

Dan W. Clark
Dole, Coalwell, Clark, Mountainspring,
& Mornarich, P.C.
810 SE Douglas Ave.
Roseburg, OR 97470

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Umpqua Community Health Clinic - new construction
Requested by: Umpqua Community Health Center

Dear Mr. Clark:

On May 6, 2009, you submitted a request on behalf of Umpqua Community Health Center asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received by May 12, 2009, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Umpqua Community Health Center is a nonprofit public benefit corporation.
2. Umpqua Community Health Center proposes to construct a new community health clinic on the Douglas County Social Services Campus in Roseburg.
3. Douglas County deeded the property, valued at \$245,025, to Umpqua Community Health Center. The property and the completed project will be privately owned.
4. The cost of the new construction will be \$4.8 million. Umpqua Community Health Center intends to use \$2.8 million from private donations and private foundation grants. The remaining \$2 million will be borrowed from the United States Department of Agriculture Rural Development Fund. The loan does not require the application of the federal Davis-Bacon law.
5. No public agency will occupy or use any part of the completed project.

CONCLUSIONS OF LAW

1. The construction project is intended to be privately owned. Less than \$750,000 in funds of a public agency will support the project, and no public agency will occupy or use the completed project. Therefore, the definitions of a “public works” under ORS 279C.800(6)(a)(B) and (C) do not apply to this project.
2. If the project is a public works under ORS 279C.800(6)(a)(A), the exemption applies for privately owned projects for which less than \$750,000 of funds of a public agency are used and less than 25 percent of the square footage will be occupied or used by a public agency. ORS 279C.810(2)(c).

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 Umpqua Community Health Clinic 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 the project receives additional funds from a public agency or corporation; 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

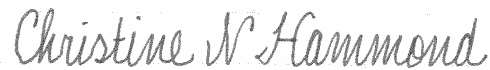
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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 either by 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 issued 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: May 13, 2009

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 May 14, 2009, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Umpqua Community Health Clinic project to the requestor.

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