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**1 SUBSTITUTIONS DURING THE BIDDING PERIOD**

- .1 Generally, specific materials, products and systems are specified in the Contract Documents to provide a standard of acceptance. Except where substitutions are specifically excluded in the individual Sections of the specification, equivalent materials, products or systems by other manufacturers are acceptable as substitutions, provided that the properties and complications of the substitutions meet or exceed the properties and complications of the specified materials, products and systems in all respects and that items exposed to sight are of the same appearance as the specified items.
- .2 Substitutions which do not satisfy the above requirements may be rejected by the construction Manager or the Consultant. Materials, products and systems which are so rejected shall be replaced by the specified items at no cost to the Contract.
- .3 In the event that, prior to closing of bids, the Bidder wishes to offer a substitution or a proposal of work, materials or methods as an alternative to those described in the Contract Documents, he shall submit a request in writing no later than the time specified herein.
- .4 The request shall include the following:
  - .1 A description of the proposed substitution.
  - .2 In the case of materials, products or systems, a direct comparison between the properties and complications of the specified materials, products or systems with the properties and complications of the proposed substitution, arranged in tabular form, in the same sequence as specified in the applicable specification section or in the sequence listed in the specified manufacturer's published literature, as appropriate.
  - .3 In the case of materials or products, country of manufacture.
  - .4 Shop drawings, product data, and certified test results attesting to the proposed material or product equivalence.
  - .5 If requested by the Consultant, a list of no less than five projects of comparable size and complexity, where the proposed substitution has been used in a similar application. Such projects shall have been in service for at least five (5) years and, where applicable, shall have been subjected to climatic conditions similar to those experienced at the location of the Project. The list shall include the name and current telephone number of the Architect or Prime Consultant for each project.
- .5 The burden of proof is on the proposer. In the event that the Consultant deems the information provided with the request for approval of a substitution to be inadequate, the request may be rejected.
- .6 A request constitutes a representation that the Bidder:
  - .1 Has investigated proposed Product and determined that it meets or exceeds the quality level of the specified Product.
  - .2 Will provide the same warranty for the Substitution as for the specified Product.
  - .3 Will coordinate installation and make changes to other Work which may be required for the Work to be complete with no additional cost to the Owner. (A later claim by Bidder for an addition to Contract Price because of changes in work necessitated by use of substitutions shall not be considered).

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- .4 Waives claims for additional costs or time extension which may subsequently become apparent.
  - .5 Will reimburse the Owner and the Consultant for the cost of review or redesign services associated with re-approval by authorities.
  - .7 Substitutions will not be considered in either of the following circumstances:
    - .1 When they are indicated or implied on shop drawing or product data submittals, without a separate written request having been made.
    - .2 When acceptance will require revision to the Contract Documents.
  - .8 Where the terms "or equal", "or equivalent" or terms of similar meaning are used in the specifications, this shall not be construed as acceptance of any alternative material, product or system to those specified. The use of these terms does not relieve the Subcontractor from his responsibility to follow the procedures for approval of substitutions specified herein.
  - .9 When a request to substitute a Product is accepted, the Consultant will issue an Addendum to known bidders.

## **2 SUBSTITUTIONS AFTER CONTRACT AWARD**

- .1 No substitutions will be permitted after award of the Contract without the prior approval of the Consultant by means of a letter of acceptance of the specific substitution.
- .2 In the event that the Contractor wishes to offer a substitution or a proposal of work, materials or methods as an alternative to those described in the Contract Documents, he shall submit a request in writing.
- .3 The request shall include the following:
  - .1 Reasons for the proposed substitution.
  - .2 A description of the proposed substitution.
  - .3 The amount of any credit offered for the substitution.
  - .4 In the case of materials, products or systems, a direct comparison between the properties and complicacies of the specified materials, products or systems with the properties and complicacies of the proposed substitution, arranged in a form acceptable to the Consultant.
  - .5 In the case of materials or products, country of manufacture.
  - .6 Shop drawings, product data, and certified test results attesting to the proposed material or product equivalence.
  - .7 If requested by the Consultant, a list of no less than five projects of comparable size and complexity, where the proposed substitution has been used in a similar application. Such projects shall have been in service for at least five (5) years and, where applicable, shall have been subjected to climatic conditions similar to those experienced at the location of the Project. The list shall include the name and current telephone number of the Architect or Prime Consultant for each project.
- .4 The Consultant reserves the right to request such additional information as they deem necessary prior to acceptance or rejection of a proposed substitution.
- .5 A request constitutes a representation that the Contractor:

- .1 Has investigated proposed Product and determined that
    - .1 it meets or exceeds the quality level of the specified Product; or
    - .2 the request describes accurately and completely the specific ways in which it fails to meet the quality level of the specified Product.
  - .2 Will provide the same warranty for the Substitution as for the specified Product.
  - .3 Will coordinate installation and make changes to other Work which may be required for the Work to be complete with no additional cost to the Owner. (A later claim by Bidder for an addition to Contract Price because of changes in work necessitated by use of substitutions shall not be considered).
  - .4 Waives claims for additional costs or time extension which may subsequently become apparent.
  - .5 Will reimburse the Owner and the Consultant for the cost of review or redesign services associated with re-approval by authorities.
- .6 When a request to substitute a Product is accepted, the Consultant will issue to the Contractor a formal letter of acceptance.

**END OF SECTION**