

This rule implements section 814 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015. Section 814 is entitled Improvement in Defense Design-Build Construction Process. Section 814 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.

No comments were received by the public comments in response to the initial regulatory flexibility analysis. The number of design-build construction awards is not currently tracked by the Federal government's business systems. In Fiscal Year 2014, the Federal Government awarded 3,666 construction awards to 2,239 unique small business vendors. It is unknown what percentage of these contracts involved design-build construction services.

This rule does not impose new recordkeeping or reporting requirements. The new approval requirement for advancing more than five contractors to phase two of a two-phase design-build selection procedure only affects the internal operating procedures of the Government. For acquisitions valued over \$4 million, the head of the contracting activity (HCA) is required to now make a determination that it is in the best interest of the Government to select more than five offerors to proceed to phase two. Any burden caused by this rule is expected to be minimal and will not be any greater on small businesses than it is on large businesses.

No alternative approaches were considered. The new approval requirement for advancing more than five contractors to phase two of a two-phase design-build selection procedure only affects the internal operating procedures of the Government. It is not anticipated that the proposed rule will have a significant economic impact on small entities.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

#### V. Paperwork Reduction Act

The final 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 Subject in 48 CFR Part 36

Government procurement.

Dated: May 5, 2016.

**William Clark,**

*Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, DoD, GSA, and NASA amend 48 CFR part 36 as set forth below:

#### PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

■ 1. The authority citation for 48 CFR part 36 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Amend section 36.303–1 by revising paragraph (a)(4) to read as follows:

##### 36.303–1 Phase One.

(a) \* \* \*

(4) A statement of the maximum number of offerors that will be selected to submit phase-two proposals. The maximum number specified in the solicitation shall not exceed five unless the contracting officer determines, for that particular solicitation, that a number greater than five is in the Government's interest and is consistent with the purposes and objectives of the two-phase design-build selection procedures. The contracting officer shall document this determination in the contract file. For acquisitions greater than \$4 million, the determination shall be approved by the head of the contracting activity, delegable to a level no lower than the senior contracting official within the contracting activity. In civilian agencies, for this paragraph (a)(4), the senior contracting official is the advocate for competition for the procuring activity, unless the agency designates a different position in agency procedures. The approval shall be documented in the contract file.

\* \* \* \* \*

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#### DEPARTMENT OF DEFENSE

#### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 1

[FAC 2005–88; Item V; Docket No. 2016–0052; Sequence No. 2]

#### Federal Acquisition Regulation; Technical Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

**DATES:** *Effective:* May 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ms. Hada Flowers, Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405, 202–501–4755. Please cite FAC 2005–88, Technical Amendments.

**SUPPLEMENTARY INFORMATION:** In order to update certain elements in 48 CFR part 1 this document makes editorial changes to the FAR.

#### List of Subject in 48 CFR Part 1

Government procurement.

Dated: May 5, 2016.

**William Clark,**

*Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, DoD, GSA, and NASA amend 48 CFR part 1 as set forth below:

#### PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 1. The authority citation for 48 CFR part 1 continues to read as follow:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

##### 1.106 [Amended]

■ 2. Amend section 1.106 in the table following the introductory text, by—

■ a. Removing FAR segment “3.4” and its corresponding OMB Control No. “9000–0003”;

■ b. Removing from FAR segment 3.11, the OMB Control No. “9000–0181” and adding “9000–0183” in its place;

■ c. Removing from FAR segment 9.2, the OMB Control No. “9000–0020” and adding “9000–0083” in its place;

- d. Removing FAR segment “14.214” and its corresponding OMB Control No. “9000-0105”;
- e. Adding in numerical sequence, FAR segment “22.5” and its corresponding OMB Control No. “9000-0175”;
- f. Removing from FAR segment 22.16, the OMB Control No. “1215-0209” and adding “1245-0004” in its place;
- g. Removing FAR segment “32” and its corresponding OMB Control No. “9000-0035”;
- h. Adding in numerical sequence, FAR segment “42.15” and its corresponding OMB Control No. “9000-0142”;
- i. Adding in numerical sequence, FAR segments “44.305” and “52.244-2(i)” and their corresponding OMB Control No. “9000-0132”;
- j. Removing from FAR segment 52.203-16, the OMB Control No. “9000-0181” and adding “9000-0183” in its place;
- k. Adding in numerical sequence, FAR segments “52.207-4”, “52.209-1”, “52.209-2”, “52.209-5”, “52.209-6”, “52.211-7”, “52.212-3(h)”, and “52.212-5”, and their corresponding OMB Control Nos., “9000-0082”, “9000-0083”, “9000-0190”, “9000-0094”, “9000-0094”, “9000-0153”, “9000-0094”, and “9000-0034”, respectively;
- l. Removing from FAR segment 52.222-4, the OMB Control No. “1215-0119” and adding “1235-0023” in its place;
- m. Removing from FAR segment 52.222-6, the OMB Control No. “1215-0140” and adding “1235-0023” in its place;
- n. Removing FAR segment “55.222-17” and its corresponding OMB Control Nos. “1235-0007 and 1235-0025”;
- o. Adding in numerical sequence, FAR segment “52.222-17” and its corresponding OMB Control Nos. “1235-0007 and 1235-0025”;
- p. Removing from FAR segment 52.222-18, the OMB Control No. “9000-0127” and adding “9000-0155” in its place;
- q. Removing from FAR segment 52.222-40, the OMB Control No. “1215-0209” and adding “1245-0004” in its place;
- r. Adding in numerical sequence, FAR segments “52.222-54” and “52.223-7”, and their corresponding OMB Control Nos. “1615-0092” and “9000-0107”, respectively;
- s. Removing from FAR segment 52.225-4, the OMB Control No. “9000-

0130” and adding “9000-0024” in its place;

- t. Removing from FAR segment 52.225-6, the OMB Control No. “9000-0025” and adding “9000-0024” in its place;
- u. Removing from FAR segment 52.225-9, the OMB Control No. “9000-0141” and adding “9000-0024” in its place;
- v. Adding in numerical sequence, FAR segment “52.225-10” and its corresponding OMB Control No. “9000-0024”;
- w. Removing from FAR segment 52.225-11, the OMB Control No. “9000-0141” and adding “9000-0024” in its place;
- x. Adding in numerical sequence, FAR segment “52.225-12” and its corresponding OMB Control No. “9000-0024”;
- y. Removing from FAR segment 52.225-21, the OMB Control No. “9000-0141” and adding “9000-0024” in its place;
- z. Removing from FAR segment 52.225-23, the OMB Control No. “9000-0141” and adding “9000-0024” in its place;
- aa. Adding in numerical sequence, FAR segment “52.225-26” and its corresponding OMB Control No. “9000-0184”;
- bb. Adding in numerical sequence, FAR segments “52.227-11” and “52.227-13”, and their corresponding OMB Control No. “9000-0095”;
- cc. Removing from FAR segment 52.232-5, the OMB Control No. “9000-0070” and adding “9000-0102” in its place;
- dd. Adding in numerical sequence, FAR segments “52.232-33” and “52.232-34” and their corresponding OMB Control No. “9000-0144”;
- ee. Removing FAR segment “52.233-7” and its corresponding OMB Control No. “9000-0117”;
- ff. Removing from FAR segment 52.236-13, the OMB Control No. “1220-0029 and”;
- gg. Adding in numerical sequence, FAR segments “52.237-10” and “52.242-13” and their corresponding OMB Control Nos. “9000-0152” and “9000-0108”, respectively;
- hh. Removing FAR segment “52.246-10” and its corresponding OMB Control No. “9000-0077”;
- ii. Adding in numerical sequence, FAR segments “52.247-6” and “52.247-52” and their corresponding OMB Control No. “9000-0061”;
- jj. Removing FAR segment “52.249-11” and its corresponding OMB Control No. “9000-0028”;

- kk. Adding in numerical sequence, FAR segment “52.251-2” and its corresponding OMB Control No. “9000-0032”;

- ll. Adding in numerical sequence, FAR segments “SF 294” and “SF 295” and their corresponding OMB Control Nos. “9000-0006” and “9000-0007”, respectively.

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Chapter 1

[Docket No. FAR 2016-0051, Sequence No. 2]

#### Federal Acquisition Regulation; Federal Acquisition Circular 2005-88; Small Entity Compliance Guide

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

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2005-88, which amends the Federal Acquisition Regulation (FAR). An asterisk (\*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2005-88, which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

**DATES:** May 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005-88 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755.