



# Oregon

Bureau of Labor and Industries

Brad Avakian  
Commissioner

March 8, 2016

Shelly Ehenger, Executive Director  
Marion County Housing Authority  
2645 Portland Road NE, Suite 200  
Salem, OR 97301

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Wood Park Terrace Apartments  
Requested by: Marion County Housing Authority

Dear Ms. Ehenger:

On March 4, 2016, the Bureau of Labor and Industries received your request on behalf of the Marion County Housing Authority asking if the Prevailing Wage Rate laws would apply to the proposed reconstruction and renovation work to be done on the Wood Park Terrace Apartments. Sufficient information to make a determination was received on March 7, 2016, and therefore, the commissioner issues the following determination:

## FINDING OF FACT

1. Marion County Housing Authority, a public agency under ORS 279C.800(5), owns Wood Park Terrace Apartments located at 1025 Park Avenue in Woodburn, Oregon.
2. The Wood Park Terrace Apartments consists of eight one- and two-story buildings. Six of the buildings are residential buildings, one building is for laundry facilities, and one building includes a small community room as well as laundry facilities. The property does not include any commercial space.
3. Marion County Housing Authority plans to reconstruct and renovate the Wood Park Terrace Apartments. The work to be done includes replacing the roofs and siding, removing balconies, painting, and installing French drains. Marion County Housing Authority will contract for this work.
4. With the exception of one manager's unit, all of the units will be restricted to households with incomes at or below 60 percent of the area median income.

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800 NE Oregon St. Suite 1045  
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5. The total project cost is approximately \$2,500,000. The project will use funds of a public agency in the form of an Oregon Housing and Community Services State Trust Fund Award, in the amount of \$2,332,585.

## **CONCLUSIONS OF LAW**

1. The proposed reconstruction and renovation project will be carried on and contracted for by Marion County Housing Authority, a public agency, to serve the public interest. Therefore, the project meets the definition of "public works" under ORS 279C.800(6)(a)(A).
2. The total project cost will exceed \$50,000, and the project will use funds of a public agency. Therefore, the exemptions from the Prevailing Wage Rate Law under ORS 279C.810(2)(a) and (b) do not apply to the project.
3. While the project is for residential construction that predominantly provides affordable housing, the property is publicly owned. Therefore, the exemption from the Prevailing Wage Rate laws under ORS 279C.810(2)(d) does not 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 Wood Park Terrace Apartments 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

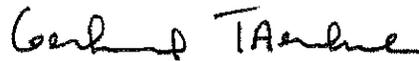
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 order 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.

Date: March 8, 2016

Brad Avakian, Commissioner  
Bureau of Labor and Industries



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

## Certificate of Service

On March 8, 2016, I mailed the Prevailing Wage Rate Determination for the Wood Park Terrace Apartments project to the requestor, as follows:

Shelly Ehenger, Executive Director  
Marion County Housing Authority  
2645 Portland Road NE, Suite 200  
Salem, OR 97301

  
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Susan Wooley  
PWR Technical Assistance Coordinator  
Wage and Hour Division  
Bureau of Labor and Industries