S T A T E O F N E W Y O R K

5553--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 28, 2013

Introduced by M. of A. BENEDETTO, ENGLEBRIGHT, ORTIZ, LAVINE, MAGNARELLI, CUSICK, GARBARINO, HEASTIE, BARRETT, SCHIMEL, WEPRIN -- Multi-Sponsored by -- M. of A. NOLAN -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the executive law and the public authorities law, in relation to participation by service-connected disabled veterans and veterans with respect to state contracts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new article 17-A to read as follows:

ARTICLE 17-A

PARTICIPATION BY SERVICE-CONNECTED DISABLED VETERANS AND VETERANS WITH RESPECT TO STATE CONTRACTS

SECTION 369. DEFINITIONS.

369-A. OPPORTUNITIES FOR CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES.

369-B. OPPORTUNITIES FOR CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES.

369-C. SEVERABILITY.

S 369. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AGENCY" OR "AGENCIES" SHALL MEAN (A) (I) ANY STATE DEPARTMENT, OR (II) ANY DIVISION, BOARD, COMMISSION OR BUREAU OF ANY STATE DEPARTMENT, OR (III) THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK, INCLUDING ALL THEIR CONSTITUENT UNITS EXCEPT COMMUNITY COLLEGES AND THE INDEPENDENT INSTITUTIONS OPERATING STATUTORY OR CONTRACT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07355-04-3

COLLEGES ON BEHALF OF THE STATE, OR (IV) A BOARD, A MAJORITY OF WHOSE MEMBERS ARE APPOINTED BY THE GOVERNOR OR WHO SERVE BY VIRTUE OF BEING STATE OFFICERS OR EMPLOYEES AS DEFINED IN SUBPARAGRAPH (I), (II) OR (III) OF PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW;

(B) A "STATE AUTHORITY," AS DEFINED IN SUBDIVISION ONE OF SECTION TWO OF THE PUBLIC AUTHORITIES LAW, AND THE FOLLOWING:

ALBANY COUNTY AIRPORT AUTHORITY;
ALBANY PORT DISTRICT COMMISSION;
ALFRED, ALMOND, HORNELLSVILLE SEWER AUTHORITY;
BATTERY PARK CITY AUTHORITY;
CAYUGA COUNTY WATER AND SEWER AUTHORITY;
(NELSON A. ROCKEFELLER) EMPIRE STATE PLAZA PERFORMING ARTS CENTER CORPORATION;
INDUSTRIAL EXHIBIT AUTHORITY;
LIVINGSTON COUNTY WATER AND SEWER AUTHORITY;
LONG ISLAND POWER AUTHORITY;
LONG ISLAND RAIL ROAD;
LONG ISLAND MARKET AUTHORITY;
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY;
METRO-NORTH COMMUTER RAILROAD;
METROPOLITAN SUBURBAN BUS AUTHORITY;
METROPOLITAN TRANSPORTATION AUTHORITY;
NATURAL HERITAGE TRUST;
NEW YORK CITY TRANSIT AUTHORITY;
NEW YORK CONVENTION CENTER OPERATING CORPORATION;
NEW YORK STATE BRIDGE AUTHORITY;
NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY;
NEW YORK STATE THRUWAY AUTHORITY;
NIAGARA FALLS PUBLIC WATER AUTHORITY;
NIAGARA FALLS WATER BOARD;
PORT OF OSWEGO AUTHORITY;
POWER AUTHORITY OF THE STATE OF NEW YORK;
ROOSEVELT ISLAND OPERATION CORPORATION;
SCHENECTADY METROPLEX DEVELOPMENT AUTHORITY;
STATE INSURANCE FUND;
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY;
STATE UNIVERSITY CONSTRUCTION FUND;
SYRACUSE REGIONAL AIRPORT AUTHORITY;
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY;
UPPER MOHAWK VALLEY REGIONAL WATER BOARD;
UPPER MOHAWK VALLEY REGIONAL WATER FINANCE AUTHORITY;
UPPER MOHAWK VALLEY MEMORIAL AUDITORIUM AUTHORITY;
URBAN DEVELOPMENT CORPORATION AND ITS SUBSIDIARY CORPORATIONS;

(C) THE FOLLOWING ONLY TO THE EXTENT OF STATE CONTRACTS ENTERED INTO FOR ITS OWN ACCOUNT OR FOR THE BENEFIT OF A STATE AGENCY AS DEFINED IN PARAGRAPH (A) OF (B) OF THIS SUBDIVISION:

DORMITORY AUTHORITY OF THE STATE OF NEW YORK;
FACILITIES DEVELOPMENT CORPORATION;
NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY;
NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION.

2. "PERIOD OF WAR" MEANS THE SPANISH AMERICAN WAR; THE MEXICAN BORDER PERIOD; WORLD WAR I; WORLD WAR II; THE HOSTILITIES KNOWN AS THE KOREAN WAR, WHICH COMMENCED JUNE TWENTY-SEVENTH, NINETEEN HUNDRED FIFTY AND TERMINATED ON JANUARY THIRTY-FIRST, NINETEEN HUNDRED FIFTY-FIVE; THE HOSTILITIES KNOWN AS THE VIETNAM WAR, WHICH COMMENCED ON FEBRUARY TWEN-

TY-EIGHTH, NINETEEN HUNDRED SIXTY-ONE AND TERMINATED ON MAY SEVENTH, NINETEEN HUNDRED SEVENTY-FIVE; AND THE HOSTILITIES KNOWN AS THE PERSIAN GULF CONFLICT, WHICH COMMENCED AUGUST SECOND, NINETEEN HUNDRED NINETY TO THE END OF SUCH CONFLICT INCLUDING MILITARY SERVICE IN OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM OR OPERATION NEW DAWN AND WAS THE RECIPIENT OF THE GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL OR THE IRAQ CAMPAIGN MEDAL OR THE AFGHANISTAN CAMPAIGN MEDAL.

3. "SERVICE-CONNECTED DISABLED VETERAN" MEANS A VETERAN WHO RECEIVED A COMPENSATION RATING FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE BECAUSE OF A SERVICE-CONNECTED DISABILITY INCURRED IN THE LINE OF DUTY IN THE ACTIVE MILITARY, NAVAL OR AIR SERVICE.

4. "CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISE" SHALL MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP, OR CORPORATION THAT IS:

(A) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE SERVICE-CONNECTED DISABLED VETERANS;

(B) AN ENTERPRISE IN WHICH SUCH SERVICE-CONNECTED DISABLED VETERAN OWNERSHIP IS REAL, SUBSTANTIAL, AND CONTINUING;

(C) AN ENTERPRISE IN WHICH SUCH SERVICE-CONNECTED DISABLED VETERAN OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE;

(D) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND IS INDEPENDENTLY OWNED AND OPERATED;

(E) AN ENTERPRISE OWNED BY AN INDIVIDUAL OR INDIVIDUALS, WHOSE OWNERSHIP, CONTROL AND OPERATION ARE RELIED UPON FOR CERTIFICATION, WITH A PERSONAL NET WORTH THAT DOES NOT EXCEED THREE MILLION FIVE HUNDRED THOUSAND DOLLARS, AS ADJUSTED ANNUALLY ON THE FIRST OF JANUARY FOR INFLATION ACCORDING TO THE CONSUMER PRICE INDEX OF THE PREVIOUS YEAR;

(F) AN ENTERPRISE THAT IS A SMALL BUSINESS PURSUANT TO SUBDIVISION FIVE OF THIS SECTION; AND

(G) IS CERTIFIED PURSUANT TO SUBDIVISION THREE OF SECTION THREE HUNDRED SIXTY-NINE-A OF THIS ARTICLE.

5. "SMALL BUSINESS" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION ONE HUNDRED THIRTY-ONE OF THE ECONOMIC DEVELOPMENT LAW.

6. "VETERAN" SHALL MEAN A PERSON WHO SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE DURING A PERIOD OF WAR, OR WAS A RECIPIENT OF THE ARMED FORCES EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITIONARY MEDAL, OR GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, AND WAS DISCHARGED OR RELEASED THEREFROM UNDER OTHER THAN DISHONORABLE DISCHARGE.

7. "CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES" SHALL MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP, OR CORPORATION THAT IS:

(A) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE VETERAN;

(B) AN ENTERPRISE IN WHICH SUCH VETERAN OWNERSHIP IS REAL, SUBSTANTIAL, AND CONTINUING;

(C) AN ENTERPRISE IN WHICH SUCH VETERAN OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE;

(D) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND INDEPENDENTLY OWNED AND OPERATED;

(E) AN ENTERPRISE OWNED BY AN INDIVIDUAL OR INDIVIDUALS, WHOSE OWNERSHIP, CONTROL AND OPERATION WERE RELIED UPON FOR CERTIFICATION, WITH A PERSONAL NET WORTH THAT DOES NOT EXCEED THREE MILLION FIVE HUNDRED THOU-

SAND DOLLARS, AS ADJUSTED ANNUALLY ON THE FIRST OF JANUARY FOR INFLATION ACCORDING TO THE CONSUMER PRICE INDEX OF THE PREVIOUS YEAR;

(F) AN ENTERPRISE THAT IS A SMALL BUSINESS PURSUANT TO SUBDIVISION FIVE OF THIS SECTION; AND

(G) IS CERTIFIED PURSUANT TO SUBDIVISION THREE OF SECTION THREE HUNDRED SIXTY-NINE-B OF THIS ARTICLE.

S 369-A. OPPORTUNITIES FOR CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES.

1. CONTRACT PREFERENCES. EACH AGENCY SHALL PROVIDE THE OPPORTUNITY FOR CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES TO MAXIMIZE THEIR PARTICIPATION IN THE PERFORMANCE OF STATE CONTRACTS. A BID BY A SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISE SHALL BE TREATED AS THE LOWEST BID IN A COMPETITIVE PROCESS FOR A COMMODITY IF IT COST NO MORE THAN FIFTEEN PERCENT HIGHER THAN THE LOWEST BID AND FOR SERVICES, IF THE COST COMPONENT IS NO MORE THAN FIFTEEN PERCENT HIGHER THAN THE COST COMPONENT OF THE HIGHEST SCORING BID, THESE COMPONENTS SHALL BE TREATED AS EQUAL FOR PURPOSES OF COMPETITIVE SCORING.

2. DUTIES OF AGENCIES. IN ORDER TO IMPLEMENT THE PROVISIONS AND POLICY ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION, AGENCIES SHALL:

(A) DEVELOP A STRATEGY TO IMPLEMENT THE PROVISIONS AND POLICY ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION; AND SHALL PUBLICLY PUBLISH SUCH STRATEGY;

(B) MAKE THE AGENCY'S STRATEGY PUBLICLY AVAILABLE, POST SUCH STRATEGY UPON THE WEBSITE OF SUCH AGENCY, AND REPORT ANNUALLY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, ON THE IMPLEMENTATION OF THE AGENCY'S STRATEGY;

(C) DESIGNATE A SENIOR-LEVEL OFFICIAL WITHIN SUCH AGENCY WHO SHALL BE RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING THE AGENCY'S STRATEGY; AND

(D) INCLUDE IN THE AGENCY'S STRATEGY PLANS FOR:

(I) ENCOURAGING AND FACILITATING PARTICIPATION BY CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES IN COMPETITIONS FOR AWARD OF AGENCY CONTRACTS;

(II) ENCOURAGING AGENCY CONTRACTORS TO SUBCONTRACT WITH CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES AND ACTIVELY MONITORING AND EVALUATING AGENCY CONTRACTOR'S EFFORTS TO DO SO;

(III) TRAINING AGENCY PERSONNEL ON APPLICABLE LAW AND POLICIES RELATING TO PARTICIPATION OF CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES IN STATE CONTRACTING; AND

(IV) DISSEMINATING INFORMATION TO CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES THAT WOULD ASSIST THESE BUSINESSES IN PARTICIPATING IN AWARDS OF AGENCY CONTRACTS.

3. CERTIFICATION. (A) THE DEPUTY COMMISSIONER RESPONSIBLE FOR HEADING THE DIVISION FOR SMALL BUSINESS WITHIN THE DEPARTMENT OF ECONOMIC DEVELOPMENT, AS ESTABLISHED PURSUANT TO SECTION ONE HUNDRED THIRTY-TWO OF THE ECONOMIC DEVELOPMENT LAW SHALL PROMULGATE RULES AND REGULATIONS PROVIDING FOR THE ESTABLISHMENT OF A STATEWIDE CERTIFICATION PROGRAM INCLUDING RULES AND REGULATIONS GOVERNING THE APPROVAL, DENIAL, OR REVOCATION OF ANY SUCH CERTIFICATION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUCH MATTERS AS MAY BE REQUIRED TO ENSURE THAT THE ESTABLISHED PROCEDURES THEREUNDER SHALL AT LEAST BE IN COMPLIANCE WITH THE CODE OF FAIR PROCEDURE SET FORTH IN SECTION SEVENTY-THREE OF THE CIVIL RIGHTS LAW.

(B) THE DIVISION FOR SMALL BUSINESS SHALL BE RESPONSIBLE FOR VERIFYING BUSINESSES AS BEING OWNED, OPERATED, AND CONTROLLED BY A SERVICE-CONNECTED DISABLED VETERAN AND FOR CERTIFYING SUCH VERIFIED BUSINESSES.

STATUS AS A SERVICE-CONNECTED DISABLED VETERAN SHALL BE DOCUMENTED BY A COPY OF THE VETERAN'S CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY ALSO KNOWN AS A DD-214 FORM OR AN HONORABLE SERVICE CERTIFICATE/REPORT OF CAUSALITY FROM THE DEPARTMENT OF DEFENSE, A LETTER OF CERTIFICATION BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE UNITED STATES DEPARTMENT OF DEFENSE AND ANY ADDITIONAL INFORMATION THAT MAY BE REQUIRED BY THE DIVISION FOR SMALL BUSINESS. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PREPARE A DIRECTORY OF CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES FOR USE BY AGENCIES IN CARRYING OUT THE PROVISIONS OF THIS SECTION. SUCH DIRECTORY SHALL BE PUBLICLY POSTED ON THE EMPIRE STATE DEVELOPMENT CORPORATION WEBSITE. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PERIODICALLY UPDATE THE DIRECTORY.

(C) FOLLOWING APPLICATION FOR CERTIFICATION PURSUANT TO THIS SECTION, THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PROVIDE THE APPLICANT WITH WRITTEN NOTICE OF THE STATUS OF THE APPLICATION, INCLUDING NOTICE OF ANY OUTSTANDING DEFICIENCIES, WITHIN THIRTY DAYS. WITHIN SIXTY DAYS OF SUBMISSION OF A FINAL COMPLETED APPLICATION, THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PROVIDE THE APPLICANT WITH WRITTEN NOTICE OF A DETERMINATION BY THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS APPROVING OR DENYING SUCH CERTIFICATION AND, IN THE EVENT OF A DENIAL, A STATEMENT SETTING FORTH THE REASONS FOR SUCH DENIAL. UPON A DETERMINATION DENYING OR REVOKING CERTIFICATION, THE BUSINESS ENTERPRISE FOR WHICH CERTIFICATION HAS BEEN SO DENIED OR REVOKED SHALL, UPON WRITTEN REQUEST MADE WITHIN THIRTY DAYS FROM RECEIPT OF NOTICE OF SUCH DETERMINATION, BE ENTITLED TO A HEARING BEFORE AN INDEPENDENT HEARING OFFICER DESIGNATED FOR SUCH PURPOSE BY THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. IN THE EVENT THAT A REQUEST FOR A HEARING IS NOT MADE WITHIN SUCH THIRTY DAY PERIOD, SUCH DETERMINATION SHALL BE DEEMED TO BE FINAL. THE INDEPENDENT HEARING OFFICER SHALL CONDUCT A HEARING AND UPON THE CONCLUSION OF SUCH HEARING, ISSUE A WRITTEN RECOMMENDATION TO THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS TO AFFIRM, REVERSE, OR MODIFY SUCH DETERMINATION OF THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. SUCH WRITTEN RECOMMENDATION SHALL BE ISSUED TO THE PARTIES. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS, WITHIN THIRTY DAYS, BY ORDER, MUST ACCEPT, REJECT OR MODIFY SUCH RECOMMENDATION OF THE HEARING OFFICER AND SET FORTH IN WRITING THE REASON THEREFOR. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL SERVE A COPY OF SUCH ORDER AND REASONS THEREFOR UPON THE BUSINESS ENTERPRISE BY PERSONAL SERVICE OR BY CERTIFIED MAIL RETURN RECEIPT REQUESTED. THE ORDER OF THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

(D) ALL CERTIFICATIONS SHALL BE VALID FOR A PERIOD OF THREE YEARS.

4. DUTIES OF DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL:

(A) DESIGNATE AN APPROPRIATE ENTITY WITHIN THE DIVISION FOR SMALL BUSINESS THAT SHALL, IN CONSULTATION WITH THE DIVISION OF VETERANS AFFAIRS, PROVIDE TO CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES INFORMATION AND ASSISTANCE CONCERNING PARTICIPATION IN STATE CONTRACTING;

(B) ADVISE AND ASSIST AGENCIES IN THEIR IMPLEMENTATION OF SUBDIVISION ONE OF THIS SECTION; AND

(C) MAKE AVAILABLE TO CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES TRAINING IN STATE CONTRACTING LAW,

PROCEDURES, AND PRACTICES THAT WOULD ASSIST SUCH BUSINESSES IN PARTICIPATING IN STATE CONTRACTING AND MAKE THIS TRAINING AVAILABLE ONLINE THROUGH A CONTINUOUS LEARNING PROGRAM.

S 369-B. OPPORTUNITIES FOR CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES. 1. CONTRACT PREFERENCES. EACH AGENCY SHALL PROVIDE THE OPPORTUNITY FOR CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES TO MAXIMIZE THEIR PARTICIPATION IN THE PERFORMANCE OF STATE CONTRACTS. A BID BY A VETERAN-OWNED BUSINESS ENTERPRISE SHALL BE TREATED AS THE LOWEST BID IN A COMPETITIVE PROCESS FOR A COMMODITY IF IT COST NO MORE THAN TEN PERCENT HIGHER THAN THE LOWEST BID AND FOR SERVICES, IF THE COST COMPONENT IS NO MORE THAN TEN PERCENT HIGHER THAN THE COST COMPONENT OF THE HIGHEST SCORING BID, THESE COMPONENTS SHALL BE TREATED AS EQUAL FOR PURPOSES OF COMPETITIVE SCORING.

2. DUTIES OF AGENCIES. IN ORDER TO IMPLEMENT THE PROVISIONS AND POLICY ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION, AGENCIES SHALL:

(A) DEVELOP A STRATEGY TO IMPLEMENT THE PROVISIONS AND POLICY ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION; AND SHALL PUBLICLY PUBLISH SUCH STRATEGY;

(B) MAKE THE AGENCY'S STRATEGY PUBLICLY AVAILABLE, HAVE SUCH STRATEGY POSTED UPON THE WEBSITE OF SUCH AGENCY, AND REPORT ANNUALLY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY ON THE IMPLEMENTATION OF THE AGENCY'S STRATEGY;

(C) DESIGNATE A SENIOR-LEVEL OFFICIAL WITHIN SUCH AGENCY WHO SHALL BE RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING THE AGENCY'S STRATEGY; AND

(D) INCLUDE IN THE AGENCY'S STRATEGY PLANS FOR:

(I) ENCOURAGING AND FACILITATING PARTICIPATION BY CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES IN COMPETITIONS FOR AWARD OF AGENCY CONTRACTS;

(II) ENCOURAGING AGENCY CONTRACTORS TO SUBCONTRACT WITH CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES AND ACTIVELY MONITORING AND EVALUATING AGENCY CONTRACTOR'S EFFORTS TO DO SO;

(III) TRAINING AGENCY PERSONNEL ON APPLICABLE LAW AND POLICIES RELATING TO PARTICIPATION OF CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES IN STATE CONTRACTING; AND

(IV) DISSEMINATING INFORMATION TO CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES THAT WOULD ASSIST THESE BUSINESSES IN PARTICIPATING IN AWARDS OF AGENCY CONTRACTS.

3. CERTIFICATION. (A) THE DEPUTY COMMISSIONER RESPONSIBLE FOR HEADING THE DIVISION FOR SMALL BUSINESS WITHIN THE DEPARTMENT OF ECONOMIC DEVELOPMENT, AS ESTABLISHED PURSUANT TO SECTION ONE HUNDRED THIRTY-TWO OF THE ECONOMIC DEVELOPMENT LAW SHALL PROMULGATE RULES AND REGULATIONS PROVIDING FOR THE ESTABLISHMENT OF A STATEWIDE CERTIFICATION PROGRAM INCLUDING RULES AND REGULATIONS GOVERNING THE APPROVAL, DENIAL, OR REVOCATION OF ANY SUCH CERTIFICATION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUCH MATTERS AS MAY BE REQUIRED TO ENSURE THAT THE ESTABLISHED PROCEDURES THEREUNDER SHALL AT LEAST BE IN COMPLIANCE WITH THE CODE OF FAIR PROCEDURE SET FORTH IN SECTION SEVENTY-THREE OF THE CIVIL RIGHTS LAW.

(B) THE DIVISION FOR SMALL BUSINESS SHALL BE RESPONSIBLE FOR VERIFYING BUSINESSES AS BEING OWNED, OPERATED, AND CONTROLLED BY A VETERAN AND FOR CERTIFYING SUCH VERIFIED BUSINESSES. STATUS AS A VETERAN SHALL BE DOCUMENTED BY A COPY OF THE VETERAN'S CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY ALSO KNOWN AS A DD-214 FORM OR AN HONORABLE SERVICE CERTIFICATE/REPORT OF CAUSALITY FROM THE DEPARTMENT OF DEFENSE, A LETTER OF CERTIFICATION BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE UNITED STATES DEPARTMENT OF DEFENSE AND ANY ADDITIONAL INFORMATION

THAT MAY BE REQUIRED BY THE DIVISION FOR SMALL BUSINESS. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PREPARE A DIRECTORY OF CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES FOR USE BY AGENCIES IN CARRYING OUT THE PROVISIONS OF THIS SECTION. SUCH DIRECTORY SHALL BE PUBLICLY POSTED ON THE EMPIRE STATE DEVELOPMENT CORPORATION WEBSITE. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PERIODICALLY UPDATE THE DIRECTORY.

(C) FOLLOWING APPLICATION FOR CERTIFICATION PURSUANT TO THIS SECTION, THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PROVIDE THE APPLICANT WITH WRITTEN NOTICE OF THE STATUS OF THE APPLICATION, INCLUDING NOTICE OF ANY OUTSTANDING DEFICIENCIES, WITHIN THIRTY DAYS. WITHIN SIXTY DAYS OF SUBMISSION OF A FINAL COMPLETED APPLICATION, THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PROVIDE THE APPLICANT WITH WRITTEN NOTICE OF A DETERMINATION BY THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS APPROVING OR DENYING SUCH CERTIFICATION AND, IN THE EVENT OF A DENIAL, A STATEMENT SETTING FORTH THE REASONS FOR SUCH DENIAL. UPON A DETERMINATION DENYING OR REVOKING CERTIFICATION, THE BUSINESS ENTERPRISE FOR WHICH CERTIFICATION HAS BEEN SO DENIED OR REVOKED SHALL, UPON WRITTEN REQUEST MADE WITHIN THIRTY DAYS FROM RECEIPT OF NOTICE OF SUCH DETERMINATION, BE ENTITLED TO A HEARING BEFORE AN INDEPENDENT HEARING OFFICER DESIGNATED FOR SUCH PURPOSE BY THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. IN THE EVENT THAT A REQUEST FOR A HEARING IS NOT MADE WITHIN SUCH THIRTY DAY PERIOD, SUCH DETERMINATION SHALL BE DEEMED TO BE FINAL. THE INDEPENDENT HEARING OFFICER SHALL CONDUCT A HEARING AND UPON THE CONCLUSION OF SUCH HEARING, ISSUE A WRITTEN RECOMMENDATION TO THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS TO AFFIRM, REVERSE, OR MODIFY SUCH DETERMINATION OF THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. SUCH WRITTEN RECOMMENDATION SHALL BE ISSUED TO THE PARTIES. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS, WITHIN THIRTY DAYS, BY ORDER, MUST ACCEPT, REJECT OR MODIFY SUCH RECOMMENDATION OF THE HEARING OFFICER AND SET FORTH IN WRITING THE REASONS THEREFOR. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL SERVE A COPY OF SUCH ORDER AND REASONS THEREFOR UPON THE BUSINESS ENTERPRISE BY PERSONAL SERVICE OR BY CERTIFIED MAIL RETURN RECEIPT REQUESTED. THE ORDER OF THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

(D) ALL CERTIFICATIONS SHALL BE VALID FOR A PERIOD OF THREE YEARS.

4. DUTIES OF DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL:

(A) DESIGNATE AN APPROPRIATE ENTITY WITHIN THE DIVISION FOR SMALL BUSINESS THAT SHALL, IN CONSULTATION WITH THE DIVISION OF VETERANS AFFAIRS, PROVIDE TO VETERAN-OWNED BUSINESS ENTERPRISES INFORMATION AND ASSISTANCE CONCERNING PARTICIPATION IN STATE CONTRACTING;

(B) ADVISE AND ASSIST AGENCIES IN THEIR IMPLEMENTATION OF SUBDIVISION ONE OF THIS SECTION; AND

(C) MAKE AVAILABLE TO VETERAN-OWNED BUSINESS ENTERPRISES TRAINING IN STATE CONTRACTING LAW, PROCEDURES, AND PRACTICES THAT WOULD ASSIST SUCH BUSINESSES IN PARTICIPATING IN STATE CONTRACTING AND MAKE THIS TRAINING AVAILABLE ONLINE THROUGH A CONTINUOUS LEARNING PROGRAM.

S 369-C. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, THE JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE DIRECT-

LY INVOLVED IN THE CONTROVERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN RENDERED.

S 2. Subparagraph (i) of paragraph (b) of subdivision 3 of section 2879 of the public authorities law, as amended by chapter 174 of the laws of 2010, is amended to read as follows:

(i) for the selection of such contractors on a competitive basis, and provisions relating to the circumstances under which the board may by resolution waive competition, including, notwithstanding any other provision of law requiring competition, the purchase of goods or services from small business concerns [or], those certified as minority or women-owned business enterprises OR THOSE CERTIFIED AS SERVICE-CONNECTED DISABLED VETERAN OR VETERAN-OWNED BUSINESS ENTERPRISES, or goods or technology that are recycled or remanufactured, in an amount not to exceed two hundred thousand dollars without a formal competitive process;

S 3. Subdivision 3 of section 2879 of the public authorities law is amended by adding eleven new subdivisions (q), (r), (s), (t), (u), (v), (w), (x), (y), (z) and (a-1) to read as follows:

(Q) AN IDENTIFICATION OF THOSE AREAS OR TYPES OF CONTRACTS FOR WHICH SERVICE-CONNECTED DISABLED VETERAN OR VETERAN-OWNED BUSINESS ENTERPRISES MAY BEST BID SO AS TO PROMOTE AND ASSIST PARTICIPATION BY SUCH ENTERPRISES AND FACILITATE A FAIR SHARE OF THE AWARDING OF CONTRACTS TO SUCH ENTERPRISES. FOR THE PURPOSES OF THIS SECTION, A SERVICE-CONNECTED DISABLED VETERAN BUSINESS ENTERPRISE MEANS ANY BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP OR CORPORATION THAT IS:

(I) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE SERVICE-CONNECTED DISABLED VETERANS;

(II) AN ENTERPRISE IN WHICH SUCH SERVICE-CONNECTED DISABLED VETERAN OWNERSHIP IS REAL, SUBSTANTIAL, AND CONTINUING;

(III) AN ENTERPRISE IN WHICH SUCH SERVICE-CONNECTED DISABLED VETERAN OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE;

(IV) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND IS INDEPENDENTLY OWNED AND OPERATED;

(V) (A) AN ENTERPRISE OWNED BY AN INDIVIDUAL OR INDIVIDUALS, WHOSE OWNERSHIP, CONTROL AND OPERATION ARE RELIED UPON FOR CERTIFICATION, WITH A PERSONAL NET WORTH THAT DOES NOT EXCEED THREE MILLION FIVE HUNDRED THOUSAND DOLLARS, AS ADJUSTED ANNUALLY ON THE FIRST OF JANUARY FOR INFLATION ACCORDING TO THE CONSUMER PRICE INDEX OF THE PREVIOUS YEAR, OR (B) AN ENTERPRISE OF WHICH TWENTY PERCENT OR MORE OF ITS EMPLOYEES ARE SERVICE-CONNECTED DISABLED VETERANS;

(VI) AN ENTERPRISE THAT IS A SMALL BUSINESS; AND

(VII) IS CERTIFIED PURSUANT TO SUBDIVISION THREE OF SECTION THREE HUNDRED SIXTY-NINE-A OF THE EXECUTIVE LAW.

(R) FOR THE PURPOSES OF THIS SECTION, A SERVICE-CONNECTED DISABLED VETERAN MEANS A VETERAN WHO RECEIVED A COMPENSATION RATING FROM THE UNITED STATES DEPARTMENT OF VETERANS' AFFAIRS OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE BECAUSE OF A SERVICE-CONNECTED DISABILITY INCURRED IN THE LINE OF DUTY IN THE ACTIVE MILITARY, NAVAL OR AIR SERVICE.

(S) FOR PURPOSES OF THIS SECTION, SMALL BUSINESS SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION ONE HUNDRED THIRTY-ONE OF THE ECONOMIC DEVELOPMENT LAW.

(T) FOR PURPOSES OF THIS SECTION, A PERIOD OF WAR MEANS THE SPANISH AMERICAN WAR; THE MEXICAN BORDER PERIOD; WORLD WAR I; WORLD WAR II; THE HOSTILITIES KNOWN AS THE KOREAN WAR, WHICH COMMENCED JUNE TWENTY-SEVENTH, NINETEEN HUNDRED FIFTY AND TERMINATED ON JANUARY THIRTY-FIRST,

NINETEEN HUNDRED FIFTY-FIVE; THE HOSTILITIES KNOWN AS THE VIETNAM WAR, WHICH COMMENCED ON FEBRUARY TWENTY-EIGHTH, NINETEEN HUNDRED SIXTY-ONE AND TERMINATED ON MAY SEVENTH, NINETEEN HUNDRED SEVENTY-FIVE; AND THE HOSTILITIES KNOWN AS THE PERSIAN GULF CONFLICT, WHICH COMMENCED AUGUST SECOND, NINETEEN HUNDRED NINETY TO THE END OF SUCH CONFLICT INCLUDING MILITARY SERVICE IN OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM OR OPERATION NEW DAWN AND WAS THE RECIPIENT OF THE GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL OR THE IRAQ CAMPAIGN MEDAL OR THE AFGHANISTAN CAMPAIGN MEDAL.

(U) FOR THE PURPOSES OF THIS SECTION, A VETERAN-OWNED BUSINESS ENTERPRISE MEANS A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP, OR CORPORATION THAT IS:

(I) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE VETERANS;

(II) AN ENTERPRISE IN WHICH SUCH VETERAN OWNERSHIP IS REAL, SUBSTANTIAL, AND CONTINUING;

(III) AN ENTERPRISE IN WHICH SUCH VETERAN OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE;

(IV) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND INDEPENDENTLY OWNED AND OPERATED;

(V) AN ENTERPRISE OWNED BY AN INDIVIDUAL OR INDIVIDUALS, WHOSE OWNERSHIP, CONTROL AND OPERATION WERE RELIED UPON FOR CERTIFICATION, WITH A PERSONAL NET WORTH THAT DOES NOT EXCEED THREE MILLION FIVE HUNDRED THOUSAND DOLLARS, AS ADJUSTED ANNUALLY ON THE FIRST OF JANUARY FOR INFLATION ACCORDING TO THE CONSUMER PRICE INDEX OF THE PREVIOUS YEAR;

(VI) AN ENTERPRISE THAT IS A SMALL BUSINESS; AND

(VII) IS CERTIFIED PURSUANT TO SUBDIVISION THREE OF SECTION THREE HUNDRED SIXTY-NINE-B OF THE EXECUTIVE LAW.

(V) FOR THE PURPOSES OF THIS SECTION A VETERAN IS A PERSON WHO SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE DURING A PERIOD OF WAR, OR WAS A RECIPIENT OF THE ARMED FORCES EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITIONARY MEDAL, OR GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, AND WAS DISCHARGED OR RELEASED THEREFROM UNDER OTHER THAN DISHONORABLE DISCHARGE.

(W) REQUIREMENTS FOR THE DESIGNATION OF ONE OR MORE SENIOR STAFF OF THE CORPORATION TO OVERSEE THE CORPORATION'S PROGRAMS ESTABLISHED TO PROMOTE AND ASSIST: (I) PARTICIPATION BY CERTIFIED SERVICE-CONNECTED DISABLED VETERAN OR VETERAN-OWNED BUSINESS ENTERPRISES IN THE CORPORATION'S PROCUREMENT OPPORTUNITIES AND FACILITATION OF THE AWARD OF PROCUREMENT CONTRACTS TO SUCH ENTERPRISES; (II) THE UTILIZATION OF CERTIFIED SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES AS SUBCONTRACTORS AND SUPPLIERS BY ENTITIES HAVING PROCUREMENT CONTRACTS WITH THE CORPORATION; AND (III) THE UTILIZATION OF PARTNERSHIPS, JOINT VENTURES OR OTHER SIMILAR ARRANGEMENTS BETWEEN CERTIFIED SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES AND OTHER ENTITIES HAVING PROCUREMENT CONTRACTS WITH THE CORPORATION. SUCH STAFF SHALL BE FAMILIAR WITH THE PROCUREMENT OF THE TYPES OF CONSTRUCTION, FINANCIAL, LEGAL OR PROFESSIONAL SERVICES UTILIZED BY THE CORPORATION, REPORT DIRECTLY TO THE CORPORATION'S EXECUTIVE DIRECTOR, PRESIDENT OR CHIEF EXECUTIVE OFFICER AND EITHER DIRECTLY OR THROUGH THEIR DESIGNEES PARTICIPATE IN THE PROCUREMENT PROCESS.

(X) REQUIREMENTS FOR PROVIDING NOTICE, IN ADDITION TO ANY OTHER NOTICE OF PROCUREMENT OPPORTUNITIES REQUIRED BY LAW, TO PROFESSIONAL AND OTHER ORGANIZATIONS THAT SERVE SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES PROVIDING THE TYPES OF SERVICES PROCURED BY THE CORPORATION.

(Y) PROCEDURES FOR MAINTAINING LISTS OF QUALIFIED CERTIFIED SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES, INCLUDING PROFESSIONAL FIRMS THAT HAVE EXPRESSED AN INTEREST IN DOING BUSINESS WITH THE CORPORATION AND ENSURING THAT SUCH LISTS ARE UPDATED REGULARLY. THE CORPORATION SHALL ALSO CONSULT THE LISTS OF CERTIFIED SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES MAINTAINED BY THE DIVISION FOR SMALL BUSINESS IN THE DEPARTMENT OF ECONOMIC DEVELOPMENT PURSUANT TO ARTICLE SEVENTEEN-A OF THE EXECUTIVE LAW.

(Z) THE ESTABLISHMENT OF APPROPRIATE GOALS FOR PARTICIPATION BY SERVICE-CONNECTED DISABLED VETERAN OR VETERAN-OWNED BUSINESS ENTERPRISES IN PROCUREMENT CONTRACTS AWARDED BY THE CORPORATION AND FOR THE UTILIZATION OF SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED ENTERPRISES AS SUBCONTRACTORS AND SUPPLIERS BY ENTITIES HAVING PROCUREMENT CONTRACTS WITH THE CORPORATION.

(A-1) REQUIREMENTS TO CONDUCT PROCUREMENTS IN A MANNER THAT WILL ENABLE THE CORPORATION TO ACHIEVE THE MAXIMUM FEASIBLE PORTION OF THE GOALS ESTABLISHED PURSUANT TO PARAGRAPH (Z) OF THIS SUBDIVISION AND THAT ELIMINATES BARRIERS TO PARTICIPATION BY SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES IN THE CORPORATION'S PROCUREMENTS. SUCH PROCUREMENT REQUIREMENTS SHALL INCLUDE THE FOLLOWING:

(I) MEASURES AND PROCEDURES TO ENSURE THAT CERTIFIED BUSINESSES SHALL BE GIVEN THE OPPORTUNITY FOR MAXIMUM FEASIBLE PARTICIPATION IN THE PERFORMANCE OF STATE CONTRACTS AND TO ASSIST IN THE CORPORATION'S IDENTIFICATION OF THOSE STATE CONTRACTS FOR WHICH CERTIFIED BUSINESSES MAY BEST BID TO ACTIVELY AND AFFIRMATIVELY PROMOTE AND ASSIST THEIR PARTICIPATION IN THE PERFORMANCE OF STATE CONTRACTS SO AS TO FACILITATE THE CORPORATION'S ACHIEVEMENT OF THE MAXIMUM FEASIBLE PORTION OF THE GOALS FOR STATE CONTRACTS TO SUCH BUSINESSES;

(II) PROVISIONS DESIGNATING THE DIVISION OF SMALL BUSINESS DEVELOPMENT TO CERTIFY AND DECERTIFY SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES FOR ALL CORPORATIONS THROUGH A SINGLE PROCESS THAT MEETS APPLICABLE STATE AND FEDERAL REQUIREMENTS;

(III) A REQUIREMENT THAT EACH CONTRACT SOLICITATION DOCUMENT ACCOMPANYING EACH SOLICITATION SET FORTH THE EXPECTED DEGREE OF SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISE PARTICIPATION BASED, IN PART, ON:

(A) THE POTENTIAL SUBCONTRACT OPPORTUNITIES AVAILABLE IN THE PRIME PROCUREMENT CONTRACT; AND

(B) THE AVAILABILITY OF CERTIFIED SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES TO RESPOND COMPETITIVELY TO THE POTENTIAL SUBCONTRACT OPPORTUNITIES;

(IV) A REQUIREMENT THAT EACH CORPORATION PROVIDE A CURRENT LIST OF CERTIFIED SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES TO EACH PROSPECTIVE CONTRACTOR;

(V) PROVISIONS RELATING TO JOINT VENTURES, UNDER WHICH A BIDDER MAY COUNT TOWARD MEETING ITS SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISE PARTICIPATION GOAL, THE SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISE PORTION OF THE JOINT VENTURE;

(VI) PROVISIONS UNDER WHICH THE CORPORATION MAY WAIVE OBLIGATIONS OF THE CONTRACTOR RELATING TO SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISE PARTICIPATION AFTER A SHOWING OF GOOD FAITH EFFORTS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION;

(VII) A REQUIREMENT THAT THE CORPORATION VERIFY THAT SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES LISTED IN A

SUCCESSFUL BID ARE ACTUALLY PARTICIPATING TO THE EXTENT LISTED IN THE PROJECT FOR WHICH THE BID WAS SUBMITTED;

(VIII) IN THE IMPLEMENTATION OF THIS SECTION, THE CONTRACTING CORPORATION SHALL:

(A) CONSIDER, WHERE PRACTICABLE, THE SEVERABILITY OF CONSTRUCTION PROJECTS AND OTHER BUNDLED CONTRACTS;

(B) IMPLEMENT A PROGRAM THAT WILL ENABLE THE CORPORATION TO EVALUATE EACH CONTRACT TO DETERMINE THE APPROPRIATENESS OF THE GOAL PURSUANT TO PARAGRAPH (Z) OF THIS SUBDIVISION; AND

(C) CONSIDER COMPLIANCE WITH THE REQUIREMENTS OF ANY FEDERAL LAW CONCERNING OPPORTUNITIES FOR SERVICE-CONNECTED DISABLED VETERAN AND VETERAN-OWNED BUSINESS ENTERPRISES WHICH EFFECTUATES THE PURPOSE OF THIS SECTION.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.