SECTION 01630

product substitution procedures

# GENERAL

## SCOPE

### Acceptable manufacturers, approved alternates, and procedures for seeking product substitutions.

## RELATED WORK

### Section 01300 - Shop Drawings and Submittals

## GENERAL REQUIREMENTS

### Deadline for Receipt of Substitution Requests shall expire at 5:00 P.M. Pacific Standard Time 35 days after award of the contract.

### Standard Products - Where products are specified by reference standard, it may be used unless that product is specifically shown on the DISTRICT's Approved Materials List. Information on such products shall be submitted in accordance with the requirements of Section 01300.

### Proprietary Products – Where products or processes are specified by trade, patent or proprietary name, said specification, unless marked "no substitution", shall be deemed to be followed by the words "or equal as accepted in writing by the DISTRICT." In such case substitution of similar products as “approved equals” will be considered under this section.

### Selection of Proprietary Product - Where more than one proprietary name is specified, the Contractor may provide any one of the products specified. Only one manufacturer shall be used for each specific application throughout the Work notwithstanding that similar materials or equipment of two or more manufacturers or producers may be specified for the same application.

### Substitution Request Procedure - Submit a written request on the enclosed form for proposed substitutions to the DISTRICT prior to the deadline. Submit proposed substitutions relating to a particular subcontract or trade in a single package. If the DISTRICT accepts any proposed substitutions, such acceptance will be set forth in a Change Order. No substitution will be considered after the deadline for receipt of substitution requests has expired.

### Contractor's Responsibility for Construction Modifications - Drawings have been detailed in compliance with dimensions and ICBO Evaluation Report data for products specified. If a proposed substitute product is accepted by the DISTRICT, the Contractor shall assume both the responsibility for construction modifications and additional costs required by reason of this acceptance. If the substitution results in a decrease in cost, potential savings to the DISTRICT may be submitted for consideration.

### Systems of Like Manufacture - Where products are specified in groups to be furnished by one manufacturer, no substitution will be considered that is not similarly furnished by one manufacturer. Where the Contractor proposes to use a system of equipment other than that shown in the Contract Documents the substitution shall be proposed as a complete system.

## SUBMITTALS

### Furnish the following submittals.

| **Submittal** | **Description** |
| --- | --- |
| Substitution Request Form | Submit Substitution Request on form furnished at end of this section. |
| Contractor’s Certification of Performance and Assumption of Liability | Submit Certificate of Performance certifying that the proposed substitution is equal to or better in all respects to the product specified and that the proposed substitution will, in all respects perform the function for which it is intended. |
| Certificate of Compliance | Required as needed to substantiate Product Substitutions |
| Dimensional Data | Required for Product Substitutions |
| Material Samples | Required as needed to substantiate Product Substitutions |
| Manufacturer’s Statement of Responsibility | Required at DISTRICT’s discretion for Product Substitutions. |
| Foundry or Test Record Transcripts | Required as needed to substantiate Product Substitutions |
| Material List and Ratings | Required as needed to substantiate Product Substitutions |
| Names and Addresses of Nearest Local Manufacturer’s Representatives and List of Three Local Product Installations | Required for Product Substitutions (Use allotted space on attached Substitution Request Form) |
| Warranty | Furnish warranty equal to or better than warranty required for specified product. |

### Determination of Equality - The burden of proof of equality of the substituted item shall be borne by the Contractor. Acceptance of such substitutions is entirely at the discretion of the DISTRICT.

### List of Approved Substitutions - The DISTRICT will issue to the Contractor a list setting forth those substitutions which have been approved. No products proposed for substitution shall be ordered before they are approved in writing by the DISTRICT.

### Products accepted as "approved alternates" shall, in DISTRICT's opinion, meet the following requirements:

#### Products shall be of equal quality, substance, function and color to those listed.

#### Products shall be standard products of a reputable manufacturer having regularly been engaged in the manufacture of the products furnished for a minimum of 5 years.

#### Products shall have a reputation for assuring long-lasting trouble-free service.

#### Factory-authorized, factory-trained and competent service personnel and stocked service parts shall be available within a 150-mile radius of the Work, or as otherwise authorized by the DISTRICT.

#### The manufacturer shall be capable of certifying compliance with listed reference standards.

### DISTRICT reserves the right to reject product substitutions solely on the basis of maintenance economies of scale available through standardizing on manufacturers and minimizing spare parts inventories.

### Denial of Substitution - If the proposed substitution is not equal to or better in every respect to that of the specified product or was not submitted for acceptance in the manner outlined above, the Contractor shall furnish the specified products.

### Responsibility for Coordinating Substitutions with Construction Trades – Contractor shall inform all other trades, vendors, and subcontractors of the effects of substitutions on their work or products. Failure to notify shall not relieve Contractor of his duty to make payments arising from alterations in specified products or methods needed to complete the Work in an approved and acceptable manner.

## CONTRACTOR'S RESPONSIBILITY FOR COST OF SUBSTITUTION REVIEWS

### The Contractor shall pay all costs incurred to review Requests for Substitutions. Review costs shall be deducted on a regular basis from monthly progress payment.

## RESPONSIBILITY FOR SPARE PART INVENTORIES

### Spare Parts inventory for two years’ typical maintenance may be required for products not presently in use in the DISTRICT’s facilities.

## SUBSTITUTION OF “INFERIOR” PRODUCTS

### Products not meeting the above requirements shall, for purpose of this contract, be deemed “inferior” even if the product’s only shortcoming is that the Contractor failed to submit a Substitution Request prior to the stipulated deadline.

### Substitution of "inferior" products shall not occur except where cost savings are offered to and accepted by the DISTRICT in the form of a Change Order.

# PRODUCTS (Not Applicable)

# EXECUTION (Not Applicable)

END OF SECTION

**SUBSTITUTION REQUEST FORM**

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

DISTRICT

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

Address

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

City/State/ZIP

**PROJECT NAME:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FROM CONTRACTOR**:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

We hereby submit for consideration the following product substitution of specified item for above project:

**DRAWING OR SHEET NUMBER**

**SECTION NO. OR PARAGRAPH SPECIFIED ITEM**

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

**PROPOSED SUBSTITUTION**:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attach complete dimensional information and technical data needed to substantiate product substitution, including ICBO reports and laboratory tests, if applicable.

Include complete information on changes to Drawings and/or Specifications which proposed substitution will require for its proper installation.

Where product substitutions are proposed at multiple locations, submit copies of plans showing in red each location where the product substitution is proposed.

Submit with request all necessary samples and substantiating data to prove equal quality and performance to that which is specified. Clearly mark manufacturer's literature to indicate equality in performance. Differences in quality of materials and construction shall be indicated.

Submit Manufacturer’s Statement of Responsibility (see Section 15010).

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**SUBSTITUTION REQUEST FORM**

Fill in Blanks Below:

1. Does the substitution affect dimensions shown on Drawings?

Yes No If yes, attach copy of plans and clearly indicate changes.

1. Will the undersigned pay for the changes to the building design, including engineering, detailing and review costs caused by the requested substitution? Yes No \_\_\_
2. What effect does the substitution have on other trades?

1.

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What effect does substitution have on applicable code requirements?

1.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What is the ICBO Approval Number?
2. Differences between proposed substitution and specified item:

1.

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. List three installations where product is in use:

1.

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Address of Authorized Manufacturer’s Representative:

Representative

Address

City/State/ZIP

1. Manufacturer's guarantees of the proposed and specified items are:

Same Different (Explain)

1. DISTRICT’s share of cost savings if substitution is approved $

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**SUBSTITUTION REQUEST FORM**

**CONTRACTOR'S CERTIFICATION OF PERFORMANCE AND ASSUMPTION OF LIABILITY FOR EQUAL PERFORMANCE**

|  |  |
| --- | --- |
| I certify that the proposed substitution is equal to or better in all respects to the product specified and that the proposed substitution will, in all respects perform the function for which it is intended.  Submitted By:    Signature Title    Firm    Address    Telephone Date | For use by Design Engineer:  Accepted  Accepted as Noted  Not Accepted  Received Too Late  Approved as Alternate-See Bid Form  By  Date  Remarks                Concurrence By:    DISTRICT |

Signature must be by person having authority to legally bind his firm to the above terms. Failure to provide legally binding signature will result in retraction of approval.

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