

Tom Hatley  
Housing and Community Resources Director  
Community Services Consortium  
545 SW 2<sup>nd</sup> Street, Suite A  
Corvallis, OR 97333

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Pelican Place  
Requested by: Community Services Consortium

Dear Mr. Hatley:

On February 27, 2009, you submitted a request on behalf of Community Services Consortium (“CSC”) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by March 10, 2009, and therefore, the commissioner issues the following determination:

#### **FINDINGS OF FACT**

1. CSC, an instrumentality of county government, intends to acquire and operate an existing apartment building in Newport, Oregon.
2. Upon acquisition of the building, CSC will contract for certain renovations to be made to the site, including but not limited to reconstruction and landscaping. The cost of completing these improvements is expected to be more than \$50,000.

#### **CONCLUSIONS OF LAW**

1. The proposed project will include reconstruction, and will be carried on and contracted for by CSC, a public agency under the PWR law, to serve the public interest. Therefore, the definition of “public works” in ORS 279C.800(6)(a)(A) will apply to this project.
2. The total price for improvements is expected to exceed \$50,000. Pursuant to ORS 279C.810(2)(a), the prevailing wage rate law does not apply to projects for which the contract price does not exceed \$50,000. If the total price for improvements to be contracted out exceeds \$50,000, this exemption will not apply to this project.
3. The proposed project will use funds of a public agency. Therefore, the exemption in ORS 279C.810(2)(b) will not apply to this project.

## **DETERMINATION**

Based on the foregoing, the Prevailing Wage Rate law, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will apply to the proposed project known as Pelican Place if the total price of improvements to be contracted out exceeds \$50,000.

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.

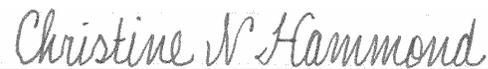
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be

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 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. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: March 20, 2009

Brad Avakian, Commissioner  
Bureau of Labor and Industries

A handwritten signature in cursive script that reads "Christine N. Hammond". The signature is written in black ink and is positioned above a solid horizontal line.

Christine N. Hammond, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## **Certificate of Service**

On March 20, 2009, I mailed, by certified mail, the Prevailing Wage Rate Determination for the proposed Pelican Place project to the requestor/public agency associated with this project, as follows:

Tom Hatley  
Housing and Community Resources Director  
Community Services Consortium  
545 SW 2<sup>nd</sup> Street, Suite A  
Corvallis, OR 97333

---

Susan Wooley, PWR Technical  
Assistance Coordinator  
Wage and Hour Division  
Bureau of Labor and Industries