

**Sec. 13a-165-2. Definitions**

As used in sections 13a-165-1 through 13a-165-15:

(a) “Applicant” means any small business concern which submits an application to the Department of Transportation seeking certification as a DBE pursuant to these regulations;

(b) “Certification” means the determination that an applicant is a DBE, using the criteria set forth in these regulations and in 49 CFR Part 23, and signifies that the applicant is eligible to bid on or to be awarded contract work in accordance with the affirmative action goals established in the Department’s DBE program. Certification includes the requirement that the applicant be prequalified and is limited to the specific contract activity(ies) for which the applicant is prequalified;

(c) “Commissioner” means the Commissioner of Transportation, State of Connecticut;

(d) “Controlled” means the power to direct the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management and operations. Control shall be real, substantial and continuing, not *pro forma*. It shall be exemplified by possession of the requisite knowledge and expertise to operate the particular business, and goes beyond simple majority, and does not include absentee ownership. Control by a minority or woman will not be deemed to exist if a non-minority owner or employee of the business is disproportionately responsible for the management or operation of the business;

(e) “DBE Certification Panel” means the administrative panel established by the Commissioner of Transportation for the purpose of determining whether a person, firm or corporation meets the eligibility requirements for certification as a Disadvantaged Business Enterprise under these regulations;

(f) “Department” means the Department of Transportation, State of Connecticut;

(g) “Decertification” means the determination that a small business concern, which was certified as a DBE by the Department of Transportation, no longer meets the requirements of a DBE as set forth in these regulations and in 49 CFR Part 23, and therefore is no longer eligible to participate in the DBE program;

(h) “Disadvantaged Business Enterprise” or “DBE” means a small business concern which is owned and controlled by one or more minorities or women who are economically and socially disadvantaged. It also includes a “minority business enterprise,” as that term is defined in 49 CFR Part 23;

(i) “Independent business” means a business that is not inextricably associated with another business through common ownership, affiliation, sharing of employees, facilities, equipment, profits and losses. If there is an “umbilical cord” relationship with a non-disadvantaged business, the business is not an independent business;

(j) “Line of service” means the particular contract activity for which the DBE has been prequalified (e.g., landscaping, bridge painting, paving, etc.);

(k) “Minority” means (1) Black Americans (i.e., all persons having origins in any of the black racial groups of Africa), (2) Hispanic Americans (i.e., all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race), (3) Asian Pacific Americans and Pacific islanders, (4) American Indians and persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through memberships and participation or community identification, (5)

Portuguese (i.e., a person of Portuguese, Brazilian or other Portuguese culture or origin, regardless of race), and (6) members of other groups, or other individuals, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 U.S.C. 637);

(l) “Office of Contract Compliance” or “OCC” means the administrative unit within the Department of Transportation which has been delegated the responsibility by the Commissioner for the implementation, development and management of the Department’s DBE program, including but not limited to the processing of a DBE application and submittal of a certification recommendation to approve or deny a DBE application;

(m) “Owned” means (1) a sole proprietorship, owned and controlled by a minority or woman or (2) a partnership, joint venture or corporation in which the assets are at least 51 percent owned by one or more minorities or women, or if publicly owned, a business in which at least 51 percent of the stock of which is owned by one or more minorities or women;

(n) “Prequalified” means the determination by the Department of Transportation that an applicant has provided information satisfactory to the Department that the applicant possesses the requisite expertise, equipment, financial resources and ability to perform specific contract activities as a potential contractor or subcontractor on a Department project. Prequalification involves not only an evaluation of the applicant’s ability to perform a particular type of contract activity (e.g., landscaping, printing, etc.) but also the size of that contract activity (e.g., a \$50,000; \$100,000; \$500,000; etc. contract);

(o) “Small Business Concern” means a small business concern as defined pursuant to Section 3 of the Small Business Act, and relevant regulations promulgated pursuant thereto, and pursuant to 49 CFR Part 23. For example, currently a small business concern for purposes of highway and bridge construction cannot have annual average gross receipts in excess of \$14 million over the previous three fiscal years.

(Effective January 4, 1990)