

## SECTION 01631

### SUBSTITUTIONS

#### PART 1 - GENERAL

##### 1.1 Summary

- A. This Section includes administrative and procedural requirements for handling requests for substitutions made after award of the Contract.
- B. Related Work Specified Elsewhere:
  - 1. Requirements for submitting Contractor's Construction Schedule and the Submittal Schedule: SECTIONS 01320 and 01330.
  - 2. Requirements governing Contractor's selection of products: SECTION 01600.

##### 1.2 Definitions

- A. Definitions in this Article do not change or modify the meaning of other terms used in the Contract Documents.
- B. **Substitutions:** Changes in products, Materials, Equipment, and methods of construction required by the Contract Documents proposed by the Contractor after award of the Contract are considered to be requests for substitutions. The following are not considered to be requests for substitutions:
  - 1. Revisions to the Contract Documents requested by Owner or Engineer.
  - 2. Specified options of products and construction methods included in the Contract Documents.

##### 1.3 Submittals

- A. **Substitution Request Submittal:** Engineer will consider written requests for substitution if received within 14 calendar days of Notice to Proceed. Requests received more than 14 calendar days

after Notice to Proceed may be considered or rejected solely at the discretion of the Owner.

- 1.** Submit 3 copies of each request for substitution for consideration. Submit requests in the form and according to procedures required for Change Order proposals. Requests for substitution shall not be submitted in the form of a Request for Information (RFI).
- 2.** Identify the Equipment or Material, the fabrication, or installation method to be replaced in each request. Include related Specification Section/Article and Drawing numbers.
- 3.** Provide complete documentation showing compliance with the requirements for substitutions, and the following information, as appropriate:
  - a.** Statement indicating why specified product or method of construction cannot be provided.
  - b.** Coordination information, including a list of changes or modifications needed to other parts of the Work and to construction performed by Owner and separate contractors, that will be necessary to accommodate the proposed substitution.
  - c.** A detailed comparison of significant qualities of the proposed substitution with those of the Work specified. Significant qualities may include elements such as performance, weight, size, durability, visual effect, and specific features and requirements indicated.
  - d.** Product data, including drawings and descriptions of products and fabrication and installation procedures.
  - e.** Samples, where applicable or requested.
  - f.** Identification of available sales, maintenance, repair, and replacement services.
  - g.** A statement indicating the effect of the substitution on Contractor's construction progress schedule compared to the schedule without approval of the

substitution. Indicate the effect of the proposed substitution on the overall Contract Times. If specified product cannot be provided within the Contract Times, provide letter from manufacturer, on manufacturer's letterhead, stating lack of availability or delay in delivery.

**h.** An itemized estimate of costs that will result directly or indirectly from approval of the substitution, including:

**(1)** A proposal of the net change, if any, in the Contract Price.

**(2)** Costs of redesign required by the proposed change.

**(3)** Costs of resulting claims as determined in coordination with other contractors having work on the Project affected by the substitution.

**i.** Statement indicating whether or not incorporation or use of the substitute is subject to payment of any license fee or royalty.

**j.** Contractor's certification that the proposed substitution conforms to requirements in the Contract Documents, will perform adequately the functions and achieve the results called for by the general design, is similar in substance to that specified, and is suitable for same use as that indicated and specified.

**k.** 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.

**4. Engineer's Action:** If necessary, Engineer will request additional information or documentation for evaluation within one week of receipt of a request for substitution. Engineer will notify Contractor of acceptance or rejection of the substitution within 14 calendar days of receipt of the request, or one week of receipt of additional information or

documentation, whichever is later. Acceptance, if granted, will be in the form of a Change Order.

## **PART 2 - PRODUCTS**

### **2.1 Substitutions**

- A. Conditions:** Engineer will receive and consider Contractor's request for substitution when one or more of the following conditions are satisfied, as determined by Engineer. If the following conditions are not satisfied, Engineer will return the requests without action except to record noncompliance with these requirements.
1. Extensive revisions to the Contract Documents are not required.
  2. Proposed substitution is in keeping with the general intent of the Contract Documents and will produce indicated results.
  3. Substitution request is timely, fully documented, and properly submitted.
  4. The specified product or method of construction cannot be provided within the Contract Times. Engineer will not consider the request if the product or method cannot be provided as a result of failure to pursue the Work promptly or coordinate activities properly.
  5. The requested substitution offers Owner a substantial advantage, in cost, time, energy conservation, or other considerations, after deducting additional responsibilities Owner must assume. Owner's additional responsibilities may include compensation to Engineer for redesign and evaluation services, increased cost of other construction by Owner, and similar considerations.
  6. The specified product or method of construction cannot receive necessary approval by a governing authority, and the requested substitution can be approved.
  7. The specified product or method of construction cannot be provided in a manner that is compatible with other materials

and where Contractor certifies that the substitution will overcome the incompatibility.

8. The specified product or method of construction cannot be coordinated with other materials and where Contractor certifies that the proposed substitution can be coordinated.
9. The specified product or method of construction cannot provide a warranty required by the Contract Documents and where Contractor certifies that the proposed substitution provides the required warranty.

- B.** Engineer's review and acceptance of Submittals shall not relieve Contractor from responsibility for any variation from the requirements of the Contract Documents. Engineer's acceptance of Submittals not complying with the Contract Documents does not constitute an acceptable or valid request for substitution, nor does it constitute approval of a substitution. Acceptance by Engineer shall not relieve Contractor from responsibility for errors or omissions in the Submittals.

**PART 3 - EXECUTION - Not Applicable.**

**PART 4 - MEASUREMENT AND PAYMENT - Not Applicable.**

**\*\* END OF SECTION 01631 \*\***