March 19, 2019

Kristen Karle, Housing Development Director  
St. Vincent de Paul Society of Lane County, Inc.  
PO Box 24608  
Eugene, OR 97402

Re: Determination Whether Project is Subject to Prevailing Wage Rate Laws  
Project: Night Shelter Annex Laundry and Shower Rooms  
Requested by: St. Vincent de Paul Society of Lane County, Inc.

Dear Ms. Karle:

On March 15, 2019, we received the request you submitted asking if the Prevailing Wage Rate laws would apply to the proposed Night Shelter Annex Laundry and Shower Rooms project. Sufficient information to make a determination was received on March 19, 2019, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. St. Vincent de Paul Society of Lane County, Inc. ("SVDP"), a private non-profit entity, owns a 15,400 square-foot building located at 4060 W. Amazon Drive in Eugene, Oregon. The building is used to serve homeless families in an overnight short-term housing program called Night Shelter. Families in the program receive overnight short-term housing for approximately 90 days, with a goal of finding permanent stable housing sooner.

2. SVDP proposes to alter interior space in the building to install a laundry room and two shower rooms. The scope of work will include demolition of existing slab, and removal of finishes, non-bearing walls, plumbing, and electrical components to allow for the reconfiguration of the space. Work will also include new framing and finishes, electrical, plumbing, and HVAC for each space. For purposes of this coverage determination, the project is referred to as the Night Shelter Annex Laundry and Shower Rooms project (the "Project"). SVDP will contract for the reconstruction work to be done, and will manage the Project.
3. The Project will use the following funds of a public agency:
   $157,378    Oregon Housing and Community Services Emergency Housing Assistance

   The Project will use the following other funds:
   $16,138    Cash from SVDP

CONCLUSIONS OF LAW

1. Under ORS 279C.800(6)(a)(A), “public works” includes construction, reconstruction, major renovation or painting projects that are carried on or contracted for by a public agency to serve the public interest. No public agency will contract for the reconstruction work to be done, and no public agency will manage or supervise the Project. As such, the Project will not be carried on or contracted for by a public agency. Therefore, the Project will not meet the definition of “public works” under ORS 279C.800(6)(a)(A).

2. Under ORS 279C.800(6)(a)(B), “public works” includes construction, reconstruction, major renovation or painting projects that use $750,000 or more of funds of a public agency. The Project will use $157,378 in funds of a public agency, and therefore the Project will not meet the definition of “public works” under ORS 279C.800(6)(a)(B).

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the Night Shelter Annex Laundry and Shower Rooms 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, 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: March 19, 2019

Val Hoyle, Commissioner
Bureau of Labor and Industries

[Signature]

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

On March 19, 2019, I mailed the Prevailing Wage Rate Determination for the Night Shelter Annex Laundry and Shower Rooms project to the requestor, as follows:

Kristen Karle, Housing Development Director
St. Vincent de Paul Society of Lane County, Inc.
PO Box 24608
Eugene, OR 97402

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