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SUBSTITUTION REQUEST PROCEDURES

PART 1 - GENERAL

1.01 RELATED DOCUMENTS AND PROVISIONS

All Contract Documents should be reviewed for applicable provisions related to the provisions in this document, including without limitation:

- A. Instructions to Bidders;
- B. General Conditions, including, without limitation, Substitutions for Specified Items; and
- C. Special Conditions.
- D. Division 01
- E. Divisions 02 through 33 for specific requirements and limitations for substitutions.

1.02 DEFINITIONS

- A. Substitutions: Changes in products, materials, equipment, and methods of construction from those required by the Contract Documents and proposed by Contractor.
 - 1. Substitutions for Cause: Changes proposed by Contractor that are required due to changed Project conditions, such as unavailability of product, regulatory changes, or unavailability of required warranty terms.
 - 2. Substitutions for Convenience: Changes proposed by Contractor or Owner that are not required in order to meet other Project requirements but may offer advantage to Contractor or Owner.

1.03 QUALITY ASSURANCE

- A. Compatibility of Substitutions: Investigate and document compatibility of proposed substitution with related products and materials. Engage a qualified testing agency to perform compatibility tests recommended by manufacturers or required by Architect or Owner during review.
- B. Coordination: Revise or adjust affected work as necessary to integrate work of the approved substitutions.
- C. Substitutions for Cause: Submit requests for substitution immediately on discovery of need for change, but not later than fifteen (15) calendar days prior to time required for preparation and review of related submittals.

1. Conditions: Architect will consider Contractor's request for substitution when the following conditions are satisfied. If the following conditions are not satisfied, Architect will return requests without action, except to record noncompliance with these requirements:
 - a. Requested substitution is consistent with the Contract Documents and will produce indicated results.
 - b. Requested substitution provides sustainable design characteristics that specified product provided for achieving LEED prerequisites and credits.
 - c. Substitution request is fully documented and properly submitted.
 - d. Requested substitution does not require any revisions to the Contract Documents.
 - e. Requested substitution will not adversely affect Contractor's construction schedule.
 - f. Requested substitution has received necessary approvals of authorities having jurisdiction.
 - g. Requested substitution is compatible with other portions of the Work.
 - h. Requested substitution has been coordinated with other portions of the Work.
 - i. Requested substitution provides specified warranty.
 - j. If requested substitution involves more than one contractor, requested substitution has been coordinated with other portions of the Work, is uniform and consistent, is compatible with other products, and is acceptable to all contractors involved.
 - k. Any change in cost resulting from acceptance of proposed substitution is included with request for substitution.
- D. Substitutions for Convenience: Architect will consider requests for substitution if received within forty- five (45) calendar days after the Notice to Proceed. Requests received after that time may be considered or rejected at discretion of Architect.
 1. Conditions: Architect will consider Contractor's request for substitution when the following conditions are satisfied. If the following conditions are not satisfied, Architect will return

requests without action, except to record noncompliance with these requirements:

- a. 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 Architect for redesign and evaluation services, increased cost of other construction by Owner, and similar considerations.
- b. Requested substitution is consistent with the Contract Documents and will produce indicated results.
- c. Requested substitution provides sustainable design characteristics that specified product provided for achieving LEED prerequisites and credits.
- d. Substitution request is fully documented and properly submitted.
- e. Requested substitution does not require any revisions to the Contract Documents.
- f. Requested substitution will not adversely affect Contractor's construction schedule.
- g. Requested substitution has received necessary approvals of authorities having jurisdiction.
- h. Requested substitution is compatible with other portions of the Work.
- i. Requested substitution has been coordinated with other portions of the Work.
- j. Requested substitution provides specified warranty.
- k. If requested substitution involves more than one contractor, requested substitution has been coordinated with other portions of the Work, is uniform and consistent, is compatible with other products, and is acceptable to all contractors involved.
- l. Any change in cost resulting from acceptance of proposed substitution is included with request for substitution.

1.04 PROCEDURES

- A. Substitution Requests: Submit a request for each item of consideration. Identify product or fabrication or installation method to be replaced. Include Specification Section number and title and Drawing numbers and titles.
1. Substitution Request Form: Use facsimile of form provided at end of Section.
 2. Documentation: Show compliance with requirements for substitutions and the following, as applicable:
 - a. Statement indicating why specified product or fabrication, or installation cannot be provided, if applicable.
 - b. Coordination information, including a list of changes or revisions needed to other parts of the Work and to construction performed by Owner and separate contractors, that will be necessary to accommodate proposed substitution.
 - c. Detailed comparison of significant qualities of proposed substitution with those of the Work specified. Include annotated copy of applicable Specification Section. Significant qualities may include attributes such as performance, weight, size, durability, visual effect, sustainable design characteristics, warranties, and specific features and requirements indicated. Indicate deviations, if any, from the Work specified.
 - d. Product Data, including drawings and descriptions of products and fabrication and installation procedures.
 - e. LEED performance data and certificates, where applicable or requested.
 - f. Samples, where applicable or requested.
 - g. Certificates and qualification data, where applicable or requested.
 - h. List of similar installations for completed projects with project names and addresses and names and addresses of architects and owners.
 - i. Material test reports from a qualified testing agency indicating and interpreting test results for compliance with requirements indicated.

- j. Research reports evidencing compliance with building code in effect for Project, from ICC-ES.
 - k. Detailed comparison of Contractor's construction schedule using proposed substitution with products specified for the Work, including effect on the overall Contract Time. If specified product or method of construction cannot be provided within the Contract Time, include letter from manufacturer, on manufacturer's letterhead, stating date of receipt of purchase order, lack of availability, or delays in delivery.
 - l. Cost information, including a proposal of change, if any, in the Contract Sum.
 - m. Contractor's certification that proposed substitution complies with requirements in the Contract Documents except as indicated in substitution request, is compatible with related materials, and is appropriate for applications indicated.
 - n. Contractor's waiver of rights to additional payment or time that may subsequently become necessary because of failure of proposed substitution to produce indicated results.
3. Architect's Action: If necessary, Architect will request additional information or documentation for evaluation within seven calendar days of receipt of a request for substitution. Architect will notify Contractor of acceptance or rejection of proposed substitution within fifteen (15) calendar days of receipt of request, or seven (7) calendar days of receipt of additional information or documentation, whichever is later.
- a. Forms of Acceptance: Change Order, Construction Change Directive, or Architect's Supplemental Instructions for minor changes in the Work.
 - b. Use product specified if Architect does not issue a decision on use of a proposed substitution within time allocated.
 - c. When substitutions affect DSA regulated items, a Construction Change Directive (CCD) shall be prepared by the Design Team and approved by DSA prior to Contractor fabrication and/ or installation. The CCD shall be signed by the Architect of Record, the Structural Engineer of Record (when applicable), other delegated Engineer of Record (when applicable) and DSA.

4. The Contractor will not be allowed to substitute specified items unless the request for substitution is submitted as follows:
 - a. District must receive any notice of request for substitution of a specified item a minimum of fourteen (14) calendar days prior to bid opening.
 - b. Within forty- five (45) days after the date of the Notice of Award, the Contractor shall submit data substantiating the request(s) for Substitutions of Convenience containing sufficient information to assess acceptability of product or system and impact on Project, including, without limitation, the requirements specified in the Special Conditions and the technical Specifications. Insufficient information shall be grounds for rejection of substitution.
5. In no event shall the District be liable for any increase in Contract Price or Contract Time due to any claimed delay in the evaluation of any proposed substitute or in the acceptance or rejection of any proposed substitute.

PART 2 – PRODUCTS Not Used.

PART 3 – EXECUTION Not Used.

SUBSTITUTION REQUEST FORM

A. PROJECT DESCRIPTION

- 1. Project: Laney College Library & Learning Resource Center
- 2. Architect: Noll & Tam Architects
- 3. Contractor: _____

B. TYPE OF SUBSTITUTION REQUEST

- Substitution for Cause Substitution for Convenience

C. PROOF OF IMPOSSIBILITY TO PROVIDE SPECIFIED PRODUCTS OR MANUFACTURERS:

D. PROPOSED SUBSTITUTION

- 1. Specified Product: _____
- 2. Project Manual Section: _____ Page: _____ Item No. _____
- 3. Proposed Substitution:
 - a. Description: _____

 - b. Manufacturer Name/Representative/Telephone No.: _____

E. CONTRACTOR'S REPRESENTATIONS

- 1. Does the proposed product meet or exceed specification requirements?
 Yes No
 - 2. Does the substitution meet specified LEED performance requirements?
 Yes No
- If no, please explain and submit a statement of potential LEED credit impact.

3. Will changes be required to building design in order to properly install the proposed product?

Yes No

If yes, please explain:

4. Contractor acknowledges responsibility for changes to the building design, including permitting and review fees by Agencies Having Jurisdiction, engineering and drawing costs, caused by requested by this substitution.

5. Does substitution affect drawing dimensions?

Yes No

If yes, please explain:

6. What affect does the substitution have on other trades?

7. Is the proposed product subject to all requirements of specifications, including warranties.

Yes No

8. Will proposed substitution affect progress or completion of the Work?

Yes No

If yes, please explain:

9. Will maintenance and service parts be locally available for proposed substitution?

Yes No

10. Will proposed substitution require more license fees or royalties than specified product?

Yes No

11. Will proposed product meet all requirements of reviewing agencies?

Yes No

If no, please explain:

12. Summarize differences in product characteristics between proposed substitution and specified item.

13. Proposed substitution by:

Representative: _____

Company: _____

Address: _____

Telephone No.: _____

SUBSTITUTION WARRANTY FORM PROJECT:
Laney College Library & Learning Resource Center

We propose to provide:

in lieu of, and as an equivalent to:

We agree to assume all costs for testing, research, etc. and any modifications to other portions of the Work as necessary to accommodate our material(s) and system(s), including all appurtenances required for proper installation and functioning of said material(s) and system(s) and obtaining all governing agency approvals.

We hereby warrant this proposed substitution is the equivalent of the specified products in every aspect and will perform satisfactorily under the conditions and use indicated on the Drawings and described in the Specifications.

We are hereby responsible for any costs or modifications (if any) to any other trade or portion of the project as necessary to accommodate the use of the requested substitution, whether immediately apparent or discovered at a later date.

Unless indicated otherwise, in writing, there will be no delay in the Project Schedule as a result of this substitution.

Signed: _____ Date: _____
(Manufacturer/Supplier/Other)

Signed: _____ Date: _____
(Subcontractor)

Signed: _____ Date: _____
(General Contractor)

ARCHITECT'S EVALUATION

- Accepted
- Rejected

- Accepted as Noted
- Received Too Late

By: _____

Date: _____

Remarks:

END OF DOCUMENT