

SECTION 012500  
SUBSTITUTION PROCEDURES

PART 1 GENERAL

1.1 DESCRIPTION OF WORK

- A. This Section specifies each Prime Contractor's administrative and procedural requirements for handling requests for substitutions made after award of the Contract. Procedural requirements governing the Contractor's selection of products and product options are included under Section 016001 "Products and Materials".

1.2 RELATED WORK SPECIFIED ELSEWHERE

- A. Applicable provisions of Bidding Requirements, Contract Requirements in Division 0 and all applicable Division 1 sections.

1.3 DEFINITIONS

- A. Definitions used in this Article are not intended to change or modify the meaning of other terms used in the Contract Documents.
- B. Substitutions - Requests for changes in products, materials, equipment, and construction required by Contract Documents proposed by the Contractor after award of the Contract are considered requests for "substitutions". The following shall not be considered substitutions:
  - 1. Substitutions requested by Bidders during the bidding period, and accepted in Addenda prior to award of Contract.
  - 2. Revisions to Contract Documents requested by the City or Design Professional.
  - 3. Specified options of products and construction methods included in Contract Documents.
  - 4. The Contractor's determination of and compliance with governing regulations and orders issued by governing authorities.
- C. "Or equal", "or equivalent", "approved equal", "approved equivalent", "equivalent substitution" and all other similar terms shall be interpreted as "substitution" as defined above.

1.4 SUBMITTALS

- A. Submit three (3) copies of each request for substitution. Submit requests with the form attached at the end of this Section and in accordance with procedures required for Change Order proposals. Attach all other data and certification.
- 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.
- C. Product Data, including Drawings and descriptions of products, fabrication and installation procedures.

- D. Samples, where applicable or requested.
- E. A detailed comparison of salient features and qualities of the proposed substitution with those of the Work specified. Salient features and qualities may include elements such as size, weight, durability, performance and visual effect as determined by the Design Professional. Submit documentation of salient features and qualities from independent testing agencies performing industry recognized tests. The manufacturer's claims of performance may or may not be used in evaluation of substitutions at the discretion of the Design Professional.
- F. Coordination information, including a list of changes or modifications needed to other parts of the Work and to construction performed by the City and separate Contractors, that will become necessary to accommodate the proposed substitution.
- G. A statement indicating the substitution's 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.
- H. Cost information, including a proposal of the net change, if any in the Contract Sum. The Contractor shall certify that the cost data presented is complete and includes all related costs under this Contract, but excludes the Design Professional's redesign costs.
- I. 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.
- J. Certification that the Contractor will reimburse the City for all costs for additional services by the Design Professional and/or the Department of Parks & Recreation relating to any substitution that necessitates a design change and related documentation.
- K. Design Professional's Action - The Design Professional will notify the Contractor of acceptance or rejection of the proposed substitution. The Design Professional will be the sole judge of the acceptability of the proposed substitution. Acceptance will be in the form of a Change Order. The Change Order will include a deduction from the Contract Sum for additional costs incurred by the City because of the substitution including, but not limited to, Design Professional's fees.

## PART 2 PRODUCTS

### 2.1 SUBSTITUTIONS

- A. Conditions - The Contractor's substitution request will be received and considered by the Design Professional when one or more of the following conditions are satisfied, as determined by the Design 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. The request is directly related to an “or approved substitution” clause or similar language in the Contract Documents.
  5. 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.
  6. The specified product or method of construction cannot receive necessary approval by a governing authority, and the requested substitution can be approved.
  7. A substantial advantage is offered the City, in terms of cost, time, energy conservation or other considerations of merit, after deducting offsetting responsibilities the City may be required to bear. Additional responsibilities for the City may include additional compensation to the Design Professional for redesign and evaluation services, increased cost of other construction by the City or separate Contractors, and similar considerations.
- B. The specified product or 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.
- C. The specified product or construction cannot be coordinated with other materials, and where the Contractor certifies that the proposed substitution can be coordinated.
- D. 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.
- E. 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.
- F. The Contractor’s submittal and Design Professional 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.

PART 3 EXECUTION                      Not Applicable

Attachment - Substitution Request Form (4 pages)

- END -

## CITY OF PHILADELPHIA SUBSTITUTION REQUEST FORM

### INSTRUCTIONS:

- A. This request must be submitted and signed by the Prime Contractor.
- B. A request for each substitution must be exactly in this form, including all items. (One (1) item of substitution per form).
- C. Attach complete information on changes to Drawings and Specifications that proposed substitution will require for its proper installation.
- D. Submit with request, all necessary samples and substantiating data to prove quality and performance is equal to that which is specified. Clearly mark manufacturer's literature to indicate equality in performance

CONTRACT AWARD DATE: \_\_\_\_\_ DATE OF REQUEST: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_

PROJECT: \_\_\_\_\_

We hereby submit for your consideration the following substitution in lieu of the specified item for the above project:

SPEC. SECTION NO.: \_\_\_\_\_ PARAGRAPH: \_\_\_\_\_ SPECIFIED ITEM: \_\_\_\_\_

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

REASON  
FOR  
REQUEST: \_\_\_\_\_

ITEMIZED COMPARISON OF SPECIFIED ITEM WITH THE PROPOSED SUBSTITUTION:  
PERFORMANCE: \_\_\_\_\_

APPEARANCE: \_\_\_\_\_

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REFERENCED

STANDARDS:\_\_\_\_\_

DEDUCT CHANGE ORDER OFFERED FOR PROPOSED SUBSTITUTION:\_\_\_\_\_

MANUFACTURER'S WARRANTIES OF THE PROPOSED AND SPECIFIED ITEMS:

LENGTH OF WARRANTY: AS SPECIFIED [    ]. PROPOSED [    ]

MATERIALS COVERED:AS SPECIFIED [    ]. PROPOSED [    ]

LABOR COVERED:AS SPECIFIED [    ]. PROPOSED [    ]

OTHER TERMS: AS SPECIFIED:\_\_\_\_\_

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

DESIGNATION OF MAINTENANCE SERVICES AND SOURCES:\_\_\_\_\_

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DOES SUBSTITUTION AFFECT DIMENSIONS OR CLEARANCES SHOWN ON THE  
DRAWINGS? YES [    ] NO [    ].

IF YES, CLEARLY INDICATE  
CHANGES:\_\_\_\_\_

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WILL THE UNDERSIGNED PAY FOR CHANGES TO THE BUILDING DESIGN,  
INCLUDING ENGINEERING AND DETAILING COSTS CAUSED BY THE REQUESTED  
SUBSTITUTION? YES [    ] NO [    ].

IF NO, FULLY EXPLAIN:\_\_\_\_\_

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WHAT EFFECT DOES SUBSTITUTION HAVE ON OTHER CONTRACTS OR TRADES?\_\_

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WHAT EFFECT DOES SUBSTITUTION HAVE ON CONSTRUCTION SCHEDULE?\_\_\_\_\_

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#### CONTRACTORS CERTIFICATION OF EQUAL PERFORMANCE

The undersigned certifies that:

He/she has investigated the proposed substitution and has determined that it is equal to or better than the product specified.

He/she will guarantee the substitution in the same manner as the product specified.

He/she will coordinate and make other changes as required in the Work as a result of the substitution.

He/she waives all claims for additional costs as a result of the substitution, with the exception of those identified above under "cost data".

He/she will reimburse the City for all costs for design change resulting from the substitution.

Submitted by:

Signature \_\_\_\_\_

Name:\_\_\_\_\_Title:\_\_\_\_\_

Firm:\_\_\_\_\_Date:\_\_\_\_\_

Street:\_\_\_\_\_

City\_\_\_\_\_State\_\_\_\_\_Zip Code\_\_\_\_\_

Telephone:\_\_\_\_\_

Signature shall be by person having authority to legally bind his firm to the above terms. Failure to provide legally binding signature will result in rejection without further review by Design Professional.

Design Professional's Action

Accepted [    ]

Accepted as noted [    ]

Not accepted [    ]

Received too late [    ]

Signature:\_\_\_\_\_

-END-]