

SECTION 012500

SUBSTITUTION PROCEDURES

PART 1 - GENERAL

1.1 RELATED DOCUMENTS

- A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and other Division 01 Specification Sections, apply to this Section.

1.2 SUMMARY

- A. This section includes:
 - 1. Procedures for handling requests for substitutions made after award of the Contract.
- B. Related Sections:
 - 1. Section 016000 "Product Requirements" for requirements for submitting comparable product submittals for products by listed manufacturers.

1.3 DEFINITIONS

- A. Definitions used below are not intended to change or modify the meaning of other terms used in the Contract Documents.
- B. Substitutions: Requests for changes in products, materials, equipment, and methods of construction required by Contract Documents proposed by the Contractor after award of the Contract are considered requests for "substitutions". The following are not considered substitutions.
 - 1. Substitutions for Cause: Changes proposed by Contractor that are required due to changed Project conditions, such as unavailability of product, regulatory changes, or unavailability of required warranty terms.
 - 2. Substitutions requested by Bidders during the bidding period, and accepted prior to award of Contract, are considered as included in the Contract Documents and are not subject to requirements specified in this Section for substitutions.
 - 3. Revisions to Contract Documents requested by the Construction Manager and Project Architect.
 - 4. Specified options of products and construction methods included in Contract Documents.
 - 5. The Contractor's determination of and compliance with governing regulations and orders issued by governing authorities.

1.4 SUBMITTALS

- A. Substitution Requests: Submit documentation identifying product or fabrication or installation method to be replaced. Include Specification Section number and title and Drawing numbers and titles.
1. Substitution Request Form: Use form provided in Project Manual.
 2. Documentation: Show compliance with requirements for substitutions and the following, as applicable:
- B. Substitution Request Submittal:
1. Requests for substitution will be considered if received within 90 days after phased completion of design. Requests received more than 90 days after phased completion of design may be considered or rejected at the discretion of the Architect.
 2. Submit 3 copies of each request for substitution for consideration. Submit requests in the form and in accordance with procedures required for Change Order proposals.
 3. Identify the product, or the fabrication or installation method to be replaced in each request. Include related Specification Section and Drawings numbers.
 4. Provide complete documentation showing compliance with the requirements for substitutions, and the following information, as appropriate:
 - a. Statement indicating why specified product or fabrication or installation method cannot be provided, if applicable
 - 1) A statement indicating the substitution's effect on the Contractor's Construction Schedule compared to the schedule without approval of the substitution. Indicate the effect of the proposed substitution on overall Contract Time.
 - b. Coordination of information, including a list of changes or revisions needed to other parts of the Work and to construction performed by Owner and separate contractors that will be necessary to accommodate proposed substitution.
 - c. Detailed comparison of significant qualities of proposed substitutions with those of the Work specified. Include annotated copy of applicable Specification Section. Significant qualities may include elements, such as performance, weight, size, durability, performance and visual effect, sustainable design characteristics, warranties, and specific features and requirements indicated. Indicate deviations, if any, from the Work specified.
 - d. Product Data, including drawings and descriptions of products and fabrication and installation procedures.
 - e. Samples, where applicable or requested.
 - f. Certificates and qualification data, where applicable or requested.
 - g. Certification by the Contractor that the substitution proposed is equal-to or better in every aspect to that required by the Contract Documents, and that it will perform in the application indicated.
 - h. List of similar installations for completed projects, with project names and addresses as well as names and addresses of architects and owners.

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- i. Material test reports from a qualified testing agency, indicating and interpreting test results for compliance with requirements indicated.
 - j. Research reports evidencing compliance with building code in effect for Project, from ICC-ES.
 - k. Detailed comparison of Contractor's construction schedule using proposed substitutions with products specified for the Work, including effect on the overall Contract Time. If specified product or method of construction cannot be provided within the Contract Time, include letter from manufacturer, on manufacturer's letterhead, stating date of receipt of purchase order, lack of availability, or delays in delivery.
 - l. Cost information, including a proposal of change, if any, in the Contract Sum.
 - m. Certification by the Contractor that the substitution proposed is equal-to or better in every significant respect to that required by the Contract Documents, and that it will perform adequately in the application indicated.
 - n. Include the Contractor's waiver of rights to additional payment or extension of time, that may subsequently become necessary because of the failure of the substitution to perform adequately.
5. Architect's Action:
- a. Within one week of receipt of the request for substitution, the Architect will request additional information or documentation necessary for evaluation of the request.
 - b. Within 2 weeks of receipt of the request, or one week of receipt of the additional information or documentation, whichever is later, the Architect will notify the Contractor of acceptance or rejection of the proposed substitution.
 - c. If a decision on use of a proposed substitute cannot be made or obtained within the time allocated, use the product specified by name.
 - d. Acceptance will be in the form of a Change Order.
 - 1) Forms of Acceptance: Change Order, Construction Change Directive, or Architect's Supplemental Instructions for minor changes in the Work.
 - 2) Use product specified if Architect does not issue a decision on use of a proposed substitution within time allocated.

1.5 QUALITY ASSURANCE

- A. Compatibility of Substitutions: Investigate and document compatibility of proposed substitution with related products and materials. Engage a qualified testing agency to perform compatibility tests recommended by manufacturers.

1.6 PROCEDURES

- A. Coordination: Revise or adjust affected work as necessary to integrate work of the approved substitutions.

1.7 SUBSTITUTIONS

- A. Substitutions for Cause: Submit requests for substitution immediately on discovery of need for change, but not later than 15 days prior to time required for preparation and review of related submittals.
1. Conditions: Architect will consider Contractor's request for substitution when the following conditions are satisfied. If the following conditions are not satisfied, Architect will return requests without action, except to record noncompliance with these requirements:
- a. Extensive revisions to Contract Documents are not required.
 - b. Requested substitution is consistent with the Contract Documents and will produce indicated results.
 - c. Substitution request is fully documented and properly submitted.
 - d. Requested substitution will not adversely affect Contractor's construction schedule.
 - e. Requested substitution has received necessary approvals of authorities having jurisdiction.
 - f. Requested substitution is compatible with other portions of the Work.
 - g. Requested substitution has been coordinated with other portions of the Work.
 - h. Requested substitution provides specified warranty.
 - i. If requested substitution involves more than one contractor, requested substitution has been coordinated with other portions of the Work, is uniform and consistent, is compatible with other products, and is acceptable to all contractors involved.
- B. Substitution for Convenience is not permitted.
- C. The Contractor's submittal and Architect's acceptance of Shop Drawings, Product Data or Samples that relate to construction activities not complying with the Contract Documents does not constitute an acceptable or valid request for substitution, nor does it constitute approval.

PART 2 - PRODUCTS (Not Used)

PART 3 - EXECUTION (Not Used)

END OF SECTION 012500