
Office of Inspections
Office of Inspector General
U.S. General Services Administration

# Evaluation of GSA's Site Selection Process for the Relocation of the Federal Bureau of Investigation's Headquarters

**JE25-002 (Redacted)**
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# Table of Contents

# Introduction

In November 2023, the Office of Inspector General (OIG), Office of Inspections, initiated an evaluation of the General Services Administration's (GSA's) site selection processes for the relocation of the Federal Bureau of Investigation's (FBI's) headquarters. GSA OIG initiated this evaluation in response to requests from members of Congress and concerns raised by the FBI.

This report focuses on GSA's processes and procedures to develop the site selection plan (Plan). This Plan outlined the criteria the Site Selection Panel (Panel) and the Site Selection Authority would use to decide between three designated sites as the location of the new FBI headquarters.

Within months of the enactment of the Consolidated Appropriations Act, 2022 (FY2022 Act), GSA restarted the work on the FBI headquarters project, which had been dormant since 2018. The FY2022 Act required GSA to select the new location for the FBI's headquarters from one of three sites: Greenbelt, Maryland; Landover, Maryland; and Springfield, Virginia. As a result, GSA developed a unique process to select the site for the relocation of the FBI headquarters.

GSA officials, in conjunction with the FBI, developed a Plan that outlined the process for selecting the FBI headquarters site. The Plan identified five criteria the sites would be evaluated against, the weighting of each criterion, and the key personnel and their responsibilities during the site selection process. Under the Plan, a Panel of two GSA officials and one FBI official would review materials compiled by GSA to evaluate the three sites against the established criteria. The Plan required the Panel to provide a recommendation to the designated Site Selection Authority, a senior-level GSA official vested with the authority to select the FBI headquarters site.

Per the Plan, the Site Selection Authority would use the Panel's recommendation to inform their ultimate decision on the FBI headquarters site selection. GSA finalized the initial Plan, prior to amendments, in September 2022, and published a summary of the criteria and weightings on the gsa.gov website.

In December 2022, Congress enacted the Consolidated Appropriations Act, 2023 (FY2023 Act), which required GSA to hold delegation meetings with Maryland and Virginia:

> …to further consider perspectives related to mission requirements, sustainable siting and equity, and evaluate the viability of the GSA's Site Selection Criteria for the FBI Headquarters to ensure it is consistent with Congressional intent….

GSA met with delegations from each state, considered their concerns and feedback, and ultimately decided to make changes to the wording and weighting of the Plan's five criteria. GSA issued the final Plan on July 13, 2023. This Plan updated the criteria and weighting that the Panel ultimately used to evaluate each of the three sites. The Plan also named Nina Albert, then GSA Public Buildings Service (PBS) Commissioner, as the Site Selection Authority.

The Panel convened from July 27-31, 2023, and recommended Springfield, Virginia, as the relocation site of the FBI headquarters. The Plan allowed Albert to use and consider additional information not available to the Panel to conduct her evaluation of the three sites. In addition, the Plan established that Albert was not required to select the same site as the Panel.

Ultimately, Albert disagreed with the Panel on several criteria, resulting in Albert selecting Greenbelt, Maryland, as the most advantageous location for the new FBI headquarters. See ***Appendix B*** for the Panel's and Albert's ratings by site.

This report discusses the processes that GSA developed and implemented to identify the criteria that each site would be assessed against, the information that would be used by the Panel to assess each site, and how Albert made her decision to select a location for the new FBI headquarters.

Over the course of the evaluation, we conducted approximately 34 interviews and received over 155,000 documents from GSA to review.

During the evaluation, we identified four findings. We found that:

1. GSA's rationale for increasing the weighting of Criterion 5 – Cost was not justified because certain risks that GSA factored into the change were minimal or non-existent.
2. GSA provided some inaccurate information for Criterion 5 – Cost for Springfield to the Panel and Site Selection Authority.
3. GSA did not provide data for Criterion 4 – Promoting Sustainable Siting and Advancing Equity that was specific enough for the Panel and Site Selection Authority to differentiate between the sites.
4. GSA officials failed to properly maintain cell phone text messages related to the relocation of the FBI headquarters project.

We also reviewed Albert's previous employment as the Vice President of Real Estate and Parking at Washington Metropolitan Area Transit Authority (WMATA) and found no evidence that Albert, as the Site Selection Authority, violated federal ethics regulations.

Our report makes three recommendations to ensure that GSA:

1. Establishes policies on developing, changing, and approving site selection plans;
2. Establishes policies and processes to ensure data used in site selections is relevant, accurate, complete, and current; and
3. Requires personnel involved with the FBI headquarters project, and future projects, to review and preserve records created via text messages or chats.

In response to our report, the GSA management agreed with our recommendations but disagreed with some of the conclusions in our findings outlined in the Response to Management Comments section. Management Comments can be found in their entirety in **Appendix C**.

# Background

Under 40 U.S.C. § 3304, the GSA Administrator is authorized to select and acquire a site to be used for a federal facility.[1] Historically, the Administrator has delegated this selection and acquisition authority to other GSA officials such as the PBS Commissioner, Deputy Commissioner, and Regional Commissioners.[2] Prior to selecting and acquiring a site, GSA will coordinate with a federal agency in need of a facility to develop a work plan and determine criteria for evaluating potential sites. Each site selection process is unique, but in general, a site selection team will review the criteria and recommend a preferred site to a GSA official authorized to make a site selection decision. The GSA deciding official is not required to follow the site selection team's recommendation, but the deciding official must select a site that they believe is the most advantageous to the Government, all factors considered.[3]

## The Initial Years of GSA's Site Selection Process for a New FBI Headquarters

In 2013, pursuant to GSA's site selection and acquisition authority, GSA initiated a multi-year process to obtain and develop a site for a new FBI headquarters facility. GSA, in cooperation with the FBI, planned to leverage the value of the FBI's current headquarters in Washington, D.C., the J. Edgar Hoover (JEH) Building, and exchange it for a new complex to be developed on another site. In November 2013, GSA issued a Request for Expressions of Interest to identify potential sites in the National Capital Region.

In 2014, GSA convened a panel of three GSA employees and two FBI employees to recommend a short list of sites for then PBS Deputy Commissioner Michael Gelber's consideration. On July 15, 2014, the panel unanimously recommended two sites in Maryland — one in Greenbelt and the other in Landover. The panel unanimously recommended excluding an existing federally owned site in Springfield, Virginia, largely based on uncertainties related to the cost and timing to relocate the existing tenants and uses for the site.

On July 28, 2014, Gelber concurred with the panel's recommendation to include the Greenbelt and Landover sites but disagreed with the recommendation to exclude the Springfield site. Per Gelber, the Springfield site allowed GSA to consider utilizing an existing, significant federal asset, and provide an opportunity for the development community to address the design and other challenges associated with relocating the existing tenants from the site. Gelber ultimately decided that the short list for the new FBI headquarters would include three sites, as described below:

[1] *See* 40 U.S.C. § 3304(d)(1).

[2] GSA Order PBS 5450.2, *GSA Delegations of Authority Manual (Public Buildings Service)*, August 5, 2020, at pages 6-7.

[3] Site Selection Plan (Amendment 2), Federal Bureau of Investigation Suburban Headquarters, July 14, 2023, at page 2 (Site Selection Plan_FINAL_Amendment #2_7_14_2023_REDACTED (1).pdf).

1. **Greenbelt, Maryland:** Comprised of approximately 61 acres of land owned by the State of Maryland and WMATA. Located at the Greenbelt Metrorail Station, in Prince George's County, Maryland.

2. **Landover, Maryland:** Comprised of approximately 80 acres of privately owned land. Located at the site of the former Landover Mall, in Prince George's County, Maryland.

3. **Springfield, Virginia:** Comprised of approximately 58 acres of federally owned land under the custody and control of GSA. Located at the current site of the GSA Franconia Warehouse Complex in Fairfax County, Virginia.

After deciding on a short list of potential sites, GSA took steps to solicit developers and secure funding. In December 2014, GSA issued a Request for Proposal, and in October 2015, selected a short list of offerors. In January 2016, GSA issued a second Request for Proposal to the short list of offerors. In February 2016, GSA submitted a Fiscal Year 2017 budget request and prospectus to Congress requesting $759 million to construct a new FBI headquarters building on one of the three sites.[4] In addition, the FBI requested $646 million for construction that increased the total requested amount to over $1.405 billion.

## Plan to Move the FBI Headquarters Stalls from 2017 to 2022

In early 2017, GSA received developer proposals, which included proposed values for the JEH Building, the FBI's current headquarters. In March 2017, GSA announced that it would be placing the FBI headquarters project on hold pending Congressional appropriations. In May 2017, Congress appropriated $523 million for the FBI headquarters project, which was $882 million below the combined GSA and FBI requests. In July 2017, GSA canceled the project, citing insufficient funds as a primary reason for the cancellation. The U.S. Senate Committee on Environment and Public Works subsequently directed GSA and the FBI to develop a new plan for the project.

On February 12, 2018, GSA and FBI presented a revised plan for the FBI headquarters project to the U.S. Senate Committee on Environment and Public Works. Under the revised plan, GSA and FBI sought $2.175 billion to demolish the JEH Building and build a new headquarters on the current site. The U.S. House of Representatives Oversight and Government Reform Committee, Government Operations Subcommittee subsequently held a hearing and requested information regarding the reasons for the rejection of the JEH Building exchange plan in favor of the demolish and rebuild plan. Similarly, the Senate Environment and Public Works Committee held a hearing where committee members expressed bipartisan concern about the revised plan.

In August 2018, GSA OIG issued a report finding that GSA did not include all of the costs in its revised FBI Headquarters Plan, and that the JEH Building demolish and rebuild plan would cost

[4] The prospectus consisted of the exchange delivery method incorporating the transfer of the JEH Building as partial compensation for delivery of the new facility.

more than the canceled JEH Building exchange plan.[5] Ultimately, no additional funding was approved for the FBI headquarters project, and GSA and the FBI did not move forward with the demolish and rebuild plan.

### Congress Passes Law Requiring GSA to Select a Site

On March 15, 2022, Congress passed the FY2022 Act directing the GSA Administrator to "select a site from one of the three listed in the General Services Administration Fiscal Year 2017 PNCR–FBI–NCR17 prospectus for a new fully consolidated [FBI] headquarters."[6] The three sites were the previously identified Greenbelt, Maryland; Landover, Maryland; and Springfield, Virginia, sites. Congress also required GSA to provide a briefing on the viability of the three sites within 90 days of the passing of the FY2022 Act, which GSA did in June 2022. The GSA presentation for the briefing identified the three phases GSA would follow to select the site: (1) determine the viability of the sites; (2) evaluate the sites to select one site; and (3) acquire the selected FBI headquarters site.[7]

This report describes GSA's processes and procedures for the first and second phases to select a site for the relocation of the FBI headquarters. We first present an overview of the facts relating to GSA's site selection process following the enactment of the FY2022 Act. We then present our findings, other matter of interest, and recommendations.

## Facts

In March 2022, GSA reinitiated the site selection process to select the new FBI headquarters location from one of three sites specified by Congress. Within 90 days of the enactment of the FY2022 Act, GSA briefed Congress on the viability of the three sites. GSA then had to select a site "in as expeditious manner as possible."[8] The following is a factual overview of the site viability and site selection phases.

### Phase 1 – Site Viability

On March 15, 2022, the GSA Project Executive for the FBI headquarters project initiated the process to assess the viability for the three sites identified through the FY2022 Act.
To assess whether a site was eligible for consideration, GSA looked at (1) whether the site was available and (2) whether the site would meet the FBI's mission requirements. The Project Executive outlined the information GSA needed to collect and assess to make a determination on viability, including:

[5] GSA OIG Report: Review of GSA's Revised Plan for the Federal Bureau of Investigation Headquarters Consolidation Project (gsaig.gov), August 27, 2018.

[6] Consolidated Appropriations Act, 2022, PL 117-103, div. E, 136 Stat 49, 276 (Mar. 15, 2022) (hereinafter "FY2022 Act").

[7] GSA's FBI Headquarters: Previous Suburban Site Viability Analysis, as of May 18, 2022.

[8] FY2022 Act.

- Assessing the National Environmental Protection Act (NEPA) process for the sites;
- Holding discussions with landowners, state and local officials, and tenants, if applicable;
- Obtaining appraisals; and
- Obtaining information on the Program of Requirements from the FBI.

### GSA's Decision on the NEPA Process

During the viability process of the 2016 FBI headquarters exchange project, GSA had completed a portion of the NEPA process for each of the sites, resulting in a Draft Environmental Impact Statement. In April 2022, GSA started to assess the different options for finalizing the NEPA process. NEPA requires federal agencies to consider the impacts of their proposed activities, programs, and projects on the quality of the natural and physical environment.

On April 5, 2022, the Project Executive emailed GSA's internal NEPA subject matter experts from the Office of Planning and Design Quality seeking their recommendation on what could be used from the 2016 Draft Environmental Impact Statement and what else may need to be done related to NEPA for the viability study. On May 20, 2022, the Deputy Director of the Office of Planning and Design Quality provided their recommendation that the NEPA process be completed before selecting a site. Office of Planning and Design Quality personnel told us that they normally would conduct a NEPA assessment on the sites as early as possible. The May 2022 recommendation stated that six steps were required to complete the NEPA process prior to site selection, including the request for public comment and updating the Draft Environmental Impact Statement to incorporate revised data such as traffic and site development changes. The recommendation also advised that a legal review was needed of new Executive Orders (EOs) from the Administration and estimated that it would take GSA approximately one year to complete the NEPA process.

Despite the May 2022 recommendation from the Office of Planning and Design Quality, GSA opted to delay reengaging in the NEPA assessment of the sites until after site selection. GSA Office of General Counsel (OGC) reviewed the information and determined that GSA could use an Automatic Categorical Exclusion (Automatic CATEX) for the site selection decision, and complete NEPA on the selected site. The Code of Federal Regulations, 40 C.F.R. §1501.4(a), states that Automatic CATEXs are:

> ...categories of actions that normally do not have a significant effect on the human environment, individually or in the aggregate, and therefore do not require preparation of an environmental assessment or environmental impact statement unless extraordinary circumstances exist that make application of the categorical exclusion inappropriate...

The GSA PBS NEPA Guide says that:

> Automatic CATEX's are actions that, by their nature, obviously have no potential to affect the environment. Such actions may be excluded from further NEPA review without analysis of any kind. The PBS NEPA Guide permits the use of an

> Automatic CATEX for, among other things, the [a]cquisition of land or easements that result in no immediate change in use and where subsequent compliance with NEPA and other applicable laws and regulations will take place as needed.

Although GSA had partially completed the NEPA process in 2016 before choosing the three sites on the short list, this time GSA elected to use the Automatic CATEX for site selection rather than reengaging in the NEPA process before site selection.

GSA officials were aware that there was risk associated with using the Automatic CATEX at the site selection phase. Using the Automatic CATEX for site selection could potentially delay the project after site selection, depending on the issues identified during the full NEPA process. By using the Automatic CATEX, GSA also delayed the public review and comment that is required in finalizing the Environmental Impact Statement. Knowing the risks, GSA chose to use the Automatic CATEX rather than engage in the full NEPA process before site selection.

### GSA Seeks Valuation Appraisals for Maryland Sites

Concurrently in May 2022, GSA sought valuation appraisals for the two Maryland sites, Greenbelt and Landover, because these sites were owned by WMATA and a private sector entity, respectively. On May 2, 2022, the Project Executive reached out to WMATA and the private sector entity requesting information on whether the sites previously identified were still available, and whether they would still consider selling the sites to GSA.[9] Both landowners confirmed that the sites were still available, and they were willing to sell.

GSA officials told us that on June 17, 2022, GSA briefed the U.S. House of Representatives Committee on Appropriations, Financial Services and General Government Subcommittee that all three sites were viable based on the agency's assessment: the availability of the parcels and the ability to meet the FBI's mission. GSA also identified the next steps in the site selection process, moving the project into Phase 2 – Site Selection.

### FBI's Response on the Program Requirements

As part of the viability phase, GSA received confirmation from the FBI that the three sites, if available, would meet the FBI's program requirements. On June 23, 2022, Nicholas Dimos, Assistant Director of the FBI Finance and Facilities Division, emailed the FBI's high-level requirements to Aimee Whiteman, then Acting PBS National Capital Region Regional Commissioner, and an Office of Management and Budget (OMB) official.[10] According to the memorandum, the FBI's goals were to find a location to fulfill their mission requirements, provide maximum value for the taxpayer, and meet the needs of their workforce. The FBI

[9] The letter to WMATA was resent on May 24, 2022, because the initial email contained an incorrect email address for the WMATA contact.

[10] Dimos copied Jolene Lauria, Department of Justice; Mark Reynolds, FBI; and Brian Turner, FBI.

provided three requirements, including its requirement for a secure, purpose-built suburban headquarters campus with close proximity to FBI stakeholders and mass transit.[11]

## Phase 2 – Site Selection

In June 2022, GSA started the process of developing site selection criteria. On June 22, 2022, the National Capital Division of OGC provided the Project Executive a summary of legal authorities and a preliminary determination of requirements to consider as they developed the site selection criteria.

From June to August 2022, GSA and the FBI met frequently to discuss and refine the site selection criteria and develop a Plan to outline the process for selecting the site for the relocation of the FBI's headquarters. On September 22, 2022, the Plan was approved by the Site Selection Authority, which was Whiteman at the time, and OGC Assistant Regional Counsel, Michael Klein. Under the Plan, GSA would convene a Panel comprised of two GSA representatives and one FBI representative. The three selected individuals were full-time career government employees. The Panel members would independently assess each of the 3 sites against 5 main criteria and 13 subcriteria. The Panel would then come to a consensus to recommend which site was the most advantageous to the United States. The five main criteria, with the subcriteria, and their weightings were:

1. **FBI Mission Requirement – 35%**
    a. Proximity of the Site to the FBI Academy Quantico
    b. The Proximity of the Site to Non-Consolidating Operationally Significant FBI/NCR Real Estate Assets
    c. The Proximity of the Site to the Headquarters of the U.S. Department of Justice

2. **Transportation Access – 25%**
    a. The Walking Distance from the Site to a Station on the Metrorail System Operated by the Washington Metropolitan Area Transit Authority
    b. The Walking Distance from the Site to the Virginia Railway Express (VRE) or the Maryland Area Regional Commuter (MARC)
    c. Accessibility to Major Bus Line Stop(s)
    d. The Site's Proximity to the Nearest Commercial Airport

3. **Site Development Flexibility – 15%**
    a. Site area and Site Geometry
    b. Earliest Time the Government could Commence Construction Activities

4. **Promoting Sustainable Siting and Advancing Equity – 15%**
    a. Advancing racial equity and support for underserved communities through the Federal Government

[11] The FBI's memorandum also requested a presence in Washington D.C. and the maintenance and sustainment of the JEH building.

b. Promoting sustainable locations for Federal facilities and strengthening the vitality and livability of the communities in which Federal facilities are located

5. **Cost – 10%**
    a. Cost to Acquire Site
    b. Cost to Prepare Site

According to a GSA official who was an expert in site acquisition, GSA's normal practice was to use a color rating system for the site selection assessment. For the FBI headquarters project, the rating system used three colors — blue, green, and yellow — with blue being the highest rating, green the middle rating, and yellow the lowest rating. The Contracting Officer assigned to the project explained that GSA did not usually use percentages for weighting, but for this project they decided to use both colors and weighted percentages in the process.

The Plan outlined the documents and data that Panel members would be provided to complete their independent assessment. The Panel would assess each of the 13 subcriteria by applying the color rating system. When the Panel completed their individual assessments, they would come together and discuss each of the subcriteria ratings and come to a consensus rating for each of the weighted five overarching criteria.

The Panel would write a recommendation report identifying the site they determined to be the most advantageous to the United States and submit the report to the Site Selection Authority. The Site Selection Authority would use the Panel's recommendation report to inform their ultimate decision on which site would be the most advantageous. The Plan gave the Site Selection Authority the discretion to conduct additional research and consider information that the Panel was not provided when making their recommendation.

In September 2022, the site selection plan was provided and briefed to congressional staff. On November 18, 2022, the new PBS Regional Commissioner for the National Capital Region, Melanie Gilbert, replaced Whiteman as the Site Selection Authority in Amendment 1 to the Plan. Gilbert and Timothy Tozer, OGC Assistant Regional Counsel, approved Amendment 1 to the Plan. Amendment 1 also identified, by name, the Panel members, the Contracting Officer, two legal advisors, and five non-voting technical experts. Amendment 1 did not make any changes to the site selection criteria, subcriteria, or weighting.

## Consolidated Appropriations Act, 2023

On December 29, 2022, Congress passed the FY2023 Act, which required that GSA meet with representatives of Maryland and Virginia as part of the site selection process:

> …not later than 90 days after enactment of this Act, prior to any action by the GSA site selection panel for the new Federal FBI headquarters, the GSA Administrator shall conduct separate and detailed consultations with individuals representing the sites from the State of Maryland and Commonwealth of Virginia to further consider perspectives related to mission requirements, sustainable siting and equity, and evaluate the viability of the GSA's Site Selection Criteria for the

> FBI Headquarters to ensure it is consistent with Congressional intent ….Following those consultations, the Administrator shall proceed with the site selection process.[12]

In accordance with the consultation mandate, GSA met with Maryland and Virginia representatives on March 8 and 9, 2023, respectively. Both state delegations were made aware that the purpose of the consultations was to discuss the Plan criteria and allow each delegation the opportunity to explain how they met the criteria and identify any concerns about the Plan. GSA and FBI took notes from the meetings and later combined the notes to identify the key topics brought up by each delegation.

Maryland delegates raised concerns with the criteria and subcriteria, and the weighting for Mission Proximity, Equity and Sustainability, and Cost Criteria. In particular, Maryland representatives felt that Criterion 1 – Mission Proximity put too much weight (35 percent) on nearness to FBI-mission related locations, especially in comparison to the Equity and Sustainability (15 percent) and Cost (10 percent) criteria. Given the weight of Criterion 1, Maryland representatives also expressed concerns that an element of Criterion 1, the site's proximity to Quantico, created an appearance of bias in favor of the Springfield site. Maryland delegates argued that the criteria needed to be adjusted to remove any appearance of bias, consider the best value to taxpayers, and follow Congressional intent and the President's EOs. Among several proposed changes, Maryland recommended that GSA apply equal weights to all five criteria.

In contrast, Virginia delegates did not raise any concerns with the weighting of the criteria. GSA's notes reflected that Virginia delegates believed changing the site selection process would be contrary to Congressional intent. The Virginia delegates generally focused their presentation on how the Springfield site would meet each of the criteria.

After the delegation consultations, GSA developed a Post-Consultation Process Plan that outlined how GSA and the FBI would assess the feedback from the delegation meetings with Maryland and Virginia. The plan identified a project team to lead the development of options, while considering GSA's best practices. The project team consisted of six GSA officials from the National Capital Region — four from PBS and two from OGC. GSA did not include any FBI personnel on the project team.

GSA's project team identified several topics from the consultations that required further research and discussion. The topics included questions about whether to change the existing weighting structure of the criteria, whether to change factors for evaluating certain criteria, and if the site selection plan was consistent with Congressional intent. The project team then conducted research on the topics and made recommendations to the GSA leadership team on potential changes to the criteria titles, assessments, and weightings.

[12] Consolidated Appropriations Act 2023, PL 117-328, div. E, 136 Stat 4459, 4687 (Dec. 29, 2022).

The leadership team was comprised of four GSA political appointees:

- Chief of Staff, Brett Prather;
- General Counsel, Arpit Garg;[13]
- PBS Commissioner, Nina Albert; and
- Regional Administrator for the National Capital Region, Elliot Doomes.

The leadership team's role was to assess the recommendations made by the project team and determine what, if any, recommendations to incorporate into the Plan. Prather explained to us that the leadership team was responsible for making the final call on whether or not changes would be made to the Plan.

## Plan Updates

The GSA project team reviewed the notes from the delegation meetings, conducted research on the topics, and recommended to the leadership team that the criteria weighting in the Plan be changed. Although the project team provided five options, they recommended the following option:

> Change the Existing Weighting Distribution to account for Input from the Jurisdictions or other Additional Circumstances since Issuance of the Site Selection Plan that may Warrant Altering the Weights.

According to the Changes to the Existing Weighting Structure document, any adjustments to the weighting would only be made based on changes that the team believed:

1) Would result in selecting a site that is best for the FBI and the American people over the long term;
2) Were grounded in our best practices in site selection, while incorporating new directives on sustainability and equity; and
3) Supported a more fair and transparent process.

Multiple GSA officials affirmed that the release of an EO on equity in February 2023 required an increase to the weighting of Criterion 4 – Promoting Sustainable Siting and Advancing Equity.[14] The project team provided two options in their written recommendations on how to redistribute the weighting across the five criteria. Both options included an increase to the weighting of Criterion 4 – Promoting Sustainable Siting and Advancing Equity and Criterion 5 – Cost. We found that GSA's rationale for increasing the Cost Criterion weighting was not justified. A full

[13] Arpit Garg left GSA in August 2023. Between May and July 2024, the OIG made repeated requests, via email, phone, and certified letters, to Garg for an interview regarding his role in the FBI headquarters site selection process but he did not respond.

[14] Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, dated February 16, 2023 (Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government | The White House).

assessment of GSA's decision and rationale to change the weighting of the Cost Criterion can be found at **Finding 1**.

GSA ultimately prepared two options to present to the FBI to change the weighting of the criteria. According to Doomes, GSA had a preferred option, which was identified as "Option 2" in a document titled FBI Negotiation Roadmap, from June 14, 2023. This option was to:

- Reduce the weighting of Criterion 1 – Mission Proximity by 10 percent and Criterion 2 – Transportation Access by 5 percent, and
- Increase the weighting of Criterion 4 – Promoting Sustainable Siting and Advancing Equity by 5 percent and Criterion 5 – Cost by 10 percent.

The document also stated that, "…the FBI has not convinced us that relative to the other criteria that proximity to other FBI mission sites should be the overwhelming factor in selecting the FBI [head]quarters," but "this proposal allows the mission [Criterion 1] to remain the most important factor."

The July 2023 Internal Decision Document explained GSA's rationale for changing the weightings. According to the Internal Decision Document:

> The revised weighting allocation maintains FBI's interest in geographic proximity as the most weighted criteria, but the variation between the weighting is significantly reduced. Prior to the changes, for instance, proximity was 3.5 times greater than cost. Upon further reflection and based on input provided from interested stakeholders, GSA was unconvinced that any one criteria should be so significantly more important than any of the other criteria and believes that this weighting, with less variation promotes a more fair process, in line with the agency's principles.

Doomes, who was the Regional Administrator at the time and part of the leadership team, explained that he thought that the weighting changes were to make the process fairer for the states because the FBI already stated that all three sites were acceptable.

Later in June 2023, GSA met with the FBI to discuss the changes to the wording and weighting for the criteria for their review, as outlined in Option 2. In a written response, the FBI expressed to GSA that they thought the original September 2022 Plan was the best plan, but that they deferred to GSA.

On July 14, 2023, GSA published Amendment 2 to the Plan. The final changes to the five criteria and weights from the original Plan are shown in ***Table 1*** on the next page.

**Table 1. Comparison of the Plan's Criteria Titles and Weightings September 2022 versus July 2023**

| Criteria | Title in Initial Plan | Weighting in Initial Plan (%) | Title in Final Plan | Weighting in Final Plan (%) | Change (%) |
|---|---|---|---|---|---|
| 1 | FBI Mission Requirements | 35 | FBI Proximity to Mission-Related Locations | 25 | -10 |
| 2 | Transportation Access | 25 | Transportation Access | 20 | -5 |
| 3 | Site Development and Flexibility | 15 | Site Development Flexibility and Schedule Risk | 15 | Unchanged |
| 4 | Promoting Sustainable Siting and Advancing Equity | 15 | Promoting Sustainable Siting and Advancing Equity | 20 | +5 |
| 5 | Cost | 10 | Cost | 20 | +10 |

Amendment 2 also changed the designation of the Site Selection Authority from Gilbert to then PBS Commissioner, Albert, a Presidential appointee. During her interview, Albert said that she was ultimately responsible for approving the changes to the Plan when she signed Amendment 2 as the Site Selection Authority.

## Appointment of Albert as Site Selection Authority

Albert joined GSA on July 6, 2021, when she became the PBS Commissioner. As the PBS Commissioner, Albert oversaw the GSA real estate portfolio, including the construction and maintenance of federal properties nationwide. On or around July 6, 2023, GSA Administrator Robin Carnahan asked Albert to serve as the Site Selection Authority. Prior to her joining GSA, Albert had been the Vice President of Real Estate and Parking at WMATA.[15] Carnahan said she was aware of Albert's immediate past employment with WMATA when she decided to appoint Albert as the Site Selection Authority.

According to Carnahan, in 2021, GSA looked at Albert's involvement and prior employment at WMATA when she was appointed as the PBS Commissioner. Carnahan said the GSA General Counsel at the time prepared a limited authorization memorandum that laid out Albert's ability to

[15] Albert was the Vice President of Real Estate and Parking at WMATA from 2016 until July 2, 2021. In that capacity, Albert testified before the Prince George's Planning, Housing and Economic Development Committee on February 6, 2020, about plans for the Greenbelt, Maryland, location. *See* Planning, Housing and Economic Development Committee on 2020-02-06 10:00 AM.

be involved with the FBI headquarters project.[16] The authorization was limited because it only granted Albert permission to work on matters involving WMATA and the FBI headquarters relocation project. It did not grant authorization to work on all matters involving PBS and WMATA. A Senior Ethics Official in the OGC Ethics Law Division told us that they tried to draft the authorization as broadly as possible to cover every eventuality.

Carnahan said she asked Albert to serve as the Site Selection Authority in July 2023. Carnahan explained that she selected Albert because she wanted to make sure that the highest-ranking real estate professional was making the site selection. Carnahan told us that she was unaware at the time that Albert was actively seeking employment with the Washington D.C., Government.[17] Albert told us that she did not notify anyone that she was seeking employment outside of GSA until she received an offer, sometime around September 15, 2023, at which point she notified Prather.

The GSA Project Executive and Dimos told us that Albert was asked to be the Site Selection Authority because GSA wanted someone who could defend the decision. GSA notified the FBI of the change in Site Selection Authority in early July 2023. Dimos said that when he was made aware of the change, he did not realize that Albert was previously employed by WMATA, the organization that owns the Greenbelt, Maryland, site under consideration, and therefore did not raise any concerns about Albert's appointment as the Site Selection Authority.

On July 13, 2023, Albert, as the Site Selection Authority, signed Amendment 2 of the Plan. Amendment 2 of the Plan contained the criteria that the Panel and the Site Selection Authority ultimately used to assess the three sites.

### Site Selection Panel

On July 27, 2023, the Panel, made up of two GSA officials and one FBI official, convened virtually to deliberate on the site selection of the FBI headquarters. In addition to the Panel, also present were:

- The Contracting Officer,
- Non-voting technical experts from GSA and FBI,
- An FBI contractor,
- Legal counsel from GSA and FBI, and
- Albert as the Site Selection Authority.

[16] 5 C.F.R. § 2635.502 states that an employee has a covered relationship with, among other relationships, "[a]ny person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee." Therefore, under this regulation, Albert had a covered relationship with WMATA for one year after she left WMATA and could not work on a matter where WMATA was a party without authorization from the agency designee.

[17] Albert applied for Deputy Mayor, Planning and Economic Development for the Government of the District of Columbia, in May 2023. She attended interviews for the position on July 14, 2023; July 21, 2023; and August 21, 2023. She was officially offered a position around September 15, 2023, which she accepted on September 30, 2023.

Each member present received the FBI HQ [Headquarters] Consolidation Site Selection Package (Package).

**Site Selection Package.** In accordance with the Plan, the Panel members were each provided a Package that contained the information they were permitted to use to assess the three sites against the criteria. The Panel was not permitted to consider any other information outside of the Package. The Package, prepared by GSA personnel, contained approximately 600 pages of information related to the three sites being assessed. The Package was organized by the five criteria. We found that some of the information contained within the Package was not pertinent or valid. See **Findings 2 and 3** for issues identified with the contents of the Package.

**Panel Deliberations and Consensus Meetings.** At the July 27, 2023, meeting the Contracting Officer provided the Panel with instructions on the process and the over 600-page Package to review and assess each of the three sites individually. The Panel members independently used the information in the Package to evaluate each of the sites against the 11 subcriteria.[18] If the Panel had questions, they were able to submit questions to the Contracting Officer who would work with the non-voting technical experts to answer the question or direct the Panel to where the information was located within the Package.

On July 31, 2023, the Panel reconvened to discuss their assessments and reach consensus on each of the five criteria. The meeting was facilitated by the Contracting Officer, Project Executive, and the Panel Chairperson. Albert, Tozer, and non-voting technical experts were also present for the meeting. The Panel members all attested that the process was smooth and that they had individually come to very similar assessments. As a result, the Panel members stated that it did not take them long to achieve consensus that Springfield, Virginia, was the most advantageous site for the FBI headquarters.

Albert requested that everyone at the consensus meeting return in the afternoon to finalize their consensus ratings. Several attendees referred to this second meeting as a "back-check" meeting. According to one FBI official present for both meetings, the back-check meeting felt as though the tone changed from the morning meeting and that the Panel members were being pressured to change their decision. The FBI official explained that the other attendees (the non-voting technical experts, Albert, and Tozer) questioned the Panel on their ratings and how they arrived at their conclusions, but the Panel remained resolved on their decisions.

One FBI official said that Albert spoke about the distance from a Metro station to the Greenbelt or Springfield sites, while the GSA non-voting technical expert on equity discussed the differences between Fairfax and Prince George's counties with an emphasis on the economic differences. According to the FBI Panel member, the Panel listened to Albert and the GSA non-voting technical expert, but did not engage in the discussion, nor did they change any of the ratings they had provided that morning. However, the GSA Panel members had no recollection of Albert speaking at the back-check meeting. Albert confirmed to us that she did ask the Panel members questions about the criteria related to transportation and equity to make sure the Panel

[18] Amendment 2 of the Plan issued in July 2023 contained two less subcriteria than in the Plan issued in September 2022 because the Cost subcriteria (and additional cost elements added) were consolidated into the main criteria.

had reached consensus. After the back-check meeting, the Panel Chair began to draft their report. On August 8, 2023, the Panel's final consensus recommendation report was provided to Albert.

### Site Selection Decision

According to Amendment 2 of the Plan, the Site Selection Authority was to use the Panel's recommendation report "to help guide and inform" the final site selection decision. Specifically, the Plan states:

> [t]he site selection authority *will use the evaluation report* developed by the site selection panel to help guide and inform a final decision as to which property is in the best interest of the United States; however, the site selection authority is vested with the discretion to fully evaluate all attributes of the sites and select the site which is truly most advantageous to the Government, *regardless of the recommendation provided by the panel*. (Emphasis added.)

We found that Albert drafted her decision to select Greenbelt, Maryland, as the new FBI headquarters location as early as August 3, 2023. Based on the earlier comments and edits made to the draft versions of the report, her decision to select Greenbelt, Maryland, was made prior to receiving the Panel's recommendation report, but after she heard the Panel's oral recommendation. We also found that Prather provided Carnahan a copy of Albert's draft site selection decision on August 11, 2023. Numerous employees within GSA reviewed and provided comments during the drafting process.

**Notifying the FBI of the Site Selection Decision.** On August 22, 2023, Albert informed Dimos of the Site Selection. According to Dimos, this was when he learned that Albert selected Greenbelt, Maryland, as the new FBI headquarters site.

On August 31, 2023, GSA and FBI met to discuss Albert's site selection decision report. Two FBI officials told us that they heard Albert say that she started with Greenbelt as the site selection decision; however, the GSA attendees present, Prather and Tozer, did not recollect Albert making that statement. When asked during her interview, Albert denied making that statement. During the August 31, 2023, meeting, Dimos told us he recalled Albert explaining that although she disagreed with the Panel, she also struggled to justify her ratings. Dimos noted that for the instances where Albert's ratings did not agree with the Panel's, the result was that Albert's ratings generally benefited Greenbelt, Maryland. Albert deviated from the Panel's ratings on eight occasions. In the four instances that Albert rated Greenbelt differently than the Panel, she increased the ratings for Greenbelt. In the three instances that Albert rated Springfield differently than the Panel, she decreased the ratings for Springfield. Albert also increased the rating for one subcriterion for Landover over the rating given by the Panel.

On September 22, 2023, Brian Turner, then Associate Deputy Director, FBI, sent a memorandum to Carnahan, stating that:

> …the FBI has concerns about the process leading to GSA's site selection decision and is unable to concur with GSA's decision at this time. To be clear, the FBI

> remains committed to enthusiastically commence the next phase of the new headquarters project, irrespective of the site that is selected, provided the process that leads to the selected site is consistent with the published site selection plan and appropriately fair and transparent. In both of these areas, the FBI has concerns.[19]

Turner's memorandum raised more specific concerns with how the Site Selection Authority, Albert, deviated from the Plan, as well as called attention to Albert's prior employment with WMATA. The memorandum also raised concerns that Albert's deviations from the Panel's recommendation favored the site which directly benefited WMATA. Specifically, the FBI stated that Albert's prior employment with WMATA and her deviation from the Panel's recommendation created "the potential for a perception of bias or lack of objectivity."

On September 29, 2023, Carnahan responded to Turner's September 22, 2023, memorandum, addressing the questions raised, including the allegations related to Albert's past employment with WMATA.[20] GSA informed the FBI, for the first time, that on July 6, 2021, the GSA Administrator had granted Albert a limited authorization to participate in matters involving the FBI headquarters relocation project and WMATA. GSA's response to the FBI included a copy of the limited authorization.[21] GSA also noted that the federal ethics regulation only required the limited authorization for the first year of Albert's employment with GSA. GSA said the authorization demonstrated that GSA intended to leverage Albert's expertise in the National Capital Region real estate market for the FBI headquarters relocation project from the outset of her employment. According to GSA's response, due to the Congressional action and discussion that resulted from the release of the first Plan in September 2022, and because of Albert's regional real estate expertise, GSA chose to elevate the site selection decision to Albert.

**Final Issuance of Site Selection Decision.** On September 30, 2023, Albert signed the Site Selection Decision.[22] Ultimately, Albert did not accept the Panel's recommendation, which was permitted by the Plan. In eight specific instances, Albert rated the subcriteria differently than that of the Panel, resulting in some subcriteria being tied. When the ties occurred, Albert would go on to break them. For example, for Criterion 2 – Transportation Access, Albert gave Greenbelt two "Blue" ratings for subcriteria a and b, which related to walking distance from Metro and commuter rail, and two "Green" ratings for subcriteria c and d, which pertained to proximity to bus lines and commercial airports. Under Criterion 2, Albert gave Springfield two "Green"

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[19] Department of Justice, Federal Bureau of Investigation memorandum, "FBI New Suburban Headquarters Site Selection Concerns," from Brian C. Turner, Associate Deputy Director, FBI, on September 22, 2023, at page 1.

[20] September 29, 2023 letter from Robin Carnahan, GSA Administrator, to the Honorable Christopher Wray, Director, Federal Bureau of Investigation, available on the GSA Freedom of Information Act (FOIA) Library (GSA Response_9.29.23.pdf).

[21] Limited Authorization Pursuant to 5 C.F.R SS 2635.502(d) to Participate in GSA Matters Related to the Federal Bureau of Investigation (FBI) Headquarters Project and the Washington Metropolitan Area Transit Authority (WMATA) available on the GSA FOIA Library (Enclosure 1.2 - N.Albert_Authorization Memo_7.6.21.pdf).

[22] The Site Selection Decision for the Federal Bureau of Investigation Suburban Headquarters, National Capital Region, dated September 30, 2023, is available on GSA's FOIA Library (FBI HQ Site Selection Decision.pdf).

ratings for subcriteria a and b, which related to walking distance from Metro and commuter rail, and two "Blue" ratings for subcriteria c and d, which pertained to proximity to bus lines and commercial airports. This created a tie between Greenbelt and Springfield with both sites having two green and two blue ratings for the transportation subcriteria.

Albert went on to break the tie by assigning Greenbelt an overall "Blue" rating and Springfield an overall "Green" rating for Criterion 2. In Albert's Site Selection Decision report, she explained her rationale for breaking the tie between Springfield and Greenbelt. In the final decision signed on September 30, 2023, Albert wrote:

> The difference in how I rated Subcriteria 2.d changed the assessment for the overall rating for Criteria #2 and caused me to have to decide, between two sites with equal subcriteria ratings, whether or not to tie the sites with Blue. As explained above, I determined that the differences in transportation access between Springfield and Greenbelt was not marginal, due to favorable walking distance of the Greenbelt site to Metro and commuter rail – the more frequently used forms of transit – and because all three sites have close cumulative proximity to all three Commercial Airports.

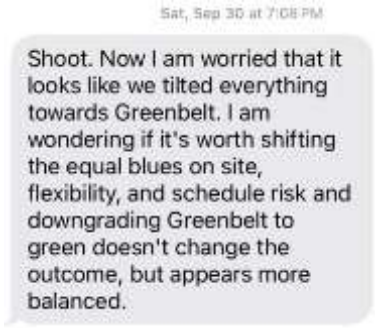
The FBI had concerns that Albert's ratings created ties, which she then broke by assessing that one or more subcriteria were more important than the other subcriteria. The FBI questioned how Albert could place more importance on certain subcriteria when the Plan explicitly stated that for each of the five criteria the "subcriteria are of equal importance."[23]

In a November 3, 2023, letter, from Carnahan to Wray, an enclosure provided GSA's legal analysis of the site selection process and whether Albert had a conflict of interest. In the legal analysis, Alex DeMots, GSA General Counsel, explained that the Plan tasked the Panel with assigning a color rating to each of the five criteria and that the Plan noted that the subcriteria were of equal importance; however, the Plan did not give the same direction to the Site Selection Authority. Therefore, Albert as the Site Selection Authority, was not tasked with the same structure as the Panel. GSA went on to explain that although Albert largely used the same framework as the Panel to analyze the subcriteria, the Plan allowed her to bring in additional information that the Panel did not consider where, in Albert's judgment, it was relevant in determining which site was most advantageous to the Government.

Albert told us that she made her site selection determination based on both her prior knowledge, her observations from the site selection panel discussions, and the Package. Albert said she evaluated each criterion with the information provided and where she departed from the Panel, she would test herself to see if she felt strongly about the departure or not. Albert explained that she focused her review on the areas with which she was familiar.

[23] Site Selection Plan, Amendment 2, Federal Bureau of Investigation Suburban Headquarters, dated July 13, 2023, at pages 5 and 6. See GSA FOIA Library for the Site Selection Plan, Amendment 2 (Site Selection Plan_FINAL_Amendment #2_7_14_2023_REDACTED (1).pdf).

On September 30, 2023, Albert signed the Site Selection Decision document. Notably, after Albert made and signed her decision around 6:48PM, Albert texted Prather from her personal cell phone on September 30 [2023] at 7:08PM:




Prather explained that he received this text about 20 minutes after Albert signed the final decision, and he took this as a very human reaction to making a big decision. Albert told us that she sent this text because she was second guessing herself. Albert said she had concerns because she knew the FBI had raised concerns that it appeared as if all the differences between her and the Panel slanted towards Greenbelt. Also on September 30, 2023, Albert signed a letter to officially accept a position with the D.C. Government.[24]

After Albert's decision was finalized, Prather explained that he felt strongly about proactively notifying the FBI about Albert's departure, but he wanted to wait until the appropriate moment. Prather contacted Dimos on Sunday, October 7, 2023, to notify him of Albert's decision and that she was departing GSA. Dimos and an FBI attorney told us that up until this point they had been under the impression that GSA was still working with them to ensure that any concerns or issues regarding the decision were resolved before finalization.

On October 12, 2023, Christopher Wray, FBI Director sent a letter to Carnahan, stating that:

> …the FBI continues to have concerns that the new headquarters selection process has not met those criteria. The FBI cannot accept a site selection decision with these unresolved concerns.[25]

The letter requested that GSA "expeditiously select a new Site Selection Authority to re-run the site selection decision process." Wray reiterated the FBI's previously expressed concern that the site selection of a WMATA property may be connected to Albert's former employment. Wray wrote that the July 2021 limited authorization issued by the Administrator appeared to contemplate Albert providing general day-to-day leadership of the project as the PBS Commissioner and was not written with the expectation that Albert would become the Site Selection Authority and be "granted overarching power to select

[24] On September 20, 2023, Albert provided Prather her resignation letter with an effective date of October 11, 2023, later amended to October 13, 2023.

[25] U.S. Department of Justice, Federal Bureau of Investigation, letter from the Director, Christopher Wray, on October 12, 2023, is available on GSA's FOIA Library (FBI New HQ Letter 10.12.23 (2).pdf).

the site." Wray also wrote that the Site Selection Authority should be free from any appearance of bias, or a conflict of interest, and that the Site Selection Authority should not have a "previous, direct affiliation with one of the parties of this procurement."

In response to Wray's October 12, 2023, letter, Carnahan asked GSA's OGC to perform a legal review of the issues raised. OGC's review determined that "GSA conducted the site selection process in full compliance with all ethical laws, regulations, and policies." OGC found that the Site Selection Authority's prior employment with WMATA was not a reason to re-run the selection. Additionally, OGC stated that the GSA Administrator had appropriately balanced the appearance of bias or a conflict of interest with the Site Selection Authority's past employment against the value of Albert's real estate expertise when she granted the limited authorization and when she selected Albert to serve as the Site Selection Authority.

On November 3, 2023, Carnahan sent a letter to Wray addressing the FBI's October 12, 2023, letter. Carnahan enclosed GSA OGC's legal review finding that the site selection process was appropriately followed, and she provided plans to make a public announcement of the decision on November 9, 2023.[26]

On November 9, 2023, Wray sent an email to the FBI workforce which was forwarded to GSA officials. The message stated:

> Upon review of GSA's decision report, the FBI expressed concern that elements of the site selection plan were not followed. In particular, the FBI observed that, at times, outside information was inserted into the process in a manner which appeared to disproportionately favor Greenbelt, and the justifications for the departures from the panel were varied and inconsistent. Moreover, with one immaterial exception, each of the senior executive's deviations from the unanimous panel either benefited the Greenbelt site or disfavored the Springfield site. The result of the senior executive's one-directional changes was that Greenbelt became the most highly rated site.

Carnahan told us that she felt GSA implemented a fair and transparent process and she was proud of the work that GSA did.

# Findings

### Finding 1. For Criterion 5 – Cost, GSA's rationale for increasing the weighting was not justified.

GSA's rationale for increasing the weighting of Criterion 5 – Cost from 10 percent to 20 percent was not justified because certain risks that GSA factored into the change were minimal or non-existent.

[26] GSA letter from Robin Carnahan, GSA Administrator, on November 3, 2023, is available on GSA's FOIA Library (GSA Response_11.3.23.pdf).

When GSA increased the weighting for Criterion 5 – Cost, it identified several reasons for the change, two of which were monetary. First, GSA added a new cost element—Relative Cost Difference of Expected Construction Start Dates—for each site. This cost element included "potential escalation costs and costs to sustain the current FBI Headquarters building due to any differences in when the construction can begin at each site." Second, GSA added off-site improvement costs that could be significant if not offset by the states and counties.[27]

GSA's other reasons for the increase to the weighting of Criterion 5 – Cost included the desire "to deliver better value to taxpayers," and to reduce the gap between the weightings of Criterion 1 – Mission, and Criterion 5 – Cost in the original Plan.

We found that the new cost element, Relative Cost Difference of Expected Construction Start Dates, for each site did not justify any increase to the Cost Criterion weight because it ultimately did not represent any real cost burden to the Federal Government. Similarly, the cost of off-site improvements, a cost element that GSA retained from the initial Plan, also had no significant bearing on cost to the Federal Government. In addition, although GSA doubled the weight of the Cost Criterion, the costs that the Panel and the Site Selection Authority relied on to select the most advantageous site represented a fraction of the overall project costs to build a new FBI headquarters. These issues are discussed below.

### Original Cost Criterion Weight

GSA's overall Plan identified cost as a criterion for determining the most advantageous site for the FBI headquarters. In the original Plan, GSA assigned a 10 percent weight to Criterion 5 – Cost.[28] The initial Cost Criterion consisted of the following two subcriteria:

1. Cost to Acquire Site – This included the purchase price for the Greenbelt and Landover sites. The Springfield site was already owned by the Federal Government.
2. Cost to Prepare Site – This included demolition and soil remediation for all three sites. In addition, Springfield incurred a forced move cost to relocate current unclassified tenants to new lease locations. This also considered the difference between anticipated offsite infrastructure improvements to be paid for by the states and counties and the portion of the costs to be paid by the United States.

As noted in the Plan, these two subcriteria were evaluated equally as part of the overall Cost Criterion.

[27] Off-site improvements are necessary transportation improvements such as parking garages, roads, and bridges constructed outside of the selected site's boundaries.

[28] Cost Criterion – 5 weight remained at 10 percent for the first amendment to the Plan.

## State Jurisdiction Consultations

On December 29, 2022, Congress passed the FY2023 Act, which required GSA to conduct separate and detailed consultations with the State jurisdictions involved.[29] These consultations were held to further consider perspectives related to mission requirements, sustainable siting, and equity, and to evaluate the viability of GSA site selection criteria to ensure it was consistent with Congressional intent.

When GSA consulted with the Commonwealth of Virginia, Virginia's primary concerns about the Cost criterion were limited to the State of Maryland's attempts to have GSA include classified tenant moving costs into its cost evaluation. Overall, Virginia stressed that the state worked with the criteria set by GSA, and that the classified tenant would be moving regardless of which site was selected.

When GSA consulted with the State of Maryland, Maryland was concerned that the cost to the American taxpayer was ranked lowest out of the five site selection criteria. Maryland voiced its concern regarding the difference between the "mission" and "cost" criteria weights (35 and 10 percent, respectively). Additionally, Maryland felt that it would be able to start construction prior to Virginia because of the tenant relocations associated with the Virginia site. It argued that a later construction start would result in more costs the government would have to pay to sustain the JEH Building and construction escalation.

## GSA Changed Cost Criterion Elements and Weighting

After GSA consulted with the state delegations in March 2023, GSA made changes to Criterion 5 – Cost to address concerns from the State of Maryland. GSA added a new element to Criterion 5 – Cost, "Relative Cost Difference of Expected Construction Start Dates." GSA also placed more emphasis on the "Cost of off-site improvements" by moving it from the original "Cost to Prepare" subcriterion into a standalone cost element. However, GSA's Package assigned a value of zero dollars to these risks as shown in ***Table 2*** on the next page.

[29] Public Law 117-328, *Consolidated Appropriations Act, 2023*, Section 527.

### Table 2. Site Selection Evaluation Plan Costs[30]

| Criteria 5 | Greenbelt | Landover | Springfield | Additional information |
|---|---|---|---|---|
| Cost to acquire site | $25,100,000.00 | [redacted] | $0.00 | Non-binding owner price |
| Cost to prepare site | $1,050,000.00 | $1,050,000.00 | $64,100,000.00 | Refer to H.1 for details |
| Cost of off-site improvements | $0.00 | $0.00 | $0.00 | Refer to D.1 for jurisdictional commitments |
| Relative cost difference of expected construction dates | $0.00 | $0.00 | $0.00 | Currently anticipating all sites will commence construction at same point |
| | | | | |
| TOTAL | $26,150,000.00 | [redacted] | $64,100,000.00 | |

GSA explained both changes to the Cost Criterion in its July 2023 Internal Decision Document. In it, GSA stated that the Relative Cost Difference of Expected Construction Start Dates would "calculate the relative cost differences, if any, due to an earlier expected construction start date at any of the sites."[31] It also asserted that by making the Cost of Off-Site Improvements a separate element, it would provide greater transparency because the cost associated with a particular site could increase significantly if these costs were not offset by the jurisdictional commitments.

***Table 3*** below shows the original Cost Criterion elements versus the revised Cost Criterion elements. GSA used these changes to justify its decision to double the Cost Criterion weight from 10 percent to 20 percent. These decisions were documented in GSA's post-consultation "key topics" document.

### Table 3. Changing Cost Criterion Elements

| Original Cost Criterion Elements | Revised Cost Criterion Elements |
|---|---|
| 1. Cost to Acquire Site<br>2. Cost to Prepare Site | 1. Cost to Acquire Site<br>2. Cost to Prepare Site<br>3. Cost Difference of Expected Construction Start Dates<br>4. Cost of Off-Site Improvements |

We analyzed the cost impact of the two changes to the Cost Criterion elements, and as explained below, we concluded that these two additions to the cost calculation in the Cost Criterion had no cost impact associated with them at the time of the site selection. Therefore, the addition of these

[30] Proprietary data redacted.

[31] U.S. General Services Administration, Federal Bureau of Investigation Suburban Headquarters, Internal Decision Document, at pages 1-2 of 7.

elements to GSA's cost evaluation criteria did not justify GSA's decision to increase the Cost Criterion weight.

**Cost Difference of Expected Construction Start Dates.** In its consultation with GSA, Maryland presented its view that both Maryland sites could begin construction well before Virginia because tenants would have to be moved prior to starting construction at the Virginia site. As a result, GSA added "schedule risk" to Criterion 3 and changed its title from Site Development and Flexibility to Site Development Flexibility and Schedule Risk. This was GSA's basis for adding "Relative Cost Difference of Expected Construction Start Dates" element to Criterion 5 – Cost.

However, even though GSA added this element to address Maryland's concern about construction start dates, GSA knew that the different construction schedules at each site location were not a time or cost risk. For example, GSA specifically stated in its Package that:

> The schedules for the VA and MD sites up to construction start are very similar, even though they have several significantly different activities. Improving on the site-specific activities for either schedule will not improve the construction start date, as the critical path runs through NEPA and other non-site-specific activities. While the extreme scenarios examined here are less likely than more moderate scenarios, they highlight that even in the most extreme cases the schedule outcomes are not drastically different. The seemingly small differences in the schedule outcomes indicate that the schedules are essentially the same (within a range).

While the GSA team acknowledged that the site locations had significantly different activities, it concluded that the construction starts would be "very similar" for these locations with "essentially the same" schedules. GSA did not expect any schedule risk (i.e., construction delays) when this information was presented to the Panel and shown in ***Table 2***, GSA did not expect any associated additional costs either. Therefore, GSA added an irrelevant and unquantifiable Cost Criterion element and used it as a justification for its decision to increase the Cost Criterion weight in the overall site selection evaluation. GSA's use of this new cost element did not justify its decision to increase the Cost Criterion weighting.

**Cost of Off-Site Improvements.** Each State jurisdiction made significant financial commitments to cover the costs of off-site improvements related to its site location.[32] GSA presented the jurisdictional commitments to the Panel in the Package. With these commitments, GSA identified no cost burden to the Federal Government for this work. GSA was aware of these commitments since October 2022, six months prior to the State jurisdiction consultations. However, in its key topics document, GSA stated that "these costs (if not offset by jurisdictional commitments) could significantly increase the cost associated with selecting a particular site." The Project Executive confirmed that off-site improvements were shown in the Plan because if

[32] GSA received signed funding packages from the Governor of Maryland, as well as confirmation from a Virginia state representative prior to GSA's decision to increase the Cost Criterion – 5 weight.

the jurisdictions fell through with their commitments, the government would be responsible for these costs.

According to the Cost Criterion description in the Plan, off-site improvement costs are any that would need to be paid by the United States. Further, GSA's team stated in an internal document that it will typically only consider cost as a factor for site selection and development if the United States must pay for it. However, after the State jurisdiction consultations, the GSA team was not concerned about each jurisdiction's ability to cover its financial commitments, and it concluded that the Plan should not be changed to consider the cost of off-site improvements as GSA's responsibility. Both jurisdictions had demonstrated unwavering support for this project. GSA had a high degree of confidence in both jurisdictions to deliver on their end of the project because, according to GSA, both jurisdictions have exemplary track records for developing and securing public investment for large-scale projects.

Despite its confidence in the State jurisdictions to cover the off-site improvement costs, the GSA team ultimately decided to keep off-site improvement costs as a factor under the Cost Criterion. GSA even placed additional emphasis on it by making off-site improvement costs its own cost element to justify its goal to provide better value to the taxpayer. The off-site improvement cost element, however, provided no meaningful impact to the total costs because there was minimal risk that GSA would be responsible for these costs.

After the GSA team drafted the post consultation key topics document, a GSA official expressed concerns about GSA's flawed and subjective justification to increase the Cost Criterion weight. In an email the official addressed the off-site improvements, stating:

> We now know the off-site mitigation estimates and proposed funding packages from the jurisdictions. These have arguably a better likelihood of being realized than the landowner prices or the federal government funding the larger project. However, we seem to not want to acknowledge these jurisdictional commitments.

The email further stated that increasing the Cost Criterion weight from 10 percent to 15-20 percent artificially inflates the impact of costs to address a cost risk that does not exist. The GSA official concluded that the GSA team's decision to increase the Cost Criterion felt like a forced attempt to place a higher percentage on cost for an unknown reason. These statements are consistent with our analysis of off-site costs, along with the GSA team's discussions expressing their confidence in both jurisdictions delivering on their part of the project.

### Cost Criterion Elements Have Minimal Impact Relative to Total Project Scope

The Cost Criterion elements that GSA incorporated in the site selection evaluation represented a fraction of the costs of the total project scope. In January 2017, a construction contractor estimated the total project costs for all three sites. GSA included only site acquisition and preparation costs as Cost Criterion elements rather than total project costs. The Project Executive explained the site selection process by stating:

- "The intent of this effort was to evaluate the costs to acquire a site (both land cost and prep cost), *not an evaluation of what it would cost to design and build on the sites.*"
- "The intent of the Site Selection process was to evaluate *site specific characteristics, not future potential design and construction solutions, to differentiate between sites.* The Site Selection process looked at what costs for site selection were directly attributable to the sites themselves."
- "*The Site Selection process was only evaluating the estimated, reasonable costs to prepare the site for any future construction.* These included relocating tenants not already planned for relocation, demolishing existing buildings, remediating the soil, and taking other necessary actions." (Emphasis added.)

We compared the costs associated with each Cost Criterion element to the contractor's estimated total project costs for Springfield and Greenbelt. As presented in ***Table 4*** below, we found that these costs, which only accounted for acquisition and site preparation, represented between approximately 1 and 2 percent of the total project cost, depending on the site. The minimal impact of these costs relative to the total project scope did not justify GSA's decision to increase the Cost Criterion weight.

**Table 4. Total of Cost Criterion Elements versus Estimated Total Project Costs[33]**

| Site Location | Total of Cost Criterion Elements ($) | Contractor Estimate – Total Project Cost ($) | Construction Escalation (%) | Escalated Total Project Cost ($) | Estimated Total Project Costs (%) |
|---|---|---|---|---|---|
| | A | | B | C = A * (1+0.40) | D = A ÷ C |
| Springfield | 64,100,000 | 2,106,817,000 | 40 | 2,949,543,800 | 2.2 |
| Greenbelt | 26,150,000 | 2,063,845,000 | 40 | 2,889,383,000 | 0.9 |

We acknowledge and agree that cost and taxpayer dollars are important when determining the most advantageous site for the new FBI headquarters. However, the Cost Criterion should be weighted appropriately based on the amounts GSA evaluates when deciding between the different sites.

As shown in ***Table 4*** above, the difference in the cost element amounts between Springfield and Greenbelt presented in the Plan is approximately $38 million ($64,100,000 - $26,150,000). This represents the amount GSA evaluated when deciding between these two sites. However, as discussed in **Finding 2**, GSA overstated Springfield's forced move costs by at least $3.3 million when it created the initial estimates. As a result, the $38 million difference between the two sites is reduced to $34.7 million. This difference would be further reduced significantly if GSA

[33] Landover's total of Cost Criterion elements was approximately seven percent of its escalated total project cost. The Panel and Site Selection Authority rated Landover the least favorable for the cost criterion because the cost to acquire Landover was significantly higher than the cost to acquire and prepare the Greenbelt and Springfield sites. Accordingly, we excluded Landover from ***Table 4***.

created more accurate rack system estimates as well as accounting for ever-increasing vacant space at the Springfield warehouse.[34]

As the difference in total cost of Cost Criterion elements narrows, cost becomes less important and overall value to the taxpayer becomes more difficult to distinguish between any given site. This further supports the conclusion that GSA's decision to increase the Cost Criterion weight was not justified.

In summary, GSA's rationale for increasing the Cost Criterion weight was not justified because certain risks that GSA factored into the change of the Cost Criterion were minimal or non-existent, and GSA identified no cost burden to the project for the new cost elements.

## Finding 2. For Criterion 5 – Cost, GSA provided some inaccurate information to the Panel and Site Selection Authority for the Springfield site.

GSA's Package contained some information for Criterion 5 – Cost that was not accurate. The initial development of the Package occurred in the fall of 2022. Despite changes to the Plan's criteria weighting and subcriteria, the Package remained essentially the same from 2022 until the Panel convened on July 27, 2023. The Package, consisting of approximately 600 pages of information on the three sites, contained some cost information that was not accurate.

### Inaccurate Cost Data

GSA presented inaccurate site preparation costs in the Package for the Springfield, Virginia, site. Specifically, GSA overestimated the forced move costs for the Springfield warehouse tenants because it did not conduct the due diligence necessary to calculate and provide detailed and accurate cost estimates. In particular, GSA overstated the rent exposure and move and replication costs because it based its calculations on inaccurate occupied square footage for the Springfield warehouse.[35] As a result, the Panel and the Site Selection Authority relied on inaccurate cost information during the site selection process.

**Forced Move Cost.** The Plan required that GSA consider the estimated, reasonable costs to prepare the site for any future construction which, among other things, included relocating tenants not already planned for relocation. Because GSA owns the Springfield warehouse, the tenants that occupy the warehouse would be forced to move if GSA chose the Springfield, Virginia, site for the FBI headquarters. This would be a cost burden to the government and was therefore included in site selection costs. GSA estimated the forced move cost during the site viability analysis and presented the cost of relocating existing tenants in two parts: 1) rent exposure and 2) move and replication cost at a new leased location. GSA's forced move cost estimates are shown in ***Table 5*** on the next page.

[34] In some documentation GSA referred to the Springfield warehouse as the Franconia warehouse. For clarity, we only used the term Springfield warehouse within this report.

[35] Rent exposure is the difference between the current annual rent costs at Springfield versus estimated rent costs for new lease space. Move and replication costs are those that the United States would have to pay to relocate Springfield tenants and replicate their current rented space.

**Table 5. GSA's Forced Move Costs Estimates**

| Forced Move Cost | Springfield Estimate ($) |
|---|---|
| Rent Exposure | 3,272,496 |
| Move and Replication Cost | 48,355,117 |
| **Total** | **51,627,613**[36] |

The panelists used this information to determine the most cost advantageous site for the new FBI headquarters. However, GSA overstated the rent exposure and move and replication costs because it based its calculation on inaccurate useable square footage for the Springfield warehouse.

**Overstated Rent Exposure.** GSA overstated the rent exposure by $217,348 because it included the full amount of rentable square feet (868,036) of the Springfield warehouse. We examined building statistics and found that on the date GSA requested the initial cost estimate, the warehouse had 57,652 rentable square feet (RSF) of vacant space. Without a current occupancy need for the vacant space in the existing warehouse, GSA should have excluded it from its cost estimate. GSA could not provide us with an explanation as to why it included the vacant space in its estimates. Additionally, as of March 1, 2024, we found that the vacant RSF have more than doubled to 130,817 indicating a trend that less space will be needed to accommodate this move. The increasing vacant space trend will continue to decrease the Government's rent exposure.

**Overstated Move and Replication Costs.** GSA overstated the move and replication costs by approximately $3 million in the Package because it included vacant space and inaccurate rack system square footage in its estimate. Move and replication are costs the United States would have to pay to relocate the Springfield tenants. These costs consist of real and personal property upfront costs based on square footage needs.[37] GSA included all 729,442 usable square feet (USF) to calculate the cost estimate even though 48,447 USF was vacant during the viability phase.[38] ***Table 6*** on the next page shows the overstated move and replication costs based on vacant USF as of GSA's initial estimate on April 13, 2022:

[36] GSA rounded the total forced move cost to $51,500,000 in the Package.

[37] Real property upfront costs include, among other things, design and tenant improvement costs for a new lease location. Personal property upfront costs include, among other things, rack system, special moving, and physical move costs.

[38] USF is the total square footage assigned to the tenant for use. RSF differs in that it also includes common spaces that are not used to store items.

**Table 6. Overstated Real and Personal Property Upfront Costs**

| Cost | Vacant Square Feet | Cost Per Square Foot ($) | Overstated Cost ($) |
|---|---|---|---|
| | **A** | **B** | **C = (A x B)** |
| **Real Property** | 48,447 | 28.55 | 1,383,162 |
| **Personal Property** | | | |
| Physical Move & Equipment | 48,447 | 4.20 | 203,477 |
| Rack System and Special Moving | 48,447 | 30.00 | 1,453,410 |
| | | **Total** | **3,040,049** |

When added to the rent exposure, GSA overstated forced move costs by at least $3.3 million ($3,040,049 + $217,348).

Similarly, when GSA calculated its estimates for the rack system and special moving costs, it again applied the rates to the total USF of the warehouse as if all the USF in the warehouse had both a rack system and stored equipment to move. Based on our observations and photographs of the warehouse, and explanations from GSA, the rack system does not occupy all the USF. In fact, there is a significant amount of USF that does not contain any rack system at all.

Additionally, we observed many oversized items that were stored on the floor, rather than on a rack system, and we encountered numerous empty racks within rented space. GSA knew that only part of the warehouse had a storage rack system, yet it still inappropriately included the entire 729,442 USF in its rack system and special moving cost estimate. The photographs of the Springfield warehouse in ***Images 1-2*** on the next page, clearly show that rack systems do not occupy all of the USF.

### Images 1-2 – Photographs of the Springfield Warehouse[39]

*Image 1 - Floor storage for larger items*

*Image 2 - Floor storage with no rack system*

Due to the condition and layout of the warehouse and an absence of documentation, we could not calculate an actual amount for GSA's overstated rack system cost estimate. Therefore, our calculated overstatement above is an absolute minimum amount based on the known vacant space. A more thorough and detailed cost estimate would have reduced the rack system and special moving costs significantly.

## Lack of Proper Due Diligence

GSA overstated the moving costs primarily because it did not conduct proper due diligence during the site selection process. Specifically, GSA failed to create more detailed cost estimates during the site selection phase.

GSA conducted a site viability analysis for all sites for its briefing with Congress on June 17, 2022. As part of the analysis, GSA created initial cost estimates for the Springfield, Virginia site in April 2022 by inquiring about the warehouse tenants' current space usage, occupancy agreements, and materials being stored, as well as the space occupied by a classified tenant. It determined that space needed for the cost estimate was 729,442 USF. Subsequently, GSA calculated a rough estimate using the information gathered during the site viability analysis to calculate rent exposure and move and replication costs.

According to a GSA official, a rough estimate would suffice for the viability phase, but more detailed information and calculations would be needed for the site selection phase. GSA, therefore, intended to conduct a more detailed analysis during the site selection phase; however,

[39] Photographs taken by the evaluation team, March 20, 2024.

it did not perform any further analysis nor update any of the components of its forced move estimates. Upon our inquiry, GSA did not provide a reason for not conducting a more detailed analysis during the site selection phase.

During our site visit to the Springfield warehouse, we learned that overall vacancy increased in the warehouse from April 2022 to May 2023, despite GSA's efforts to backfill vacant space. In March 2023, an agency occupying approximately 107,000 USF notified GSA that it would vacate the warehouse in May 2023. If GSA conducted a more detailed analysis as intended, it would have been aware of the increasing vacant space trend and should have accounted for it in its forced move cost estimate. Photographs of the Springfield warehouse in ***Images 3-4*** below show two examples of vacant space.

**Images 3-4 – Photographs of Vacant Space[40]**

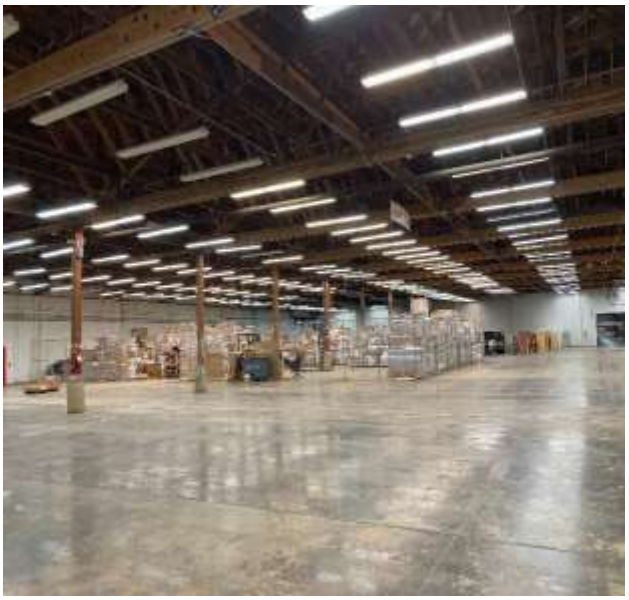


*Image 3 - Large vacant space*

*Image 4 - Tenant vacated this space in May 2023*

GSA also did not visit the Springfield warehouse to determine accurate rack system and special moving costs. Rather than prioritizing accuracy, GSA applied rack system and special moving cost rates to the entire warehouse's USF, which does not represent the actual condition and layout. GSA's calculation assumes that every USF contained a filled rack system; however, based on our site visit, it was obvious that this was not the case. A GSA official stated that they did not know why the estimate included a rack system for the entire warehouse, and that after visiting the warehouse, a racking system was not required for the entire space. The cost estimate may have been adequate to determine site viability, but GSA should have further refined it as required and intended, so that it could present more accurate and complete information to the panel members and Site Selection Authority.

[40] Photographs taken by the evaluation team, March 20, 2024.

GSA's lack of due diligence and lack of effort in creating accurate and up to date forced move cost estimates did not conform with its duty to ensure that it delivers the best value to taxpayers. Despite using an unjustified methodology, GSA determined that more emphasis should be placed on costs when selecting a site for the FBI headquarters, but GSA did not take necessary steps to update its cost estimates. GSA created the estimates when the Cost Criterion weight was 10 percent. When GSA doubled the Cost Criterion weight to 20 percent after the State jurisdiction consultations, it amplified the impact of its poorly derived estimates on the site selection process and decision.

The Panel and Site Selection Authority relied on the site selection Package to be complete and accurate. GSA's lack of proper due diligence resulted in inaccurate cost information in the Package, which could have had a significant effect on selecting the site that is the most cost advantageous to the government.

**Finding 3. For Criterion 4 – Promoting Sustainable Siting and Advancing Equity, GSA did not provide data that was specific enough for the Panel and Site Selection Authority to differentiate between the sites.**

GSA increased the weighting of Criterion 4 – Promoting Sustainable Siting and Advancing Equity, based on the consultations with the State delegations and the issuance of EOs relating to equity. However, GSA provided equity data primarily at a county level that was not specific enough to differentiate between the sites.

### Incorporating Equity into Site Selection Criteria

On January 20, 2021, the President issued EO 13985, *On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, citing the Administration's policy of advancing equity with opportunities to improve communities that have been "historically underserved, marginalized, and adversely affected by persistent poverty and inequality," and requiring agencies to "…recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity… "[41]

In light of EO 13985, GSA made equity an evaluation factor in the initial Plan. Specifically, equity was incorporated into Criterion 4 – Promoting Sustainable Siting and Advancing Equity, which contained two subcriteria:

> a) Advance racial equity and support for underserved communities through the Federal Government, and
> b) Promote sustainable locations for Federal facilities and strengthening the vitality and livability of the communities in which Federal facilities are located.

The initial Plan directed the Panel to evaluate the sites by considering the likelihood that selecting a particular site would advance the policies and goals contained in EO 13985,

[41] EO 13985, *On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, issued on January 20, 2021, available at Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government | The White House.

pertaining to advancing equity, and EO 14057, pertaining to promoting sustainable locations.[42] The instructions for the site evaluation from the initial Plan are shown below in ***Image 5***.

**Image 5 - Criterion 4 Ranking Explanation**[43]

| | | | |
|---|---|---|---|
| Criteria #4 | A BLUE rating demonstrates that selecting the site has a significant likelihood of advancing the policies and goals of the Executive Order | A GREEN rating demonstrates that selecting the site has a moderate likelihood of advancing the policies and goals of the Executive Order | A YELLOW rating demonstrates that selecting the site has a less than a moderate likelihood of advancing the policies or goals of the Executive Order |

On February 16, 2023, the President issued EO 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government*, citing the Administration's policy of "extending and strengthening equity-advancing requirements for agencies…." EO 14091 stated that this would be done in part by pursuing investment "to strengthen urban equitable development policies and practices, such as advancing community wealth building projects [and] facilitating equitable flows of private capital, including to underserved communities…."

Through the post-consultation process with the States, GSA determined that they would also incorporate EO 14091, which built upon the previous equity-related EO 13895. In the amended July 2023 Plan, GSA kept the original two subcriteria and increased the weighting of Criterion 4 from 15 to 20 percent. The final Plan required the Panel to compare the sites under Criterion 4 by considering 11 factors that GSA developed to advance the equity and sustainability goals set out in EOs 13895, 14091, and 14057. As outlined below, subcriterion 4.a had 8 factors relating to advancing equity, and subcriterion 4.b had 3 factors relating to promoting sustainable locations.

Subcriterion 4.a, Advancing racial equity and support for underserved communities through the Federal Government, contained the following factors:[44]

1) Whether federal resources have been or are equitably distributed to people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality in the county where the

[42] EO 14057, *On Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, issued on December 8, 2021, available at Executive Order on Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability | The White House.

[43] Image from Plan, issued on September 22, 2023, at page 6. Available at GSA FOIA Library (2022-09-22-FINAL-FBI HQ Site Selection Plan (Signed and Redacted)_0.pdf).

[44] Site Selection Plan, *Federal Bureau of Investigation Suburban Headquarters*, dated September 22, 2022, at pgs. 10 - 11 of 13.

site is located (versus the county in which the other site is located) that have historically been disadvantaged when it comes to federal investment;
2) The share of the county's federal office space (using the data from the Federal Real Property Profile) in the community where the site is located versus the county in which the other site is located;
3) The median household income of the county where the site is located versus the county in which the other site is located;
4) The percentage of federal jobs located in the county where the site is located versus the county in which the other site is located;
5) Whether the site is located in an "underserved community," as that term is defined in EO 13985;
6) Whether locating the facility at the site could provide increased employment opportunities for an "underserved community," as that term is defined in EO 13985;
7) Whether locating the site at the facility could create middle-skill, high-paying jobs (defined as those in excess of the median individual income in the county where the site is located) in an "underserved community," as that term is defined in EO 13985; and
8) Whether locating the site at the location could create opportunities for the improvement of communities that have been historically underserved.

Subcriterion 4.b, Promoting sustainable locations for Federal facilities and strengthening the vitality and livability of the communities in which Federal facilities are located, contained the following factors:[45]

1) Sustainable land use that promotes conservation of natural resources, reduced GHG [greenhouse gas] emissions, and increased resilience to the impacts of climate change;
2) Equitable development that promotes environmental justice and spurs economic opportunity for disadvantaged communities that historically have been marginalized and overburdened by pollution and underinvestment; and
3) Coordination and alignment with the development plans of Tribal, State, and local governments that advance these and related goals.

GSA provided the Panel with data that GSA deemed relevant for reviewing the factors. Although the EOs relating to equity focused on underserved communities and did not equate underserved communities with counties, GSA elected to evaluate most of the equity factors at a county level for the Panel and Site Selection Authority's evaluation. After assessing the 11 factors, the Panel had to assign a color rating to each of the subcriteria.

### Sustainable Siting and Advancing Equity Data

We found that GSA did not provide data, charts, and heat maps specific enough to distinguish the three sites for the Panel's and Site Selection Authority's evaluation. GSA provided

[45] *Id.*, at pg. 11 of 13.

approximately 30 pages of data, charts, and maps in the Package for Criterion 4; the information was mostly at a county level, rather than a site-specific level. Out of the 11 factors, GSA only provided site-specific information for 3 factors, while providing county-level information for the remaining 8 factors. According to the GSA equity subject matter expert, it was very hard to get data at a city level, and GSA therefore chose to keep most of the data at a county level.

Providing most of the information at a county level was not specific enough to differentiate between the Prince George's County sites. Further, when using county-level data, Criterion 4 became more so an evaluation between Fairfax County (Springfield site) and Prince George's County (Greenbelt and Landover sites) and presented challenges for the Panel and the Site Selection Authority to fully evaluate the specific sites. For example, some of the heat maps were used to show differences between the three locations through color variances and were intended to provide some level of site-specific comparison. However, it was difficult to see a difference between sites because the color variances were various shades of the same color in a very condensed map.

Using the county-level data, the Panel ultimately agreed that either county would benefit from being selected as the new location for the FBI headquarters. However, the Panel determined that Prince George's County would benefit more than Fairfax County and rated both Greenbelt and Landover as "Blue." According to two Panel members, they ranked Greenbelt and Landover the same because the data was mostly at a county level, and they were unable to distinguish between the two Maryland locations. The other Panel member also rated Greenbelt and Landover the same, but did not explain their rationale on their ratings.

In the Panel Recommendation report, the Panel explained that the Greenbelt and Landover sites "were determined most advantageous since the data provided were primarily not specific to the sites, but rather to the county." Likewise in her evaluation, Albert also gave Greenbelt and Landover the same rating due to the use of the county-level data. Specifically, Albert wrote in her site selection decision that "I decided to give the same rating of 'most advantageous site' (Blue) to the two Prince George's County sites because most of the data was provided at the county level and the marginal difference between the Greenbelt and Landover sites were difficult to discern."

GSA increased the weighting for Criterion 4 to better emphasize the Administration's priorities, but did not ensure that the data was specific enough to distinguish between the three sites. Further, GSA was aware that obtaining data at a site-specific level was difficult, but GSA did not consider the limitations of the available data for the Panel and the Site Selection Authority's evaluation.

## Finding 4. GSA officials failed to properly maintain cell phone text messages related to the relocation of the FBI's headquarters.

Throughout the course of the site selection, GSA officials used various methods to communicate information and decisions about the process, the decision, and the public announcement of the decision. Although email and shared documents were the primary methods, GSA officials also used instant messaging, and government and personal phones for calls and text messages.

We found that GSA officials did not properly maintain text messages on personal phones that were related to the site selection process for the relocation of the FBI's headquarters. Additionally, our evaluation was not able to examine the government phone issued to Albert due to GSA erasing the data on the phone as part of an automatic off-boarding procedure for employees departing the agency.

### Use of Personal Phones to Conduct Agency Business

During our review, we discovered that in a few instances Carnahan and Prather used their personal cell phones to communicate via text about GSA business related to the FBI headquarters relocation project. These text messages included messages between themselves and communications with other employees at GSA and the OMB. Title 44 U.S.C. § 2911 states:

> (a) In general. -- An officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee-
>
> > (1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or
> > (2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record.

The statute defines electronic messages as "electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals." An "electronic messaging account" is "any account that sends electronic messages." Our evaluation determined that in a few instances, Carnahan and Prather created federal records using their personal cell phones but did not copy or forward a complete copy of the record to their official electronic messaging account until they were asked by our evaluators to produce the records, months after the statutory deadline had passed.

At the outset of our evaluation, on November 29, 2023, the OIG requested all text messages sent or received on government-issued cell phones issued to the Administrator, Site Selection Authority, former Site Selection Authority, Site Selection Panel members, and Chief of Staff from January 1, 2023, through the date of our request. In response to the OIG request for information, GSA Associate General Counsel for Real Property, Timothy Tozer, stated that after discussing this matter with the impacted individuals, GSA did not believe there was any widespread use of text messages related to the FBI headquarters project. GSA turned over only 12 pages of text messages.[46] However, through the course of the evaluation, we found that additional communications occurred through text messages.

In April 2024, we requested all text messages from Carnahan's and Prather's personal phones relating to the FBI headquarters project. In May 2024, GSA General Counsel DeMots notified

[46] Four of the twelve pages of text messages were duplicates because both parties on the text message conversation provided copies.

the OIG that following our request, Carnahan and Prather provided DeMots with text messages from their personal phones. DeMots stated that he had reviewed the text messages from Carnahan's and Prather's personal phones and did not believe that any of the text messages constituted official records. Nevertheless, GSA made the text messages available to the OIG in June 2024. Most of the text messages that we received were from March 2022 through November 2023.

Federal law mandates that agencies manage and retain federal records. Federal employees have a duty to protect records against unauthorized removal or loss. Federal records include:

> ...all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of the data in them.[47]

We reviewed approximately 83 pages of text messages from Carnahan's personal phone and 66 pages of text messages from Prather's personal phone that GSA provided to us.[48] This review revealed that some of the text messages constituted official records. For example, on August 12, 2023, Carnahan had a text exchange with Prather on their personal phones about the status of Albert's draft Site Selection Decision. The text exchange included a discussion of who was assisting with the review of the draft, some of the feedback of the reviewers, and revisions that GSA leadership contemplated incorporating in the draft. In another instance, in September 2022, Carnahan used her government phone to text Prather on his personal phone about a meeting she attended where a member of Congress expressed to her concerns about the initial Plan.

Carnahan's personal phone also had some text messages to Prather and to OMB officials providing updates about communications with members of Congress relating to the site selection process. In a couple of instances, Carnahan provided status updates to OMB officials about the GSA team's responses to Congressional inquiries.

We determined that some of the text messages from Carnahan's and Prather's personal phones were federal records because they discussed agency business and documented important meetings and steps in the decision-making process. The text messages that we identified as federal records also contain information that is not in other records and that adds to a proper understanding of the formulation of a final decision. Furthermore, the text messages that we identified as federal records should be preserved because they make possible a proper scrutiny of the Agency decision by the Congress or other duly authorized agencies of the Government, such as the OIG.

[47] 36 C.F.R. § 1200.18.

[48] There may be duplicate texts between Carnahan and Prather.

The text messages from Carnahan's and Prather's personal phones that constituted federal records should have been saved or forwarded to an official account within 20 days of the original transmission. The text messages were not copied to or forwarded to Carnahan's or Prather's official GSA electronic messaging accounts until we requested the messages from their personal phones for this evaluation in April 2024.

### Albert's Government-Issued Phone

At the entrance conference for this evaluation, on December 6, 2023, GSA informed us that GSA Information Technology had possession of Albert's government-issued laptop, cell phone, and tablet, since she had departed the agency on October 13, 2023. However, on December 13, 2023, GSA informed us that the GSA Mobile Device Management Team erased the data on Albert's government-issued cell phone on October 16, 2023. GSA explained that as part of the standard employee offboarding process, an automatic command was sent by the Mobile Device Management Team to Albert's mobile phone, erasing the data. As a result, any information that resided on the phone was destroyed and not available for our review.

During our evaluation, we found a few text messages from and to Albert preserved on other GSA and FBI employees' phones, which confirmed that Albert used her government phone to communicate by text with other government officials about the FBI headquarters project. Due to the loss of the data on Albert's government-issued phone, we do not have confidence that we obtained all the FBI headquarters-related communications sent to or received by Albert on this device.

## Other Matter of Interest

### Albert's previous employment was not a conflict of interest or a violation of Federal ethics regulations.

We also reviewed Albert's previous employment as the Vice President of Real Estate and Parking at WMATA and found no evidence that Albert, as the Site Selection Authority, had a financial conflict of interest or violated the federal ethics regulations regarding being impartial in the performance of her official duties.

### Albert's Previous Employment with the Washington Metropolitan Area Transit Authority

Prior to taking the position at GSA as the PBS Commissioner, Albert worked for WMATA as the Vice President of Real Estate and Parking from 2016 until July 2, 2021. In this capacity, Albert was involved in planning and discussions regarding the FBI relocating to the Greenbelt, Maryland, site, which is owned by WMATA and is adjacent to the Greenbelt Metro Station.

While at WMATA, Albert was also involved in plans related to the proposed location for the FBI headquarters in Virginia near the Springfield Metro Station. When Albert was appointed to serve as the PBS Commissioner, the GSA Ethics Office interviewed her and recognized that her prior work at WMATA could cause ethics issues for her work at GSA. The GSA Ethics Office learned that there was a potential that the FBI headquarters relocation project would involve WMATA

and that the project could become part of Albert's portfolio. Although the project was dormant at the time Albert came onboard with GSA, a GSA Ethics Official told us that OGC anticipated that the project might begin again sometime during her tenure.

After speaking with Albert and then GSA General Counsel, Nitin Shah, Carnahan signed a limited authorization granting Albert permission to work on matters involving WMATA and the FBI headquarters relocation project but did not grant authorization to work on all matters involving PBS and WMATA. A GSA Ethics Official told us that they tried to draft the authorization as broadly as possible because they did not know what Albert's role in the project would look like in the future, and they wanted to cover every eventuality.

A GSA Ethics Official said that the limited authorization is broken down into two parts. The first part of the document is a discussion primarily addressing the six factors relevant to authorizations. The Ethics Official said that statements such as, "[a]s PBS Commissioner, you are responsible for providing broad program management for all PBS programs and activities," were intended to be illustrative and provide context to the discussion of the factors but were not meant to limit the PBS Commissioner's involvement in the FBI headquarters relocation project.

The second part of the document beginning under the subheading "Limited Authorization" encompassed the actual limited authorization. This part contained the operative language, "you may participate in all FBI Headquarters Project matters where WMATA may be involved."

OGC provided the limited authorization to Carnahan along with a decision memorandum outlining the pros and cons of granting the authorization. The decision memorandum stated that the reasons for approving the authorization were: (1) the benefit of having a senior political appointee being accountable to the public and to Congress for this high-profile project; (2) the fact that WMATA serves the public interest which helped reduce the ethics and optics concerns; and (3) the fact that WMATA's interests would be implicated in some way for virtually any potential development project in the D.C. Metro area. The reason for not approving the authorization was the possibility of negative press or oversight attention.

5 C.F.R. § 2635.502(d) provides the agency designee six factors to take into consideration:

> (1) The nature of the relationship involved;
> (2) The effect that resolution of the matter would have upon the financial interests of the person involved in the relationship;
> (3) The nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;
> (4) The sensitivity of the matter;
> (5) The difficulty of reassigning the matter to another employee; and
> (6) Adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

The limited authorization issued to Albert discussed the six factors and determined that the benefit of Albert working on the FBI headquarters relocation project outweighed any concerns about her impartiality.[49] According to 5 C.F.R. § 2635.502(d), an agency designee may authorize an

> employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations.[50]

The regulation gave Carnahan the discretion to issue Albert the limited authorization despite Albert's covered relationship with WMATA, if she believed Albert's participation in the matter met this standard. Carnahan signed the limited authorization on July 6, 2021, and it did not have an expiration date.

The Federal Ethics Regulation 5 C.F.R. § 2635.502 states that:

> An employee has a covered relationship with…[a]ny person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee.

Therefore, under this regulation, Albert had a covered relationship with WMATA for one year after she left WMATA and could not work on a matter where WMATA was a party without authorization from the agency designee. Albert had a covered relationship with WMATA until July 2, 2022. After this date, Albert technically did not need the limited authorization to work on matters involving WMATA. Even though Albert no longer had a covered relationship with WMATA at the time of her appointment as Site Selection Authority, Federal Ethics Regulation 5 C.F.R. § 2635.502(a) contains a catch-all provision that advises employees that they should seek authorization from an agency designee if they feel a situation may call into question their ability to be impartial in a matter. Specifically, the regulation says:

> An employee who is concerned that circumstances other than those specifically described in this section would raise a question regarding his impartiality should use the process described in this section to determine whether he should or should not participate in a particular matter.

5 C.F.R. § 2635.502 puts the burden on the employee to recognize when such a situation might exist and to initiate the process for obtaining authorization. During her interview, Albert told us that at the time she was selected to be the Site Selection Authority, she did not recall anyone, including herself, having concerns that her past employment with WMATA would cause others to call into question her ability to be impartial. Therefore, she did not consult with a GSA Ethics

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[49] Limited Authorization Pursuant to 5 C.F.R § 2635.502(d) to Participate in GSA Matters Related to the Federal Bureau of Investigation (FBI) Headquarters Project and the Washington Metropolitan Area Transit Authority (WMATA) available on the GSA FOIA Library (Enclosure 1.2 - N.Albert_Authorization Memo_7.6.21.pdf).

[50] 5 C.F.R § 2635.502(d) dated February 3, 1993, that was in effect as of the date of the Limited Authorization. 5 C.F.R § 2635.502(d) was updated in 2024.

Official and did not seek further authorization from Carnahan when she became the Site Selection Authority. She believed that the limited authorization issued when she came onboard covered her appointment as the Site Selection Authority.

Additionally, if the Administrator had concern, she could have reexamined the issue before she appointed Albert as the Site Selection Authority. According to the GSA OGC opinion provided to the FBI as part of GSA's November 3, 2023, response to the FBI, Carnahan "appropriately balanced" the appearance concern "against the value of Ms. Albert's real estate expertise" at the time she appointed Albert to be the Site Selection Authority.

The federal ethics regulation gave Carnahan as the GSA Administrator discretion to select Albert as the Site Selection Authority after balancing the interest of the government in the employee's participation in the matter against the concern that the public may question the integrity of the agency's programs and operations. We found no evidence that GSA violated an ethics regulation or law by selecting Albert to be the Site Selection Authority.

Additionally, we did not uncover any evidence that Albert had a conflicting financial interest as that term is defined in the law and federal regulations. Under 5 C.F.R. § 2635.402,

> [a]n employee is prohibited by criminal statute, 18 U.S.C. § 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to the employee's knowledge, the employee or any person whose interests are imputed to the employee under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

Based on the evidence available to us, Albert's decision to relocate the FBI headquarters campus did not have a direct and predictable effect on any of her assets or other financial interests.

While Albert's prior employment was called into question for potential bias or lack of objectivity, we found that GSA and Albert met the ethics requirements laid out in Federal Ethics Regulation 5 C.F.R. § 2635.502.

# Conclusion

In accordance with the FY2022 Act, in March 2022, GSA reinitiated processes to select a new site for the relocation of the FBI's headquarters. The FY2022 Act directed GSA to select from three sites — Greenbelt, Maryland; Landover, Maryland; and Springfield, Virginia. After determining that all three sites remained viable, GSA developed, in conjunction with the FBI, selection criteria to determine the most advantageous site for the United States.

In response to the FY2023 Act, GSA held delegation consultations with Maryland and Virginia to obtain feedback on the site selection criteria. GSA considered the feedback from the States, and a project team provided recommendations to incorporate the feedback. The leadership team ultimately decided on which recommendations to accept from the project team. The leadership team made decisions to change the weighting of four of the five criteria, with the weighting of

Criteria 1 and 2 decreasing and the weighting of Criteria 4 and 5 increasing. We found that GSA's rationale for increasing Criterion 5 – Cost was not justified.

The July 2023 Plan provided the criteria to use when evaluating each of the three sites. In order to conduct the evaluation, GSA provided each Panel member and the Site Selection Authority with a 600-page Package of information related to the five criteria. We found that GSA did not include accurate cost estimates, nor did they include site-specific data for the Panel and Site Selection Authority to fully evaluate each site in the Package.

On July 31, 2023, the Panel completed their review and came to a consensus on the ratings for the five criteria in the Plan. Through this process, the Panel recommended Springfield, Virginia, as the location for the new FBI headquarters. Albert ultimately deviated from the Panel's recommendation and chose Greenbelt, Maryland, for the location of the FBI headquarters.

Further, we found that GSA officials were not properly maintaining text message records from cell phones when conducting business related to the FBI headquarters project. In order to have a complete and accurate record of business decisions, GSA officials need to ensure that they are properly maintaining business records.

## Recommendations

1. The Administrator should require all GSA personnel involved with the FBI headquarters relocation project and any future projects to review and ensure records created via text messages and chats from any device are preserved within a GSA system to comply with the Federal Records Management regulations.

2. The PBS Commissioner should:
   a) Establish policies on developing, changing, and approving site selection plans to ensure that the criteria and any changes are sufficiently justified and supported.
   b) Establish policies and processes to ensure that the site selection data is relevant, accurate, complete, and current.

## Response to Management Comments

In written comments to our report, the former Administrator stated that our "findings are worth careful consideration" and directed the agency to implement the recommendations. However, in technical comments provided with the former Administrator's response, GSA disagreed with certain conclusions reached in our report. GSA's response is included in its entirety as Appendix C, but GSA's position is summarized as follows:

- Increasing the weighting of the Cost criterion to 20 percent – for a potential cost of $300-$550 million – was justified and better met GSA's responsibility to taxpayers;
- The relocation cost estimates were appropriate and reasonable, and different methodologies could have either increased or decreased the overall estimates; and

- The data provided on equity and sustainability was consistent with the plan and sufficient for the Panel and Site Selection Authority to effectively complete the selection process.

## GSA OIG Response

We address GSA's specific areas of disagreement below. For the reasons provided, we reaffirm our findings and conclusions.

### Finding 1 - For Criterion 5 – Cost, GSA's rationale for increasing the weighting was not justified.

GSA's rationale for doubling the weight of Criterion 5 – Cost, was not justified. While GSA stated that the increase in weighting was justified, most of the potential costs to which GSA is referring were for off-site improvements that the State jurisdictions of Maryland and Virginia had fully committed to pay. In fact, GSA was aware of these commitments as far back as October 2022, approximately eight months prior to its decision to increase the weight of Criterion 5 – Cost. GSA's response indicated that the costs could be between $300-$550 million. However, GSA did not provide the OIG documentation to support this range of costs with its response.

Additionally, as discussed in **Finding 1**, the GSA team assigned to review the input from the State jurisdiction consultations had complete confidence in the State jurisdictions' ability to cover their financial commitments, and it concluded that the site selection plan should not be changed to account for these costs. The GSA leadership team made the decision to make this change. Further, the cost difference of expected construction start dates was unquantifiable when GSA changed the criteria weighting. Both the cost of the off-site improvements and the cost difference of the expected construction start dates were assigned a value of $0 when the data was presented to the Panel and the Site Selection Authority in the Package. See ***Table 2*** on page 23.

Notwithstanding the above, GSA changed the Plan to include costs associated with (1) the off-site improvements and (2) the difference of expected construction start dates. GSA pointed to these cost elements as its justification for increasing the weight of Criterion 5 – Cost, even though it knew these costs represented no real burden to the Federal Government. Therefore, we reaffirm our finding and conclusion.

### Finding 2 - For Criterion 5 – Cost, GSA provided some inaccurate information to the Panel and Site Selection Authority for the Springfield site.

GSA does not deny that they did not update the relocation estimates when moving from the viability phase of the project to the site selection phase. Despite GSA's contention that the relocation estimates were appropriate and reasonable, we found that GSA's methodology resulted in inaccurate cost estimates during the viability phase, which it ultimately presented to the Panel and Site Selection Authority. As discussed in **Finding 2**, a GSA official said that GSA intended to conduct a more detailed estimate for the site selection phase but neglected to do so. Therefore, the costs included in the Package were not current, accurate, or complete, and the Panel and Site Selection Authority relied on inaccurate cost information.

We reaffirm our conclusion that GSA should have updated the forced move cost estimate in the Plan, especially after placing additional emphasis on Criterion 5 – Cost, which would have given the Panel and Site Selection Authority a more accurate picture of forced move costs.

### Finding 3 - For Criterion 4 – Promoting Sustainable Siting and Advancing Equity, GSA did not provide data that was specific enough for the Panel and Site Selection Authority to differentiate between the sites.

County-level data, as opposed to site-specific data, did not provide relevant information for GSA to accurately consider equity and sustainability differences between the three sites for Criterion 4 – Promoting Sustainable Siting and Advancing Equity. The Agency stated they considered the possibility that the data on the three sites under consideration might be similar, which was why the plan allowed both the Panel and the Site Selection Authority to assign ties between two or more sites. As explained in **Finding 3**, the Panel and Site Selection Authority, both identified challenges with being able to assess the three sites because the data was mostly at a county level as opposed to site-specific data. GSA ultimately made the decision to provide the majority of the data at the county level.

We reaffirm our conclusion that GSA did not consider the limitations of providing the data at a county level, rather than a site-specific level for the Panel and the Site Selection Authority to be able to make a distinction between the sites.

### Finding 4 - GSA officials failed to properly maintain cell phone text messages related to the relocation of the FBI's headquarters.

GSA agreed that personal devices were used and agreed with the recommendation. The former GSA Administrator raised concerns that one text message exchange cited was actually between her government phone and the Chief of Staff's personal phone. As a result, we updated the sentence to clarify that the text originated from the Administrator's government phone.

# Appendix A: Objective, Scope, and Methodology

On November 29, 2023, the General Services Administration (GSA) Office of Inspector General, Office of Inspections, initiated an evaluation of GSA's site selection process for the relocation of the FBI's headquarters. The objective of the evaluation was to assess GSA's processes and procedures to select the site for the relocation of the FBI's headquarters.

The team evaluated the site selection process starting with the Consolidated Appropriations Act, 2022, March 15, 2022, through December 2024. During the evaluation we:

- Researched laws, rules, regulations, and other federal guidance on the processes and procedures to select the site for the relocation of the FBI's headquarters;
- Reviewed relevant audits and reviews conducted by GSA OIG and other federal agencies;
- Reviewed GSA plan versions, the site selection criteria, the Package, the Panel's recommendation report, and the site selection authority site decision report;
- Reviewed electronic documentation from cell phones, emails, and a laptop;
- Interviewed GSA Administrator and GSA Chief of Staff;
- Interviewed the former PBS Commissioner;
- Interviewed PBS, Office of General Counsel, and Office of Congressional and Intergovernmental Affairs personnel;
- Interviewed FBI officials;
- Analyzed GSA site selection process, the three versions of the site selection plan, the site selection panel package information, and the site selection decision reasoning;
- Analyzed GSA records maintenance related to the site selection process.

This evaluation was conducted in accordance with the Council of the Inspectors General on Integrity and Efficiency, *Quality Standards for Inspection and Evaluation*, issued December 2020.

# Appendix B: Site Selection Decision Ratings and Weighting

GSA's site selection process required a Panel to evaluate three sites, relative to one another, and rank the sites based on a color ranking system from the most advantageous to the third most advantageous. Once the Panel complete their evaluation and came to a consensus, they provided their recommendation to the Site Selection Authority, who would conduct their own evaluation using the same color ranking system. The color ranking system was as follows:

- Blue - Most advantageous to the Government;
- Green - Second most advantageous to the Government; and
- Yellow - Third most advantageous to the Government.

***Table 7*** shows the Panel's final assessment for each site by criteria and ***Table 8*** shows the Site Selection Authority's final assessment for each site by criteria.

**Table 7. The Panel's Ratings by Site**

| Criteria | Weighting (%) | Greenbelt | Landover | Springfield |
|---|---|---|---|---|
| 1 – FBI Mission Requirements | 25 | Yellow | Green | Blue |
| 2 – Transportation Access | 20 | Green | Yellow | Blue |
| 3 – Site Development and Flexibility | 15 | Green | Yellow | Blue |
| 4 – Promoting Sustainable Siting and Advancing Equity | 20 | Blue | Blue | Green |
| 5 – Cost | 20 | Blue | Yellow | Green |

**Table 8. Site Selection Authority's Ratings by Site**

| Criteria | Weighting (%) | Greenbelt | Landover | Springfield |
|---|---|---|---|---|
| 1 – FBI Mission Requirements | 25 | Yellow | Green | Blue |
| 2 – Transportation Access | 20 | Blue | Yellow | Green |
| 3 – Site Development and Flexibility | 15 | Blue | Green | Blue |
| 4 – Promoting Sustainable Siting and Advancing Equity | 20 | Blue | Blue | Yellow |
| 5 – Cost | 20 | Blue | Yellow | Green |

# Appendix C: Management Comments



GSA
75 YEARS

**The Administrator**

January 14, 2025

Mr. Robert C. Erickson, Jr.
Acting Inspector General
U.S. General Services Administration
1800 F Street NW
Washington, DC 20405

Dear Acting Inspector General Erickson:

Thank you for your thorough evaluation of GSA's site selection process for the relocation of the FBI headquarters. I appreciate the opportunity to respond to your findings and recommendations.

Your office initiated its evaluation in response to requests from members of Congress and questions raised by the FBI. I am pleased that, on the central issues raised by the FBI, you found no evidence that Nina Albert, the Site Selection Authority, deviated from the site selection plan, had a financial conflict of interest, or violated federal ethics regulations.[1]

Your report contains technical findings involving the relative weight assigned to the criteria of cost; accuracy of certain components of relocation cost estimates; data used to assess sustainable and equitable siting; and record retention. While these findings are worth careful consideration, in my view none of them undermine the overall integrity of the process, the Site Selection Panel's recommendation, or the Site Selection Authority's decision. Your report reinforces my belief in the fairness and transparency of our plan and process, and my conclusion that all those involved did their best to recommend and ultimately select a site that would provide the best value for the FBI and the public.

I appreciate your report's forward-looking recommendations and have directed the agency to implement them by:

1) Establishing policies on developing, changing, and approving site selection plans;

2) Establishing policies and processes to ensure data used in site selections is relevant, accurate, complete, and current; and

[1] Page 38 of the report: "[w]e also reviewed Albert's previous employment as the Vice President of Real Estate and Parking at WMATA and found no evidence that Albert, as the Site Selection Authority, had a financial conflict of interest or violated the federal ethics regulations regarding being impartial in the performance of her official duties."

U.S. General Services Administration
1800 F Street NW
Washington, DC 20405
www.gsa.gov

3) Requiring personnel involved with the FBI headquarters project, and future projects, to review and preserve records created via text messages or chats.

Specific responses to some of the report's conclusions are enclosed.

The men and women of the FBI require a secure, state-of-the-art facility to accomplish their important mission. There is no doubt that the Hoover building is unable to meet the FBI's current and future needs. The GSA team stands ready to proceed with the next steps of this project, pending action on the Congressionally-directed prospectus reports provided to the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee on March 28, 2024. Once approved, GSA can move forward with acquisition of the Greenbelt site and begin work on the next phases of the project.

Thank you again for your thorough and independent evaluation and recommendations.

Sincerely,

Robin Carnahan
Administrator

**Enclosure | GSA Response to Technical Issues Raised**

GSA appreciates the IG's thorough review of the facts, but disagrees with some of the conclusions. Specifically:

- Increasing the weighting of the Cost criterion to 20 percent – for a potential cost of $300-$550 million – was justified and better met GSA's responsibility to taxpayers;
- The relocation cost estimates were appropriate and reasonable, and different methodologies could have either increased or decreased the overall estimates; and
- The data provided on equity and sustainability was consistent with the plan and sufficient for the Panel and Site Selection Authority to effectively complete the selection process.

Further information on each finding is below.

**Finding 1: For Criterion 5 – Cost, GSA's rationale for increasing the weighting was not justified**

**GSA Response:** Appropriate cost criteria were considered, and the potential costs associated with these three sites – which ranged from $300-$550 million – warranted increasing the weighting of the Cost criterion to 20 percent to better meet our responsibility to taxpayers.

**How GSA Approached Weighting and Selection of Criteria**

GSA assigned a weight to Cost based on its importance in delivering value to the FBI and the public. When assigning this weight, GSA considered the full potential cost to taxpayers, which included the cost of off-site improvements. GSA did not consider potential jurisdiction contributions before weighting the Cost criteria.[1] As part of GSA's process, the Panel and the Site Selection Authority reviewed the Panel packet to evaluate overall estimated costs for the sites only after weighting was developed. These estimates included the jurisdiction contributions toward offsite improvements.

Additionally, if a state, county, or jurisdiction failed to meet its commitment to fund offsite improvements, that could be the basis for reviewing whether a different site might be more advantageous to the public. If the Cost criterion was only weighted at 10 percent, it suggests that hundreds of millions of dollars in potential taxpayer costs would not be important, whether or not the jurisdictions covered them.

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[1] The FBI's June 26, 2023 letter referenced this, "in particular noting that this project's cost to the federal government could reach hundreds of millions of dollars pending final jurisdiction contributions", reflecting the approach GSA took to the allocation of weighting. It's also worth noting that the FBI, while expressing a preference for the initial weighting, did not object to raising the weighting of the Cost criterion to 20 percent. In fact, as their June 26, 2023 letter indicates, "[w]e acknowledge the thoughtful process that GSA developed to assess the plan, propose changes to the plan, and justify those changes – we have seen firsthand the diligence, professionalism, and expertise the team at GSA has applied to a complex and difficult task."
https://www.gsa.gov/system/files/FBI%20New%20HQ%20Site%20Selection%20Plan%20Weighting%20Proposal%20Response%206.26.23.pdf. Retrieved January 14, 2025.

Adding the Relative Construction Cost Based on Expected Start Date as a criteria was appropriate given the importance of this issue. When deciding on criteria, GSA evaluated what would deliver value to the public and be consistent with the agency's best practices. After careful consideration, GSA determined that this factor could be very important in determining value; for instance, if one site could begin construction in one year, while one site could not begin construction for five years, that would make a meaningful difference in terms of cost escalation to taxpayers for the project. While it is true that, once GSA developed data and provided it to the Panel, the project team estimated that all three sites had reasonably consistent estimated construction start dates, GSA did not make decisions about what criteria to include in the plan based on how sites might perform on the criteria – the agency made them based on what was important in delivering value.

**Finding 2: For Criterion 5 – Cost, GSA provided some inaccurate information to the Panel and Site Selection Authority for the Springfield site.**

**GSA Response:** The cost estimates were reasonable and appropriate.

GSA followed standard procedures for developing cost estimates for this project.[2] The agency typically develops estimates based on the stage of the project (planning, design, construction, etc.); at later stages of a project, more detailed estimates that take more time and cost more money are developed. For this project, the estimate prepared to support the figures provided to the site selection panel specifically noted that it was intended as a Rough Order of Magnitude (ROM).

GSA developed its estimates aiming to calculate the total potential costs that the agency could be responsible for in this forced move scenario. Vacancies in GSA buildings ebb and flow, which is why the estimates were built using the total square footage of what might need to be replaced and did not exclude space vacant at that particular time. Additionally, because this was an early stage of the project, GSA did not conduct the more burdensome, time-consuming, and costly process of developing a program of requirements for each of the tenants that may have needed to relocate (such a process takes about 12 months), which is why the estimates for tenant allowances were also ROMs. If relocations occurred, agencies could seek similar amounts of space and use similar technologies (in this case, racking systems), or they could seek more or less space or pursue different technologies, which could increase or decrease actual costs from estimates.

[2] GSA's guidance on cost estimates come from GSA Order PBS 1000.6B: "**Cost Estimate/Estimating.** A Cost Estimate is a professional opinion of probable cost, based on available information using best judgment and accepted methods of analysis. A cost estimate can be developed at any point in an asset life cycle, whether planning, design, construction, operations, or disposal. It can be based on any level of information, from simple narrative functional requirements to complete construction documents. There will be differences in level of detail and level of confidence, but not in the core principle of professional judgment." Public Buildings Cost and Schedule Management Policy. Issued November 7, 2022.

Any time that GSA develops a cost estimate, there are a number of variables (e.g. market availability, market volatility, the point in time one chooses to make calculations, program requirements, etc.) that could result in differing calculations. The report focused on (1) how GSA assessed vacant space at the time it prepared the estimate and (2) how GSA calculated move and replication costs, and concludes that the estimates provided to the panel were overstated by a minimum of $3.3 million, or about 6 percent, on a $51.5 million estimate. On that basis, the report concludes that the information provided to the Panel was inaccurate.

The estimates provided were reasonable and appropriate, particularly given that they were intended to be a ROM. Moreover, while GSA could have produced estimates differently, changes in methodology could have resulted in increases or decreases to the numbers provided to the evaluation panel. For instance, GSA used the average cost per square foot of industrial space at the time we developed the estimate in 2022 – which was a rate of $13.33. GSA used that rate to come up with a reasonable estimate, even though the market for industrial space is increasingly competitive, in part due to the race for additional data center locations and last-mile warehousing, and any relocation would likely happen years in the future. Today, that rate has increased to $18.47, an increase of 38.5% from what was used to develop the initial cost estimate. Based on current market data the rent estimates would now be $4.1M higher, even if the vacant space highlighted by the GSA OIG were accounted for in the calculation (see table below).

| Rent. S. Ft. | Initial Estimate | Total | Current Market | Total | Difference |
|---|---|---|---|---|---|
| 868,036 | $13.33/rsf | $11.5M | $18.47/rsf | $16M | $4.5M |
| 810,384* | $13.33/rsf | $10.8M | $18.47/rsf | $14.9M | $4.1M |

*Assuming 57,652 rsf vacant space (see draft report at 28).

All of the data above is not to say that GSA's initial estimates, or the report's assertions, are incorrect. It simply speaks to the inherent variability of cost estimates. While GSA acknowledges that the costs could have been estimated in a number of different ways, GSA believes that the estimates developed as part of this process were appropriate and reasonable.

**Finding 3: For Criterion 4 – Promoting Sustainable Siting and Advancing Equity, GSA did not provide data that was specific enough for the Panel and Site Selection Authority to differentiate between the sites.**

**GSA Response:** It was both appropriate and consistent with the Site Selection Plan to include County-level equity data to evaluate Criteria 4.

GSA's Site Selection Plan made clear that data comparisons among the sites would, in many cases, be done at the county level. For instance, the plan specifies that the Panel consider "the median household income of the county where the site is located versus the county in which the

other site is located", as well as "the percentage of federal jobs located in the county where the site is located versus the county in which the other site is located."[3] [emphases added]

The IG report asserts that "GSA did not consider the limitations of the available data for the Panel and the Site Selection Authority's evaluation." GSA considered the possibility that the data on the three sites under consideration might be similar across two or three sites. That's why the plan allowed the Panel to assign ties between two or more sites, with multiple sites receiving the same rating. In this case, as the report indicates, both the Panel and the Site Selection Authority chose to assign ties to the sites in Prince George's County, providing a clear and appropriate path forward that was consistent with the plan.

GSA notes that this was the first time that a criteria on equity and sustainability had been incorporated into a GSA site selection process.[4] While there will be room for continued refinement and improvement in the future, GSA maintains the data provided to the Panel and Site Selection Authority was both adequate and consistent with the plan and process.

**Finding 4: GSA officials failed to properly maintain cell phone text messages related to the relocation of the FBI's headquarters.**

**GSA Response:** Personal devices were used for limited communications on this project. Primarily, this was done for reasons of personal convenience. For instance, the September 2022 text referenced in the report was sent from one official's government phone to the other official's personal phone, while the latter official was on parental leave.

The texts in question are now preserved as federal records. GSA agrees with the IG's recommendation.

[3] FBI HQ Site Selection Plan: Amendment 2. Page 11. Retrieved from GSA's Electronic FOIA Reading Room January 14, 2025. https://www.gsa.gov/reference/freedom-of-information-act-foia/foia-library.
[4] This criteria was included based on Executive Orders 13985 (January 20, 2021) and 14091 (February 16, 2023).