



August 10, 2016

Diana Otero, Executive Director
Klamath Housing Authority
1445 Avalon Street
Klamath Falls, OR 97603

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Merrill Apartments
Requested by: Klamath Housing Authority

Dear Ms. Otero:

On August 8, 2016, the Bureau of Labor and Industries received your request asking if the Prevailing Wage Rate laws would apply to the proposed rehabilitation of the Merrill Apartments. Sufficient information to make a determination was received on August 9, 2016, and therefore, the commissioner issues the following determination:

FINDING OF FACT

1. The Merrill Apartments are located at 656 West 3rd Street in Merrill, Oregon, and are currently owed by Fenner Sagene Group, LTD, a private entity.
2. Klamath Housing Authority ("KHA"), a public agency under ORS 279C.800(5), has managed the Merrill Apartments for over five years. KHA plans to acquire the Merrill Apartments, possibly by the end of 2016.
3. Once ownership has been transferred to KHA, KHA plans to rehabilitate the Merrill Apartments ("the Project"). The work to be done includes replacing flooring, light fixtures, heaters, thermostats, appliances, and cabinetry, as well as improving common areas and parking areas. The estimated project cost is \$1,200,000.
4. Community and Shelter Assistance Corporation ("CASA of Oregon"), a private non-profit entity, will oversee the Project for KHA. CASA of Oregon will issue Requests for Proposal, select the contractors to work on the Project, and award the construction contracts.

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5. KHA will receive both loans and a grant for the Project. The Project will use the following funds of a public agency:
- | | |
|---|-----------|
| a. USDA Rural Development Loan | \$834,189 |
| b. USDA Rural Development Grant | \$159,907 |
| c. Network of Oregon Affordable Housing (NOAH) Loan | \$202,685 |

CONCLUSIONS OF LAW

1. The Project will use \$750,000 or more of funds of a public agency for constructing, reconstructing, painting or performing a major renovation on a road, highway, building, structure or improvement of any type. Therefore, the project meets the definition of "public works" under ORS 279C.800(6)(a)(B).
2. No exemptions from the Prevailing Wage Rate laws under ORS 279C.810(2) will 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 apply to the Merrill 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, 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: August 10, 2016

Brad Avakian, Commissioner
Bureau of Labor and Industries



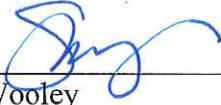
Gerhard Taeubel, Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On August 10, 2016, I mailed the Prevailing Wage Rate Determination for the Merrill Apartments project to the requestor and interested party, as follows:

Diana Otero, Executive Director
Klamath Housing Authority
1445 Avalon Street
Klamath Falls, OR 97603

Samantha Engebretsen, Housing Program Assistant
CASA of Oregon
20508 SW Roy Rogers Road, Suite 155
Sherwood, OR 97140



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