

DECEMBER 2, 2010

TO: Chairman Gjonaj  
Chairman Dinowitz

FROM: DAVID A. CHIARO – Commander, USN (*retired*) - SBDC VETERANS BUSINESS ADVISOR & SECRETARY for NEW YORK VETERAN OWNED BUSINESS ASSOCIATION - “NYVOBA” (a 501(c)3 Charitable Association Registered with the NYS Office of the Charities ([46-65-55](tel:46-65-55)))

SUBJ: **NYC COMMITTEE ON VETERANS JOINTLY WITH THE COMMITTEE ON SMALL BUSINESS HEARING - December 2, 2021 – Zoom Meeting – additional testimony for the record**

Dear Sirs:

First I would like to thank Bianca Vitale for inviting me to a very timely and important meeting that presented subject matter recently discussed, just this week, while I attended the annual VETCON in Albany, New York: (<https://www.vetconny.com/>). Currently I am the Veterans Business Advisor for the Small Business Development Center (SBDC) at SUNY Farmingdale State College, Farmingdale, NY. The Small Business Development Center currently has 22 locations throughout New York State, with locations in every single State of the Union, as well as the territories and internationally; <https://www.nysbdc.org/?gclid=EAlalQobChMItOyR7vvF9AIVIkWGCh0cFafMEAAAYASAAEgLM- D BwE>

As an SBDC advisor, we assist Veterans and non-Veterans alike, in all aspects of business, to include Veteran certification at the New York State and Federal levels. Within the 5 Boroughs of New York City, in particular, the campuses of Pace (NYC), has resources doing Veteran outreach in addition to their website to the veteran community. Staten Island SBDC outreaches and serves the community through Fort Hamilton, as well as all the other State SBDC offices. SBDC is present at veteran events to ensure community members know there are the services for small business for assistance to the Veterans and their families.

Part of my job since 2014, has been growing the community of certified SDVOB’s to the current 920 businesses, (142 in the 5 boros as of 11.29.2021), assisting with the preparation and submission of applications to NYS Office of General Services (NYS OGS) pursuant to the ***Service-Disabled Veteran-Owned Business Act***:

*“The [Service-Disabled Veteran-Owned Business Act](#), signed into law on May 12, 2014, allows eligible Veteran business owners to get certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB). The goal of the Act is to encourage and support eligible SDVOBs to play a greater role in the state's economy by increasing their participation in New York State's contracting opportunities. The OGS Division of Service-Disabled Veterans' Business Development is responsible for certifying eligible SDVOBs and assisting and promoting their participation in the state's procurement activities.”*

**\*(NOTE: The Service-Disabled Veteran-Owned Business Act WAS NOT based on a disparity study, rather it was “a thank you for your service” program).**

As an overview of Veteran certifications available to the Veteran (VOB) and Service-Disabled Veteran Owned Business (SDVOB) community, currently there is/are certifications available for:

**FEDERAL:** Certification by the VA, as either a Veteran (VOB) or Service-Disabled Veteran (SDVOB) Owned Business. Determinations of disability is/are determined by the VA, through VA Medical evaluations as well as possession of a DD Form 214 (Certificate of Release or Discharge from Active Duty) by the member. Disability ratings can be Awarded from 0%-100%. Federal SDVOB certification can be awarded to a member for **0% disability** and utilized **ONLY WHEN INVOLVED IN PROCUREMENT OPPORTUNITIES OFFERED BY THE VA (other Federal agencies don't have incentives for Veterans).**

**NYS STATE:** Certification by NYS OGS, Division of Service-Disabled Veterans' Business Development: <https://ogs.ny.gov/veterans/service-disabled-veteran-owned-business-certification>  
The Service-Disabled Veteran Owned Business (SDVOB) determinations of disability have previously been determined by the VA through VA Medical evaluations, and the member must submit proof by letter, dated within one (1) year, as part of their application. In addition, submission of a DD Form 214 (Certificate of Release or Discharge from Active Duty) is required by the member. Disability ratings **MUST BE OVER 10% TO QUALIFY.**

-ALL NYS AGENCIES ARE CURRENTLY REQUIRED TO AWARD 30% TO THE MWBE COMMUNITY AND 6% TO THE SDVOB COMMUNITY

**NOTE:** There is currently **NO NYS VETERAN (VOB) CERTIFICATION** at the NYS level, nor is there any "incentive" for VOB's, only SDVOB's.

**COUNTY:** At the present time, only four (4) Counties within New York State; Nassau, Suffolk, Westchester and Onondaga have adopted the NYS SDVOB incentive of 6% (or "best effort" where applicable). These counties utilize/"grandfather" the certification from NYS OGS as the SDVOB standard at the County level on a continuing basis.

**NOTE:** There is currently **NO COUNTY VETERAN (VOB) CERTIFICATION** at the County level, nor is there any "incentive" for VOB's, only SDVOB's.

**TOWNSHIP:** Currently the **ONLY** township; **TOWN OF HEMPSTEAD**, offers an incentive for **VETERAN OWNED BUSINESSES VOB (with multiple caveats, e.g. business must be located within Town of Hempstead).** Townships outside the Counties of Nassau, Suffolk, Westchester and Onondaga, have no VOB, nor SDVOB incentives, unlike the MWBE community.

As presented by both Co-Chairs during the hearing, NYC has no separate, distinct certification for either "VETERAN" (VOB) or "SERVICE-DISABLED" owned businesses (SDVOB), rather NYC relies on the current certification of "EBE" (Emerging Business Enterprise) at an attempt to capture the Veteran population for certification. Unfortunately the other "qualifiers" of EBE certification; namely Economically and Disadvantaged, potentially disqualify many Veterans for the "EBE" certification. "MWBE" enjoys the "incentives" at the Federal, State and County levels with few disqualifiers.

As Secretary for New York Veteran Owned Business Association "NYVOBA", I was actively involved in introducing and testifying before the Suffolk County Legislature (see: <https://www.nyvoba.org/gallery>)

resulting in Suffolk County passing the SDVOB procurement “incentive” in 2018. I am still an active Officer of this “Not-for-Profit / Charitable Association”, and represent over 900 members currently certified by NYS. If I, as an Officer of NYVOBA, can assist the Committee regarding testimony or business sectors represented, I would be happy to assist

With 9,281 certified MWBE firms certified and currently operating in New York State since 1985, Veterans, not just Service-Disabled Veterans, are ready and able to provide services or tangible goods for NYC procurement opportunities; all that’s needed is recognition from the municipality to acknowledge their commitment for their service and sacrifice by way of a Veteran/Service-Disabled Veteran Owned Business certification. Having experience with the certification process for NYS SDVOB’s, the Committee would only need to approve the SDVOB incentive, and amend the current MWBE statutes to read “...MWBE and **SDVOB...**” or “...MWBE and **VOB...**”.

Clearly, with 210,808 Veterans in the five (5) boroughs New York City, as well as the contiguous Counties of Nassau and Westchester having already adopted the SDVOB standard, New York City can now set a continuing precedence and certify Veterans to actively participate in NYC procurement, similar to the current MWBE community.

**David A. Chiaro**  
**s/s 12.02.2021**