DEPARTMENT OF DEFENSE
GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 4, 13, 18, and 19
[FAR Case 2015–020; Docket 2015–0020;
Sequence 1]
RIN 9000–AN09

Federal Acquisition Regulation;
Simplified Acquisition Threshold for
Overseas Acquisitions in Support of
Humanitarian or Peacekeeping
Operations

AGENCIES: Department of Defense (DoD),
General Services Administration (GSA), and
National Aeronautics and Space
Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are
proposing to amend the Federal
Acquisition Regulation (FAR) to
implement a higher simplified
acquisition threshold for overseas
acquisitions in support of humanitarian
or peacekeeping operations.

DATES: Interested parties should submit
written comments to the Regulatory
Secretariat at 202–501–2020, extension
4544, or via the Federal eRulemaking
portal by September 7, 2015. Comments
received after this date will be considered
in the formulation of a final rule.

ADDRESSES: Submit comments in
response to FAR Case 2015–020 by any
of the following methods:
  Submit comments via the Federal eRulemaking
  portal by searching for “FAR Case 2015–020.”
  Select the link “Comment Now” that
  corresponds with FAR Case 2015–020.
- Mail: General Services Administration, Regulatory
  Secretariat (MVCB), ATTN: Ms. Flowers, 1800 F
  Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments
only and cite FAR Case 2015–020, in all
correspondence related to this case.
Comments received generally will be
posted without change to http://www.regulations.gov,
including any personal and/or business confidential
information provided. To confirm
receipt of your comment(s), please
check www.regulations.gov,
approximately two to three days after
submission to verify posting (except
allow 30 days for posting of comments
submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms.
Kathlyn Hopkins, Procurement Analyst,
at 202–969–7226, for clarification of
content. For information pertaining to
status or publication schedules, contact
the Regulatory Secretariat at 202–501–
4755. Please cite FAR case 2015–020.

SUPPLEMENTARY INFORMATION:

I. Background
The purpose of this rule is to
implement 41 U.S.C. 153, which
establishes a higher simplified
acquisition threshold (SAT) for overseas
acquisitions in support of humanitarian
or peacekeeping operations. FAR Case
2003–022 was published as an interim
rule on February 23, 2004 (69 FR 8312)
and as a final rule on December 20, 2004
(69 FR 76350). Drafters of that rule
revised the definition for SAT contained
at FAR 2.101. Definitions, but also
inadvertently deleted the reference to
overseas humanitarian or peacekeeping
missions and the requisite doubling of
the SAT in those circumstances. The
civilian statute at the time was
numbered 41 U.S.C. 259(d)(1); it is now
at 41 U.S.C. 153. The purpose of this
rule is to restate the increased SAT for
overseas acquisitions for peacekeeping
or humanitarian operations. Conforming
changes are made in FAR parts 4, 13, 18,
and 19.

II. Executive Orders 12866 and 13563
Executive Orders (E.O.s) 12866 and
13563 direct agencies to assess all costs
and benefits of available regulatory
alternatives and, if regulation is
necessary, to select regulatory
approaches that maximize net benefits
(including potential economic,
environmental, public health and safety
effects, distributive impacts, and
equity). E.O. 13563 emphasizes the
importance of quantifying both costs
and benefits, of reducing costs, of
harmonizing rules, and of promoting
flexibility. This is not a significant
regulatory action and, therefore, was
not subject to review under section 6(b)
of E.O. 12866, Regulatory Planning and
Review, dated September 30, 1993. This
rule is not a major rule under 5 U.S.C.
804.

III. Regulatory Flexibility Act
DoD, GSA, and NASA do not expect
this proposed rule to have a significant
economic impact on a substantial
number of small entities within the
meaning of the Regulatory Flexibility
Act, 5 U.S.C. 601, et seq., because the
rule merely provides flexibilities
associated with contracting under the
SAT for overseas acquisitions in support
of humanitarian or peacekeeping
operations. However, an Initial
Regulatory Flexibility Analysis (IRFA)
has been performed, and is summarized
as follows:

The purpose of this rule is to implement
41 U.S.C. 153, which establishes a higher
SAT for overseas acquisitions in support
of humanitarian or peacekeeping
operations. The increased threshold is
limited to those procurements. In Fiscal
Year 2014, 1,545 awards were made in support of
humanitarian or peacekeeping operations,
and 585 (37.86 percent) of these awards were
to small businesses. Additionally, only 81
(5.24 percent) of the awards were valued
between $150,000 and $300,000. Therefore, it
is not anticipated that this rule will have a
significant economic impact on small
businesses.

The rule does not duplicate, overlap, or
conflict with any other Federal rules. No
alternatives were determined that will
accomplish the objectives of the rule.

The Regulatory Secretariat has
submitted a copy of the IRFA to the
Chief Counsel for Advocacy of the Small
Business Administration. A copy of the
IRFA may be obtained from the
Regulatory Secretariat. DoD, GSA, and
NASA invite comments from small
business concerns and other interested
parties on the expected impact of this
rule on small entities.

DoD, GSA, and NASA will also
consider comments from small entities
concerning the existing regulations in
subparts affected by the rule in
accordance with 5 U.S.C. 610. Interested
parties must submit such comments
separately and should cite 5 U.S.C. 610
(FAR Case 2015–020), in correspondence.

IV. Paperwork Reduction Act
This rule does not contain any
information collection requirements that
require the approval of the Office of
Management and Budget under the
Paperwork Reduction Act (44 U.S.C.
chapter 35).

List of Subjects in 48 CFR Parts 2, 4, 13,
18, and 19

Government procurement.

William Clark,
Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA
propose amending 48 CFR parts 2, 4, 13,
18, and 19 as set forth below:

1. The authority citation for 48 CFR
parts 2, 4, 13, 18, and 19 continues to
read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C.
chapter 137; and 51 U.S.C. 20113.
The threshold increases when the head of the agency determines the supplies or services are to be used to support a humanitarian or peacekeeping operation. (See 2.101.)

PART 19—SMALL BUSINESS PROGRAMS

19.203 [Amended]  
6. Amended section 19.203 by removing from paragraph (b) “described in paragraph (1)” and adding “described in paragraph (1)(i)” in its place.

19.502–2 [Amended]  
7. Amended section 19.502–2 by removing from paragraph (a) “described in paragraph (1) of the Simplified Acquisition Threshold” and adding “described in paragraph (1)(i) of the simplified acquisition threshold” in its place.

[FDR Doc. 2015–25614 Filed 10–7–15; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 36

[FR Case 2015–018; Docket No. 2015–0018; Sequence No. 1]

RIN 9000–AN10

Federal Acquisition Regulation; Improvement in Design-Build Construction Process

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 814 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 that requires the head of the contracting activity, delegable to a level no lower than the senior contracting official, to approve any determinations to select more than five offerors to submit phase-two proposals for a two-phase design-build construction acquisition that is valued at greater than $4 million.

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below or before December 7, 2015 to be considered in the formulation of a final rule.

II. Discussion and Analysis

This proposed rule does not change the maximum number of offerors, currently five, that may be selected to submit phase-two proposals without a contracting officer determination. However, for acquisitions valued above...