



**Notification and details of sanctions case**

**General contractor: Dellbrook JKS**

**Name(s) of subcontractor(s) not in compliance: General Air**

**Project Name: JJ Carroll**

**Project Location: 130 Chestnut Hill Ave., Brighton**

**Project start date: 9/21**

**Project projected end date: 2/23**

**Project % completion: 90%**

**Project Overall BRJP workforce performance for project: 72,417 workhours, 25% BR, 54% POC & 5% Female**

**Project BRJP workforce performance for General Air: 1,681 workhours, 36% BR, 43% POC & 7% Female**

**Overall payroll submission time for the project: 11 days**

**Payroll submission time for General Air: 18 days**

**Violation: Failure to submit payrolls before the prescribed deadline (Each payroll needs to be submitted no later than 7 business days after each week ending date).**

**The date and number of the instance(s) of non-compliance and date(s) of corrective action meetings held in reference to those violations: 8/20/22 - 11/30/22**

**Total cumulative days late for payrolls: 154**

**Maximum dollar amount of fine: \$46,200.00**

**Report of noncompliance:**

**6/24/21 - Initial Meeting (Kick-Off Meeting) with BRJP monitor to outline workforce goals, meetings and reporting requirements: The initial "Kick-Of**



Meeting” was held on 9/21 and the attendees included representatives from the developer, general contractor, Mayor’s Office of Housing and the BRJP monitor.

At this meeting the BRJP monitor (Robert Woodson) reviewed the BRJP workforce goals, required attendance at all necessary meetings, paperwork submissions and all other reporting responsibilities, including timelines related to payroll submissions.

**6/16/22 - Preconstruction meeting with General Air**

At this meeting the BRJP monitor (Robert Woodson) reviewed BRJP workforce goals, attendance at all necessary meetings, paperwork submissions and all other reporting responsibilities - including timelines related to payroll submissions.

The contractor (General Air) indicated the scope of work to be performed, approximate start/end date of construction, trades on-site, number and make up of workers related to the BRJP goals.

General Air indicated that their approximate start date would be in September of 2022. General Air did not raise any issues with meeting their reporting obligations regarding the workforce goals, attending meetings or submitting required paperwork within the prescribed timelines at this meeting.

**8/20/22 - Failure to submit payroll**

General Air failed to submit their initial payroll upon starting work for week ending 8/20/22.

**10/19/22 - Late payroll submission**

General Air subsequently sent in 8 late payrolls on 10/19/22.

**11/2/22 - Late payroll submission**

**11/21/22 - Late payroll submission**

**11/30/22 - Late payroll submission**



**3 additional late payrolls were submitted thereafter on 11/2/22, 11/21/22 and 11/30/22 (see chart in section titled Maximum amount of fines).**

**All submissions violated the required submittal of each week's payroll within 7 business days of the week ending date, triggering potential fines.**

### Maximum amount of fines

**Payrolls are late when they arrive later than 7 business days after the week ending date. This applies to each payroll submitted. For each day after this deadline that payrolls are not submitted, the non-compliant contractor may be fined a maximum of \$300. For example, in the table below, the payroll for the week ending 8/20/22 was submitted 36 days late, amounting to a maximum finable amount of \$10,800.00.**

<b>Compliance measure violated</b>	<b>Week Ending Date</b>	<b>Date Submitted</b>	<b>Days Elapsed</b>	<b>Fine Amount</b>
Failure to submit payroll	8/20/22	10/19/22	36	\$10,800
Failure to submit payroll	8/27/22	10/19/22	31	\$9,300
Failure to submit payroll	9/3/22	10/19/22	26	\$7,800
Failure to submit payroll	9/10/22	10/19/22	21	\$6,300
Failure to submit payroll	9/17/22	10/19/22	16	4,800
Failure to submit payroll	9/24/22	10/19/22	11	\$3,300
Failure to submit payroll	10/1/22	10/19/22	6	\$1,800
Failure to submit	10/8/22	10/19/22	1	\$300



payroll				
Failure to submit payroll	10/22/22	11/2/22	1	\$300
Failure to submit payroll	11/5/22	11/21/22	4	\$1,200
Failure to submit payroll	11/19/22	11/30/22	1	\$300
<b>Maximum fine amount: \$46,200</b>				

**Items for consideration to determine fine**

**It's important that payrolls are submitted on time in order to ensure that contractors are meeting their BRJP workforce goals obligations. Given the seven (7) business day timeline (not including weekends), each contractor has up to 11 calendar days to submit payrolls to the BRJP Office and in so doing remain compliant with the requirements of the BRJP ordinance. Lack of timely submissions hinders the BRJP Office's ability to address and correct a contractor's performance, provide recommendations, workforce assistance etc.**

**The BRJP Ordinance is meant to provide a degree of visibility and transparency into the hiring of Boston residents, people of color, and women on public and private construction projects in Boston. This visibility allows for both construction monitors and general/subcontractors to evaluate and improve their performance against these employment standards over the duration of a project. Because construction projects, and the work performed by laborers, are time bound, the *timely* submission of payroll data to the BRJP Office is critical to ensuring this kind of corrective action is possible. Therefore, failure to submit payroll or the submission of late payroll, though they may be clerical errors, should be considered seriously by the Commission as grounds for sanctions.**



It will also be important for the Commission to consider the size of the subcontractor, General Air, in determining if a fine is warranted and the amount of that fine. In addition to being a smaller contractor , General Air is a minority-owned company, and usually employs approximately 10-15 workers on a given project. General Air employs pipefitters and is a union contractor. General Air's business address is 7 Gaston Street, Dorchester, MA 02121. Additionally, General Air's past performance on BRJP projects (see below) should also be taken into consideration.

Ultimately Dellbrook Construction is responsible for the compliance of its subcontractors with the requirements of the BRJP. The late submission of payroll in this instance might have been avoided with better oversight from Dellbrook, or technical support if General Air was unable to submit payrolls due to capacity limitations. Additionally, given that this is one of the first recommendations for sanctions considered by the Commission, the BRJP Office recommends that a substantially lower fine than the maximum allowable fine of \$46,200 be assessed for Dellbrook Construction with the stipulation that the JJ Carroll project be reviewed in three months, specifically with respect the timely submission of certified payrolls, and that Dellbrook create a plan to support General Air in completing their work on the project fully in compliance with the BRJP Ordinance.

The Commission should also take into consideration the history of past BRJP performance for the general and subcontractor on the JJ Carol project, as well as the performance of past BRJP-monitored projects managed by the general contractor.



Contractor ↑	% Residents	% POC	% Women
Dellbrook JKS ( <u>self performance only</u> , all projects)	21.1%	0.0%	17.3%

Project name <sup>1</sup>	% Residents	% POC	% Women	Completed
MADISON PARK MELNEA CASS APARTMENTS	22.6%	53.8%	4.3%	2019
MATTAPAN STATION	32.0%	65.3%	6.3%	2022
191-195 BOWDOIN STREET	33.40%	76.50%	11.80%	2022
132 CHESTNUT HILL AVE.	28.30%	60.20%	4.60%	2019

Subcontractor ↑	% Residents	% POC	% Women
General Air (self performance, all projects)	32.6%	33.4%	5.7%

**BRJP project information:**

**Project Type: Public (Mayor's Office of Housing)**

**Neighborhood: Brighton**

**Address: 130 Chestnut Hill Avenue**

**The Project includes the demolition of the existing buildings and construction of a new six-story building containing approximately 180,000 square feet with 142 residential units, an approximately 11,000 square foot Program for an All-Inclusive Care for the Elderly (PACE) Center, and ground floor "Village Center".**

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<sup>1</sup> The Mayor's Office of Housing (MOH) is the Awarding Department for all projects listed.

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The Village Center will primarily be common space included in the residential square footage such as a multi-purpose room, Resident Service Coordinator offices, lobby, marketing/leasing office, and potentially a small resale shop and salon for residents. The ground floor will also contain approximately 1,200 square feet of commercial space, which is envisioned as a convenience store with fresh foods that would primarily serve the Proponent's staff, its residents and would also be open to the broader community. Approximately 70 parking spaces are proposed -41 in a parking garage and 29 surface parking spaces.