**Section 40.20 Definitions**

"Armed Forces of the United States" means *the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 USC 101. Service in the Merchant Marine that constitutes active duty under section 401 of PL 95-202 shall also be considered service in the armed forces for purposes of this Section.* [30 ILCS 500/45-57(e)]

"Certification" means *a determination made by the Illinois Department of Veterans' Affairs and the Department of Central Management Services that a business entity is a qualified service-disabled veteran-owned small business or a qualified veteran-owned small business for whatever purpose. A SDVOSB or VOSB owned and controlled by females, minorities, or persons with disabilities, as those terms are defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, may also select and designate whether that business is to be certified as a "female-owned business", "minority-owned business" or "business owned by a person with a disability", as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.* [30 ILCS 500/45-57(e)]

"CMS" refers to the Department of Central Management Services.

"Committee" means a group made up of 5 individuals appointed by the Director of CMS and the Director of the Department of Veterans' Affairs (DVA) for the purpose of overseeing the certification process for qualified service-disabled veteran-owned small businesses and qualified veteran-owned small businesses. The Director of CMS will appoint 2 persons and the Director of DVA will appoint 3 persons. The appointees will serve for 2 years. The committee shall select a chair person who shall serve until his or her term expires.

"Control" means *the exclusive, ultimate, majority, or sole control of the business, including but not limited to capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operation responsibilities, cost-control matters, income and dividend matters, financial transactions, and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of 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 exemplified by possessing the requisite knowledge and expertise to run the particular business, and control shall not include simple majority or absentee ownership.* [30 ILCS 500/45-57(e)]

"Construction" means building, altering, repairing, improving, or demolishing any public structure or building, or making improvements of any kind to public real property. Construction does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

"Construction-related Services" means those services including construction design, layout, inspection, support, feasibility or location study, research, development, planning or other investigative study undertaken by a construction agency concerning construction or potential construction.

"Construction Agency" means the Capital Development Board for construction or construction-related services of State-owned facilities; the Illinois Department of Transportation for construction or maintenance of roads, highways, bridges, and airports; and the Illinois State Toll Highway Authority for construction or maintenance of toll highways.

"Eligible Group Member" means a person who meets the eligibility requirements set forth in Section 20.300.

"General Discharge (Under Honorable Conditions)" means a confirmation of an administrative separation of a service member from military service whose service has been honest and faithful and appropriate to characterize that service under honorable conditions. A general discharge (under honorable conditions) meets the qualification standard under the SDVOSB and VOSB Program. (See DoD Dir. 1332.14.E3.A2.1.3.2 and E4.3.b(2)(b).)

"Illinois Procurement Code" or "Code" means 30 ILCS 500.

"Qualified Service-Disabled Veteran" means *a veteran who has been found to have 10% or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense* [30 ILCS 500/45-57(e)].

"Qualified Service-Disabled Veteran-Owned Small Business" or "SDVOSB" means *a small business that is at least 51% owned by one or more qualified service-disabled veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified service-disabled veterans living in Illinois; that has its home office in Illinois; and for which* these ownership requirements *are factually verified annually by CMS.* [30 ILCS 500/45-57(e)]

"Qualified Veteran-Owned Small Business" or "VOSB" means *a small business that is at least 51% owned by one or more qualified veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified veterans living in Illinois; that has its home office in Illinois; and for which* these ownership requirements *are factually verified annually by CMS.* [30 ILCS 500/45-57(e)]

"Service-Connected Disability" means *a disability incurred in the line of duty in the active military, naval, or air service as described in 38 USC 101(16).* [30 ILCS 500/45-57(e)]

"Small Business" means *a business that has annual gross sales of less than $75,000,000 as evidenced by the federal income tax return of the business. A firm with gross sales in excess of this cap may apply to CMS for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on* the *SDVOSB or VOSB as suppliers or subcontractors or in employment of veterans or service-disabled veterans.* [30 ILCS 500/45-57(e)]

"State Agency" means  *all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State, but does not include the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, municipalities or other local governmental units, or other State constitutional officers.* [30 ILCS 575/2(6)]

"Time of Hostilities with a Foreign Country" means *any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.* [30 ILCS 500/45-57(e)]

"Utilization Plan" means a plan that describes how the bidder/offeror intends to utilize SDVOSBs or VOSBs to meet the State goal in a solicitation.

"Veteran" means *a person who has been a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and has served under one or more of the following conditions:*

*the veteran served a total of at least 6 months;*

*the veteran served for the duration of hostilities regardless of the length of the engagement;*

*the veteran was discharged on the basis of hardship; or*

*the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.* [30 ILCS 500/45-57(e)]

"Veterans Small Business Program" or "Program" means the State's program that:

fosters economic opportunities for Illinois' military veterans by encouraging the establishment of SDVOSBs and VOSBs; and

establishes an annual, ongoing, percentage goal for all State agencies' award of supplies and services contracts and construction-related State spending that shall be set aside for competitive bidding by Illinois SDVOSBs and VOSBs.

(Recodified from Section 20.20 of 44 Ill. Adm. Code 20 (Central Management Services) pursuant to Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57], at 47 Ill. Reg. 12484)