

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, May 18, 2022.

Commissioners Present: Commissioner JocCole “JC” Burton, Commissioner Kenell Broomstein, Commissioner Espinoza-Toro and Commissioner, Travis Watson.

Hearing Begins: 1:03 PM

Commissioner Burton disclosed her conflict of interest with the first two projects on the agenda, and recused herself. Commissioner Broomstein chaired those projects in her stead.

I. MINUTES

April 20, 2022, minutes accepted and approved (motioned by Commissioner Espinoza-Toro, second by Commissioner Broomstein and approved by all.

II. SPECIAL PRESENTATIONS

A. 60 Kilmarnock Street

Duration: 20 mins.

Present: Kacey-Ann Satchell (Consigli Construction), Cassandra Dos-Santos (Consigli), Pat Gildea (Consigli), Tom Finkenstaedt (Consigli), Michael Soh (CIM Group), Shaun Sullivan (Cabot, Cabot & Forbes) and Takara Hamilton (BPDA Monitor).

Overview:

Kacey-Ann Satchell (Consigli Construction): 60 Kilmarnock Street is located in the Fenway. This is a 9 story, 365-unit apartment building with amenity space. Construction started 11/2021 and estimated completion date is 5/17/2024 (rendering was shown). **Bought out Trades:** Welch, Select Demo, JC Cannistraro, K&H Electrical, Xquisite Landscaping, Beacon Waterproofing, Percy’s Appliances, Greenwood Industries, Sky Structures, Specialty Insulation Group, G&C Concrete, RicMor, JK Glass, Empire Masonry, Interior Stone, PSI Doors and Hardware, SOEP, TJ McCartney, Specialty Services of New England, Allegheny, Frommelt, Sitraco, Willco Sales & Services, Helical Drilling, August West Fireplaces, Millwork One, American Contractors Corp, Spectrum IT. Permits were received for the project, yesterday; however the project has been monitored from the beginning of construction. Because of the location, there is an anticipation of walk-on applicants and job application signage and applications are available. This is a union project and non-union applications are forwarded to the City of Boston’s Job’s Bank Coordinator, Janine McLaren and other resources are provided to applicants interested in the trades. **Community Outreach:** The Policy Group on Tradeswomen’s Issues (PGTI), AGC Diversity & Inclusion Committee, NAWIC, Massachusetts Minority Contractors Association (MMCA), ACE Mentor Program of Greater Boston, Building Pathways (Boston, Worcester, Springfield), Subcontractor Diversity Information Series, Recruiting, Benjamin Franklin Institute of Technology (BFIT), Pacesetters, Specialized Career Guidance (SCG). The procedural process for BRJP is embedded in all levels of Consigli’s estimating, purchasing and subcontract language. BRJP is a line item in the weekly minutes with the owners and trade partners. **Commissioner Broomstein:** What has the past performance/participation goals of the trades bid out been? **Kacey:** I’m not aware off the top of my head of their past performance; however, we do use the database to guide our decision when awarding the subcontractor. **Commissioner Watson:** How heavily is a subcontractor’s past compliance or lack thereof with the BEC weighed when awarding and do you have an idea of the rough percentage of the contract value awarded to MBE’s. I realize this is not part of the ordinance goals; it’s just something we like to look at holistically. If you’re not able to answer now, can you circle back? **Kacey:** The trades list shown today represents primes and there may be some 2nd and third tier subcontractors that reflect W/MBEs. I will reach out to the project team and circle back. **Commissioner**

Watson: Not for this project specifically, but more big picture, when deficient in the 3 categories (Res, POC and Women), based on what the business agents have said when they have come before the BEC, “the benches are always changing everyday”. If that’s the case, and I have no reason not to believe them, there should be multiple touches (not a one-time outreach to the union hall) so opportunities aren’t being missed. Going forward, the Commission will be more intentional about this and speak to the monitors as well. **Kacey:** Takara has been a great monitor on this project. There is union outreach on behalf of trade partners’ already on site and I agree with what you have said. **Commissioner Broomstein:** Thank you for your presentation.

B. The Foundry

Duration: 22 mins.

Present: Kate Blessington (JMA), Chris Bigelow (JMA), Jim Cowdrick (Marcus Partners), Michelle Larkin (Maven Construction), Tiandre Watson (Maven) and Pamela Ruffo (BRJP Monitor).

Overview:

Jim Cowdrick (Marcus Partners): This is a development of 2 projects in the Marine Industrial Park (Seaport). The new 8-story life science building will be located on Parcel O, replacing the previous use on site, while the existing building on Parcel P will be rehabilitated and repurposed into an amenity space (showed renderings). **Kate Blessington (JMA):** Site Work: May 2022 – October 2022; Structure: October 2022 – February 2022; Exterior: December 2022 –February 2024; Finishes: April 2022 –March 2024; Certificate of Occupancy: March 2024. **Buyout (Awarded):** American Floor Covering (Flooring); Century Drywall (Drywall); Commonwealth Building Systems, LLC (Roofing); Diamond Iron (Steel); G&C Concrete Construction (Concrete); Gaston Electrical (Electrical); Grande Masonry (Waterproofing); J.C. Cannistraro (Plumbing/HVAC); JDC Demolition Company Inc. (Demo); Karas & Karas Glass Co., Inc. (Glass); Keller North America, Inc. (Pile Driving); Otis (Elevator); The Welch Corporation (Site Work); William M. Collins Co. Inc. (Fire Protection). **Workforce Diversity Efforts/Community Partners: Design:** The project has been designed by a joint venture between SGA, one of the country’s leading life science design firms, and DREAM Collaborative, an emerging BIPOC-owned architecture firm. **Construction:** John Moriarty & Associates will be the lead construction manager for the Proposed Project. John Moriarty & Associates will partner with Maven Construction, an emerging BIPOC women-owned and Boston-based construction management firm, to build the project. Additionally, there will be a minimum of 10% MBE or WBE subcontractor/vendor participation. **Ongoing Operations:** The Proponent will seek to achieve combined contracts of MBE or WBE firms to upwards of 15% of the controllable operating expenses. **Job Application:** Signage and onsite instructions provided. All applications for employment will be sent via email to project managers of all subcontractors that employ the trade for review as well as the Boston jobs bank coordinator. **Commissioner Broomstein:** Have you worked with the subcontractors awarded before and if so, what has their past compliance history been? **Kate:** We’ve worked with most of the subcontractors awarded. JMA has its own database and we use the database from the city, as well to assess performance history. These subcontractors have a good reputation and I’m confident the performance on this project will be successful. **Michelle Larkin (Maven Construction):** On behalf of Maven Construction, I want to say we are committed to developing multiple touchpoints in the community, creating awareness around opportunities and building a pipeline of candidates. **Commissioner Watson:** I appreciate this joint venture with MBEs and its intentional approach that helps chip away at the racial wealth gap. I’m excited about this project’s potential to help set a model. **Chris Bigelow (JMA):** This is my first joint venture and I’m looking forward to the experience and the diversity. **Commissioner Broomstein:** Thank you for your presentation.

III. PROJECT REVIEWS

A. 7140-Boston City Hall Plaza

Duration: 13 mins.

Present: Brian Melia (Public Facilities Dept.), Robert “Bob” Joubert (Shawmut Design and Construction), Samantha Glatfelter (Shawmut Design and Construction) and Pamela Ruffo (BRJP Monitor).

Project Overview:

153,545 wkhrs, 764 workers, 32 Contractors, 29%BR, 41%POC, 10%F

Pamela Ruffo (BRJP Monitor): This project was supposed to come before the BEC in April (last month) and at the time was at 60% complete, it is now 85% complete. The comparison between the 05/19/21 BEC review (*the report had wrong date as 5/19/20*) & the current overall participation: The overall number of work hours increased by 114,600 hours (from 38,945.3 to 145,672.3); the number of workers increased by 474 workers (from 290 to 727); Boston Residents performance remained the same at 29% People of Color performance remained the same at 41% Female performance remained the same at 10%. A corrective action meeting was held on 03/24/22 with the following subcontractors that are contributing to the low resident workforce: Contracting Spec Inc., Harold Brothers, JAJ Company, Maia Steel, Quinn Brothers, The Waterproof Company & The Welch Corporation. Corrective action plans from JAJ Company, Quinn Brothers, & The Welch Corporation are attached to the report and others are forthcoming. We emphasize to all subcontractors that as their work decreases they remain proactive in keeping Boston residents on the job until the scope of their work has been completed. **Commissioner Burton:** There was concern from previous review, with this being a City project. We are excited that this project has made great improvement. I'd like to know the secret sauce behind these improved numbers of **S&F Concrete (2nd Largest Subcontractor onsite) and Starlite Construction (4th largest subcontractor)** who followed through on their commitment to increase their workforce overall from the May 2020 BEC review: **S&F - Resident 36 % (+10%), POC 51% (+11%) & Female 9% (+3%) and Starlite Construction - 48% Resident, 61% POC & 18% Female.** Hopefully this type of leadership/example will transform other subcontractors and we can continue to see these type of numbers. **Commissioner Broomstein:** I'd also like to highlight the amazing numbers of Lynwell Associates (Electrical) – **58% BR, 40% POC, 11% F.** They have shown the importance of intentionally starting with your core crew. **Commissioner Watson:** Regarding Equipment Operators, how hard are they trying to diversify their crew. To hear no one showed interest sounds more like a lack of communication on the local's part and the question should be, "what are we not doing as a local?" The EO numbers on this project and the next project on the agenda, Orient Heights Phase 3 (**8%BR, 11%POC and 0%F and 0%BR, 18%POC, 0%F**) shows some disconnect. The recent engagement we had with James McKay of McKay Trucking with students at Madison Park is an example of someone who's interested in giving back through actions and not just words. I hope that efforts going forward are more intentional. **Pam:** Welch Corp (Paul McManus) is dedicated to diversifying and their comment was in relation to peoples' lack of response to the Job Fair because in most cases a union job isn't realized right away. There's a long process and people want to be able to work right away. Samantha and I met with Mike Bowes and he assured us that they (Local 4) would step it up and we should see in a year or 2 results from those who did go through the union. I shared with the Welch Corp about the event with McKay and they are interested and I believe they will follow through. **Commissioner Espinoza-Toro:** While timing is of the essence in preparing people for long-term work, where there is a will there is a way. There are ways to communicate and create interests and provision for people. Subcontractors must be willing to do the necessary outreaches that sometimes entail partnering. **Commissioner Burton:** I agree, Commissioner Espinoza-Toro. When things are met with intentionality, things change. I'd like to know from the project team what the forecast for the finish is, given this promising turn-around. **Samantha Glatfelter (Shawmut, Compliance Specialist):** We had a discussion today and have scheduled a meeting with the subcontractors that are finishing out the project and we will get commitments from subcontractors to retain resident, people of color and females so we can stay strong. **Commissioner Burton:** I hope lessons learned are transferred to other Shawmut projects.

B. Orient Heights Phase III

Duration: 20 mins

Present: Eva Erlich (Trinity Financial), Matthew Pelczar (Dimeo Construction), Julia Hall (Dimeo Construction) Sandy Paben (Renaissance Groups/Dimeo Construction) and Nelson Cunha (BRJP Monitor).

Project Overview:

49,005 wkhrs, 237 workers, 11 Contractors, 20%BR, 53%POC, 10%F

Nelson Cunha (BRJP Monitor): Overview of highlights and concerns – A corrective action meeting was held last Wednesday with DJ Plumbing and Heating, NB Kenney Co. and Dimeo Construction. Outstanding Boston resident

verification (76% - 8 of 33 remain unverified). Initial challenge with payroll submission at 12 days (Salesforce challenges). Average rate, now is 3-5 days. **Commissioner Burton:** Congratulation Nelson on your first review. I appreciate that you note as a concern, Dimeo's self-performance – 1,500 work hours, 3% Boston residents, 54% People of Color and 0% Females. Dimeo, as a self-performing contractor, should reflect what they want to see in other subcontractors. In addition, it's critically important to have at least 90% Boston resident verification. I'd like the team to address those issues. **Matt Pelczar (Dimeo Construction):** The 1,500 work hours is cleanup for labor hours. There wasn't anyone who lead the work. We are only at 30% since January and that 3% will go up. We anticipate having 6 individuals at the peak of the project and we'll succeed the numbers towards the end.

Commissioner Burton: Helpful context. **Sandy Paben (Renaissance Groups):** Trying to get subcontractors to go to the field and verify workers has been challenging. I'll be going in the next 2 weeks. **Commissioner Burton:** It's confusing to hear this challenge of subcontractors not verifying the workers. What's the situation with the time sheets? **Sandy:** There was a learning curve with Salesforce. It has since been corrected and we are now at 3 – 5 days submission. **Nelson:** Yes, payroll submission has dropped significantly. **Commissioner Watson:** In regard to DJ Plumbing, 0% Female participation, has there been any outreach to the Business Agent, Barry Keady? He's been actively engaged on these matters. Has there been any conversation with Barry? **Matt:** I've sat with DJ Plumbing to address their numbers and like us, they have a lean crew but will be ramping up. David Johanson, the owner has a direct relationship with the Business Agents, but I have not been involved in conversations at that level and can follow-up regarding that if need be. **Sandy:** Dave did send 2 emails to the union hall. There's not a lot of people right now. **Commissioner Watson:** The 0% is concerning and letters should be sent to the union hall daily. I'd like to know what the conversation with Barry has been, if any, as I know he is very active and hands-on when the outreach has been made to him. **Sandy:** Understood. **Eva Elrich (Trinity Financial):** This is the third and final phase of the work to redevelop this state public housing site in partnership with the Boston Housing Authority and the East Boston CDC. We have weekly communication with Dimeo about the goals to maximize participation and we are looking to improve as Matt said, we are 30% through construction. **Commissioner Burton:** We know that when developers are involved, numbers improve. We understand that the fatigue of this multi-phase project could be an issue and to Commissioner Watson's point, when we see 0% it looks like subcontractors are ignoring the BRJP's intent. In follow-up, the Commission would like to receive written correspondence regarding the subcontractors' engagement with the Business Agents. Please submit that information to the BEC by the end of the month (May 31, 2022). In addition, we would like to see this project back in the Fall of 2022.

C. Lenox Apartments I & II

Duration: 17 mins.

Present: Jaissa Feliz (Beacon Communities LLC), Kate Pray (DF Pray), Mike Burke (DF Pray), Dan Bearce (DF Pray), John Kelly (DF Pray), Dakota Jone (InOrder Business Development Solutions), and Patricia Maragioglio (BRJP Monitor).

Project Overview:

60,743 wkhrs, 209 workers, 16 Contractors, 40%BR, 51%POC, 7%F

Patricia Maragioglio (BRJP Monitor): The project is at 50% of completion; Average for weekly payroll submission – 6 days meeting the 7-business day requirement; Increased overall percentage on women from 5% to 7.3%; Superior Plumbing increased the percentage for women from 1% to 10%; Richard Losordo Electrical also increased from 0% to 7%. 5 out of the 5 Top Trades are meeting or exceeding the BRJP goals for people of color; Laborers and Plumbers have increased Boston resident numbers (Laborers 36% to 58% and Plumbers 53% to 60%); Continuing to encourage subcontractors that are not meeting the goals to use the Jobs Bank; ADEP Group interviewed 10+ Workers from low income, sec. 3 and BHA residents in July 2021 for September 2021; DF Pray and Tara Construction hosted 11 teens from BHA and introduced them to the Union Carpenters, took them around the site and shared information about the various trades; Lenox apartment resident was able to get connected with the Jobs Banks and also complete his Osha 10 with the help of DF Pray Career Fair; Tara hired two Boston resident and minority sec. 3 Laborers in Nov 2021; In addition, they have a total of 8 Boston residents, PoC, or a female between Nov 2021 to March 2022. **Dakota Jones (InOrder Business):** We took the feedback/recommendations from our July 2021 review and tapped into resources to improve our female participation. Tara Construction hired a young man who attended a DF Pray Job Fair, as a laborer and sponsored the young man into the Carpenters union. He transferred to a different project to increase his skills. 5 walk-on applicants were hired, and others were referred to OSHA 10 and the Madison Park Continuing Education Evening Program. **Jaissa Feliz (Beacon**

Communities LLC): These types of projects are great economic opportunity generators. 3 years ago, we told bidders this was a priority for us and DF Pray showed serious commitment to that end. **Dakota Jones:** We won't rest on our laurels and understand there must be proactive conversation for improvement. **Commissioner Burton:** Thank you for sharing the creative strategies applied to accomplish successful outcomes (referenced using ice cream truck as a good draw for interest). Although the young man went from Open Shop to the Union, it's a success story. Kudos for listening and acting upon recommendations. My philosophy is that a construction team should reflect the people it's building for. **Dakota Jones:** The Assistant Project Manager, who is not here today, came to DF Pray through YouthBuild. I believe he reflects your philosophy, Commissioner Burton. **Commissioner Burton:** We look forward to you closing strong.

IV. BEC Commissioners' Follow-up Requests/Concerns

- Callahan Inc. (5 Washington Street) May 18, 2022 follow-up was submitted and received by the Commission.

V. SANCTIONS:

Duration: 2 mins.

Commissioner Burton: While we would rather see the compliance of 51%BR, 40%POC and 12%Females met, we will ensure our intent to uphold the BRJP ordinance and intend to take the action the policy provides by the end of the year. **Commissioner Watson:** I have a general question regarding a contractor that was mentioned today and applauded with praise, who appears to have a serious lawsuit against him. If a contractor is under serious allegations, does the US Dept. of Labor/BEC have the responsibility to relay this to developers? **Commissioner Burton:** We can look into this offline (there should be a sweep). I would like to know more. Andre and Mrs. Odom, please make note of this.

VI. DIRECTOR'S REPORT:

Duration: 7 mins.

Andre Lima (Deputy Director of Supplier Diversity/BRJP): Welcome back Commissioner Watson! **Commissioner Watson:** Thank you. It's good to be back! **Andre:** The extension of the open meeting laws, virtual meetings is expiring as of July 15, 2022. We have been discussing how to move forward with a hybrid model. Potential Core group in-person at City Hall with continued virtual access. **Commissioner Watson:** Our non-profit is holding our meetings hybrid and the system is called Owl. It has worked very well. I highly recommend it. **Andre:** Thank you for that recommendation. I will look into it. **Janine McLaren (Jobs Bank Coordinator):** Job Opportunity Fair, 6/22/22 to be held at the Bolling Building in Nubian Square, Roxbury, MA. There's no formal confirmation on the GC's at this time, however, we are proceeding with the planning and implementation of the event and will distribute information in a timely manner. The Job's bank is initiating a roundtable discussion tomorrow, May 19th. The kickoff is with Community Partnerships. **Commissioner Burton:** Is this open for all GC's to participate? **Janine:** There are two specific GC's we have reached out to. I received request for smaller/intimate engagements. Larger Opportunity Fairs going forward.

Commissioner Watson moved to adjourn and Commissioner Broomstein 2nd it. All I's.

Meeting adjourned: 2:50pm