

December 16, 2010

Ben Riley
Central City Concern
523 NW Everett St.
Portland, OR 97209

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Taggart Manor Fall 2010 Upgrades
Requested by: Central City Concern

Dear Mr. Riley:

On November 24, 2010, you submitted a request asking if the Prevailing Wage Rate law would apply to the proposed project to renovate Taggart Manor apartments, located in Portland, Oregon. Sufficient information to make a determination was received on December 9, 2010, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Taggart Manor is owned by Central City Concern (“CCC”), a domestic non-profit entity first registered with the Oregon Secretary of State’s Corporation Division on September 12, 1978.
2. Taggart Manor is a single-story four-building apartment complex consisting of 24 units. All residents’ incomes are at or below 60 percent of the area median.
3. CCC plans to renovate Taggart Manor. The work, referred to as the Taggart Manor Fall 2010 Upgrades, will include roof and gutter replacement, bathroom remodels, plumbing upgrades, and hazardous material removal.
4. Funds of multiple public agencies will be used on this project:

\$301,750	CDBG-R Loan through Portland Housing Bureau
\$120,000	Bridges to Housing HUD EDI funds
\$ 85,000 (approx.)	Portland Housing Bureau Hazards Grant Program

CONCLUSIONS OF LAW

1. The Taggart Manor Fall 2010 Upgrades project will involve reconstruction and renovation and will serve the public interest. However, no public agency will carry on or contract for this work, and therefore the project is not a “public works” under ORS 279C.800(6)(a)(A).
2. Taggart Manor apartments are privately owned and will continue to be. Less than \$750,000 in funds of a public agency will support the proposed project and no public agency will occupy or use the completed project. Therefore, the proposed project is not a “public works” under ORS 279C.800(6)(a)(A), (B) or (C).
3. The proposed project is for residential construction that will be privately owned and that predominantly provides affordable housing. If funds of a public agency used in support of this project will meet or exceed \$750,000, the exemption under ORS 279C.810(2)(d) for residential construction that is privately owned and that predominately provides affordable housing will apply to this project.

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate law, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed project to renovate the Taggart Manor apartments.

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

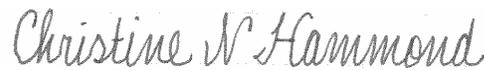
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: December 16, 2010

Brad Avakian, Commissioner
Bureau of Labor and Industries



Christine N. Hammond, Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On December 16, 2010, I mailed the Prevailing Wage Rate Determination for the Taggart Manor Apartments project to the requestor, interested parties and public agencies associated with this project, as follows:

Ben Riley
Central City Concern
523 NW Everett St.
Portland, OR 97209

Sean Hubert
Central City Concern
523 NW Everett St.
Portland, OR 97209

Gail Quail
Portland Development Commission
222 NW 5th Ave.
Portland, OR 97209

Kathy Peoples
Portland Housing Bureau
421 SW 6th Ave, Suite 500
Portland, OR 97204

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