



January 19, 2012

Central City Concern
Attn: Wendy Klein
232 NW Sixth Ave.
Portland, OR 97209

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Butte Hotel Preservation
Requested by: Central City Concern

Dear Ms. Klein

On January 17, 2012, you submitted a request on behalf of Central City Concern asking if the Prevailing Wage Rate law would apply to the Butte Hotel Preservation project ("project"). Sufficient information to make a determination was received on January 17, 2012, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. Butte Hotel is a multi-family building located at 610 NW 6th Avenue in Portland. Butte Hotel is owned by Central City Concern ("CCC"). The project will be to rehabilitate, upgrade and replace existing residential building components.
2. CCC is a domestic non-profit that was founded in 1979. It serves single adults and families in the Portland metro area who are impacted by homelessness, poverty and addictions. CCC is the developer and manager of the rehabilitation project.

PORTLAND
800 NE Oregon St. Suite 1045
Portland, OR 97232-2180
(971) 673-0761
Fax (971) 673-0762

EUGENE
1400 Executive Parkway, Suite 200
Eugene, OR 97401-7103
(541) 686-7623
FAX (541) 686-7980

BEND
Apprenticeship and Training
Worksource Bend
1645 NE Forbes Rd, Ste 106
Bend, OR 97701-4990
(541) 322-2435
FAX (541) 389-8265

MEDFORD
Apprenticeship and Training
119 N Oakdale Ave.
Medford, OR 97501-2629
(541) 776-6201
FAX (541) 776-6284

SALEM
3865 Wolverine St. NE; E-1
Salem, OR 97305-1268
(503) 378-3292
FAX (503) 373-7636

Oregon Relay TTY:711

www.oregon.gov/boli
AN EQUAL OPPORTUNITY EMPLOYER

PENDLETON
Civil Rights
1327 SE 3rd St.
Pendleton, OR 97801-4101
(541) 276-7884
FAX (541) 276-5767



3. Butte Hotel contains two residential floors which provide permanent housing to low-income individuals living in 38 single room occupancy units. In addition to the residential floors, the building has a ground floor consisting of commercial space, as well as a basement.
4. The project work will include cladding and window replacement of the envelope of the building's light wells, complete re-roofing, interior rehabilitation of the common spaces (including high efficiency, low-flow plumbing and laundry fixtures, plumbing accessories, flooring and painting), mechanical ventilation in all bathrooms, high efficiency electrical upgrades and installation of a new high efficiency water heater. The rehabilitation work will not include any work in the commercial space or the basement.
5. The total project is estimated to cost \$949,948. Funding for the project includes the following sources:
 - a. Funds of a public agency: \$690,706
 - i. Oregon Housing & Community Services
 1. \$500,000 – Housing Development Block Grant
 - ii. Portland Housing Bureau
 1. \$190,706 – Community Development Block Grant
 - b. Other Funds: \$259,242
 - i. CCC Building Reserves

CONCLUSIONS OF LAW:

1. The proposed project does not meet the definition of “public works” under ORS 279C.800(6)(a)(A) because the project is not being carried on or contracted for by a public agency.
2. The proposed project does not meet the definition of “public works” under ORS 279C.800(6)(a)(B) because the project will not use \$750,000 or more of funds of a public agency.

DETERMINATION:

The Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed construction, reconstruction, major renovation and/or painting of the Butte Hotel Preservation 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, OR 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: January 19, 2012

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 January 19, 2012, I mailed the Prevailing Wage Rate Determination for the Butte Hotel Preservation project to the requestor, as follows:

Central City Concern
Attn: Wendy Klein
232 NW Sixth Ave.
Portland, OR 97209

Certified Mail – Return Receipt Requested
Article #: 7009 2820 0001 4829 2428



Cristin Casey
Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries