

# ASSEMBLY, No. 3933

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 5, 2011

**Sponsored by:**

**Assemblyman JACK CONNERS**

**District 7 (Burlington and Camden)**

**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 and Camden)**

**Co-Sponsored by:**

**Assemblyman Rumpf, Assemblywoman Gove and Assemblyman DeAngelo**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/24/2011)

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  
45 to the Adjutant General of the Department of Military and Veterans'

**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 Affairs sufficient evidence of a record of service and receive a  
2 determination of status no later than the date established for the  
3 submission of bids;

4 i. "Qualified veteran business enterprise" shall mean a  
5 business which has its principal place of business in this State, is  
6 independently owned and operated, is at least 51% owned and  
7 controlled by a veteran, or that agrees to hire veterans if additional  
8 workers are required to perform the contract, and is qualified  
9 pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25).  
10 (cf: P.L.1985, c.482, s.1)  
11

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

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

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

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

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

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

44 3. This act shall take effect immediately.

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.