



February 25, 2015

Saalfeld Griggs, PC
Attn: Hunter Emerick
PO Box 470
Salem, OR 97308

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Requested by: Saalfeld Griggs, PC

Dear Mr. Emerick:

On February 19, 2015, you submitted a request asking if the Prevailing Wage Rate laws would apply to the project known as the "Spinnaker Pointe I project". Sufficient information to make a determination was received on February 23, 2015, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The Oregon Department of Justice ("DOJ") is entering into a lease with Johnco Investments I, LLC ("Johnco") to use and occupy the Spinnaker Pointe I Building, a privately owned building located at 2250 McGilchrist Street SE in Salem.
2. Pursuant to the lease, Johnco will contract for the reconstruction and major renovation of the Spinnaker Pointe I Building before DOJ will occupy the space. The project will take place within the existing footprint of the building.
3. Johnco will finance the project using private third-party funds or through self-financing.

CONCLUSIONS OF LAW

1. The Spinnaker Pointe I project includes reconstruction and major renovation within the footprint of a privately owned building that will be leased by the Oregon Department of Justice. Pursuant to OAR 839-025-0004(23) "reconstruction or renovation of privately owned property that is leased by a public agency" includes improvements of all types within the

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



framework or footprint of an existing building or structure. Pursuant to ORS 279C.800(6)(b)(A), "public works" does not include the reconstruction or renovation of privately owned property that a public agency leases.

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 reconstruction and/or major renovation of the Spinnaker Pointe I 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 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: February 25, 2015

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On February 25, 2015, I mailed the Prevailing Wage Rate Determination for the Spinnaker Pointe I project to the requestor, as follows:

Saalfeld Griggs, PC
Attn: Hunter Emerick
PO Box 470
Salem, OR 97308



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