



DWIGHT D. EISENHOWER MEMORIAL COMMISSION

September 4, 2014

The Honorable Rob Bishop
Committee on Natural Resources
United States House of Representatives
123 Cannon House Office Building
Washington, DC 20515

"To perpetuate his memory and his contributions to the United States."
-U.S. Public Law 106-79

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VIA HAND DELIVERY

Dear Representative Bishop:

As a leader of one of the first American teams sent to destroy Soviet intermediate-range, nuclear-capable missiles during the Cold War and as an historian, I take accuracy seriously. As the Executive Director of the Dwight D. Eisenhower Memorial Commission, I believe that the recent majority staff report to come out of the Natural Resources Committee entitled "A Five-Star Folly," is a misfire.

As a recent *Washington Post* editorial noted (Enclosure 1), this sensationally entitled congressional report is unhelpful to creating a permanent memorial to General and President Dwight D. Eisenhower. It contains false and inaccurate allegations of cost increases, mismanagement, and claims of a problematic selection process for the memorial designer.

The cost of the design team contract is within established government rates for professional design services. The design contract contains a "design to budget" clause to which the design team has adhered. The project management contracts similarly are within standard GSA percentages and all modifications have met Federal Acquisition Regulation requirements for such services. While some may prefer another design, the characterization of the Commission misusing government funds is not supported by the facts. The Commission operates with a small staff of dedicated, hardworking individuals.

We can appropriately disagree on the design and the politics surrounding the building of this memorial, but the validity of the designer selection process and the integrity with which the Commission has operated since its creation by Congress in 1999 is supported factually. We will continue to review and analyze the Committee's report and will report back to our Commissioners.

I urge you to review the enclosures in this letter, which provide our initial factual response to the staff report allegations (Enclosures 2 - 4). I hope that you and your fellow committee members (I am sending them a similar letter) will give thought to these facts when considering the work of your Congressional colleagues on the Eisenhower Memorial Commission. If you want further information regarding this work, I encourage you to contact me directly.

Sincerely,



Carl W. Reddel

Enclosures: 1) *Washington Post* editorial, August 10, 2014
2) "A Five Star Folly" Executive Summary
3) EMC 2 ½-page response to Executive Summary
4) EMC 4-page listing

Copy: Eisenhower Memorial Commissioners

Almost there, Ike

By Editorial Board, August 10

IT IS a perplexing rite of passage that the United States' most cherished memorials must almost always endure public outcry in their infancy. Following the tradition that includes Maya Lin's Vietnam Veterans Memorial and the Franklin Delano Roosevelt Memorial, the estimated \$142 million tribute to Dwight D. Eisenhower has been bombarded with rhetorical chaff and calls to begin the 15-year planning process all over again. Architects have lambasted the scheme of Frank Gehry, considered by some to be the nation's most distinguished architect, to build a four-acre park near Capitol Hill with modernist metal tapestries and statues of Mr. Eisenhower as a child and leader.

Congress has jumped on this bandwagon. It has refused to release construction funds since 2013 and severely cut operational expenses. Last month, Rep. Rob Bishop (R-Utah), who sits on the House Natural Resources Committee, proposed a bill to dismiss the Dwight D. Eisenhower Memorial Commission and its staff.

This bill was accompanied by a 56-page staff report that attacks the selection process and the commission's management of the project. But while the report, sensationally titled "A Five-Star Folly," raises worthwhile questions, the hype surrounding it is overblown and unhelpful to charting a course forward. The report unfairly criticizes the design's incompatibility with the so-called "seven design principles." In reality, these principles are subjectively interpreted, and Mr. Gehry has been open to input. Tapestries have been re-positioned, statues of Mr. Eisenhower added and columns tinkered with. Any presidential memorial, involving bureaucratic processes and aiming to whittle down a presidency into metal and stone, will inevitably go through numerous revisions.

More concerning is the report's documentation of cost increases and the commission's failure to raise private funds. In Mr. Gehry's contract, for example, some options have overshot the

original value by more than 20 percent. Yet commission officials told us that some of the perceived increases were due to construction-related funds being used earlier in the process than originally intended. They also disputed several numbers in the report, arguing that actual costs are millions lower than stated.

Regardless, there are two paths forward. One is to scrap the project and start over with an open public competition, which would cost around \$17 million, according to the Congressional Budget Office. The other is to push forward with the existing plan to finalize the memorial design and begin breaking ground.

We favor the latter. The report should serve as a wake-up call for the commission, but it is no smoking gun. Starting the process over would all but guarantee the opening of a new can of worms. More time and money would be spent. And the current design is nowhere near a “monstrosity,” as some have called it; it is a novel take on memorialization that will rank high on the list of memorable Washington landmarks.

Congressional support for the commission can stem the tide of opposition and accelerate the project’s completion. Mr. Eisenhower, a man of duty who had no appetite for public squabbling, would have wanted this job done.



**Committee on Natural Resources
U.S. House of Representatives**

Chairman Doc Hastings

A FIVE-STAR FOLLY:
*An Investigation into the Cost Increases,
Construction Delays, and Design Problems
That Have Been a Disservice to the Effort
to Memorialize Dwight D. Eisenhower*

July 25, 2014

Majority Staff Report
Committee on Natural Resources
Office of Oversight and Investigations
Chairman Doc Hastings
U.S. House of Representatives
113th Congress

<http://naturalresources.house.gov>

This report has not been officially adopted by the Committee on Natural Resources
and may not necessarily reflect the views of its Members.

Executive Summary

This staff report by the Committee on Natural Resources' Majority staff's Office of Oversight and Investigations has examined the activities of the Dwight D. Eisenhower Memorial Commission, the unprecedented process used to select the proposed memorial's design, the winning design's repeated failure to satisfy all legal requirements, and the unanticipated costs and delays due to controversial elements of the selected design, among other topics. While there is no question President and General Eisenhower is worthy of a memorial honoring his tremendous accomplishments, our oversight has identified significant questions that undermine the viability of the current design and the Memorial Commission's ability to see a memorial to completion. The Majority's investigation found:

- 1 • The design continues to fall short of the required design principles that were established in 2006 and the requirements of the Commemorative Works Act. Given these ongoing shortcomings, the design has not yet received the approvals necessary to begin construction.
- 2 • Approximately \$41 million has been spent or obligated so far, including almost \$16.4 million for the designer and more than \$13.3 million to the multiple parties responsible for managing the design process and providing administrative support.
- 3 • The process used to select Frank Gehry as the designer substantially deviated from the standard Design Excellence Program, and the factors used to select the designer were weighted in a way that benefited a well-known designer such as Gehry.
- 4 • The design jury that evaluated the proposals characterized the designs as "mediocre" and found "[n]one of the visions expressed the whole essence of Eisenhower." The jury's recommendation to do an additional round of submissions was ignored, and Gehry's design was still selected. The problems identified in 2009 by the jury remain in the current design proposal.
- 5 • The criteria necessary for any Memorial design to be approved were clearly laid out as early as 2006, yet the design Gehry continues to propose and the Commission supports fails to meet those required design principles.
- 6 • The Commission awarded several contracts for support services through sole source selection with no open competition.
- 7 • Almost every contract the Commission has entered into for work on the Memorial has been modified multiple times to reflect millions of dollars in additional costs.
- 8 • In 2011 the Commission authorized the Gehry design team to prepare construction documents for a design that had not been approved. According to the Commission's most recent budget request, those documents are now 95 percent complete for a design that had not been – and is still not – approved.
- 9 • The Commission's current fundraising firm was expected to raise as much as \$35 million in private funding, even though the Commission's prior consultant said that goal was not feasible. To date, the Commission has received less than \$500,000 in gifts and donations but has paid more than \$1.4 million to these fundraising companies.
- 10 • The proposed use of metal tapestries and electronic components has made it difficult to predict the future costs to maintain and operate the Memorial.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

**RESPONSE OF THE EISENHOWER MEMORIAL COMMISSION
TO THE EXECUTIVE SUMMARY ITEMS IN
THE HOUSE NATURAL RESOURCES COMMITTEE
“A FIVE-STAR FOLLY” REPORT, AS NUMBERED:**

NOTE: INTERNAL DOCUMENT - NOT FOR PUBLIC DISSEMINATION

1. The project has been moving steadily through the requirements of the Commemorative Works Act and the required approvals. When design modifications have been requested by the approval agencies, the designer has gone back and made necessary changes.

By comparison, it was four and a half years for the World War II Memorial to move from designer selection to ground-breaking. Gehry was awarded a contract in 2010.

The project has met the following requirements:

- Structural soundness and durability of the commemorative work per NCPC (NIST)
- NCMAC consultation
- CFA preliminary approval
- Site approval
- Support of the sponsor (National Park Service)
- Environmental Assessment (FONSI)
- Section 106 – Memorandum of Agreement
- NCPC Design principles: **The current design has met four of the seven design principles. The designer is currently working on modifications to meet the remaining three.**

2. **These numbers are inaccurate.** Accurate numbers have been provided on two separate occasions to the Committee. The funds obligated or expended for this project are in accordance with the Federal Acquisition Regulations (FAR) and the GSA standard practices for managing design projects. Frank Gehry received no personal fee for his work and the \$16 million fee included the support of all elements of the design team, including: mechanical engineering, electrical engineering, civil engineering, structural engineering, landscaping, lighting, and the sculptors and engravers.

GSA standard practice is to hire a construction manager as agent (CMa) to assist GSA in management and oversight of the design team. This figure includes GSA/CMa fees, fundraising consultants, E-Memorial consultants, executive architect fees (nine years). GSA charges a 4% project management fee. **The numbers listed in the report for GSA are inaccurate.**

3. The charges of preference are inaccurate. As EMC and GSA have informed the House Committee previously, the selection process did not deviate from the Design Excellence Program, and the numbers cited in the report as design excellence requirements are incorrect. The memorial designer selection



DWIGHT D. EISENHOWER

M E M O R I A L C O M M I S S I O N

process was totally overseen by GSA Central offices, Office of the Chief Architect and the manager of the Design Excellence Program. The Design Excellence Program policies and procedures book that the report cites are intended specifically for **federal office buildings and courthouses**. The Office of the Chief Architect adapted those guidelines for the purposes of procuring a memorial designer, as they did with the World War II Memorial.

Mr. Siciliano was not vice chairman of the Los Angeles Philharmonic. He was President and Chairman of the Los Angeles Philharmonic Association, 1977-1986, several years before the construction of the Disney Hall. The Philharmonic Association had no role in the construction of the Disney Hall, and Mr. Siciliano had nothing to do with the selection of Mr. Gehry as the architect for the Disney Hall.

4. The House Committee staff does not understand this application of the FAR. The GSA procurement process does not allow changing the requirements for additional submissions in the middle of the process. The jury and the evaluation board were charged with selecting a designer and design team, not a design. The vision competition was just one component of the three stages. Only the evaluation board, not the design jury, had knowledge of all three phases of the procurement process.

The design jury prepared pros and cons for each vision statement submittal. The jury understood that they were not selecting a design, they were selecting a designer and the jury confidently made its comments to the evaluation board who then went on to select the designer.

5. See number 1.

6. Sole source selection, when properly justified, is an approved government procurement methodology. All Commission sole source selections are experts in their fields.

7. Contract modifications are standard practice and were anticipated in the project budget. It is standard procurement practice to award government professional services contracts in phases. The entire fee is negotiated upfront. A notice to proceed is given for each phase. After the first Notice to Proceed, every subsequent change is a modification to the contract but not an increase in the cost of the contract. Standard project management practices anticipate that there will be additional work required and there are procedures within the FAR to accommodate that. These procedures were followed.

There are some modifications due to required additional work that do result in cost increases, such as the additional testing required by National Capital Planning Commission (NCPC) staff of the tapestry. When more work is requested it must be compensated. The Commission has used conservative durations for many of its consulting contracts to ensure those services are aligned with need; when those contracts are extended, they are done so by a modification.

8. The project design had to proceed to the construction document phase in order to develop the details to conduct the tapestry testing required by NCPC. Public meeting questions about the width of the columns necessitated designing them and their foundations in detail to determine the minimum diameter necessary.



DWIGHT D. EISENHOWER M E M O R I A L C O M M I S S I O N

The artwork needed to be developed to the construction document level in order to get CFA final approval.

The project has four out of five required approvals necessary to go from design concept to construction documents. The Construction Documents (CDs) are currently left unfinished so that modifications that are necessary to obtain final approvals can be made and the CDs completed.

9. Fundraising typically requires upfront expenditures. Until the current controversy settles down, fundraising will continue to be problematic. EMC's fundraising firm has submitted numerous proposals to high-net worth individuals and entities and believes it will be successful after the design has received approvals. Until then, the Commission will continue to cultivate potential donors and will incur additional fundraising expenses. The initial feasibility study took place during the recession. Since the economy has changed, the expected fundraising potential has increased.

10. The National Park Service has used the Booz Allen process to estimate maintenance costs for other memorials. Their projections have been accurate within 5%. The estimated costs for maintaining the Eisenhower Memorial are less than the World War II Memorial and comparable with the Martin Luther King Jr. Memorial.



DWIGHT D. EISENHOWER MEMORIAL COMMISSION

Other points (select items illustrating a range of errors, inconsistencies, omissions and incomplete work in the U.S. House of Representatives Committee on Natural Resources report):

Page 10 – Context concerns

Over the thirteen-year existence of the Commission, it has received operating funds sporadically. Beginning in FY10, the Commission received funds for design and operations. In FY12, the Commission again received funds for design construction and operations. Like every other agency, the Commission continues to return for annual operating funds and for construction funds in anticipation of receiving necessary approvals and beginning construction.

Durations of other memorials have also been controversial and varied. The most recently completed presidential memorial, the FDR Memorial, took over forty-one years. The Vietnam Memorial took three years, the Korean War Memorial took nine years, and the World War II Memorial took eleven years and an act of Congress, and the Martin Luther King Jr. Memorial took sixteen years. The Eisenhower Memorial Commissioners were first appointed in 2001. If the design were approved in 2015, the memorial would be completed in 2017, twenty-five years sooner than FDR and slightly longer than WWII.

The purpose of the Committee’s report is to validate the legislation which removes existing EMC Commissioners and Frank Gehry as the designer.

Page 12 - Omissions in the pre-design program

Contrary to the statement in the report that “the pre-design materials do not mention the seven design principles required by NCPC,” Volume 3 of the pre-design program contains a copy of the NCPC action on September 7, 2006. The design principles are enumerated on the first page. The pre-design program is part of the requirements noted in the designer’s scope of work, which is part of the contract documents.

Page 14 – Weighting of Evaluation Factors Enhanced Competition

There were 3 stages in the designer selection process. The Stage 1 criteria was weighted and modified to give designers who are not part of a large firm a greater opportunity to compete at this first stage. The low weight given to past design performance in Stage 1 applies to the work of the A/E firm. This was designed to allow the lead designer to partner and assemble a team for Stage 2 where the emphasis then shifts to the entire design team. The weighted factors of designer portfolio and profile did not benefit Gehry in any manner.

Page 19 – Centering on Eisenhower

The development of the memorial has centered on capturing the legacy of Eisenhower from his roots in Kansas as reflected in the tapestry landscape to his achievements as Supreme Allied Commander and 34th



DWIGHT D. EISENHOWER

MEMORIAL COMMISSION

President of the United States. To say the memorial is centered on the architect and is unprecedented is ridiculous and insulting.

The use of stainless steel in memorials is not “out of character.” It is prominently featured in the Korean War Memorial and the Air Force Memorial. Stainless steel has proved its durability in its hundred years of life and the National Institute of Standards and Technology (NIST) and the National Capital Planning Commission (NCPC) have agreed that they are durable materials suitable for the outdoor environment. The use of materials and methodology of the stainless steel tapestries meet the durability requirements of the Commemorative Works Act.

Page 22 - Gilbane

As of May 30, 2013, the Gilbane Company had been paid \$3.8 million, not \$7.2 million. GSA has been paid less than one million dollars, not the \$4.4 million noted in the report.

The project can account for detailed project estimating data to support the project management fees paid out to date.

We have complied with every request for documents. GSA has provided to the Committee staff exact and complete information directly from the government accounting office on contract amounts and paid-to-date amounts for all contracts involved.

Page 24 – Testing allowances

The requirements of review agency approvals necessitated unprecedented levels of additional design as well as unprecedented levels of material testing which would have normally been accomplished during the construction phase. While these steps were not anticipated, contingency funds, part of the overall project budget, covered these costs.

Gilbane’s contract amount is \$4.4 million, not \$7.2 million.

Page 25 – Executive Architect

Executive Architect Dan Feil has been with the Commission for ten years. His compensation package was reviewed under normal procedures as a sole source contract and is considered commensurate with an architect of his capabilities and accomplishments in a firm in this region. Mr. Feil is a fellow of the American Institute of Architects College of Fellows and a recipient of its national Thomas Jefferson Award for Public Architecture.

Page 26 – Example of Committee staff bias

Ms. Cimko’s resume was submitted to the Natural Resources Committee. It included her tenure as a communications executive at Burson Marsteller, Edelman, and FTI in Washington, DC. She also served



DWIGHT D. EISENHOWER

MEMORIAL COMMISSION

as Communications Director for the Senate Armed Services Committee and the Defense Base Closure and Realignment Commission, and as press spokesperson for the Secretary of Defense. She is the recipient of the Secretary of Defense Medal for Public Service and the National Trust for Historic Preservation's Presidents Award. The Committee only reported that she was "the daughter of a former chairman of the American Battle Monuments Commission, General P.X. Kelley."

Page 37 – Use of extreme language in tapestry description

The tapestry will be comprised of braided stainless steel cable, not "twisted wire." The artfulness of the tapestry imagery has been lauded by the Commission of Fine Arts (CFA). Repeated reference to the "iron curtain" is offensive.

The language on page 37 is eerily similar to language used by the National Civic Art Society. It is also incorrect. The panels will feature Kansas landscape with trees in leaf, not "barren." This language brings the veracity of the Committee staff into question.

Page 40 – CFA distortions

The Committee staff takes multiple excerpts out of letters from CFA. They failed to note that the Commission received preliminary concept approval twice, and it is stated in those letters.

Page 41 – Project cost management

When the tapestry concept was adopted by the Eisenhower Memorial Commissioners, the project budget was modified to include funds for testing. All funds used for testing have been within the project's budget. The additional tests required by NCPA would normally have been accomplished during construction, where they were budgeted. Moving them to the design phase became a new scope of work for the design team. A contract modification was necessary to move this work from construction budget to design budget.

Page 43 – Maintenance distortions

Presidential memorials require maintenance and lighting. The Committee staff pulls out the lighting cost number and the tapestry cost number as being uniquely excessive. The single largest maintenance cost of the memorial is the National Park Service bookstore, ranger contact station, and restrooms. The fifty-year cost of maintaining the memorial is less than the World War II Memorial and about the same as the Martin Luther King, Jr. Memorial. The committee continues to misrepresent the tapestries' durability and expense throughout this report.

Page 45 – Maintenance distortions

The purpose of the test was to determine the ease or difficulty of cleaning the tapestry mockup. The result was that the material could be easily removed using household leaf blowers or pressure washers



DWIGHT D. EISENHOWER M E M O R I A L C O M M I S S I O N

using no special equipment. This test was conducted to refute claims that hamburger wrappers would become lodged in the tapestry and require extensive removal procedures.

Page 47 – Speculation vs. expertise

It is likely that the Booz Allen study is a more accurate predictor of maintenance costs than speculation by the Committee staff. According to the National Park Service, historically, Booz Allen maintenance cost studies are within 5% of actual costs.

Conclusion

The Committee staff report, like the hearings that have been held by this committee, used information selectively to object to the continuation and construction of the current Eisenhower Memorial design.

The report elevates the desires of the family above those of a legislatively-created commission that includes members of Congress. The commission, its chairman and staff have always held Eisenhower family members in the highest regard. Chairman Siciliano has never been dismissive of the family's concerns. He was egregiously quoted out of context in the report, making it appear that he dismissed family criticisms of the memorial design. Mr. Siciliano's full quotation is as follows: "The family deserves to be heard; it does not have to be obeyed." By omitting the first phrase, the report blatantly misrepresents the intent and meaning of his statement. Mr. Siciliano has worked with the family for decades. Having worked in the Eisenhower White House and as chair of the board of the Eisenhower World Affairs Institute, he has the deepest respect for them. As envisioned by founding Senators Stevens and Inouye and carried out by Chairman Siciliano, the goal of the Eisenhower Commission has always been for a dignified memorial that celebrates this great American.

At the April 5, 2014 meeting of the National Capital Planning Commission, the staff report concluded that the current design had met the durability requirements of the Commemorative Works Act. The NCPC report also acknowledged the current design met four of the seven design principles and requested that the Commission return to NCPC with design modifications every sixty days. As cited earlier, memorials have averaged close to two decades from start to finish and have also been subject to criticism and controversy (Vietnam Memorial).

The Eisenhower Memorial project has been well managed by the Commission and staff even through the challenges posed by some members of Congress and the subsequent delays. The project is on budget. The cost of the project is projected to be similar to the Martin Luther King Jr. and World War II Memorials, the two most recent major memorials in DC. The Design Excellence Program is a well-respected government process. There was no preference given to any of the offerors. The process was fully open and competitive and met Federal Acquisition Regulations and GSA's policies and procedures.

There are numerous inaccuracies in expenditures throughout the report, including the reference on page 39 to a 2300% increase. We have not listed them all here.

