



Oregon

Bureau of Labor and Industries

Brad Avakian
Commissioner

March 16, 2016

Paul Helikson, Board President
Bend Recovery Home
1900 NE 3rd St., Ste. 106, #159
Bend, OR 97701

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Bend Recovery Home – Centennial Complex
Requested by: Bend Recovery Home

Dear Mr. Helikson:

On March 14, 2016, you submitted a request on behalf of Bend Recovery Home asking whether the Prevailing Wage Rate laws would apply to the proposed Bend Recovery Home – Centennial Complex Project. Sufficient information to make a determination was received on March 15, 2016, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Bend Recovery Home is a domestic non-profit corporation that provides housing services to families affected by addiction.
2. Bend Recovery Home intends to purchase and renovate residential property located at 682 SE Centennial Street in Bend, Oregon, for the purpose of providing housing to families affected by addiction.
3. The Project, referred to as the Bend Recovery Home – Centennial Complex Project, will consist of one two-story building with nine residential units and a common room. An on-site manager will occupy one of the residential units; the remaining eight residential units will be occupied by families affected by addiction.
4. Bend Recovery Home has entered into a contract with a construction contractor for the Project's renovation and intends to have renovations completed by July 2016. Anticipated renovation work includes the installation of a new roof, replacement of all exterior doors and windows, replacement of floorings and interior fixtures, appliance upgrades, and plumbing improvements.
5. The Project's total cost is estimated to be \$488,489. Bend Recovery estimates the cost of acquiring the property will be \$282,999. Bend Recovery estimates the cost of renovation will be \$188,000. Development costs are estimated to be \$17,490.

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

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

EUGENE
1400 Executive Parkway, Suite 200
Eugene, OR 97401-2158
(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

Oregon Relay TTY:711
www.oregon.gov/boli
AN EQUAL OPPORTUNITY EMPLOYER

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



6. The Project will be funded by a General Housing Account Program (“GHAP”) grant issued by Oregon Housing and Community Services in the amount of \$484,999, and a Deschutes County grant in the amount of \$3,500. Both the GHAP grant and the Deschutes County grant constitute “funds of a public agency,” as defined in ORS 279C.800(5).

CONCLUSIONS OF LAW

1. The Project will not be carried on or contracted for by a public agency. As such, the definition of “public works” in ORS 279C.800(6)(a)(A) does not apply to the Project.
2. The Project does not use \$750,000 or more in “funds of a public agency.” As such, the definition of “public works” in ORS 279C.800(6)(a)(B) does not apply to the Project.
3. No public agency will occupy or use any part of the Project. As such, the definition of “public works” in ORS 279C.800(6)(a)(C) does not apply to the 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 Bend Recovery Home – Centennial Complex 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

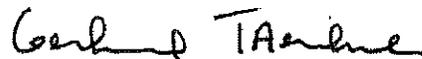
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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: March 16, 2016

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



GERHARD TAEUBEL,
Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On March 16, 2016, I mailed the Prevailing Wage Rate Determination for the proposed Bend Recovery Home – Centennial Complex Project to the requestor below:

Paul Helikson, Board President
Bend Recovery Home
1900 NE 3rd St., Ste. 106, #159
Bend, OR 97701

Certified Mail – Return Receipt Requested
Article # 7015-1660-0000-2223-5453



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