

SECTION 01 25 00 – SUBSTITUTION PROCEDURES

PART 1 - GENERAL

1.1 RELATED DOCUMENTS

- A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and other Division 01 Specification Sections, apply to this Section.

1.2 SUMMARY

- A. Section includes administrative and procedural requirements for substitutions.

1.3 DEFINITIONS

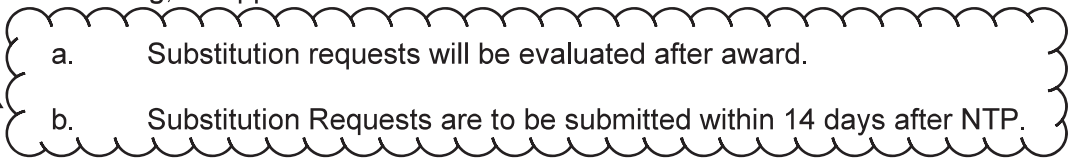

- A. Substitutions: Changes in products, materials, equipment, and methods of construction from those required by the Contract Documents and proposed by Contractor.

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 Contracting Officer that are not required in order to meet other Project requirements but may offer advantage to Contractor as a comparable product or Government due to cost savings or increased quality.

1.4 ACTION SUBMITTALS

- A. Submit one (1) electronic copy of each request for consideration. Identify product or fabrication or installation method to be replaced. Include Specification Section number and title and Drawing numbers and titles. A request for substitution shall include the Substitution Request Form and all Documentation as follows:

1. Substitution Request Form: Use copy of form provided in Project Manual.
2. Documentation: Show compliance with requirements for substitutions and the following, as applicable:

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-  a. Substitution requests will be evaluated after award.
- b. Substitution Requests are to be submitted within 14 days after NTP.
- c. Statement indicating why specified product or fabrication or installation cannot be provided, if applicable.
 - d. Coordination information, including a list of changes or revisions needed to other parts of the Work and to construction performed by Government and separate contractors that will be necessary to accommodate proposed substitution.
 - e. Detailed comparison of significant qualities of proposed substitution with those of the Work specified. 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.
- f. Product Data, including drawings and descriptions of products and fabrication and installation procedures.
 - g. Samples, where applicable or requested.
 - h. Certificates and qualification data, where applicable or requested.
 - i. List of similar installations for completed projects with project names and addresses and names and addresses of architects and owners.
 - j. Material test reports from a qualified testing agency indicating and interpreting test results for compliance with requirements indicated.
 - k. Research reports evidencing compliance with building code in effect for Project.
 - l. 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.
 - m. Cost information, including a proposal of change, if any, in the Contract Sum.
 - n. 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.
 - o. 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. Government's Action: Substitutions should be requested through the submittal process and ultimately approved by the CO. If necessary, COR will request additional information or documentation for evaluation within seven days of receipt of a request for substitution. COR will notify Contractor of acceptance or rejection of proposed substitution within 15 days of receipt of request, or seven days of receipt of additional information or documentation, whichever is later.
- a. Forms of Acceptance: Change Order, Construction Change Directive, or Supplemental Information Document (SID) for minor changes in the Work.

1.5 QUALITY ASSURANCE

- A. Contractor Certification: By making requests for substitutions, the Contractor:
- 1. Represents that the Contractor has personally investigated the proposed substitute product and determined that it is equivalent or superior in all respects to that specified;
 - 2. Represents that the Contractor will provide the same warranty for the substitution that the Contractor would for that specified;
 - 3. Certifies that the cost data presented is complete and includes all related costs under this Contract except the Architect/Engineer's redesign costs, and waives

all claims for additional costs related to the substitution which subsequently becomes apparent;

4. Proposed substitution does not affect dimensions and functional clearances;
5. Payment will be made to the Government for changes to building design, including A/E design, detailing and construction costs used by the substitution.
6. Will coordinate the installation of the accepted substitute, making such changes as may be required for the Work to be complete in all respects.

- B. 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.

1.6 PROCEDURES

- A. Coordination: Revise or adjust affected work as necessary to integrate work of the approved substitutions.

PART 2 - PRODUCTS

2.1 SUBSTITUTIONS

- A. Substitutions for Cause: Submit requests for substitution immediately on discovery of need for change, but not later than 15 days prior to time required for preparation and review of related submittals.

1. Conditions: Contracting Officer's (CO) will consider Contractor's request for substitution when the following conditions are satisfied. If the following conditions are not satisfied, COR 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. Substitution request is fully documented and properly submitted.
- c. Requested substitution will not adversely affect Contractor's construction schedule.
- d. Requested substitution has received necessary approvals of authorities having jurisdiction.
- e. Requested substitution is compatible with other portions of the Work.
- f. Requested substitution has been coordinated with other portions of the Work.
- g. Requested substitution provides specified warranty.
- h. 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.

- B. Substitutions for Convenience: COR will consider requests for substitution if received within 60 days after commencement of the Work. Substitutions must be submitted via AF 3000 and approved by the CO. Requests received after that time may be considered or rejected at discretion of COR.

1. Conditions: CO will consider Contractor's request for substitution when the following conditions are satisfied. If the following conditions are not satisfied, COR will return requests without action, except to record noncompliance with these requirements:
 - a. Requested substitution offers Government a substantial advantage in cost, time, energy conservation, or other considerations, after deducting additional responsibilities Government must assume. Government's additional responsibilities may include compensation to Architect/Engineer for redesign and evaluation services, increased cost of other construction by Government, and similar considerations.
 - b. Requested substitution does not require extensive revisions to the Contract Documents. If a substitution requires revisions to the Contract Documents, this scope of work will be compensated by the Contractor to the Government based on a time and materials fee.
 - c. Requested substitution is consistent with the Contract Documents and will produce indicated results.
 - d. Substitution request is fully documented and properly submitted.
 - 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.

PART 3 - EXECUTION

3.1 SUBSTITUTION PROCEDURES

- A. Contractor shall submit requests for substitution immediately on discovery of need for change, but not later than 15 days prior to time required for preparation and review of related submittals.
- B. The contractor shall clearly indicate on the Substitution Request Form and on attachments, all variations of the proposed product or equipment, or construction from that indicated or specified in the contract documents. Submittal of a Substitution Request shall also indicate any consequential changes required to the Work for support of that substitution or variation. The contractor shall provide all additional plant, labor, material and equipment required for additional work required due to a substitution, comparable product or variation.
 1. Approval of product substitutions shall not relieve the Contractor of providing a complete and usable facility. No cost required to complete the work will be paid

to the Contractor incurred as a result of the variation unless specifically incorporated into the contract modification/amendment.

3.2 REVIEWS AND APPROVALS

- A. CO's Action: If necessary, CO will request additional information or documentation for evaluation within 7 days of receipt of a request for substitution. CO will notify Contractor of acceptance or rejection of proposed substitution within 15 days of receipt of request, or 7 days of receipt of additional information or documentation, whichever is later.
 - 1. Form of Acceptance: Contract Amendment/modification.
- B. Extensive Reviews: If an extensive review is required to compare the proposed substitution with the products and materials specified, the Contractor shall compensate the Government for costs incurred by the Architect/Engineer for this additional time.