

Darren Lee
Willamette Educational Service District
2611 Pringle Road SE
Salem OR 97302

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Apartment and House Demolition (710 NE Dean Drive, 714 NE Dean Drive,
and 338 NE "A" Street, Grants Pass)
Requested by: Willamette Educational Service District

Dear Mr. Lee:

On August 7, 2007, you submitted a request on behalf of the Willamette Educational Service District ("WESD"), asking if the prevailing wage rate law would apply to a proposed project consisting of the demolition of an apartment building and single-family house and the subsequent installation of a chain-link fence to secure the site. Sufficient information to make a determination was received on August 7, 2007, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The Grants Pass School District ("District") owns the property on which the nine-unit single-level apartment building and the single-family house are located. For purposes of public safety, the District plans to demolish the structures, which have been abandoned for a number of years, and remove the resulting debris. The site is currently enclosed by a chain-link fence; however, once the structures are removed, an additional segment of fencing must be installed to wholly secure the site. The cost to install the fence is less than \$50,000.00.
2. The District currently has no plans for construction at the site, and no construction activities will take place in connection with the proposed demolition of the structures.

CONCLUSIONS OF LAW

1. The District proposes to contract for the demolition of two structures and the installation of a chain-link fence to secure the site. The demolition work is not preparatory to further construction at the site. The project does not involve the construction, reconstruction, major renovation or painting of a road, highway, building, structure, or improvement. ORS 279C.800(6)(a)(A) does not apply.
2. The project does not involve the construction, reconstruction, major renovation or painting of a privately owned road, highway, building, structure, or improvement

that uses funds of a private entity and \$750,000 or more of funds of a public agency. ORS 279C.800(6)(a)(B) does not apply.

3. The project does not involve the construction, reconstruction, major renovation or painting of a privately owned road, highway, building, structure, or improvement that uses funds of a private entity and in which 25 percent or more of the square footage of the completed project will be occupied or used by a public agency. ORS 279C.800(6)(a)(C) does not apply.

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, do not apply to the demolition of the apartment building and single-family house and the installation of a chain-link fence to secure the site.

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.

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: September 11, 2007

Dan Gardner, 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 September 11, 2007, I mailed the Prevailing Wage Rate Determination for the Apartment and House Demolition Project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Darren Lee
Willamette Educational Service District
2611 Pringle Road SE
Salem OR 97302

Grants Pass School District
725 NE Dean Drive
Grants Pass OR 97526

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