Oregon

Bureau of Labor and Industries
Brad Avakian
Commissioner

October 11, 2013

David Ruelas
Hacienda Community
Development Corporation
5136 NE 42nd Ave
Portland, OR 97218

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Hacienda CDC – Headquarters Building
Requested by: Hacienda Community Development Corporation

Dear Mr. Ruelas:

On October 3, 2013, you submitted a request on behalf of Hacienda Community Development Corporation, asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received on October 3, 2013, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Hacienda Community Development Corporation (HCDC), a domestic nonprofit public benefit corporation, proposes to construct a 2-story 11,280 square foot structure on a parcel of land located at 6706 NE Killingsworth Street in Portland. An existing structure on the parcel, currently being used by HCDC as a property management office, will be demolished to make way for the new structure. The completed project is intended to be used as HCDC's permanent office headquarters. HCDC currently owns the parcel of land on which the proposed new construction will occur.

2. HCDC is a private corporation.

3. HCDC will own the completed project.

4. The total project cost will be $4,037,000. Funding for the project includes the following sources:

   (a) Funds of a public agency: $2,420,000
      i. Portland Housing Bureau – Section 108 funds - $2,400,000
      ii. Portland Development Commission Grant - $20,000

(b) Other Funds: $1,617,000

i. New Market Tax Credits - $855,000
ii. Sponsor Cash Contribution - $300,000
iii. Sponsor Equity – Land - $312,000
iv. Deferred Developer Fee - $100,000
v. Oregon Department of Energy – Energy Incentives Program - $50,000

CONCLUSIONS OF LAW

1. The Hacienda CDC Headquarters Building project is privately owned and will use more than $750,000 in funds of a public agency. Therefore, the definition of "public works" under ORS 279C.800(6)(a)(B) will apply to this project.

2. The total project cost will exceed $50,000, and the project is privately owned and will use more than $750,000 in funds of a public agency. Therefore, no exemptions from the law under ORS 279C.810(2) will apply to this 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 Hacienda CDC – Headquarters Building 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 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 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, and 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 issued 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: October 11, 2013

Brad Avakian, Commissioner
Bureau of Labor and Industries

Gerhard Taeubel

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

Certificate of Service

On October 11, 2013, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Hacienda CDC – Headquarters Building project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

David Ruelas, Housing Development Associate
Hacienda Community Development Corporation
5136 NE 42nd Ave
Roseburg, OR 97218

Hannah Wood

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