



# Oregon

Bureau of Labor and Industries

Brad Avakian  
Commissioner

November 17, 2015

Archana Thapa-Sherpa  
Director of Facilities Management & Procurement, Operations Section  
Department of Justice, Administrative Services Division  
1162 Court Street NE  
Salem, OR 97301

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Tenant Improvements to the 100 at Park Square Building  
Requested by: Department of Justice

Dear Ms. Thapa-Sherpa:

On November 6, 2015, the Bureau of Labor and Industries received the request you submitted asking if the Prevailing Wage Rate laws would apply to the proposed tenant improvements to be done on the 100 at Park Square Building. Sufficient information to make a determination was received on November 13, 2015, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT

1. CSHV First & Market, LLC ("CSHV"), a limited liability company, owns the Park Square development in Portland, Oregon. The sole member of CSHV is the California State Teachers' Retirement System, a unit of the California Government Operations Agency. The Park Square development is located at 100 SW Market Street, and includes the 100 at Park Square Building, the Woolworth Building, an enclosed lobby that connects the two buildings, a patio area off the lobby, and a parking garage beneath the buildings.
2. The Oregon Department of Justice ("DOJ"), a public agency, has entered into a 15-year lease agreement with CSHV to lease the fourth through seventh floors in the 100 at Park Square Building.
3. As part of the lease agreement, CSHV will make improvements to the four floors DOJ will lease. The improvements consist of renovating the space to include hard offices and modular systems work stations, and various other spaces such as conference rooms, interview rooms, a reception area, a mail area, and a

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break/lunch room. In addition, DOJ has minimum general facility requirements that include keycard access for exterior and interior doors, sound insulation in all walls, a lighting system that meets Department of Administrative Services (“DAS”) standards, and carpet tile of a DAS standard.

4. The enclosed lobby that connects the 100 at Park Square Building and the Woolworth Building is on the first floor and is shared space for the tenants of both buildings. As part of the lease agreement, CSHV will install a DOJ security desk in this area, and will add DOJ signage on the wall.
5. No improvements will be done outside the framework or footprint of the existing building.

## **CONCLUSIONS OF LAW**

1. Under ORS 279C.800(6)(b), “public works” does not include the reconstruction or renovation of privately owned property that a public agency leases. As defined in OAR 839-025-0004(23), the “reconstruction or renovation of privately owned property which is leased by a public agency” includes improvements of all types within the framework or footprint of an existing building or structure. On this privately owned project that will be leased by a public agency, no work will be done outside the framework or footprint of the existing building or structure. Therefore, the project is not a public works project.

## **DETERMINATION**

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed tenant improvements to be done on the 100 at Park Square Building.

This determination is based on the agency’s file as of the date of this determination. The commissioner may make a different determination if any of the project information is incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

## **REQUEST FOR A RECONSIDERATION**

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

## RIGHT TO A HEARING

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and ORS 279C.817. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator  
Wage and Hour Division  
Bureau of Labor and Industries  
800 NE Oregon St., Suite 1045  
Portland, Oregon 97232

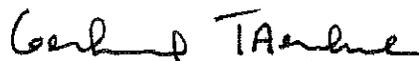
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel or an authorized representative. If you request a hearing, you will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying, or reversing this determination order will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issues a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

Date: November 17, 2015

Brad Avakian, Commissioner  
Bureau of Labor and Industries



Gerhard Taeubel, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## Certificate of Service

On November 17, 2015, I mailed the Prevailing Wage Rate Determination for the proposed tenant improvements to be done on the 100 at Park Square Building to the requestor and interested parties, as follows:

Archana Thapa-Sherpa  
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Susan Wooley  
PWR Technical Assistance Coordinator  
Wage and Hour Division  
Bureau of Labor and Industries