

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.

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.