

SECTION 01 2500 - SUBSTITUTION PROCEDURES

Revise this Section by deleting and inserting text to meet Project-specific requirements.

This Section uses the term "Architect." Change this term to match that used to identify the design professional as defined in the General and Supplementary Conditions.

Verify that Section titles referenced in this Section are correct for this Project's Specifications; Section titles may have changed.

Delete hidden text after this Section has been edited for the Project.

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.
- B. The Contractor's attention is specifically directed, but not limited, to the following documents for additional requirements:
 - 1. The current version of the *Uniform General Conditions for Construction Contracts*, State of Texas, available on the web site of the Texas Facilities Commission.
 - 2. The University of Houston's *Supplemental General Conditions and Special Conditions for Construction*.

1.2 SUMMARY

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

1.3 DEFINITIONS

Retain terms that remain after this Section has been edited for a project.

- 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. No substitutions for convenience are allowed.

University of Houston Master Specification

<Insert Project Name>

<Insert Issue Name>

<Insert U of H Proj #>

<Insert Issue Date>

1.4 ACTION SUBMITTALS

- A. Substitution Requests: Submit three copies 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.

If retaining last option in "Substitution Request Form" Subparagraph below, insert a sample of the form to be used in Project Manual.

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

Retain and revise requirements in first 13 subparagraphs below that are applicable and necessary and are not included in the Supplementary Conditions.

- 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. Samples, where applicable or requested.
- f. Certificates and qualification data, where applicable or requested.
- g. List of similar installations for completed projects with project names and addresses and names and addresses of architects and owners.
- h. Material test reports from a qualified testing agency indicating and interpreting test results for compliance with requirements indicated.
- i. Research reports evidencing compliance with building code in effect for Project, from ICC-ES.
- j. 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.
- k. Cost information, including a proposal of change, if any, in the Contract Sum.

<Insert A/E Name>

Substitution Procedures

01 2500 - 2

AE Project #: <Insert Project Number>

UH Master: 11.2019

University of Houston Master Specification

<Insert Project Name>

<Insert Issue Name>

<Insert U of H Proj #>

<Insert Issue Date>

- I. 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.
 - m. 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 days of receipt of a request for substitution. Architect 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.

Architect may determine in each case which of the revision forms in "Forms of Acceptance" Subparagraph below is appropriate for incorporating a Contractor's substitution requests into the Contract Documents. See the Evaluations in Section 01 2600 "Contract Modification Procedures" for discussion of contract modification methods and forms.

- 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.

1.5 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.

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: 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:

<Insert A/E Name>

AE Project #: <Insert Project Number>

Substitution Procedures

UH Master: 11.2019

01 2500 - 3

University of Houston Master Specification

<Insert Project Name>

<Insert Issue Name>

<Insert U of H Proj #>

<Insert Issue Date>

Revise conditions in subparagraphs below. If required, insert more restrictive conditions to limit consideration of proposed substitutions.

- 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.
- c. Substitution request is fully documented and properly submitted.
- d. Requested substitution will not adversely affect Contractor's construction schedule.
- e. Requested substitution has received necessary approvals of authorities having jurisdiction.
- f. Requested substitution is compatible with other portions of the Work.
- g. Requested substitution has been coordinated with other portions of the Work.
- h. Requested substitution provides specified warranty.
- i. 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: Not allowed.

PART 3 - EXECUTION (Not Used)

END OF SECTION 01 2500

University of Houston Master Specification

<Insert Project Name>
<Insert U of H Proj #>

<Insert Issue Name>
<Insert Issue Date>

Substitution Request Form			
Project Name:		Issued by:	
Address:		Address:	
Project No:		Copies To:	
Subst. Request #:		Date Issued:	

Specified Product, Material, System or Equipment in the Contract Documents:

Specification Number:		Article/Paragraph/Page#:	
Drawing No./Detail:		Drawing Issue Date:	
Item Specified:			

Proposed Substitution:

Description:			
Manufacturer:			
Address:		Tel:	
Trade Name:		Model #:	
Installer:			
Address:		Tel:	
History	<input type="checkbox"/> New Product	<input type="checkbox"/> 2-5 years old	<input type="checkbox"/> 5-10 years old
	<input type="checkbox"/> more than 10 years old		
Attachments Included:	<input type="checkbox"/> Drawings	<input type="checkbox"/> Product Data	<input type="checkbox"/> Samples
	<input type="checkbox"/> Test Reports	<input type="checkbox"/> Comparative Data	<input type="checkbox"/> Research & Evaluation Reports

Reason for Substitution:

SPECIFIED PRODUCT:	PROPOSED PRODUCT:
<input type="checkbox"/> Is no longer available.	<input type="checkbox"/> Will reduce construction time by ___ days to Project.
<input type="checkbox"/> Is unable to meet project schedule.	<input type="checkbox"/> Will result in cost savings of \$ _____.
<input type="checkbox"/> Is unsuitable for the designated application.	<input type="checkbox"/> Is for Supplier's Convenience
<input type="checkbox"/> Cannot interface with adjacent materials	<input type="checkbox"/> Owner Initiated Substitution
<input type="checkbox"/> Is not compatible with adjacent materials.	<input type="checkbox"/> Other:
<input type="checkbox"/> Is not compatible with adjacent materials.	
<input type="checkbox"/> Cannot provide the specified warranty	
<input type="checkbox"/> Cannot be constructed as indicated.	
<input type="checkbox"/> Other:	

Cannot be obtained due to one or more of the following:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Strike | <input type="checkbox"/> Bankruptcy of manufacturer or supplier |
| <input type="checkbox"/> Lockout | <input type="checkbox"/> Similar occurrence |

Explanation of each item marked above (Attach Documentation):

University of Houston Master Specification

<Insert Project Name>
<Insert U of H Proj #>

<Insert Issue Name>
<Insert Issue Date>

COMPARISONS OF THE SPECIFIED ITEM AND THE PROPOSED SUBSTITUTION:			
1. Compare proposed substitution with specified quality, size, weight, visual appearance, durability, and performance using the fields below:			
QUALITY:	SPECIFIED PRODUCT:	PROPOSED PRODUCT:	
Manufacturer:			
Name/Brand/No:			
Supplier/ Distributor:			
Mfr/Rep:			
Size:			
Weight:			
Appearance:			
DURABILITY: Identify at least three (3) similar local projects on which proposed substitution was used:			
1	Project:	Date Installed:	
	Address:		
	Owner/Contact:	Tel:	
2	Project:	Date Installed:	
	Address:		
	Owner/Contact:	Tel:	
3	Project:	Date Installed:	
	Address:		
	Owner/Contact:	Tel:	
PERFORMANCE CRITERIA:		SPECIFIED PRODUCT:	PROPOSED PRODUCT:
Features/Attributes	Test Protocol		
2. Verify specified warranties, maintenance service, parts, code (including relevant ASTMs) and accessibility compliance, sustainability, and other requirements are met:			
a. WARRANTY: Proposed product offers the same warranty? <input type="checkbox"/> Yes <input type="checkbox"/> No; explain			
	SPECIFIED PRODUCT:	PROPOSED PRODUCT:	
Item:			
Item:			
Item:			
Item:			
Item:			

University of Houston Master Specification

<Insert Project Name>
<Insert U of H Proj #>

<Insert Issue Name>
<Insert Issue Date>

b. MAINTENANCE SERVICE: Same day service available? <input type="checkbox"/> Yes <input type="checkbox"/> No; explain:			
Item:			
Item:			
Item:			
Item:			
c. SPARE PARTS: Source/Location:			
Item:			
Item:			
Item:			
Item:			
CODE REQUIREMENTS:		SPECIFIED PRODUCT:	PROPOSED PRODUCT:
ASTM:			
ASTM:			
ASTM:			
ASTM:			
ADA Compliance:			
SUSTAINABLE DESIGN			
FEATURES/ATTRIBUTES:		SPECIFIED PRODUCT:	PROPOSED PRODUCT:

3.	Describe changes required in other elements of the Work to accommodate the proposed substitution, including work performed by the Owner and separate contractors:
4.	Describe changes of the Work required by the Owner, separate Contractors, or Consultants:

University of Houston Master Specification

<Insert Project Name>
<Insert U of H Proj #>

<Insert Issue Name>
<Insert Issue Date>

5.	Describe the impact the proposed substitution will have on the work schedule in comparison to the work schedule without approval of the proposed substitution:
6.	Define detailed cost impact of the proposed substitution in relation to the originally specified item, including related modifications required to other Work:
7.	Proposed Substitution Summary:
	Savings to the Owner for accepting substitution \$ _____ (\$ _____)
	Proposed Change in Contract Time: <input type="checkbox"/> Yes <input type="checkbox"/> No [Add] [Deduct] _____ Days.

Contractor’s Certification and Waiver: Permission to make a substitution after Award of Contract shall be effected by Change Order. Change Order shall not relieve the Contractor, a subcontractor, manufacturer, fabricator, or supplier from responsibility for deficiencies that may exist in the substituted product, nor for departure or deviation from the Contract Documents. The Undersigned certifies:

1. Except as otherwise expressly defined by the Contractor in this Request for Substitution (RFS) and approved by Change Order, the Contractor warrants, that the proposed substitution:
 - a. Has been fully investigated and determined to be equal or superior in all respects to the specified product
 - b. Will satisfy all requirements of the original product, material or equipment specified, including but not limited to appearance, quality, performance, code compliance, sustainability (LEED), and warranty.
 - c. Will have the same maintenance service and source of replacement parts as the original
 - d. Will not have an adverse effect on other trades nor affect or delay progress schedule.
 - e. Will not affect dimensions and functional clearances.
2. Cost data and change in contract time stated are complete. Claims for additional costs or additional time related to accepted substitution which may subsequently become apparent are waived.
3. If substitution affects a correlated function, adjacent construction, or the work of other trades or contractors, the necessary changes and modifications to the affected work shall be considered as an essential part of the proposed substitution, to be accomplished by the Contractor without additional expense to the Owner.
4. Payment will be made for changes to building design, including A/E design, detailing and construction costs caused by the substitution.
5. Coordination, installation and changes in the Work necessary for accepted substitution will be complete in all respects.

Contractor’s Signature:		Date:	
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University of Houston Master Specification

<Insert Project Name>
<Insert U of H Proj #>

<Insert Issue Name>
<Insert Issue Date>

Conditions of Acceptance: The Architect/Engineer’s approval, if granted, relies on data submitted and the opinion, knowledge, information, and belief of the Architect/Engineer at the time decision is rendered. The approval is conditional in nature and subject to re-evaluation and reconsideration if additional data or materials are submitted, or coordination with other work is observed to invalidate claims that substitution is equal to items originally specified

Architect/Engineer’s Response:			
<input type="checkbox"/> Substitution Approved			
<input type="checkbox"/> Substitution Approved as Noted			
<input type="checkbox"/> Substitution Rejected -- Use specified materials.			
<input type="checkbox"/> Substitution Received too late -- Use specified materials.			
<input type="checkbox"/> More Information Required			
RFS Response by:		Date:	
Hellmuth, Obata + Kassabaum, Inc.			
Hellmuth, Obata + Kassabaum, Inc.		Contractor:	Owner:
Accepted By:		Accepted By:	
Date:		Date:	