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United States General Accounting Office

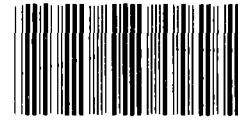
GAO

Fact Sheet for the Honorable
Thad Cochran, U.S. Senate

November 1987

FIRE SAFETY

Correction of Deficiencies in Walnut Towers Building, Vicksburg, MS



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United States
General Accounting Office
Washington, D.C. 20548

General Government Division

B-229185

November 2, 1987

The Honorable Thad Cochran
United States Senate

Dear Senator Cochran:

In your June 29, 1987, letter and subsequent meetings with your representatives, you requested an investigation of the status of resolving fire safety hazards at the General Services Administration (GSA) leased building at 1500 Walnut Street, Vicksburg, Mississippi. This building, also called Walnut Towers, is occupied by about 600 employees of the U.S. Corps of Engineers, Vicksburg District.

We have completed our work, which involved touring the building; interviewing GSA, City of Vicksburg, and Corps of Engineers officials and an agent of the building owner; and reviewing inspection reports, GSA lease files, and correspondence between GSA, the City, the Corps, and the building owner. Your representatives requested that we summarize our findings in a written fact sheet.

In summary, we found that GSA and the City have initiated action to resolve the fire safety deficiencies in the building noted by the City of Vicksburg in a November 17, 1986, inspection report. Some deficiencies have already been corrected and the others are either in process or planned to be corrected by January 1989. GSA has not completed determining financial responsibility for each deficiency, however, which could affect adherence to this schedule. Further information on these matters is presented in the appendix.

We discussed the matters contained in this fact sheet with each of the parties involved, who generally agreed with the facts.

As arranged with your office, we are sending copies of this fact sheet to the Administrator of General Services, the Assistant Secretary of the Army (Civil Works), the Mayor of Vicksburg, and the building owner. Copies will also be available to other interested parties upon request.

B-229185

As agreed with your representatives, we will periodically inquire into the status of correcting the fire safety deficiencies and keep your office informed of this progress. Please feel free to contact Frank Oberson on 275-4404, or me on 275-8676, if there are further questions on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "L. Nye Stevens". The signature is written in a cursive style with a large initial "L" and a long horizontal stroke at the end.

L. Nye Stevens
Associate Director

Status of Correcting Fire Safety Deficiencies
in the Walnut Towers Building, Vicksburg, Mississippi

BACKGROUND

In response to an August 29, 1975, General Services Administration (GSA) solicitation, Universal Development Corporation constructed 1500 Walnut Towers for lease to the government. The building was constructed by adapting an existing three level parking garage to a six story office building, with library and laboratory space on the first level, inside parking on the second level, and offices on the third through sixth floors. GSA leased the building on December 24, 1975, to consolidate offices of the Vicksburg District, U.S. Corps of Engineers. Corps employees moved into the building during August and September 1978 while parts of it were still under construction. Currently, about 600 Corps employees are located in the building.

As amended, the lease with the Vicksburg Federal Building Limited Partnership, the current lessor/owner, will expire on September 14, 1998. The lease requires the lessor/owner to comply with all local building and fire code requirements. Further, it grants GSA the right to provide any service and to perform maintenance and repairs that the owner fails to provide or perform, and deduct the associated costs from rental payments.

GSA inspections in September through November 1978 revealed that the building had many deficiencies and was not built in accordance with construction plans. GSA's lease file contains correspondence between GSA and the owners from 1978 to the present concerning building deficiencies. However, GSA said that no more than token corrections were made by the owners until recently.

The Corps of Engineers contracted with engineering firms in 1982 and 1986 to study and report on building problems. Both studies revealed major fire safety problems, but did not result in any major changes in the building's condition. However, according to GSA, the 1986 study resulted in a GSA commitment to make the building completely safe for the occupants.

In response to Corps' complaints, GSA requested the City of Vicksburg to inspect the building in 1986. The City's report, dated November 17, 1986, contained 72 deficiencies that were violations of City codes. Several reported violations were duplications, such as citing the same problem on each floor and

again as a building-wide problem. The deficiencies primarily affected the occupants' ability to evacuate the building in the event of a fire and included the following: exit corridors and stairs were without proper fire ratings; the air supply system lacked smoke detectors; travel distances to exits were excessive; exits were inadequate; and work areas were overburdened with extension cords and did not have clearly marked corridors leading to exits.

OBJECTIVE, SCOPE, AND METHODOLOGY

As you requested, we limited our objective to identifying the status of actions taken to correct the deficiencies noted in the City's November 17, 1986, inspection report. We did not attempt to determine who was responsible for correcting the deficiencies or what caused the deficiencies, and accordingly, have drawn no conclusions regarding these questions.

We performed our work during August and September 1987 at GSA Region 4 in Atlanta, Georgia, and at Corps of Engineers and City offices in Vicksburg, Mississippi. We interviewed GSA officials responsible for fire safety and lease administration matters, Corps officials and personnel responsible for administrative and safety matters, the City of Vicksburg Building Inspector and Deputy Fire Chief, and an agent of the building owner. We toured the building with Corps and City officials and observed corrections and still existing deficiencies. We reviewed the lease; prior inspection reports; GSA's lease files; Corps studies; and correspondence between GSA, the Corps, the City, and the building owner.

CHRONOLOGY OF RECENT ACTIONS

The City allowed the building owner and the government an unspecified amount of time to have the deficiencies in its November 17, 1986, inspection report corrected. During January and February 1987, representatives of the City, the Corps, GSA, and the owner met and discussed building problems and their correction. On March 7, 1987, the owner advised GSA that, after the lease was amended, the owner would provide smokeproof corridors and stairwells, install smoke detectors in the air system, and provide emergency lighting. On March 27, GSA sent preliminary plans and specifications for these alterations to the owner and asked the owner to develop cost estimates for accomplishing the work. GSA advised the owner that cost estimates were needed before reaching any agreement to modify the lease, regardless of who would pay for the work.

GSA received the owner's proposal for this work on June 26, 1987. GSA said that because the proposal was not itemized and did not include detailed plans and specifications, they decided to contract with an architect/engineer and prepare their own action plan. GSA said its proposal was intended to be a comprehensive plan in that it incorporated input from the 1982 and 1986 Corps studies, a recent Corps listing of needed corrections, the City's inspection report, and their own inspections.

Because of its dissatisfaction with the progress being made, the City cited the building owner for the deficiencies on June 30, 1987, and scheduled a public hearing to provide the owner the opportunity to answer the citation. This citation was the first in the building's history and included all of the items in the November 17, 1986, inspection report. The June 30 citation stated that if the inspection findings were confirmed at the public hearing, either in full or as modified, an order would be issued allowing 120 days from the date of the hearing for the correction of all deficiencies or demolition of the structure.

On July 29, 1987, GSA informed the City that building deficiencies could be more quickly corrected if GSA contracted with an architect/engineering firm to design the required work rather than relying on the owner to do so. GSA said that alteration work would probably not start before April 1988, but that once the scope of work was sufficiently complete, GSA would provide the City with a copy for review.

On August 3, 1987, the City Building Inspector presided over a hearing with City fire department officials, representatives of the building owner, and GSA. The hearing resulted in the City agreeing to accept GSA's July 29 proposal if the owner addressed four deficiencies within 2 weeks. These deficiencies required the owner to (1) reduce the occupancy on overcrowded floors, (2) rearrange furniture to make proper aisles for escape routes, (3) assure that smoke detectors were properly installed and the fire alarm system operated properly to shut down the heating, ventilating, and air conditioning system in the event of a fire, and (4) seal holes in the floor slabs and ceiling tiles.

The City reinspected the building and tested the emergency lighting system on August 10 and 11 as a follow-up to the August 3 hearing. The City found that some progress had been made and informed the owner on August 14, 1987, that additional time would be granted for repairs if five conditions were met. These conditions, which included some of the deficiencies noted in the August 3 hearing, were: (1) improving the fire detection system; (2) removing partitions in office areas; (3) removing

communications cables that were penetrating ceiling tiles; (4) improving the public address system; and (5) correcting numerous specific housekeeping violations affecting evacuation such as doors being blocked open, storage boxes blocking stairwells, and extension cords creating a tripping hazard.

On August 24, 1987, the City further advised the building owner that while some work had been done regarding the fire detection system and other deficiencies, the City was not satisfied with corrections made in the building. The City's August 24 letter also said that if six items were not addressed and in some state of correction within 3 weeks, the City would begin the process of ordering the building brought to code standards within 120 days or the building would have to be vacated until it was brought into compliance. The City further said that if the six items were corrected within 60 days, it would agree to allow the additional time needed under GSA's plan to correct remaining deficiencies. The six items included the following:

(1) properly install a smoke detector system, (2) remove metal plates over floor openings and fill with concrete, (3) provide emergency lighting to all areas in the building, (4) remove all penetrations of ceiling tiles, (5) repair the public address system, and (6) realign office partitions to remove the existing maze.

The City Building Inspector told us on September 17, 1987, that sufficient corrective measures had been taken for the City to extend the 3-week deadline to September 22, 1987. On September 24, he informed us that sufficient work had been initiated or completed in the building to satisfy the September 22, 1987, deadline, and that he anticipated that the remaining work on the six items would be completed before the 60-day deadline.

GSA told us they would be meeting with City and Corps representatives in early October to reach final agreement on the acceptability of GSA's July 29 proposal. City officials told us in September, after a preliminary review, that GSA's proposal seemed acceptable.

STATUS OF CORRECTIONS

We inspected the building on September 16, 1987, with the City's Deputy Fire Chief. Our inspection showed that of the 72 deficiencies listed on the November 17, 1986, report, 18 deficiencies had been corrected; action had been started on 3 but not yet completed; and repair work had not been started on 51 deficiencies.

The 18 corrected items included the owner's installation of additional exit signs and fire alarm pull stations; removal of mirrors that hindered the visibility of exit signs; and the Corps' removal of materials stored in exit corridors. The three items that were partly corrected included the owner's installation of smoke detectors in the air system and penthouse, and the Corps' rearrangement of furniture and partitions to make proper aisles for escape routes. The 51 remaining deficiencies are, for the most part, included in GSA's action plan.

GSA'S ACTION PLAN

GSA's plan addresses all of the deficiencies in the City's November 1986 inspection report with the exception of removing a concrete projection in an exit stairway, providing a 1-hour rated ceiling, and two other housekeeping items that are to be corrected by the Corps. However, GSA's plan does not address what party is financially responsible for each deficiency--the owner, the Corps, or GSA. GSA officials told us that they are in the process of determining who is responsible for each item in their plan. Once the scope of work has been determined and cost estimates are prepared, GSA said it will inform the owner of its financial responsibility.

GSA's action plan shows that alterations work will begin in April 1988 and be completed in January 1989. We do not know whether this time frame is realistic and will be met, especially since the question of financial responsibility has not been resolved. GSA officials, however, told us that if the owner does not agree to pay for corrections that GSA believes are its responsibility, then GSA plans to have the work done and deduct these costs from the rental payments to the owner.

OTHER ISSUES

According to City and GSA officials we interviewed, some of the deficiencies have been present since the original construction and are clearly the owner's responsibility while others have been caused by changes to the building made by the tenants and are the government's responsibility. City and GSA officials also told us that several other factors complicate resolution of the fire safety deficiencies:

- The government occupied the building before all construction work, including some fire safety features, was completed, which the owner could argue constituted government acceptance of the building's condition.

- The City issued the owner a certificate of occupancy without inspecting the building, relying instead on an affidavit from the owner's architect/engineer stating that the building complied with all code requirements.
- The Corps and GSA have altered the building over the years without City inspection or approval.
- The Corps has moved more occupants and office equipment into the building than originally envisioned by GSA.
- GSA and City officials are primarily concerned with repairing the building, whereas Corps' officials would prefer moving to another building.

As you requested, we did not attempt to determine who is responsible for correcting building deficiencies; what caused the deficiencies; and accordingly, how the above issues could affect financial responsibility of the parties. However, the resolution of these matters could delay GSA's plans for correcting the deficiencies.

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