



October 17, 2012

Tim Drain  
City of Hillsboro  
Building Department  
150 E. Main St.  
Hillsboro, OR 97123

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Construction Trailers at 5530 NW Evergreen Parkway in  
Hillsboro  
Requested by: City of Hillsboro Building Department

Dear Mr. Drain:

On October 10, 2012, you submitted a request on behalf of City of Hillsboro Building Department asking if the Prevailing Wage Rate law would apply to the proposed Construction Trailers at 5530 NW Evergreen Parkway in Hillsboro project ("project"). Sufficient information to make a determination was received on October 10, 2012, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT:

1. The City of Hillsboro Building Department has recently purchased two used construction trailers and has moved them onto City property located at 5530 NW Evergreen Parkway in Hillsboro. The City of Hillsboro Building Department is a public agency.

### PORTLAND

800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
(971) 673-0761  
Fax (971) 673-0762

### EUGENE

1400 Executive Parkway, Suite 200  
Eugene, OR 97401-7103  
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119 N Oakdale Ave.  
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2. The construction trailers are expected to be in place at 5530 NW Evergreen Parkway for 2-3 years and are intended to facilitate the projected construction at one of the large manufacturing sites in the City. When construction is complete, the assets, including the trailers and office equipment, will be either sold or placed in storage.
3. The project involves installation of an electrical utility infrastructure to support the construction trailers as well as other modifications to the site, including site work, permits, plumbing, painting, fencing, decking, new furniture, cleaning and signage.
4. The total project budget is estimated at \$206,013. Funding for the project includes the following sources:
  - a. Funds of a public agency: \$206,013
    - i. City of Hillsboro - \$206,013

**CONCLUSIONS OF LAW:**

1. The proposed project meets the definition of “public works” under ORS 279C.800(6)(a)(A) because it is a project for the construction, reconstruction, major renovation and/or painting of a building, structure or improvement that will be carried on or contracted for by City of Hillsboro Building Department, a public agency.
2. The total project cost is estimated at \$206,013; therefore, the exemption under ORS 279C.810(2)(a) for projects costing less than \$50,000 will 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, will apply to the proposed construction, reconstruction, major renovation and/or painting of the Construction Trailers at 5530 NW Evergreen Parkway in Hillsboro 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, OR 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: October 17, 2012

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries

*Christine N. Hammond*

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CHRISTINE N. HAMMOND,  
Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

**Certificate of Service**

On October 17, 2012, I mailed the Prevailing Wage Rate Determination for the Construction Trailers at 5530 NW Evergreen Parkway in Hillsboro project to the requestor, as follows:

Tim Drain  
City of Hillsboro  
Building Department  
150 E. Main St.  
Hillsboro, OR 97123

Certified Mail – Return Receipt Requested  
Article #: 7012 1010 0001 2377 5739



Cristin Casey  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries