

## **MINUTES OF THE FEBRUARY 23, 2009, FACILITIES COMMITTEE MEETING**

The Facilities Committee (“the Committee”) of the Board of Regents of the Smithsonian Institution held a meeting on February 23, 2009, at 2:00 p.m. in the Regents’ Room of the Smithsonian Castle in Washington, D.C. In attendance were Chair Robert Kogod and members Congressman Xavier Becerra\*, Congressman Sam Johnson, and Senator Patrick Leahy\*. Also present were Secretary G. Wayne Clough; Chief of Staff to the Secretary Patty Bartlett; Director of the Office of Planning, Management, and Budget Bruce Dauer; Acting Director of the Office of Facilities Engineering and Operations (OFEO) Clair Gill; Assistant to Congressman Becerra Melody Gonzales\*; Assistant to Congressman Johnson David Heil\*; Office of the Regents Program Officer Grace Jaeger; Director of the Office of Project Management, OFEO, Sheryl Kolasinski; Chief of Staff to the Regents John K. Lapiana; Assistant to Senator Leahy Kevin McDonald\*; Chief Financial Officer Alice Maroni; Under Secretary for Finance and Administration Alison McNally, Director of Government Relations Nell Payne; and Assistant General Counsel James Wilson.

Mr. Kogod called the meeting to order at 2:05 p.m. and confirmed the presence of a quorum. He asked if there were any questions or comments on the notes from the September 4, 2008, meeting. There were none and he noted that approval of the notes was not necessary because a quorum had not existed at that meeting.

### **Report of the Chair**

Mr. Kogod referred participants to the document entitled “Facilities Capital and Maintenance Investment Requirement FY 2008–2017.” Created in response to the Government Accountability Office’s report on the Smithsonian’s facilities, the paper documented the \$2.5 billion shortfall in funding for the Smithsonian’s facilities capital and maintenance needs. During the discussion Mr. Kogod noted the shortfall was now estimated at \$2.338 billion and asked Mr. Gill and Ms. Kolasinski to update the document periodically.

Mr. Kogod then provided an update on the search for a permanent Director of OFEO. He reported that efforts had been made to attract the widest possible pool of applicants by reaching out to professional organizations that represent minorities. Almost 200 applications were received in response to the job announcement, which was posted as both a Federal and a Trust position. Ms. McNally, the selecting official, said that a final decision was expected in April 2009.

Mr. Kogod discussed increasing the number of members on the Committee by adding one or two non-Regent voting members. He reported that Director of External Affairs Ginny Clark had provided him with a slate of possible nominees from various Smithsonian advisory boards. He said that he was in the process of reviewing those names, would welcome additional suggestions, and would report back to the Committee on his findings.

*\* present by teleconference*

## **Legacy Fund Update**

Ms. Payne reported that language on the Legacy Fund might be included in a possible omnibus spending bill for fiscal year 2009. If passed, the bill would modify the terms of the Legacy Fund to create a dollar-for-dollar match, as well as provide for the Smithsonian's ability to access funds on an incremental basis. However, if an omnibus spending bill is not passed, the current Continuing Resolution will be extended until the end of fiscal year 2009 and the terms of the Legacy Fund will not change. Messrs. Johnson and Becerra said they would speak with Congressman David R. Obey (D-WI), the Chairman of the House Appropriations Committee, to discuss funding options.

## **American Recovery and Investment Act of 2009**

Mr. Gill and Ms. Kolasinski then discussed the American Recovery and Investment Act of 2009 (the "stimulus bill") and its application to the Smithsonian. They reminded the Committee that the Smithsonian's original criteria for funding were that a project be of high priority to the Smithsonian and that the Smithsonian be able to obligate the funds within 120 days of enactment. Because the stimulus bill funding designated for the Smithsonian had been reduced to \$25 million, the Institution's list of "shovel-ready" projects was revised and the funds, which will be added to existing fiscal year 2009 funds, were divided almost evenly among three categories: the Arts and Industries Building, the National Zoo, and other projects across the Smithsonian. Mr. Becerra noted that it would be unwise to include any funding for design rather than actual construction. The Congressional Regents concurred and Mr. Kogod asked Mr. Gill and Ms. Kolasinski to revise the figures to better reflect this recommendation. Mr. Becerra further stated that oversight should be performed to ensure that expenditures follow the letter and spirit of the Act as this could affect future Federal funding.

## **Major Capital Program Progress Updates**

Ms. Kolasinski presented brief status reports on six projects: the replacement greenhouse facility for the Office of Facilities Engineering and Operations' Horticulture Services Division; Pod 3 at the Museum Support Center; the National Museum of African American History and Culture; the Smithsonian Tropical Research Institute's Gamboa Laboratory Facilities; the National Air and Space Museum's Steven F. Udvar-Hazy Center Phase 2; and the Smithsonian Environmental Research Center's Mathias Replacement Laboratory. For each project update she provided a budget document, photograph, and mission/scope statement. She noted that energy efficient, "green" buildings are a Smithsonian goal and, according to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, several new construction projects were rated LEED Silver or LEED Gold. Mr. Kogod commented that the information provided was very concise and helpful.

Ms. Kolasinski also gave additional details on the design competition for the National Museum of African American History and Culture (NMAAHC). The six firms on the competition's short list all have minority principals, are well-experienced, and represent a variety of architectural approaches. The panel that will select the winning submission is chaired by NMAAHC Director Lonnie Bunch and includes Mr. Kogod, four NMAAHC

Advisory Council members, two OFEO staff, and three outside panelists (a critic, an architecture school dean, and the design director of the National Endowment for the Arts).

### **Vehicle Maintenance Branch Relocation**

The Committee next discussed a proposal to construct a new facility to house the Institution's Vehicle Maintenance Branch (VMB) at the Smithsonian's Suitland, Maryland, complex, an initiative that would require authorization from Congress. It was explained that the VMB must be moved from its current location in the General Services Building (GSB) at the National Zoo because its operations cannot be maintained during the scheduled renovation of GSB. Also noted was the incompatibility of VMB's current location with other units that inhabit the GSB, such as the Zoo's food-preparation commissary. The proposed facility would cost \$4.5 million, most of which would be directed towards equipping the building to be a vehicle repair and maintenance facility. It was noted that OFEO had explored the possibility of leasing space for the VMB for the duration of the GSB repairs but no viable outfitted, move-in automotive facilities for lease had been found within the Metropolitan area.

Mr. Becerra requested further analysis of lease vs. construction options and Mr. Kogod asked OFEO to provide this. Mr. Becerra also suggested alerting the appropriate Congressional oversight committees. Ms. Payne responded that standard operating procedure had been to notify the oversight committees when a project was proposed for inclusion in the agenda for a Regents' meeting and then to brief the committees in detail after a project was approved by the full Board of Regents, but, following the Regents' recommendation that the committees be alerted earlier, she would notify the Hill of the Facilities Committee's approval of the VMB project and request the opportunity to brief them prior to the April 6, 2009, Regents' meeting.

The Committee approved the following motion:

**VOTED** that the Facilities Committee recommends that the Board of Regents authorizes the Secretary to submit a request for Congressional authorization to construct a new vehicle maintenance facility at the Smithsonian's Suitland Collections Center in Suitland, Maryland.

### **Federal Capital Program Performance**

Dr. Clough began the Federal Capital Program Performance presentation by explaining that he had asked OFEO to prepare information on the Smithsonian's construction project process and to provide benchmarks to compare the Smithsonian's performance against that by other organizations. He said that the process was intended to ensure that the Smithsonian's construction resources are well spent and in keeping with industry standards. It was noted that the analysis was restricted to the use of Federal funds and that the results will support the Smithsonian's position with regard to future budget decisions made by the Office of Management and Budget.

Ms. Kolasinski presented charts that note that the productivity and efficiency of the Smithsonian has steadily increased and has exceeded the Federal benchmarks on average

for a decade. She said a typical Smithsonian construction project has a long planning and design timeframe that includes many required approvals. She explained that on some projects there is a break in the project timeline and that delays in planning and design are typically caused by postponed access to funding or changes in the definition or scope of work.

Mr. Kogod and Secretary Clough expressed their confidence in OFEO's management of the Smithsonian's construction resources and thanked Mr. Gill and Ms. Kolasinski for their hard work.

The Chair then adjourned the meeting at 3:30 p.m.