



May 5, 2011

Bonnie Johnson
Bonnie Johnson Project Development Services
0630 K SW Nevada Street
Portland, OR 97219

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Macdonald West Hotel Apartments
Requested by: Macdonald Center through its representative Bonnie Johnson

Dear Ms. Johnson:

On May 5, 2011, you submitted a request on behalf of Macdonald Center asking if the Prevailing Wage Rate law would apply to a proposed project to construct the Macdonald West Hotel Apartments. Sufficient information to make a determination was received on May 2, 2011, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Macdonald West Limited Partnership ("MWLP") owns the West Hotel building located at 121-127 NW Sixth Avenue in Portland, Oregon. Macdonald West Manager, LLC is the General Partner, with .01 percent ownership. Macdonald Center, a non-profit corporation, is the sole member of Macdonald West Manager, LLC. US Bank Community Development Corporation, a non-profit low incoming housing tax credit syndicator, is the Limited Partner in MWLP, with 99.99 percent ownership.
2. MWLP will demolish the West Hotel building and construct a new seven-story building, to be called the Macdonald West Hotel Apartments. The building will include 42 units of low income studio apartments on the upper six floors, with ground floor commercial space to be occupied by Macdonald Center.
3. Oregon Housing and Community Services will provide a Housing Development Program Grant of \$200,000.00 to Macdonald Center for this project. No other funds of a public agency will be used, and no other public agency will be involved in this project. The balance of funding for the project is provided through Low Income Housing Tax Credit equity from US Bank Community Development Corporation and private funding from Macdonald Center.

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CONCLUSIONS OF LAW

1. The proposed project to build the Macdonald West Hotel Apartments will not be carried on or contracted for by a public agency. Therefore, the project will not meet the definition of “public works” under ORS 279C.800(6)(a)(A).
2. The proposed project to build the Macdonald West Hotel Apartments will not use more than \$750,000.00 in funds of a public agency, and no public agency will occupy or use any part of the finished project. Therefore, the project will not meet the definition of “public works” under ORS 279C.800(6)(a)(B) or (C).

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate law, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed Macdonald West Hotel Apartments 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 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: May 5, 2011

Brad Avakian, Commissioner
Bureau of Labor and Industries

Christine N. Hammond

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

Certificate of Service

On May 6, 2011, I mailed the Prevailing Wage Rate Determination for the proposed Macdonald West Hotel Apartments project to the requestor and interested parties associated with this project, as follows:

Bonnie Johnson
Bonnie Johnson Project Development Services
0630 K SW Nevada Street
Portland, OR 97219

Pat Janik
Macdonald Center
605 NW Couch Street
Portland, OR 97209



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