

APPENDIX []

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION REQUIREMENTS FOR DISABLED VETERAN-OWNED BUSINESS SET-ASIDE PROGRAM

The following pages provide Bidders and Responders with information about the North Jersey District Water Supply Commission (the "Commission") Disabled Veteran-Owned Business ("DVOB") Set-Aside Program requirements for non-federally funded contracts and subcontracts. Clarification of the DVOB specifications, along with assistance in completing the required forms, can be obtained by calling the Compliance Manager at the Commission's Office of Equal Employment Opportunity (hereinafter "Office of EEO") at [_____].

CONTRACT CLAUSE

It is the policy of the Commission that DVOBs, as determined and defined by the State of New Jersey, Department of the Treasury, Division of Revenue and Enterprise Services ("Division") in N.J.A.C. 17:14-1.1 et seq., have the opportunity to compete for and participate in the performance of contracts and subcontracts for services in accordance with the New Jersey Set-Aside Act for Disabled Veteran's Businesses, N.J.S.A. 52:32-31.1 et seq. (P.L. 2015, c. 116). The Commission further requires that its contractors shall agree to take all necessary and responsible steps, in accordance with the aforementioned regulations, to ensure that DVOBs have these opportunities.

This language is included to ensure that all persons who enter into any form of contractual agreement with the Commission, are aware of their responsibilities and the commitment of the Commission to see that its Disabled Veteran-Owned Business Set-Aside Program ("Program") is carried out in all instances.

The Contractor agrees to make a good faith effort to award at least 3% of this Contract to Subcontractors registered by the Division as a DVOB firm. Subcontracting goals do not apply if the prime Contractor is a registered DVOB firm.

The following actions shall be taken by a bidder in establishing a good faith effort to solicit and award subcontracts to eligible disabled veteran-owned businesses, as established in the RFB or RFP:

- 1) The bidder shall attempt to locate qualified potential disabled veteran-owned business subcontractors;
- 2) The bidder shall consult the disabled veteran business database if none are known to the bidder;
- 3) The bidder shall keep a record of its efforts, including the names of businesses contacted and the means and results of such contacts, as well as documentation on any good faith efforts to solicit and award any subcontract to an eligible disabled veteran-owned business; and
- 4) The bidder shall provide all potential subcontractors with detailed information regarding the specifications.

Bidders and responders shall in all respects comply with the requirements of Appendix [] governing the DVOB Program.

EXPLANATORY NOTE

The following information is provided by the Commission to prospective Bidders and Responders in an effort to promote and encourage participation in its Program for businesses registered with the Division as a DVOB. The information provided below is not a complete reproduction of the regulations governing DVOB registration and participation. Accordingly, to the extent that any of the information contained below conflicts with the applicable regulations, the regulations shall govern. Interested parties are encouraged to obtain a complete copy of the applicable

regulations (N.J.A.C. 17:14-1.1 et seq.) prior to registering with the Division and submitting bids or responses to the Commission.

I. Standards of eligibility for disabled veteran-owned businesses for goods and services and for construction contracts

See N.J.A.C. 17:14-2.1.

- (a) In order to be eligible as a disabled veteran-owned business, a business must satisfy the following criteria:
1. The business must be independently owned and operated, as evidenced by its management being responsible for both its daily and long-term operation, and its management owning and controlling at least 51 percent interest in the business;
 2. The business must be incorporated or registered to do business in the State and have its principal place of business in New Jersey; and
 3. The business owner must have Federal certification from the Department of Veteran's Affairs as having a service-connected disability.

II. Obligation to provide information; penalties for failure to provide complete and accurate information (N.J.A.C. 17:14-2.2)

See N.J.A.C. 17:14-14-2.2

- (a) Applicants under this chapter shall accurately and honestly supply all information required by the Division.
- (b) When a business has been approved as a disabled veteran-owned business on the basis of false information knowingly supplied by the business, and the business has been awarded a contract, or a subcontract thereto, the Unit, after notice and opportunity for a contested case hearing pursuant to N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and N.J.A.C. 1:1, shall:
1. Assess the business any difference between the contract amount and what the cost would have been if the contract had not been awarded in accordance with the provisions of N.J.S.A. 52:32-31 et seq.;
 2. Assess the business a penalty in the amount of 10 percent of the amount of the contract or subcontract involved;
 3. Order the business ineligible to transact any business with a contracting agency for a period between three months and one year; and
 4. Order the Division to disallow the registration of the business as a disabled veteran-owned business for a period of one year from the State's database.
- (c) Any business approved by the Division as a disabled veteran-owned business shall immediately apprise the Division of any circumstances that might affect the eligibility of the business under this chapter.
- (d) The failure of a business to report any such changed circumstances, or the intentional and/or knowing reporting of false information, shall disqualify the business for inclusion in the database under this chapter for a period of one year.
- (e) When a business has been registered as a disabled veteran-owned business on the basis of false information knowingly supplied by the business, but the business has not been awarded a contract, the Unit, after notice and opportunity for a contested case hearing pursuant to N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and N.J.A.C. 1:1, shall order the Division to disallow the registration of the business as a disabled veteran-owned business from the State's database for a period of one year.

III. Registration procedures for disabled veteran-owned businesses

See N.J.A.C. 17:14-3.1.

- (a) A business seeking to register as a disabled veteran-owned business shall comply with the following registration procedures:
 1. The business shall register at www.newjerseybusiness.gov, for Premier Business Services; and
 2. The business shall apply to the Division by completing the Vendor Registration Form, available online at www.nj.gov/njbgs.
 - i. As part of its application to the Division, a business shall document its principal place of business, independent status, number of employees, and its gross revenues. This documentation shall include all forms and reports requested by the Division on the Vendor Registration Form.
 - ii. If an applicant knowingly supplies inaccurate or false information, the application shall be denied under this chapter, the business shall be disqualified from inclusion in the disabled veteran-owned business database pursuant to N.J.A.C. 17:14-2.2, and the business may be subject to adverse action, including, but not limited to, debarment, suspension, or disqualification by contracting agencies, the Attorney General, or other enforcement agencies.
- (b) When an application for registration as a disabled veteran-owned business has been completed, the Division shall determine whether to approve it and notify the business of its decision. If approved, the Division will issue the business a registration certification and add the business to the disabled veteran-owned business database.
- (c) The disabled veteran-owned business database shall be used by contracting agencies to confirm eligibility of a business for set-aside contracts and subcontracts and in reporting progress toward established contract award goals.
- (d) Every five years, no later than 20 days prior to expiration of the disabled veteran-owned business's registration, and not earlier than 60 days prior to the expiration of such registration, a business interested in remaining registered as a disabled veteran-owned business shall comply with the registration procedures under (a) above.
- (e) Annually, the business shall submit, prior to the anniversary of the registration notice, a verification statement, in which it shall attest that there has been no change in the ownership, revenue eligibility, or control of the business at the State's website, www.nj.gov/njbgs.
 - i. If the business fails to submit the annual verification statement by the anniversary date of the registration notice, the registration will lapse and the business will be deemed revoked from the State's disabled veteran-owned business database. If the business seeks to be registered after revocation, it will have to reapply.
 - ii. If the business submits the annual verification statement by the anniversary date of the original registration notice, but either the verification statement or other information received by the Division indicates that the business is no longer eligible for registration as a disabled veteran-owned business, the Division shall revoke the registration pursuant to this chapter and following revocation, the business shall be deemed revoked from the State's disabled veteran-owned business database. The business may appeal this revocation pursuant to the procedures set forth at N.J.A.C. 17:14-3.4.

IV. Time for application to register as a disabled veteran-owned business

See N.J.A.C. 17:14-3.2.

- (a) A business may apply to the Division at any time to be registered as a disabled veteran-owned business and to be placed on the disabled veteran-owned business database.

- (b) If a business is to be eligible to bid on a specific set-aside contract or participate in the subcontracting goal programs for purposes of this chapter, it must be validly registered as a disabled veteran-owned business by the Division on or before the date the bid or proposal is due.

V. Procedures for challenging a business registered as a disabled veteran-owned business

See N.J.A.C. 17:14-3.3.

- (a) The qualification under this chapter of a business as a disabled veteran-owned business may be challenged by any third-party.
 - 1. A registration challenge shall be made in writing to the Unit, setting forth the factual basis for the challenge. The Unit shall provide a copy of the challenge and a notice granting the opportunity for a hearing to the challenged business. Where a particular contract is at issue, the Unit shall also provide a copy of the challenge to the contracting agency.
 - 2. A registration challenge to the Unit may concern only the qualification of the business under this chapter as a disabled veteran-owned business. Any challenge to a business's qualifications to perform a contract shall be referred to the appropriate contracting agency.
- (b) When the Unit receives a registration challenge, upon request of the business whose registration is at issue, the Unit Manager or a designee shall conduct a hearing on the matter as follows:
 - 1. The Unit shall notify all interested parties (including, but not limited to, the challenging party, the business whose registration is at issue, and any affected contracting agency) of the time and place of the hearing, and of the right to attend and be represented at the hearing.
 - 2. The burden of proof lies with the challenger to establish that the business whose registration is at issue is not qualified and/or not properly registered as a disabled veteran-owned small business under this chapter. However, the Unit may use its own resources to ascertain the validity of a challenge and the status of a business.
 - 3. The hearing will be conducted by the Unit Manager or his or her designee. The Unit Manager will issue a written report within seven working days following the close of the hearing.
 - 4. At the discretion of the Unit Manager or his or her designee, participants at the hearing may be permitted to file written exceptions to the report no later than five working days after the date on which the report is made available to the business.
 - 5. If no exceptions are filed, or permitted to be filed, under (b)4 above, the decision shall be final. If exceptions are filed under (b)4 above, after reviewing the exceptions, the Unit Manager will issue a final decision on the challenge and notify the parties by letter.
 - 6. A challenge to a business's eligibility shall not stay the contract award process.

VI. Procedures for denial, non-conferral, or revocation of registration as a disabled veteran-owned business

See N.J.A.C. 17:14-3.4.

- (a) If the Division chooses to not confer or deny an application for a disabled veteran-owned business registration, or revokes a registration as a disabled veteran-owned business, the Division shall so notify the business. The denial or revocation is effective as of the date of the Division's notice to the business of its denial or revocation determination.
- (b) When a business has been denied registration or has had its registration revoked, the business has the right to an appeal. The appeal procedures in this section govern denials and revocations, except for revocations on the basis of false information knowingly supplied by the business or failure to submit the annual verification statement. Revocation based on false information knowingly supplied by the business is addressed by the procedures at N.J.A.C. 17:14-2.2.

- (c) Within 10 days from receipt of the denial or revocation notification, the business that received the notification may request, in writing to the Unit, an appeal hearing. The appeal may concern only the qualification of the business under this chapter as a disabled veteran-owned business. When the Division receives an appeal, it shall conduct a hearing on the matter as follows:
1. The Unit shall notify the business of the time and place of the hearing and of the right of the business to appear and be represented by counsel at the hearing.
 2. The appeal request shall include all information, including any relevant documents, available to the appealing business relevant to the appeal.
 3. The burden of proof lies with the appealing business to show that the denial or revocation of the business registration was in error, and that the appealing business meets all of the requisite qualifications under this chapter to be registered as a disabled veteran-owned business.
 4. The hearing will be conducted by the Unit Manager or a designee. The Unit Manager shall issue a written report within seven days of the close of the hearing.
 5. At the discretion of the Unit Manager or his or her designee, the business may be permitted to file written exceptions to the report no later than five working days after the date on which the report is made available to the business.
 6. If no exceptions are filed, or permitted to be filed, under (c)5 above, the decision shall be final. If exceptions are filed under (c)5 above, after reviewing the exceptions, the Unit Manager shall issue a decision on the appeal and notify the business by facsimile (or other electronic means) and letter.

VII. Subcontracting goal program and procedures

See N.J.A.C. 17:14-4.2.

- (a) When deemed appropriate, any contracting agency, consistent with its contracting authority, may establish and administer a subcontracting goal program in lieu of, or as a supplement to, the set-aside program.
- (b) Each contracting agency shall maintain records regarding subcontracts awarded pursuant to this program. The procedures shall include the following provisions:
1. The contracting agency shall review its schedule of contracting opportunities, and establish a method of determining which upcoming contracts are suitable for the subcontracting goal program.
 - i. Factors to be considered when making the determination that a particular contract is suitable for inclusion in this program include, but are not limited to: the minimum number of contractors assigned to a commodity code, the total dollar amount of the Project and subcontracting opportunities on the Project, and the number of available eligible businesses in geographical proximity to the Project site.
 - ii. The designation of a particular RFB or RFP as a disabled veteran-owned business set-aside subcontracting opportunity shall be made prior to the public advertisement.
- (c) For construction contracts, the contracting agency shall review the Project to determine whether the disabled veteran-owned business set-aside goals are appropriate, or can be reasonably attained given the elements of the job. The contracting agency may review the Division's list of classified contractors to determine the number of eligible businesses, as established at N.J.A.C. 17:14-2.1, that may reasonably be expected to participate in the Project, giving consideration to the geographic location, required trades, and estimated dollar value of the Project.
1. The disabled veteran-owned business enterprise goal for construction projects set-aside can be reached either at the prime or subcontractor level.

2. The public advertisement shall include a notice to prospective bidders disclosing the disabled veteran-owned business goal for the contract.
 3. Bidders shall provide sufficient documentation of its good faith efforts to meet the set-aside goal either with its bid, or within 10 days of a request by the contracting agency. Failure to comply may preclude award of a contract to a bidder.
- (d) Each bidder awarded a contract for a procurement that contains the set-aside subcontracting goal requirement, shall fully cooperate in any studies or surveys that may be conducted by the contracting agency to determine the extent of the bidder's compliance with this chapter.

VIII. Good faith efforts of bidders; requirements

See N.J.A.C. 17:14-4.3.

- (a) The following actions shall be taken by a bidder in establishing a good faith effort to solicit and award subcontracts to eligible disabled veteran-owned businesses, as established in the RFB or RFP:
 1. The bidder shall attempt to locate qualified potential disabled veteran-owned business subcontractors;
 2. The bidder shall consult the disabled veteran business database if none are known to the bidder;
 3. The bidder or responder shall keep a record of its efforts, including the names of businesses contacted and the means and results of such contacts, as well as documentation on any good faith efforts to solicit and award any subcontract to an eligible disabled veteran-owned business; and
 4. The bidder or responder shall provide all potential subcontractors with detailed information regarding the specifications.

IX. Exemptions from set-aside program

See N.J.A.C. 17:14-4.4.

In those circumstances where federal law, rules, or regulations permit or require a procurement procedure other than those prescribed in this chapter, the contracting agency shall follow the federal procedures notwithstanding the provisions of this chapter, provided that the contracting agency issues a written declaration that such federal laws, rules, or regulations are in effect.

X. Good faith efforts of Contractor

- (a) The Commission requires that SBE/DVOB Forms A, B, C and D, as applicable, which are located on the Commission website, be submitted within seven (7) days after Notice of Award. However, the Commission may extend the deadline for this requirement at its sole discretion.
- (b) If the Contractor submits the SBE/DVOB forms within the requested timeframe, but fails to meet the DVOB goal, a fully completed and notarized SBE/DVOB Form D must be submitted, and the Commission will evaluate the efforts made by the Contractor to determine whether a demonstration of good faith efforts has been made.

XI. Post-Award Obligations

- (a) General Instructions:
 1. Refer to the Commission's SBE/DVOB Participation Schedule ("Form A"). The listing of a DVOB firm by a Contractor on Form A shall constitute a representation by the Contractor to the Commission that such DVOB firm is qualified and not unavailable, and a commitment by the Contractor that it will enter into a subcontract with such DVOB firm for the portion of the work described in Form A and at the price set forth in its Bid or Response. A DVOB Contractor which lists itself on Form A is committed to performing the work indicated with its own personnel.

2. A database of DVOBs is maintained by the State, accessible via a link on the Division's webpage at https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp; the database lists vendors by designation, including DVOBs, and is available for use by contracting agencies and others in confirming eligibility for set-aside contracts and subcontracts and in reporting progress toward established contract award goals. Use of this listing does not relieve the Contractor of its responsibility to seek DVOB participation from other sources.
3. Whenever the Commission issues Project Change Orders, the Commission may determine if increased DVOB participation will be required.
4. If at any time the Contractor believes or has reason to believe that a proposed DVOB has become unavailable or, due to change in ownership or management responsibility, does not meet the standards set forth in Article II, the Contractor shall, within 10 days, notify the Commission of that fact. Within 15 days thereafter, the Contractor shall, if necessary to achieve the stated goal, make every reasonable effort to subcontract the same or other work to other DVOB firms.
5. Should a DVOB become ineligible during the course of this Contract, effective as of the date of ineligibility, further contractual dollars expended with the DVOB shall not be counted toward the DVOB goal. Within 15 days after notification by the Commission to the Contractor of the ineligible DVOB, the Contractor shall make every reasonable effort to satisfy the DVOB goal. The Contractor's effort to continue to meet the DVOB goal shall be coordinated with the Office of EEO.
6. To ensure that all obligations under subcontracts awarded to DVOBs are met, the Commission shall review the prime Contractor's DVOB involvement efforts during the performance of the contract. The Contractor shall monitor the performance of and collect and report data on DVOB participation to the Office of EEO. The form will be reviewed to determine Contract compliance with respect to the DVOB goal. Failure to submit this report may result in suspension of payments as provided in the section titled "Audit and Penalties" below. If, at any time, the Commission has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, it shall refer the matter to the Attorney General of the State of New Jersey.
7. The Contractor agrees to pay each subcontractor and supplier for satisfactory performance of its subcontract no later than ten (10) days from the receipt of each payment the Contractor receives from the Commission.
8. In accordance with N.J.S.A. 52:32-41:
 - a. Prior to the issuance of a progress payment by an agency to a prime Contractor, the prime Contractor shall certify to the State agency that a subcontractor or supplier has been paid any amount due from any previous progress payment and shall be paid any amount due from the current progress payment, or that there exists a valid basis under the terms of the subcontractor's or supplier's contract to withhold payment from the subcontractor or supplier and therefore payment is withheld.
 - b. If the prime Contractor withholds payment from a subcontractor or supplier, the prime Contractor shall provide to the subcontractor or supplier written notice of a withholding of payment. The notice shall detail the reason for withholding payment and state the amount of payment withheld. A copy of the notice shall be provided to the bonding company providing the performance bond for the general Contractor, and to the contracting agency.
 - c. In addition to any amount due, a subcontractor or supplier shall also receive from a prime Contractor interest on the amount due at a rate equal to the prime rate plus 1% if a subcontractor or supplier is not paid within 10 calendar days after receipt by the prime Contractor of payment by a contracting agency for completed work which is the subject of a subcontract or a material supply agreement and if no valid basis exists for withholding payment. This interest shall begin to accrue on the 10th calendar day after receipt of payment by the prime Contractor. In addition, a subcontractor or supplier shall receive any court costs incurred by the subcontractor or supplier to collect payments withheld without a

valid basis by the prime Contractor.

- d. If court action is taken by a subcontractor or supplier to collect payments withheld by a prime Contractor and it is determined that a valid basis existed for the withholding of those payments, the subcontractor or supplier shall be liable for any court costs incurred by the prime Contractor in connection with the action.

(b) Substitution of DVOBs

Except as provided herein, the Contractor shall not have the work performed, or the materials or supplies furnished, by any other DVOB firm other than those named in Form A. However, the Contractor may, in unusual situations, be permitted to substitute a subcontractor(s). A request for substitution must be in writing, with complete justification for the request. The Contractor must have approval of the Commission before substitution of the DVOB subcontractor, regardless of the reason for the substitution. Failure to obtain approval from the Commission could result in the prime Contractor being found to be in “noncompliance” with the requirements of the contract. The term “unusual situations” includes, but is not limited to, a DVOB subcontractor’s or DVOB joint venture partners:

1. Failure to qualify as a DVOB or maintain DVOB registration status.
2. Death or physical disability, if the named subcontractor or DVOB partner of the joint venture is an individual.
3. Dissolution, if a corporation or partnership.
4. Bankruptcy of the subcontractor, subject to applicable bankruptcy laws, and only in instances where the bankruptcy affects the subcontractor’s ability to perform.
5. Inability to obtain, or loss of, a license necessary for the performance of the particular category of work.
6. Failure or inability to comply with a requirement of law applicable to the subcontract work.
7. Material failure to comply with the terms and conditions of the subcontract.
8. Material failure to successfully perform the subcontract tasks.

XII. Audit and Penalties

The Contractor is advised that failure to carry out the requirements of these specifications shall constitute a breach of contract and may result in termination of the contract by the Commission, or such remedy as the Commission deems appropriate. During the performance of the contract, and for a period of up to three (3) years following completion of the contract work, the Commission may conduct reviews for compliance with the requirements of the DVOB Program. Such reviews may include the evaluation of monthly reports, desk audits and site visitations. Where a prime Contractor, or any Subcontractor, is found to be in noncompliance with the requirements of the DVOB Program during the performance of the contract, it will be required to take corrective action. If corrective action is not promptly taken by the offending Contractor, the following sanctions may be instituted (singularly, in any combination and in addition to any other remedies provided by law):

1. The Commission may withhold further payments under the Contract.
2. The Contract may be terminated for breach.
3. Suspension or debarment proceedings may be commenced in accordance with New Jersey law and the Commission regulations.
4. The Contract Bond may be enforced.

XIII. The Commission Program: Post-Award Submittals

Copies of the following forms are located on the Commission website:

- (a) Form A: SBE/DVOB Participation Schedule
List all DVOB firms scheduled to participate in the contract, including scope of work to be performed and the dollar value of their anticipated participation. Additionally, the name of the Contractor's DVOB liaison officer should be included on this form. Upon execution of a contract with the Commission, the prime Contractor must enter into a formal agreement with the DVOB(s) listed on Form A. There can be no substitution of the DVOB(s) listed on Form A without the prior written approval of the Commission. If, for any reason Form A is not completed, then the Contractor must complete and provide Form D (see below).
- (b) Form B: Intent to Perform as a Subcontractor (If applicable)
For each SBE or DVOB owned firm listed on Form A, Contractor shall include a complete and signed Form B. This Form B is not required for set aside contract awards, nor in cases wherein the Contractor is an SBE/DVOB itself.
- (c) Form C: Affidavit of SBE/DVOB
Each SBE or DVOB firm to be utilized must sign Form C attesting to its validity as a SBE or DVOB.
- (d) Form D: SBE/DVOB Unavailability Certification (if applicable)
If the Contractor is unable to identify SBE(s) or DVOB(s) as required to meet the targeted goal set for this Contract, the Contractor shall complete and attach this form which documents the Contractor's good faith efforts to do so.
- (e) Form E: SBE/DVOB Certificate of Participation
This is the payment report that must be completed on a monthly basis by the Contractor, unless the Contractor is a DVOB itself.
- (f) Form F: SBE/DVOB Certificate of Participation (Prime is SBE/DVOB)
If the Contractor is a SBE or DVOB itself, the Contractor shall complete this form and attach it with every Pay Estimate.

XIV. Definitions (N.J.A.C. 17:14-1.2)

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Bidder" means any individual or business entity submitting a proposal, quotation, or other offer to do business with the State of New Jersey [or any political subdivision thereof, including the Commission] in response to an invitation for bids.

"Bidding threshold" means the dollar limit placed on all public contracting agencies pursuant to N.J.S.A. 52:34-7 or 52:25-23 to establish when public advertisement of bids is required.

"Construction contract" means any contract to which the State or any other contracting agency is a party involving any construction, renovation, reconstruction, rehabilitation, alteration, conversion, extension, or demolition of or repair or other changes or improvements of any kind whatsoever to any public structure or facility. The term also includes contracts for consultant services, supervision, inspection, and other functions incidental to actual construction.

"Consultant" means an architect, engineer, construction manager, or other provider of technical and professional services.

"Contractor" means any party awarded a contract or agreement to provide goods and services or design and/or construction services.

"Delegated purchasing authority" means the authority to award contracts below the bid threshold amount pursuant to authority delegated by the Director, Division of Purchase and Property (See N.J.S.A. 52:25-23) or for design and construction contracts pursuant to the authority delegated by the Director, Division of Property Management and Construction (see N.J.S.A. 52:34-7).

"Department" means the Department of the Treasury.

"Director" means the head of the Division of Revenue and Enterprise Services in the Department of the Treasury.

"Disabled veteran-owned business" means a business that has its principal place of business in the State, is independently owned and operated, and at least 51 percent of which is owned and controlled by persons who are disabled veterans or a business that has its principal place of business in this State and has been officially verified by the United States Department of Veterans' Affairs as a service disabled veteran-owned business for the purposes of federal department contracts pursuant to federal law.

"Disabled veteran business database" means the State database that is accessible via a link on the Division's webpage at www.nj.gov/njbgs; the database lists disabled veteran-owned businesses and is available for use by contracting agencies and others in confirming eligibility for set-aside contracts and subcontracts and in reporting progress toward established contract award goals.

"Disabled veteran-owned business set-aside unit" or "Unit" means the section in the Department of the Treasury that provides oversight and direction for the disabled veteran-owned business set-aside program for the State of New Jersey.

"Division of Property Management and Construction" or "DPMC" means the division within the Department of the Treasury that provides a centralized design and construction contract procurement and administration service for other State agencies pursuant to N.J.S.A. 52:18A-151 et seq.

"Division of Purchase and Property" means the division within the Department of the Treasury that provides centralized procurement of goods and services for Executive Branch State agencies pursuant to N.J.S.A. 52:27B-56.

"Division of Revenue and Enterprise Services" or "Division" means the division in the Department of the Treasury that administers the registration of disabled veteran-owned business enterprises.

"Goal" means the statutorily determined percentage of contracting dollars awarded by each contracting agency to disabled veteran-owned businesses in order to comply with the statutory set-aside provisions. It includes the percentage of contracting dollars that the contracting agency makes a good faith effort to award to disabled veteran-owned businesses.

"Request for Bids" or "RFB" means the document issued by a contracting agency to initiate an advertised bidding and contract award process, and includes Requests for Proposals (RFPs). The RFB establishes the contract's terms and conditions, the product and/or service specifications, and the bidding eligibility to businesses approved as disabled veteran-owned business entities.

"Premier Business Services" means online business services provided via the State's business portal at www.nj.gov/njbusiness/home/pbs/, which include tax filing and payment services for which a business must register as part of its disabled veteran-owned business application.

"Principal place of business" means the location where 51 percent or more of a business' employees work, as evidenced by the payment of unemployment taxes, or the location where 51 percent or more of business operations occur, as supported by income or business tax returns.

"Registration" means the process by which any disabled veteran-owned business can have its eligibility for participation in the Department's disabled veteran-owned business programs determined.

"Request for Proposals" or "RFP" means the document issued by a contracting agency to initiate an advertised bidding proposal and contract award process.

"Set-Aside Act" means the New Jersey Set-Aside Act for Disabled Veteran's Businesses, N.J.S.A. 52:32-31.1 et seq. (P.L. 2015, c. 116).

"Set-aside contract," for the purposes of construing and applying the rules in this chapter only, means a contract,

specifically designated by a contracting agency, in whole or in part, for award to a disabled veteran-owned business, which may include a component allowing the use of subcontractors to satisfy the requirements of a set-aside.

"State contracting agency" or a "contracting agency" means any board, commission, committee, authority, division, department, college, or university of the State, or any other political subdivision thereof, that possesses the legal authority to enter into or award contracts for goods and services or design and construction contracts.

"Subcontractor" means a third-party that is engaged by a Contractor to perform all or part of the goods, services, or construction services included in a contract.

"Term contract" means an award made by a contracting agency, in which a source of supply for a product or service is established for a specific period of time. A term contract is generally applied when a contracting agency:

1. Establishes a fixed unit price, hourly rate, or discount for items or services to be purchased thereunder;
2. Provides for some estimated dollar volume or minimum quantities to be purchased; or
3. Provides for the rebidding of any single purchase that exceeds a specified maximum amount.

"Treasurer" means the Treasurer of the State of New Jersey or his or her designee.

"Vendor Registration Form" means the form available via a link on the Division's website at www.nj.gov/njbgs, that a business completes when applying to register as a disabled veteran-owned business under this chapter.

"Veteran" means any citizen and resident of this State honorably discharged, or released under honorable circumstances, who served in any branch of the Armed Forces of the United States, or a Reserve component thereof, for at least 90 days and shall include disabled veterans.