May 24, 2019

Peter Garcia, Senior Procurement Coordinator
Home Forward
135 SW Ash Street
Portland, OR 97204

Re: Determination Whether Project is Subject to Prevailing Wage Rate Laws
Project: Medallion Apartments and Williams Plaza
Requested by: Home Forward

Dear Mr. Garcia:

On April 23, 2019, the Bureau of Labor and Industries received your request asking if the Prevailing Wage Rate laws would apply to the proposed renovation work to be done at Medallion Apartments and Williams Plaza. Sufficient information to make a determination was received on May 23, 2019, and therefore, the commissioner issues the following determination:

FINDING OF FACT

1. Home Forward, a public agency under ORS 279C.800(5), owns the Medallion Apartments and Williams Plaza. The Medallion Apartments is a six-story public housing apartment community with 90 one- and two-bedroom apartments; Williams Plaza is a nine-story public housing apartment community with 101 studio and one-bedroom apartments. Home Forward will contract for the renovation of both buildings, and considers the work to be one project (the “Project”).

2. The Project will use the following funds of a public agency:
   $23,117,700 Seller Financing – Purchase Loan
   $3,860,000 Home Forward Omnibus Loan
   $1,440,000 Deferred Developer Fee

Other funds to be used for the Project include:
$29,422,000 Low Income Housing Tax Credit
$14,855,000 Permanent Loan
CONCLUSIONS OF LAW

1. The Project meets the definition of “public works” under ORS 279C.800(6)(a)(A), as the Project includes renovation that will be carried on and contracted for by a public agency to serve the public interest.

2. The Project meets the definition of “public works” under ORS 279C.800(6)(a)(B), as the Project will use $750,000 or more of funds of a public agency for renovation of buildings.

3. No exemptions from the Prevailing Wage Rate laws under ORS 279C.810 apply to the 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 Medallion Apartments and Williams Plaza projec:. 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 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 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: May 24, 2019

Val Hoyle, Commissioner
Bureau of Labor and Industries

Lois Johnson, Interim Administrator
Wage and Hour Division
Bureau of Labor and Industries
Certificate of Service

On May 24, 2019, I mailed the Prevailing Wage Rate Determination for the Medallion
Apartments and Williams Plaza project to the requestor, as follows:

Peter Garcia, Senior Procurement Coordinator
Home Forward
135 SW Ash Street
Portland, OR 97204

Susan Wooley
PWR Technical Assistance Coordinator
Wage and Hour Division
Bureau of Labor and Industries