



April 5, 2016

Jude Geist  
City of Corvallis, Parks and Recreation  
PO Box 1083  
Corvallis, OR 97339-1083

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Chip Ross Area Oak Habitat Restoration  
Requested by: City of Corvallis, Parks and Recreation

Dear Mr. Geist:

On March 30, 2016, you submitted a request asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received on March 31, 2016, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT

1. The city of Corvallis plans to contract for a natural area restoration project that will restore existing oak savanna, oak woodland, mixed hardwood forest, and a small section of conifer forest.
2. The project, known as the Chip Ross Area Oak Habitat Restoration Project, includes: (1) treating and eradicating invasive species within the project boundary; (2) harvesting Douglas fir as well as select big leaf maple; and (3) seeding disturbed areas. Existing roads may need to be temporarily modified to accommodate harvest equipment that will be used by the contractor on the project. Once the harvest is complete, the area will be restored back to its pre-harvest condition.
3. Funding for the project includes the following sources:
  - a. Funds of a public agency: \$290,334
    - i. Oregon Watershed Enhancement Board Watershed Restoration Grant: \$120,166
    - ii. Cash from timber sales: \$170,168

### PORTLAND

800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
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## **CONCLUSIONS OF LAW**

1. It is unknown at this time whether construction, reconstruction, major renovation, or painting will occur as part of the proposed project.
2. The proposed project will not meet the definition of "public works" under ORS 279C.800(6)(a)(A) if the project does not include the construction, reconstruction, major renovation, or painting of a road, highway, building, or structure.
3. In the event that a road, highway, building, or structure related to the project requires construction, reconstruction, major renovation, or painting, then the entire project would meet the definition of a "public works" under ORS 279C.800(6)(a)(A).

## **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 Chip Ross Area Oak Habitat Restoration project unless the project will include the construction, reconstruction, major renovation, or painting of a road, highway, building, or structure.

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

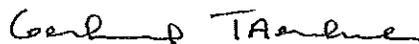
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 either by 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: April 5, 2016

Brad Avakian, Commissioner  
Bureau of Labor and Industries



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

### Certificate of Service

On April 5, 2016, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Chip Ross Area Oak Habitat Restoration project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Brent Klumph, Forest Manager  
Oregon State University Research Forest  
8692 Peavy Arboretum Rd  
Corvallis, OR 97330

Liz Redon, Project Manager  
Oregon Watershed Enhancement Board  
775 Summer St NE, Suite 360  
Salem, OR 97301

*Hannah Wood*

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Hannah Wood, Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries