

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For Other Than Full and Open Competition (>SAT)

[REDACTED]

1. Contracting Activity: Department of Veterans Affairs, Network Contracting Office 16 (NCO 16), 5075 Westheimer Road, Suite 750, Houston, TX 77056

Organizational Activity: Michael E. DeBakey VA Medical Center (MEDVAMC), 2002 Holcombe Boulevard, Houston, TX 77030

[REDACTED]

2. Nature and/or Description of the Action Being Approved:

This action is an urgent, emergency Design-Build (D/B) acquisition to replace up to three (3) critical Automatic Transfer Switches (ATS) serving the chiller plant in Building B-104 at MEDVAMC. Two ATS are currently failing, and a third shows signs of imminent failure. Because there are no backup ATS units, failure of any one ATS would directly compromise chiller plant operations, interrupt cooling to critical clinical environments, and jeopardize patient care. The Government intends to award a firm-fixed-price D/B contract under Unusual and Compelling Urgency to prevent interruption of critical hospital cooling services and maintain patient safety.

[REDACTED]

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The contractor shall furnish all labor, materials, equipment, professional engineering, temporary power planning, and construction required to replace ATS-1 (1000A), ATS-2 (1600A), and ATS-3 (2000A) located in Building B-104. Work includes: replacing feeders from the main breakers to the ATS units and feeders from ATS units to Motor Control Center (MCCs); performing load shedding of three cooling towers from MCC-2 to MCC-3; preparing and executing a temporary power plan ensuring continuous hospital operation throughout ATS replacement; providing ATS units with bypass/isolation capability compatible with Russ Electric RTS-03 series or VA-approved equal; ensuring compatibility with the facility's JCI Metasys monitoring system; conducting NFPA/NEC-compliant short-circuit, coordination, arc flash, and load flow studies; updating one-line diagrams; and providing full construction documents, commissioning via an independent third-party

[REDACTED]

agent, and as-built drawings. The anticipated construction period of performance is up to 180 calendar days.

4. Statutory Authority Permitting Other Than Full and Open Competition:

- ☐ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per 41 USC §3304(a)(1) as implemented by RFO 6.103-1;
- ☒ (2) Unusual and Compelling Urgency per 41 USC §3304(a)(2) as implemented by RFO 6.103-2;
- ☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per 41 USC §3304(a)(3) as implemented by RFO 6.103-3;
- ☐ (4) International Agreement per 41 USC §3304(a)(4) as implemented by RFO 6.103-4
- ☐ (5) Authorized or Required by Statute per 41 USC §3304(a)(5) as implemented by RFO 6.103-5;
- ☐ (6) National Security per 41 USC §3304(a)(6) as implemented by RFO 6.103-6;
- ☐ (7) Public Interest per 41 USC §3304(a)(7) as implemented by RFO 6.103-7;

5. Demonstration that the Nature of the Acquisition Requires Use of the Authority Cited Above:

Continuous operation of the chiller plant is essential to maintaining safe temperatures and environmental conditions required for patient care throughout MEDVAMC facilities. Two ATS are actively failing, and a third is showing signs of imminent failure. There are no backup ATS units; failure of any single ATS will directly compromise chiller plant functionality and interrupt cooling to critical clinical areas.

To mitigate this immediate risk, the Government must act without delay. Briston Construction is already fully mobilized on-site performing the chiller line replacement project, which directly interfaces with the same electrical and mechanical systems affected by the ATS failures. Their current presence on-site and real-time familiarity with existing conditions significantly reduces the time required to assess, stage, safely sequence outages, and execute temporary power measures. Engaging a new contractor would result in substantial delay due to additional mobilization, site familiarization, and the need to re-evaluate complex chiller plant systems.

Given the urgency of preventing a hospital-wide cooling outage, and the fact that any delay would pose unacceptable risks to patient care and hospital operations, an award under Unusual and Compelling Urgency (RFO 6.103-2) is required to maintain continuity of care. If this requirement is not awarded as a sole source under Unusual and Compelling Urgency, this would affect patient safety.

6. Description of Efforts to Ensure Offers Were Solicited from as Many Potential Sources as Practicable:



Due to the urgent nature of this requirement and the critical role of the chiller plant in supporting patient care, outreach to multiple sources was not feasible. The Contracting Officer contacted Briston Construction because they are already mobilized on-site and working on the chiller line replacement, which directly interfaces with the ATS systems requiring emergency replacement. Their immediate availability, current access to secured areas, and existing knowledge of the plant's electrical configuration allow them to respond more rapidly than any other contractor.

Soliciting additional sources would introduce delays associated with mobilization, security badging, site familiarization, temporary power planning, outage coordination, and engineering re-verification of existing conditions—delays which would create unacceptable risk of ATS failure and chiller plant shutdown.

Accordingly, efforts to solicit additional sources were limited due to the urgent and compelling circumstances of the requirement. The use of Briston Construction in this context is consistent with RFO Part 6.103-2 (Unusual and Compelling Urgency), and all actions taken were in the best interest of patient safety and continuity of medical operations.

7. Determination by the Contracting Officer that the Anticipated Cost will be Fair and Reasonable:

The Contracting Officer will conduct price analysis comparing proposed pricing to the Independent Government Estimate (IGE) of [REDACTED] historical prices for similar ATS replacements, and catalog/manufacturer data. Given the urgency and potential premium for rapid mobilization and long-lead equipment, any variance from the IGE will be evaluated against the cost of delay and risk to patient safety. Pricing is anticipated to be determinate determined fair and reasonable prior to award.

8. Description of Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Market research was limited and tailored to the emergency: recent acquisition history for ATS replacements at VA facilities was reviewed; manufacturer lead times for 1000A–2000A ATS with bypass/isolation and JCI Metasys compatibility were verified; and availability of qualified D/B contractors capable of hospital work under tight phasing and temporary power requirements was assessed. Findings indicate constrained market capacity and extended lead times, supporting the use of urgent and compelling authority.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

The chiller plant supports essential and critical hospital spaces; outages directly impact patient care, infection control, pharmacy operations, and imaging suites. Temporary power

planning must be sequenced to minimize risk; delays increase probability of failure and unplanned outages.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

Briston Construction, LLC
309 East 20th Drive
Mesa, AR 85210
Contractor Unique Entity ID (UEI): CT93GMZBKE24

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

The Government will conduct comprehensive market research and consider advance procurement strategies for long-lead ATS equipment (e.g., IDIQs, pre-positioned contracts) to enable full and open competition for future requirements.

12. Requirements Certification:

I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

[Redacted Signature]

[Redacted Signature]

[Redacted Signature]

Date

13. Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP](#):

- a. **Contracting Officer Certification (required)**: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

[Redacted Signature]

Date

[Redacted Signature]

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$900K):** I certify the justification meets requirements for other than full and open competition.

[Redacted Signature]

Date

[Redacted]