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REPORT BY THE  
**Comptroller General**  
OF THE UNITED STATES



**Firesafety Violations In  
Two Buildings Leased By The  
General Services Administration**

Inspections of two buildings in Washington, D.C., leased by the General Services Administration disclosed numerous infractions of the local fire code, as well as lack of compliance with firesafety clauses in the leases.

Many violations have existed for years. General Services needs to act aggressively to enforce lease provisions designed to protect the lives of the Federal employees who work in the leased buildings.

This report was requested by the Chairman, Subcommittee on Energy and Power, House Committee on Interstate and Foreign Commerce.



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LCD-79-312  
MAY 22, 1979



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-125617

The Honorable John D. Dingell  
Chairman, Subcommittee on  
Energy and Power  
Committee on Interstate and  
Foreign Commerce  
House of Representatives

*Handwritten:* H-2-2303

Dear Mr. Chairman:

In response to your January 16, 1979, request, we have reviewed the adequacy of fire protection measures in two buildings leased by the General Services Administration. Chapters 1 to 4 address all of your questions with the exception of the items discussed below.

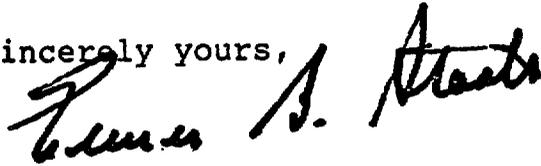
Inspections made by General Services, at our request, showed that hallways and corridors in both buildings comply with width criteria of the District of Columbia and General Services. We were told there are no planned changes in this criteria. The overcrowded offices you were concerned about do not violate General Services criteria. The District of Columbia has no guidelines as to the appropriate number of square feet to be allotted per person. Although the buildings conform to District of Columbia criteria for adequacy of exits, both have minor violations of General Services' 50 feet dead-end travel distance criteria. Generally, dead-end travel distance is defined as the distance from any workspace to a location where a person can move in either of two directions. Eight rooms at 401 M Street, SW., and four rooms at 2000 M Street, NW., do not meet this standard.

At your request, we discussed the facts in the report with General Services officials but did not take the additional time needed to obtain written agency comments nor did we obtain comments from the lessors. General Services officials at Region 3 agreed to review past inspection reports and lease correspondence and take the necessary action to enforce the leases' provisions to correct the deficiencies noted in chapters 2 and 3.

B-125617

As your office requested, we will not distribute the report for 30 days unless you publicly announce its contents earlier.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Thomas A. Steads".

Comptroller General  
of the United States

COMPTROLLER GENERAL'S  
REPORT TO THE CHAIRMAN,  
SUBCOMMITTEE ON ENERGY  
AND POWER, HOUSE COM-  
MITTEE ON INTERSTATE  
AND FOREIGN COMMERCE

FIRESAFETY VIOLATIONS  
IN TWO BUILDINGS LEASED  
BY THE GENERAL SERVICES  
ADMINISTRATION

D I G E S T

The General Services Administration should be more aggressive in enforcing lease provisions. Because of past leniency on the part of General Services and the District of Columbia fire department, fire code and lease violations in two leased buildings in Washington, D.C., have been allowed to continue uncorrected for years. (See pp. 11 to 17.)

The buildings house about 4,900 employees of the Environmental Protection Agency (401 M Street, SW.) and the Department of Energy (2000 M Street, NW.). The buildings must meet the local fire code, as well as comply with specific firesafety clauses in the leases. (See pp. 2 and 4.)

At GAO's request, [the District of Columbia and General Services inspected both buildings, turning up numerous violations of the D.C. fire code and lease provisions. Some required safety items had been omitted from the leases. (See pp. 6 to 10.)

Neither building meets General Services current firesafety standards. Because General Services revised these standards after the present leases were negotiated, the new standards do not have to be incorporated until the leases are renewed. (See pp. 9, 10, and 19.)

Occupants at 2000 M Street may not be adequately trained in emergency evacuation procedures because fire drills were not held as often as required and there is no protection plan in effect outlining what occupants are to do in event of an emergency. Although fire drills were held and a plan is in effect for 401 M Street,

frequent false fire alarms there may have impaired the integrity of the system.  
(See pp. 10 and 14.)

Previous efforts to identify, correct, and prevent firesafety violations have not been adequate. General Services and the building tenants have not made inspections as often as required. Violations noted in the past have been allowed to continue. Because of General Services' laxity in enforcing lease requirements, the Government is not receiving the level of firesafety it is paying for.

For example:

--General Services paid for a central alarm monitoring service at 2000 M Street under a supplemental contract when the lease required the item to be furnished as part of the rental.

--The Environmental Protection Agency bypassed General Services to contract directly for a test of its fire alarm system because General Services could not provide the service in a timely manner. (See pp. 14 and 16.)

#### RECOMMENDATIONS

The Administrator of General Service should:

--Require both buildings to be inspected promptly to identify all firesafety violations.

--See that all deficiencies are corrected. If the building owners do not promptly correct deficiencies that are their responsibility, the necessary work should be done with Government funds and the cost deducted from rental payments as authorized by the leases.

--Work with the buildings' tenants to promptly establish an appropriate fire-prevention program, including education on proper house-keeping and building evacuation procedures.

--Remind tenants that all work involving building services and firesafety matters should be coordinated with the Public Buildings Service to protect the Government's interests.

--Make sure that in future Region 3 leasing negotiations, any deviations from established firesafety criteria be justified, approved, and documented. (See pp. 17 and 18.)

At the Subcommittee's request, GAO did not obtain written agency comments on the report nor did it obtain comments from the lessors. However, GAO discussed factual matters in the report with General Services officials who said they would take the necessary action to correct the firesafety deficiencies in both buildings.

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ABBREVIATIONS

D.C. District of Columbia  
GAO General Accounting Office  
GSA General Services Administration

## CHAPTER 1

### INTRODUCTION

This report addresses questions raised by the Chairman of the Subcommittee on Energy and Power, House Committee on Interstate and Foreign Commerce, regarding the adequacy of firesafety measures in two buildings leased by the General Services Administration (GSA). Concerned about the safety of Federal employees in the 2000 M Street, NW., and 401 M Street, SW., facilities in Washington, D.C., the Chairman asked us to examine the facilities; review the leases; and answer other questions regarding inspections, fire-escape plans, and other matters. (See app. II.)

### FIRESAFETY REQUIREMENTS FOR FEDERALLY LEASED BUILDINGS

Firesafety requirements for federally leased buildings are set forth in the Federal Property Management Regulations, lease provisions, the local jurisdiction's fire code, and GSA policy and procedure handbooks.

The Federal Property Management Regulations require GSA to provide workspace that

- equals or exceeds the accident and fire prevention objectives of the Occupational Safety and Health Act of 1970;
- provides all reasonable precautions to avoid accidental injuries, fires, or exposure to potential occupational diseases;
- provides total building safety levels that equal or exceed the Occupational Safety and Health Act of 1970 and the nationally accepted model health, safety, fire, and building codes;
- allows emergency forces to accomplish their mission without undue danger;
- limits danger of fire to the surrounding community; and
- provides additional safety against property damage or mission impairment appropriate to the value and importance of the type of Federal activities involved.

Occupant agencies also are required to maintain good house-keeping practices and insure that their activities and operations conform to these objectives.

The regulations provide that space in leased buildings will be based on the same standards as Government-owned space. However, the scope of GSA's operation and maintenance in a leased building is to be predicated on the extent of the lessor's liability under terms of the lease.

The leases for both buildings contain two standard general provisions concerning these matters. The Maintenance of Premises clause states in part:

"The Lessor shall maintain the demised premises, including the building and any and all equipment, fixtures, and appurtenances, furnished by the Lessor under this lease in good repair and tenantable condition, except in case of damage arising from the act or the negligence of the Government's agents or employees."

The Applicable Codes and Ordinances clause states:

"The Lessor, as part of the rental consideration, agrees to comply with all codes and ordinances applicable to the ownership and operation of the building in which the leased space is situated and, at his own expense, to obtain all necessary permits and related items."

The leases contain other general building requirements and specifications, some of which pertain to firesafety items that establish the extent of the lessors' responsibilities. (See chs. 2 and 3.)

The District of Columbia (D.C.) fire-prevention code prescribes regulations for the safeguarding of life and property from the hazards of fire, explosion, and other conditions in the use or occupancy of buildings. While the D.C. code does not apply to public buildings or premises owned by the United States, it does apply to property leased to the United States, if the lessor is responsible for maintenance and repairs. Therefore, the lessors of these buildings must comply with the D.C. code.

The GSA handbook, Accident and Fire Prevention - General, states that it is GSA's policy to maintain an

aggressive, effective, and intensive accident and fire-prevention program for protecting

- employees and property under the custody of GSA,
- personnel and property of Federal agencies occupying GSA buildings and premises, and
- the public using facilities and services provided by GSA.

GSA's accident and fire-prevention program covers leased buildings which are serviced by the owner only to the extent of protecting Federal employees and Federal property from injury or loss caused by the building structure, related equipment, and private operations on the premises.

Additionally, GSA's Building Firesafety Criteria handbook provides specific firesafety criteria for all GSA buildings. It states that GSA criteria differs from typical local building codes because:

"Building code criteria generally describes minimum requirements necessary to protect against loss of life and community conflagration, with the expectation that additional safeguards necessary to protect ones own proprietary interests will be provided by the building owner. It is an accepted good practice to exceed the requirements of building codes. The criteria herein also describes a level of firesafety which provides for the safety of public and Government proprietary interests."

The criteria in this handbook apply to leased space but allow equivalent protection where it is not practical to apply them. Deviations, however, must be authorized, justified, and documented.

#### OCCUPANCY AND LEASE DATA FOR THE BUILDINGS

The major tenants, the approximate number of employees, and square feet of space by agency for the buildings are shown on the following page.

<u>Building</u>	<u>Agency occupant</u>	<u>Number of employees</u>	<u>Square feet of space assigned</u>
401 M Street, SW. (Water-side Mall)	Environmental Protection Agency	<u>4,000</u>	<u>845,552</u>
2000 M Street, NW.	Department of Energy	668	124,138
	Renegotiation Board (subsequently abolished)	154	34,460
	National Transportation Policy Study Commission	65	11,600
	General Services Administration	<u>2</u>	a/ <u>4,315</u>
		<u>889</u>	<u>174,513</u>

a/This includes space for a health clinic and locker rooms for contract custodians.

The current annual cost and length of the leases are as follows.

<u>Building</u>	<u>Lessor</u>	<u>Date of lease</u>	<u>Length of lease</u>	<u>Current annual rental</u> (millions)
401 M Street, SW.	Town Center Management Company, Inc.	Feb. 19, 1971	20 years	\$3.6
2000 M Street, NW.	Martin W. Juster, c/o H. G. Smithy Company	Dec. 1, 1976	5 years	1.1

#### SCOPE OF REVIEW

In February 1979 we inspected both buildings twice, once with D.C. fire inspectors and once with GSA headquarters fire and safety engineers, to identify any

violations of the D.C. fire code, the lease provisions, and current GSA criteria. We obtained copies of previous inspection reports for the facilities and tenant records of fire drills and fire-escape plans.

We also reviewed the leases, correspondence with lessors, and building managers' records for these buildings, when available. Some of this information was not available at GSA Region 3, where we performed our field work, because the GSA Inspector General was investigating the 401 M Street, SW., lease and the Federal Bureau of Investigation was examining records of the 2000 M Street, NW., field office in connection with the recent GSA-fraud scandal. However, we were able to obtain needed information from other sources.

We reviewed applicable regulations and discussed the facts in the report with responsible GSA officials.

## CHAPTER 2

### FIRE PROTECTION MEASURES ARE NOT ADEQUATE

Fire protection measures at both buildings are not adequate to protect the occupants from the danger of fires. There are numerous violations of the D.C. fire code and provisions in the leases in both buildings. Neither building conforms to current GSA firesafety criteria and some firesafety items that should have been included in the leases were not. Additionally, it is questionable whether occupants are adequately prepared for emergency evacuations.

#### VIOLATIONS OF D.C. FIRE CODE AND LEASE PROVISIONS

The intent of the D.C. fire code is to safeguard life and property from the hazards of fire, explosion, and other conditions in the use or occupancy of buildings. The code contains general precautions against fires and specific criteria for such items as exit ways, exit and emergency lights and signs, maintenance of fire doors, and fire protection of equipment.

GSA's general policy is to exceed the requirements of local codes because they generally describe minimum requirements necessary to protect against loss of life and community conflagration.

The Federal Property Management Regulations require GSA to provide workspace containing fire limiting and other safety features that equal or exceed the objectives of national and local codes. These regulations also direct GSA to take all reasonable precautions to avoid the incidence of fires in all of its workspace.

At our request, the D.C. fire department inspected both buildings in mid-February 1979 to identify violations of the D.C. code, and GSA fire and safety engineers inspected the buildings in late February to determine if they complied with firesafety requirements in the leases. The D.C. fire department sent reports to the lessors of the buildings, and the GSA inspectors reported their findings to Region 3 officials. The inspections showed that neither building conforms to provisions in the leases or the D.C. code. (See pp. 7 and 8 for specific violations.)

There may also be other possible firesafety deficiencies not yet identified. For example, based on GSA inspections of 401 M Street, SW., and correspondence we reviewed, it appears

FIRE CODE AND LEASE VIOLATIONS  
401 M STREET, SW.

	D.C. FIRE CODE		LEASE REQUIREMENTS			
	<u>February 1979 violations</u>	<u>Cited in most recent D.C. inspection (March 1978)</u>	<u>Cited in second most recent D.C. inspection (March 1976)</u>	<u>February 1979 violations</u>	<u>Cited in most recent GSA inspection (September 1978)</u>	<u>Cited in second most recent GSA inspection (October 1973)</u>
Fire alarm system out of service for part of the complex	X			Most of the sprinkler systems have deficiencies in the control valve rooms which prevent alarm from being sounded or prevent operation entirely	X (also noted by D.C. in March 1978)	
Standpipe and sprinkler connections and valves not properly identified--fire department would not know where to connect hoses in an emergency				Fire alarm system not connected to a central station so the fire department will be automatically notified in case of fire	X	X
One stairway gate missing				No emergency power supply for exit and emergency lights	X	X
Automatic door closers on fire doors missing or broken			X	No means to operate the fire alarm for each floor individually from the alarm control panel		
Inadequate exit directional signs in garage				Sprinkler heads in the GSA store are painted over		
Stairway emergency lights not properly maintained						
Self closing doors from mall to west tower and/or from garage to the print shop held open with fusible links, which should be removed		(noted by GSA in September 1978)	X			
Some exit lights not illuminated			X			
Dry pipe valves servicing the garage need to be restored to service						
Alarm line open stem and yoke valves for the mall closed and prevent transmission of an alarm						
Trash and debris in exit stairs						
Storage in several corridors			X			
Some fire extinguishers not inspected within the past year		(noted by GSA in September 1978)				
Panelboards and wiring ducts not covered and electrical closets not locked						
Widespread signs of rodent infestation (note a)						

a/Rodent infestation constitutes a health hazard and violates the D.C. health, rather than fire, code.

FIRE CODE AND LEASE VIOLATIONS  
2000 M STREET, NW.

February 1979 violations	D.C. FIRE CODE		LEASE REQUIREMENTS		
	Cited in most recent D.C. inspection (February 1979) (note a)	Cited in second most recent D.C. inspection (February 1975) (note b)	February 1979 violations	Cited in most recent GSA inspection (August 1978)	Cited in second most recent GSA inspection (October 1971)
Numerous defective door closers in exit doors	(noted by GSA in August 1978)				
Combustibles stored in hallways, mechanical rooms, and stairways	(noted by GSA in August 1978)				
Exit doors need aligning	(noted by GSA in August 1978)				
All exit lights not illuminated	(noted by GSA in August 1978)				
Some instructional placards over alarm striking stations missing					
Blind cap cover missing from one standpipe riser					
Obstructions placed in exit stairwells, corridors, and courtyard	(noted by GSA in August 1978)	(noted by GSA in October 1971)			
One stairway gate missing	(noted by GSA in August 1978)				
Panelboards in electrical closets not covered and closets not locked					

a/D.C. fire department could not locate report but told us the building was inspected in February 1979.

b/Only the garage area was inspected by D.C. fire department at this time.

Fire alarm system not connected to a central station so the fire department will be automatically notified in case of fire

No elevator capture system to recall elevators in case of fire. No smoke detectors in elevator lobbies to prevent elevator doors from opening in case of fire on that floor

No means to operate the fire alarm for the entire building or for each floor individually from the alarm control panel

X X

that the fire alarm and sprinkler systems are not properly maintained. Fire alarm panel trouble lights were indicating a trouble condition or they were removed from their sockets in different areas of the complex and several sprinkler valves were closed. Some fire alarm bells were inoperable during a fire drill conducted by the tenant last October.

Similarly, the GSA inspection of 2000 M Street, NW., indicated that the fire alarm panel was out of service. It appears that the fire alarm and sprinkler systems in that building may not be properly maintained.

BUILDINGS DO NOT MEET  
CURRENT GSA CRITERIA

GSA's Building Firesafety Criteria handbook, originally issued in 1965, was revised substantially in 1977 and 1978. Since both leases were executed before the revision, they are based on the previous criteria.

It is GSA policy to incorporate new criteria into leases when they are renewed. The additional firesafety items required by the current criteria for the buildings are included in appendix I. Even though these items do not have to be incorporated until the leases are renewed, they are nevertheless current GSA requirements which are not being provided. However, as discussed below, the appendix also includes some items that should have already been incorporated.

One of the items in appendix I--connecting the sprinkler system into the fire alarm system for 401 M Street--was required by GSA criteria when the lease was negotiated and should have been incorporated into the lease at that time. The Building Firesafety Criteria handbook requires that any deviations from GSA criteria be justified, approved, and documented. GSA Region 3 had no such approval for this item. Additionally, the owner of the 401 M Street building proposed in 1971, and GSA accepted, that the complex be leased with "no provision for a sprinkler system [1/] or special fire devices in the two office towers. Any requirements for same will be provided in the third floor Mall area only."

The two items in appendix I for 2000 M Street--automatic sprinklers and an emergency power supply--were not GSA criteria in 1976, when the lease was renewed, but it was GSA policy to include these items in Government-owned space. We were told by a Central Office representative that Region 3

1/Sprinkler systems for towers were not required by the standard lease solicitation or GSA criteria in 1971.

should have included these items into the lease or obtained deviation approvals, of which neither was done.

In 1976, when the 2000 M Street lease was renewed, GSA agreed to take the building in its "as is" condition and that the owner would only provide maintenance of the first floor elevator lobby, the building equipment, and outside area of the building. A pertinent firesafety requirement-- providing emergency power for exit and emergency lights-- was deleted from the lease solicitation.

According to a GSA Region 3 official, all of GSA's firesafety requirements are typically not included in leases because if prospective lessors were required to conform to all standards, GSA would probably not be able to find any willing offerors. However, a Central Office representative stated that Region 3 does not use GSA's standard lease solicitation but uses what lease provisions they desire in order to accept privately owned buildings in an as is condition.

#### DEFICIENCIES IN FIRE-ESCAPE PLANS AND FIRE DRILLS

The Federal Property Management Regulations state that all agencies are concurrently responsible with GSA for developing and maintaining sound fire-prevention programs to insure that facilities are kept safe, employees are trained to make optimum use of safety features, and other necessary actions are taken in emergencies to insure safety and well-being of occupants. They require agencies to conduct one or more fire drills each year and develop a facility self-protection plan that outlines what occupants are to do in an emergency. Generally, the agency having the largest number of employees in the building is responsible for developing the plan. However, in leased space, GSA is required to coordinate these activities with the primary occupant and the lessor to insure that a comprehensive plan is available for all occupants in the GSA-leased space.

The employees at 2000 M Street may not be adequately trained because fire drills were not held as required and a self-protection plan is not in effect. Although fire drills were held at 401 M Street in October 1977 and October 1978, only one fire drill, in October 1978, has been held at 2000 M Street in the past 2 years. The Environmental Protection Agency submitted a self-protection plan to GSA in September 1978 for 401 M Street, but the Department of Energy has no plan at 2000 M Street. According to Department of Energy officials, they are working on a draft plan that should become final in the spring of 1980, when their reorganization is complete.

### CHAPTER 3

#### PAST EFFORTS TO INSURE

##### FIRESAFETY HAVE NOT BEEN EFFECTIVE

Previous efforts to identify, correct, and prevent firesafety deficiencies in the two buildings have not been adequate. Various inspections have not been made as required. Some of the violations discussed in chapter 2 have previously been identified, but little has been done to correct them. In our opinion, GSA has been lax in enforcing the lease provisions with the lessors. In some cases, the Government is receiving a lower level of firesafety than it is paying for.

##### INSPECTIONS HAVE NOT BEEN TIMELY AND HAVE ACCOMPLISHED LITTLE

Inspections, which are important for identifying firesafety deficiencies, have not been conducted as required by the various responsible organizations--the tenants, the D.C. fire department, and GSA. Further, problems identified are often not corrected.

##### Tenant inspections

Department of Labor regulations under the Occupational Safety and Health Act of 1970 require each Federal agency to inspect all workplaces at least once annually to recognize unsafe or unhealthy working conditions, including facilities furnished by another Government agency.

None of the major tenants in either building are fulfilling this requirement. The Environmental Protection Agency has held only two such inspections at 401 M Street since 1974. A May 1977 Department of Labor report concerning the Environmental Protection Agency's occupational safety and health program recommended that the Agency conduct the required inspections of all workplaces at least once annually. It also noted the Agency had made little progress in complying with other requirements of the act in all locations.

The Department of Energy has not inspected 2000 M Street since it occupied the building, about 18 months ago. According to Department officials, inspections were not made because of the continuous movement of employees during the agency's reorganization. They added that the prior major tenant, the Federal Energy Administration, did not conduct these inspections during its occupancy, from 1974 to 1977.

### D.C. inspections

The D.C. fire code requires that inspections be made as often as necessary, or upon a complaint, to identify and have corrected any condition liable to cause fire, endanger life from fire, or any other regulations affecting a fire hazard.

The D.C. fire department inspected 401 M Street in March 1978 and March 1976 but some of the violations noted still exist. (See p. 7.) We were unable to determine the outcome of these inspections at 2000 M Street because the fire department could not find its report for the latest inspection made in February 1979, and the only other inspection, made in February 1975, was of the parking garage only.

### GSA inspections

GSA's policy on inspections from its Accident and Fire Prevention - General handbook is as follows.

"As a landlord, GSA is responsible for taking necessary action to avoid disrupting Government business by preventing fires and/or minimizing their effect. This responsibility requires that an inspection program be maintained with the objective of identifying those conditions which have been shown to contribute to the ignition or transmission of fire. Such a program necessarily requires periodic visits to all space under GSA control."

GSA requires a firesafety survey to be conducted in leased space before acceptance and at least once every 4 years thereafter. Copies of reports made by the regional Accident and Fire Prevention Branch are to be furnished to the Space Management Division for information and action before the next lease renewal.

The last two inspections of the 401 M Street complex were made in September 1978 and October 1973. Many of the violations noted then still existed in February 1979. (See p. 7.) Similarly, some violations noted on the last two inspections of 2000 M Street--August 1978 and October 1971--had not been corrected. (See p. 8.)

GSA's failure to correct known firesafety deficiencies has been noted in the past. An audit report of the fire-protection program by GSA's Office of Audits in December 1974 concluded that while responsible fire-protection officials

are aware of a substantial portion of the fire-protection work that needs to be done, the primary emphasis is placed on identifying rather than correcting deficiencies.

#### LAX LEASE ENFORCEMENT

Many of the deficiencies in both buildings are the responsibility of the building owners and have existed for some time. GSA has not been aggressive in enforcing the leases.

#### 401 M Street, SW.

##### Firesafety matters

Many problems were noted in GSA's correspondence with the lessor for the 401 M Street building affecting firesafety matters.

Following a fire in an elevator pit in May 1977, GSA instructed the owner to clean all elevator pits and told the owner that GSA would conduct periodic inspections to insure that a proper level of cleaning was maintained. GSA's fire report also stated that the fire alarm system did not function because the owner's property manager had removed a fuse earlier.

In December 1978 the tenant complained to GSA that fire alarm bells on the second floor of the mall area had been inoperable for the past 6 to 9 months. The tenant complained again in February 1979 about the alarms and other firesafety problems. According to the tenant, long delays in correcting safety deficiencies seemed due primarily to insufficient GSA field office personnel to coordinate the necessary work. Two longstanding problems in the building are a lack of a central station for the fire alarm system and false fire alarms.

An Accident and Fire Prevention preoccupancy report for the west tower of the complex made in June 1972 noted there was no central station for the fire alarm system and stated that this should be corrected before occupancy. In October, November, and December 1973 the Space Management Division requested the building owner to provide the central station. The building owner replied in January 1974 that under the terms of the lease, if GSA wanted the fire alarm connected to a central station, it would have to be done at the Government's expense. The most recent correspondence on this issue was May 1975, whereby the Region 3 Accident and Fire Prevention Branch asked the Space Management Division to notify the

lessor of his responsibility in this matter. As shown on page 7, the fire alarm system is not connected to a remote central station.

As far back as April 1975 the tenant complained to GSA about the frequency of false fire alarms, which the tenant stated led employees to refuse to evacuate the building when an alarm sounded. Because of the loss of working time and annoyance to employees, GSA requested the owner in June and September 1975 to change the location of the alarm boxes or increase security to prevent false alarms. The building owner notified GSA that he would increase security patrols to prevent false alarms.

In 1976 GSA complained to the owner that seven false alarms had been set in a 2-week period, and that the lease required the lessor to provide acceptable space with minimal disruption of Government business. In May 1977 GSA discussed with the building owner the separation of some alarm boxes from the building alarm system. According to a GSA Central Office official, GSA would have reimbursed the owner for the cost, but the owner's estimate for the work was exorbitant, and so the work was not done.

The D.C. fire code requires fire extinguishers to be tested annually. According to a GSA building evaluation report made in January 1977, the fire extinguishers in the building were last tested in 1971. Our inspection of the building showed that many extinguishers were either missing or had not been inspected since February 1977.

On December 19, 1978, the GSA building manager wrote to the owner requesting that an exit and emergency illumination system be provided within 120 days. The building manager told us in April 1979 that he had received no response from the building owner and that the emergency power system had not yet been installed.

The Environmental Protection Agency contracted with a private firm to test the complex's fire alarm system which was done in March 1979. An Agency official said that he had requested GSA to do this, but GSA was unable to perform the test in a timely manner. The tenant paid \$500 for this test, which only covered part of the complex. A complete test was estimated to cost \$3,200.

This is not the first time that the Environmental Protection Agency had contracted directly for building services contrary to the provisions of the Federal Property Management Regulations. In April 1975 the Acting

Regional Administrator of GSA Region 3 wrote the Environmental Protection Agency about the latter's award of design and construction contracts for exhibits in the west tower and for installation of a special type of window glass in the east tower. GSA stated that it became involved in a damage dispute with the building owner over broken glass and informed the Environmental Protection Agency that the exhibit projects did not conform to GSA's fire-prevention and life-safety standards. GSA insisted that all future work for design, building alterations, or other work that might cause fire-prevention problems be handled through the Public Buildings Service to stay within the Federal Management Regulations.

#### Previous leasing problems

GSA has experienced continuing problems regarding the lessor's failure to comply with the lease for 401 M Street (Waterside Mall) in matters other than firesafety. On September 20, 1977, we reported 1/ to Congressman Charlie Rose about GSA's ineffectiveness in requiring the landlord to install suitable cafeteria facilities in accordance with the lease agreement. The dispute was taken before the GSA Board of Contract Appeals in 1977.

We recommended that the Administrator of General Services proceed to withhold rent for damages pending the outcome of the Board of Contract Appeals case. If GSA must establish a cafeteria in Government-leased space, we also recommended that the withheld rent cover the rental value of the space used and all installation costs.

Although the Administrator initially agreed to withhold rent, GSA changed its position on the basis that such action, without an express contract provision, might result in a breach of contract claim by the lessor. GSA believes that would not be in the Government's best interest before the Board resolves the case. To date, the Board has not issued a decision.

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1/"No Cafeteria for Federal Employees at Waterside Mall"  
(LCD-77-349).

Another matter involves cyclic painting in the facility. The lease requires the lessor to repaint all office space once every 5 years and public areas every 3 years. Because this painting was past due in February 1978, GSA reduced the rental by \$18,418 per month to cover the cost of the painting and contracted with a third party to have this work done.

2000 M Street, NW.

GSA has also failed to require the lessor to provide central station service for the fire alarm at 2000 M Street. In 1978 GSA reimbursed the building owner \$367.50 for providing a central alarm monitoring service from March to July 1978 at the request of the GSA building manager. This service was subsequently terminated when the GSA building manager was replaced in September 1978. The new building manager informed the Space Management Division that GSA should not continue to pay for this service because it was required to be provided by the lessor under the lease provisions. The Space Management Division should have enforced this provision as long as the lease has been in effect.

## CHAPTER 4

### CONCLUSIONS AND RECOMMENDATIONS

#### CONCLUSIONS

Both buildings have numerous firesafety deficiencies that should be promptly corrected. In addition to those identified in this report, other deficiencies may exist which should also be investigated and corrected as necessary. Occupants of the 2000 M Street, NW., building may not be adequately trained for evacuation in an emergency. The numerous false fire alarms experienced at 401 M Street, SW., may have seriously impaired the integrity of the evacuation system in that building.

Inspections have not been conducted as often as required and many deficiencies identified in the past continue to exist.

As part of the rental consideration, the lessors are responsible for correcting most of the violations noted. Since they have not been corrected, the Government is paying for services it is not receiving. The failure of GSA to enforce lease provisions in one case caused the Government to pay for a safety item as a supplemental contract, when the lease required the lessor to furnish the item. In another instance, a tenant bypassed GSA in order to obtain firesafety services in a timely manner.

GSA should take more aggressive action to require landlords to comply with the provisions of its leases. GSA should not rely upon the D.C. fire department to insure the owners comply with the local fire code. Part of the problem in the past in seeing that deficiencies are corrected has been the leniency of both GSA and the District of Columbia in carrying out their responsibilities. GSA has the alternative under its leases to pay directly for necessary work that the landlords neglect to provide and to withhold an adequate amount of rental payments to compensate the Government for such costs.

#### RECOMMENDATIONS

We recommend that the Administrator of General Services:

--Require both buildings to be inspected promptly to identify all firesafety violations.

--See that all deficiencies are corrected. If the building owners do not promptly correct deficiencies

that are their responsibility, the necessary work should be done with Government funds and the cost deducted from the rental payments as authorized by the leases.

- Work with the buildings' tenants to promptly establish an appropriate fire-prevention program, including education on proper housekeeping and building evacuation procedures.
- Remind the tenants that all work involving building services and firesafety matters be coordinated with the Public Buildings Service to protect the Government's interests.
- Make sure that in future Region 3 leasing negotiations, any deviations from established firesafety criteria be justified, approved, and documented.

- - - -

Although we did not discuss our conclusions and recommendations with GSA officials, we did discuss the facts in the report. They stated that the necessary actions would be taken to correct the firesafety deficiencies in both buildings.

ADDITIONAL FIRESAFETY ITEMSREQUIRED BY GSA CRITERIA401 M Street, SW.

East and west towers should have automatic sprinklers throughout.

Each floor protected by sprinklers should have waterflow switches to signal a fire and the sprinklers are operating.

Automatic sprinkler systems should be connected to the fire alarm system.

An elevator capture system is needed to automatically recall elevators. This system should have smoke detectors in the elevator lobbies to prevent elevator doors from opening in case of fire on that floor.

Emergency power supply should be provided for the fire alarm system.

An automatic voice fire alarm communication system should be provided in the east and west towers with prerecorded messages and public address capability.

Standpipe outlets should be provided in the garage area for fire department use.

2000 M Street, NW.

The entire building should have automatic sprinklers.

Emergency power supply should be provided for the exit lights and fire alarm system.

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January 16, 1979

The Honorable Elmer B. Staats  
Comptroller General of the United States  
U. S. General Accounting Office  
441 G Street, N.W.  
Washington, D. C. 20548

Dear Mr. Staats:

Our Subcommittee staff has recently visited the Department of Energy offices at 2000 M Street, N.W. and the Environmental Protection Agency offices at 401 M Street, S.W. We understand that both of these buildings are leased by the General Services Administration.

Our staff reports that both contain a maze of very narrow hallways. They are so narrow that when two or more people stand in them in a conversation, passage is difficult. In addition, the offices adjacent to these hallways are often quite small and overcrowded with equipment, documents, and people (see for example Room 3219 of 401 M Street, S.W.). There appears to be insufficient exits from these offices into the hallways. In case of an emergency, we question whether people could escape safely. We also question whether the halls are adequately marked to show how a person can escape through this maze to the nearest stairway and whether there are adequate emergency lighting systems in these halls.

We are concerned about the safety of the Department of Energy employees who are under our jurisdiction, as well as other employees who work in these facilities. We request that the GAO examine these buildings in terms of the safety requirements applicable to leased buildings under the GSA regulations and examine the leases to see if the lessor is in full compliance and if those requirements are adequate. If there are violations, we want you to identify them. We also want to know to what extent these offices are inspected, how often, by whom and whether fire-escape plans are in effect and made known to the employees. Also, to what extent are these buildings subject to District of Columbia fire laws and inspections?

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The Honorable Elmer B. Staats  
January 16, 1979

Please keep our Subcommittee staff (Mr. Finnegan at 225-1030) advised of your progress in this investigation. As is our normal practice, please do not provide a draft copy of your report to the agency for comments thereon. We will provide the report to GSA and seek their views.

Sincerely,

A handwritten signature in cursive script, appearing to read "John D. Dingell".

John D. Dingell

JDD:Frm

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