

December 1996

# COURTHOUSE CONSTRUCTION

## Improved 5-Year Plan Could Promote More Informed Decisionmaking



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

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**General Government Division**

B-271103

December 31, 1996

The Honorable William S. Cohen  
Chairman  
The Honorable Carl Levin  
Ranking Minority Member  
Subcommittee on Oversight of Government  
Management and the District of Columbia  
Committee on Governmental Affairs  
United States Senate

The Honorable Wayne T. Gilchrest  
Chairman, Subcommittee on Public Buildings and  
Economic Development  
Committee on Transportation and Infrastructure  
House of Representatives

The General Services Administration (GSA), together with the federal judiciary, has embarked on a \$10 billion courthouse construction initiative. Its purpose is to address the urgent housing needs of the federal judiciary, which have arisen due to reported space shortages, security concerns, and operational inefficiencies at courthouses around the country. One of the major criticisms of this construction initiative by us and others has been the lack of a long-term strategic plan that (1) identifies and prioritizes all the judiciary's most urgently needed courthouse construction projects, (2) helps congressional decisionmakers compare and evaluate the merits of project proposals and priorities, and (3) provides a rationale for allocating resources to the most urgently needed projects.

In March 1996, the judiciary—with assistance from its administrative arm, the Administrative Office of the U.S. Courts (AOC)—issued a courthouse construction plan that identifies projects it proposes be funded between fiscal years 1997 and 2001. This report responds to your request that we assess whether the 5-year plan (1) reflects the judiciary's most urgent courthouse construction needs and (2) provides information needed by decisionmakers to evaluate the relative merit of project proposals.

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## Results in Brief

While the judiciary has developed a methodology for assessing project urgency and a 5-year construction plan to communicate its urgent courthouse construction needs, our analysis suggests that the 5-year plan does not reflect all of the judiciary's most urgent courthouse construction needs. In preparing the 5-year plan, the judiciary developed urgency scores

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for 45 projects. However, it did not develop urgency scores for other locations that according to AOC also need new courthouses. Our analysis of available data on conditions at the 80 other locations showed that 30 of them likely would have an urgency score higher than some projects in the plan. According to AOC, 1 of these locations would have an urgency score higher than 40 of the plan's 45 projects.

In addition, for projects that are in the plan, high urgency scores did not always correlate to high funding priority. For example, seven projects identified for site and/or design funding in 1998 had lower scores than eight projects identified for site and/or design funding in 1999. One of these 1999 projects scores as the fifth most urgent project among the 45 in the plan, yet 23 other projects with lower urgency scores have higher funding priority.

AOC officials said that this was a transitional plan in that it placed heavy emphasis when assigning funding priorities on the projects already in the GSA "pipeline" rather than solely on project urgency. They also said that, due to resource and time constraints, they did not develop scores for all competing projects.

Our work also showed that the judiciary's plan and related material do not present competing projects in a long-term strategic context or articulate a rationale or justification for proposed projects and their relative priority. Moreover, they do not contain project-specific information on the conditions that exist at each location that would help decisionmakers compare the merits of individual projects, better understand the rationale for funding priorities, and justify funding decisions. Finally, the plan and related material do not explain that urgency scores were not developed for all projects or that funding priorities were not based exclusively on urgency.

The judiciary's efforts to assess urgency and willingness to prepare the plan represent positive steps forward. We recognize that the plan is transitional and that it will evolve. Furthermore, we believe that it is reasonable for pipeline projects to receive some priority consideration for funding, but the plan and related material should make a convincing argument as to why they should be funded before others that have higher urgency scores. We also recognize that the overall process for identifying and funding courthouse projects is dynamic and that various factors influence funding decisions. Within this context for decisionmaking, the judiciary's plan and related urgency score methodology have the potential

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to provide important baseline information for use in weighing priorities and making more informed decisions. Considering the magnitude of the courthouse construction initiative and the scarcity of resources, we believe that decisionmakers would benefit from a plan that provides more information about project proposals and a more complete explanation of priorities among all competing projects.

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## Background

In the late 1980s, the judiciary recognized that it was facing space shortages, security shortfalls, and operational inefficiencies at courthouse facilities around the country. To address this problem, the Judicial Conference of the United States directed each of the 94 judicial districts, with assistance from AOC, to develop long-range space plans to determine where new and additional space was needed. To date, AOC has provided each judicial district with planning guidance in developing 5-, 10-, and 30-year space shortage projections. As a result of this process, the judiciary identified approximately 200 locations that would be out of space within the next 10 years and has estimated that funding for new courthouses at these locations would cost approximately \$10 billion. In addition to identifying space shortages, these planning efforts also identified security concerns and operational inefficiencies at many of these facilities nationwide.

The judiciary makes requests for new courthouse projects to GSA, the federal government's central agency for real property operations. GSA requests funding for courthouses as part of the president's annual budget request to Congress. Under the Public Buildings Act of 1959, as amended, GSA is required to submit to the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure detailed project descriptions, called prospectuses, that contain project cost estimates and justifications for projects that exceed a prospectus threshold. Under the act, GSA can adjust the prospectus threshold upward or downward based on changes in construction costs during the preceding calendar year—the threshold is \$1.74 million for fiscal year 1997. Once projects are funded by Congress, GSA is to contract with private sector firms for design and construction work.

In the early 1990s, Congress, we, and the private sector began calling on the judiciary and GSA to prioritize projects for this major initiative. In 1990, we began reporting that Congress needed better information for decisionmaking, including a prioritization of capital investment needs.<sup>1</sup> In

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<sup>1</sup>GAO reports and testimonies on GSA real property issues are listed at the end of this report.

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1994, the Conference Committee on GSA's 1995 appropriations act directed that the courthouse construction requirements established by GSA and the Office of Management and Budget (OMB) include a prioritization of projects by AOC.<sup>2</sup> A year earlier, the Independent Courts Building Program Panel—which was formed in 1993 by GSA and AOC and comprised leading architects, engineers, and construction professionals—recommended that courthouse projects be prioritized into yearly 5-year plans. More recently, in November 1995, we testified that the process for funding new courthouse projects lacked—and could benefit from—a comprehensive capital investment plan that articulates a rationale or justification for projects and presents projects in a long-term strategic context.<sup>3</sup> Furthermore, during the last 6 years, we have reported that Congress lacks quality information to assess the merits of individual projects, understand the rationale for project priorities, and justify funding decisions.

In March 1996, the judiciary—through the Judicial Conference of the United States—issued a 5-year plan for courthouse construction for fiscal years 1997 through 2001. The plan, which is intended to communicate the judiciary's urgent housing needs to Congress and GSA, identifies 45 projects for funding based on information from Congress and GSA that \$500 million could be used as a planning target in estimating funds that will be available for courthouse construction each year. Appendix I shows the projects in the plan by fiscal year.

To determine project urgency, the judiciary developed a methodology for assigning urgency scores to projects. The criteria and related weights applied in assessing urgency include the length of time space shortages have existed as defined by the year a location was or will be out-of-space (30 percent); security concern ratings of 1 through 4 (30 percent), where a 1 indicates the lowest level of security concern; operational inefficiency ratings of 1 through 5 (25 percent), where a 1 indicates minimal operational inefficiencies; and the number of judges affected as defined by the number of judges without courtrooms (15 percent). Under the methodology, each project receives an urgency score on a scale of 100, with a score of 100 indicating the highest level or degree of urgency. Appendix II contains a more detailed description of the judiciary's urgency score methodology. In addition to the plan, AOC provided us with related material, including a description of the methodology for assessing urgency, an overview of the process used to develop the plan, and urgency

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<sup>2</sup>GSA fiscal year 1995 appropriations act conference report (H.R. Conf. Rep. No. 103-741, at 47 (1994)).

<sup>3</sup>FEDERAL COURTHOUSE CONSTRUCTION: More Disciplined Approach Would Reduce Costs and Provide for Better Decisionmaking (GAO/T-GGD-96-19, Nov. 8, 1995).

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scores for the projects in the plan. AOC indicated that it provided the same material to key congressional committees.

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## Objectives, Scope, and Methodology

Our objectives were to determine whether the judiciary's 5-year plan (1) reflects the judiciary's most urgent courthouse construction needs and (2) provides information needed by decisionmakers to evaluate the relative merits of project proposals.

To meet the first objective, we focused on determining whether the plan contains all the most urgently needed projects and if priorities in the plan correlate with the judiciary's own project urgency scores. In making this assessment, we relied primarily on the urgency scores the judiciary developed for projects in the plan, its methodology for assessing project urgency, and AOC data related to urgency for projects that were not included in the plan. The judiciary's methodology for assessing urgency appears to include factors that would be important in gauging the relative urgency of competing projects, and the process used to assign scores for each of the four criteria, though subjective, seems straightforward. However, we did not assess the validity of the methodology or the reliability of the urgency scores developed for each location.

To determine whether the plan contains the most urgently needed projects, we developed minimum urgency scores for 80 locations that were not in the plan but, according to AOC, also need new courthouse projects. AOC provided us with security concern and out-of-space year data for these projects. As previously mentioned, security concern and out-of-space year data each have weights of 30 percent that are applied in developing the urgency score. Operational inefficiencies and the number of judges affected—the two other components of the urgency score—have weights of 25 percent and 15 percent of the score, respectively. Therefore, security concern and out-of-space year data equate to 60 percent of the total urgency scores these projects would receive.

To calculate minimum scores for these locations, we used the security concern and out-of-space year data and applied the judiciary's urgency score methodology to these 80 other locations. Because data for operational inefficiencies were not available for these locations, we assigned minimum ratings of "1" to each of the 80 locations. AOC officials told us that, according to the scoring methodology, 1 was the lowest score locations could receive for this criterion. For the fourth factor, number of judges affected, AOC did not have data, and thus we used "0" for this factor

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in our calculation. Therefore, our minimum scores do not include an assessment of operational conditions at these locations or a calculation for the number of judges affected. If actual scores for these two factors were included, urgency scores for these projects could either increase or remain the same—the scores could not decrease. We then compared these minimum scores to the complete scores assigned to the 45 projects in the 5-year plan and discussed the results with AOC officials. Appendix II contains a more detailed description of the urgency score methodology and our calculation of minimum scores for projects not included in the plan.

To determine whether priorities in the plan correlate with the project urgency scores the judiciary developed, we compared the urgency scores for the 45 projects in the plan with the yearly sequence of funding priorities specified in the plan for fiscal years 1997 through 2001. We specifically focused on comparing projects that were at similar stages, such as site and design, that are scheduled for funding in different years according to the plan. We also discussed project priorities with AOC and GSA officials to identify other factors that may have been considered in prioritizing projects.

To meet the second objective, we compared the information in the plan and related material to the types of information decisionmakers need to effectively assess project proposals and funding requests. Our past work specifically identified the types of information decisionmakers need when making decisions on courthouse construction funding. It includes a capital investment plan that prioritizes individual projects and puts them in some long-term strategic context and provides a rationale or justification for priorities set among competing projects.

In making our comparison, we also considered the results of our work on the first objective because knowing whether the plan reflects the judiciary's most urgently needed projects has ramifications for the amount of information decisionmakers would need to understand the basis for the plan's priorities. Also, as mentioned before, the judiciary's intent in developing the plan was to communicate its urgent courthouse construction needs. In addition, we reviewed congressional reports and testimonies pertaining to capital investment planning. We also considered a 1993 report by a GSA/judiciary-sponsored panel of private sector experts that outlined ways to improve the courthouse construction initiative. We did our work between March and November 1996 in accordance with generally accepted government auditing standards. We received written



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comments on a draft of this report from AOC, which we have included in appendix III. GSA provided oral comments on a draft of this report. We summarize and evaluate AOC's and GSA's comments on pages 14 and 15.

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## 5-Year Plan Does Not Reflect All the Most Urgently Needed Projects

Our analysis showed that the 5-year plan does contain projects with high urgency scores, including 13 projects with scores above 65. However, it also contains others that have scores lower than projects that were not included in the plan. Using the judiciary's methodology and available data on security and space concerns and assuming the lowest possible scores for operational conditions and number of judges affected, we calculated minimum urgency scores for 80 projects that were not in the plan. Of these, we identified 30 projects that had minimum urgency scores higher than the complete scores for some of the projects in the plan. In fact, according to AOC, 1 of the 30 projects not in the plan would have a complete urgency score that is higher than those for 40 of the 45 projects in the plan.

In developing the plan, the judiciary did not develop urgency scores for all competing projects. Instead, the judiciary focused on those projects that were in the GSA pipeline or were previously identified during earlier internal efforts to develop project priorities. Using this approach and the assumption that \$500 million would be available for projects in each of the 5 years, the judiciary developed scores for 45 projects. AOC officials told us that they were unable to develop scores for other projects not included in the plan in time for the plan's March 1996 issuance. They added that, based on their general knowledge of conditions at the other locations, they believed these other projects would not have urgency scores as high as the projects in the plan, except for a few cases. However, AOC did not provide any analysis to support these assertions. It said that it intends to develop scores for all the projects for possible inclusion in future versions of the plan.

Urgency scores and related data were not available for projects not included in the plan when we began our review. However, AOC subsequently provided us with out-of-space year and security concern data it had developed for 80 projects identified for funding consideration in the fiscal years 2002 through 2006 timeframe. These two factors have a total weight of 60 percent that is applied in developing the urgency score. We used these data to apply the judiciary's methodology for assigning project urgency scores to identify minimum scores for these 80 projects. Data for operational inefficiencies at these locations were not available; therefore,

we assigned a minimum rating of 1 to each of the 80 locations. According to the scoring methodology, 1 is the score locations receive when operational inefficiencies are minimal. For the fourth factor, number of judges affected, AOC did not have data, and we used 0 in our calculation, which is the minimum score a location can receive for this factor. As shown in table 1, using these data and the judiciary’s methodology, we calculated that 30 locations have a minimum urgency score of 41.3 or higher, which is higher than the complete scores for 3 projects in the plan—San Diego, CA; San Jose, CA; and Cheyenne, WY.

**Table 1: Minimum Urgency Scores for 30 Projects Not Included in the 5-Year Plan**

Location	Minimum urgency score	Location	Minimum urgency score
Los Angeles, CA	54.5	Macon, GA	42.8
Jackson, MS	48.8	Rock Island, IL	42.8
Guam	47.0	Aberdeen, MS	42.8
Austin, TX	47.0	Abingdon, VA	42.8
Anchorage, AK	46.4	Yakima, WA	42.8
Lexington, KY	46.4	Ft. Lauderdale, FL	41.3
Jefferson City, MO	46.4	Marquette, MI	41.3
Anniston, AL	44.6	Oxford, MS	41.3
Huntsville, AL	44.6	Columbus, OH	41.3
Boise, ID	44.6	Chattanooga, TN	41.3
South Bend, IN	44.6	Harrisonburg, VA	41.3
Alexandria, LA	44.6	Christiansted, USVI <sup>a</sup>	41.3
Billings, MT	44.6	Madison, WI	41.3
Honolulu, HI	43.4	Elkins, WV	41.3
San Antonio, TX	43.4	Casper, WY	41.3

<sup>a</sup>U.S. Virgin Islands.

Source: AOC data and GAO analysis.

In addition to having a minimum score higher than the San Diego, San Jose, and Cheyenne projects, Los Angeles has a minimum score higher than another 16 locations that were included in the plan. Jackson has a minimum score higher than a total of eight projects in the plan. We also noted that the projects in San Diego and San Jose are scheduled to begin receiving the \$197 million they are estimated to require in fiscal year 1998, which is 4 years before funding is to be considered for any of the projects

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in table 1. Appendix II shows our calculations of minimum urgency scores for each of the 80 projects that were not included in the plan.

It is important to recognize that the minimum score calculations for these 30 locations include a minimum assessment of operational conditions and number of judges affected for these locations, 2 factors that have weights totaling 40 percent that are applied in developing the urgency scores. Although we were unable to determine the extent to which additional data on these other two criteria would increase the urgency scores, our minimum score calculations clearly showed that the 45 projects in the plan do not reflect the 45 most urgent projects according to the judiciary's methodology.

The AOC official responsible for developing the plan told us that the actual urgency score for Los Angeles when taking into account all 4 criteria would be somewhere in the 80s. Only 5 of the plan's 45 projects have scores of 80 or above. The official said that the judiciary is aware of the conditions in Los Angeles and that the project was left out of the 5-year plan until some key planning decisions are made by GSA and the judiciary. The official added that one major obstacle to moving this project up in the plan is its cost, which is estimated at over \$200 million. Another obstacle is the unwillingness of certain judicial districts to have their projects pushed back to make room for this project given that the plan assumes only \$500 million will be available each year. We recognize that these factors will need to be considered in the funding process. However, not explaining the situation in Los Angeles in the plan seems questionable given the urgency score it would receive and that the objective of the plan was to communicate the judiciary's urgent needs. Further, the obstacles to including it in the plan provided by AOC seem to be ones in which Congress has a stakeholder interest since it funds the projects and may not be fully aware of the situation in Los Angeles. We did note that the plan recognizes in a footnote that further study is needed to determine how to resolve the need for a project in Los Angeles. However, the plan provides no indication of the forthcoming challenge of funding this large project with limited resources or the severe conditions that exist in Los Angeles.

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For example, Los Angeles has a “severe” security concern rating of 4,<sup>4</sup> which is quite different from the two California locations that are scheduled for funding beginning in 1998. These two locations, San Jose and San Diego, had security concern scores of only 1—the lowest score possible. No other locations, including those in the plan, had security concerns lower than 2. In fact, six other locations not included in the plan—including Jackson, MS—had “major” security concerns warranting scores of 3.<sup>5</sup>

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## Funding Priorities in the Plan Not Always Based on Urgency

In addition to not reflecting the most urgent projects, project funding priorities in the plan itself were not always exclusively based on the urgency scores. Our analysis of project priorities and urgency scores showed that several of the projects in the plan identified for funding in fiscal year 1998 had lower urgency scores than several projects scheduled for fiscal years 1999 and 2000. The first year of the plan, 1997, does contain several projects with high urgency scores, including projects in Brooklyn, NY; Corpus Christi, TX; Cleveland, OH; and Seattle, WA that have scores ranging from 77.5 to 100. However, eight projects identified for site and/or design funding in 1999 had higher urgency scores than seven projects identified for site and/or design funding in 1998. Table 2 shows these projects and their urgency scores.

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<sup>4</sup>According to AOC, a severe security concern means that most or all of the following conditions exist: the facility lacks separate circulation patterns for prisoners and judges; is in an area designated by the Marshals Service as a high crime area; has specific structural problems that would make the building susceptible to a bomb or threat; has no platform through which to transport prisoners; has a split district court situation causing prisoner transport problems; and has been described by the Marshals Service as among the worst in the nation and/or the Marshals Service has been forced to move from the building.

<sup>5</sup>According to AOC, a major concern includes most or all of the conditions for a severe concern except that the U.S. Marshals have not designated the location as among the worst in the nation and the Marshals have not moved from the building.

**Table 2: Comparison of Selected 1998 and 1999 Projects**

1998 project <sup>a</sup>	Urgency score	1999 project	Urgency score
Little Rock, AR	54.8	Richmond, VA	85.0
Cape Girardeau, MO	52.3	Biloxi, MS	76.6
Fresno, CA	51.7	Buffalo, NY	68.3
Orlando, FL	50.3	El Paso, TX	61.9
Erie, PA	47.3	Mobile, AL	61.3
San Diego, CA	40.4	Norfolk, VA	58.9
San Jose, CA	39.5	Las Cruces, NM	56.3
		Charlotte Amalie, USVI <sup>b</sup>	55.0

<sup>a</sup>About \$19.4 million was appropriated for three of these projects—Fresno, Orlando, and Erie—in the Omnibus Consolidated Appropriations Act, 1997, Pub. L. No 104-208, 110 Stat 309, Title IV § 404 (1996).

<sup>b</sup>U.S. Virgin Islands.

Source: Judiciary 5-Year Plan for Courthouse Construction.

In fact, one 1999 project—Richmond, VA—has the fifth highest urgency score among projects in the plan, yet 23 other projects in the plan with lower urgency scores have higher funding priority. Furthermore, five projects scheduled for site and/or design funding in 2000 all have urgency scores higher than three of the projects scheduled for site and/or design funding in 1998. These five 2000 projects have scores ranging from 47.9 to 50.8 and are located in Harrisburg, PA; Sioux Falls, SD; Muskogee, OK; Birmingham, AL; and Toledo, OH. Appendix I shows the scores for all these projects as well as for the other projects in the plan.

AOC officials said that projects in the plan were not prioritized exclusively on the basis of their urgency scores. As previously mentioned, the plan places heavy emphasis on projects that were already in the GSA pipeline. These pipeline projects include projects in the latter stages of the GSA planning process that GSA had already planned to request funding for in 1997 and 1998. The GSA planning process includes assessing needs, estimating costs, and developing prospectuses for congressional review. GSA officials confirmed that projects in the plan for 1997 and 1998 were in the GSA pipeline. They added that for projects identified for 1999 and beyond, GSA was not prepared to request funding any sooner than is specified in the 5-year plan. For example, they had only recently become aware of the urgent need in Richmond and were not prepared to request funds for a project there any earlier than 1999.

According to AOC officials, the plan is transitional in that it addresses projects already identified for funding by GSA in 1997 and 1998, and then begins addressing urgent projects identified through the judiciary's new process in 1999 and beyond. According to these officials, these pipeline projects should be funded first because their planning efforts are already under way. We recognize that the process for identifying and funding projects is complex and dynamic and that various factors, including planning decisions already made, total funding available, and the political nature of the process, will influence final decisions. Nonetheless, the judiciary's plan and its related urgency score methodology have the potential to provide important baseline information to help decisionmakers weigh priorities and make more informed decisions. While we believe that pipeline projects should compete for funding, we also believe that the plan should make a convincing argument as to why these projects should be funded first. As discussed in more detail in the next section, the plan and related material do not (1) provide a rationale or justification for why Congress should fund these pipeline projects first or (2) discuss the consequences of or trade-offs involved in funding projects with low urgency scores that GSA had already planned to request instead of others that have higher scores.

## Plan Lacks Key Information Decisionmakers Need

The judiciary's 5-year plan and related materials do not provide all the information needed by decisionmakers to fully assess the relative merits of project proposals. Over the last several years, we have stressed the importance of placing construction proposals in a priority-based plan. And, our November 8, 1995, testimony on courthouse construction noted that Congress lacked information that (1) puts individual projects in some long-term strategic context and (2) provides a rationale or justification for project priorities.

During our current review, we examined the judiciary's plan and its related material to see whether they contained the type of information we said Congress lacked when making critical capital investment decisions. Our analysis showed that the plan and its related material do not articulate priorities in a long-term strategic context, primarily because they do not reflect an assessment of the urgency of all competing projects. As mentioned earlier, the judiciary focused on projects in the GSA pipeline and others identified during earlier internal efforts to plan for future projects. However, it did not assess other projects that, our work showed, have higher urgency scores than several of the projects in the plan. Although this approach produced a list of the judiciary's priorities, it did not provide

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decisionmakers a long-term perspective on the urgency of projects in the plan compared to others that were not included. In addition, the plan did not explain that all needed projects had yet to be assessed. Without this explanation, decisionmakers could get the impression that projects not included in the plan all have lower urgency scores.

Furthermore, the plan does not contain a rationale or justification for its project priorities. As discussed earlier, the judiciary fashioned the plan to give higher priority to projects in the GSA pipeline. However, the plan and related material do not explain that pipeline projects did not always have the highest urgency scores or articulate why Congress should fund these projects first. As a result, the plan does not convey to Congress the consequences of or trade-offs involved in not funding higher urgency projects sooner in favor of projects with lower urgency scores that are in the GSA pipeline.

Related to not justifying its priorities, the plan and its related material lack specificity about conditions that exist at each location—information that would help decisionmakers better understand priorities. The plan and its related material do not discuss conditions such as security concerns or severe space shortages at different locations. Although the urgency scores and related data were provided, summarizing the specific conditions that are driving the need for individual projects could strengthen the plan and give decisionmakers a better perspective or understanding about why one project is more urgent than another.

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## Conclusions

The judiciary has made an effort to improve capital investment planning for courthouse construction as evidenced by its methodology for assessing project urgency and its efforts to prepare a construction plan. However, the current 5-year plan does not reflect all the judiciary's most urgently needed projects, and project funding priorities are not always based exclusively on urgency. Furthermore, the plan does not provide key project-specific information needed by decisionmakers to compare and evaluate the merits of individual projects and understand the rationale that supports priorities.

We recognize that the plan is transitional and that it will evolve. We also recognize that the process for funding courthouse projects is dynamic and that various factors influence funding decisions. Within this context, the judiciary's plan and the related urgency score methodology have the potential to provide important baseline information to help

decisionmakers weigh priorities and make more informed decisions. This plan and its related material do not alert Congress, an important stakeholder, that the projects do not reflect all the judiciary's most urgent needs nor do they explain that pipeline projects with high funding priority do not always have the highest urgency scores. Absent this information, decisionmakers may not be aware of the severity of needs in other locations not included in the plan—such as Los Angeles—or that projects in the plan with high scores—such as Richmond—have a lower funding priority than other projects with lower scores.

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## Recommendations

We recommend that the Director of AOC work with the Judicial Conference Committee on Security, Space, and Facilities to make improvements to the 5-year plan. These improvements should be aimed at making the plan more informative and a more useful tool for helping Congress to better understand project priorities and individual project needs. At a minimum, the plan should (1) fully disclose the relative urgency of all competing projects and (2) articulate the rationale or justification for project priorities, including information on the conditions that are driving urgency—such as specific security concerns or operational inefficiencies.

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## Agency Comments and Our Evaluation

AOC, on December 13, 1996, provided written comments on a draft of this report that generally concurred with the draft and our recommendations. AOC said that many of the improvements we recommended were already under consideration (see app. III). AOC recognized that the judiciary is responsible for providing its requirements to GSA as one of GSA's many tenants and has done its part to project space requirements in a methodical way. However, AOC pointed out that, since the executive branch has not released strategic real property plans for the federal government as a whole, our comment about the lack of a strategic real estate plan would be more appropriately addressed to the executive branch.

We agree that a governmentwide strategic plan for real property is needed and have recommended that GSA take the lead in developing such a plan in several of our prior products (see Related GAO Products at the end of this report). However, the development of a governmentwide plan was not the subject of this review. Instead, we reviewed the judiciary's 5-year plan, which serves as input to GSA's overall planning efforts. To date, through the 5-year plan and related urgency score methodology, the judiciary has begun playing an important role in improving strategic planning for the



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courthouse construction initiative. Their approach has the potential to provide important baseline data that are key ingredients to strategic planning. However, the judiciary's efforts to date have been incomplete and could benefit from the improvements outlined in our recommendations.

We believe that any GSA customer with major capital investment needs like the judiciary should think and plan strategically and have significant input into the development of a governmentwide plan. The proportion of courthouse projects in GSA's new construction budget submissions has been significant, far surpassing that of all GSA's other tenants combined—about \$633 million of the \$715 million GSA requested for new construction in fiscal year 1997 were for courthouse projects. According to the judiciary's plan, courthouses could continue to take up a large proportion of GSA's construction resources given that the plan identifies about \$500 million in needs per year between fiscal years 1997 and 2001 and that, as our work showed, 80 additional locations have needs to be addressed beyond 2001.

We received oral comments on a draft of this report from key GSA Public Buildings Service officials involved in the courthouse construction initiative—the Assistant Commissioner for Portfolio Management, the Courthouse Management Group (CMG) Program Executive, and the CMG Program Director. These officials agreed with the thrust of the report and said that it was a fair representation of issues related to the 5-year plan. In addition, the Assistant Commissioner pointed out that judiciary needs do not always have to be met through new construction. GSA will consider other options, including leasing and lease-construction, in developing proposals for consideration by Congress. She said that, because the judiciary conveyed its needs in what was called a construction plan, its audience may assume that new construction is the only option for meeting these space needs.

The CMG Program Director, speaking for himself and the CMG Program Executive, wanted to reemphasize that the pipeline projects identified for 1997 and 1998, including those with low urgency scores, were the only projects GSA was prepared to request in these years. He said that GSA would need time to plan and develop proposals for locations with high urgency scores identified for 1999 and beyond. Finally, these officials also suggested a few minor clarifying changes to the draft, which we made where appropriate.

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We are sending copies of this report to the Director of AOC; Chairman of the Judicial Conference Committee on Security, Space, and Facilities; Administrator of GSA; Director, Office of Management and Budget; and other interested congressional committees and subcommittees. The major contributors to this report are listed in appendix IV. If you have any questions or would like additional information, please contact me on (202) 512-8387.

A handwritten signature in black ink, reading "J. William Gadsby". The signature is written in a cursive style with a large, sweeping initial "J" and a long, horizontal flourish extending across the middle of the name.

J. William Gadsby  
Director, Government Business Operations  
Issues

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**Abbreviations**

AOC	Administrative Office of the U.S. Courts
CMG	Commissioner for Portfolio Management, the Courthouse Management Group
GSA	General Services Administration
OMB	Office of Management and Budget

# Judiciary 5-Year Plan and Related Urgency Scores by Fiscal Year

Table I.1: Fiscal Year 1997 Projects

\$ in millions				
Priority rank	City	Project phase	Urgency score	Cost
1	Brooklyn, NY (Cellar Annex)	Construction	100	\$187.2
2	Corpus Christi, TX	Construction	87.2	26.2
3	Cleveland, OH	Construction	85.4	142.3
4	Seattle, WA	Site	77.5	17.7
5	Las Vegas, NV	Construction	61.9	96.0
<b>Total</b>				<b>\$469.8</b>

Table I.2: Fiscal Year 1998 Projects

\$ in millions				
Priority rank	City	Project phase	Urgency score	Cost
1	Brooklyn, NY <sup>a</sup>	Construction	91.0	\$122.6
2	Denver, CO	Site & design	76.4	9.8
3	Washington, DC	Design	75.4	5.7
4	London, KY	Construction	69.4	15.1
5	Springfield, MA	Site & design	68.8	3.5
6	Columbia, SC	Construction	67.1	48.4
7	Jacksonville, FL	Construction	63.8	76.1
8	Eugene, OR	Site & design	63.7	6.3
9	Miami, FL	Site & design	62.0	26.0
10	Laredo, TX	Construction	58.9	24.3
11	Salt Lake City, UT	Site & design	55.9	11.8
12	Wheeling, WV	Construction	55.1	36.0
13	Little Rock, AR	Site & design	54.8	3.2
14	Covington, KY	Construction	54.3	18.9
15	Cape Girardeau, MO	Design	52.3	2.2
16	Fresno, CA	Design	51.7	7.8
17	Greeneville, TN	Construction	50.8	23.6
18	Orlando, FL	Site & design	50.3	10.7
19	Erie, PA	Site & design	47.3	3.3
20	Savannah, GA	Construction	45.8	30.5
21	San Diego, CA	Site	40.4	18.2
22	San Jose, CA	Site	39.5	2.7
<b>Total</b>				<b>\$506.7</b>

<sup>a</sup>Old U.S. Post Office building renovation.

**Appendix I  
Judiciary 5-Year Plan and Related Urgency  
Scores by Fiscal Year**

**Table I.3: Fiscal Year 1999 Projects**

\$ in millions				
<b>Priority rank</b>	<b>City</b>	<b>Project phase</b>	<b>Urgency score</b>	<b>Cost</b>
1	Seattle, WA	Construction	77.5	\$153.6
2	Denver, CO	Construction	76.4	62.5
3	Washington, DC	Construction	75.4	98.2
4	Springfield, MA	Construction	68.8	20.0
5	Eugene, OR	Construction	63.7	56.5
6	Salt Lake City, UT	Construction	55.9	35.5
7	Richmond, VA	Site & design	85.0	8.9
8	Biloxi, MS	Site & design	76.6	6.7
9	Buffalo, NY	Site & design	68.3	12.6
10	El Paso, TX	Site & design	61.9	8.2
11	Mobile, AL	Site & design	61.3	11.3
12	Norfolk, VA	Site & design	58.9	5.3
13	Las Cruces, NM	Site & design	56.3	3.5
14	Charlotte Amalie, USVI <sup>a</sup>	Site & design	55.0	10.9
15	Rockford, IL	Site & design	54.3	3.6
16	Cedar Rapids, IA	Site & design	52.9	12.7
17	Nashville, TN	Site & design	51.8	13.4
<b>Total</b>				<b>\$523.3</b>

<sup>a</sup>U.S. Virgin Islands.

**Appendix I  
Judiciary 5-Year Plan and Related Urgency  
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**Table I.4: Fiscal Year 2000 Projects**

\$ in millions				
<b>Priority rank</b>	<b>City</b>	<b>Project phase</b>	<b>Urgency score</b>	<b>Cost</b>
1	Miami, FL	Construction	62.0	\$91.4
2	Little Rock, AR	Construction	54.8	26.2
3	Cape Girardeau, MO	Construction	52.3	29.0
4	Fresno, CA	Construction	51.7	83.7
5	Orlando, FL	Construction	50.3	38.0
6	Erie, PA	Construction	47.3	17.2
7	San Diego, CA	Design	40.4	5.2
8	San Jose, CA	Design	39.5	9.8
9	Richmond, VA	Construction	85.0	50.6
10	Biloxi, MS	Construction	76.6	38.1
11	Buffalo, NY	Construction	68.3	71.1
12	Harrisburg, PA	Site & design	50.8	8.1
13	Sioux Falls, SD	Site & design	50.0	4.7
14	Muskogee, OK	Site & design	49.0	5.0
15	Birmingham, AL	Site & design	48.2	4.3
16	Toledo, OH	Site & design	47.9	6.6
17	Greenville, SC	Site & design	47.6	5.7
18	Cheyenne, WY	Site & design	33.2	2.7
<b>Total</b>				<b>\$497.4</b>



**Appendix I  
Judiciary 5-Year Plan and Related Urgency  
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**Table I.5: Fiscal Year 2001 Projects**

\$ in millions				
<b>Priority rank</b>	<b>City</b>	<b>Project phase</b>	<b>Urgency score</b>	<b>Cost</b>
1	San Diego, CA	Construction	40.4	\$91.2
2	San Jose, CA	Construction	39.5	69.9
3	El Paso, TX	Construction	61.9	46.2
4	Mobile, AL	Construction	61.3	64.0
5	Norfolk, VA	Construction	58.9	29.8
6	Las Cruces, NM	Construction	56.3	20.0
7	Charlotte Amalie, USVI <sup>a</sup>	Construction	55.0	33.4
8	Rockford, IL	Construction	54.3	20.4
9	Cedar Rapids, IA	Construction	52.9	44.5
10	Nashville, TN	Construction	51.8	75.8
<b>Total</b>				<b>\$495.1</b>

<sup>a</sup>U.S. Virgin Islands.

Sources: The sources for tables I.1 through I.5 are the judiciary's 5-year plan for courthouse construction and an AOC listing of project urgency scores. (Note: When it provided the plan and related materials, the judiciary listed the urgency scores for projects in the plan separately from, and not in the same order as, its yearly funding priorities.)

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# Explanation of the Judiciary's Urgency Score Methodology and Our Calculation of Minimum Scores for 80 Projects Not in the Plan

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The criteria and related weights applied in assessing urgency under the judiciary's methodology include the length of time space shortages have existed as defined by the year a location was or will be out of space (30 percent); security concern ratings of 1 through 4 (30 percent), where a 1 indicates the lowest level of security concern; operational inefficiency ratings of 1 through 5 (25 percent), where a 1 indicates the lowest level of operational inefficiency; and the number of judges affected as defined by the number of judges without courtrooms (15 percent). Under the methodology, the range of possible conditions for each of the four criteria has a corresponding multiplication factor between 0 and 1. These factors are multiplied by the weight for each of the criteria to determine the urgency score. As a result, each project receives an urgency score on a scale of 100, with a score of 100 indicating the highest level or degree of urgency.

To calculate minimum scores for the 80 locations not included in the 5-year plan, we used security concern and out-of-space year data AOC provided and applied the judiciary's urgency score methodology. The data AOC provided are shown in table II.1 under the columns entitled "security concern" and "out-of-space year." According to the methodology, each level of security concern and out-of-space year have corresponding multiples used in calculating the score. These multiples are shown in table II.1 under the columns entitled "security score multiple" and "out-of-space year multiple." The security concern and out-of-space year portions of the urgency score result from applying the multiple to 30, the weight given to each of these factors. These scores are shown in table II.1 under the columns "security score" and "out-of-space year score."

Although data for operational inefficiencies at these locations were not available, we assigned a minimum rating of 1 to each of the 80 locations. AOC officials told us that, according to the scoring methodology, 1 was the lowest score locations could receive for this criterion. According to the judiciary's methodology, a score of 1 equates to 5 points in the calculation of the urgency score. For the fourth factor, number of judges affected, AOC did not have data, and thus we used 0 for this factor in our calculation, which is the lowest score a location can receive for this factor. The minimum urgency score total shown in the last column of table II.1, therefore, represents an addition of the security score, out-of-space year score, and minimum scores applied for operational conditions and number of judges affected.

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**Appendix II**  
**Explanation of the Judiciary's Urgency**  
**Score Methodology and Our Calculation of**  
**Minimum Scores for 80 Projects Not in the**  
**Plan**

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**Appendix II**  
**Explanation of the Judiciary's Urgency**  
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**Table II.1: Minimum Urgency Scores**

<b>Location</b>	<b>Security concern</b>	<b>Security score multiple</b>	<b>Security score (multiple x 30)</b>
Los Angeles, CA	4	1	30
Jackson, MS	3	0.75	22.5
Guam	3	0.75	22.5
Austin, TX	3	0.75	22.5
Anchorage, AK	2	0.75	15
Lexington, KY	2	0.5	15
Jefferson City, MO	2	0.5	15
Anniston, AL	2	0.5	15
Huntsville, AL	2	0.5	15
Boise, ID	2	0.5	15
South Bend, IN	2	0.5	15
Alexandria, LA	2	0.5	15
Billings, MT	2	0.5	15
Honolulu, HI	3	0.75	22.5
San Antonio, TX	3	0.75	22.5
Macon, GA	2	0.5	15
Rock Island, IL	2	0.5	15
Aberdeen, MS	2	0.5	15
Abingdon, VA	2	0.5	15
Yakima, WA	2	0.5	15
Ft. Lauderdale, FL	2	0.5	15
Marquette, MI	2	0.5	15
Oxford, MS	2	0.5	15
Columbus, OH	2	0.5	15
Chattanooga, TN	2	0.5	15
Harrisonburg, VA	2	0.5	15
Christiansted, USVI <sup>a</sup>	2	0.5	15
Madison, WI	2	0.5	15
Elkins, WV	2	0.5	15
Casper, WY	2	0.5	15
Pocatello, ID	2	0.5	15
Fort Wayne, IN	2	0.5	15
Pikeville, KY	2	0.5	15
Springfield, MO	2	0.5	15
Charlotte, NC	2	0.5	15
Greenville, NC	2	0.5	15
Johnstown, PA	2	0.5	15

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<b>Out-of-space year</b>	<b>Out-of-space year multiple</b>	<b>Out-of-space year score (multiple x 30)</b>	<b>Operational conditions score</b>	<b>Number of judges affected score</b>	<b>Minimum urgency score total</b>
1995	0.65	19.5	5	0	54.5
1994	0.71	21.3	5	0	48.8
1995	0.65	19.5	5	0	47
1995	0.65	19.5	5	0	47
1991	0.88	26.4	5	0	46.4
1991	0.88	26.4	5	0	46.4
1991	0.88	26.4	5	0	46.4
1992	0.82	24.6	5	0	44.6
1992	0.82	24.6	5	0	44.6
1992	0.82	24.6	5	0	44.6
1992	0.82	24.6	5	0	44.6
1992	0.82	24.6	5	0	44.6
1992	0.82	24.6	5	0	44.6
1997	0.53	15.9	5	0	43.4
1997	0.53	15.9	5	0	43.4
1993	0.76	22.8	5	0	42.8
1993	0.76	22.8	5	0	42.8
1993	0.76	22.8	5	0	42.8
1993	0.76	22.8	5	0	42.8
1993	0.76	22.8	5	0	42.8
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1994	0.71	21.3	5	0	41.3
1995	0.65	19.5	5	0	39.5
1995	0.65	19.5	5	0	39.5
1995	0.65	19.5	5	0	39.5
1995	0.65	19.5	5	0	39.5
1995	0.65	19.5	5	0	39.5
1995	0.65	19.5	5	0	39.5

(continued)

**Appendix II**  
**Explanation of the Judiciary's Urgency**  
**Score Methodology and Our Calculation of**  
**Minimum Scores for 80 Projects Not in the**  
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<b>Location</b>	<b>Security concern</b>	<b>Security score multiple</b>	<b>Security score (multiple x 30)</b>
Beaumont, TX	2	0.5	15
Houston, TX	2	0.5	15
Plano, TX	2	0.5	15
Big Stone Gap, VA	2	0.5	15
Clarksburg, WV	2	0.5	15
San Francisco, CA	3	0.75	22.5
Benton, IL	2	0.5	15
Great Falls, MT	2	0.5	15
Greensboro, NC	2	0.5	15
Statesville, NC	2	0.5	15
Santa Fe, NM	2	0.5	15
Riverside, CA	2	0.5	15
Wilmington, NC	2	0.5	15
Panama City, FL	2	0.5	15
Columbus, GA	2	0.5	15
Newnan, GA	2	0.5	15
E. St. Louis, IL	2	0.5	15
Springfield, IL	2	0.5	15
New Orleans, LA	2	0.5	15
Detroit, MI	2	0.5	15
Dallas, TX	2	0.5	15
Ft. Worth, TX	2	0.5	15
McAllen, TX	2	0.5	15
Rome, GA	2	0.5	15
Monroe, LA	2	0.5	15
Ft. Smith, AR	2	0.5	15
Wilmington, DE	2	0.5	15
Hinesville, GA	2	0.5	15
Peoria, IL	2	0.5	15
Baltimore, MD	2	0.5	15
Greenbelt, MD	2	0.5	15
Flint, MI	2	0.5	15
Durham, NC	2	0.5	15
Winston-Salem, NC	2	0.5	15
Aberdeen, SD	2	0.5	15
Danville, VA	2	0.5	15
Philadelphia, PA	2	0.5	15
Tyler, TX	2	0.5	15



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**Appendix II**  
**Explanation of the Judiciary's Urgency**  
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<b>Location</b>	<b>Security concern</b>	<b>Security score multiple</b>	<b>Security score (multiple x 30)</b>
San Diego, CA <sup>b</sup>	2	0.5	15
Medford, OR	2	0.5	15
Bridgeport, CT	2	0.5	15
Memphis, TN	2	0.5	15
Portland, ME	2	0.5	15

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**Appendix II**  
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<b>Out-of-space year</b>	<b>Out-of-space year multiple</b>	<b>Out-of-space year score (multiple x 30)</b>	<b>Operational conditions score</b>	<b>Number of judges affected score</b>	<b>Minimum urgency score total</b>
2001	0.29	8.7	5	0	28.7
2001	0.29	8.7	5	0	28.7
2002	0.24	7.2	5	0	27.2
2002	0.24	7.2	5	0	27.2
2005	0.06	1.8	5	0	21.8

<sup>a</sup>U.S. Virgin Islands.

<sup>b</sup>Bankruptcy Court project.

Source: AOC data and GAO analysis.

# Comments From the Administrative Office of the United States Courts



LEONIDAS RALPH MECHAM  
Director

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

DUANE REX LEE  
Office of Program  
Assessment

CLARENCE A. LEE, JR.  
Associate Director

WASHINGTON, D.C. 20544

December 13, 1996

Mr. J. William Gadsby  
Director, Government Business  
Operations Issues  
General Government Division  
United States General Accounting Office  
Washington, D.C. 20548

Dear Mr. Gadsby:

This is in response to your letter of December 5, 1996, by which you have transmitted your draft report, entitled Courthouse Construction: Improved 5-Year Plan Could Promote More Informed Decision-Making, for our review and comments. The Administrative Office appreciates the opportunity to review your draft.

We also appreciate that the report recognizes that development of the plan is a "positive step," that the process of issuing five-year plans is "evolving," and that there needs to be a transition from the previous process in which priorities were set by OMB and GSA without the benefit of the judiciary's input. It also recognizes that there are projects that might be of a lower priority than those currently shown in the plan because funding had already been provided for them or GSA was in the process of studying the feasibility of initiating them. The report notes that the process for identifying and funding courthouses is a dynamic one and that a number of factors influence funding decisions. We believe recognition of the steps we have taken and these factors as enumerated in the report are very important to any analysis of real property issues.

The judiciary has been at the forefront of federal facilities planning. The housing needs identified through our planning process are but one part of the government's real property program. We assume that GAO recognizes that the overall responsibility for the capital planning process is vested in the executive branch. The judiciary is responsible for providing its requirements to the GSA as one of its many tenants. Therefore, comments in the report about the lack of a "strategic" real estate plan are more appropriately addressed to the executive branch, which incorporates as it sees fit our requirements, along with those of all its other tenants into a request to the Congress. As you know, the executive branch has not released strategic real property plans for the federal government. We have done our part by making every effort to project space requirements in a methodical way.

A TRADITION OF SERVICE TO THE FEDERAL JUDICIARY

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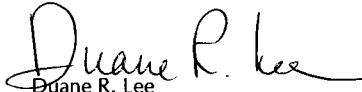
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Mr. J. William Gadsby  
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We concur with your recommendation that additional information should be included in the plan. As you know, there were significant time constraints imposed upon us when we developed the first version. We consider development of the five-year plan an evolving process, and will be making enhancements in the months ahead, many of which are suggested in the report and already were under consideration.

Again, thank you for the opportunity to comment. We look forward to incorporating many of your recommendations into our planning process.

Sincerely,

  
Duane R. Lee  
Program Assessment Officer

cc: Members of the Security, Space and Facilities Committee  
Leonidas Ralph Mecham  
Clarence A. Lee, Jr.

# Major Contributors to This Report

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# Related GAO Reports and Testimonies

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Federal Courthouse Construction: More Disciplined Approach Would Reduce Costs and Provide for Better Decisionmaking (GAO/T-GGD-96-19, Nov. 8, 1995).

General Services Administration: Opportunities For Cost Savings in the Public Buildings Area (GAO/T-GGD-95-149, July 13, 1995).

Federal Real Property: Key Acquisition and Management Obstacles (GAO/T-GGD-93-42, July 27, 1993).

Federal Office Space: Obstacles to Purchasing Commercial Properties From RTC, FDIC, and Others (GAO/GGD-92-60, Mar. 31, 1992).

General Services Issues (GAO/OCG-93-28TR, Dec. 1992).

Real Property Management Issues Facing GSA and Congress (GAO/T-GGD-92-4, Oct. 30, 1991).

Long-Term Neglect of Federal Building Needs (GAO/T-GGD-91-64, Aug. 1, 1991).

Federal Buildings: Actions Needed to Prevent Further Deterioration and Obsolescence (GAO/GGD-91-57, May 13, 1991).

The Disinvestment in Federal Office Space (GAO/T-GGD-90-24, Mar. 20, 1990).

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