

Anne M. Williams
Housing Programs Director
St. Vincent de Paul Society of Lane County, Inc.
PO Box 24608
Eugene OR 97402

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: VetLIFT Phase III
Requested by: St. Vincent de Paul Society of Lane County

Dear Ms. Williams:

On May 27, 2008, you submitted a request on behalf of the St. Vincent de Paul Society of Lane County ("SVDP") asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by June 3, 2008, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. St. Vincent de Paul Society of Lane County will acquire a two-story apartment building located at 1070 West 6th in Eugene, Oregon, and renovate the structure to provide rental housing to chronically homeless veterans.
2. The project will consist of nine residential units serving occupants with incomes ranging from 0 to 60 percent of the area median income, a manager's unit, a meeting room, and offices for programs serving the building's occupants. The cost of renovating the non-residential portion of the building is less than 20% of the total construction cost.
3. To develop the project, SVDP intends to use a grant and a loan in the total amount of \$482,231 from the City of Eugene and grants totalling \$542,929 from Oregon Housing and Community Services Department.

CONCLUSIONS OF LAW

1. The construction project is intended to be privately owned. \$750,000 or more in funds of a public agency will support the project. Therefore, the definition of a "public works" under ORS 279C.800(6)(a)(B) will apply to this project.
2. The project is for residential construction that is privately owned and that predominantly provides affordable housing. Therefore, pursuant to ORS 279C.810(d), the project will be exempt from the Prevailing Wage Rate laws.

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 VetLIFT Phase III 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 requester 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

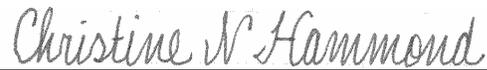
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: June 5, 2008

Brad Avakian, Commissioner
Bureau of Labor and Industries

A handwritten signature in cursive script that reads "Christine N. Hammond". The signature is written in black ink on a white background.

Christine N. Hammond, Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On June 5, 2008, I mailed, by certified mail, the Prevailing Wage Rate Determination for the VetLIFT Phase III project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Stephanie Jennings
Community Development Division
City of Eugene
99 W 10th Ave
Eugene OR 97401

Carol Kowash
Housing Finance Section
Oregon Housing and Community Services Department
725 Summer St NE Suite B
Salem OR 97301-1266

Gerhard Taeubel, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries