

SECTION 016200
PRODUCT OPTIONS

PART 1 - GENERAL

1.01 DEFINITIONS

- A. The Definitions used throughout this Section are not intended to change or modify the meaning of other terms used elsewhere throughout the Contract.
- B. Products shall include products, materials, equipment, or methods of construction.
- C. Request For Substitution is a proposal made by the Contractor after the award of the Contract for changes in Products required by Contract Documents.
- D. The following are not considered to be Substitutions that are subject to this Section:
 - 1. Substitutions requested by Bidders during the bidding period. If accepted, those substitutions will be published in an addendum to the solicitation and considered to be included in the Contract Documents. Those substitutions are not subject to the requirements of this Section.
 - 2. Revisions to the Contract Documents requested by the University after award of the Contract.
 - 3. Specified options of Products included as such in the Contract Documents.
 - 4. The Contractor's determination of and compliance with governing regulations and orders issued by governing authorities.

1.02 REQUESTS FOR SUBSTITUTION

- A. Requests For Substitution shall use the procedures for Submittals. Specification Section 013300, Submittal Procedures, specifies administrative and procedural requirements for submittals.
- B. Requests for Substitution should be made in a timely manner. The Request should allow reasonable time for the University to review and make a decision on the Substitution without impacting the progress of the Work.
- C. The Request for Substitution should identify the Product to be replaced, with the specific Technical Specification section and/or drawing numbers. Supporting documentation should be provided which shows compliance with the requirements for Substitutions and the following information, as appropriate:
 - 1. Product Data, including drawings and descriptions of products, fabrication and installation procedures.
 - 2. Samples, where applicable or requested.
 - 3. Detailed comparison of significant qualities of the proposed Substitution with those of the Work specified. Significant qualities may include elements such as size, weight, durability, performance, and visual effect.

4. Coordination information, including a list of changes or modifications needed to other parts of the Work and to construction performed, including by other Separate Prime Contractors, that will become necessary to accommodate the proposed Substitution.
 5. A statement indicating the Substitution's effect on the Construction Schedule compared to the schedule without approval of the Substitution, including the effect, if any, of the Substitution on overall Contract Time.
 6. Cost information, including a proposal of the net change, if any, in the Contract Price.
 7. Certification by the Contractor, including the following:
 - a. certification and evidence that the proposed Substitution is equal to or better than, in every significant respect, the item required by the Contract Documents,
 - b. certification and evidence that the proposed Substitution will perform adequately in the application indicated, and
 - c. waiver of rights to additional payment or time that may subsequently become necessary if the Substitution fails to perform adequately.
- D. In all cases, the Contractor must provide a Substitution that meets any stated salient features or performance criteria listed in the Technical Specifications.

1.03 ACTIONS ON REQUESTS FOR SUBSTITUTION

- A. A Request For Substitution which is incomplete or does not comply with the requirements in paragraph 1.02 above will be returned to the Contractor without action, except to record noncompliance with these requirements.
- B. If a decision on the use of a proposed Substitution cannot be made in a timely manner, the Contractor shall use the specified Product.

1.04 FACTORS FOR CONSIDERATION OF A SUBSTITUTION

- A. The Contractor's Request For Substitution will be reviewed by the University and may be considered favorably if all of the following conditions are satisfied, as determined by the University.
 1. Extensive revisions to Contract Documents, the Contract Price, or the Contract Time 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.
- B. In addition to the conditions in paragraph 1.04 A. above, at least one of the following conditions must also be satisfied, as determined by the University.
 1. The specified Product cannot be provided without impact to the Contract Time. The proposed Substitution will not be considered if the Product cannot be provided as a result of failure to pursue the Work promptly or coordinate activities properly.
 2. The specified Product cannot receive necessary approval by a governing authority, and the proposed Substitution can be approved.

3. The specified Product cannot be provided in a manner that is compatible with the rest of the Work and its materials, and where the Contractor certifies that the proposed Substitution will overcome the incompatibility.
 4. The specified Product cannot be coordinated with the rest of the Work and its materials, and where the Contractor certifies that the proposed Substitution can be coordinated.
 5. The specified Product cannot be warranted as required by the Contract Documents, or the specified Product adversely affects a warranty or another Product or system, and the Contractor certifies that the proposed Substitution can fulfill the required warranty requirements.
 6. The Substitution results in a substantial advantage to the University, in terms of cost, time, energy conservation, or other considerations of merit, after deducting offsetting responsibilities that the University may be required to bear. Additional responsibilities for the University may include additional compensation to the Professional for redesign and evaluation services, increased cost of other construction by the University or other Separate Prime Contractors, and similar considerations.
- C. The University will make a determination if the Substitution can be coordinated with all other Separate Prime Contractors. Where a proposed Substitution involves more than one Separate Prime Contractor, the Contractor proposing the Substitution shall coordinate the Work with the other Separate Prime Contractors involved, to provide uniformity and consistency, and to assure compatibility of products.

PART 2 – PRODUCTS

(Not Used)

PART 3 – EXECUTION

(Not Used)

END OF SECTION 016200