

May 14, 2010

Roy Burling, Director of Business Services
Corvallis School District 509J
PO Box 3509J
Corvallis, OR 97339

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Construction of New Baseball Stadium on Corvallis High School Campus
Requested by: Corvallis School District 509J

Dear Mr. Burling:

On May 10, 2010, you submitted a request on behalf of Corvallis School District 509J asking if the Prevailing Wage Rate laws would apply to a proposed project to build a new baseball stadium on the Corvallis High School campus. Sufficient information to make such a determination was received on May 13, 2010, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Corvallis School District 509J (the "District") owns Corvallis High School and the property on which the high school baseball stadium formerly stood. In the fall of 2008, it was found that the high school's wooden baseball stadium was structurally unsound. In February, 2009, the stadium was demolished.
2. Corvallis American Legion Baseball, Inc. ("CALB"), a private non-profit entity, has proposed building a new stadium on the high school campus. The project will be designed and managed by DEVCO Engineering, Inc., on behalf of CALB.
3. The total project cost is estimated to be \$489,000. Through fundraising, CALB will pay for the entire cost of the proposed stadium.
4. No funds of a public agency will be used on the proposed project, either directly or indirectly.

CONCLUSIONS OF LAW

1. The proposed project to build a new baseball stadium on the Corvallis High School campus is a publicly-owned improvement that involves construction. Therefore, the project could be a “public works” under ORS 279C.800(6)(a)(A).
2. Regardless of whether the proposed project is a public works under ORS 279C.800(6)(a)(A), the exemption from the prevailing wage rate laws applies for projects that use no funds of a public agency, either directly or indirectly. ORS 279C.810(2)(b)

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 project to build a new baseball stadium on the Corvallis High School campus.

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

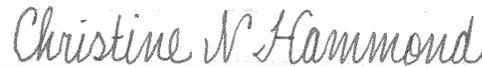
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: May 14, 2010

Brad Avakian, Commissioner
Bureau of Labor and Industries

A handwritten signature in cursive script that reads "Christine N. Hammond". The signature is written in dark ink and is positioned above a horizontal line.

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

Certificate of Service

On May 14, 2010, I mailed the Prevailing Wage Rate Determination for the proposed project to build a new baseball stadium on the Corvallis High School campus to the requestor, public agency and interested parties associated with this project, as follows:

Roy Burling, Director of Business Services
Corvallis School District 509J
PO Box 3509J
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Greg Lecuyer, 509J Facilities & Maintenance Manager
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Bob Holt, CHS Athletic Director
Corvallis High School
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Lyle Hutchens, Civil Engineer
DEVCO Engineering, Inc.
PO Box 1211
Corvallis, OR 97339

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