

Henry Buckalew
Trails Coordinator/Forest Technician II
Hood River County Forestry Department
918 18th St
Hood River OR 97031

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Pinemont Loop Development
Requested by: Hood River County

Dear Mr. Buckalew:

On August 5, 2008, you submitted a request on behalf of Hood River County (“County”) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by August 5, 2008, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The County proposes to construct a multi-use, single-track trail on property owned by the County for use by walkers/runners, equestrians, bicyclists, and motorcyclists. The scope of work includes brush clearing and the removal of logs, digging of the trail tread, grading of the trail, the installation of culverts and signage, and the installation of blocks for the armoring of unstable portions of trail tread.
2. The County intends to use \$220,218.07 in public funds that it will obtain from the state’s Parks and Recreation Department to partially fund the project.

CONCLUSIONS OF LAW

1. The project is for the construction of an improvement that will be carried on or contracted for by a public agency to serve the public interest. Therefore, the definition of a “public works” under ORS 279C.800(6)(a)(A) will apply to this project.
2. The contract price for the project will exceed \$50,000, and the project will use funds of a public agency. The project is not for the construction of a privately-owned improvement. Therefore, none of the exemptions provided for in ORS 279C.810(2) will apply.

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 Pinemont Loop Development 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

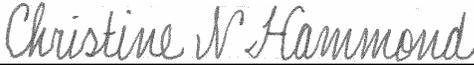
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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 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: August 14, 2008

Brad Avakian, Commissioner
Bureau of Labor and Industries



Christine N. Hammond, Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On August 14, 2008, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Pinemont Loop Development project to the requestor and any public agencies identified by the requestor as being associated with this project, as follows:

Oregon Parks and Recreation Department
Attn: ATV Grant Contracts Coordinator
725 Summer St NE, Suite C
Salem OR 97301-1271

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