

[First Reprint]

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

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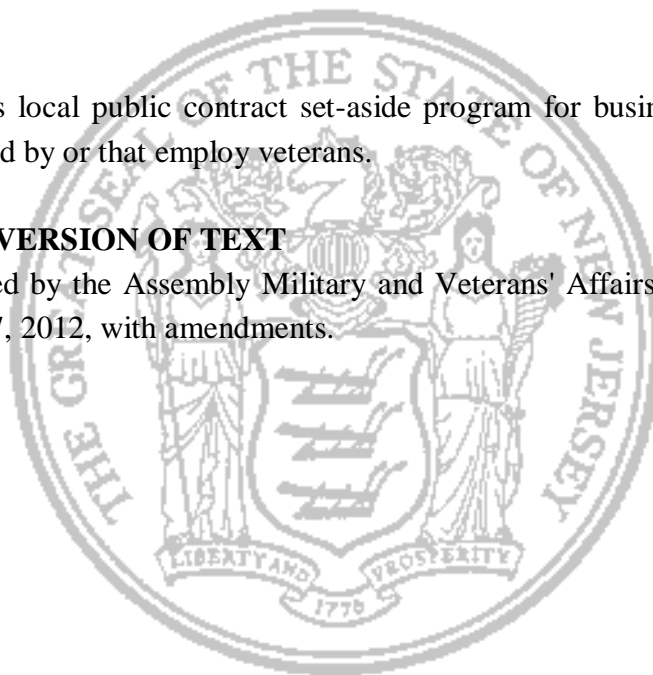
Assemblyman Rumpf, Assemblywoman Gove, Assemblymen DeAngelo, Amodeo, C.A.Brown, Singleton, Chivukula, Wimberly and Assemblywoman Mosquera

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Military and Veterans' Affairs Committee on September 27, 2012, with amendments.



(Sponsorship Updated As Of: 11/20/2012)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AMV committee amendments adopted September 27, 2012.

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 veterans¹, equaling at
9 least twenty five percent of the required workforce for the contract
10 including veterans hired¹ if additional workers are required to
11 perform the contract, and is qualified pursuant to section 25 of
12 P.L.1971, c.198 (C.40A:11-25). ¹The business shall also submit
13 forms quarterly to the contracting agency showing proof of veteran
14 status for all the veteran employees.¹

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

16
17 2. Section 2 of P.L.1985, c.482 (C.40A:11-42) is amended to
18 read as follows:

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

26 b. The governing body of a county or municipality may, by
27 ordinance or resolution, as appropriate, establish a qualified
28 women's 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 women's business enterprises.

33 c. The governing body of a county or municipality may, by
34 ordinance or resolution, as appropriate, establish a qualified small
35 business enterprise set-aside program. In authorizing such a
36 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 small business enterprises.

40 d. The governing body of a county or municipality may, by
41 ordinance or resolution, as appropriate, establish a qualified veteran
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

1 percentage of the dollar value of total procurements to be awarded
2 as set-aside contracts to qualified veteran business enterprises.

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

4

5 3. This act shall take effect immediately.