



May 17, 2013

Brian Rousseau
Procurement Coordinator
Home Forward
135 SW Ash Street
Portland, OR 97204

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: New Columbia Lighting Fixtures
Requested by: Home Forward

Dear Mr. Rousseau:

On May 3, 2013 you submitted a request on behalf of Home Forward asking if the Prevailing Wage Rate law would apply to the New Columbia Lighting Fixtures project ("project"). Sufficient information to make a determination was received on May 16, 2013, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. New Columbia is an 82-acre neighborhood located in North Portland's Portsmouth neighborhood that consists of a combination of 556 flats, townhomes and apartment buildings ("rental units") and 232 privately owned homes. Three-hundred and seventy of the rental units have a public housing subsidy.
2. Four Limited Partnerships own the low income rental units. These ownership entities are Trouton Limited Partnership, Cecilia Limited Partnership, Woolsey Limited Partnership and Haven Limited Partnership. Each of the Limited

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Partnerships owns a 99.99% interest in their properties and Home Forward, as general partner, owns .01%. Home Forward is a public agency. The properties are managed by Guardian Real Estate Services.

3. The rental units have income requirements and applicants cannot exceed 60% of the MFI (median family income).
4. Guardian Real Estate Services, a private limited liability company, will be contracting for the project work.
5. The project work involves upgrading the metal halide lamp and ballast exterior lighting fixtures throughout the entire New Columbia Neighborhood (rental units and privately owned homes) with energy efficient LED light fixtures.
6. The project will be funded by the New Columbia Owners Association (“NCOA”). NCOA is a domestic non-profit corporation formed for the benefit of the property owners of New Columbia. The total project is estimated to cost \$182,000 before \$40,300 in Energy Trust of Oregon rebates.

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 will be carried on and contracted for by Guardian Real Estate Services, a private company.
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 in 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 New Columbia Lighting Fixtures 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.

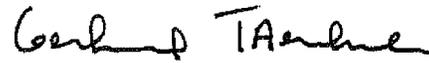
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel 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: May 17, 2013

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On May 17, 2013, I mailed the Prevailing Wage Rate Determination for the New Columbia Lighting Fixtures project to the requestor, as follows:

Brian Rousseau
Procurement Coordinator
Home Forward
135 SW Ash Street
Portland, OR 97204

Certified Mail – Return Receipt Requested
Article #: 7012 1010 0001 2377 9836



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