

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held on Wednesday, August 21, 2019 at One City Hall Plaza, Conference Room 801, Boston, MA 02201.

Commissioners

Present: Commissioner Travis Watson, Commissioner Jorge Martinez, Commissioner Deborah Wright and Commissioner Kenell Broomstein

Hearing Begins: 1:01 PM

I. MINUTES

July 17, 2019 minutes were accepted and approved.

II. SPECIAL PRESENTATIONS

A. 123-125 Sumner Street

Duration: 6 mins.

Present: Drew Colbert (Winn Development), Travis Smith (Cranshaw Construction), Sandy Paben (Renaissance Groups) and Takara Hamilton (BPDA Monitor)

Project Overview

Drew Colbert (Winn Development): Demolished existing building after relocating households. Project is rebuilding 22 affordable rental units. Completion estimated for September 2020. **Commissioner Watson:** Winn Development worked on the Melnea Cass project and did well. Is the team aware of the New Ordinance requirements? **Takara Hamilton (BPDA Monitor):** Yes, very confident of their awareness and understanding of the New Ordinance. **Commissioner Watson:** I'm expecting that the same success will continue into this project. Todd Cotey was instrumental in Melnea. Please touch base with him for his knowledge. **Commissioner Martinez:** How many workers on the project? **Travis Smith (Cranshaw Construction):** 30 - 35 Abatement workers and 5 - 10 demo workers. Currently JDC Demo is on site. 30-35% bought out. Section 3 requirements. Davis Bacon minimum wage requirement. Majority Union and some Non-union. **Commissioner Watson:** We look forward to your review.

B. BPL Johnson Building Rare Books Renovations

Duration 23 mins..

Present: Walter Varela (Boston Building & Bridge Corp), Charles Penta (Boston Building & Bridge Corp), Mary Silvera (Public Facilities Department) and Claudette Austin (BRJP Monitor)

Project Overview

Commissioner Watson asked Claudette if she had historical numbers for the contractors and Claudette provided the information. **Commissioner Watson:** Any concerns, Claudette? **Claudette (BRJP Monitor):** Stat reports are for file subs. There are challenges with Boston residents and females. No opportunity for walk-on applicants. Encourage use of resources given during Pre-Con meeting. **Commissioner Watson:** In regards to file subs, it poses a challenge to the Commission's ability to hold contractors accountable, especially since contractor's BRJP history is not a consideration when awarding contracts during the file sub bid process, which is an issue that we should bring up for discussions at the City Council review. The low % contractors are the ones we don't want working City contracts.

Public:

Barry Keating (Plumbers, Local 12): Irvine has zeros across the board. I don't know how they are going to do better on the Cassidy Fieldhouse Renovation project, also being presented today. As of today, we have workers available in all these categories. **Commissioner Watson:** It is disgraceful! **Mary Silvera (PFD):** We did not receive any file sub plumbing bids. **Commissioner Watson:** How much involvement do you have in procurement? **Mary Silvera (PFD):** \$25,000 or greater (HVAC, Electrical, Fire Protection, etc.) - No bids were received for the Elevator and Plumber trades - when that happens the responsibility falls on the GC to solicit these sub trades. **Commissioner Watson:** Is there a potential opportunity for the City to review subcontractors/GCs to be awarded? **Mary Silvera (PFD):** At bidding stage. The first topic at weekly meetings between PFD and Boston Building & Bridge is BRJP (have contractors attended the required precon meeting? Are Boston residents verified? etc.) **Commissioner Watson:** Celina, I'd like to explore having a conversation before awards are given out. **Mary Silvera (PFD):** There is language in City's specifications where perhaps that could happen. The sign that advertises employment is at the front entrance of the building. **Commissioner Watson:** What was taken into account with Irvine? **Charles Penta (Boston Bldg & Bridge Corp):** At the time, there were no file sub bidders. We solicited plumbers we had done business with. Many were not interested or too busy to entertain the outreach. **Commissioner Watson:** Maybe no work issue with R. W. Irvine, but this is in regards to BRJP. **Commissioner Wright:** How do you plan to meet the requirements? **Charles Penta:** As part of their contract, they are well aware of BRJP goals. They would have to provide adequate backup as to why they're not meeting the goals. **Commissioner Wright:** Yes, it's in the contract. However, what do we do when they're not meeting the requirements? **Commissioner Watson:** Yes, we have the 7 Compliance Efforts rubric. We ultimately judge on the numbers. You're in the position to drive these numbers. Robert W. Irvine's BRJP history (2015 - to date) show 7,400 work-hours at 87 employees - 19%BR / 19%POC/4%F. This is not a one off. It's concerning and disappointing. The Boston Employment Commission is about creating jobs. **Charles Penta:** We opened up the bid to many, there was a lack of interest. **Commissioner Watson:** I would like to see the list of the companies solicited. Can you get this information to Claudette in a week? **Charles Penta:** Yes. **Commissioner Watson:** We look forward to seeing this project back in Dec 2019 or January 2020 for your review. Please give attention to the concerns discussed today.

Public:

Janet Jones (Boston Jobs Coalition): As a community resident, these projects must meet the standards. It's incumbent on the GC to find the right contractors who will take the program seriously.

PROJECT REVIEWS

A. Parcel M1 & M2

Duration: 11 mins.

Present: Mike Schumacher (Cottonwood Management), Kate Blessington (JMA), Joel Dyson (JMA) and Vargas DaSilveira (BRJP Monitor).

Project Overview:

1,470,227 wkhrs, 29%BR, 31%POC, 8%F

Vargas DaSilveira (BRJP Monitor): Noted a couple of corrections - on page 3 of the report, it should reflect JMA also had a review on 5/16/18 and on the Project Statistical Report by contractor (page 2) Colony Drywall did not work on this project - the hours belong to Century Drywall - this error has been corrected. **Commissioner Watson:** JMA continues to meet the bar. What has the conversation been with Century Drywall? **Kate Blessington (JMA):** Century is very proactive. In the beginning of the project, they were also working on the Casino, which impacted outcomes. They reached out to the hall and received a female and a Boston resident. They have a crew of 100 + and implemented a new system to verify Boston resident employees, which improved from 45% to 95% verified. 25 laborers and 25 tapers. They reach out to Building Pathways and Operation Exit. **Commissioner Watson:** These efforts are great to hear. **Joel Dyson (JMA):** Since our last BEC review, we would be happy to share what we've added. **Commissioner Watson:** Please email that information to Vargas.

Public:

Janet Jones (Boston Jobs Coalition): I'm interested in sitting down as community. **Joel Dyson (JMA):** May 2020 completion date, but that could change. **Commissioner Watson:** When will this project be at 75%? **Joel Dyson:** We are close to 75%. **Commissioner Watson:** BRJP will determine if this project should come back before the BEC.

B. Wilshire Apartments

Duration: 13 mins.

Present: Jonathan Tarleton (Urban Edge), Nathaniel Hailey (Urban Edge), Andre Barbour (NEI General Contracting), Shanice Marshall (NEI General Contracting) and Robert Woodson (BRJP Monitor).

Project Overview:

36,697 wkhrs, 34%BR, 67%POC, 5%F

Robert Woodson (BRJP Monitor): PNC Paving mobilized on site 7/29/19 and hired in the required categories. There is 1 outstanding resident verification. NEI has made some personnel changes. Shanice Marshall, here today, is new NEI project Admin. **Commissioner Watson:** I was hoping things had changed from previous hearing. Andre, I want to commend you for getting things in order expeditiously. Did NEI self-perform the work? **Andre Barbour (NEI General Contracting):** NEI didn't start until September 2018 and self-performed a lot of the work. 3 Boston resident carpenters were added. 5 subs, F & L Construction - completed in October 2018, Victor Francis Mechanical completed in March 2019. **Commissioner Watson:** Will this come back? **Andre:** We'll be finished in October 2020. **Commissioner Watson:** Very refreshing to have a better ending today. **Robert Woodson:** Appreciative of the communication from procedural stance and very confident going forward. **Commissioner Watson:** Please make sure the conversation gets back to higher ups. **Commissioner Wright:** How comfortable do you feel this will be reflected going forward? **Andre Barbour (NEI General Contracting):** With a new internal process of checks and balances, I'm confident this positive change will continue. **Robert Woodson:** This is not the only NEI project monitored by BRJP. I have 5 with notable change. There are other BRJP Monitors who have projects as well.

Public:

Janet Jones (Boston Jobs Coalition): Victor Francis holding up the sky. Second to none. I will call Victor in the morning.

C. Cassidy Fieldhouse Renovations

Duration: 16 mins.

Present: Gaurang Parikh (Northern Contracting Corp.), Scott Webster (Northern Contracting Corp.), Joe Moleti (Robert W. Irvine & Sons), Roberson Castor (Public Facilities Department) and Claudette Austin (BRJP Monitor).

Project Overview:

36,794 wkhrs, 36%BR, 64%POC, 8%F

Claudette Austin (BRJP Monitor): Northern Contracting is at 0% Females. On August 19, 2019 they hired a female carpenter, hours not yet reflected. CAM HVAC sporadically onsite with crew of 2 workers. CAM submitted a revised projection stating pipefitting work is complete - only sheetmetal work remaining - using 1 worker who is a BR/POC. **Commissioner Watson:** 6 file subs? **Scott Webster (Northern Contracting):** Yes - Brothers Electric, CAM HVAC, Stanley Roofing, Larkin Ironworks, Robert Irvine and Northern (doing masonry file sub work). From GC position we've made a number of efforts to reach females. In our earlier effort, the person who was to start went to another job. We are fortunate to have a female start 3 weeks away from completing 1000 sqft fieldhouse. **Commissioner Watson:** I would love to see in writing what Northern's practices will be to include and retain female workers by mid-September 2019. **Commissioner Wright:** To Mr. Moleti, tell us about your company. **Joe Moleti (Robert W. Irvine & Sons):** We have 7 administrative staff, I do payroll, we have 25 plumbers. There's 1 female person of color on this job this week and newspaper ads have been placed. **Commissioner Wright:** The zeros across the board is concerning. Take this back to your company's leadership. **Commissioner Watson:** Can we set up a meeting with the Owner/VP regarding their understanding of BRJP. Would like to have the meeting sooner rather than later, as Robert W. Irvine & Sons is working on another project coming up. **Commissioner Martinez:** stated for the record that Marguerite has low Boston residents and female numbers.

Public:

Barry Keating (Plumbers Local 12): This is a prevailing wage job. Does the female get paid the same? **Joe Moleti:** Yes, she does. **Janet Jones (Boston Jobs Coalition):** Marguerite Concrete - do not rehire them. We've negative experiences with them.

D. 125 Amory

Duration: 22 mins.

Present: Lindsey Gael (The Community Builders), John Cullati (Bilt-Rite Construction), Krissy Magown (Bilt-Rite Construction) and Pamela Ruffo (BRJP Monitor).

Project Overview:

897 wkhrs, 12%BR, 57%POC, 0%F

Pamela Ruffo (BRJP Monitor): Correction on BEC Report start/end date should read 3/2019 - 12/2020. Village Forge fell through crack and did not attend Pre-Con. As of today - 89% resident verification (5 unverified) 2 no longer working on site. Krissy is working on completing verification. Ike Electric had Corrective Action meeting on 8/20/19. Additional meetings were rescheduled for August 26, 2019. **Commissioner Watson:** While we don't oversee MWBEs, I want to recognize Bilt-Rite's access to opportunities given to those groups. There are certain best practices we expect contractors to follow. However, just because you didn't follow our best practices, and it's clear there needs to be some adjustments, but also you have best practices that are giving good numbers.

Commissioner Broomstein: Are these women counted as core crew or just for the job at hand? **John Cullati (Bilt-Rite Construction):** Majority are core crew. This is prevailing wage and workers are receiving appropriate wages.

Pam: They are union electricians. The company needs to expand their access to females. **Commissioner Watson:** Lindsey, do you do a lot of work with Bilt-Rite? **Lindsey (The Community Builders):** I've been with TCB for two years. We do have another project with Bilt-Rite. TCB is making efforts to push the MBE piece. Lots of opportunity for us all to go higher.

Public:

Janet (Boston Jobs Coalition): We developed a working relationship on previous projects. Good to see you.

John Cullati (Bilt-Rite Construction): The project is 20-25% complete and we estimate it will be at 50% by December 2019. **Commissioner Watson:** If the project is going on the right track, we don't need to see at 50%.

Commissioner Wright: The only downside to that, we need to see the good examples. We want to capture case study/best practices. Can you share those practices with us? We hear a lot of excuses and would like to share some examples of successful processes. **John Cullati (Bilt-Rite Construction):** Procurement is where it starts. Vetting out the subcontractors at bid package stage. We technically use the same subcontractors. The dynamic between Krissy and their PM's is vital.

Public:

Janet Jones (Boston Jobs Coalition): Two best practices: **1.** Krissy always knew who was on site and **2.** Live walk-on in the afternoon.

III. DIRECTOR'S REPORT:

Duration: 5 mins.

Celina Barrios-Millner (Equity and Inclusion Director): Handed out a flyer of Salesforce training dates that will take place on September 10, 24, and October 8, 2019. These trainings will be for GCs and Subcontractors payroll personnel. Additional Community training to be held in October. **Commissioner Wright:** Which would be helpful for us to sit in on? Once we're live, we can set up something specific for BEC. The GC/Subcontractor training might be helpful to you, also. **Celina:** In light of the transition of systems, there might be some hiccups or gaps in reporting. **Commissioner Wright:** What is the status of OSHA 10 classes? **Celina:** Next series to be held in October/November which is open to the public. Will bring flyer next month.

Hearing adjourned at 2:37 pm.