



March 19, 2014

Dennis Sigrist
Oregon Emergency Management
PO Box 14370
Salem, OR 97309-5062

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Scio-Tel
Requested by: Oregon Emergency Management

Dear Mr. Sigrist:

On March 12, 2014, you submitted a request asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received on March 18, 2014, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The Scio Mutual Telephone Association (SMTA) plans to contract for a seismic retrofit of its main central office. SMTA is a private cooperative.
2. SMTA is the sole owner of the property, and will be the sole occupant of the building once the project is complete.
3. The project will include site work and excavation, the construction of new concrete reinforced walls, roof modifications, and rerouted or relocated HVAC and electrical systems.
4. The total project cost will be \$392,189. Funding for the project includes the following sources:
 - a. Funds of a public agency: \$294,142
 - i. FEMA Hazard Mitigation Grant Program granted through Oregon Emergency Management: \$294,112
 - b. Other Funds: \$98,047
 - i. SMTA: \$98,047

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
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EUGENE

1400 Executive Parkway, Suite 200
Eugene, OR 97401-2158
(541) 686-7623
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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
FAX (541) 776-6284



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 Scio Mutual Telephone Association, a private cooperative.
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.
3. The proposed project does not meet the definition of “public works” under ORS 279C.800(6)(a)(C) because the completed project will not be occupied by a public agency.

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 Scio-Tel 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.

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 either by 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, and 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 issued 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: March 19, 2014

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 19, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Scio-Tel project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Dennis Sigrist
Oregon Emergency Management
PO Box 14370
Salem, OR 97309-5062



Hannah Wood, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries