



October 4, 2011

Andi Swart, Grant Fundraiser
Planned Parenthood of Southwestern Oregon
360 E. 10th Avenue, Ste. 104
Eugene, OR 97401

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Regional Health and Education Center Project
Requested by: Planned Parenthood of Southwestern Oregon (PPSO)

Dear Ms. Swart:

On September 23, 2011, you submitted a request on behalf of Planned Parenthood of Southwestern Oregon (PPSO) asking if the Prevailing Wage Rate law would apply to the Regional Health and Education Center project. Sufficient information to make a determination was received on October 3, 2011, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. The site for the Regional Health and Education Center was purchased by Planned Parenthood of Southwestern Oregon ("PPSO") on November 22, 2010 from Romania Chevrolet, a private company. PPSO is a Domestic Nonprofit located in Eugene, Oregon.
2. PPSO plans to build a Regional Health and Education Center ("Center") located at 3579 Franklin Boulevard in Eugene, Oregon. The Center will serve as a hub for reproductive health services, positive youth development and comprehensive sexual health education. The 20,000-square-foot building will include a community training room, a conference room, eight exam rooms, nine healthcare counseling rooms, three procedure rooms, a recovery room and administrative offices.

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3. PPSO will be the sole occupant of the Center building. The 855-square-foot community room may be rented out to other non-profit organizations for events, but on a limited basis when PPSO is not using it for trainings, meetings and events.
4. The project will cost \$10,400,000 and the sole public funds will be \$73,893 from a City of Springfield Community Development Block Grant. The non-public funding sources include board-directed reserves, proceeds from the sale of PPSO property, tax-exempt loan financing with a SNAP (small nonprofit accelerated program) bond, individual donations and foundation grants.

CONCLUSIONS OF LAW:

1. PPSO's Regional Health and Education Center is a project for the construction of a privately owned building that uses a combination of private and public funds. Therefore, the definition of "public works" under ORS 279C.800(6)(a)(B) must be considered.
2. The Regional Health and Education Center project is being funded by a combination of public and private funds. The sole public funds come from a City of Springfield Community Development Block Grant in the amount of \$73,893. The definition of "funds of a public agency" does not include the SNAP bond. ORS 279C.810(1)(a)(J). Therefore, the definition of "public works" under ORS 279C.800(6)(a)(B) does not apply because the project will not be using \$750,000 or more funds of a public agency.
3. PPSO's Regional Health and Education Center project is not being carried on or contracted for by any public agency. Therefore, the project does not meet the definition of "public works" under ORS 279C.800(6)(a)(A).
4. Twenty-five percent or more of the square footage of the PPSO Regional Health and Education center project is not going to be occupied or used by a public agency; therefore, the definition of "public works" under ORS 279C.800(6)(a)(C) does 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 not apply to the proposed construction, reconstruction, major renovation and/or painting of the Regional Health and Education Center 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 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 4, 2011

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries

Christine N. Hammond

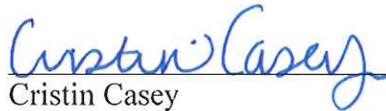
CHRISTINE N. HAMMOND,
Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On October 4, 2011, I mailed the Prevailing Wage Rate Determination for the Regional Health and Education Center to the requestor, as follows:

Andi Swart,
Grant Fundraiser
Planned Parenthood of Southwestern Oregon
360 E. 10th Avenue, Ste. 104
Eugene, OR 97401

Certified Mail – Return Receipt Requested
Article #: 7009 2820 0001 4829 2220



Cristin Casey
Compliance Specialist
Wage and Hour Division
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