

## SECTION 012500 – SUBSTITUTION PROCEDURES

### PART 1 - GENERAL

#### 1.1 RELATED DOCUMENTS

- A. Drawings and General Provisions of the Contract, including Special Requirements, General Conditions and other Division 1 Specifications Sections apply to this Section.

#### 1.2 SUMMARY

- A. This Section specifies administrative and procedural requirements for handling requests for substitutions after the award of the Contract. There will be no substitutions during bidding.
- B. Refer to Section 016000 – Product Requirements for applicability of industry standards to products specified.

#### 1.3 DEFINITIONS

- A. Definitions used in this Article 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 the award of the Contract are considered “requests for substitutions.” The following are not considered substitutions:
  - 1. Revisions to Contract Documents requested by the University after the Award of Contract.
  - 2. Specified options of products and construction methods included in Contract Documents.
  - 3. The Contractor's determination of and compliance with governing regulations and orders issued by governing authorities.

#### 1.4 SUBSTITUTIONS

- A. Conditions: The Contractor's “request for substitution” will be received and considered by the Professional when one or more of the following conditions are satisfied (see Paragraph 1.5), as determined by the Professional; otherwise, requests will be returned without action except to record noncompliance with these requirements.
- B. SUBMITTALS
  - 1. Substitution Request Submittal: In all cases, the Contractor must provide a product substitution that meets any stated salient features or performance criteria listed in the technical specifications.
    - a. Submit electronically each request for substitution for consideration. Submit requests in the form and in accordance with procedures required for Change Order proposals.

- b. Identify the product, or the fabrication or installation method to be replaced in each request. Include related Specification Section and Drawing numbers. Provide complete documentation showing compliance with the requirements for substitutions, and the following information, as appropriate:
  - 1) Product Data, including Drawings and descriptions of products, fabrication and installation procedures.
  - 2) Samples, where applicable or requested.
- c. A detailed comparison of significant qualities of the proposed substitution with those of the Work specified. Significant qualities may include elements such as size, weight, durability, performance and visual effect.
  - 1) Coordination information, including a list of changes or modifications needed to other parts of the Work and to construction performed by the Professional and separate Contractors that will become necessary to accommodate the proposed substitution.
  - 2) A statement indicating the substitutions 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.
  - 3) Cost information, including a proposal of the net change, if any in the Contract Sum.
  - 4) 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. Include the Contractor's waiver of rights to additional payment or time that may subsequently become necessary because of the failure of the substitution to perform adequately.

#### 1.5 ACTIONS ON REQUESTS FOR SUBSTITUTION

- A. A Request for substitution which is incomplete or does not comply with the requirements in paragraph 1.4.B above will be returned to the Contractor without action, except to record noncompliance with these requirements.
- B. If a decision on the use of a proposed Substitution cannot be made in a timely manner, the Contractor shall use the specified Product.

#### 1.6 FACTORS FOR CONSIDERATION OF A SUBSTITUTION

- A. The Contractor's request for Substitution will be reviewed by the University and may be considered favorably if all of the following conditions are satisfied, as determined by the University.
  - 1. Extensive revisions to Contract Documents, the Contract Price, or the Contract Time are not required.
  - 2. Proposed changes are in keeping with the general intent of Contract Documents.
  - 3. The Request is timely, fully documented, and properly submitted.

- B. In addition to the conditions in paragraph 1.4 above, at least one of the following conditions must also be satisfied, as determined by the University.
1. The specified Product cannot be provided without impact to the Contract Time. The proposed Substitution will not be considered if the Product cannot be provided as a result of failure to pursue the Work promptly or coordinate activities properly.
  2. The specified Product cannot receive necessary approval by a governing authority, and the proposed Substitution can be approved.
  3. The specified Product cannot be provided in a manner that is compatible with the rest of the Work and its materials, and where the Contractor certifies that the proposed Substitution will overcome the incompatibility.
  4. The specified Product cannot be coordinated with the rest of the Work and its materials, and where the Contractor certifies that the proposed Substitution can be coordinated.
  5. The specified Product cannot be warranted as required by the Contract Documents, or the specified Product adversely affects a warranty or another Product or system, and the Contractor certifies that the proposed Substitution can fulfill the required warranty requirements.
  6. The Substitution results in a substantial advantage to the University, in terms of cost, time, energy conservation, or other considerations of merit, after deducting offsetting responsibilities that the University may be required to bear. Additional responsibilities for the University may include additional compensation to the Professional for redesign and evaluation services, increased cost of other construction by the University or other Separate Prime Contractors, and similar considerations.
- C. The University will make a determination if the Substitution can be coordinated with all other Separate Prime Contractors. Where a proposed Substitution involves more than one Separate Prime Contractor, the Contractor proposing the Substitution shall coordinate the Work with the other Separate Prime Contractors involved, to provide uniformity and consistency, and to assure compatibility of products.

PART 2 – PRODUCTS (Not Applicable)

PART 3 - EXECUTION (Not Applicable)

END OF SECTION 012500