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| **~~~~ SPECIFIER NOTES ~~~~~**  This specification guidelines, its sections, and text included, is intended to be used in the preparation of Contract Documents. It contains Specifier Notes which shall guide editing by the A/E consultant for the uniqueness of each project during the preparation of the Project Manual. Where **[Optional]** appears in this document, it indicates requirements which may/may not be relevant to the subject project depending upon the project complexity, scope, and unique conditions. For **DRAFT** specifications prepared during the design process, use Microsoft Word, Track Changes. Set Criteria so that deletion show as strikethrough. Deletions and additions are to be in red text.  Notes unique to this section:  *1. Substitutions to reduce project risks.*  *2. Limit number of substitution requests.*  ***~~~ END OF SPECIFIER NOTES ~~~~*** |

SECTION 01 2500 - SUBSTITUTION PROCEDURES

PART 1 GENERAL

1.01 SECTION INCLUDES

A. Procedural requirements for proposed substitutions.

1.02 RELATED REQUIREMENTS

A. Drawings and general provisions of the Contract, including the General Conditions for Washington State Facilities Construction and other Division 01 specification sections, apply to this section.

B. Washington State Department of Enterprise Services, Forms and Reference Documents may be obtained at https://des.wa.gov/services/facilities-leasing/public-works-design-construction/formsreference-documents including form:

1. Department of Enterprise Services - [Substitution Request Form](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.des.wa.gov%2Fsites%2Fdefault%2Ffiles%2Fpublic%2Fdocuments%2FFacilities%2FEAS%2FForms%2FDivision01%2F01-Template_SubstitutionRequest_Final_8-1-2022.docx%3F%3D626d2&wdOrigin=BROWSELINK).

C. Section 01 3000 - Administrative Requirements: Submittal procedures, coordination.

D. Section 01 6000 - Product Requirements: Fundamental product requirements, product options, delivery, storage, and handling.

1.03 DEFINITIONS

A. Substitutions: Changes from Contract Documents requirements proposed by Contractor to materials, products, assemblies, and equipment.

1. Substitutions for Cause: Proposed due to changed Project circumstances beyond Contractor's control.

a. Unavailability.

b. Regulatory changes.

c. Compatibility relating to Proprietary vs Sole Source.

2. Substitutions to improve project performance: Proposed due to possibility of offering substantial advantage to the Project.

a. Substitution requests offering advantages solely to the Contractor will not be considered.

PART 2 PRODUCTS - NOT USED

PART 3 EXECUTION

3.01 GENERAL REQUIREMENTS

A. A Substitution Request for products, assemblies, materials, and equipment constitutes a representation that the submitter:

1. Has investigated proposed product and determined that it meets or exceeds the quality level of the specified product, equipment, assembly, or system.

2. Agrees to provide the same warranty for the substitution as for the specified product.

3. Agrees to provide same or equivalent maintenance service and source of replacement parts, as applicable.

4. Agrees to coordinate installation and make changes to other work that may be required for the work to be complete, with no additional cost to Owner.

5. Has informed the Prime Contractor of any/all changes or impacts to other trades and construction, and all potential costs impacts have been fully addressed without cost impact to the Owner.

6. Waives claims for additional costs or time extension that may subsequently become apparent.

7. Agrees to reimburse Owner for review or redesign services associated with re-approval, through a deductive COP and then an amendment to the A/E.

B. A Substitution Request for specified installer, constitutes a representation that the submitter:

1. Has acted in good faith to obtain services of specified installer.

C. Document each request with complete data substantiating compliance of proposed substitution with Contract Documents. Burden of proof is on proposer.

1. Note explicitly any non-compliant characteristics.

D. Content: Include information necessary for tracking the status of each Substitution Request, and information necessary to provide an actionable response.

1. Forms indicated are adequate for this purpose and must be used.

2. All requests for substitution shall be accompanied by the fully completed [Substitution Request Form](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.des.wa.gov%2Fsites%2Fdefault%2Ffiles%2Fpublic%2Fdocuments%2FFacilities%2FEAS%2FForms%2FDivision01%2F01-Template_SubstitutionRequest_Final_8-1-2022.docx%3F%3D626d2&wdOrigin=BROWSELINK). Failure to fully complete or sign the form will result in rejection of substitution without review.

E. Limit each request to a single proposed substitution item.

1. Submit samples where aesthetics or materials are different than those specified.

3.02 SUBSTITUTION PROCEDURES DURING PROCUREMENT

A. Submittal Form (before award of contract):

1. Submit substitution requests by completing the Substitution Request Form. See form for additional information and instructions. Use only this form; other forms of submission are unacceptable and will be rejected without review.

B. Owner will consider requests for substitutions only if submitted at least 10 working days prior to the date for receipt of bids.

1. Substitutions are reviewed in the order they are received and pending the available time of the A/E design team. Every effort will be made to address substitutions requests received but are not guaranteed.

2. Acceptance will be acknowledged through Addendum only, and to include review time. Rejected requests will not be noted.

3.03 SUBSTITUTION PROCEDURES DURING CONSTRUCTION

A. Submittal Form (after award of contract):

1. Submit substitution requests by completing the Substitution Request Form. See form for additional information and instructions. Use only this form; other forms of submission are unacceptable and will be rejected without review.

B. Submit request for Substitution for Cause within 14 days of discovery of need for substitution, but not later than 14 days prior to time required for review and approval by A/E, in order to stay on approved project schedule.

C. Submit request for Substitution for Convenience immediately upon discovery of its potential advantage to the project, but not later than 14 days prior to time required for review and approval by A/E, in order to stay on approved project schedule.

1. In addition to meeting general documentation requirements, document how the requested substitution benefits the Owner through cost savings, time savings, greater energy conservation, or in other specific ways.

2. Document means of coordinating of substitution item with other portions of the work, including work by affected subcontractors.

3. Bear the costs engendered by proposed substitution of:

a. Owner's compensation to the A/E for any required redesign, time spent processing and evaluating the request.

b. Other construction by Owner.

c. Other unanticipated project considerations.

D. Substitutions will not be considered under one or more of the following circumstances:

1. When they are indicated or implied on shop drawing or product data submittals, without having received prior approval. Substitution request does not replace approval of shop drawings.

2. Without a separate written request.

3. When acceptance will require revisions to Contract Documents.

3.04 RESOLUTION

A. A/E may request additional information and documentation prior to rendering a decision. Provide this data in an expeditious manner.

B. A/E will notify Contractor in writing of decision to accept or reject request.

1. A/E's decision following review of proposed substitution will be noted on the submitted form.

2. Review with Owner and DES PM before approving.

3.05 ACCEPTANCE

A. Accepted substitutions change the work of the Project. They will be documented and incorporated into work of the project by Change Order, Construction Change Directive, Architectural Supplementary Instructions, or similar instruments provided for in the Conditions of the Contract.

3.06 CLOSEOUT ACTIVITIES

A. See Section 01 7800 - Closeout Submittals and Procedures, for closeout submittals.

1. Include completed Substitution Request Forms as part of the Project record.

3.07 ATTACHMENTS

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| **~~~~ SPECIFIER NOTES ~~~~~**  *A/E to attach the Department of Enterprise Services - Substitution Request Form that has been edited with the appropriate project name and contact information.*  ***~~~ END OF SPECIFIER NOTES ~~~~*** |

A. Department of Enterprise Services - [Substitution Request Form](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.des.wa.gov%2Fsites%2Fdefault%2Ffiles%2Fpublic%2Fdocuments%2FFacilities%2FEAS%2FForms%2FDivision01%2F01-Template_SubstitutionRequest_Final_8-1-2022.docx%3F%3D626d2&wdOrigin=BROWSELINK)

END OF SECTION 01 2500 - SUBSTITUTION PROCEDURES