



The FAIR CONTRACTOR

A Publication of the Foundation for Fair Contracting of Massachusetts

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Bigger, Better FFCM Is On the Move



FFCM introduces new monitors to one of its members.

The FFCM moves out of the year 2000 – another year of a booming construction economy – and into 2001 in expansion mode. With new members, new field monitors, another field office and an average of 90 “hits” per week on its web site (www.ffcm.org), the Foundation marks the end of another season with confidence that the fair contracting movement is alive, well and growing in the Commonwealth. FFCM is

also part of the blossoming National Alliance for Fair Contracting which recently held its best ever annual conference in Washington, D.C. (See article on page 2.)

This year the Foundation welcomed two new members who recognize the benefits of unified, multitrade action in enforcing prevailing wage and bid law compliance: Ironworkers Local 357 and Roofers and Slaters, Local 248 and their signatory contractors. “It’s hard to deny that contractors, unions, and all workers benefit from the comprehensive approach to fair contracting that the FFCM offers,” said Karen Courtney, Director of the Foundation. “The FFCM provides a ‘watch-dog’ service that few can match independently; and the FFCM has an unmatched record of working to help bring cases to various enforcement agencies.”

Expansion has also meant changes in field personnel. The FFCM is fortunate to add Arthur Butler to the lineup as the new monitor for Western Massachusetts in our East Longmeadow office. Butler, a 30-year veteran inspector for the Massachusetts Department of Labor and the Office of the Attorney General, has already made felt his construction expertise. Jennifer Doe, formerly a research assistant for the Pioneer Valley Building and Construction Trades Council, joins the FFCM as the Worcester County monitor for the FFCM. She works out of the recently opened new Central Massachusetts office on Endicott Street in Worcester. Christopher Burger (a FFCM monitor since 1997) moves into the vacated Eastern Mass monitor slot in Boston.

FFCM Still Tracking Contractors Banned by Uncle Sam

Despite being debarred from federal work for fraud or other violations, many contractors have been hired by states without review of the Federal ban list. A recent Associated Press inquiry revealed that more than half the states are ignoring or neglecting the federal debarment list. The FFCM has long tracked the U.S. debarment list, consistently referred this information to state agencies like Division of Capital Asset Management (DCAM) and persuaded agencies like DCAM to add such contractors to their debarment lists. The moral: If you are a federal violator, don’t bother coming to a bid opening in Massachusetts.



Third NAFC Summit a Success

FFCM Plays Key Role

The success of the Third Annual Conference of the National Alliance for Fair Contracting (NAFC) attests to the growing vitality of this nationwide effort to put an end to unfair and illegal contracting. An impressive array of fair contracting organizations from throughout the country came to Washington, D.C. for this summit "dedicated to fair, competitive contracting."

The Alliance has evolved into an extensive network of shared resources, strategies, methods and means for fighting unscrupulous construction industry policies and practices. Conference topics included: the movement to gut prevailing wage laws; advanced corporate research; prequalification and responsible bidder reforms; and the movement to stem the tide of temporary construction employment agencies.

Representing the FFCM were Foundation Director Karen Courtney and Field Monitors Chris Burger and Art Butler. Courtney is the NAFC Secretary-Treasurer and a Board Member. She conducted one of the Conference workshops developed by the FFCM for fair contracting groups. Nicknamed "Fair Contracting 101", the session was designed to help new groups succeed by sharing what has and has not worked for veteran foundations.

The Massachusetts contingent agreed that this was the most informative and productive Conference yet.

Office of the Attorney General **CITATIONS**

The Office of the Attorney General's Fair Labor and Business Practices Division continues to work to make Massachusetts safe for fair contracting by enforcing the new civil citation Prevailing Wage Law. In addition to the citations listed elsewhere in this issue, here are some recent cases rendered by the AG controllers:

Excell Communications, Inc. (d.b.a. Excell Controls Systems)

Cited twice for (1) failing to pay prevailing wages and (2) not submitting certified payroll records to the awarding authority on a weekly-basis, on the Newton South High School project.

Total Ordered to pay:
\$7,134.00 & \$100
Inspector: Robert Galvani

LoRusso Corporation, (Gerald LoRusso, individually)

Failed to submit certified payroll records to the awarding authority on a weekly-basis on the Pawtucket School project in Lowell.

Total Ordered to Pay: \$250
Inspector: Steven Troiano

Fleet Environmental Services (Ron Scholes, individually)

Failed to submit certified payroll records to the awarding authority on a weekly-basis on the MCI - Norfolk prison project

Total Ordered to pay: \$250
Inspector: Steven Troiano

Central Concrete Corp. / A.G. Frias Concrete Pumping (Anthony Frias, individually)

Both cited separately for failing to submit payroll records on Topsfield's Masconomet Reg. H.S. and Lowell's J.G. Pyne School projects, respectively.

Each Ordered to pay: \$50; \$250; respectively.
Inspectors: Nick Carboni / Steven Troiano

Among other contractors receiving civil citation penalties for prevailing wage violations were the following: Slatt Insulation, Inc.; ARC / Asbestos Removal Contractor, Inc.; Charles H. Sells, Inc.; Sonny and Sons Tree Removal; Callistus Corp.; East Coast Electronics; Diamond Construction and Assoc.

Office of the Attorney General

DEBARMENT LIST

Creative Construction and Improvements, Inc.

***Vicki Malone, President, Springfield, MA –
debarred through March 24, 2005.***

George Vasiliades d/b/a/ Olympic Painting,

***George Vasiliades, President, Peabody, MA –
debarred through October 19, 2001.***

EMP Sweeping & Asphalt Paving Corporation,

***Deanna Zucchari, President, Walpole, MA –
debarred through November 20, 2001.***

Amaral Excavating, Inc.

***Daniel P. Amaral, President, Somerville, MA –
debarred through February 3, 2002.***

Michael A. Tremble d/b/a/ Mike's Painting

Huntington, MA – debarred through August 24, 2002.

Francisco Morgado & Sons Inc.

***Adrian Morgado, President and Marina Morgado,
New Bedford, MA – debarred through November 16, 2002.***

Tiger HVAC Services, Inc.

***John M. Powers, President, South Boston, MA –
debarred through June 21, 2001.***

CDR Construction LLC

***Richard A. Dixon, Jr., President, East Windsor, CT –
debarred through September 9, 2001.***

DALA: No Excuses

***Subcontractors Must
Submit Payrolls***

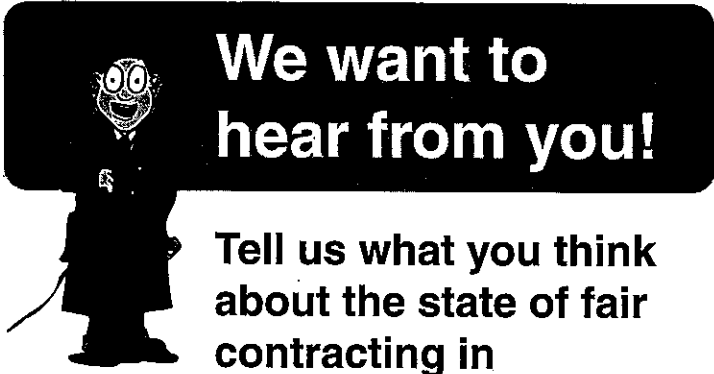
All subcontractors must fulfill the obligation to file certified payroll records to the awarding authority on a public project, a Division of Administrative Law Appeals (DALA) court ruled recently.

Markings, Inc, a pavement markings subcontractor to M.Susi & Sons, Inc. on a highway project in Boston last year, had been cited and penalized for \$500 by the Office of the Attorney General for intentionally failing to submit payroll records to the awarding authority. In its appeal, Markings, Inc. argued in part that since it was not a filed sub-contractor, the awarding authority was not the city of Boston but Susi. This was the only contractual relationship that existed, Markings claimed. Susi, it argued, failed to forward the records.

DALA ruled that while the law does not preclude the common practice of subcontractors submitting their payrolls to the general contractor, which then makes one "orderly, weekly" submission to the awarding authority (the court in fact stated that "such a process makes sense"), such a "reliance...does not relieve the sub-contractor from its obligation to insure that its certified payroll record is indeed filed with the awarding authority."



The Fair Contractor is published quarterly by the non-profit Foundation for Fair Contracting of Massachusetts, Box 256, State House Station, Boston, MA 02133. For information, call 1-800-224-FAIR (www.ffcm.org).



We want to hear from you!

Tell us what you think about the state of fair contracting in Massachusetts. Send your e-mails to: ffcm@tiac.net

Or send us a letter, we can be reached at the:

**Foundation for Fair Contracting
P.O. Box 256
State House Station
Boston, MA 02133
www.ffcm.org**

***Comments may be edited for length**

Wage Enforcement Update

Here are just a few recent examples of cases that have been transmitted by the FFCM to the Office of the Attorney General:

We can't resist noting that "the whole story" wasn't told by **The Hole Story, Inc.** of North Grafton, Mass. A contractor on the Millbury Upper Blackstone Valley Wastewater Treatment Plant project, the company was recently fined by the AG for a total of \$2,107.36 for failing to pay the prevailing wage to four employees. Earlier this year, our Central Mass monitor visited the site of the project and transmitted an employee complaint to the Office of the Attorney General's Inspector Robert Galvani, whose investigation resulted in this citation.

Elsewhere, **Site Remediation Services, Inc.** was cited by the AG for a total of \$3919.05 for bilking three employees out of their wages on the UMass Lowell soil remediation of Lawrence Mills project. After conferring with the awarding authority (DCAM) on this project our Central Mass monitor transmitted this case to the AG because of this contractor's payroll inconsistencies. Supervising Inspector Steven Troiano was responsible for the investigation.

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The Foundation for Fair Contracting
P.O. Box 256
State House Station
Boston, MA 02133