

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, August 18, 2021.

Commissioners Present: Commissioner JocCole “JC” Burton, Commissioner Kenell Broomstein, Commissioner Charles Cofield, Commissioner Carlos Espinoza-Toro and Commissioner Priscilla Flint-Banks

Hearing Begins: 1:04 PM

I. MINUTES

July 21, 2021 minutes accepted and approved (motioned by Commissioner Cofield, second by Commissioner Broomstein and approved by all).

II. SPECIAL PRESENTATIONS

A. JJ Carroll Project/New Ordinance

Duration: 18 mins.

Present: Sheryce Hearn (Dellbrook JKS), Dana Marcotte (Dellbrook JKS), John McGinnis (Dellbrook JKS), Nick Canesi (Dellbrook JKS Lisa Kozol (2Life Communities), John Feuerbach (DND) and Robert Woodson (BRJP Monitor)

Project Overview:

John McGinnis (Dellbrook JKS): This is a 21-month duration project contingent on start date. Estimated start date is 9/1/21. The project will transform a 64-unit elderly development to 142 new affordable apartments (11,000 sqft Healthcare Center, 1,000 sqft Retail space and 10,000 sqft Common space/Intergenerational playground space for seniors and others). Passive House Certified. 2Life’s M/WBE goals – 30% MBE/10% WBE/10% Section 3. Current project – 48.25% MBE/2.42% WBE/12.39% Section 3. Buyout is not complete and gives opportunity to increase spend w/WBEs. Job application box is located on 130 Chestnut Hill Ave, Brighton, MA. **Commissioner Burton:** Are the M/WBEs being counted in both categories (Caan Fencing was referenced)? **John:** Yes. Caan Fencing is a \$75,000 contract and on a \$62,000,000 contract, that’s a low percentage. Although the BRJP Ordinance does not require M/WBEs to be part of the count in the workforce categories, and rather encourages Best Faith Efforts, we do a better job than most on M/WBE participation. **Commissioner Burton:** Historically there have been challenges with some of the non-M/WBE contractors on your list. What is Dellbrook’s approach in managing participation from those such contractors? **John:** It’s challenging with less foot traffic during this COVID climate. **Commissioner Burton:** The burden of making sure BRJP requirements are met are for all subcontractors. There’s a handful on the list that continually do not abide to the BRJP ordinance requirements. We are looking to Dellbrook JKS to make sure appropriate contractual language to pivot and provide additional restrictions if BRJP requirements are not met. **Commissioner Cofield:** Is there payment language to withhold if BRJP requirements are not met? **John:** BRJP language is in the contract (Bolded) payment can be withheld. **Commissioner Cofield:** As Commissioner Burton stated, there are a few red flags with the non-M/WBE contractors that should be addressed sooner than later. There is a contractor on the list that will start site work. Please don’t wait until the site work is done to address the red flag. **Commissioner Flint-Banks:** Is this under the New or Old Ordinance? **Robert Woodson (BRJP Monitor):** It is Prevailing Wage under the New Ordinance guidelines. **Commissioner Burton:** The Commission is providing a cautionary flag because we have seen several of these subcontractors not meet the BRJP requirements. We realize it is a unique time in light of COVID and people aren’t walking on to job sites and childcare has become an issue with female workers for the most part, but we must remain vigilant. **Commissioner Cofield:** In regard to childcare, we have a new childcare program available to all construction workers. In regard to lack of manpower, the Boston Jobs Bank has a list that’s plentiful. Building Pathways, Youthbuild and all trades have apprenticeship programs

and are required to bring in new people (Not checker boarding). **Commissioner Broomstein:** the childcare program is called Child Care that Works and can be reached at childcarethatworks.org. **Lisa Kozol (2Life Communities):** We do take this all very seriously and will have our full attention along with Dellbrook. **Commissioner Burton:** Thank you for being here. We do know that when owner/developer participates at this level it makes the project go better and therefore goes better for the residents of Boston which is the goal. **John Feurbach (DND):** DND will have a Pre-Con meeting with the Office of Equity and Inclusion staff/Robert prior to construction to review all items related to what's being discussed today. DND has \$3M in it. We condition the release of our funds to many factors and one of which is performance relative to jobs and community service. Performance in weekly utilization forms and compliance. DND works closely with Robert and staff to work with developer and contractors to meet the goals. The stick we have is availability of funds and we do not like to withhold funds because we know there are small subcontractors who need to get paid. Robert is pro-active in addressing issues immediately.

Public:

Janet Jones (Roxbury Community Committee): It's wonderful to have the list of M/WBEs. The non-MBE, Marguerite does not have a good history. They are rogue and do not care about diversity hiring.

III. PROJECT REVIEWS

A. BIDMC New Inpatient Bldg./New Ordinance

Duration: 15 mins.

Present: David Flanagan (BIDMC), Amy Sowersby (Turner Construction), Amanda DiLando (Turner Construction), Alison Stanton (Turner Construction) and Pamela Ruffo (BRJP Monitor)

Project Overview:

527,773 Wkhrs, 1,423 wrks, 26 contractors, 24%BR, 34%POC, 7%F

Pamela Ruffo (BRJP Monitor): Reviews Highlights and Concerns

A corrective action meeting was held on 08/03/21 for the following subcontractors: Turner Construction, Thomas G. Gallagher, TK Elevator, Sullivan & McLaughlin, S&F Concrete, McCusker Gill, Central Ceiling, & Carlisle Engineering. Since submitting this report to the Commission, there's been a great update on Sully and McLaughlin (Electrician) adding 2 resident/minority electricians on August 11 and 3 more resident/minority on Aug 16, 1 is a Building Pathways graduate. They have continued to employ this graduate showing their commitment to provide a sustainable opportunity and create the example for other subcontractors towards building the pipeline. David Flanagan, Senior Director, Capital Facilities, Engineering & Research Laboratory Planning at Beth Israel Deaconess Medical Center is personally mentoring 30 students from Boston Public schools and providing site tours and presentations of the BIDMC project. **Commissioner Burton:** What's projection completion? **Answer:** November 2022. **Commissioner Burton:** There's time to increase participation in all categories, specifically residents and females. I would encourage Turner to use the resources stated earlier regarding childcare.

Public:

Janet Jones (Roxbury Community Committee): Is Turner still female owned? I believe the chair was a female and would think that being the case, certainly childcare would be a priority along with everything else. Turner is known to be very responsible and this being a huge job offers great opportunities. **Alison Stanton (Turner Construction):** We are not a women owned company, but we are very involved with the program Childcare that Works, and we promote it to our trade's women and men throughout our various job sites. **Amy Sowersby (Turner Construction):** The Childcare that Works resource is advertised in the Wellness trailer and in the Conference Center.

Commissioner Burton: We look to see improvement during your next review in the gap area of Boston residents and women. **David Flanagan (BIDMC/Harvard):** Commissioner Burton, I'd like to add that we had a great summer intern program with Boston Public School students. They were exposed to the entire medical center and careers.

They had one on one mentoring and panel discussion with my team of Architects, Engineers and Project Managers. The team is going to continue a relationship with them through their senior year. **Commissioner Burton:** David, thank you for offering that. Some may go into the medical field and that would be a win as well!

A. South Station Air Rights Phase I

Duration: 13 mins.

Present: Jim Gutmann (Hines), Shelley Webster (In Order Business), Brooke Woodson (Suffolk), Rob Rogers (Suffolk) and Manuel Barbosa (BRJP Monitor)

Project Overview:

97,951 wkhrs, 500 workers, 15 Contractors, 25%BR, 23%POC, 4%F

Manuel Barbosa (BRJP Monitor): Reviews Highlights and Concerns

Project is 20% complete. For this project to be successful there has to be more attention focused toward the hiring of Boston Residents and Females through the union halls. With the most hours worked Liberty has improved with Boston Resident hiring by (40%) 7% from the last project review (33%). Electricians have worked the 2nd most hours on this project but have failed to meet the Females (3%) and Boston Residency goals. This is typically a trade that performs well on both categories. Action has to be taken to improve. Corrective action meeting has been set for Aug. 17th with Hayward Baker regarding low numbers in Boston Residency (6%) and Females (2%). Carpenters Trade has worked the 4th most hours and is not reaching any of the BRJP goals. With more work ahead close attention will have to be paid into the hiring process once the workload increases. **Commissioner Cofield:** I thought Liberty was no longer. **Manny:** Sorry, they had a name change. **Brooke Woodson (Suffolk):** The name change is Fuse, but you will probably see Liberty on the old projects and on the new projects you will see Fuse. **Manny:** Shelley and I had a corrective action meeting with Hayward Baker (new name is Keller) on their low Boston resident and female performance. Shelley will address further. The carpenters trade had the most hours but not reaching in any of the BRJP goals. With more work ahead, close attention will need to be paid to hiring process once workload increases for carpentry. **Commissioner Burton:** I see a Jim Gutman from Hines, would you like to comment on how you are tracking and supporting Suffolk on this project? **Jim Gutman (Hines):** I have taken over the position previously held by Greg Spivey. We're very much interested and wanting to achieve what was set out on at the beginning. We are still in the early stages. Steel erection has started, enabling work and workforce is starting to increase now that work has opened. **Commissioner Burton:** With this only being at 20%, we realize there's a long way to go. **Commissioner Flint-Banks:** Hayward Baker and Liberty changed their names? That's interesting. They are bad apples. How do we follow them? **Brooke Woodson:** I realize Liberty doesn't have a good history, however the numbers presented here are going in an improved direction and with the hire of a new compliance officer, Paula Guity, Liberty has improved. **Commissioner Flint-Banks:** Thank you. **Commissioner Cofield:** Because this work is close to the tracks, is there a requirement of qualifications and certification with the T/Commuter Rail for employees to be certified? **Shelley Webster (InOrder Business Solutions):** Yes. One of the Project Managers, Rob Rogers is on the line and can speak better to those requirements. **Commissioner Cofield:** I ask because I hope it doesn't become a barrier to bringing people on. It is important that everyone gets certified to be eligible for the overtime that will be available. I'm concerned about the glitch that causes some to be overlooked. **Shelley:** The certifications are administered by Amtrak and is part of their Health and Safety Orientation. I will stay mindful of that concern through the fluctuation in the hours invested in the project to make sure that's not happening.

Public:

Janet Jones (Roxbury Community Committee): This says Phase 1, how many phases are there? It's important to set a good example overall in addition to Diversity Hiring and Safety. **Shelly:** This is very early in the project of Phase 1 only which is its own contract. Phase 1 completion is estimated for January 2025. Phase 2 is a totally different contract.

Commissioner Burton: Brooke provided additional information in the chat explaining the name change for Hayward Baker. Their name changed because it was bought by Keller.

B. 7103 Roslindale Library Renovations

Duration: 14 mins.

Present: Gregory Rideout (Public Facilities Dept.), Gaurang Parihk (Northern Contracting Corp.), Andrew Sciaba (Northern Contracting Corp.) and Manuel Barbosa (BRJP Monitor)

Project Overview:

28,143 wkhrs, 275 workers, 28 Contractors, 25%BR, 38%POC, 8%F

Manuel Barbosa (BRJP Monitor): Reviews Highlights and Concerns

The Project is at its 85%/95% completion mark. I commend Lynnwell Associates showing great commitment in overachieving the Female numbers at 37%. Northern Contractors started the project strong, with 40% Boston Residents, 50% People of Color, and 13% female, but then fell down to 28% Boston Residents, 45% People of color and 8% Females due to the covid-19. Patrick J Kennedy & Sons have worked the 4th most hours and did not meet any of the hiring goals for plumbing. **Commissioner Burton:** Manny thank you for bringing to our attention Lynnwell's 3-fold achievement in meeting the goals. Congratulations is due and thanks to Northern Contracting for hiring them for this project. **Commissioner Broomstein:** In regard to Patrick J Kennedy, not to blame it on COVID, but what's their previous record and has the numbers been met before? **Commissioner Burton:** Historically, Patrick Kennedy has not met the numbers. I will defer to Commissioner Espinoza-Toro who has been tracking the performance history of subcontractors. **Commissioner Espinoza-Toro:** I do not have the information in front of me but can check into that. **Andrew Sciaba (Northern Contracting):** We requested Patrick Kennedy add to their workforce, unfortunately it was later in the job and their work was minimal. **Commissioner Flint-Banks:** I'm not impressed with the resident numbers. **Andrew:** Resident numbers fell when the project closed due to COVID. We lost 2 people. Our numbers before COVID were substantially better (40% BR, 50%POC, 13%F). We do a lot a work for the city, and we are trying to build our core crew back. **Commissioner Burton:** What's the plan? **Andrew:** Unfortunately, the punch list is minimal and won't impact a change to this project. On a future project, we anticipate adding a female/resident/person of color. **Commissioner Burton:** Are there any comments from Gregory Rideout (PFD)? **Gregory Rideout (Public Facilities Dept.):** With much of the work being file sub-bid, we encourage Northern Contracting to look at the track record/history of their self-selected subcontractors and appreciate them taking the lead with their own workforce. I'm happy with the performance of females and people of color and would like to see improvement on Boston residents.

Public:

Janet Jones (Roxbury Community Committee): As a taxpaying citizen of Boston for a long time and a library fan, I would expect far better percentages and want to see the project I personally contribute to in various ways reflect the standards the city has set. **Andrew:** Thank you Janet. **Gregory Rideout (PFD):** From the public facilities perspective, it would be helpful for us and our contractor on each job to receive a monthly report from BRJP so we can track how things are going and follow-up with the contractor.

IV. BEC Commissioners' Follow-up Requests

BRJP Sanctions Policy to be discussed in Director's Report.

V. DIRECTOR'S REPORT:

Duration: 5 mins.

Celina (Chief of Equity and Inclusion):

There are 2 BRJP Sanctions Policy working groups planned for August 31, 5:00 – 7:30 and the week of September 13th. Per Commissioner Watson's request a Doodle poll will be sent by Mrs. Odom (BEC Coordinator) to Commissioners to confirm a date and the public will receive public notice.

We will be transitioning all new projects to Salesforce, and we appreciate BPDA's leadership on that. I've noticed during the Special Presentations (today and past months) the focus has been on M/WBE. While the BEC's focus is on workforce and not M/WBE's, I'm pleased to announce that the 1st M/WBE city contract goals for contractor projects is out for bid on the Malcom X Park (bids due by August 30, 2021). We haven't had this model since the 90's and are returning to where we are able to apply goals to both workers and business owners.

Commissioner Burton: Thank you all for participating today.

Director's report was accepted and approved (motioned by Commissioner Broomstein, second by Commissioner Flint-Banks and approved by all.

Meeting adjourned: 2:10