

**SECTION 01 63 00
PRODUCT SUBSTITUTION PROCEDURES**

PART 1. GENERAL

1.01 SECTION INCLUDES

- A. This Section establishes procedures for Contractor submittal of substitutions.
- B. This Section provides procedures for review and compliance with Public Contract Code Section 3400 for the "or equal" clause allowing bidders to furnish any equal material, product, thing or service. Or equal items proposed by bidders are considered substitutions and are subject to approval of the Architect and School District. Burden of proof for "Or Equals is the responsibility of the Contractor.
- C. The intent of this section is to insure that proposed substitutions exceed or equal the quality of the specified products and are furnished and installed in accordance with the Contract Documents.

1.02 RELATED SECTIONS

- A. General and Supplementary Conditions
- B. Section 01 60 00 - Product Requirements

1.03 SUBSTITUTIONS

- A. Substitution requests are to be submitted by General Contractors only. Requests submitted by Subcontractors, Material Suppliers, Manufacturers and other interested parties, other than General Contractors, will not be considered. Submit request on the attached SUBSTITUTION REQUEST FORM at the end of this section.
- B. Comply with provisions of Articles for Substitutions in the General Conditions and any modifications to General Conditions provided in the Supplementary Conditions.
- C. Tabulate products by specification section number and title.
- D. Submit separate request for each substitution. In addition to the SUBSTITUTION REQUEST FORM, support each request with a side by side itemized comparison of the proposed substitution with product specified; including significant variations. Substitution requests without side by side itemized comparisons will not be reviewed, not accepted. Support each request with:
 - 1. Complete data substantiating compliance of proposed substitution with requirements stated in Contract Documents:
 - a. Product identification, including manufacturer's name and address.
 - b. Manufacturer's literature; identify:
 - 1) Product description.
 - 2) Reference standards.
 - 3) Performance and test data.
 - 4) Fire resistance and fire ratings.
 - c. Samples, as applicable.
 - d. Name and address of similar projects on which product has been used, and date of each installation.
 - 2. List significant variations.
 - 3. Any effect the substitution may have on other trade contracts.
 - 4. List of changes required in other work or products.
 - 5. Accurate cost data comparing proposed substitution with product specified.
 - a. Amount of any change in cost.
 - 6. Designation of required license fees or royalties.
 - 7. Designation of availability of maintenance services, sources of replacement materials.
 - 8. Comparison of physical size and weight with product specified.
 - 9. Comparison of physical shape and available finishes.

WD 22851	FILLMORE UNIFIED SCHOOL DISTRICT	12/12/2023
DSA 03-123950	FILLMORE HIGH SCHOOL ATHLETIC COMPLEX	

- E. Substitutions will not be considered for acceptance when:
 - 1. They are indicated or implied on shop drawings or product data submittals and where not approved in compliance with the General Conditions and this section.
 - 2. They are requested after the Contract has been executed.
 - 3. Substitution request procedures included in this Section and in the General and Supplementary Conditions are not complied with by the Contractor.
 - 4. The School District has determined that compatibility, standardization, technological sophistication, service and uniformity are necessary with regard to technological and certain safety items across the Schools in the District.
- F. Substitute products shall not be installed in the construction without written acceptance of the Architect and School District.
- G. Architect and School District will determine acceptability of proposed substitutions prior to awarding of the Contract. Substitutions may be approved after award of the contract only where the following conditions exist.
 - 1. Specified item has been discontinued or is not unavailable to meet project schedule.
 - 2. The School District requested the Substitution.
 - 3. Substitution will reduce the Contract Amount and Contract Time (Credit Back to the District) without reducing quality.

1.04 CONTRACTOR'S SUBSTITUTION CERTIFICATION

- A. In making formal request for substitution contractor certifies that:
 - 1. He has investigated proposed product and has determined that it is equal to or superior in all respects to that specified.
 - 2. He will provide same warranties or bonds for substitution as for product specified.
 - 3. He will coordinate installation of accepted substitution into the work, and will make such changes as may be required for the work to be complete in all respects including modification of the work of other trades.
 - 4. He waives claims for additional costs caused by substitution which may subsequently become apparent.
 - 5. Substituted material is similar in physical appearance, size and weight and will install with the same opening and attachments.
 - 6. Substituted material has the same or better fire rating and fire resistive qualities, including flame spread, smoke developed, UL tested and listing.

1.05 ARCHITECT'S DUTIES

- A. Review contractor's request for substitutions with reasonable promptness.
- B. Consult with District and provide notification to contractor, in writing, of decision to accept or reject requested substitution.

1.06 AVAILABILITY OF SPECIFIED ITEMS

- A. Verify prior to bidding that all specified and substituted items will be available in time for installation during orderly and timely progress of the work.
- B. In the event specified items will not be available, notify the Architect prior to receipt of bids.
- C. Cost of delays because of non-availability of specified items, when such delays could have been avoided by the Contractor, will be back-charged as necessary and shall not be borne by the Architect or School District.

1.07 SUBSTITUTION WARRANTY REQUIREMENTS

- A. The Contractor is to warrant, in writing, that the substituted items are to perform as specified, and assume complete responsibility for the same. This includes responsibility and costs required for modifications to building, other materials, or equipment, and any additional coordination with work of other trades. Testing, of Substitution proposed, if required or requested by the Architect or School District shall be paid for by the Contractor.

WD 22851	FILLMORE UNIFIED SCHOOL DISTRICT	12/12/2023
DSA 03-123950	FILLMORE HIGH SCHOOL ATHLETIC COMPLEX	

PART 2. PRODUCTS

NOT APPLICABLE

PART 3. EXECUTION

NOT APPLICABLE

END OF SECTION

WD 22851	FILLMORE UNIFIED SCHOOL DISTRICT	12/12/2023
DSA 03-123950	FILLMORE HIGH SCHOOL ATHLETIC COMPLEX	

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WD 22851	FILLMORE UNIFIED SCHOOL DISTRICT	12/12/2023
DSA 03-123950	FILLMORE HIGH SCHOOL ATHLETIC COMPLEX	

SUBSTITUTION REQUEST FORM

TO:

PROJECT:

SPECIFIED ITEM: _____
 Section Page Paragraph Description

The contractor requests consideration of the following:

REQUESTED SUBSTITUTION:

PROPOSED CHANGE IN CONTRACT SUM: Deduct the sum of _____

Attached data includes product description, specifications, drawings, photographs, performance, and test adequate for evaluation of the requests; applicable portions of the data are clearly identified.

Attached data also includes description of changes to Contract Documents which proposed substitution will require for proper installation.

The Contractor states that the following paragraphs are correct:

1. The proposed substitution does not affect dimensions shown on Drawings.
2. The Contractor will pay for changes to the design of Project, including engineering design, detailing, and construction costs caused by the requested substitution.
3. The proposed substitution will have no adverse effect on other work, directly related or otherwise, the construction schedule, or specified warranty requirements.
4. Maintenance and service parts will be locally available for the proposed situation.

The Contractor further states that the function, appearance, and quality of the proposed substitutions are equivalent or superior to the specified item.

SUBMITTED BY CONTRACTOR:

Signature: _____

Firm: _____

Address: _____

Date: _____

Attachments: _____

FOR USE BY ARCHITECT:

☐ Accepted

☐ Not Accepted

☐ Accepted as Noted

☐ Received Too Late

Remarks: _____

Owner: _____

Date: _____