

PART 1 - GENERAL

1.01 SECTION INCLUDES

- A. This Section includes the requirements for substitution of specified products during construction.
- B. Only products not specifically named in the bid are eligible for substitution in accordance with the requirements contained herein these specifications.

1.02 CONTRACTOR'S OPTIONS

- A. For products specified only by reference standard, select any product meeting that standard.
- B. For products specified by naming several products or manufacturers, select any one of the products or manufacturers named which complies with the Specifications.
- C. Where products are not named, then submit products that meet the specifications.

PART 2 - PRODUCTS

2.01 SUBSTITUTIONS

- A. Name - The Drawings and Specifications list acceptable manufacturers, commercial names, trademarks, brands and other product, material and equipment designations. Such names are provided to establish the required type, quality and other salient requirements of procurement.
- B. Equals - An item equal to that named or described on the Drawings or in the Specifications may be provided by Contractor if accepted by the Architect.
- C. A request for product substitution constitutes a representation that the Contractor:
 - 1. Has investigated proposed Product and determined that it meets or exceeds the quality level of the specified Product.
 - 2. Shall provide the same warranty for the Substitution as for the specified Product.
 - 3. Shall coordinate installation and make changes to other Work that may be required for the Work to be complete with no additional cost to Owner, including extra charges by other Prime Contractors, material suppliers, and vendors.
 - 4. Waives claims for additional costs or time extension that may subsequently become apparent.
 - 5. Shall reimburse the Owner and the Architect for review or redesign services associated with re-approval by authorities.
 - 6. Shall reimburse the Owner for all additional engineering services claimed by the Architect for extra services associated with the review of the Contractor's substituted item since it could not have been originally included in the Architect's professional engineering services agreement. Reimbursement shall be based on the man-hours expended, at current billing rates.
- D. Substitutions will not be considered when they are indicated or implied on shop drawing or product data submittals, without separate written request, or when acceptance will require revision to the Contract Documents.
- E. Substitution Submittal Procedure:
 - 1. The Contractor shall submit three (3) copies of the REQUEST FOR SUBSTITUTION FORM for consideration including all required information.
 - 2. The Contractor shall use the form included within this Section.
 - 3. All forms shall be type written.

- 4. Submit shop drawings, product data, and certified test results attesting to the proposed product equivalence.
- F. The burden to prove product equivalence rests on the Contractor.
- G. The Architect will notify Contractor in writing of decision to accept or reject request and at that time the Contractor can make a formal submittal in accordance with the requirements contained in Section 013300.
- H. Substitutions may be considered when a product becomes unavailable through no fault of the Contractor.

PART 3 - EXECUTION

NOT USED

This space left intentionally blank.

REQUEST FOR SUBSTITUTION FORM

Project: Braemer at Montebello Assisted Living Substitution Request Number: _____

Contractor: _____

Address: _____

To: _____ Date: _____

H2M Project Number: FILB1501 Owner: The FilBen Group

Contract Name: _____ Contract No.: _____

Specification Title: _____

Section: _____ Page: _____ Article/Paragraph: _____

Drawing No(s): _____

Proposed Substitution: _____

Manufacturer: _____ Address: _____

Trade Name: _____ Phone #: (____) _____

Installer: _____ Address: _____

Phone #: (____) _____

History: ___ New product ___ 2-5 years old ___ 5-10 years old ___ More than 10 years old

Differences between proposed substitution and specified product:

___ Point-by-point comparative data attached

Reason for not providing specified item (Attach separate sheet if necessary):

Typical Similar Installation:

Project: _____

Engineer / Architect: _____

Address: _____

Owner: _____

Date Installed: _____

Submit complete installation list on separate sheets.

Proposed substitution affects other parts of Work: No Yes

Explain: _____

Gross Savings to Owner for accepting substitution: \$ _____

Proposed substitution changes Contract Time: No Yes

Add / deduct (circle): _____ days

Supporting data attached for evaluation of the proposed substitution:

Product Data Photos Drawings Tests Reports Samples

Other (explain): _____

Attached data includes description, specifications, drawings, photographs, performance and test data adequate for evaluation of request; applicable portions of data are clearly identified.

Attached data also includes a description of changes to Contract Documents that proposed substitution will require for its proper installation.

The undersigned certifies that the following paragraphs, unless modified by attachments, are correct:

1. Proposed Substitution has been fully checked and coordinated with Contract Documents.
2. Proposed Substitution does not affect dimensions shown on Drawings.
3. Proposed Substitution does not require revisions to any other Prime Contractor's work.
4. The undersigned will pay for changes to building design, including Architectural and Engineering design, detailing, and construction costs caused by requested Substitution.
5. Proposed Substitution will have no adverse affect on other trades, construction schedule, or specified warranty requirements.
6. Maintenance and service parts will be locally available for proposed substitution.
7. The undersigned further states that the function, appearance, and quality of proposed Substitution are equivalent or superior to specified item.

This request for product substitution also constitutes a representation that I, as the Contractor:

1. Has investigated proposed Product and determined that it meets or exceeds the quality of the specified Product.
2. Shall provide the same warranty for the Substitution as for the specified Product.
3. Shall coordinate installation and make changes to other Work that may be required for the Work to be complete with no additional cost to Owner, including extra charges by other Prime Contractors, material suppliers, and vendors.
4. Waives claims for additional costs or time extension that may subsequently become apparent.
5. Shall reimburse the Owner and the Architect for review or redesign services associated with re-approval by authorities.
6. Shall reimburse the Owner for all additional engineering services claimed by the Architect for extra services associated with the review of the Contractor's substituted item since it could not have been originally included in the Architect's professional engineering services agreement. Reimbursement shall be based on the man-hours expended, at current billing rates.

Contractor's Authorized Representative (Typewritten): _____

Authorized Signature: _____

Date: _____

END OF SECTION