maintained. This will do far more to encourage quality in the built environment than would the passage of a single, prescriptive act intended to insure architectural excellence.

I thank you.

Senator STAFFORD. Thank you very much Mr. Kassabaum. I apologize I was not able to be here earlier, so I missed the earlier

part of your testimony, and that of the witnesses who appeared before you.

As usual, we seem to be trying to be in three different places at once in the Senate, and now Senator Moynihan has had to leave.

Let me ask you, do you believe that GSA is presently fostering the best in American architectural design?

Mr. KASSABAUM. I think that any process could always be improved. I think that the best way of insuring good architectural design is to hire the best architects. I think the process permits that.

There is nothing wrong inherently with the process.

Senator STAFFORD. You believe that the process of design competitions is a valid system to obtain design excellence.

Mr. KASSABAUM. For certain kinds of buildings. Speaking from personal experience, when we have won design competition, there has been an absence of the interchange of ideas between owner and user and architect. In some cases, I think that the owner and the user of the building has not been as happy with the building as if he had had some input in the design process.

My own experience leads me to recommend that the design competition process be limited to those buildings which can be more simply defined in a written program. Where complex functional relationships are required, as in many Government buildings, I believe that a design could be selected for the wrong reasons.

Senator STAFFORD. My understanding is that your British counterparts do foster design competitions. Am I correct in that?

Mr. KASSABAUM. Well, yes, Europeans generally do. But again, I think that so many of their buildings are of the more monumental types of buildings, where the actual functional importance of the building is secondary.

Now, I don't want to appear here to say that buildings should be functional and not beautiful. I suppose I would have to repeat myself that for an architect to really understand the goals and ambitions and dreams of the client or the user, there really has to be a personal relationship which is difficult to communicate in a written list of space requirements.

I think that some of the European architecture consequently is a little impersonal. I think that the design process contributes to that.

Senator STAFFORD. Speaking of the dreams of the designer, without further editorial comment, I wonder what dreams our architects had who designed the Hart Building?

Mr. KASSABAUM. Fortunately, sir, I am not familiar with the design of that building. I can plead ignorance. I certainly read about it. And again, I think that I would suggest, though, that I am not quite sure what task the architect was given on that project. Perhaps—that is where I think good strong in-house leadership can be very important.

Senator STAFFORD. I guess it was a committee dream.

Mr. KASSABAUM. Probably.

Senator STAFFORD. Thank you very much, Mr. Kassabaum. We appreciate your appearance here today.

Mr. KASSABAUM. Thank you very much for this opportunity and for holding these hearings.

Senator STAFFORD. The Chair would now invite Lois Craig, former Director of the Federal Architecture Project of the National Endowment for the Arts, and an author of the Federal Presence. If she would be willing to come to the table.

STATEMENT OF MS. LOIS A. CRAIG, ARCHITECTURE WRITER AND CONSULTANT, FORMER DIRECTOR OF THE FEDERAL ARCHITECTURE PROJECT, BOSTON, MASS.

Senator STAFFORD. Ms. Craig, we welcome you here and we look forward to your testimony.

Ms. CRAIG. Thank you. I should make it clear that my views do not represent those of the Endowment, though my experience with design competitions does come from the work with them for 5 years.

I would like to submit my statement for the record and then just hit the highlights.

Senator STAFFORD. Certainly, without objection your entire statement will appear in the record. [See p. 70.]

Ms. CRAIG. I sat listening this morning, and I hear over and over again the discussions on the time and costs that design competitions take. I hear very little talk about the time and cost for negotiating commission projects. We are hearing about how expensive the competitions are; but there are also extraordinary hidden costs to the lobbying and negotiating efforts for conventional contracts. There are many costs to the Government to bring designs to the same level that designs were brought to in the recent level 3 competitions. Also, the barriers of seniority and specialization, which will occur within the most correct selection procedures, deny us the possibility of using new talent and new ideas.

I see by GSA's statement—at least I read between the lines—that they will not go on with using the level 3 process. I did an article on level 3 a year ago. Many architects, when they are identified with their profession, are against competitions. Off the record, they say they are really more fun. I know we are not trying to write a bill that is more fun for architects, but if architects are more interested in the work they are doing, if we can expose projects to a wide range of talents in professional selection procedures, I think we have a chance of getting better buildings.

I don't think the design competition, in and of itself, gives us a better building, nor does the direct commission practice. It is a building up of expertise in the design competition process that could lead us to better buildings rather than looking at just one building and one selection procedure.

My memory is that cost overruns on the Hirshhorn Building were sizable, but no one mentions that when we are talking about design competitions and their costs. One of the problems for design competitions is that the costs are up front. You do see how much a competition costs rather than seeing how much the conventional practices cost. For the Boston City Hall competition, Lawrence Anderson told us they spent about \$62,000 to commission designs in that particular competition. And it has been claimed—I have never seen any studies on it—that the city of Boston got a quarter of a

million dollars of design expertise. It also got the attention of the citizens of Boston and helped restore an area of Boston that was in a state of deterioration. Whether you liked the building or not—leave aside that judgment—those other things that the city of Boston got, were unmeasurable, and invaluable. I think those values have to be thought of when we are talking about design competitions.

As to level 3, architects I talked to suggest there could be a lot of improvements. Certainly it's not a perfect process. They suggested that programs were very badly written, particularly for architects. They were not in a language easily translatable by architects. The visual requirements for the program were too elaborate. They thought that more experienced design-oriented juries, which rely on technical support, would help. They were particularly critical that there was no public report of the jury, and that there was a great time lapse between the jury meeting and the announcement by the administrator, which leads to speculation about where the decision is really made. I think architects rightly complain about procedures that lend themselves to speculation about how the decision is made.

Perhaps it would be useful for the committee to get representatives from the teams that competed in, I think, four level 3 competitions, and get their views away from both GSA and, if I may say so, away from AIA, which has a party line against competitions, when it comes to Government work. I think the competitors on those level 3 competitions would gladly tell you what was wrong with them, but they might also tell you what their potentials are. I don't know if they will talk to a Senate committee the way they do to a writer, but, in any case, that may be a useful exercise for the committee.

The available cost, time and result records, and current successful practices by other public authorities in Europe and Canada simply do not support the notion that competitions need to be excessively costly or time consuming. In England, the professional organization, the Royal Institute of British Architects, has assisted public agencies with their special cost and time constraints. They have developed a regional competition, for instance, which takes very little time, and has very simple presentations—these are not major public buildings I should add. The RIBA serves as a professional advisor without charge for those competitions. Usually, on competitions, the profession does charge, but for the regional competitions they do not charge for their work. They have also developed what is called a client-choice competition, where the jury selects three finalists and allows the client agency to make the final choice, which allows more conversation between the client and the architect, which architects sometimes complain about missing, especially in public projects.

I think it was in 1973 the Commission on Government Procurement made some recommendations about competitions, which raised a lot of appropriate concern about price competition in design. But it also surfaced a great deal of negative feeling with competitions. So our office, in a cursory way, looked at 18 public competitions and we found a great deal of both professional and public enthusiasm for those competitions.

I want to mention, too, that there has been some other experimentation in the Government, which couldn't be called design competition in the AIA sense. For the Osaka Pavilion at the Osaka Exposition, the USIA used a sketch and interview exercise where they commissioned five teams of designers, gave them 5 weeks to do their work, and, as I remember, 1 hour each to do their presentation, and came up with, as we all know, a distinguished design for that pavilion. The USIA did name their procedure Interview/Sketch Exercise instead of design competition because the AIA objected to the procedure they were using.

We had a similar experience on the Federal architecture project when we cooperated with the Immigration and Naturalization Service to do an interview exercise. That particular procedure—I am leaving out the words design competition, I don't know what you want to call it—was different, certainly, from the conventional procedures of choosing architects. We had a jury review the 254's and choose six teams to go to Seattle for interviews. When they were in Seattle, they were given the program and had 3 hours to think about it before another interview.

This was not a competition for design but a competition for approach or concept. Without qualifications, the jury, which included two private architects and a Government architect, said they had picked a team that they would not have picked in the conventional review of 254 forms and in conventional interviews.

In the context of public architecture, there are persuasive public policy advantages of design competitions. They offer an alternative to current procedures in their openness to both new talent and new ideas. They stimulate public interest in and scrutiny of the design process, with the possible side effect of reducing political favoritism. Competitions seem particularly appropriate for projects of special national interest or intensive use by the public.

The claim that design competitions result in better design is difficult to substantiate. Both good and not so good results have occurred. This is also true of direct commissioning methods, of course. Nevertheless the competition poses design problems to a wide range of professional talent, substantially increasing the chances for good design. The most important result of competitions may not be the immediate buildings but rather the opportunity to improve future design quality through heightened public interest and through access to the public design process for less well-known architects.

It has been observed by other people who have traveled more widely than I that in countries that use a lot of design competitions the general quality of public work seems to be higher. I think that is a more important standard to look at than a building-by-building assessment. A favorite horror story is usually told about the Sydney Opera House design competition. We can find equally horrible stories in the regular commissioning methods.

I do have some discomfort with the bill that is before the committee. I feel that there is a need in Federal practice to build a body of competition experience through experimentation, to build Federal enthusiasm and constituencies for trying out and learning, for promoting and shepherding these new approaches as a solid base for the big competitions that inevitably attract too much

attention from the press, the public, and the Congress. I think given the position both of the Government itself at the moment on the issue of competition and of the profession, there is arguably the need for building up a body of experience through flexible procedures and through exploring what other countries are using.

I am concerned that if you just do \$25 million buildings and you have one disaster in three, then that is the end of design competition as a technique. I think it is worthy of more considered use and of more exploration. I think neither the GSA nor AIA has done much to research the possibilities. But there is a considerable body of information that could be used in that regard. Paul Spreiregen's book is an excellent compendium on the results of costs and so forth and that deserves careful attention as I think does Judith Strong's book on design competitions, published by the Royal Institute of British Architects.

My concern for the lack of a cadre of proponents fits with the committee's request for comments on using in-house design for Government work. I am speculating for the committee that the only way to attract and keep good designers in Government service is to give them some real design work. As opposed to design managers, I'm talking about people who have a special skill and expertise in design. And that such in-house designers who can exercise their design skills on selected smaller projects are the ideal group within which to promote and guide design competitions. By guide, I mean also preparing programs of all design competitions. The program makes or breaks any project, but most especially it is key to a successful design competition. It is here that workable cost constraints can be set and here that clear standards of judging can be articulated. From an identifiable and accountable group of in-house designers can also come the equivalent of professional advisors to guide the work of juries and oversee their adherence to democratic and open and defensible selections.

Public competitions should be publicly reported just as we expect judges to defend their reasoning in publicly recorded opinions. This incidentally was one complaint from the competitors in the level 3 competitions—Where is the report? What does it say? Was it good, even though we lost? It is a more stimulating encounter between designers and Government if they can get that feedback. It helps the public, too, and it keeps the jury toeing the mark in terms of giving reasons for their decisions, so that it is not only "funny feelings in their stomachs."

I want to clarify the use of an identifiable group of in-house designers. I think just putting 20 to 25 percent of the agency's work to in-house design does not solve the problem. You could easily assign in-house designers to unimportant repair and alterations projects or they could get lost in the management in the large GSA operations. So to give them a highly visible responsibility, such as design competitions, might build a cadre of experts in Government that would be very useful to the causes this committee is espousing.

I think, too, if there were positions in Government where young architects could both design and manage design in a way that was highly visible this would begin to affect architecture education itself. There is apparently little emphasis on the public role of

architects in the architectural schools and architects coming out of those schools face very high unemployment in today's private sector. To have truly distinguished and creative roles for them to play in Government, I think, would influence architectural education in an interesting and important way.

The effect of in-house designers on all the designs of the agency, including its private sector contracts, is noticeable in the work of the National Park Service. One of the most important potential functions of the architect in Government is preparation of building programs, that is, a design readable program for outside architects. Further, the public architect is there after the private consultant leaves and can bridge the design and use of buildings.

The frequently heard charge that professionals are being deprived of their livelihood whenever a public agency tries to take on more of its own design is an indefensible putdown to public colleagues. In England over 50 percent of the profession is made up of Government architects and most architects consider public service part of their professional preparation. Given the larger arena of public design building types in the English system, the architectural voice in public matters is still strikingly small in the United States by comparison. I think you would have a continuing influence on the decisions of Government if architects served in Government where they would have to be present before, during, and after buildings.

I have two minor suggestions about the bill. Section 8(b) is unclear. It should designate monetary compensation for substantial work contributed by finalists as well as the winner in large competitions. Further, the relation of prize to contract fee should be clarified. One system in public use mandates the first prize award be included in the subsequent contract fee. In the event no contract is awarded to the winning architect within 2 years of the design competition decision, the architect is compensated by an additional sum equivalent to the original prize. This provides protection for the winning competitor against the unforeseen twists and turns of political events.

Finally I would suggest that under 8(c) the jury panel might include a qualified cost evaluator. We hear a lot of talk from the Government about its worries about costs and that certainly is appropriate. But the point at which to deal with those costs is early in a competition, indeed at the programing stage. A cost evaluator could help disqualify competitors, if necessary, that were beyond reasonable budgets.

There is another thing I thought of this morning as I was rereading the bill, and that is in the makeup of the jury. While I like very much having a jury that has more than architect representatives on it, particularly in large competitions, simplified presentations are easier to use if you have people who are experts at reading design.

I think for certain complicated buildings you might consider that the nominee of the National Endowment for the Arts be designated as an architect in those competitions that have rather complicated programs. That way you might—and I am cautious about this—but that way you might cut down on the need for complicated models

which are so expensive for competitors to prepare. The experienced jury does not need a model, in most cases, to judge the design.

Senator STAFFORD. Thank you very much for your very helpful statement and I can assure you that your suggestions with reference to the pending bill will be taken seriously as we realize the bill is far from perfect at this point.

Should the bill be more specific in the constraints on design competitions or should that be left to GSA?

Ms. CRAIG. Constraints on design competitions? Well, I get back to my original discomfort with the bill, feeling we do need a group within GSA that are proponents of design competitions. I think that is the key thing. You can leave more to the discretion of people that are for what you are trying to get at than you can leave to people who are skeptical of it.

Senator STAFFORD. Yes.

Ms. CRAIG. So far as the level 3 procedures—again they are not design competitions in the traditional sense—they have offered an interesting route for emphasizing design in the building process. There are many improvements that need to be made and I think the competitors may be the best source for suggesting those improvements and some of those constraints.

I certainly wouldn't leave it all to GSA. Partly because of their reluctance to do it.

Senator STAFFORD. Would you suggest that competitions initially be limited to smaller buildings rather than those over \$25 million?

Ms. CRAIG. Yes; I would. Again I go back to the idea of having a group that are proponents of competitions. They would be seeking innovative ways and trying new ways of emphasizing design, if you will, in the building sequence. If they can have 2 failures out of 10, they will be way ahead on getting towards the larger competitions than starting with 10 big ones and have 2 failures to worry about.

Senator STAFFORD. Would you tell us something briefly about the 18 competitions you have looked at: What were the structures and what was the public acceptance?

Ms. CRAIG. I would really have to wrack my memory for that. There is mention of it in the Federal architecture task force record called "The Framework for Debate." I do remember two of the competitions. I think Birmingham-Jefferson Civic Center and the Niagara Plaza competition had over 800 entrants in each one. That indicates a level of professional interest, it seems to me, in competitions. That is worth noting.

Senator STAFFORD. Thank you very much. We appreciate your help.

Ms. CRAIG. Thank you.

Senator STAFFORD. The Chair will invite the next witness, Mr. Paul Spreiregen. I am sure I am murdering the name, for which I apologize.

STATEMENT OF PAUL SPREIREGEN, FAIA, ARCHITECT, AUTHOR OF DESIGN COMPETITIONS, WASHINGTON, D.C.

Mr. SPREIREGEN. That's all right, Senator. I am a fellow New Englander, a Yankee—but I didn't get very much of a Yankee name.

Senator STAFFORD. No; you certainly didn't, but it looks like a good one anyway.

Mr. SPREIREGEN. I have a rather old-fashioned sense of citizenship, Senator, and I feel deeply honored to have been invited to come here and testify. I am a practicing architect and planner in Washington, having been here for almost 19 years. I have also done some writing, having written six books on architecture and planning. I was also the first director of the architectural and planning programs of the National Endowment for the Arts when it started under the then deputy chairman, Mr. Livingston Biddle, who was here earlier, and Mr. Roger Stevens, who was its first chairman.

Senator STAFFORD. I noticed also you are the author of a book "Design Competitions" published by McGraw-Hill in 1979?

Mr. SPREIREGEN. Yes; I brought a copy of it. It came out last August. I might say that it is, in part, an outcome of a report I wrote for the previous witness, Ms. Lois Craig. I did a study on competitions for her when she was directing a program for improving the design of Federal buildings under the auspices of the National Endowment for the Arts. That report was the beginning of my book "Design Competitions."

Senator, I am a very strong proponent of competitions, not because of my own views but rather because of observations of past and recent experience both in the United States and throughout the world.

There is a glorious, wonderful, assuring—but too often misinterpreted and misunderstood—history of design competitions. The misconceptions surrounding competitions, which are continuously broadcast by those who should know better, are nothing short of mischievous. I have heard many of them this morning I will not try to challenge all of them. Ms. Craig did try to correct several.

I will point out though, and by way of correction, that competitions do not cost more than commissioned work. At most, competitions add well less than 1 percent to the entire project cost. Since project costs cannot be estimated to that accuracy, every allowing inflation, added cost is not a valid criticism of competitions. Nor is the charge that they take more time—not if the time factor has been planned. Nor is the charge that they do away with the architect-client dialog. Competitions broaden and deepen that dialog at the outset. Nor is the erroneous claim that "they never get built." The fact is that on a proportional basis more competition designs are built than commissioned designs.

The morning has been long, so I will try to be concise and speak to the point—the legislation under consideration. I will speak about competitions as a method for procuring designs for public architecture in the United States generally, and I will also comment on the bill as drafted. Starting with the bill, with all due respect and in all honesty as well—I suggest that the bill that has been drafted be scrapped. It ought to go back to the drawing boards. The intention is commendable, and I fully support that. But the bill, as written, is so full of flaws and problems that I think we would all regret it if it became law.

Senator STAFFORD. Well, blame the drafting board for that.

Mr. SPREIREGEN. We have to start somewhere, but a bad start is not as important as a good correction. In that respect, let me say

that it is clear that Admiral Marschall of the GSA is anything but enthusiastic about competitions. He reflects the view of the GSA generally. That doesn't mean that we shouldn't try to have the GSA do competitions. I think we should. But I think we have to be very careful about thrusting anything on an agency that is as reluctant as the GSA obviously is. They can do a great deal of harm, not only to themselves but to public architecture and to the idea of competitions as well. But let me speak of competitions in a wider sense.

Competitions are an old system in architecture. Examining history you see that all buildings are the product of competition—competition to get the land to build on, to acquire the capital to be able to build with and to pay for the bricks or the lumber or the workers. There is competition in every aspect of building. There always has been and there always will be.

But we in the United States in our public architecture particularly, have made very little use, in recent years, of design competitions in that whole process. We did in the early years of our nationhood, through the 19th century, and in the early part of the twentieth. But not in recent decades.

The evidence of the benefits of competition is all too clear. You may have heard on the radio this morning that the Nobel Prize in physics was given to an American and a Pakistani working in Italy. The Nobel Prize ceremonies—except the peace award—are to be held in a few months in Stockholm, in the city hall.

In the front of my book, "Design Competitions", I have a picture of that building. It was the product of a design competition.

Reflecting on Ms. Craig's remark concerning architects that are excluded, I would like to comment on the architect who won the competition for the Stockholm City Hall. This was just after the turn of the century. It was a very important building competition, and it produced a very beautiful and very much loved building. The architect, Ragnar Östberg, wrote a book on it some years after he built it. I quote from that book, from Östberg's words:

At the office days lagged on in gray monotony, from time to time relieved by the frequent competitions, sometimes resulting in a prize, though usually not, or by the weekends which afforded opportunities for architectural studies in various parts of my own country.

Then Östberg went on to say,

But I was still kept waiting for the great chance.

Well, his great chance came shortly after, the competition for the Stockholm City Hall, which he won. In 1933, incidentally, Östberg was awarded the gold medal of the American Institute of Architects. His talent would probably have remained unrecognized—and unused—had it not been for competitions. He is not alone.

There is no stronger argument in behalf of competitions—properly run competitions—than the evidence of experience. I have pointed out the Stockholm City Hall where the Nobel Prize ceremony takes place. That is one of many great buildings that were the result of competition.

In George Kassabaum's written testimony he named six major buildings in Washington, including the Capitol and Dulles Airport. I doubt that he realizes that of those six, two were the direct result

of competitions and one was done by an architect who came to public recognition through design competitions.

Mr. Kassabaum is, as you know, a past president of the American Institute of Architects, and his presentation is that organization's official comment. It is quite unfortunate that the current president of the AIA, Mr. Ehrman B. Mitchell, of Philadelphia, is also not here to testify. Mr. Mitchell's firm has just been selected as one of five finalists in a competition to design the Australian Commonwealth Parliament House in Canberra. Apparently, not all members of the American Institute of Architects share Mr. Kassabaum's attitudes.

Furthermore, this morning Senator Moynihan—really a center of made reference to the Pompidou Museum art and communication—in Paris. It was done through competition. The number of entrants was a record; some 681 designers competed. Of course, there was just 1 first-prize winner, but there were 30 commended or runner-up designs. Of the 30, 10 were done by American architects. No other country came close to that. Even the sponsor country, France, had only five runner-up designers.

In fact, the winning architects were two young unknowns—an Englishman and an Italian. And both received their graduate education in the United States.

Indeed the performance of American architects in international competitions has been very good.

In 1971 there was a competition to plan the extension of the city of Vienna to the south. That was won by an American firm. The plan of Canberra, Australia, held in 1911, was won by a Chicagoan, Walter Burley Griffin. He and his wife, who had assisted him, went to Australia and made their careers there. More recently the Australians held a competition to design a memorial for Griffin; that was won by a Philadelphian. The facts surrounding competitions speak more eloquently and persuasively than any opinions, my own included.

But, addressing the position of competitions in the United States, I think there is further misinformation to be cleared up. Competitions have been thought of, for the most part, as opportunities for monumental or very unusual types of buildings. Indeed they can serve quite well for that, judging by experience. But, again, turning to experience, the evidence is that competitions serve more usefully for everyday building problems and opportunities.

If a nation or a society has a large body of experience and know-how in running those, the more modest everyday design competitions, it is then possible to undertake the large opportunities much more successfully.

As a specific example, and in recent American experience, one of the best smaller competitions was one run by the architects of the State of New Jersey. They held a competition to design an elderly housing project. The New Jersey Society of Architects became the sponsors of this project, and actually built it. To procure a design they held a competition open to architects in the State. They had in-State and out-of-State jurors choose the design. It cost them \$10,000 to do it and it took only 6 months.

What they did was to create a standard of expectation in that area of building a standard which will be a reference point for all

subsequent elderly housing projects in New Jersey. That is the single best example I can offer of how competitions should be employed.

Turning now to the bill before us, I must repeat that it has so many shortcomings that it should be scrapped. We should start over again. And perhaps it would be best to discuss that through questions.

Senator STAFFORD. I think, if you might care to, that you could make some specific suggestions as to what is wrong with the bill or how it could be redrafted. We would be glad to have those so that the legislative draftsman could consider them. I suggest you do that in writing.

Mr. SPREIREGEN. I can refer to portions of my book where I cite and give examples of good procedures. And competitions are a form of very delicate and painstaking procedure. Every step has to be done quite correctly. If one step is executed poorly or neglected, the entire process can fail. I describe these in my book. These procedures, I must emphasize, are not my own views. They are observations of successful experiences.

Senator STAFFORD. All right.

Mr. SPREIREGEN. I might point out one of the flaws in the bill, as drafted, is the suggestion as to the composition of the jury—the assessors, as they are more properly called.

The jury, or assessors, in a competition are the other side of the coin of the quality of designers that are attracted to a competition.

The most conscientious architects will respond most conscientiously to a judgment by those who they regard most highly—that is, highly qualified and respected outside jurors, who are identified at the start of a competition. The bill, as written would have somebody from GSA, a local architect, someone from the Arts Endowment, and so on. That is very well intentioned. Behind this idea is the motive of being responsible to the owner, to GSA as the client, and to the local community which is going to get the building.

But that system is only a guise of responsibility, and not responsibility in its full sense. The best juries are juries of highly knowledgeable, highly respected, completely objective people. That means outsiders, who can weigh the full interests of all parties against the designs offered, and who are free to make a decision unbeholder to any narrow or passing interests.

I would also like to point out certain publications from an organization called the International Union of Architects, of which the AIA is a member. This is the international architectural society. The UIA has a very well developed system of public competitions for all sorts of buildings and for town planning as well.

A very interesting aspect of the UIA competition system is that when a competition is held for a building or plan in a particular country, the number of assessors from that country will always be a minority. That assures all the competitors that the decision will be objective.

For example, for the Pompidou Museum competition in France the number of French jurors was in the minority. All the jurors—I believe there were nine—were people of the highest eminence, all architects and critics of great reknown. But the sponsoring country

could not control the jury decision. Influence it, yes, but not control it.

Senator, these are the sorts of ingredients that are the foundation of an effective program of competitions.

Senator STAFFORD. All right, sir.

Mr. SPREIREGEN. I wouldn't diminish, Senator, the problem of the GSA's mood regarding competitions, nor would I diminish the problems at the GSA as an agency. An agency that has had as many difficulties in procuring buildings, not to mention other materials, as the GSA has had would hardly be an appropriate one to assume this additional task. At the very least a successful competition requires a client who believes in competitions and who is committed to run them properly. That doesn't remove the problem which you as a Senator, and this committee, have in getting for the American people the best that it can get and that it deserves.

So how do you deal with GSA? The only thing I can suggest is that you force something on them and force it on them in the form of an outside body, responsible to you. Perhaps an outside body that would conduct competitions and do them properly.

I can see—given the facts and realities being what they are—the National Arts Endowment, if it would be willing, being the manager of competitions for the GSA. I could imagine about a dozen or more competitions open to anybody without any prescreening. Any qualified architect should be able to enter, just as any lawyer who has been admitted to the bar is able to argue in court.

I could see the GSA, through the Arts Endowment, holding up to two dozen competitions for small or simple subjects. That could do a world of good. I would prefer a common base of modest experiences, as the New Jersey elderly housing competition. But I make this suggestion in direct response to your question.

If we in the United States had the number of competitions in proportion to Denmark or Finland or Switzerland or Israel, American architecture would not simply be elevated, it would be catapulted. This country possesses a wealth of talent in architecture that it continually ignores and too often misuses.

The most convincing assurance of American competitions when well run would be that if you look at any of the Western industrialized countries, but if you look at those whose level of architecture generally—not the exceptional buildings, not the east wing of the National Gallery, not the Air and Space Museums or whatever their equivalent may be—but their housing, their popular housing, their schools, their community designs, where there is a generally high standard of design, where there is a level of general architecture and cityscape being excellent, there you find invariably a very old and very widespread competition program.

Senator STAFFORD. Well, thank you very much, sir. We very much appreciate your testimony and we are glad to welcome a New Englander to Washington, D.C.

I am going to put the committee in recess, adjourn the hearing at this point unless there is something further that needs to be added.

Hearing nothing, the committee will stand adjourned.

[Whereupon, at 1:06 p.m., the committee was recessed, to reconvene subject to the call of the Chair.]

[Statements submitted for the record and the bill, S. 461, follow:]

STATEMENT OF A. R. MARSHALL, GENERAL SERVICES ADMINISTRATION,
COMMISSIONER OF PUBLIC BUILDINGS SERVICE

Good Morning Mr. Chairman:

Thank you for the opportunity to discuss with you the GSA procedures in the selection of Architect/Engineers for its design and construction projects. As you may realize, this subject is of major interest to our Agency.

I have developed this statement using the four topics which were contained in the letter dated October 2, 1979, from the Chairman to Administrator Freeman.

With regard to the efficacy of the current GSA architect-engineer selection system in providing high quality design, our present system of selecting A/Es was derived from a comprehensive task force effort which was charged with recommending the fairest method of selecting the most qualified A/E in accordance with P.L. 92-582 (Brooks Bill). As a result, we have adopted a selection system that begins with a public advertisement in the Commerce Business Daily followed by a screening of applications by a Public Advisory Panel who establishes the "short list" and then an evaluation by a GSA Evaluation panel before final selection. In some cases in our Level III process this final selection is based on the presentation of conceptual designs to determine the best qualified firm. We have found that our current process provides a blend of objective evaluation with reasonable subjectivity in making these decisions. However, we are now developing methods which we believe will improve our selection system.

This system was developed at the time when A/E selections were under great public scrutiny. At the time of its initiation, it was welcomed by the public sector and the A/E profession as a fair and impartial system. However, the use of the Public Advisory Panel system has, through the years, proved to be expensive in terms of the time delay which, due to increasing escalation affects the cost and time of delivery of our buildings.

GSA has found disadvantages in the use of Public Advisory Panels in each region as follows:

1. Excessive administrative costs.
2. Slows down the A/E selection process thereby increasing construction costs due to escalation.
3. Eliminates highly qualified firms from being considered for commissions because of their membership on the panel.
4. When a former panel member receives a commission subsequent to serving on the panel it bears a stigma of favoritism.
5. Difficult to get people to serve.
6. Difficult for members to arrange to attend meetings because of personal business commitments.
7. Precludes the selection of any firm other than those recommended by the Panel which amounts to rejection by a non-statutory group of firms wanting to do business with GSA.
8. Because the Panel members are in the main stream of the procurement process, questions have arisen as to whether they should be subject to requirements for the public disclosure of finances. This would potentially eliminate many Panel members who would refuse to serve under these circumstances.

We therefore recommend the elimination of the Public Advisory Panels and in lieu thereof the use of an in-house Boards to provide the slate of recommended firms. By eliminating the Panels, it is estimated that

substantial annual savings in construction costs, administrative costs and travel and per diem expenses could be realized.

With regard to the potential efficacy of design competitions, we find no great advantage in the design competitions in contrast with our present selection system. As discussed above, our current process begins with an advertisement in the Commerce Business Daily and results in the selection of the most qualified firm through a careful evaluation process.

In some instances, in the past, we have utilized a limited design competition through our Level III process. We have attached a listing of the Level III project selections which we have accomplished to date. This list shows the costs attributable to the Level III selection process as well as the related time delay.

Our present system, through the requirement for technical proposals at different stages of screening, enables us to accomplish the same goals and objectives as highlighted in S.461. We certainly agree with the intent of the Bill with regard to stimulating good design. However, we feel that a more efficient and effective way of achieving these goals can be obtained through rigorous predesign programming and the employment of the process of selection which evaluates an A-E's qualifications against these defined goals.

In addition to our previous comments, the design competition concept outlined in S.461, when applied to leased construction, creates other concerns.

Lease construction projects are developed on a performance type specification which encourages owner/developers to take a cost

effective approach to design innovations. Predesign of leased facilities would effectively eliminate incentives for the lessor to incorporate design innovations into his building.

Futhermore, the process would ultimately result in the Federal Government forcing the successful lease offeror into a contractual relationship with the design competition winner. Such a situation places the designer in a favored position during contract negotiations with the lessor; and interjects a third party (the design) into contract disputes between the lessor and the Government.

We believe that this would increase rental costs to the Government, reduce competition for lease awards, and substantially delay the delivery of space to house GSA's client agencies.

Also, under provisions of S.461, the predesign of a building to be leased by the Government may, in certain cases, limit the development of a given site below its legally permitted potential. For example, should the Government's space requirements result in the design of a building smaller than allowable by local zoning ordiances, we would in effect be requiring the owner to under-improve his property. Such a situation would render a property uneconomical or certainly economically obsolete, in terms of its reuse potential upon termination of the Government's leasehold interest. The economics of this hypothetical situation could prevent the Government from leasing such property within the rental limitations of the Economy Act of 1932.

Should we resort to a pure design competition as outlined in S.461, we can expect a greater expenditure of time and money. In view of our current inflationary cycle, we can ill afford to add more time which would result in added cost to a project. We have discovered that because of the time delay and cost increase problems associated with our Level III

selection process we have decided to use this process only in rare instances where the specific, unique requirements of a project warrant its use. We feel that a better alternative is to elaborate upon the design principles (highlighted in S.461) in our planning and predesign programming, followed by a rigorous overview to assure that we accomplish these goals in our subsequent designs.

With regard to use of an in-house design staff, in recent years GSA has been moving in the direction of increasing our A-E contracting and decreasing our in-house design effort primarily to improve the efficiency of our operations. With our current workload and reduced staff, we have found it necessary to procure more work from the private sector in order to maintain our design capability.

In consulting with the private sector, we have found a reservoir of highly qualified and motivated professionals who are keenly interested in performing services for the Government. We also need to keep our professionals within the Government skilled and current with the state-of-the art of design in order to carry out our basic functions.

In view of the foregoing, we have no desire to accomplish all of our design work with in-house staff, or, for the matter, even a majority of it. With the current economic climate we feel that it would be quite impractical to make such a proposal, since the amount of work varies from year to year and region to region. It would be very difficult to provide adequate staffing to meet the varied workload demands.

We do feel a need to keep our professional skills honed and up to the current state-of-the art and as a consequence we plan to accomplish a portion of our design work with in-house staff. Our current planning anticipates a 20 percent in-house design effort and the remaining 80 percent using private A-Es.

With regard to compensation for architectural services, we are governed by the 6 percent statutory limitation for A-E fees. We feel that this is adequate. The actual fee for a project is negotiated with the A-E after selection is made based upon their qualifications to perform the work.

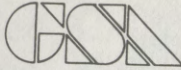
Our primary focus is on our goals of design quality and cost and time controls and the competence of the A-E in accomplishing these objectives. We feel that a high professional level must be maintained in our selection and procurement of A-E services. If we were to introduce compensation as the basis of our selection process we are certain that we would dilute the aforementioned focus and risk falling short of our objectives.

Thank you for allowing me to present these views.

LEVEL III PROJECTS

<u>Project</u>	<u>P.C.C.</u>	<u>Start Competition Date</u>	<u>Competitive Selection Date</u>	<u>Award Amount</u>	<u>GSA In-House Costs (EST)</u>	<u>Total</u>
Old Post Office Washington, DC	17,900,000	4-11-77	6-22-77	\$138,000	\$25,000	\$163,000
U.S. Customhouse St. Louis, MO	13,800,000	1-19-78	5-5-78	117,000	70,000*	187,000
Nashville Union Station Nashville, TN	5,000,000	9-15-78	12-13-78	114,000	54,000	168,000
Federal Triangle Washington, DC	None Avail.	6-7-78	11-17-78	120,000	8,000	128,000

* Includes abnormal travel costs



General
Services Administration Public
Buildings Service Washington, DC 20405

NOV 6 1979

Honorable Daniel P. Moynihan
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Senator Moynihan:

In my testimony on October 15, 1979, before the Committee on Environment and Public Works, I stressed that the most efficient and effective way of achieving design quality was through "rigorous pre-design programming and employment of the process of selection which evaluates an A-E's qualifications against these goals." At that hearing, you requested us to furnish examples of well designed projects achieved through this system of A-E selection. This letter is in response to the request.

The examples of well designed Federal buildings which we are citing result from our requirements for buildings to be responsive to functional requirements, cost restrictions, and aesthetic excellence. A measure of our success is the fact that our design efforts have been accorded three national awards in the past five years. This is a record to be envied by any client of architectural services.

To insure that our buildings meet the functional requirements of our occupants, we have incorporated a system of pre-design programming which lists the programmatic requirements in four major categories:

1. National policy mandates including such factors as "the guiding principles," energy and environmental conservation commitments and economic concerns.
2. Functional needs of occupying clients to optimize Federal operations, productivity and service to the public.
3. The needs for efficient and economical project operation and maintenance.
4. The site specific needs of community development within the urban and environmental context.

Through the process of pre-design planning, GSA can, on a case-by-case basis, determine the design implications and performance goals required for a specific project. By this approach, GSA is able to act as an informed and responsible client of design services. Prior to the start of design, both GSA and the architect agree upon the design needs and directions of the specific project. Throughout the design process, the evolving design can be judged against specific, identified

design goals. The pre-design program allows for tailoring of A-E procurement to assure that the architects selected for a specific project are best qualified to provide the type of design services and specific expertise required for the project.

This pre-design determination of specific project goals and directions does not constrain the architect's creative latitude in providing design solutions but rather provides the firm programmatic basis against which the architect can exercise his creative talents. Only by defining what "good design" means for a given project can we be certain that we get good design that works. Our most successful recent projects have utilized this approach in varying degrees and our future projects will incorporate it to a greater extent.

The following projects described in the enclosed fact sheets and photographs were selected as examples of recent projects we consider outstanding in design:

Federal Building
Saginaw, Michigan

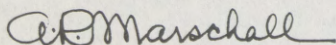
Federal Building and U.S. Courthouse
Topeka, Kansas

Federal Building and U.S. Courthouse
Ft. Lauderdale, Florida

Federal Building and U.S. Courthouse
Anchorage, Alaska

What these buildings had in common was the setting of clear design objectives, a rigorous A/E selection process which matched specific design abilities to specific design needs and a commitment by GSA to assure that the identified design needs were met.

Sincerely,



A. R. MARSCHALL
Commissioner

Enclosures

Building Name: Federal Building

Location: Saginaw, Michigan

Principal Occupants: U.S. Postal Service, Defense, Treasury, HEW,
Justice, Transportation, Agriculture, Labor,
Congressional (House)

Designers: Smith, Hinchman and Grylls Associates

Gross Square Footage: 48,544

Net Square Footage: 32,548

Efficiency Factor: 67%

Estimated Construction Cost: \$5,200,000

Actual Construction Cost: \$4,786,000

Estimated Cost Per Square Foot: \$107.12

Actual Cost Per Square Foot: \$ 98.59

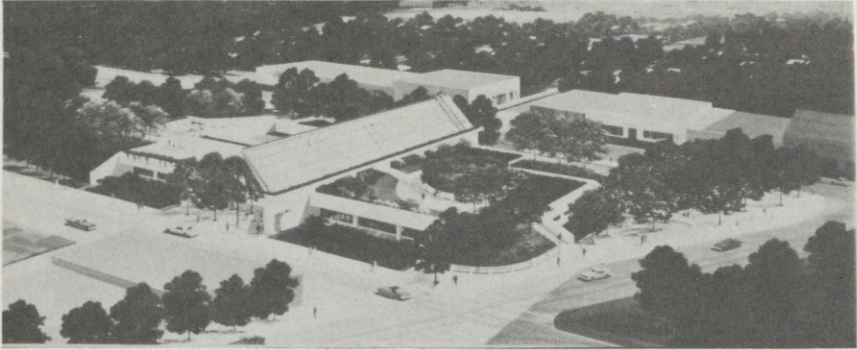
Energy Consumption: 87,800 BTU's/Gross Square Foot

Remarks:

The building has now completed its initial shake down and has proven itself in terms of its planned objectives. Intended as vanguard of environmental excellence, the building's systems were designed to recycle waste water and store storm water for the extensive landscaping. The extensive landscaping serves not only an aesthetic function but the earth berms and earth fill on the roof effectively slow heat transfer and provide a thermal mass which reduces the energy required to heat and cool the building.

In addition, an 8,000 square foot solar collector, the largest ever designed at the time for an office building, provides 70 percent of summer cooling and 50 percent of winter needs as well as all domestic hot water requirements.

Awards: Progressive Architecture Design Awards Citation
Owens-Corning Energy Conservation Design Award



FEDERAL BUILDING
SAGINAW, MICHIGAN

Building Name: Federal Building and U.S. Courthouse
 Location: Topeka, Kansas
 Principal Occupants: Justice, U.S. Courts, Interior, Agriculture, HUD, Labor, Transportation, Commerce, Defense, Congressional (House and Senate)
 Designers: Kansas Architects and Planners Associated (Joint Venture)
 Gross Square Footage: 335,381
 Net Square Footage: 264,732
 Efficiency Factor: 79%
 Estimated Construction Cost: \$15,700,000
 Actual Construction Cost: \$13,400,000
 Estimated Cost Per Square Foot: \$46.81
 Actual Cost Per Square Foot: \$39.95
 Energy Consumption: 33,410 BTU's/Gross Square Foot

Remarks:

This building exemplified the process of close coordination of design development between GSA as client and the design architectural joint venture. The design, which at the insistence of the architect began with the development of a detailed pre-design program, was the first of a generation of energy conservative buildings utilizing only standard building systems. In order to compensate for extremely reduced exterior window area necessary to achieve the ambitious energy goals, the design evolved the creation of a central atrium to provide the occupants with a view of an internal open space of activity and expansiveness. The building is now operating well within its energy budget. A raised floor system provides ultimate flexibility for relocation of power and telephone requirements.

Awards: Owens-Corning Energy Conservation Design Award
 Kansas Chapter AIA Tour



INTERIOR ATRIUM



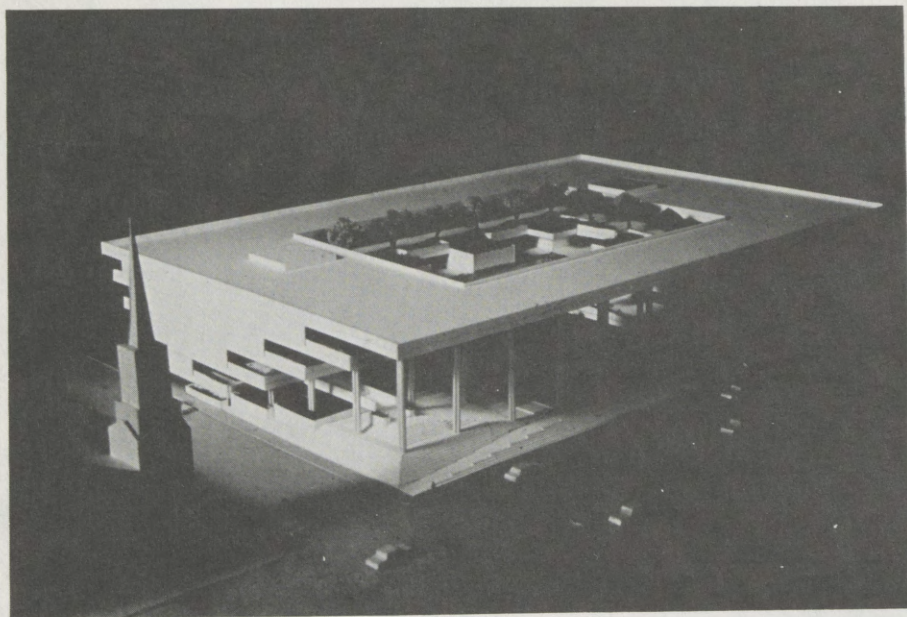
FEDERAL BUILDING & U.S. COURTHOUSE
TOPEKA, KANSAS

Building Name: Federal Building and U.S. Courthouse
 Location: Ft. Lauderdale, Florida
 Principal Occupants: U.S. Courts, Justice, HEW, Treasury, Labor, FHLBB, U.S. Postal Service, Defense, Congressional (House)
 Designers: William Morgan Architects and H. J. Ross Associates
 Gross Square Footage: 252,849
 Net Square Footage: 211,960
 Efficiency Factor: 84%
 Estimated Construction Cost: \$16,800,000
 Actual Construction Cost: \$12,191,000 (to date)
 Estimated Cost Per Square Foot: \$66.44
 Actual Cost Per Square Foot: \$48.21
 Energy Consumption: (Estimated 55,000 BTU/Gross Square Foot)

Remarks:

This Federal Office Building and Courthouse characterizes an open expression of new indigenous Federal design. The building, which the current issue of "Architectural Record" characterizes as "a gift for urbanism" provides both a new interpretation of dignified image and a developmental keystone to its host community while fulfilling detailed program requirements of the occupying agencies such as separate zones of public/private access within the structure. "Architectural Record" continues its review of the design calling it "not only...a handsome building, but a building that should determine the character of an emerging city in terms of land use, in terms of lower cost for public construction and in terms of public amenity. Indeed, it sets a desirable future character for what are now loosely knit downtowns all across the country." Constructed under budget, the resulting design was a synthesis of the original GSA program and the architect's creative interpretations and achieved what the Public Advisory Panel called "...a new high in Federal architecture dedicated to the democratic ideal."

Awards: Feature Articles in "Architectural Record"
 December 1978, November 1979



FEDERAL BUILDING AND U.S. COURTHOUSE
FT. LAUDERDALE, FLORIDA

Location: Anchorage, Alaska

Principal Occupants: U.S. Courts, Justice, Labor, Interior, Commerce
DOE, Transportation, EPA, HEW, Treasury,
Congressional (House & Senate)

Designers: Associated Architects of Alaska and
John Graham Company (Joint Venture)

Gross Square Footage: 694,568

Net Square Footage: 568,816

Efficiency Factor: 82%

Estimated Construction Cost: \$60,812,285

Actual Construction Cost: Incomplete

Estimated Cost Per Square Foot: \$88.30

Actual Cost Per Square Foot: Incomplete

Energy Consumption: Estimated 55,000 BTU's/Gross Square Foot

Remarks: Occupancy first six modules - June 1979
Seventh module under construction - estimated
completion February 1981

The project provided us with the opportunity to match vigorous design and construction management to yield a final product which exceeded established goals. The design was faced with numerous difficulties to be overcome including a harsh climate, severe seismic requirements, and a major design problem of minimizing the impact of such a massive structure on the urban context of the city.

These problems were successfully addressed through the design of six separate, but interconnected, modules ranging from two to six stories in height. Central to the modules is an atrium through which the interconnection between modules occurs. This design of atrium and park-like connections over the two square foot block site provides both shelter from the Alaskan climate and an energy conservative inward orientation. The development of separate modules allowed for the creation of separate spatial identities for the various building functions and served to reduce the impact of such a large development to a more human scale.

Planning and design of the structure was coincident with severe inflation within the Alaskan construction industry. The construction contracts were awarded in separate phases as individual parts of the design were accomplished and the building was completed in the shortest possible time. This method of phased awards both speeded construction and allowed for matching of contract solicitations to segments of the construction industry which were temporarily "soft." The immediate result was reduced bid prices for the separate phase and reduced inflation impact on the project as a whole. The reduced costs allowed construction of an additional module in the project to provide 66,000 square feet more space

Awards: Building not yet entered in Design Awards Programs



FEDERAL BUILDING AND U.S. COURTHOUSE
ANCHORAGE, ALASKA

STATEMENT OF LIVINGSTON L. BIDDLE, JR., CHAIRMAN, NATIONAL ENDOWMENT FOR
THE ARTS, CHAIRMAN, NATIONAL COUNCIL ON THE ARTS

Mr. Chairman, Members of the Committee, the National Endowment for the Arts appreciates the opportunity to give testimony on the Architectural Excellence Act of 1979 (S. 461). Architecture is one of several design fields which the Endowment supports through its Design Arts Program. Since 1973 we have been asked by each Administration to work closely with other Federal agencies in improving the design quality of our public buildings. In doing so, we have worked closely with the General Services Administration and other building agencies of the government in carrying out this responsibility.

Over the last year, we have begun to take a hard look at the processes by which architectural and design services are procured by the public sector and have concluded that there may be some real merit in encouraging the use of competitions in the selection process. I think it would be helpful if I could quickly outline some of our activities in this area so that the Committee can get a picture of our approach to the issue and how we are proceeding.

I should first say that design competitions, while part of the early tradition that produced such excellent work as the Capitol, the White House, the Washington Monument and Pan American Union Building, have in this century fallen into disuse in this country. The reasons this has occurred, while almost all other western democracies have been increasing the use of more open designer selection processes, are several, involving the complexities of procurement procedures, some

ambivalence on the part of the architectural profession to competitive selection, some difficulties with the procedures for design competitions, and some lack, particularly in the past, of public interest in the quality of its civic edifices.

Recently however, as resources, energy, and capital have become increasingly scarce, we have observed a newly awakened interest in the public in its civic and cultural architecture. This is especially evident in the grant applications we receive from local governments and non-profit organizations around the country requesting support for competitive architectural selection processes for the design and development of public improvements of all types. A few examples might help to shed some light on this issue.

Several years ago the historic Provincetown Playhouse in Massachusetts burned to the ground. The landmark building was much missed by the citizens of Provincetown and by its larger regional audiences. In the summer of 1978, the Design Arts Program of the Endowment awarded a small grant to the community to conduct a regional competition to develop a new design for a future playhouse, even though inadequate capital resources existed for its construction.

The competition turned out to be a truly remarkable event, not only because the winning architect had produced a beautiful design, but more because the process by which the competition was conducted significantly

increased the probability that the playhouse would actually be reconstructed. Because the competitors developed their concepts in Provincetown in a space available to the public, citizens were able to observe and participate in the design process. When the jury finally announced its selection and the presentation was made by that eminent lady of the stage, Helen Hayes, and the distinguished architect I. M. Pei, there were immediate pledges by many previously uninvolved people to assist in raising money for the facility. I am happy to report that the new Provincetown Playhouse is very close to being constructed. There is little doubt in our mind or for that matter the minds of the citizens of Provincetown that it was the use of a design competition which was the major factor in rekindling interest in this important cultural facility.

Currently we are supporting design competitions in several cities around the country. In New Orleans, a competition is being conducted to redevelop one of the City's most important parks as a sculpture garden through a design competition involving landscape architects and sculptors. In San Francisco, we have awarded a grant to the Fort Mason Foundation, a community multi-arts center housed in early 20th century historic warehouses. The grant is being used to conduct a regional architectural competition to develop concepts for the planning and treatment of several hundred thousand square feet of available space.

Over the next year, we expect to be supporting many more efforts like the ones I have just described and we expect, as has been our experience, each architectural competition will be tailor-made for the particular project being undertaken. We believe through this national effort we will build up enough information through the experience of our grantees to be able to advise our colleagues in the building agencies of the Federal government with regard to the efficacy of design competitions and specific management procedures for them.

In addition to developing empirical evidence of the utility of design competitions, the Endowment has also recently awarded a special grant, which is national in scope, to the American Institute of Architects Foundation (\$30,000) to establish a Competition Advisory Service which will provide technical assistance to communities with an interest in conducting architectural competitions. The Design Arts Program is also supporting the development of an introductory manual on the types, uses, and procedures for running design competitions. The manual will be available for national distribution this fall.

We also believe that we can learn a great deal from other countries with respect to the utility of design competitions. The nations of central and northern Europe have used competitions in virtually all their most important public and civic buildings. Many of the most famous architectural masterpieces of Europe were the result of design competitions:

the Paris Opera, the Eiffel Tower, the Spanish Steps in Rome, to name a few. The Scandinavian countries are probably the most adept at using competitive selection processes. The careers of the world renowned architects, Eliel Saarinen (Finland), Alvar Aalto (Finland) and Arne Jacobsen (Denmark), received a major boost from the many competitions they entered and won. European design competitions are widely acknowledged as being fairly run, responsive to public concerns and a most effective way of drawing on the pool of national and international talent available.

We submit these initiatives for the record. Over time, the Design Arts Program will have amassed a body of information based on a variety of competition activities all over the world. This experience will be useful in the establishment of a Federal policy for design excellence which could incorporate the use of competitions as one method by which the Federal government can procure the best possible design service.

It is the role of the National Endowment for the Arts to foster excellence in art. We do this through our granting programs and our other efforts to increase public awareness of art and excellence. In the world of art, experimentation is often necessary in order to achieve excellence. Thus a new play, for example, can be successfully tried out on different audiences in different communities before it hits Broadway, and then, if judged a failure by audiences and critics, can simply be closed down.

Architecture is a less forgiving art form. Buildings that should have remained on the drawing boards as bad experiments are all too often built; we cannot close them down like we do a bad theater production. We live with our mistakes. Architecture is the most pervasive art form and in many ways the most visible example of our Nation's successes or its failures. Indeed architecture is the most enduring art form of any civilization. Thus the Endowment takes very seriously the need to encourage excellence in our architectural heritage.

We must remember that our public buildings will live long after us and will instruct future generations about our values and how we conducted public affairs. It is crucial therefore, that our public buildings reflect the best of our culture and be a product of our highest design talent. Given this situation, we believe that the process which maximizes the participation of the users, the clients, and the general public is intrinsic to democratic principles. We believe that the design competition is such a process.

Mr. Chairman, with regard to the legislation at hand, we would like to commend the Committee for taking the leadership in exploring this important and potentially rewarding subject of design competitions.

We believe the principle that the bill espouses is valid and addresses importantly a means of assuring that the pool of creative design talent in this Nation will be given a better opportunity to contribute to the

goal of enhancing the quality of our built environment. We believe that the bill could be more specific with regard to the conduct or management of appropriate competitions.

With regard to types of competitions, there appears to be some evidence that recent architectural competitions in this country have been too oriented towards the production of a building as a direct result of the process. Other nations have used design competitions for this purpose, as well, but have also used them to explore a concept as well as to discover new talent. Thus competitions can be used for the selection of a building design, a design concept, or the selection of an architect without commitment to a particular approach.

We believe, based on a careful review of the literature and our own experience involving competitions, that even the best intended project can produce unfortunate results without the technical advice of professional advisors, the development of clear program statements, the convening of a jury of peers and the deep and continuous involvement of both clients and citizen users of the building in the process of design competition.

Additionally, we would like to emphasize to the Committee that the definition of design includes not only our architectural heritage but the allied fields of landscape architecture, urban design, interior

design, and graphic design, as well. The Federal government procures a vast amount of these other services, and design competitions are as applicable to these fields' contributions to our civic environment as is architecture.

In-House Design Staff

With regard to the question of in-house agency design staff, we call your attention, Mr. Chairman, to the fact that the Federal government is the number one client of design services in the country, spending millions annually. Responsible management of the public purse would dictate that this money be allocated under the direction of design professionals.

This fact was recognized in 1972, when the President asked the then Civil Service Commission to review existing procedures for employing artists, architects, and designers for Federal service. Since that time, much has been accomplished. The National Endowment for the Arts, in cooperation with the Office of Personnel Management, has worked to attract only the most talented designers into public service and has incorporated into the examination procedures for designers a required slide portfolio of their work. Architects, interior designers, landscape architects, graphic designers, illustrators, and photographers are now rated by a panel of their peers on the quality of their work, as evidenced in actual design products. A register of designers has now been established and is used by Federal agencies in filing design positions. This is a good start.

We leave for the time the question of actual design work produced by an in-house staff. Could designers who work within the bureaucracy produce better design than contract designers, properly selected and managed? More information on this issue is needed.

We refer the Committee to one excellent example provided by Trenton, New Jersey. A professional design staff was incorporated into local government operations. All the City's design work was produced by City staff. This system has worked very well in Trenton and has produced some excellent architectural products. Whether this experiment is transferable to the Federal level of government is not known. We recommend that the Committee look into this issue further.

Compensation for Architects

Mr. Chairman, we do not wish to make a statement regarding compensation of architects, except to note that studies of the social status of various professional groups in America invariably rate architects very high, just after doctors and lawyers. But many architects receive proportionately little compensation for their work. We believe that this situation should be redressed, especially in light of the fact that architects now receive a miniscule fee for the design of a building in comparison with the total life-cycle cost of that building.

We would like to refer the Committee to the excellent work that has been done by the Center for Building Technology of the National Bureau of Standards on life-cycle costing. The Bureau has devised a model for estimating the total cost/benefit ratio of a typical office building over a forty year lifetime. The Bureau's basic thesis is that we are mistaken when we consider only the capital costs involved with building, but rather that we must consider the people costs as well. In their scheme, the lion's share of the dollars expended goes into paying the salaries of the people who work in the buildings. Design and construction costs account for less than five percent of the total expenditure over 40 years time. Other research conducted at NBS, along with work that is being done in Great Britain, strongly suggests that there is a direct link between the productivity of office workers and the quality of design of the building they work in. Since over 60 percent of the U. S. labor force now works in office buildings, and since economists tell us our best hedge against inflation is to increase productivity, it would seem that an enhanced work place could make a significant contribution to improving American economic output. Seen in this light, arguments about whether architectural commissions should be limited to six percent or ten percent of capital costs, when these same commissions measured against the total life cycle costs are fractions of a percent, appear to suggest that we should be putting more resources in the design of our public buildings, rather than less.

In summary, Mr. Chairman, the National Endowment for the Arts feels that this bill represents a significant step toward improving the quality of our public buildings and we would be happy to work with the Committee and the General Services Administration to gather information to help us bring greater understanding to the issues discussed here today.

I am especially pleased that the Committee recognizes in considering this legislation, the importance of public design activities and I wish to thank you for giving me the opportunity to testify. However, Mr. Chairman, although the National Endowment for the Arts is concerned with fostering the arts in America, we do recognize that the efficient procurement of appropriate space for Federal operations requires the consideration of many other factors. The General Services Administration has addressed these, and I urge the Committee to give their views careful consideration.

STATEMENT OF GEORGE E. KASSABAUM, FAIA, PAST PRESIDENT, THE AMERICAN
INSTITUTE OF ARCHITECTS

Mr. Chairman, members of the Committee, my name is George E. Kassabaum, FAIA, past President of The American Institute of Architects. I am a partner in Hellmuth, Obata and Kassabaum Inc., St. Louis, Missouri. Accompanying me are Davis Tomasin, Director for AIA Congressional Liaison and Stan Kolbe, Director of Public Policy.

I appear before you today on behalf of The American Institute of Architects, the national society for the architectural profession. The purpose of my testimony is to present our opposition to S.461, the Architectural Excellence Act of 1979, and to encourage a greater awareness of the architectural process.

The AIA has strongly supported the federal government's efforts in establishing and maintaining high design standards and quality design. Today the Federal presence is represented architecturally through more than 50 agencies and departments, constructing billions of dollars worth of facilities of every type. One need only view a sample of the many government

buildings within our Nation's Capital to appreciate the heritage of inspirational design we wish to preserve and sustain. Washington provides such architectural wonders as the U.S. Capitol, the Old Executive Office Building, the Renwick, the East Wing of the National Art Gallery and Dulles Airport, and my own firm's National Air and Space Museum. These past achievements of the federal government in attaining design excellence are carefully documented, yet we must remain conscious of this design heritage as we seek superior design in our future public buildings.

President John F. Kennedy recognized this valuable element of America's spirit when in 1962 he convened the Ad Hoc Committee on Federal Office Space. The Kennedy Administration committed the U.S. Government to guiding principles of federal architecture emphasizing "architectural style and form which is distinguished and reflects the dignity, enterprise, vigor and stability of American Government." Federal buildings must be representative of the finest achievement, the very best architectural expressions as entries into our future heritage. Examples of the Kennedy commitment to these guiding principles include the new Executive Office Building, restoration of Lafayette Square and the Tax Court Building. The Ad Hoc Committee report stressed that "design must flow from the

architectural profession to the government and not vice versa."

Furthering these recommendations for an improved policy on federal architecture, Congress passed the Architect-Engineer Selection Act, Public Law 92-582, in October 1972. This law established the present method for employing architects and engineers for federal projects.

The American Institute of Architects fully supports the General Services Administration's current selection process as embodying the best interests of the Federal Government and the architectural design process. The law directs agency heads to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for those services on the basis of demonstrated competence and qualification for the type of professional services required at fair and reasonable prices. Further, the law requires agency heads to evaluate all interested firms based upon statements of qualifications and performance data and to conduct discussions with no less than three firms regarding the proposed project. Upon completion of this thorough review procedure, firms under consideration must be ranked in order of preference. Contract negotiations are then initiated with the firm ranked first in the detailed selection process.

Since the passage of P.L. 92-582, the General Services Administration has been successful in implementing the law. In 1975 GSA rewrote, with the help of the AIA and with other federal agencies, the forms used by A/E firms to express interest in government work, namely Standard Form 254 "Architect-Engineer and Related Services Questionnaire" and Standard Form 255 "Architect-Engineer and Related Services Questionnaire for Specific Projects" and GSA has utilized these documents perhaps more effectively than any other agency, further improving the selection process.

As an additional determinant in the selection process, GSA has established two separate levels of evaluation following the submission of SF 254's and SF 255's. Ten regional Public Advisory Panels screen all SF 254's and SF 255's following an advertisement in the Commerce Business Daily. These panels are composed of architects and engineers in the private sector who are ineligible for GSA work while serving. The panels provide an excellent opportunity for learned public participation in GSA's selection process. The AIA enthusiastically supports the existence and function of these public panels and our state and local AIA Chapters have assisted GSA's Regional Administrators by supplying names of architects who are interested in and qualified to serve on these panels.

The second level of evaluation in the A/E selection process at GSA is the Regional Evaluation Boards. These in-house boards, composed of GSA professional employees, interview the unranked listings of firms deemed qualified to do the work by the Public Advisory Panel and establish a ranked short list of at least three firms that is forwarded to the Administrator.

In 1977 GSA initiated a Level Three test procedure which modified the past practice of architectural service selection. The rationale for the development of Level Three procedure was a method whereby selection of an A/E firm for an especially difficult or complex project could be made clearer by an actual demonstration of competence by participating firms.

The most publicized test of the Level Three process was the redesign of the Old Post Office Building on Pennsylvania Avenue in Washington. In this modified competition, GSA selected three "short-listed" firms from a large number of entries to prepare preliminary conceptual design materials, including drawings, for the renovation of the structure, with each of the three firms being paid an equal amount for their professional services. The project exemplifies a number of concerns the Institute has regarding modification

in the selection process now in operation. These concerns include:

- Excessive costs to the government and participating firms
- Additional time required in selection through competition
- Overemphasis on the cosmetics of design rather than the performance of the design

The proposed legislation is clearly not immune to this "beauty contest" syndrome. Paul Spreiregan, FAIA, in his newly published book entitled Design Competitions states that what often occurs is not so much competition but an extended preliminary design exploration with extremely high costs to those participating.

Because of the complexities involved in design competitions, cost overruns and uneven results, the AIA is presently working with the National Endowment for the Arts to pursue alternatives and explore ways to overcome some of the obstacles.

Of considerable importance in supporting the present architectural selection process is the legislative history of P.L. 92-582 which provides for design competitions on projects of national significance. The language of S.461

presents the likelihood of turning every large project into a formal design competition, a very expensive and time consuming process, as witnessed earlier. Potential abuse of design selection through competition is prevented by the present selection process (P.L. 92-582) and requires no new legislative initiatives.

Another area of concern which is properly being examined in these hearings is the role of the in-house design staff in providing architectural services. The AIA is firmly committed to the employment of design-oriented registered architects in responsible positions within the Federal government. However, these design professionals should be utilized in areas where their services are currently most needed: project administration. This would create a collaborative relationship between the private architect and the project administrator, insuring that an efficient and cost effective design process becomes a reality.

Once the selection process is completed, the Federal government is not always the best client for architectural services. Contract compliance and administrative snafus can be overwhelming to the actual design process. The federally employed design professional would ideally serve as the client, monitoring both the design and the inherent constraints on the

entire design process including budget limitations, space needs and time schedules. Additionally, the in-house design staff can control and supervise any building modifications and additions to better preserve the integrity of the basic design.

It should be emphasized that the client/architect relationship is essential to the evolutionary process of design and the in-house designer as client can promote the universal objective of distinguished federal architecture.

Mr. Chairman, I would like to further emphasize that Congress has within its powers to insure that high design standards and building design quality for government projects are maintained. This will do far more to encourage quality in the built environment than would the passage of a single, prescriptive act intended to insure "architectural excellence." Thank you.

STATEMENT OF LOIS A. CRAIG, ARCHITECTURE WRITER AND HISTORIAN

I am pleased to comment on S.461, a bill "To require that competitions be conducted to enhance the Nation's architecture and determine the design of certain new Federal office buildings." In presenting my observations on S.461 I want to acknowledge that my experience is chiefly drawn from my work as Director of the Federal Architecture Project for the National Endowment for the Arts from 1972 to 1977. My views, however, should not be identified with the Endowment nor with my present affiliation with the Massachusetts Institute of Technology as a Principal Research Associate in the School of Architecture and Planning.

For construction legislation, this bill is particularly marked by the use of the words "design" and "architecture," which too often in government raise the specter of "the unfeasible project." To compound the problem, in this country critics of design competitions are more vocal than supporters. Their protests are usually staked on assumptions about excessive time and costs. The case is then closed by citing a few disappointing, but highly publicized results. In balance, it should be noted that conventionally commissioned projects are also sometimes disappointing and costly, although less publicized.

In government work, the political reality is frequently the short view, and in this regard design competitions are at

a disadvantage. The expense of a design competition is a visible "up-front" cost. In contrast, the real costs of conventional architect procurement practices are obscured by ignoring the hidden but often high costs to designers of lobbying and negotiating for contracts; and there is no accounting for the real administrative time and complexities of traditional government procedures for a large construction project.

Design competitions in federal practice, like now out-of-favor in-house design work, are as old as the Republic. The White House, the Capitol, the Washington Monument, the Smithsonian "castle," and the Library of Congress were all the subjects of design competitions. Until real buildings redirected critical attention, there were plenty of complaints about the unruliness and error of these competitions, which by modern standards were highly irregular procedurally. In 1893 the American Institute of Architects, under the leadership of Daniel Burnham, won passage of the Tarsney Act, which allowed the government to acquire the services of private architects only through competitions. Before the Act was repealed in 1912, because a return to in-house design work was judged less expensive, several now-acclaimed federal buildings were designed under its procedures, including the Ellis Island Immigration Station and the New York Custom House. Government-appointed juries of private architects selected such leading designers as McKim, Mead and White, Albert Kahn, Cass Gilbert and Daniel Burnham.

Although an attempt by a group of private architects in the 1930s to get a new competitions bill failed, a populist-

officials to the Level 3 competitions in Washington, St. Louis, Nashville and New York City. I also followed the progress of a Level 3 competition for a redesign scheme for the Federal Triangle. The important new emphasis on the design sequence of the building process in conjunction with the Public Buildings Cooperative Use Act of 1976 portended a new look in federal architecture and in GSA's way of doing business. Government, it seemed, was accommodating public demand for more access to both its procedures and its places.

There were certainly negative reactions from Level 3 competitors -- chiefly about procedural fairness related to cost restraints and about the unwieldy, cut-and-paste programs. But there was also concerted acknowledgement by competitors and sponsors alike that this form of selection focused the building process on design and brought a long-missing excitement to federal architecture.

Despite the general disfavor of competitions in both the public and private sectors, the available cost, time and result records of contemporary design competitions and the current successful practices by other public authorities, especially in Europe and Canada, do not sustain the prevailing notions that design competitions are of necessity excessively costly and time consuming. When the controversy surrounding the recommendations of the Commission on Government Procurement surfaced not only a lot of dismay about price competition for architectural services but also an astounding amount of negative sentiment about design-based competition as well, the staff of the Federal Architecture Project took a cursory

look at some recent public competitions. We found that the 18 competitions we explored had generated a considerable amount of public and professional enthusias. Interest was evident, too, in the large number of requests-for-programs in several of the open competitions. That expenses of conducting a design competition could be negligible in the overall construction budget was dramatized by the example of Boston City Hall. For an investment in design competition of some \$60,000 the City reported^{ly} acquired over a half million dollars of design expertise -- and an immeasurably valuable amount of citizen attention. However one may respond to the architectural style of the new city hall, the building was a pivotal factor in stimulating recovery of a deteriorating central city and restoring waning public confidence -- exemplary public benefits that escape conventional cost/benefit analysis. An important and extensive documentation of a wide range of competitions is presented in Paul Spreiregen's new book on this subject.

The complaints from both designers and clients about time and costs required in design competitions are not insurmountable. Architectural competitions are routinely promoted throughout Scandinavia, West Germany, Switzerland and England, under rules very different from those espoused by the AIA. England is way ahead of us in innovative methods of public competition, which are sensitive to the special time and cost restraints of public work. Variations on the

traditional competition, developed for instance by the Royal Institute of British Architects, effectively shorten the process for public authorities as well as increase client choice among winning entries. An experiment with a form of regional limited competitions for government work eliminate the time-consuming back and forth communication about program and substitutes a conference at which all the competitors meet with the program's author. Only simple design sketches are required for the competition itself. Significantly, RIBA architects serve without compensation as judges for these short-term competitions. To meet the objections of some public agencies to designs ranked first by juries, RIBA also developed so-called client-choice competitions that allow the promoter to make the final choice from three jury-designated finalists. Particularly for public-sector competitions an invaluable source of concepts and procedures can be found in Participating in Architectural Competitions: A guide for competitors, promoters and assessors, by Judith Strong, former competitions secretary of RIBA.

There has been some little-noticed experimentation in the U.S. government. For the American pavilion at the Osaka Exposition, the USIA devised a procedure that limited design teams to five weeks of preparation and one hour for presentation. To circumvent then-strict competition rules of the AIA, the process was dubbed an "interview/exercise." In another invited competition, for the Volunteer Army barracks, the

Corps of Engineers reportedly incurred costs well below those of conventional selection procedures. And in a small, low-budget experiment jointly sponsored in 1976 by the National Endowment for the Arts and the Immigration and Naturalization Service, six firms, selected from a jury review of brochures and standard government forms, participated in a one-day interview/sketch competition in Seattle. Competitors received the program at that time and were allowed three hours to conceive their approaches, which were presented in follow-up interviews the same day. The winner, jurors claimed, was a more design-oriented team than the initial Form 254 review suggested. Everyone, including the losers, reported having a stimulating experience -- indeed, a remarkable experience when it came to dealing with the federal government. Each competing firm was paid \$500 for its day's participation.

In the context of public architecture there are persuasive public policy advantages of design competitions. They offer an alternative to current procedures in their openness to both new talent and new ideas, and they stimulate public interest in and scrutiny of the design process -- with the possible side effect of reducing political favoritism. Competitions seem particularly appropriate for projects of special national interest or intensive use by the public. Adaptive-use projects for phased-out military installation, for instance, as well as federal office buildings could benefit from the exposure afforded by the competition process.

Small-scale facilities such as visitor centers and border stations are particularly adaptable for regional competitions. Beyond direct federal sponsorship, numerous opportunities exist for fruitful federal stimulation of locally sponsored competitions for federally-assisted projects.

The claim that design competitions result in better design is difficult to substantiate, however. Both good and not-so-good results have occurred. This is also true of direct commissioning methods, of course. Nevertheless, the exposure of design problems to a wide range of professional talents substantially increases the chances for good design. The most important result of competitions may not be the immediate buildings but rather the opportunity to improve future design quality through heightened public interest and through access to the public design process for less well-known architects who have difficulties breaking through the barriers of seniority and specialization -- barriers that tend to be furthered by exclusive use of even the most correct selection boards.

To cut the costs to competing architects and equalize their differences in resources, the competition time period can be substantially shortened and detail required in entries as well as presentation techniques restricted to inexpensive ones. This is, of course, particularly true of small-scale projects. Which brings me to my major discomfort with S.461 as it is presently written.

There is a need in federal practice to build a body of competition experience through experimentation, to build a federal enthusiasm and constituency for trying out and learning, for promoting and shepherding these new approaches as a solid base for the big competitions that inevitably attract too much attention from the press, the public, and the Congress to be tackled with anything less than superior dedication, superior know-how, and superior clout. In my experience there has not been either the enthusiasm or experience in GSA for this kind of effort. Balancing and fine-tuning are not endemic to large, recalcitrant agencies. Part of the problem lies in the immensely complex nature of major-budget buildings -- a quick sketch is arguably not enough effort for winning a major competition, at least until juries and competitors have a great deal more experience. (Reportedly, Alvar Aalto obtained major competition commissions through quick pencil sketches, but the Scandinavians are very much more skilled at the design competition game than we are.)

My concern for the lack of a cadre of proponents fits, I think, with the Committee's request for comments on using an in-house design staff for government work. I am speculating for the Committee that the only way to attract and keep good designers in government service is to give them some real design work. And that such in-house designers who can exercise their design skills on, say, selected smaller projects are the ideal group to promote and guide design competitions. By guide, I mean also prepare the programs

of all design competitions. The program makes or breaks any project, but most especially it is key to a successful design competition. It is here that workable cost constraints can be set and here that clear standards for judging can be articulated. From an identifiable -- and accountable -- group of in-house designers can also come the equivalent of professional advisers to guide the work of juries and oversee their adherence to democratic and open and defensible selections. Here I would like to digress and urge that public competitions should have public reports just as in our legal system we expect judges to defend their reasoning in publicly recorded opinions.

The effect of in-house designers on all the design of the agency, including its private sector contracts, is noticeable in the work of the National Park Service, for instance. The Chief Architect of the Bureau of Architecture of the Chicago Department of Public Works insisted that to create a larger role for architects to influence government decisions, there have to be creative and qualified architects on staff. And to keep them on staff means keeping some of the design work in-house. One of the most important potential functions of the architect in government is the preparation of the building program that is a design-readable program for outside architects. Further, the public architect, who is there after the private consultant leaves, can bridge the design and use of buildings.

The frequently heard charge that professionals are being deprived of their livelihood whenever a public agency tries to take on more of its own design is an indefensible put-down of public colleagues. In England over 50 per cent

of the profession is made up of government architects, and most architects consider public service part of their professional preparation. Even given the larger arena of public-designed building types in the English system, the architectural voice in public matters in the United States is strikingly small by comparison.

With a new balance of in-house design for federal agencies, an important career route would be open to the many students who, as they graduate from American architectural schools, face a staggering unemployment rate in the private sector. A major policy change on in-house design could not only improve public architecture but also broaden its sources in architectural education.

I have two minor suggestions for the legislation at hand. Section 8 (b) is unclear. It should designate monetary compensation for substantial work contributed by finalists as well as the winner. Further, the relation of prize to contract fee should be clarified. One system in successful public use mandates that the first prize award be included in the subsequent contract fee. In the event no contract is awarded to the winning architect within two years of the design competition decision, the architect is compensated by an additional sum equivalent to the original prize. This provides protection for the winning competitor against the unforeseen twists and turns of political events. And, finally, I would suggest that under Section 8 (c) the jury panel include a qualified cost evaluator.

Thank you for the opportunity S.461 presents to speak in behalf of the potential of public design competitions and the broadening of in-house architectural services.

ACEC File #700.02
X-File #707.01

american consulting engineers council



UNITED STATES MEMBER

1155 FIFTEENTH STREET, N.W., WASHINGTON, D.C. 20005 ☐ (202) 296-5390

October 18, 1979

The Honorable Daniel P. Moynihan
United States Senate
Washington, D.C. 20510

Re: S. 461 - The Architectural Excellence Act of 1979

Dear Senator Moynihan:

On behalf of the American Consulting Engineers Council, I would like to submit the following comments on Senate Bill 461 -- The Architectural Excellence Act of 1979 -- for inclusion in the Senate Environment and Public Works Committee record.

The American Consulting Engineers Council represents 3,600 professional engineering firms within the territorial United States. These firms are independently owned businesses employing over 100,000 engineers engaged in all aspects of design and construction. The majority of these firms are small businesses employing fewer than 9 individuals.

Our organization is concerned with S. 461 for the following reasons:

1. Recent design competitions administered by the General Services Administration have been less than cost-effective both to the design A-E (who is encouraged to spend far more than his design allowance in development of a schematic to improve his chances of obtaining the contract award) and the government (which must add staff to administer the competition). Further, these competitions have provided little evidence that they produce designs of a higher quality than those obtained under the standard two-step competition negotiation system as provided for under P.L. 92-582, commonly known as the "Brooks Law."
2. The \$25,000,000 figure established as a threshold above which "level-three" type design competitions must be held for all public buildings appears to have little bearing with reality in light of the fact that GSA's Public Buildings Service forsee no projects of this magnitude in the near future. The present emphasis, in fact, is away from new construction and toward less costly renovation and rehabilitation projects.

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Executive Vice President LARRY N. SPILLER • Managing Director BRUCE E. VOGELSINGER

3. The suggestion that one percent of the total project cost on projects exceeding \$25,000,000 be set-aside for design competition is wasteful of itself and stimulates additional financial wastes brought on by A-E firms which inevitably invest thousands of dollars beyond what is budgeted by the government in the interest of generating a "winning" design. The recent "level-three" competition conducted for the rehabilitation of the Old Post Office Building in Washington, D.C. is a case in point.
4. The provision for a \$250,000 "prize" as the upper limit on projects determined eligible for the conduct of a design competition is confusing. Is such "prize" money an outright gift for producing the winning design? Does it include the prepaid portion of the winning firm's design fee? Is the "prize" offered as a substitute for professional fees accrued during the development of construction documents? Does this mean that the total A-E fee shall in no event exceed \$250,000 regardless of a project's relative size and complexity?
5. The conduct of a design competition for the federal government, wherein three separate A-E firms are selected and paid for producing a competing design, usually results in four design solutions due to the fact that the winning A-E is asked to redesign the project incorporating many of the ideas and concepts contained in the losing solutions. This raises a question regarding one firm "borrowing" the work of another without offering to credit the other firm's contribution to the project as a joint-venture design.
6. Inadequate information exists concerning the benefits to either society or to the art in architecture initiatives which have existed since 1962. To justify an increase in the amount of federal money available for art in architecture from the present .5 of one percent to a full one percent of total cost, on a project by project basis, requires the careful assessment of such behavioral issues as increases in worker productivity, influence of visual satisfaction on employee performance, and other psychological elements, throughout the useful life of a facility. It is our understanding that GSA has no solid information on this subject.

Our criticism of S. 461 is prompted by satisfaction in government and the design profession with the way architectural and engineering services are procured under the "Brooks Law" competitive negotiation approach. Our experience with this system reveals that competition, based upon statements of experience, qualifications, and reference, is the best and most objective method of obtaining quality services and, therefore, quality design products. There is compelling evidence supporting our belief that the existing A-E selection procedure is fair, impartial and highly competitive.

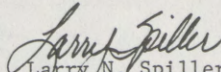
All of this is not to suggest that existing procedures and systems cannot be improved. Our member companies recognize that recent GSA attempts to explore design competitions as a viable government tool are efforts to improve the present A-E selection process. However, we believe that both GSA and the Defense agencies have been satisfied that the increases in cost, required staff time, burdens on administration and other considerations outweigh the unidentifiable benefits of design competitions.

From the standpoint of private engineering firms, there are no restrictions that the federal government can impose which would serve to limit the amount of a firm's investment in the design competition. It stands to reason that a large firm may be willing to risk a greater dollar amount of its own money than is available to a small firm willing to take the same risk. This is an extremely important point which should be carefully considered by the Committee.

The creation of a 5-member panel for the purpose of reviewing design entries and selecting winning designs closely resembles the purpose and function of GSA's Regional Public Advisory Panels. The primary distinction is only in the type of information being considered, i.e. design solution vs. evidence of qualification. The reasons for requiring the appointment of this new panel and for the involvement of the National Endowment of the Arts are questioned by our organization.

In summary, the American Consulting Engineers Council, while applauding efforts to improve architectural excellence, regards S. 461 as potentially more expensive, time consuming and inefficient than current practices. Furthermore, our Council believes that the present A-E selection process, as outlined by P.L. 92-582, continues to function in the best interest of the public. We respectfully urge the Committee on Environment and Public Works to reject S. 461 and thereby avoid the increased cost and administrative burden of this highly questionable procedure.

Sincerely yours,


Larry N. Spiller
Executive Vice President

LNS/gj

cc: COFPAES Societies

SHEPLEY BULFINCH RICHARDSON AND ABBOTT

ARCHITECTS

ONE COURT STREET BOSTON MASSACHUSETTS 02108 617-742-1400

October 12, 1979

The Honorable Jennings Randolph
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D. C. 20510

Dear Senator Randolph:

A long-standing previous commitment to lecture at the University of Mississippi will, unfortunately, prevent me from accepting your invitation to testify at your Committee's hearing to be held this coming October 15.

It would have been not only a pleasure but also a privilege for me to appear in person to present my comments on the bill as drafted with regard to matters of principle, its contents and wording, to offer suggestions for the sake of clarifying certain of its aspects and of removing apparent contradictions, as well as to answer any questions from the Committee. I would have particularly welcomed the opportunity to comment upon the specific topics outlined in your letter, as there is no substitute, I believe, for the kind of exchange oral testimony alone makes possible.

In my opinion, for the bill to achieve its stated goal of "enhancing the Nation's architecture" through the introduction of the competition device as a method for determining the design of public buildings, the following mandatory requirements must be included if it is expected to attract the best talents of this country.

- 1) The competition program must be drafted with the highest degree of professional expertise;
- 2) Submission requirements must be concomitant with the program's stated goals and commensurate with the compensation offered or the reward anticipated; and
- 3) The jury of selection must include individuals of the highest competence and integrity and be required to carry out its duties in conformity with the program requirements.

SHEPLEY BULFINCH RICHARDSON AND ABBOTT

The Honorable Jennings Randolph
October 12, 1979
Page 2

As for the bill as it now reads, I have deep reservations concerning the all-encompassing requirement of Sec. (a)(1) that "all" public buildings of \$25,000,000 or more be automatically subjected to the competitive process. I believe our government would be wise to include an escape clause if only to protect its interests (security considerations, for instance). The formula of a two-step competition, allowing certain firms of the administration's choosing to join in the competition process at a later stage is a formula offering interesting possibilities of such safeguards and well worth pursuing.

The work "innovative" bothers me; I would prefer "imaginative." The sum of \$25 million is truly very low and with the way the dollar is going will soon become insignificant.

There appears to be a lack of clarity in the definition of the "prize" and in its relation to the clauses of Section 904 of the Federal Property and Administrative Services Act of 1949.

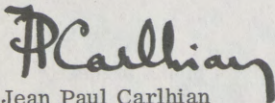
There is no consideration given to the participation of a professional advisor, his role, as writer of the program, his responsibilities as monitor of proceedings, and his duties as enforcer of rules.

There is no mention of the nature and degree of the legal commitments binding the GSA to winners or of cancellation clauses if any.

In conclusion, I wish to reiterate that the participation of the best talents can only be obtained if conditions of equal opportunity, appropriate compensation and fairness of evaluation are demonstrably guaranteed and actually met.

As I mentioned over the phone to a member of your staff, Mr. Peck, last Tuesday, I would be ready to develop further the points made above and respond more directly to the specific topics of your letter in the form of a brief report should you find such a suggestion helpful.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Carlhian". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jean Paul Carlhian

JPC:ejn

96TH CONGRESS
1ST SESSION

S. 461

To require that competitions be conducted to enhance the Nation's architecture and determine the design of certain new Federal office buildings.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 1979

Mr. STAFFORD introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require that competitions be conducted to enhance the Nation's architecture and determine the design of certain new Federal office buildings.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Architectural Excellence
4 Act of 1979".

5 SEC. 2. The Public Buildings Act of 1959, as amended,
6 is amended further by inserting a new section 8 as follows,
7 and renumbering subsequent sections accordingly:

II—E

1 “SEC. 8. (a)(1) Whenever the Administrator is author-
2 ized under the terms of this Act to construct a public building
3 at a cost that is estimated to be in excess of \$25,000,000, the
4 Administrator shall set aside a sum of not less than one-half
5 of 1 per centum or greater than 1 per centum of the esti-
6 mated cost of such public building to finance a competition
7 for determining the design of such public building. Such com-
8 petition should stress innovative designs that will be compati-
9 ble with the community, conserve energy and materials, en-
10 courage public use of and access to the building, and reflect
11 the dignity, enterprise, vigor, and stability of the Government
12 of the United States.

13 “(2) Notwithstanding paragraph (1) of this subsection,
14 the Administrator may conduct a competition for determining
15 the design of any building which he is authorized to con-
16 struct: *Provided*, That not greater than 1 per centum of the
17 estimated cost of such project is utilized for such competition.

18 “(b) The Administrator shall establish the prize to be
19 awarded to the winner of each competition under this section
20 in accordance with the scope of each project, but in no event
21 shall such prize exceed \$250,000.

22 “(c) To determine the most appropriate design under the
23 terms of this section, the Administrator shall appoint a panel
24 of five persons. Such panel shall be composed of an architect
25 who shall not be associated with any entrant in the competi-

1 tion and who shall serve as chairman, a representative of the
2 municipality in which such building will be constructed, a
3 nominee of the National Endowment of the Arts, an architec-
4 tural educator or critic, and a representative of the Adminis-
5 trator. Meetings of such a panel shall be open to the public,
6 and the decision of such panel shall be final. The winner
7 selected by the panel shall be considered as the 'highest
8 qualified firm' for the purposes of section 904 of the Federal
9 Property and Administrative Services Act of 1949.

10 “(d) The requirements of this section include any public
11 building, whether owned initially by the United States or to
12 be so owned as part of a long-term financing arrangement, or
13 to any public building constructed specifically for the United
14 States under a lease arrangement.

15 “(e) For the purposes of this section, the word 'design'
16 includes the general architectural appearance and general en-
17 gineering of a public building, together with such information
18 as will be reasonably required to provide detailed architec-
19 tural and engineering plans and specifications for such public
20 building.”.

