



February 19, 2014

Ms. Nora Cronin
St. Vincent de Paul Society of Lane County, Inc.
PO Box 24608
Eugene, OR 97402

Re: *Determination of Whether Project is Subject to Prevailing Wage Rate Law*
Project: Bascom Village Phase I
Requested by: St. Vincent de Paul Society of Lane County, Inc.

Dear Ms. Cronin:

On February 17, 2014, you submitted a request on behalf of St. Vincent de Paul Society of Lane County, Inc. asking if the Prevailing Wage Rate law would apply to the proposed Bascom Village Phase I project. Sufficient information to make a determination was received on February 18, 2014; therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. St. Vincent de Paul Society of Lane County, Inc. ("St. Vincent") is a domestic, non-profit corporation that builds and maintains affordable housing for lower-income Oregonians.
2. St. Vincent intends to contract for the construction of Bascom Village Phase I, a 53-unit affordable housing development located on 2.62 acres of land at the junction of Park View and Matt Drive in Eugene, Oregon.
3. Bascom Village Phase I will include 53 residential units and a community room for resident activities, spread across 15 buildings, all of which will be two to three stories in height. 52 of the 53 residential units will be restricted to households earning at or below 50% of the area median income (AMI).

PORTLAND

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4. Bascom Village Phase I will be owned by a private limited partnership, with Key Community Development Corporation owning a 99.99% interest in Bascom Village Phase I and St. Vincent owning a 0.01% interest; St. Vincent will serve as general partner.
5. The total project cost is \$10,327,414. Funding sources for the Bascom Village Phase I project are as follows:
 - a. Funds from a public agency: \$872,667
 - i. City of Eugene Donated Land: \$462,393
 - ii. City of Eugene HOME: \$410,274
 - b. Other funds: \$9,454,747
 - i. LIHTC Equity: \$7,937,206
 - ii. City of Eugene SDC waivers: \$249,593
 - iii. AHP Grant: \$467,948
 - iv. Permanent loan: \$800,000

CONCLUSIONS OF LAW:

1. The Bascom Village Phase I project meets the definition of “public works” under ORS 279C.800(6)(a)(B) because the project will be privately owned and will use \$750,000 or more of funds of a public agency.
2. The Bascom project is exempt from Oregon prevailing wage rate law because it is a residential construction project that predominantly provides affordable housing that will be privately owned pursuant to ORS 279C.810(2)(d). The project is residential construction pursuant to ORS 279C.810(2)(d)(D) because it includes only apartment buildings, all of which are not more than four stories in height. The project predominantly provides affordable housing pursuant to ORS 279C.810(2)(d)(A) and ORS 279C.810(2)(d)(B) because 52 of the 53 residential units constructed will serve occupants whose incomes are at or below 50% of the area median income (AMI). The project is privately owned because neither Key Community Development Corporation nor St. Vincent de Paul Society of Lane County, Inc. is a public entity.

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 Bascom Village Phase I project.

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 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

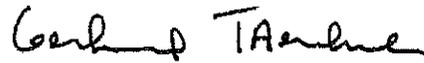
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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: February 19, 2014

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On February 19, 2014, I mailed the Prevailing Wage Rate Determination for the Bascom Village Phase I project to the requestor below:

Nora Cronin
St. Vincent de Paul
Society of Lane County, Inc.
PO Box 24608
Eugene, OR 97402

Certified Mail – Return Receipt Requested
Article #: 7012-3460-0001-3059-8968



Michael Fevurly
Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries