

## SECTION 01 63 00 - PRODUCT SUBSTITUTION PROCEDURES

### PART 1 - GENERAL

#### 1.1 RELATED DOCUMENTS

- A. Construction Drawings, Technical Specifications, Addenda, and general provisions of the Contract, including Contract General Conditions and Supplementary General Conditions and other Division 1 Specification Sections, apply to this Section.

#### 1.2 SECTION INCLUDES

- A. General requirements applicable to substitutions of materials, products, equipment and systems.

#### 1.3 SUBSTITUTION OF MATERIALS AND EQUIPMENT

- A. Substitutions, General: Catalog numbers and specific brands or trade names are used in materials, products, equipment and systems required by the Specifications to establish the standards of quality, utility and appearance required. Alternative products which are of equal quality and of required characteristics for the purpose intended may be proposed for use provided the Contractor complies with provisions of Contract General Conditions, Article 5.04., subject to the following provisions.

1. See Section 01 61 00 - Basic Product Requirements for requirements regarding product options.
2. Substitutions during the course of Work will only be authorized by properly executed Change Order or Field Instruction. Substitutions during the bidding and/or negotiation phases shall be added to the identified specification by Addendum.
3. **Note: the Trustees have no obligation to entertain substitutions.**

- B. Substitution Provisions:

1. Documentation: Substitutions will not be considered if they are indicated or implied on shop drawing, product data or sample submittals. All requests for substitution shall be by separate written request from Contractor. See paragraph below for documentation required in the submission of request for substitution.
2. Cost and Time Considerations: Substitutions will not be considered unless a net reduction in Contract Sum or Contract Time results to University's benefit, including redesign costs, life cycle costs, plan check and permit fees, changes in related Work and overall performance of building systems.
3. Design Revision: Substitutions will not be considered if acceptance will require substantial revision of the Contract Documents or will substantially change the intent of the design, in the opinion of the Architect. The intent of the design shall include functional performance and aesthetic qualities.
4. Data: It shall be the responsibility of the Contractor to provide adequate data demonstrating

- the merits of the proposed substitution, including cost data and information regarding changes in related Work.
5. Determination by Architect: Architect and University's Representative will determine the acceptability of proposed substitutions, and University's Representative will notify Contractor in writing of acceptance or rejection. The determination by the Architect regarding functional performance and aesthetic quality shall be final.
  6. Non-Acceptance: If a proposed substitution is not accepted, Contractor shall immediately provide the specified product.
  7. Substitution Limitation: Only one request for substitution will be considered for each product.
- C. Request for Substitution Procedures: Comply with provisions of Contract General Conditions, Article 5.04 and the following.
1. Contractor shall prepare a request for substitution and submit the request to Architect through University's Representative for review and recommendation for acceptance. Acceptance and approval of substitutions shall be by University's Representative.
    - a. Submit a minimum of five hard copies or submit electronically to the University's Representative.
    - b. Present the request for substitution using form provided below.
    - c. Comply with other administrative requirements shall be as directed by University's Representative.
  2. Substitution requests shall include complete product data, including drawings and descriptions of products, fabrication details and installation procedures. Include samples where applicable or requested.
  3. Substitution requests shall include appropriate product data for the specified product(s) of the specified manufacturer, suitable for use in comparison of characteristics of products.
    - a. Include a written, point-by-point comparison of characteristics of the proposed substitute product with those of the specified product.
    - b. Include a detailed description, in written or graphic form as appropriate, indicating all changes or modifications needed to other elements of the Work and to construction to be performed by the University and by others under separate contracts with University that will be necessary if the proposed substitution is accepted.
  4. Substitution requests shall include a statement indicating the substitution's effect on the Construction Schedule. Indicate the effect of the proposed substitution on overall Contract Time and, as applicable, on completion of portions of the Work for use by University or for work under separate contracts by University.
  5. Except as otherwise specified, substitution requests shall include detailed cost data, including a proposal for the net change, if any, in the Contract Sum.
  6. Substitution requests shall include signed certification that the Contractor has reviewed the proposed substitution and has determined that the substitution, in combination with the cost or time savings, represents an equivalent or superior condition in every respect to product

requirements and value indicated or specified in the Contract Documents, and that the substitution is suited for and can perform the purpose or application of the specified product indicated or specified in the Contract Documents.

7. Substitution requests shall include a signed waiver by the Contractor for change in the Contract Time or Contract Sum because of the following:
  - a. Substitution failed to perform adequately.
  - b. Substitution required changes in on other elements of the Work.
  - c. Substitution caused problems in interfacing with other elements of the Work.
  - d. Substitution was determined to be unacceptable by authorities having jurisdiction.
8. If, in the opinion of the Architect, the substitution request is incomplete or has insufficient data to enable a full and thorough review of the intended substitution, the substitution may be summarily refused and determined to be unacceptable.

D. Contract Document Revisions:

1. Should a Contractor-proposed substitution or alternative sequence or method of construction require revision of the Contract Drawings or Specifications, including revisions for the purposes of determining feasibility, scope or cost, or revisions for the purpose of obtaining review and approval by authorities having jurisdiction, Architect or other consultant of University who is the responsible design professional will make revisions as approved in writing in advance by University's Representative.
2. Contractor shall pay for services of Architect, other responsible design professionals and University for researching and reporting on proposed substitutions or alternative sequence and method of construction when such activities are considered additional services to the design services contracts of Architect or other responsible design professional with University.
3. Contractor shall pay for costs of services by Architect, other responsible design professionals and University. These costs may include travel, reproduction, long distance telephone and shipping costs reimbursable at cost plus usual and customary mark-up for handling and billing.
4. Contractor shall pay such fees whether or not the proposed substitution or alternative sequence or method of construction is ultimately accepted by University and a Change Order is executed.

**PART 2 - PRODUCTS**

Not Applicable to this Section.

**PART 3 - EXECUTION**

Not Applicable to this Section.

**SUBSTITUTION REQUEST FORM**

SUBSTITUTION REQUEST NUMBER: \_\_\_\_\_

TO: \_\_\_\_\_

PROJECT: \_\_\_\_\_

SPECIFIED ITEM: \_\_\_\_\_

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Section	Page	Paragraph	Description
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The undersigned requests consideration of the following:

Proposed Substitution (Manufacturer, Model # or Name, Color, Etc.): \_\_\_\_\_

History: \_\_\_ New Product, \_\_\_ Available 2-5 Years, \_\_\_ Available 6-10 Years, \_\_\_ Available 10+ Years

Provide UL, ITS, WHI, (or other) listing / rating of proposed substitution: \_\_\_\_\_

Attached data shall include, but not be limited to, product, specification, drawings, performance and test data adequate for evaluation of the request for the proposed substitution product and the specified product, with applicable portions of the proposed substitution and the specified product data clearly identified in a point-by-point direct comparison chart. Incomplete form and attachments will result in rejection of substitution request.

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Requestor shall address the following items on this Substitution Request Form. Use a separate attached sheet attached as needed:

1. Reason for not providing specified item:

\_\_\_\_\_  
\_\_\_\_\_

2. Will proposed substitution affect dimensions indicated on Drawings? \_\_\_(Yes) \_\_\_(No)

If yes, how? \_\_\_\_\_

3. Will proposed substitution affect Electrical, Mechanical, Structural, Architectural, etc.? \_\_\_(Yes) \_\_\_(No) If yes, explain:

\_\_\_\_\_  
\_\_\_\_\_

4. Is proposed substitution larger or smaller than specified product? \_\_\_(Yes) \_\_\_(No)

If yes, state size of substitute product: \_\_\_\_\_

5. Does proposed substitution weight less/more than specified product? \_\_\_\_ (Yes) \_\_\_\_ (No)  
If yes, state weight of substitute product:

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6. Will proposed substitution affect other trades and/or parts of the work? \_\_\_\_ (Yes) \_\_\_\_ (No)

If yes, explain all effects:

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7. Comparison between proposed substitution and specified product (Similarities / Differences)?

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8. If Substitution Request is accepted, Owner will receive a credit of \$ \_\_\_\_\_. The Contract Sum will be adjusted accordingly.

9. Will proposed substitution affect the Contract Time? \_\_\_\_ (Yes) \_\_\_\_ (No)

If yes, \_\_\_\_ (Add) \_\_\_\_ (Deduct) \_\_\_\_\_ calendar days.

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INITIAL

UNDERSIGNED CERTIFIES:

\_\_\_\_\_ Proposed substitution has been fully investigated and determined to be equal or superior in all respects to specified product.

\_\_\_\_\_ Proposed substitution has same or better warranty as specified product.

\_\_\_\_\_ Proposed substitution has same or better maintenance service and availability of replacement parts as specified product.

\_\_\_\_\_ Proposed substitution will not affect or delay the Construction Schedule.

\_\_\_\_\_ Claims for additional costs related to accepted substitution, which may subsequently become apparent, are hereby waived.

\_\_\_\_\_ Proposed substitution will not affect dimensions and functional clearances.

\_\_\_\_\_ Coordination, installation, and changes in the Work as necessary for installation of accepted substitution will be complete in all respects, at no additional cost to Owner.

\_\_\_\_\_ Contractor will pay for all costs associated with changes to the project's design, including, but not limited to, architectural or engineering design fees, detailing, Agency approvals and construction costs caused by the requested substitution.

\_\_\_\_\_ The function, appearance and quality of the proposed substitution is equivalent or superior to the specified item.

The undersigned certifies that the above is accurate and correct.

Signature: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Telephone: \_\_\_\_\_

Attachments: \_\_\_\_\_ Product Data \_\_\_ Samples \_\_\_ Tests \_\_\_ Reports \_\_\_ Other (Describe)

\_\_\_\_\_

**Architect's Review and Action:**

\_\_\_\_\_ Substitution Accepted – Make submittals in accordance with Specification Division 01 33 00.

\_\_\_\_\_ Substitution Accepted as Noted - Make submittals in accordance with  
Specification Division 01 33 00.

\_\_\_\_\_ Substitution Rejected – Provide specified product.

\_\_\_\_\_ Substitution Request Received Too Late – Provide specified product.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks: \_\_\_\_\_

\_\_\_\_\_

**END OF SECTION**