

Mark Shortridge  
St. Laurent Properties  
120 NE 136<sup>th</sup> Ave Suite 200  
Vancouver WA 98684

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*  
Project: West Park III Tenant Improvements  
Requested by: St. Laurent Properties

Dear Mr. Shortridge:

On May 8, 2008, you submitted a request on behalf of West Park III, LLC (“West Park”) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by May 8, 2008, and therefore, the commissioner issues the following determination:

#### **FINDINGS OF FACT**

1. West Park owns the project site located at 5300 – 5350 NE Elam Young Parkway in Hillsboro, Oregon.
2. West Park has entered into a lease agreement with the State of Oregon’s Department of Human Services (“DHS”) for approximately 75,000 square feet of office space in two single-story buildings at the site. DHS will occupy 100% of one building and 70% of a second building.
3. Under the terms of the lease agreement, West Park will contract for tenant improvements costing an estimated \$3,508,636.00 to complete. Through its rent payments, DHS will pay \$2,340,000.00 for the tenant improvements.
4. In addition to renovating the interior areas of the buildings, the tenant improvement project, as proposed, includes certain improvements made outside the footprint or framework of the buildings. These improvements include the construction of a family visitation area (a 950 square foot enclosure consisting of a concrete pad with a foam mat covering and a cyclone fence), the erection of a flagpole near the entries to the buildings, the installation of additional signs, access ramps, and bicycle racks, and changes to the landscaping.

## **CONCLUSIONS OF LAW**

1. ORS 279C.800(6)(b) excludes from the definition of public works “(t)he reconstruction or renovation of privately owned property that is leased by a public agency.” However, OAR 839-025-0004(23) clarifies that such renovation work “includes improvements of all types within the framework or footprint of an existing building or structure.” The West Park project includes improvements outside the framework or footprint of the existing buildings. Therefore, the West Park project does not meet the definition of “reconstruction or renovation.”
2. The West Park 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.
3. None of the exemptions provided for in ORS 279C.810(2) and OAR 839-025-0100 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 West Park III Tenant Improvements project if improvements are made outside the footprint or framework of the buildings as a part of the 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

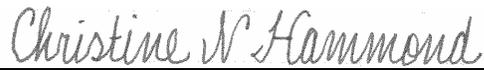
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: May 20, 2008

Brad Avakian, Commissioner  
Bureau of Labor and Industries



---

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

## **Certificate of Service**

On May 20, 2008, I mailed, by certified mail, the Prevailing Wage Rate Determination for the West Park III Tenant Improvements project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Mark Shortridge  
St. Laurent Properties  
120 NE 136<sup>th</sup> Ave Suite 200  
Vancouver WA 98684

Linda Riddell  
Department of Human Services  
500 Summer St NE, E-90  
Salem OR 97301-1115

---

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