

**QFRs Submitted by Chairman Bishop  
Subcommittee on National Parks, Forests and Public Lands hearing on  
“Proposed Dwight D. Eisenhower Memorial”  
March 20, 2012**

**Questions for Reddel**

**1. How has the commission attempted to reconcile the design concerns of the Eisenhower Family?**

The Eisenhower Memorial Commission (EMC) has been making, and continues to make, a sincere effort to engage the Eisenhower family to discuss design concerns with the designer, Frank Gehry. In fact, as recently as April 16<sup>th</sup>, 2012, Mr. Gehry has offered to meet with the family at their convenience. Frank Gehry has indicated that there are still opportunities for the family to provide counsel and input on the memorial design.

The Commission has worked with the Eisenhower family since it was created by Congress in 1999 and, for over a decade, very much benefitted from their input. David Eisenhower was appointed to the Commission by President Clinton and Commission staff and fellow Commissioners were united in their presumption that he represented the family on the Commission until his resignation in December 2011.

The Commission was consistently assured by David Eisenhower that he represented the family. In fact, in May 2011, Mr. Eisenhower along with his sister Anne, participated in a lengthy private meeting in New York with Frank Gehry. The design concept of the tapestries representing a Kansas landscape, a statue of young Eisenhower, and the bas reliefs representing the President and General, were portrayed in a large design model and in a variety of presentation materials that were viewed by the family during this meeting. The design concept was fully discussed, including extensive conversations at dinner later that evening.

At the conclusion of the July 2011 meeting of the Commission, David Eisenhower seconded the motion to direct Mr. Gehry to complete the design. Directly following the meeting, Commissioner Eisenhower spoke informally with a small group to express his full support of the evolving progress of the memorial's design. He said that he had spoken with his father, John S.D. Eisenhower, and that they were both supportive of the Commission's progress and its ongoing work with Frank Gehry. By that time, design preparation was at the completion of the development stage and had progressed into the construction document preparation phase.

However, in October 2011, Anne and Susan expressed concerns about Eisenhower's memorialization and attempts were made to arrange a meeting for them with Frank Gehry. Due to schedule constraints on both sides, this meeting was set for December 1<sup>st</sup>, 2011.

On December 1<sup>st</sup>, 2011, Mr. Gehry came to New York, to meet with David, Susan, and Anne Eisenhower. Susan and Anne arrived and said that David would not be attending the meeting. Mr. Gehry reviewed the concept guiding his evolving design and addressed the concerns of the

Susan and Anne Eisenhower, including maintenance issues. Several days later, Anne Eisenhower sent an email to Mr. Gehry stating that the family did not like elements of the design but that it was not up to them to make suggestions for adjusting the design to their liking. A week later, the Commission was surprised and disappointed when David Eisenhower resigned, stating in previous private communications that he would resign rather than be in public dispute with his sisters.

Following the meeting with Anne and Susan Eisenhower in December 2011, Mr. Gehry and his design team believed they had made significant progress in understanding the concerns of the Eisenhower family and were prepared for additional engagement on design elements. They were then confronted with Anne Eisenhower's subsequent statements that the design was wholly unacceptable and that the family had no responsibility to propose changes.

Despite the sisters' negative response, Mr. Gehry has consistently expressed his openness to working with the family and has repeatedly affirmed his availability to meet with the Eisenhower sisters. Alternative dates have been offered by Mr. Gehry to the family to travel to Mr. Gehry's studio to see the working models and to listen to the family's concerns.

Although no visits have been scheduled, Mr. Gehry has remained willing to meet with the sisters and has asked them to send him dates when they would like to come to his studio. Mr. Gehry has indicated that opportunities remain for the family to provide substantive input on the design. On April 9th, 2012, Anne Eisenhower responded to Mr. Gehry saying they would not be meeting with him to help develop the evolving design.

Anne Eisenhower's letter in response to Mr. Gehry's invitation for the sisters to meet with him greatly mischaracterizes several important points. Neither Mr. Siciliano nor any member of the Commission staff has stated that there will be "no significant changes in the design." The Commission has supported the design concept, and Senators Inouye and Roberts have expressly solicited the views of the family. In fact, it is because of this willingness to work with the family that Mr. Gehry offered to make himself available at the sisters' convenience and Senators Inouye and Roberts encouraged them to do so in a letter dated March 27<sup>th</sup>.

Anne's letter also implies that the family has raised concerns for a significant period of time and that the Chairman and the Commission staff have not been responsive to these concerns. As noted in this response, the major concerns raised by Susan and Anne are of a very recent origin. They began in late 2011, yet the Commission had been hard at work with David representing the family as a Commissioner since 1999. The Commission has responded promptly and frequently with offers to meet and address these issues, including the aforementioned meeting in December 2011 and subsequent invitations from Mr. Gehry.

## **2. Has a meeting, since the hearing, been scheduled between Mr. Gehry and the Eisenhower Family?**

The EMC and Frank Gehry's staff have worked closely together to coordinate a visit for the Eisenhower family to Mr. Gehry's studio in Los Angeles. An open-ended invitation was issued by Frank Gehry to the sisters asking them to suggest dates compatible with their schedules. Mr.

Gehry wants to be as accommodating as possible, to ensure that the family can travel to Los Angeles to view the refinements Frank Gehry has made in response to the December 2011 meeting and their recent comments, and to further provide insight, refinement, and advice within the framework of the design.

On March 27, 2012, Senators Roberts, Inouye and the Commission asked the family to make a trip to Los Angeles in the next sixty days, in an effort to enable the memorial to proceed on schedule and on budget. While the tapestry that surrounds the memorial and the centralization of the heroic depiction of Eisenhower as General and President remain as elements of the design, Mr. Gehry has indicated he wants the family to work with him on other elements of the memorial.

In addition to Frank Gehry and the Commission's efforts, Senator Pat Roberts and his staff have been working on behalf of the Commission's Executive Committee to encourage, arrange, and schedule Eisenhower family meetings at the Commission's expense with Frank Gehry and other pertinent parties.

**3. It says in the 2006 meeting minutes that Chairman Siciliano spoke with Frank Gehry about designing the Eisenhower Memorial a few years prior to that. Being that Gehry was ultimately selected (in 2009), it could leave the impression that he was preselected. Was Gehry the preferred candidate from the onset? How can we know the competition was fair?**

There was no pre-selection of a designer or preferred candidate. In fact, when the selection was approved by the Commission at a Commission meeting in March 2009, David Eisenhower stated "as a Commissioner and a member of the Eisenhower family he could vouch for the integrity and excellence of the selection process."

The competition was fair and unbiased. It was conducted in accordance with established procedures of federal law and executed by the Central Office of GSA in coordination with the National Capital Region. Representatives from the Eisenhower Memorial Commission constituted less than one third of the voting members of the Evaluation Board. The other members were selected by GSA Central Office and no representatives from the Eisenhower Memorial Commission chaired any of the panels. The entire process was overseen by a GSA contracting officer. David Eisenhower was the only Commissioner to serve on both the non-voting Design Jury as well as the GSA Design Evaluation Board.

**4. Why did you simply ask for qualifications and "design philosophy," but not actual designs from architects?**

The RFQ announcement identified a three-stage procurement process under the GSA Design Excellence Program. It was a portfolio-based selection. The announcement offers the opportunity for interested parties to ask the Contracting Officer for a copy of Volume 1 of the Pre-Design Program by way of further introduction to the project. In this way, interested parties do not have to rely on "the word on the street" to learn about the project and they cannot contact EMC or any government entity concerned with the procurement once the RFQ is out for

response. The Stage 1 submittal is mostly portfolio and resume information required of the proposed lead designer and her/his associated firm.

### Evaluation Criteria

The FBO Announcement included the Stage 1 evaluation criteria which were as follows:

1. Lead designer portfolio [55%]
2. Philosophy and Design Intent [20%]
3. Past Performance on Design [15%]
4. Lead Designer Profile [10%]

Evaluation Criteria were similarly included in the announcement of each successive evaluation stage.

### Selection Process

According to the Commission's Executive Architect, the GSA Report details that GSA Central Office was in charge of the memorial designer selection process along with the Contracting Officer from GSA National Capital Region. An Evaluation Board of 12 members [the only Commission representatives on this board were two EMC Commissioners, Rocco Siciliano and David Eisenhower, and the EMC Executive Architect Dan Feil] reviewed the forty-four [44] proposed lead designer portfolios and the other components of the submittals. The Evaluation Board voted on a preliminary short list of seven [7] designers and associated firms for further consideration. All votes had equal weight. Stage 2 submittals by this short list of seven firms identified the full design team and provided a preliminary vision for the memorial. The preliminary vision is the lead designer's interpretation of the Program in sketch form. They were presented at individual team interviews. The vision is not a design concept; that can only be developed once the actual designer and design team is selected and under contract. Stage 2 resulted in a final short list of four teams which continued to Stage 3. In Stage 3, firms received a stipend and were asked to further develop their vision. A Jury of eight [8] Professional Peers and Commissioner David Eisenhower reviewed and commented on the submitted Stage 3 visions to the Evaluation Board. Interviews with the four [4] final short-listed firms were held. The Evaluation Board then fully evaluated the final short list and recommended the first and second place firms.

Only three [3] of the twelve [12] member Evaluation Board were EMC Commissioners or staff. Only one [1] Commissioner (David Eisenhower) was a member of the nine [9] member Jury. The Evaluation Board was chaired by GSA and the jury was chaired by an architect in private practice. Neither EMC Commissioners nor staff chaired the panels. GSA Central Office had to approve all panel members and invited all participants. Only David Eisenhower served on both panels, the Jury and Evaluation Board. Professional Peers are routinely used by GSA on these evaluation boards and juries. Additionally, EMC Commissioners Alfred Geduldig and Susan Banes Harris were both observers for the evaluation process. This allowed them to attend the interviews and the panel deliberations, but not to ask questions of the Panels during deliberations. They were non-voting.

The recommendation of the Panel was also formally reviewed by GSA-National Capital Region (Office of Legal Counsel and the Contracting Officer) and a report prepared. The report with the

decision of the Evaluation Board was signed by each member. The recommendation was then forwarded to the Commission, which held a Commission meeting on March 31, 2009 to decide whether or not to accept this recommendation.

This is the formal process for this type of federal procurement. It is inappropriate to ask for actualized designs for the memorial without providing an opportunity for the designer to meet with the appropriate federal review agencies the National Capital Planning Commission (NCPC), Commission of Fine Arts (CFA), National Capital Memorial Advisory Commission (NCMAC)), the Eisenhower family, and with the Eisenhower Memorial Commission. Federal laws including the National Environmental Policy Act and the National Historic Preservation Act require public input during the design process.

#### **5. How did you publicize that Americans could apply to design the Eisenhower Memorial?**

The competition was advertised on FedBizOpps. This is considered “required reading” for federal business opportunities and is considered normal procedure for federal design and building opportunities.

The memorial design contract was a public federal procurement and followed the Federal Acquisition Regulations. The overall process was administered by the General Services Administration/National Capital Region [GSA/NCR] with the management of the memorial designer selection process by the GSA Central Office. The design project was announced publicly in the Federal Business Opportunities [FBO] website. With the approval of the Contracting Officer, notice of the Request for Qualifications was also listed by the American Institute of Architects and the American Society of Landscape Architects on their respective websites after it was posted on FBO. The announcement was also listed prominently on the EMC website and on the GSA website once it was public information on FBO. See also answer #4.

#### **6. Why did you choose to run the competition via the Design Excellence Program despite its difficulties in the case of the National World War II Memorial competition, including the public outcry against the initial competition? Were you aware of those difficulties?**

The Eisenhower Memorial Commission has very limited direct contracting authority. The National Capital Region of the General Services Administration is set up to provide design services contracting for federal commissions such as ours. The GSA Design Excellence Program is well-respected within the design community as signifying the desire for a high quality design effort. The nature of the GSA Design Excellence program was well expressed by William Guerin, Assistant Commissioner for the Office of Construction Programs, Public Building Service, U.S. General Services Administration, in the following testimony before the Subcommittee on March 20, 2012:

*GSA’s Design Excellence process seeks to commission the nation’s most talented architects, and engineers to design projects of outstanding quality and value. We use the Design Excellence process to select Architect/Engineer firms for our new construction and major modernizations. These projects aim to demonstrate the value of truly integrated design that balances aesthetics,*

*function, cost, constructability, reliability, reduced energy consumption, and gives form and meaning to our democratic values.*

*The Design Excellence program provides a competitive and streamlined process for identifying qualified firms, and then asking a short list of highly qualified firms for design proposals that allow us to select the firm representing the best value to the government. As part of this process, GSA utilizes the expertise of private sector peers to assist in evaluating the firms, ensuring that we benefit from the knowledge of a wide variety of individuals.*

In March 2008, EMC conducted a survey of its Commissioners as to whether they preferred a portfolio-based competition, such as the one used when the World War II Memorial design competition was initiated, or whether they wanted to open the competitive process to a broader group, such as was eventually done for the World War II project. The pros and cons of both methodologies were discussed with the EMC commissioners prior to their polling and they ultimately chose to pursue a portfolio-based selection.

**7. Do you think it was sufficient that the Eisenhower Memorial competition was advertised only at FedBizOpps.gov? Did the Eisenhower Memorial Commission seek to maximize interest in the competition? If not, why?**

The memorial design contract was a public federal procurement and followed the Federal Acquisition Regulations. The overall process was administered by the General Services Administration/National Capital Region [GSA/NCR] with the management of the memorial designer selection process by the GSA Central Office. The design project was announced publicly in the Federal Business Opportunities [FBO] website. With the approval of the Contracting Officer, notice of the Request for Qualifications was also listed by the American Institute of Architects and the American Society of Landscape Architects on their respective websites after it was posted on FBO. The announcement was also listed prominently on the EMC website and on the GSA website once it was public information on FBO.

**8. Of the 44 entries the competition received, how many and which ones were specifically solicited by the Eisenhower Memorial Commission and/or its agents?**

After the RFQ was published in FedBizOpps and published on other sites as noted previously, with the approval of the GSA Contracting Officer, letters were sent by the Eisenhower Memorial Commission Executive Architect to thirty architects and landscape architects announcing the RFQ for design services for the Eisenhower Memorial. These were not a solicitation of any kind. This was another outreach effort to ensure the Commission received as broad a range of responses to the RFQ as possible.

GSA did not analyze the question of whether any of the recipients of the letters in fact responded to the RFQ.

**9. Have you ever made the competition entries public?**

GSA has control over the submissions by prospective designers and has allowed the individual designers to release their submissions at their discretion. The Eisenhower Memorial Commission has no authority in this area and we encourage the Committee to make this inquiry directly to GSA.

**10. Would you provide the committee with Frank Gehry's submission?**

The submissions are under the control of GSA and we suggest you make this inquiry to GSA.

**11. What official actions, including votes, did the Eisenhower Memorial Commission take between its 2007 and 2009 meetings? If, as you stated in your testimony, there were no official meetings during that time period, on what authority were those actions taken?**

When the Commission was first created by Congress in 1999, it faced multiple challenges of deciding where and what the memorial to General and President Eisenhower would be. After the memorial's site was approved by Congress and the President in 2006, we knew the 'where.' The next step was to determine the 'what.' In order to do this, the Commission undertook the creation of a Pre-Design Program. EMC staff worked with the firm Skidmore, Owings & Merrill LLP (SOM) to develop this Program. Its purpose was to lay out the challenges of the memorial's site and detail the historical legacy of the memorial's subject to prepare the future design firm.

After the Pre-Design Program was completed, Commissioners would decide whether to accept it (which they did), and they needed to choose the process by which a designer would be selected. Commissioners and their staff were thoroughly briefed on the details and the ramifications of these decisions, both in-person and through written materials, and Commissioners agreed to clearly indicate their preferences via poll.

Commissioners were polled on the following matters: support or oppose the Pre-Design Program; select a Manager of Design and Construction among GSA, NPS, or Architect of the Capitol; to proceed with a portfolio-based Competition or an Open Competition; and whether the project should be open to international designers or national designers.

In March 2008, Commissioners indicated their preference to: 1) support the Pre-Design Program; 2) use GSA as the design and construction management services provider; 3) proceed with a portfolio-based competition; 4) restrict the project to national designers.

Once this decision was made, the procurement process was organized and announced publicly. Once the procurement process began, it was the major focus of the efforts of the Commission, and due to procurement rules, it was not a subject that could be publicly discussed by the Commission. It would have been inappropriate to hold a Commission meeting during this process to discuss the procurement.

The schedule for the entire process was as follows:

August 2008 – Announcement in FedBizOpps

October 2008 – Stage 1

Evaluation Board Meeting – 44 submittals to 7

December 2008 - Stage 2

Evaluation Board Meeting – 7 to 4

March 2009 – Stage 3

Jury Meeting – Pros and Cons of Vision Statements

Evaluation Board Meeting – Selection of Nos. 1 and 2.

March 31, 2009 – Commission Meeting  
Selection was approved by Commissioners

Please note, intervals between Eisenhower Memorial Commission meetings have been the following between 2001 and 2011: 3, 7, 14, 5, 9, 9, 12, 3, 3, 6, 16, 20, 12, and 16 months.

**12. What unofficial Eisenhower Memorial Commission meetings or assemblies were held between its 2007 and 2009 official meetings? What was the business of those meetings or assemblies, and were all Commissioners invited to them? Were those meetings or assemblies held off the record, and if so, why?**

As stated above, there were no unofficial meetings or assemblies between 2007 and 2009.

**13. How much will you pay the Washington, DC government for lost parking revenue?**

The Commission has been working for the past several years with the District's Department of Transportation (DDOT) to determine a fair market value rate to compensate for the permanent loss of revenue from 69 parking meters. We have worked through DDOT staff, staff from the Deputy Mayor's office, and members of the D.C. Council, but have yet to determine a precise value. Councilman Tommy Wells' staff has agreed to assist the Commission in determining this amount, but has advised that we not pursue this until the Commission attains design approval from the National Capital Planning Commission.

**14. What do we know about the durability of the tapestry? How long could it be expected to last without replacement? On what are these estimates based? What will be the annual maintenance cost for the tapestry?**

Since the inception of the project, the Commission has worked with its sponsor, the National Park Service, which will operate and maintain the memorial after it is completed, to ensure that all elements of the memorial will be maintainable and lasting. It is mandated in the designer's contract that all elements of the memorial shall last for a period of at least 100 years.



The design team has performed material testing for the stainless steel wire proposed to produce the tapestry. Those test results indicate no corrosion to the surface of the material when exposed to conditions simulating the environment. The testing represents accelerated age testing. Further testing along with the National Park Service will be continuing, with a series of performance tests using final production of the tapestry itself. The performance tests will provide results for in-situ conditions. The tapestry and supporting elements have also been studied in a wind tunnel laboratory. Those results have helped the engineers with supporting information in the design of the structural integrity. Maintenance planning will be based upon the performance testing. Maintenance and accessibility plans are considered and incorporated into the planning of the memorial.

Gehry Partners has had many meetings regarding the maintenance of the tapestries, and the design team has created a strategy for accessing all surfaces of the tapestries for general cleaning and maintenance. This system will ensure that NPS staff can easily access and maintain the tapestries.

As designer Frank Gehry indicated in his statement to the Committee on March 19, 2012, EMC, NPS, and GSA have repeatedly “drilled” into the design team the importance of ensuring that the tapestries are cleanable, durable, and maintainable.

**15. Typically, memorials under the Commemorative Works Act must have all funding in place before construction can proceed. Is that the case with the Eisenhower Memorial? If not, why was this accommodation made?**

In its FY12 appropriations, Congress decided to fund memorial construction in increments as opposed to a lump sum. To accomplish this, Interior Appropriations staff included language in the Commission’s appropriations legislation that “the funds appropriated herein shall be deemed to satisfy the criteria for issuing a permit contained in 40 U.S.C. 8906(a)(4) and (b),” which allows the Commission to proceed with construction.

**16. If the Eisenhower Memorial was cancelled tomorrow, what are the outstanding obligations of the commission and the status of the \$33 million for the fiscal year 2012 appropriation?**

These funds have been appropriated and are in our account. They are being used as is designated. Currently, there are approximately \$9 million of obligations outstanding.

**17. Would you please submit the bylaws of the Eisenhower Memorial Commission?**

The Commission is not a corporate body and does not operate under a set of by-laws. The Commission, which was established by Congress, operates under the authority of its enabling legislation, P.L. 106-79, as amended by P.L. 110-229.

**18. In the letter you submitted by Frank Gehry, he stated that the artist Charles Ray “is not currently nor has he ever been formally connected with the project.” In what non-**

**formal ways has Mr. Ray been connected with the project? Did he receive compensation for any work he did for the Memorial? If so, how much?**

Mr. Ray has never had a formal connection to the project. EMC staff have not had any formal, or non-formal, contact or communications with Mr. Ray, nor made any payments to Mr. Ray.

**19. What is the status of private fundraising for the memorial?**

In the spring of 2011, through a competition overseen by GSA, the Commission awarded a private fundraising contract to Odell, Simms & Lynch (OSL), an accomplished and successful fundraising firm located in Falls Church, Virginia. OSL has developed a fundraising strategy which it is in the process of executing. Senator Roberts has sought to arrange a meeting of OSL with Anne and Susan Eisenhower to discuss the effort.

**20. Did you ever do a feasibility study on the commission's ability to conduct private fundraising?**

The Commission was urged to undertake a feasibility study by House Interior Appropriations Subcommittee staff in 2008. Upon request, Senator Pat Roberts' staff recently shared this study with the Eisenhower family. It was pointed out to the family that the information contained is outdated and does not reflect the current market conditions. The Commission's fundraising strategy is based on the expertise of OSL and current market conditions.

**21. When did the full commission vote to formally approve the concept design?**

At a formal meeting of the Commission on March 25, 2010, the Commission voted to unanimously approve the preferred design concept. This concept was unanimously re-affirmed at a subsequent Commission meeting on July 12, 2011 and directed Mr. Gehry to complete the design as presented to the Commission at that meeting.

**22. How many paid employees, including consultants does the Commission have?**

As indicated in the Commission's FY13 Budget Justification, the Commission has seven full-time temporary federal employees, and four contract employees, including the Commission's Executive Architect.

**23. Is there a retail component to the design? If so, what are the plans?**

The Park Service will have a small bookstore/ranger station on-site, similar to the facilities at the FDR and the MLK memorials. The bookstore operations are conceived by NPS as an integral part of their education efforts. The NPS ranger station is co-located within the bookstore space to facilitate this goal.