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Notification and details of sanctions case

General contractor: Kaplan Construction

Project Name: 9 Leyland Street
Project Location: 9 Leyland Street, Boston, MA 02125
Project start date: 1/14/2022
Project projected end date: 6/1/23
Project % completion: 40%
Project Overall BRJP workforce performance:
(The BRJP Goals are 51%Br, 40%POC & 12%Female)

15,763.25 workhours
20% Boston residents (3,220 hrs)
49% People of color (7,662 hrs)
2% Women (347 hrs)

Contractors not in compliance: Father & Sons Carpentry

All in One & Moore
Bridgeline Gc
C.M.P. Plumbing And Heating, LLC
Conneely Excavation
Division 15 Hvac, Inc.
Dykeman Welding & Fabrication, Inc.
Elite Metal Framing & Construction,
Inc

Form-Up Foundations, Llc.
Kaplan Construction
Lynco Fire Protection Inc.
Nhk Electric
SAF Concrete
Sea & Shore Contracting, Inc

Violation: Failure to submit payrolls within before 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:

Total cumulative days late for payrolls: 1331

CITY of BOSTON



Dates of instances of non-compliance: 3/14/2022 - 12/9/2022

Maximum dollar amount of fine: \$399,300.00

Report of noncompliance:

Initial Meeting (Kick-Off Meeting) with BRJP monitor to outline workforce goals, meetings and reporting requirements:

This project started with Robert Woodson and Celso Riberio as being the BRJP Monitors and was transferred to Celso Ribeiro (solely) after this initial kick-off meeting.

The initial “Kick-Of Meeting” was held on January 7, 2022 and the attendees included representatives from the developer, general contractor, Mayor’s Office of Housing and the BRJP monitors.

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

Preconstruction meetings with subcontractors:

Preconstruction meetings with all subcontractors have been held consistently with all subcontractors thus far on this project.

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

Contractors provided their scopes 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.



The contractors listed on this report as being in violation did not raise any concerns with meeting their reporting obligations regarding the workforce goals, attending meetings or submitting required paperwork within the prescribed timelines (including timely payroll submissions).

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.

Subcontractor ↑		Total Days Late	Maximum fine amount
All in One & Moore			
	Total	18	\$5,400.00
Bridgeline Gc			
	Total	39	\$11,700.00
C.M.P. Plumbing And Heating, LLC			
	Total	304	\$91,200.00
Conneely Excavation			
	Total	458	\$137,400.00
Division 15 Hvac, Inc.			
	Total	5	\$1,500.00
Dykeman Welding & Fabrication, Inc.			
	Total	30	\$9,000.00
Elite Metal Framing & Construction, Inc.			
	Total	17	\$5,100.00
Father & Sons Carpentry			
	Total	80	\$24,000.00
Form-Up Foundations, Llc.			
	Total	157	\$47,100.00
Kaplan Construction			



	Total	161	\$48,300.00
Kaplan Construction SC			
	Total	8	\$2,400.00
Lynco Fire Protection Inc.			
	Total	5	\$1,500.00
Nhk Electric			
	Total	5	\$1,500.00
SAF Concrete			
	Total	33	\$9,900.00
Sea & Shore Contracting, Inc			
	Total	11	\$3,300.00
	Total	1331	\$399,300.00

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

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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 is also worth noting that while several of the subcontractors identified above (Division 15 Hvac, Inc., Lynco Fire Protection Inc., and Nhk Electric) initially submitted a late payroll, they submitted all subsequent payrolls within the 7 business day (10 day) grace period. Each of these contractors accumulated only \$1,500 in fines, or the equivalent of five (5) total days/instances of late payroll submission.

The frequency with which subcontractors on the 9 Leyland Street project, irrespective of size, trade, and experience, have violated the timely payroll submission requirement of the BRJP Ordinance indicates that Kaplan Construction must more effectively hold its subcontractors accountable to submitting weekly payroll to the BRJP Office and better support those subcontractors that express difficulty meeting this requirement. 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 \$399,300 be assessed for Kaplan Construction with the stipulation that the 9 Leyland Street project be reviewed in three months, specifically with respect the timely submission of certified payrolls.

Project Type: Mayor's Office of Housing

Neighborhood: Roxbury



Address: 9 Leyland Street

BRJP project information:

Project Description

9 Leyland Street will feature 43 units of affordable rental supportive housing and enriched services for seniors to promote healthy aging and a high quality of life. The building will have a community space to offer healthcare and social programming to senior residents, as well as library, lounge and laundry facilities on the upper floors. Parking and connections to surrounding amenities such as playgrounds and gardens will be provided. The project will bring significant neighborhood improvements by activating an underutilized site to provide much needed affordable senior housing.

The Commission should also take into consideration the history of past BRJP performance for the general and subcontractors on the 9 Leyland Street project, as well as the performance of past BRJP-monitored projects managed by the general contractor. ¹

Contractor ↑	% Residents	% POC	% Women
Kaplan Construction (WBE)	54.3%	68.3%	11.8%

Project name ²	% Residents	% POC	% Women	Completed
11 MT. PLEASANT AVE.	38.6%	83.2%	7.5%	2010
PEARL BUILDING	55.1%	59.7%	11.4%	2014

Subcontractor ↑	% Residents	% POC	% Women	M/WBE
Bridgeline Gc	1.8%	99.1%	0.0%	MBE
C.M.P. Plumbing And Heating, LLC	27.2%	21.5%	0.0%	

¹ Contractors with no history of past BRJP performance that do not appear in the table below.

² The Mayor’s Office of Housing (MOH) is the Awarding Department for all projects listed.

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Dykeman Welding & Fabrication, Inc.	0.0%	45.1%	0.0%	
Form-Up Foundations, Llc.	2.5%	8.7%	0.0%	
Lynco Fire Protection Inc.	25.7%	38.2%	7.2%	
Nhk Electric	75.7%	99.1% 1	15.0%	MBE
Sea & Shore Contracting, Inc	4.1%	29.5%	0.0%	