

PART 1 – GENERAL

1.1 SUMMARY

- A. This Section covers the requirements for Contractor requests for a product Substitution on the Project.

1.2 DEFINITIONS

Substitution: A request for a change in a product, material, equipment and/or method of construction required by Contract Documents after Contract Award are considered a Substitution. The following are not considered a Substitution:

- A. A Substitution requested by Bidders during the bidding period, and accepted prior to Award, is considered as included in the Contract Documents, and is not subject to requirements specified in this Section.
- B. Specified options of products and construction methods included in the Contract Documents.
- C. Contractor's determination of and compliance with governing regulations and orders issued by governing authorities.

1.3 CONTRACTOR'S REPRESENTATION

A request for a Substitution is a representation that the Contractor:

- A. Has investigated proposed product and has determined that it is equal to or superior in all respects to that specified in the Contract Documents.
- B. Will provide the same or better warranties or bonds for substitution as for product specified in the Contract Documents.
- C. Will coordinate the installation of the accepted substitution into the Work, and will make such changes as may be required for the Work to be complete in all respects.
- D. Waives claims for any additional costs caused by the Substitution, which may subsequently become apparent.
- E. Has provided complete cost data which includes related costs under this Contract, but not costs under separate contracts.

1.4 OWNER'S DUTIES

- A. The Owner, either directly or through an Owner's Authorized Representative (OAR), will determine the acceptability of proposed substitutions.
- B. The Owner and/or OAR will review the Contractor's request for a Substitution with reasonable promptness.
- C. The OAR will notify the Contractor, in writing, of the decision to accept or reject the request for a Substitution.
- D. The Owner or the Architect/Engineer review, acceptance, or failure to take exceptions to a Substitution or other review document, shall not relieve the Contractor of the responsibility for the Substitution meeting performance or other requirements of Contract Documents.

PART 2 - PRODUCTS

2.1 SUBSTITUTIONS

- A. Contractor's Options
 - 1. For products specified only by reference or performance standards, select any approved product and manufacturer meeting that standard.
 - 2. For products specified by naming several products or manufacturers, select any approved product and named manufacturer which complies with the Specifications.
 - 3. For products specified by naming one or more products and manufacturers, there is no option, unless a Substitution is approved.
- B. The OAR will consider a request from the Contractor for a Substitution of a product in place of the one specified only on the Product Substitution Form included in Section 01 25 13.01.
- C. Within a period of 30 Calendar Days after Award of the Contract or respective subcontract, the OAR will consider formal requests from Contractor for Substitutions in place of the products specified in the Contract Documents. After the end of that period, Substitution requests will be considered only if specified product is no longer manufactured.
- D. Substitutions will only be considered when the Contractor can demonstrate to the satisfaction of the OAR that the request for a substituted product is reasonable for the Project.
- E. The Contractor shall submit separate request for each Substitution, supported with complete data, drawings and appropriate samples substantiating compliance of proposed substitution with Contract Documents, including:
 - 1. Complete data substantiating compliance of the proposed Substitution meeting or exceeding the requirements in Contract Documents:
 - a. Product identification, including manufacturer's name and address.
 - b. Manufacturer's Literature: Identify with product description, reference standards, and performance and test data.
 - c. Drawings, samples, as applicable.
 - d. Name and address of similar projects on which product has been used, and date of each installation.
 - 2. Itemized comparison of the proposed Substitution including its quantities with product specified and list significant variations.
 - 3. Data relating to changes in Construction Schedule and indicating any impact of proposed Substitution on overall Contract Time.
 - 4. Adjustment in Contract Amount for each Substitution.
 - 5. Changes required in other elements of Work and to any construction performed by Owner or separate Contractors, if any, to accommodate the proposed Substitution.
 - 6. Availability of maintenance service and source of replacement parts and materials, as applicable.