



February 17, 2012

Stacey Henriquez, CFO  
Boys & Girls Aid  
018 SW Boundary Ct.  
Portland, OR 97239-3939

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: The Boys & Girls Aid Transitional Living Program  
Requested by: Boys & Girls Aid

Dear Ms. Henriquez:

On February 3, 2012, you submitted a request on behalf of Boys & Girls Aid asking if the Prevailing Wage Rate law would apply to the Boys & Girls Aid Transitional Living Program project ("project"). Sufficient information to make a determination was received on February 16, 2012, and therefore, the commissioner issues the following determination:

**FINDINGS OF FACT:**

1. Boys & Girls Aid is planning to repair and renovate an existing 4-plex in Beaverton to be used for their Transitional Living Program for Homeless Youth. Boys & Girls Aid is a domestic non-profit child welfare organization.
2. The Transitional Living Program provides no-cost housing for youths in the program. It also provides one-on-one case management, individual and group counseling, help getting a GED or diploma, assistance with employment and career planning and extensive independent living skills training.
3. The City of Beaverton has purchased a 4-plex located at 11855 SW 5<sup>th</sup> Street in Beaverton for \$315,000. Once the City of Beaverton has relocated the current 4-plex tenants, it will grant the property to Boys & Girls Aid to be used for the project.

**PORTLAND**  
800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
(971) 673-0761  
Fax (971) 673-0762

**EUGENE**  
1400 Executive Parkway, Suite 200  
Eugene, OR 97401-7103  
(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

**MEDFORD**  
Apprenticeship and Training  
119 N Oakdale Ave.  
Medford, OR 97501-2629  
(541) 776-6201  
FAX (541) 776-6284

**SALEM**  
3865 Wolverine St. NE; E-1  
Salem, OR 97305-1268  
(503) 378-3292  
FAX (503) 373-7636

Oregon Relay TTY:711

**PENDLETON**  
Civil Rights  
1327 SE 3<sup>rd</sup> St.  
Pendleton, OR 97801-4101  
(541) 276-7884  
FAX (541) 276-5767



4. The project will be owned and managed by Boys & Girls Aid. The City of Beaverton's involvement in the project will be in the form of grants and it will assist Boys & Girls Aid with compliance when it bids and hires the contractors.
5. The project will involve repair and renovation activities such as replacing the roof, repairing dry rot, replacing siding, repairing and replacing plumbing, installing new kitchen cabinets and counters, replacing flooring, refinishing wood floors, replacing windows, installing insulation and electrical repairs.
6. The total project is estimated to cost approximately \$460,000. Funding for the project includes the following sources:
  - a. Funds of a public agency: \$440,000
    - i. City of Beaverton
      1. Property and building grant: \$315,000
      2. Repair and rehabilitation grant: \$85,000-\$125,000 (Exact grant amount will depend on relocation costs for current tenants).
    - b. Other Funds: \$20,000
      - i. Boys & Girls Aid - \$20,000

**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 not be carried on and contracted for by a public agency.
2. The proposed project does not meet the definition of "public works" under ORS 279C.800(6)(a)(B) because although the project will be privately owned, it will not use \$750,000 or more in funds of a public agency.

**DETERMINATION:**

The Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed construction, reconstruction, major renovation and/or painting of the Boys & Girls Aid Transitional Living Program 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 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, OR 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 17, 2012

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries

*Christine N. Hammond*

CHRISTINE N. HAMMOND,  
Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

**Certificate of Service**

On February 17, 2012, I mailed the Prevailing Wage Rate Determination for the Boys & Girls Aid Transitional Living Program project to the requestor, as follows:

Stacey Henriquez, CFO  
Boys & Girls Aid  
018 SW Boundary Ct.  
Portland, OR 97239-3939

Certified Mail – Return Receipt Requested  
Article #: 7011 2000 0000 5450 9794



Cristin Casey  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries