

SECTION 002600 - PROCUREMENT SUBSTITUTION PROCEDURES

1.1 DEFINITIONS

- A. Procurement Substitution Requests: Requests for changes in products, materials, equipment, and methods of construction from those indicated in the Procurement and Contracting Documents, submitted prior to receipt of bids.
- B. Substitution Requests: Requests for changes in products, materials, equipment, and methods of construction from those indicated in the Contract Documents, submitted following Contract award. See Section 012500 "Substitution Procedures" for conditions under which Substitution requests will be considered following Contract award.

1.2 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.

1.3 PROCUREMENT SUBSTITUTIONS

- A. Procurement Substitutions, General: By submitting a bid, the Bidder represents that its bid is based on materials and equipment described in the Procurement and Contracting Documents, including Addenda. Bidders are encouraged to request approval of qualifying substitute materials and equipment when the Specifications Sections list materials and equipment by product or manufacturer name.
- B. Procurement Substitution Requests will be received and considered by Owner when the following conditions are satisfied, as determined by Architect; otherwise, requests will be returned without action:
 - 1. Extensive revisions to the Contract Documents are not required.
 - 2. Proposed changes are in keeping with the general intent of the Contract Documents, including the level of quality of the Work represented by the requirements therein.
 - 3. The request is fully documented and properly submitted.

1.4 SUBMITTALS

- A. Procurement Substitution Request: Submit to Architect. Procurement Substitution Request must be made in writing by prime contract Bidder only in compliance with the following requirements:
 - 1. Requests for substitution of materials and equipment will be considered if received no later than **February 6, 2023**.
 - 2. Submittal Format: Submit one copy of each written Procurement Substitution Request, using form bound in Project Manual.
 - a. Identify the product or the fabrication or installation method to be replaced in each request. Include related Specifications Sections and drawing numbers.
 - b. Provide complete documentation on both the product specified and the proposed substitute, including the following information as appropriate:
 - 1) Point-by-point comparison of specified and proposed substitute product data, fabrication drawings, and installation procedures.

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- 2) Copies of current, independent third-party test data of salient product or system characteristics.
 - 3) Samples where applicable or when requested by Architect.
 - 4) Detailed comparison of significant qualities of the proposed substitute 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.
 - 5) Material test reports from a qualified testing agency indicating and interpreting test results for compliance with requirements indicated.
 - 6) Research reports, where applicable, evidencing compliance with building code in effect for Project, from ICC-ES.
 - 7) Coordination information, including a list of changes or modifications needed to other parts of the Work and to construction performed by Owner and separate contractors, which will become necessary to accommodate the proposed substitute.
- c. Provide certification by manufacturer that the substitute proposed is equal to or superior to that required by the Procurement and Contracting Documents, and that its in-place performance will be equal to or superior to the product or equipment specified in the application indicated.
 - d. Bidder, in submitting the Procurement Substitution Request, waives the right to additional payment or an extension of Contract Time because of the failure of the substitute to perform as represented in the Procurement Substitution Request.
- B. Architect's Action:
1. Architect may request additional information or documentation necessary for evaluation of the Procurement Substitution Request. Architect will notify all bidders of acceptance of the proposed substitute by means of an Addendum to the Procurement and Contracting Documents.
- C. Architect's approval of a substitute during bidding does not relieve Contractor of the responsibility to submit required shop drawings and to comply with all other requirements of the Contract Documents.

END OF DOCUMENT 002600

EXHIBIT G - Substitution Procedures &
Substitution Request Form

Revised 1/25/23 - Addendum 2

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SECTION 012500 - SUBSTITUTION REQUEST FORM

This form is to be used to submit product(s) for Architect or Engineers approval. Requests for substitution will be considered if received no later than February 6, 2023. Submit this document to Architect per section 012500.

To: _____

We hereby submit for your consideration the following product instead of the specified items for the above project:

Specification Section: _____

Proposed Substitution: _____

Attach complete Product description, drawings, photographs, performance and test data, and other information necessary for evaluation.

A. Will changes be required to building design in order to properly install proposed substitution?

YES ____ NO ____

If yes, explain _____

B. What difference exists between proposed substitution and specified item?

C. Does manufacturer's warranty of proposed substitution differ from that specified?

YES ____ NO ____

If yes, explain _____

D. Will maintenance and service parts be locally available for substitution?

YES ____ NO ____

If yes, explain _____

COMPANY NAME _____

CONTACT PERSON _____

TELEPHONE _____

SECTION 012500 - SUBSTITUTION PROCEDURES

PART 1 - GENERAL

1.1 SUMMARY

- A. Section includes administrative and procedural requirements for substitutions.
- B. Related Requirements:
 - 1. Document 002600 "Procurement Substitution Procedures" for requirements for substitution requests prior to award of Contract.
 - 2. Section 016000 "Product Requirements" for requirements for submitting comparable product submittals for products by listed manufacturers.

1.2 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 Owner that are not required in order to meet other Project requirements but may offer advantage to Contractor or Owner.
- B. Comparable Products: Naming of specified items on the Drawings and in the specifications, means that such named items are specifically required by the Architect and/or Owner. When the words "or comparable product" follows such named item(s), a substitution request must be submitted when proposing a product other than the named product. Requests for substitutions must be received by the Architect within the time frame set hereinafter.

1.3 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.

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1. Substitution Request Form: Use form provided in Project Manual . All Substitutions to the Project must be submitted for review prior to use on the Project, and be submitted on a fully executed request form with appropriate documentation.
 - a. Prior to Bidding: Use CSI Form 1.5C, Substitution Request Form During the Bidding Phase.
 - b. After Bidding Phase: Use CSI Form 13.1A, Substitution Request Form After the Bidding Phase.
2. Documentation: Show compliance with requirements for substitutions and the following, as applicable:
 - a. Statement indicating why specified product or fabrication or installation method cannot be provided, if applicable.
 - b. Coordination of 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 substitutions 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 as well as 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 substitutions 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.
 - l. 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 (or Design Team member'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.
 - a. Forms of Acceptance: Addenda, 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.
 - c. Architect (or member of the design team) will note action taken.

- d. Architect (or member of the design team) is not obligated nor required to review any and all Substitution requests.
- e. Architect (or member of the design team) is not obligated to inform Proposers of Substitutions of incomplete and/or non-accepted requests for Substitution.

1.4 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.

1.5 PROCEDURES

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

1.6 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:
 - 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.
 - i. Specified product or method of construction cannot be provided within the Contract Time.
 - j. Specified product or method of 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.

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- k. Specified product or method of construction cannot provide a warranty required by the Contract Documents and where the Contractor certifies that the proposed substitution will provide the specified warranty.
 2. Acceptance of Substitutions for Cause. Architect (or member of the design team) will review proposed Substitution in time indicated in previous Sections. If necessary, Architect (or member of the design team) will request additional information or documentation for evaluation purposes. Only acceptable substitutions will receive notification of status. Substitutions shall be considered unacceptable unless a form of acceptance is received by the Proposer.
 - a. Forms of Acceptance for Substitutions of Cause: Change Order, Construction Change Directive, or Supplemental Instructions for minor changes in the Work.
- B. Substitutions for Convenience: Architect will consider requests for substitution if received within 60 days after the Notice to Proceed . Requests received after that time may be considered or rejected at discretion of Architect.
 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:
 - a. Substitutions for Convenience will only be reviewed once - no additional information may be submitted after initial review.
 - b. Requested substitution offers Owner a substantial advantage in cost, time, energy conservation, or other considerations, after deducting additional responsibilities Owner must assume. Owner's additional responsibilities may include compensation to Architect for redesign and evaluation services, increased cost of other construction by Owner, and similar considerations.
 - c. Requested substitution does not require extensive revisions to the Contract Documents.
 - d. Requested substitution is consistent with the Contract Documents and will produce indicated results.
 - e. Substitution request is fully documented and properly submitted.
 - f. Requested substitution will not adversely affect Contractor's construction schedule.
 - g. Requested substitution has received necessary approvals of authorities having jurisdiction.
 - h. Requested substitution is compatible with other portions of the Work.
 - i. Requested substitution has been coordinated with other portions of the Work.
 - j. Requested substitution provides specified warranty.
 - k. 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.
 2. Acceptance of Substitution for Convenience: Architect (or member of the design team) will release accepted substitutions in Addendum and by no other means.
- C. The Contractor's submittal and Architect's acceptance of Shop Drawings, Product Data or Samples that relate to construction activities not complying with the Contract Documents does not constitute an acceptance or validate request for substitution, nor does it constitute approval.
- D. Under no circumstances does the Architect's and/or Owner's acceptance of any such substitution relieve the Contractor from timely, full and proper performance of the Work.

1.7 ARCHITECT'S REVIEW PROCESS

- A. Submittal requests for proposed substitutions will be processed using the following procedures:
1. Submittals will be dated upon arrival and reviewed in the order they were received.
 2. Submittals will be placed by receiving person in a designated folder for the purpose of Substitution Reviews.
 3. Submittals will be reviewed by a member of the design team's staff (or respective consultant). Reviewer(s) will not be designated until after receipt of submittal of substitutions.
 4. Reviewer's General Attitude will be the following:
 - a. Burden of proof is upon the Proposer or Submitter of the Substitution.
 - b. Reviewer will not review the submittal and will deem it "Not Approved" if the Substitution does not indicate all required options to meet the requirements of the Contract Documents (i.e. Reviewer will not select options between models and/or lines of products).
 - c. Reviewer should not be required to conduct an exhaustive review of the submittal. Submittal of a Manufacturer's catalogs which do not clearly indicate proposed product and/or product options will be immediately rejected.
 - d. Reviewer should not be required to seek information from Manufacturer's literature on file in the office, from an improperly submitted electronic submittal, or information from other locations or sources.
 - e. Substitute must meet or exceed the requirements and performance of the specified or indicated item(s) within the Contract Documents.
 - f. Review is complete when, in the Reviewer's opinion, significant deficiency(ies) are established. In such case, review of data covering other points of the Specifications is not required.
 5. Reviewer will note action taken from list below, the date, and his/her initials or name:
 - a. Substitution Approved
 - b. Substitution Approved As Noted
 - c. Substitution Rejected
 - d. Substitution Request Received Too Late
 - e. If no action has been taken, the Contractor shall deem the Substitution "Not Approved."
 6. Substitutions will be filed in the Architect's office until completion of the Project.

1.8 ELECTRONIC SUBMITTAL OF SUBSTITUTIONS

- A. Substitution Request submittals will be accepted for review when submitted electronically under the following conditions; Substitution Request submittals may be rejected immediately at Architect (or member of design team) which are not submitted in accordance with the criteria below:
1. A fully executed Substitution Request form must accompany each Substitution Request submittal.
 2. Submittals shall be submitted to the Architect of Record as reference in the Project Team Directory. Submittals directed to the attention of anyone other than the person named will not be considered.

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3. Submittals of Substitutions for any reason must be received within the indicated time limits set forth by this Document.
4. Documentation requirements as set forth in this Section are applicable to Electronic Submittals.
 - a. Submittals in which the Manufacturer's entire catalog is submitted will be immediately rejected.

PART 2 - PRODUCTS (Not Used)

PART 3 - EXECUTION (Not Used)

END OF SECTION 012500