



March 2, 2015

Mr. Chris Pollock, CPC  
Erdman Company  
1331 17<sup>th</sup> St., Ste. 600  
Denver, CO 80202

Re: *Determination of Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Critical Access Hospital for Curry Health District  
Requested by: Erdman Company

Dear Mr. Pollock:

On February 17, 2015, you submitted a request on behalf of Erdman Company asking if the Prevailing Wage Rate law would apply to the proposed Critical Access Hospital for Curry Health District Project. Sufficient information to make a determination was received on March 2, 2015, and therefore, the commissioner issues the following determination:

#### **FINDINGS OF FACT:**

1. Established by election in 1983, Curry Health District is a municipal corporation tasked with providing and maintaining health care services for residents of Curry County, Oregon.
2. Curry Health District is contracting with Erdman Company, a Wisconsin corporation that provides architectural, engineering, and contractor services related to health care real estate development, to build a Critical Access Hospital for the Curry Health District that will replace the current Curry General Hospital in Gold Beach, Oregon.
3. Included in the Critical Access Hospital for the Curry Health District Project is the demolition of the current Curry General Hospital, which will occur after the new Critical Access Hospital is completed.
4. The total project cost is expected to be \$28,000,000. Funding sources for the Critical Access Hospital include \$10,000,000 in General Obligation Bonds and a proposed \$18,361,000 U.S. Department of Agriculture Community Facility Direct Loan.

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5. The \$10,000,000 in General Obligation Bonds is the result of a bond measure approved by voters living in the Curry Health District in November 2013.
6. The \$18,361,000 U.S. Department of Agriculture Community Facility Direct Loan is expected to be disbursed to Curry Health District, which will subsequently route the funds to necessary parties to ensure the Hospital's construction.

**CONCLUSIONS OF LAW:**

1. Curry Health District is a "public agency" as defined in ORS 279C.800(5).
2. The exemption from "funds of a public agency" in ORS 279C.810(1)(J) does not apply to the \$10,000,000 in General Obligation Bonds because the bonds will be used for a public improvement as defined in ORS279A.010(cc).
3. The \$18,361,000 U.S. Department of Agriculture Community Facility Direct Loan is "funds of a public agency" as defined in OAR 839-025-0004(9)(a)(A).
4. The Critical Access Hospital for Curry Health District Project meets the definition of "public works" under ORS 279C.800(6)(a)(A) because the Project will be carried on or contracted for by a public agency to serve the public interest and will use funds of a public agency.
5. No exemption from ORS 279C.810(2) applies to the Critical Access Hospital for Curry Health District Project.

**DETERMINATION:**

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will apply to the proposed Critical Access Hospital for Curry Health District Project (including the demolition of Curry General Hospital).

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 of 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

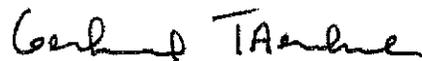
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 the 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.

Date: March 2, 2015

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries



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

## Certificate of Service

On March 2, 2015, I mailed the Prevailing Wage Rate Determination for the Critical Access Hospital for Curry Health District Project to the requestor and interested parties below:

Chris Pollock  
Erdman Company  
1331 17<sup>th</sup> St., Ste. 600  
Denver, CO 80202

Certified Mail – Return Receipt Requested  
Article #: 7014-0510-0001-9850-3066

Steve Cruzen  
Shiels Oblatz Johnson, Inc.  
1140 SW 11<sup>th</sup> Ave., Ste. 500  
Portland, OR 97205

Article #: 7014-0510-0001-9850-3073

Wayne Hellerstedt  
Curry Health Network  
94220 Fourth Street  
Gold Beach, OR 97444

Article #: 7014-0510-0001-9850-3080

Norm Schoen  
United States Department of Agriculture  
1201 NE Lloyd Blvd., Ste. 801  
Portland, OR 97232

Article #: 7014-0510-0001-9850-3097

Steve Wolters  
Erdman Company  
One Erdman Place  
Madison, WI 53715

Article #: 7014-0510-0001-9850-3103

Ken Landau  
Curry Health Network  
94220 Fourth Street  
Gold Beach, OR 97444

Article #: 7014-0510-0001-9850-3110

  
Michael Fevurly  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries