



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-167015

July 2, 1974

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The Honorable
The Secretary of Labor

Dear Mr. Secretary:

Reference is made to a letter dated March 28, 1974, from Mr. Philip J. Davis, Director, Office of Federal Contract Compliance (OFCC) requesting our Office to review the equal employment opportunity (EEO) regulations for public contracts of the State of Illinois, prescribed by the Illinois Fair Employment Practices Commission, and to determine whether these regulations are in violation of the basic principles of Federal procurement law.

Enclosed is a copy of our decision of today holding that these regulations are inconsistent with the basic principles of Federal procurement law. Our review of this case revealed that these regulations were apparently roughly patterned after OFCC's Revised Order No. 4, 41 CFR 60-2, which concerns EEO requirements on Federal nonconstruction contracts.

Revised Order No. 4, also seems to be in violation of the basic principles of Federal procurement law enunciated in our decisions in 47 Comp. Gen. 666 (1967) and 48 Comp. Gen. 326 (1968), in that a contractor can be defaulted under these regulations for its failure to submit an "acceptable" affirmative action plan despite the fact that these regulations do not seem to contain any definite minimum standards and criteria apprising the prospective bidders of the basis upon which their compliance with the EEO requirements will be judged.

Consequently, we believe some action should be taken to establish definite minimum standards.

B-167015

We would appreciate your advise as to any proposed action taken on our recommendations.

(SIGNED) ELMER B. STAATS

Comptroller General
of the United States

Enclosure