

John Manson
Assistant Director for Construction Services
Housing Authority of Portland
135 SW Ash St
Portland OR 97204

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Resource Access Center
Requested by: Housing Authority of Portland

Dear Mr. Manson:

On May 13, 2009, you submitted a request on behalf of the Housing Authority of Portland (HAP) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received on May 13, 2009, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. HAP is the developer and owner of the Resource Access Center project located at 10 NW Broadway and NW Hoyt in downtown Portland, Oregon.
2. HAP proposes to construct the property into a mixed-use building consisting of eight floors. The estimated cost of the project is \$27.5 million.
3. To develop the project, HAP intends to use \$2.5 million of their own funds, \$19.9 million in bond proceeds, and \$5.1 million from the Portland Development Commission TIF funds.
4. The U.S. Department of Housing and Urban Development (HUD) issued a determination on March 3, 2009 that State prevailing wage rates are not preempted on this project.

CONCLUSIONS OF LAW

1. \$50,000 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)(A) applies to this project.
2. The project is a mixed-use development and does not meet the definition of "residential construction" under ORS 279C.810(2)(d)(D) or OAR 839-025-0004(24).

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, does apply to the Resource Access 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 HB 2140 Section 43 (Enrolled) OR Laws 2007. 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

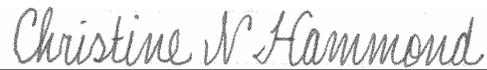
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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 22, 2009

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 May 22, 2009, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Resource Access Center project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

John Manson
Assistant Director for Construction Services
Housing Authority of Portland
135 SW Ash St
Portland, OR 97204

Certified Article #: 7007 0710 0000 1610 0338

Bob Gillespie
Oregon Housing and Community Services
725 Summer Street NE, Suite B
Salem OR 97301-1266

Certified Article #: 7007 0710 0000 1610 0321

Barbara Shaw
Portland Development Commission
222 NW Fifth Ave
Portland OR 97209

Certified Article #: 7007 1710 0000 1610 0314

Bill Toxvard
US Department of Housing and Urban Development
400 SW Sixth Avenue, Suite 700
Portland OR 97204-1632

Certified Article #: 7007 1710 0000 1610 0307

Tiffany D. Wirkus, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries