



April 16, 2015

Scott Miller, Director of Development & Construction
Marquis Companies
4560 SE International Way
Milwaukie, OR 97222

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Marquis Facility
Requested by: Marquis Companies

Dear Mr. Miller:

On April 9, 2015, we received your request on behalf of Marquis Companies asking if the Prevailing Wage Rate laws would apply to the Marquis Facility project. Sufficient information to make a determination was received on April 15, 2015, and therefore, the commissioner issues the following determination:

FINDING OF FACT

1. Salem LTC Properties, LLC ("Salem LTC"), a subsidiary of Marquis Companies and a private entity, has entered into a Purchase and Sale Agreement with Pringle Square North LLC, a private entity, to purchase property in Salem. The property was the former Boise Cascade property and has been divided into parcels. Salem LTC has purchased the parcel referred to as the North Block.
2. Salem LTC proposes to develop the property by constructing a post-acute rehabilitation center, known as the Marquis Facility.
3. The total project cost is estimated to be \$11,600,000. At least 80 percent of the project cost will be paid for with private funds. The Urban Renewal Agency of the City of Salem has approved a grant to assist with the cost of this project. The grant is for up to 20 percent of the project cost, but is not to exceed \$749,999. No other funds of a public agency will be used on the project.
4. No public agency will occupy or use any of the square footage of the completed project.

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

MEDFORD

Apprenticeship and Training
119 N Oakdale Ave.
Medford, OR 97501-2629
(541) 776-6201
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CONCLUSIONS OF LAW

1. The development of the Marquis Facility will not be carried on or contracted for by any public agency, and therefore the project does not meet the definition of “public works” under ORS 279C.800(6)(a)(A).
2. The Marquis Facility is a privately owned construction project and will use private funds, but it will not use \$750,000 or more in funds of a public agency. Therefore, the project does not meet the definition of “public works” under ORS 279C.800(6)(a)(B).
3. No public agency will occupy or use any of the square footage of the project, and therefore the project does not meet the definition of “public works” under ORS 279C.800(6)(a)(C).

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 Marquis Facility 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

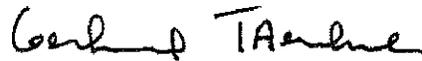
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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: April 16, 2015

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On April 16, 2015, I mailed the Prevailing Wage Rate Determination for the Marquis Facility project to the requestor, as follows:

Scott Miller, Director of Development & Construction
Marquis Companies
4560 SE International Way
Milwaukie, OR 97222



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