

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Overflow .....	Approximately 500 feet upstream from the intersection with W 335 North LP.	None	+3468	City of Amarillo.
	Approximately 500 feet downstream from confluence with Dry Creek.	None	+3416	
Playa Lake 21 .....	Approximately 120 feet north of W 335 North Loop intersection.	None	+3468	City of Amarillo.
	Approximately 570 feet east of Willow Street and SE 15th Avenue.	*3612	+3614	
Playa Lake 22 .....	Approximately 3500 feet north of SE 3rd Avenue and S Whitaker Road intersection.	*3587	+3589	City of Amarillo.
Playa Lake 23 .....	Approximately 1500 feet northwest of S. Adams Street and SW 1st Avenue Intersection.	*3617	+3619	City of Amarillo.
Playa Lake 34 .....	Approximately 4600 feet southwest of Highway 287 and S. Parsley Road intersection.	None	+3553	City of Amarillo.
Playa Lake 6 .....	Approximately 1000 feet south of Pecos Street and IH 40 intersection.	*3627	+3624	City of Amarillo.
Playa Lake 60 .....	Approximately 2000 feet east of Spur 228 .....	None	+3558	Potter County (Unincorporated Areas).
Playa Lake 61 .....	Approximately 1100 feet northeast from intersection of Parsley Road and railroad.	None	+3596	City of Amarillo.
Tributary B .....	Confluence with Dry Creek .....	None	+3468	City of Amarillo.
	Approximately 100 feet from the intersection with N Western Street.	None	+3530	
Tributary C .....	Confluence with Dry Creek .....	None	+3468	City of Amarillo.
	Approximately 100 feet upstream from Fairway Drive	None	+3506	
Tributary D .....	Confluence with Tributary B .....	None	+3505	City of Amarillo.
	Approximately 500 feet upstream from West Amarillo Boulevard.	None	+3582	
Tributary .....	Approximately 50 feet downstream from confluence with Tributary D.	None	+3532	City of Amarillo.
	Approximately 1000 feet upstream from NW 10th Avenue.	None	+3579	
West Amarillo Creek .....	Approximately 1000 feet west of the intersection of Helium Road and W. 9th Avenue.	None	+3616	Potter County (Unincorporated Areas).
	Approximately 100 feet upstream from the intersection with Indian Hill Road.	None	+3708	

\* National Geodetic Vertical Datum.  
 # Depth in feet above ground.  
 + North American Vertical Datum.

**ADDRESSES**

**City of Amarillo**

Maps are available for inspection at 509 E. 7th Ave., Amarillo, TX 79105.  
 Send comments to The Honorable Debrah McCartt, Mayor, City of Amarillo, P.O. Box 1971, Amarillo, TX 79105.

**Potter County (Unincorporated Areas)**

Maps are available for inspection at 2419 E. Willow Creek, Amarillo, TX 79108.  
 Send comments to The Honorable Arthur Ward, Judge, Potter County, 500 S. Fillmore, Amarillo, TX 79101.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: July 3, 2007.

**David I. Maurstad,**

*Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E7-13609 Filed 7-12-07; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**[Docket No. FEMA-B-7724]**

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a

newspaper of local circulation in each community.

**ADDRESSES:** The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more

stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Regulatory Classification.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of

September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This proposed rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

**PART 67—[AMENDED]**

1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 67.4 [Amended]**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground.		Communities affected
		Effective	Modified	
<b>Baker County, Florida, and Incorporated Areas</b>				
Barber Bay Tributary .....	At confluence with South Prong Saint Marys River .....	None	+85	City of Macclenny.
	At confluence with South Prong Saint Marys River .....	None	+85	
	1100 feet upstream of County Road 228 .....	None	+124	
South Prong Saint Marys River.	3000 feet upstream of County Road 228 .....	None	+128	Baker County (Unincorporated Areas).
	6459 feet downstream from the confluence with Barber Bay Tributary.	+80	+79	
	8800 feet upstream from the confluence with South Prong St. Mary's River Tributary 8.	None	+100	
Tributary 8 .....	At confluence with South Prong Saint Marys River .....	None	+97	Baker County (Unincorporated Areas).
Turkey Creek .....	At confluence with South Prong Saint Marys River .....	None	+94	Baker County (Unincorporated Areas).
	1680 feet upstream of the confluence with Turkey Creek Tributary 2.	None	+111	
	1250 feet upstream of Barber Road .....	None	+116	
Tributary 1 .....	810 feet downstream of Barber Road .....	None	+117	Baker County (Unincorporated Areas).
	At confluence with Turkey Creek .....	None	+95	
	8960 feet upstream of State Highway 121 .....	None	+138	
Tributary 1.1 .....	At confluence with Turkey Creek Tributary 1.1 .....	None	+98	Baker County (Unincorporated Areas).
	1190 feet upstream of Woodlawn Road .....	None	+117	
Tributary 2 .....	1280 feet upstream of Woodlawn Road .....	None	+118	City of Macclenny.
	1940 feet upstream of Woodlawn Road .....	None	+119	
	At confluence with Turkey Creek .....	None	+109	
	3080 feet upstream of the confluence with Turkey Creek Tributary 2.1.	None	+125	
	3080 feet upstream of the confluence with Turkey Creek Tributary 2.1.	None	+125	
Tributary 2.1 .....	145 feet upstream of U.S. Highway 90 .....	None	+129	City of Macclenny.
	At Interstate 10 .....	None	+129	
	At confluence with Turkey Creek Tributary 2 .....	None	+115	
	At Powerline Road .....	None	+122	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground.		Communities affected
		Effective	Modified	
	At Powerline Road .....	None	+122	
	3040 feet upstream of Canal Road .....	None	+132	

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.

**ADDRESSES**

**City of Macclenny**

Maps are available for inspection at 32 South 5th Street, Macclenny, FL 32063.  
 Send comments to The Honorable Gary Dopson, Mayor, City of Macclenny, 55 North 3rd Street, Macclenny, FL 32063.

**Baker County (Unincorporated Areas)**

Maps are available for inspection at 55 North 3rd Street, Macclenny, FL 32063.  
 Send comments to Mr. Joe Cone, County Manager, 55 North 3rd Street, Macclenny, FL 32063.

**Jackson County, Illinois, and Incorporated Areas**

Big Muddy River .....	Approximately 4,050 ft above South 20th Street .....	None	+372	Jackson County (Unincorporated Areas).
Crab Orchard Creek .....	Approximately 4,810 ft above North Cleveland Street Approximately 100 feet downstream of Helm Road ....	None None	+375 +380	Jackson County (Unincorporated Areas).
Drury Creek .....	Approximately 1500 feet south of Dillinger Road .....	None	+383	Jackson County (Unincorporated Areas).
	Approximately 1,500 feet north of the termination of Church Street.	None	+434	
Mississippi River .....	Approximately 700 feet south of the intersection of Giant City Road and Springer Ridge Road.	None	+437	City of Grand Tower.
	Approximately 900 feet downstream of Grand Tower Road extended.	+372	+370	
Mississippi River .....	Approximately 720 feet above 25th Street extended ...	+375	+371	Village of Gorham, Jackson County (Unincorporated Areas).
	Approximately at Muntz Road Alignment (Mouth of Big Muddy River) Union/Jackson County Boundary.	None	+368	
North Fork .....	Approximately at Levee Road (Mouth of Degognia Creek) Randolph/Jackson County Boundary.	None	+383	Jackson County (Unincorporated Areas).
	280 feet east of 8th Street .....	None	+387	
North Tributary .....	200 feet east of 8th Street .....	None	+388	Jackson County (Unincorporated Areas).
	Approximately at the railroad .....	None	+402	
Pond Creek .....	Approximately at Town Road (West Road) .....	None	+402	Jackson County (Unincorporated Areas).
	Approximately at the railroad crossing at the North boundary of Murphysboro.	None	+399	
South Tributary .....	Approximately at Cochran Road .....	None	+401	Jackson County (Unincorporated Areas).
	East of Roosevelt Street (US 51) .....	None	+394	
	At Town Road (West Road) .....	None	+403	

\* National Geodetic Vertical Datum.  
 # Depth in feet above ground.  
 + North American Vertical Datum.

**ADDRESSES**

**City of Grand Tower**

Maps are available for inspection at 201 Market Street, Grand Tower City Hall, Grand Tower, IL 62942.  
 Send comments to The Honorable Randy Ellet, Mayor, City of Grand Tower, P.O. Box 273, Grand Tower, IL 62942.

**Jackson County (Unincorporated Areas)**

Maps are available for inspection at 20 South 10th Street, County Assessment Office, Murphysboro, IL 62966.  
 Send comments to The Honorable John Evans, County Board Chairman, Jackson County, Illinois, 1001 Walnut Street, Jackson County Courthouse, Murphysboro, IL 62966.

**Village of Gorham**

Maps are available for inspection at 306 Washington Street, Gorham City Hall, Gorham, IL 62940.  
 Send comments to The Honorable Ralph Stone, Village President, Village of Gorham, 306 Washington Street, Gorham, IL 62940.

**Union County, Illinois, and Incorporated Areas**

Mississippi River .....	Alexander/Union County Boundary, approximately 3,000 feet upstream of the Mouth of Picayune Chute in Alexander County.	+359	+354	Union County (Unincorporated Areas).
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Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground.		Communities affected
		Effective	Modified	
	Approximately 5,480 feet above Muddy Levee Road ..	+371	+369	

\* National Geodetic Vertical Datum.  
 # Depth in feet above ground.  
 + North American Vertical Datum.

**ADDRESSES**

**Union County (Unincorporated Areas)**

Maps are available for inspection at 311 West Market Street, Union County Clerk, Jonesboro, IL 62952.  
 Send comments to The Honorable Bill Jackson, County Board Chairman, Union County, Illinois, 309 West Market Street, Room 100, Jonesboro, IL 62952.

**Tunica County, Mississippi, and Incorporated Areas**

Buck Island Bayou .....	At Fields Road .....	None	+189	Tunica County (Unincorporated Areas).
	At Highway 3 .....	None	+189	
Jack Lake Bayou .....	At Jack Lake Crossing .....	None	+189	Tunica County (Unincorporated Areas).
	At Verner Road .....	None	+191	Tunica County (Unincorporated Areas).
Minton Bayou .....	At confluence with Jack Lake Bayou .....	None	+189	
	At Fields Road .....	None	+190	Tunica County (Unincorporated Areas).
White Oak Bayou .....	At Highway 4 .....	None	+181	
	At Highway 61 .....	None	+186	Town of Tunica. Tunica County (Unincorporated Areas).
Tributary .....	At Academy Road .....	+189	+190	
	At Fox Island Road .....	+191	+192	

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.

**ADDRESSES**

**Town of Tunica**

Maps are available for inspection at Town Hall, 909 River Road, Tybuca, MS 38676.  
 Send comments to The Honorable Lynn Sturgill, Mayor, Town of Tunica, P.O. Box 395, Tunica, MS 38676.

**Tunica County (Unincorporated Areas)**

Maps are available for inspection at Office of Planning and Development, 1061 South Court Street, Tunica, MS 38676.  
 Send comments to Mr. Cedric Burnett, President, Tunica County Board of Supervisors, P.O. Box 639, Tunica, MS 38676.

**Waller County, Texas, and Incorporated Areas**

Cane Island Branch .....	Intersection with U.S. 190 .....	+142	+137	City of Katy.
	Approximately 535 feet upstream of Clay Road intersection.	None	+158	
Cypress Creek .....	Intersection with private road contiguous with county line.	+171	+170	Waller County (Unincorporated Areas).
	Confluence with Mound Creek .....	+186	+185	City of Waller. Waller County (Unincorporated Areas).
East Fork Mound Creek .....	Confluence with Mound Creek .....	+223	+221	
	200 feet upstream of Taylor intersection .....	+248	+249	
	Approximately 1800 feet downstream from confluence with Tributary 7.62 of Mound Creek.	+216	+217	City of Waller.
Mound Creek .....	Approximately 1000 feet upstream of confluence with Tributary 7.62 of Mound Creek.	+216	+219	
Spring Creek .....	3800 feet downstream of intersection with Nichols Rd	None	+202	City of Waller.
	850 feet upstream of 1736 intersection .....	None	+291	
Tributary 7.62 of Mound Creek.	Confluence with Mound Creek .....	+217	+218	Waller County (Unincorporated Areas).
	Approximately 4000 feet upstream of confluence with Mound Creek.	+221	+224	

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.

**ADDRESSES**

**City of Katy**

Maps are available for inspection at 910 Avenue C, Katy, TX 77493.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground.		Communities affected
		Effective	Modified	

Send comments to The Honorable Doyle Callender, Mayor, P.O. Box 617, Katy, TX 77492.

#### City of Waller

Maps are available for inspection at P.O. Box 239, Waller, TX 77484.

Send comments to The Honorable Dwayne Hajek, Mayor, P.O. Box 239, Waller, TX 77484.

#### Waller County (Unincorporated Areas)

Maps are available for inspection at 775 Business 290 East, Hempstead, TX 77445.

Send comments to The Honorable Owen Ralston, County Judge, 836 Austin St., Ste. 203, Hempstead, TX 77445.

#### Fond Du Lac County, Wisconsin, and Incorporated Areas

McDermott Creek .....	Approximately 0.4 mile downstream of County Highway T.	None	+777	City of Fond Du Lac.
	Approximately 0.4 mile upstream of County Highway T.	None	+808	Fond Du Lac County (Unincorporated Areas).
Mosher Creek .....	Approximately 300 feet upstream of U.S. Highway 45 (Lakeshore Drive).	+750	+749	Village of North Fond Du Lac
	Approximately 200 feet upstream of McKinley Street ..	+768	+767	Fond Du Lac County (Unincorporated Areas).
Rush Lake .....	Approximately 0.6 mile Northwest of the intersection of Island Road and Elbow Road.	None	+823	Fond Du Lac County (Unincorporated Areas).
	Approximately 0.5 mile Northeast of the intersection of Rich Road and County Highway E.	None	+823	
South Branch Rock River .....	Just downstream of Northbound U.S. Highway 151 .....	None	+871	Fond Du Lac County (Unincorporated Areas).
	Just upstream of Southbound U.S. Highway 151 .....	None	+871	
Taycheedah Creek .....	Approximately 0.5 mile downstream of DuCharme Parkway.	+753	+754	City of Fond Du Lac.
	Just downstream of state Highway 23 .....	+767	+768	Fond Du Lac County (Unincorporated Areas).

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

#### City of Fond Du Lac

Maps are available for inspection at City Hall, 160 South Macy Street, Fond Du Lac, WI 54935-0150.

Send comments to Tom Herre, City Manager, City of Fond Du Lac, Post Office Box 150, Fond du Lac, WI 54936.

#### Unincorporated Areas of Fond Du Lac County

Maps are available for inspection at Fond Du Lac County Courthouse, 160 South Macy Street, Fond Du Lac, WI 54935.

Send comments to Allen Buechel, County Executive, Fond Du Lac County, 160 South Macy Street, Fond Du Lac, WI 54935.

#### Village of North Fond Du Lac

Maps are available for inspection at Village Hall, Village of North Fond Du Lac, 16 Garfield Street, North Fond Du Lac, WI 54937-1399.

Send comments to Charles Hornung, Village President, Village of North Fond Du Lac, 16 Garfield Street, North Fond Du Lac, WI 54937.

#### Jefferson County, Wisconsin, and Incorporated Areas

Koshkonong Creek .....	Just upstream of Rockdale Road .....	+796	+795	Jefferson County (Unincorporated Areas).
	Approximately 1,200 feet upstream of Bridge Street ...	+844	+843	
Maunsha River .....	Approximately 1,500 feet downstream of Highway 19	None	+830	City of Waterloo.
	Approximately 1,000 feet downstream of Highway 19	None	+830	
Unnamed Stream .....	Approximately 1,500 feet downstream of County Highway C.	None	+804	Jefferson County (Unincorporated Areas).
	Just downstream of County Highway C .....	None	+804	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

#### City of Waterloo

Maps are available for inspection at City Hall, 136 North Monroe Street, Waterloo, WI 53594.

Send comments to The Honorable Robert Thompson, Mayor, City of Waterloo, City Hall, 136 North Monroe Street, Waterloo, WI 53594.

#### Jefferson County (Unincorporated Areas)

Maps are available for inspection at Jefferson County Courthouse, 320 South Main Street, Room 201, Jefferson, WI 53549.

Send comments to Ms. Sharon L. Schmeling, Chairperson, Jefferson County Board, Jefferson County Courthouse, 320 South Main Street, Room 201, Jefferson, WI 53549.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: July 3, 2007.

**David I. Maurstad,**

*Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E7-13616 Filed 7-12-07; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### 48 CFR Part 3036

[Docket No. DHS-2007-0024]

RIN 1601-AA44

#### Department of Homeland Security Acquisition Regulation; One-Step Turnkey Design-Build Contracts for United States Coast Guard (HSAR Case 2007-002)

**AGENCY:** Department of Homeland Security.

**ACTION:** Proposed rule with requests for comments.

**SUMMARY:** The Department of Homeland Security (DHS) is proposing to amend the Department of Homeland Security Acquisition Regulation (HSAR) to incorporate the delegation of turnkey design-build authority from the Secretary of Homeland Security to the United States Coast Guard. The rule is necessary to implement changes resulting from section 205 of Public Law 109-241.

**DATES:** Submit comments by August 13, 2007.

**ADDRESSES:** You may submit comments, identified by Docket Number DHS-2007-0024, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [Kathy.Strouss@dhs.gov](mailto:Kathy.Strouss@dhs.gov). Include the docket number in the subject line of the message.

- *Mail:* Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, ATTN: Kathy Strouss, 245 Murray Drive, Bldg. 410 (RDS), Washington, DC 20528.

**FOR FURTHER INFORMATION CONTACT:** Kathy Strouss, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy, (202) 447-5300.

#### SUPPLEMENTARY INFORMATION:

- I. Public Participation
- II. Background and Purpose

#### III. Discussion of Proposed Rule

#### IV. Regulatory Analyses

- A. Executive Order 12866 Assessment
- B. Regulatory Flexibility Act
- C. Unfunded Mandates Reform Act
- D. Paperwork Reduction Act
- E. Executive Order 13132: Federalism
- F. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights
- G. Executive Order 12988: Civil Justice Reform
- H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- I. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- J. Executive Order 13211: Energy Effects
- K. National Environmental Policy Act

#### I. Public Participation

DHS invites interested persons to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. DHS also invites comments that relate to the economic, environmental, or federalism affects that might result from this proposed rule. Comments that will provide the most assistance to DHS in developing these procedures will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

You may submit your comments and material by one of the methods specified in the **ADDRESSES** section. Please submit your comments and material by only one means. If you submit them by mail, submit them in an unbound format, no larger than 8.5 by 11 inches, suitable for copying and electronic filing. If you want DHS to acknowledge receipt of comments by mail, include with your comments a self-addressed, stamped postcard that includes the docket number for this rulemaking. We will stamp the date on the postcard and mail it to you.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

#### II. Background and Purpose

Currently, the Federal Acquisition Regulation (FAR) provides for Two-Phase Design-Build Selection Procedures. These procedures are used

when the Government determines it is appropriate to combine design and construction in a single contract with one contractor. *See* 48 CFR 36.3, "Two-Phase Design-Build Selection Procedures." Since the FAR does not allow for consideration of cost or price related factors until the second phase, the Two-Phase procedures require proposal evaluation at two separate points. *See* 48 CFR 36.303-2(b)). The existing two-phase selection procedures, whether one solicitation for both phases or two solicitations issued sequentially, require evaluation of technical approach and technical qualifications in phase one and evaluation of technical factors (such as design concepts or proposed solutions and price) in phase two. These procedures result in substantial completion time for both interested firms and the Government.

The proposed rule amends the HSAR to allow for one-step turnkey design-build contracting for United States Coast Guard facilities. This one-step design-build contracting method results in a single contractor for both design and construction services. The one-step turnkey selection procedures for design-build consist of a single price and technical evaluation for a single, firm fixed-price contract with one contractor. This approach, which works well for less complex facilities' construction projects requiring little design, provides for shortened procurement and execution stages when compared to the existing two-phase selection procedures.

#### III. Discussion of Proposed Rule

The proposed rule adds a new section and subpart to the HSAR at 48 CFR 3036.104-90. DHS is amending the HSAR to implement changes resulting from section 205 of Public Law 109-241 (regarding one-step turnkey selection procedures for design-build contracts of the United States Coast Guard) and to incorporate the delegation of turnkey design-build authority from the Secretary of Homeland Security to the United States Coast Guard.

#### IV. Regulatory Analyses

##### A. Executive Order 12866 Assessment

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. The proposed rule reduces proposal submittal requirements for Design-Build contracts through a one-step turnkey