

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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NEWSPAPER ARTICLES: Yes

"Freeholders delay vote on reserving contracts for vets," The Press of Atlantic City, 8-14-13

LAW/KR

P.L.2013, CHAPTER 5, *approved January 25, 2013*
Senate, No. 527 (*Second Reprint*)

1 AN ACT concerning certain public contract set-aside programs and
2 amending P.L.1985, c.482.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1985, c.482 (C.40A:11-41) is amended to
8 read as follows:

9 ²1.² As used in this act:

10 a. "County or municipal contracting agency" shall mean the
11 governing body of a county or municipality or any department,
12 board, commission, committee, authority or agency of a county or
13 municipality but shall not include school districts;

14 b. "Minority group members" shall mean persons who are
15 black, Hispanic, Portuguese, Asian-American, American Indian or
16 Alaskan natives;

17 c. "Qualified women's business enterprise" shall mean a
18 business which has its principal place of business in this State, is
19 independently owned and operated, is at least 51% owned and
20 controlled by women and is qualified pursuant to section 25 of P.L.
21 1971, c. 198 (C. 40A:11-25);

22 d. "Qualified minority business enterprise" shall mean a
23 business which has its principal place of business in this State, is
24 independently owned and operated, is at least 51% owned and
25 controlled by minority group members and is qualified pursuant to
26 section 25 of P.L. 1971, c. 198 (C. 40A:11-25);

27 e. "Qualified small business enterprise" shall mean a business
28 which has its principal place of business in this State, is
29 independently owned and operated and meets all other
30 qualifications as may be established in accordance with P.L. 1981,
31 c. 283 (C. 52:27H-21.1 et seq.);

32 f. "Set-aside contracts" shall mean (1) a contract for goods,
33 equipment, construction, or services which is designated as a
34 contract for which bids are invited and accepted only from qualified
35 small business enterprises, ²qualified veteran business enterprises,²
36 qualified minority business enterprises or qualified women's
37 business enterprises, as appropriate, (2) a portion of a contract when
38 that portion has been so designated, or (3) any other purchase or
39 procurement so designated; and

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AMV committee amendments adopted September 27, 2012.

²Assembly AAP committee amendments adopted December 13, 2012.

1 g. "Total procurements" shall mean all purchases, contracts or
2 acquisitions of a county or municipal contracting agency, whether
3 by competitive bidding, single source contracting, or other method
4 of procurement, as prescribed or permitted by law;

5 h. "Veteran" shall have the same meaning as set forth in
6 subsection b. of N.J.S.11A:5-1, except that the veteran shall present
7 to the Adjutant General of the Department of Military and Veterans'
8 Affairs sufficient evidence of a record of service and receive a
9 determination of status no later than the date established for the
10 submission of bids;

11 i. "Qualified veteran business enterprise" shall mean a
12 business which has its principal place of business in this State, is
13 independently owned and operated, is at least 51% owned and
14 controlled by a veteran²[,]² or that ²[agrees to hire veterans¹,
15 equaling] wherein² at least twenty five percent of the required
16 workforce for the contract ²[including veterans hired¹] are
17 veterans, including new hires² if additional workers are required to
18 perform the contract, and is qualified pursuant to section 25 of
19 P.L.1971, c.198 (C.40A:11-25). ¹The business shall also submit
20 forms quarterly to the contracting agency showing proof of veteran
21 status for all the veteran employees¹.

22 (cf: P.L.1985, c.482, s.1)

23
24 2. Section 2 of P.L.1985, c.482 (C.40A:11-42) is amended to
25 read as follows:

26 2. a. The governing body of a county or municipality may, by
27 ordinance or resolution, as appropriate, establish a qualified
28 minority business enterprise set-aside program. In authorizing such
29 a program, the governing body of a county or municipality shall
30 establish a goal for its contracting agencies of setting aside a certain
31 percentage of the dollar value of total procurements to be awarded
32 as set-aside contracts to qualified minority business enterprises.

33 b. The governing body of a county or municipality may, by
34 ordinance or resolution, as appropriate, establish a qualified
35 women's business enterprise set-aside program. In authorizing such
36 a program, the governing body of a county or municipality shall
37 establish a goal for its contracting agencies of setting aside a certain
38 percentage of the dollar value of total procurements to be awarded
39 as set-aside contracts to qualified women's business enterprises.

40 c. The governing body of a county or municipality may, by
41 ordinance or resolution, as appropriate, establish a qualified small
42 business enterprise set-aside program. In authorizing such a
43 program, the governing body of a county or municipality shall
44 establish a goal for its contracting agencies of setting aside a certain
45 percentage of the dollar value of total procurements to be awarded
46 as set-aside contracts to qualified small business enterprises.

1 d. The governing body of a county or municipality may, by
2 ordinance or resolution, as appropriate, establish a qualified veteran
3 business enterprise set-aside program. In authorizing such a
4 program, the governing body of a county or municipality shall
5 establish a goal for its contracting agencies of setting aside a certain
6 percentage of the dollar value of total procurements to be awarded
7 as set-aside contracts to qualified veteran business enterprises.

8 (cf: P.L.1985, c.482, s.2)

9
10 ²3. Section 3 of P.L.1985, c.482 (C.40A:11-43) is amended to
11 read as follows:

12 3. a. Any goal established pursuant to section 2 of this act may
13 be attained by requiring that a portion of a contract be
14 subcontracted to a qualified small business enterprise, qualified
15 veteran business enterprise, qualified minority business enterprise
16 or qualified women's business enterprise, in addition to designating
17 entire contracts to these enterprises.

18 b. Each contracting agency shall make a good faith effort to
19 attain any goal established by its governing body. The governing
20 body shall evaluate each contracting agency's efforts by comparing
21 the percentage of the dollar value of a contracting agency's total
22 procurements awarded to qualified small business enterprises,
23 qualified veteran business enterprises, qualified minority business
24 enterprises or qualified women's business enterprises, as
25 appropriate, to the percentage of the dollar value of the county's or
26 municipality's total procurements awarded to qualified small
27 business enterprises, qualified veteran business enterprises,
28 qualified minority business enterprises or qualified women's
29 business enterprises, as appropriate.²

30 (cf: P.L.1985, c.482, s.3)

31
32 ²4. Section 5 of P.L.1985, c.482 (C.40A:11-45) is amended to
33 read as follows:

34 5. Notwithstanding the provisions of any law to the contrary, a
35 contracting agency of a county or municipality which has
36 established a qualified small business enterprise set-aside program,
37 a qualified veteran business enterprise set-aside program, a
38 qualified minority business enterprise set-aside program or a
39 qualified women's business enterprise set-aside program shall
40 designate that a contract, subcontract or other means of
41 procurement of goods, services, equipment, or construction be
42 awarded to a qualified small business enterprise, a qualified veteran
43 business enterprise, a qualified minority business enterprise or a
44 qualified women's business enterprise, if a contracting agency is
45 likely to receive bids from at least two qualified small business
46 enterprises, qualified veteran business enterprises, qualified

1 minority business enterprises or qualified women's business
2 enterprises, as appropriate, at a fair and reasonable price.

3 Such designations shall be made prior to any advertisement for
4 bids, if required. Once designated, the advertisement for bids, if
5 necessary, shall indicate that the contract to be awarded is a
6 qualified small business enterprise set-aside contract, qualified
7 veteran business enterprise set-aside contract, a qualified minority
8 business enterprise set-aside contract or a qualified women's
9 business enterprise set-aside contract, as appropriate. All
10 advertisements for bids shall be published in at least one newspaper
11 which will best provide notice thereof to qualified small business
12 enterprises, qualified veteran business enterprises, qualified
13 minority business enterprises or to qualified women's business
14 enterprises, as appropriate, sufficiently in advance of the date fixed
15 for receiving the bids to promote competitive bidding, but shall not
16 be published less than 10 days prior to that date.²

17 (cf: P.L.1985, c.482, s.5)

18

19 ^{25.} Section 6 of P.L.1985, c.482 (C.40A:11-46) is amended to
20 read as follows:

21 6. a. If the contracting agency determines that two bids from
22 qualified small, qualified veteran, qualified minority or qualified
23 women's businesses cannot be obtained, the contracting agency may
24 withdraw the designation of the set-aside contract and resolicit bids
25 on an unrestricted basis pursuant to the provisions of P.L. 1971, c.
26 198 (C. 40A:11-1 et seq.). The cancelled designation shall not be
27 considered in determining the percentage of contracts awarded
28 pursuant to subsection b. of section 3 of this act.

29 b. If the contracting agency determines that the acceptance of
30 the lowest responsible bid will result in the payment of an
31 unreasonable price, the contracting agency shall reject all bids and
32 withdraw the designation of the set-aside contract. Qualified small
33 business enterprises, qualified veteran business enterprises,
34 qualified minority business enterprises or qualified women's
35 business enterprises, as appropriate, shall be notified in writing of
36 the set-aside cancellation, the reasons for the rejection and the
37 agency's intent to resolicit bids on an unrestricted basis pursuant to
38 the provisions of P.L. 1971, c. 198 (C. 40A:11-1 et seq.). The
39 cancelled bid solicitation shall not be considered in determining the
40 percentage of contracts awarded pursuant to subsection b. of section
41 3 of this act.²

42 (cf: P.L.1985, c.482, s.6)

43

44 ^{26.} Section 7 of P.L.1985, c.482 (C.40A:11-47) is amended to
45 read as follows:

46 7. Where the governing body of a county or municipality
47 determines that a business has been classified as a qualified small

1 business enterprise, qualified veteran business enterprise, qualified
2 minority business enterprise or qualified women's business
3 enterprise on the basis of false information knowingly supplied by
4 the business and has been awarded a contract to which it would not
5 otherwise have been entitled under this act, the governing body
6 shall have the authority to:

7 a. Assess against the business any difference between the
8 contract and what the governing body's cost would have been if the
9 contract had not been awarded in accordance with the provisions of
10 this act;

11 b. In addition to the amount due under subsection a., assess
12 against the business a penalty in an amount of not more than 10% of
13 the amount of the contract involved; and

14 c. Order the business ineligible to transact any business with
15 the governing body or contracting agency of the governing body for
16 a period to be determined by the governing body.

17 Prior to any final determination, assessment or order under this
18 section, the governing body shall afford the business an opportunity
19 for a hearing on the reasons for the imposition of the penalties set
20 forth in subsection a., b. or c. of this section.²

21 (cf: P.L.1985, c.482, s.7)

22

23 ^{27.} Section 8 of P.L.1985, c.482 (C.40A:11-48) is amended to
24 read as follows:

25 8. Each contracting agency of a county or municipality which
26 has established a qualified small business enterprise set-aside
27 program, a qualified veteran business enterprise set-aside program,
28 a qualified minority business enterprise set-aside program or a
29 qualified women's business enterprise set-aside program shall
30 submit a report to its governing body by January 31 of each year
31 describing the agency's efforts in attaining the set-aside goals and
32 the percentage of the dollar value of total procurements awarded
33 pursuant to subsection b. of section 3 of this act. The governing
34 body shall publish a list of each agency's attainments in the
35 immediately preceding local fiscal year, to include the county or
36 municipal average, in at least one newspaper circulating in the
37 county or municipality, as appropriate, by March 1 of each year.²

38 (cf: P.L.1985, c.482, s.8)

39

40 ^{28.} The Title of P.L.1985, c.482 is amended to read as follows:

41 An act concerning the establishment of small, veteran, women,
42 and minority business enterprise set-aside programs in counties and
43 municipalities.²

44 (cf: P.L.1985, c.482, Title)

45

46 ²[3.] 9.² This act shall take effect immediately.

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3

Authorizes local public contract set-aside program for business

4

enterprises that are owned by or that employ veterans.

SENATE, No. 527

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

Senators Beach, Codey, Gordon, Turner, Whelan and A.R.Bucco

SYNOPSIS

Authorizes local public contract set-aside program for business enterprises that are owned by or that employ veterans.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning certain public contract set-aside programs and
2 amending P.L.1985, c.482.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1985, c.482 (C.40A:11-41) is amended to
8 read as follows:

9 As used in this act:

10 a. "County or municipal contracting agency" shall mean the
11 governing body of a county or municipality or any department,
12 board, commission, committee, authority or agency of a county or
13 municipality but shall not include school districts;

14 b. "Minority group members" shall mean persons who are
15 black, Hispanic, Portuguese, Asian-American, American Indian or
16 Alaskan natives;

17 c. "Qualified women's business enterprise" shall mean a
18 business which has its principal place of business in this State, is
19 independently owned and operated, is at least 51% owned and
20 controlled by women and is qualified pursuant to section 25 of P.L.
21 1971, c. 198 (C. 40A:11-25);

22 d. "Qualified minority business enterprise" shall mean a
23 business which has its principal place of business in this State, is
24 independently owned and operated, is at least 51% owned and
25 controlled by minority group members and is qualified pursuant to
26 section 25 of P.L. 1971, c. 198 (C. 40A:11-25);

27 e. "Qualified small business enterprise" shall mean a business
28 which has its principal place of business in this State, is
29 independently owned and operated and meets all other
30 qualifications as may be established in accordance with P.L. 1981,
31 c. 283 (C. 52:27H-21.1 et seq.);

32 f. "Set-aside contracts" shall mean (1) a contract for goods,
33 equipment, construction, or services which is designated as a
34 contract for which bids are invited and accepted only from qualified
35 small business enterprises, qualified minority business enterprises
36 or qualified women's business enterprises, as appropriate, (2) a
37 portion of a contract when that portion has been so designated, or
38 (3) any other purchase or procurement so designated; and

39 g. "Total procurements" shall mean all purchases, contracts or
40 acquisitions of a county or municipal contracting agency, whether
41 by competitive bidding, single source contracting, or other method
42 of procurement, as prescribed or permitted by law;

43 h. "Veteran" shall have the same meaning as set forth in
44 subsection b. of N.J.S.11A:5-1, except that the veteran shall present

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 to the Adjutant General of the Department of Military and Veterans'
2 Affairs sufficient evidence of a record of service and receive a
3 determination of status no later than the date established for the
4 submission of bids;

5 i. "Qualified veteran business enterprise" shall mean a
6 business which has its principal place of business in this State, is
7 independently owned and operated, is at least 51% owned and
8 controlled by a veteran, or that agrees to hire veterans if additional
9 workers are required to perform the contract, and is qualified
10 pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25).

11 (cf: P.L.1985, c.482, s.1)

12
13 2. Section 2 of P.L.1985, c.482 (C.40A:11-42) is amended to
14 read as follows:

15 2. a. The governing body of a county or municipality may, by
16 ordinance or resolution, as appropriate, establish a qualified
17 minority business enterprise set-aside program. In authorizing such
18 a program, the governing body of a county or municipality shall
19 establish a goal for its contracting agencies of setting aside a certain
20 percentage of the dollar value of total procurements to be awarded
21 as set-aside contracts to qualified minority business enterprises.

22 b. The governing body of a county or municipality may, by
23 ordinance or resolution, as appropriate, establish a qualified
24 women's business enterprise set-aside program. In authorizing such
25 a program, the governing body of a county or municipality shall
26 establish a goal for its contracting agencies of setting aside a certain
27 percentage of the dollar value of total procurements to be awarded
28 as set-aside contracts to qualified women's business enterprises.

29 c. The governing body of a county or municipality may, by
30 ordinance or resolution, as appropriate, establish a qualified small
31 business enterprise set-aside program. In authorizing such a
32 program, the governing body of a county or municipality shall
33 establish a goal for its contracting agencies of setting aside a certain
34 percentage of the dollar value of total procurements to be awarded
35 as set-aside contracts to qualified small business enterprises.

36 d. The governing body of a county or municipality may, by
37 ordinance or resolution, as appropriate, establish a qualified veteran
38 business enterprise set-aside program. In authorizing such a
39 program, the governing body of a county or municipality shall
40 establish a goal for its contracting agencies of setting aside a certain
41 percentage of the dollar value of total procurements to be awarded
42 as set-aside contracts to qualified veteran business enterprises.

43 (cf: P.L.1985, c.482, s.2)

44
45 3. This act shall take effect immediately.

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STATEMENT

This bill provides that the governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified veteran business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality shall establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified veteran business enterprises.

For the purposes of this bill, "qualified veteran business enterprise" means a business which has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by a veteran, or that agrees to hire veterans if additional workers are required to perform the contract, and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25), which authorizes the governing body of any contracting unit to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded on behalf of a contracting unit. "Veteran" has the same meaning as set forth in subsection b. of N.J.S.11A:5-1, which sets forth all of the wars and conflicts in which one's service qualifies for veteran status, except that the veteran shall present to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of a record of service and receive a determination of status no later than the date set for the submission of bids.

SENATE MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 527

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 2012

The Senate Military and Veterans' Affairs Committee reports favorably Senate Bill No. 527.

This bill provides that the governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified veteran business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality shall establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified veteran business enterprises.

For the purposes of this bill, "qualified veteran business enterprise" means a business which has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by a veteran, or that agrees to hire veterans if additional workers are required to perform the contract, and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25), which authorizes the governing body of any contracting unit to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded on behalf of a contracting unit. "Veteran" has the same meaning as set forth in subsection b. of N.J.S.11A:5-1, which sets forth all of the wars and conflicts in which one's service qualifies for veteran status, except that the veteran shall present to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of a record of service and receive a determination of status no later than the date set for the submission of bids.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 527

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 27, 2012

The Assembly Military and Veterans' Affairs Committee reports favorably and with committee amendments Senate, No. 527.

As amended, this bill provides that the governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified veteran business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality must establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified veteran business enterprises.

For the purposes of this bill, "qualified veteran business enterprise" means a business that has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by a veteran, or that agrees to hire veterans, equaling at least twenty five percent of the required workforce for the contract, if additional workers are required to perform the contract, and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25), which authorizes the governing body of any contracting unit to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded on behalf of a contracting unit. The business must submit forms quarterly to the contracting agency showing proof of veteran status of all the veteran employees. "Veteran" has the same meaning as set forth in subsection b. of N.J.S.11A:5-1, which sets forth all of the wars and conflicts in which one's service qualifies for veteran status, except that the veteran will also present to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of a record of service and receive a determination of status no later than the date set for the submission of bids.

This bill is identical to Assembly, No. 1133 (1R) of 2012.

COMMITTEE AMENDMENTS

The committee amended the bill to require any new or existing veteran employees to equal at least twenty five percent of the required workforce for the contract for the business to qualify for the set-aside program, and the business to submit forms quarterly to the contracting agency showing proof of veteran status for the veteran employees.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 527

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2012

The Assembly Appropriations Committee reports favorably Senate Bill No. 527 (1R), with committee amendments.

As amended, this bill provides that the governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified veteran business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality must establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified veteran business enterprises.

For the purposes of this bill, "qualified veteran business enterprise" means a business that has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by a veteran, or wherein at least twenty five percent of the required workforce for the contract, including new hires if additional workers are required to perform the contract, are veterans, and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25) (which authorizes the governing body of any contracting unit to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded on behalf of a contracting unit). The business must submit forms quarterly to the contracting agency showing proof of veteran status of all the veteran employees. "Veteran" has the same meaning as set forth in subsection b. of N.J.S.11A:5-1, which sets forth all of the wars and conflicts in which one's service qualifies for veteran status, except that the veteran will also present to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of a record of service and receive a determination of status no later than the date set for the submission of bids.

As amended and reported by the committee, this bill is identical to Assembly Bill No 1133 (2R).

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments add reference to a “qualified veteran business enterprise set-aside program” to certain statutory sections governing county and municipal set-aside programs. The amendments modify the definition of “qualified veteran business enterprise” to clarify its meaning. The amendments also make technical corrections.

ASSEMBLY, No. 1133

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman ANGEL FUENTES

District 5 (Camden and Gloucester)

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Co-Sponsored by:

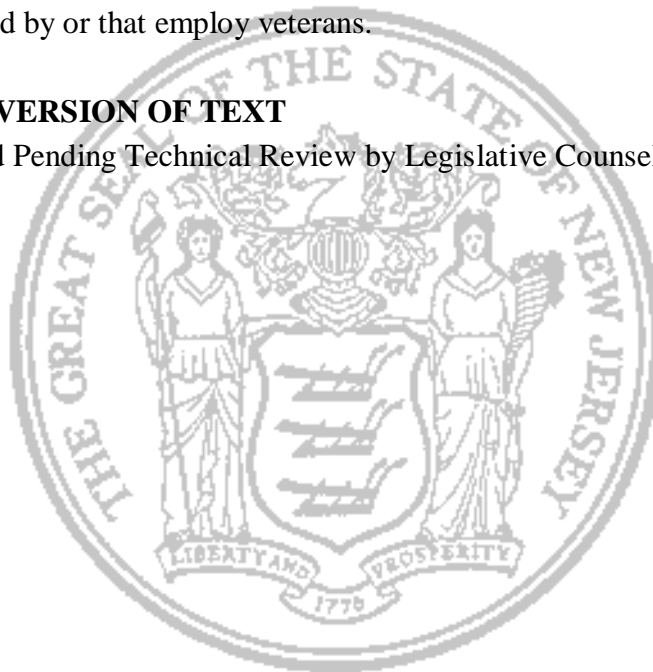
**Assemblyman Rumpf, Assemblywoman Gove, Assemblymen DeAngelo,
Amodeo, C.A.Brown and Singleton**

SYNOPSIS

Authorizes local public contract set-aside program for business enterprises that are owned by or that employ veterans.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 9/28/2012)

A1133 FUENTES, WILSON

2

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5 of New Jersey:

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14 b. "Minority group members" shall mean persons who are
15 black, Hispanic, Portuguese, Asian-American, American Indian or
16 Alaskan natives;

17 c. "Qualified women's business enterprise" shall mean a
18 business which has its principal place of business in this State, is
19 independently owned and operated, is at least 51% owned and
20 controlled by women and is qualified pursuant to section 25 of P.L.
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26 section 25 of P.L. 1971, c. 198 (C. 40A:11-25);

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37 portion of a contract when that portion has been so designated, or
38 (3) any other purchase or procurement so designated; and

39 g. "Total procurements" shall mean all purchases, contracts or
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41 by competitive bidding, single source contracting, or other method
42 of procurement, as prescribed or permitted by law;

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Matter underlined thus is new matter.

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3 determination of status no later than the date established for the
4 submission of bids;

5 i. "Qualified veteran business enterprise" shall mean a
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8 controlled by a veteran, or that agrees to hire veterans if additional
9 workers are required to perform the contract, and is qualified
10 pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25).

11 (cf: P.L.1985, c.482, s.1)

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13 2. Section 2 of P.L.1985, c.482 (C.40A:11-42) is amended to
14 read as follows:

15 2. a. The governing body of a county or municipality may, by
16 ordinance or resolution, as appropriate, establish a qualified
17 minority business enterprise set-aside program. In authorizing such
18 a program, the governing body of a county or municipality shall
19 establish a goal for its contracting agencies of setting aside a certain
20 percentage of the dollar value of total procurements to be awarded
21 as set-aside contracts to qualified minority business enterprises.

22 b. The governing body of a county or municipality may, by
23 ordinance or resolution, as appropriate, establish a qualified
24 women's business enterprise set-aside program. In authorizing such
25 a program, the governing body of a county or municipality shall
26 establish a goal for its contracting agencies of setting aside a certain
27 percentage of the dollar value of total procurements to be awarded
28 as set-aside contracts to qualified women's business enterprises.

29 c. The governing body of a county or municipality may, by
30 ordinance or resolution, as appropriate, establish a qualified small
31 business enterprise set-aside program. In authorizing such a
32 program, the governing body of a county or municipality shall
33 establish a goal for its contracting agencies of setting aside a certain
34 percentage of the dollar value of total procurements to be awarded
35 as set-aside contracts to qualified small business enterprises.

36 d. The governing body of a county or municipality may, by
37 ordinance or resolution, as appropriate, establish a qualified veteran
38 business enterprise set-aside program. In authorizing such a
39 program, the governing body of a county or municipality shall
40 establish a goal for its contracting agencies of setting aside a certain
41 percentage of the dollar value of total procurements to be awarded
42 as set-aside contracts to qualified veteran business enterprises.

43 (cf: P.L.1985, c.482, s.2)

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45 3. This act shall take effect immediately.

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STATEMENT

This bill provides that the governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified veteran business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality shall establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified veteran business enterprises.

For the purposes of this bill, "qualified veteran business enterprise" means a business which has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by a veteran, or that agrees to hire veterans if additional workers are required to perform the contract, and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25), which authorizes the governing body of any contracting unit to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded on behalf of a contracting unit. "Veteran" has the same meaning as set forth in subsection b. of N.J.S.11A:5-1, which sets forth all of the wars and conflicts in which one's service qualifies for veteran status, except that the veteran shall present to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of a record of service and receive a determination of status no later than the date set for the submission of bids.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1133

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 27, 2012

The Assembly Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly, No. 1133.

As amended, this bill provides that the governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified veteran business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality must establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified veteran business enterprises.

For the purposes of this bill, "qualified veteran business enterprise" means a business that has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by a veteran, or that agrees to hire veterans, equaling at least twenty five percent of the required workforce for the contract, if additional workers are required to perform the contract, and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25), which authorizes the governing body of any contracting unit to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded on behalf of a contracting unit. The business must submit forms quarterly to the contracting agency showing proof of veteran status of all the veteran employees. "Veteran" has the same meaning as set forth in subsection b. of N.J.S.11A:5-1, which sets forth all of the wars and conflicts in which one's service qualifies for veteran status, except that the veteran will also present to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of a record of service and receive a determination of status no later than the date set for the submission of bids.

This bill is identical to Senate, No. 527 (1R) of 2012.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to require any new or existing veteran employees to equal at least twenty five percent of the required workforce for the contract for the business to qualify for the set-aside program, and the business to submit forms quarterly to the contracting agency showing proof of veteran status for the veteran employees.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1133

with Assembly Floor Amendments
(Proposed by Assemblyman FUENTES)

ADOPTED: DECEMBER 3, 2012

This Assembly floor amendment adds reference to a “qualified veteran business enterprise set-aside program” to certain statutory sections governing county and municipal set-aside programs. The amendment also modifies the definition of “qualified veteran business enterprise” to clarify its meaning.