

DIVISION 1 - GENERAL REQUIREMENTS

SECTION 01631 - PRODUCT SUBSTITUTIONS

I. GENERAL

A. STIPULATIONS

The section "Special Requirements" forms a part of this section by this reference thereto and shall have the same force and effect as if printed herewith in full.

B. RELATED DOCUMENTS

The Contract Drawings and the Standard Form of Agreement apply to this Section.

C. SUMMARY

1. This Section specifies administrative and procedural requirements for handling requests for substitutions after the award of the Contract.
2. The Contractor's Construction Schedule and the Schedule of Submittals are included under Section "Submittals."
3. Refer to Section 01095 - Reference Standards for applicability of industry standards to products specified.
4. Procedural requirements governing the Contractor's selection of products and product options are included under Section 01600 - Materials and Equipment.

D. DEFINITIONS

1. Definitions used in this Article are not intended to change or modify the meaning of other terms used in the Contract Documents.
2. 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:
 - a. Substitutions requested by Bidders during the bidding period, submitted to the design professional a minimum of 10 calendar days prior to the date set for receipt of bid proposals. Those product substitutions that are accepted will be published in an addendum and accepted prior to the award of the Contract, and therefore are considered to be included in the Contract Documents and are not subject to requirements specified in this Section.
 - b. Revisions to Contract Documents requested by the System or Professional after the Notice to Proceed.
 - c. Specified options of products and construction methods included in Contract Documents.
 - d. The Contractor's determination of and compliance with governing regulations and orders issued by governing authorities.

II. PRODUCTS

A. SUBSTITUTIONS

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, as determined by the Professional; otherwise, requests will be returned without action except to record noncompliance with these requirements.

1. Extensive revisions to Contract Documents 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.
4. In addition, at least one of the following conditions must be satisfied:
 - a. The specified product or method of construction cannot be provided within the Contract Time. The request will not be considered if the product or method cannot be provided as a result of failure to pursue the Work promptly or coordinate activities properly.
 - b. The specified product or method of construction cannot receive necessary approval by a governing authority, and the requested substitution can be approved.
 - c. A substantial advantage is offered the System, in terms of cost, time, energy conservation or other considerations of merit, after deducting offsetting responsibilities the System may be required to bear. Additional responsibilities for the System may include additional compensation to the Professional for redesign and evaluation services, increased cost of other construction by the System or separate Contractors, and similar considerations.
 - d. The specified product or method of construction cannot be provided in a manner that is compatible with other materials, and where the Contractor certifies that the substitution will overcome the incompatibility.
 - e. The specified product or method of construction cannot be coordinated with other materials, and where the Contractor certifies that the proposed substitution can be coordinated.
 - f. The specified product or method of construction cannot provide a warranty required by the Contract Documents and where the Contractor certifies that the proposed substitution provide the required warranty.
 - g. Where a proposed substitution involves more than one prime Contractor, each Contractor shall cooperate with the other Contractors involved to coordinate the Work, provide uniformity and consistency, and to assure compatibility of products.
5. The Contractor's submittal and Professional's acceptance of Shop Drawings, Product Data or Samples that relate to construction activities not complying with the Contract Documents, does not constitute an acceptable or valid request for substitution, nor does it constitute approval.

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 3 copies of 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.
 - (3) 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.
 - (4) 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.
 - (5) 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.
 - (6) Cost information, including a proposal of the net change, if any in the Contract Sum.
 - (7) 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.
 - (8). If a decision on use of a proposed substitute cannot be made in a timely manner, the Contractor shall use the product specified. Acceptance of any substitution will be in the form of a Change Order.

III. EXECUTION (Not Applicable)