



November 5, 2014

Oregon Department of Transportation
Attn: John Goeke, Facilities
200 Hawthorne #B240
Salem, OR 97301

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Requested by: Oregon Department of Transportation

Dear Mr. Goeke:

On October 23, 2014, you submitted a request asking if the Prevailing Wage Rate laws would apply to improvements that will be made to a space that ODOT is leasing in association with a project known as the "SE Portland DMV Remodel". Sufficient information to make a determination was received on October 27, 2014, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The Oregon Department of Transportation (ODOT) plans to remodel a DMV office located in Portland on SE Powell Blvd. The project includes adding on to the end of an existing structure and reconfiguring the parking lot. The project will go to bid in January 2015.
2. During the remodel of the SE Powell Blvd DMV property, ODOT will relocate the SE Portland office to a leased office space located at Mall 205, a privately owned building in SE Portland. Prior to moving in, the Mall 205 offices will be reconfigured per ODOT's specifications. The work that will be performed at the Mall 205 space includes installing new floor coverings, installing a suspended ceiling, building several new rooms, installing systems furniture and counters, and moving existing furniture from the SE Portland office to the Mall 205 space. In addition, some of the spaces in the existing parking lot will be reconfigured and repainted; new bollards and signs will be installed to designate parking spaces for drive testing and vehicle inspection.

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3. Once the SE Portland office has been relocated from Mall 205 back to the SE Powell Blvd DMV location, ODOT intends to close its NE Portland office, and relocate the NE Portland office to the Mall 205 space.
4. Pursuant to ODOT's lease agreement with Mall 205, ODOT is a party to the construction contract, which has already been awarded.
5. The total budget for the SE Portland DMV Remodel project is \$4,187,274, which includes the cost of the improvements that will be made at the leased space at Mall 205. The preliminary budget for the reconfiguration of the leased space at Mall 205 is \$268,732.20. The owner of the property will pay \$200,000 toward the improvements, while ODOT will pay the remaining \$68,732.20.

CONCLUSIONS OF LAW

1. The SE Portland DMV Remodel project meets the definition of "public works" under ORS 279C.800(6)(a)(A) because the project is being carried on or contracted for by a public agency, and the contract price exceeds \$50,000.
2. The tenant improvements at Mall 205 associated with the SE Portland DMV Remodel project meet the definition of "public works" under ORS 279C.800(6)(a)(A) because the improvements are being carried on or contracted for by a public agency, and the contract price exceeds \$50,000.
3. The exemption under ORS 279C.800(6)(b)(A) for the reconstruction or renovation of privately owned property that a public agency leases will not apply to the tenant improvements at Mall 205 because ODOT will be installing new bollards and signs outside the footprint or framework of the existing building or structure.

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 SE Portland DMV Remodel project and the associated tenant improvements at Mall 205.

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.

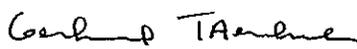
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel 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: November 5, 2014

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On November 5, 2014, I mailed the Prevailing Wage Rate Determination for the Oregon Employment Department's proposed relocation to the requestor, as follows:

Oregon Department of Transportation
Attn: John Goeke
875 Union Street NE, Room 201
Salem, OR 97301

Hannah Wood

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