

**SECTION 01 25 00**  
**SUBSTITUTION PROCEDURES**

**PART 1 GENERAL**

**1.01 SECTION INCLUDES**

- A. Substitution Procedures & Related Submittals - Administrative and Procedural Requirements.

**1.02 RELATED REQUIREMENTS**

- A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and other Division 01 Specification Sections, apply to this Section.
- B. Section 01 60 00 - Product Requirements for requirements for submitting Approved Equal submittals for products by listed manufacturers.
- C. See Divisions 02 through \_\_ (to be filled in per Contract) Sections for specific requirements and limitations for contractor substitutions.

**1.03 DEFINITIONS**

- A. Substitutions: Changes in products, materials, equipment, and methods of construction from those required by the Contract Documents and proposed by Contractor.
- B. 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.
- C. Substitutions for Convenience: Changes proposed by Contractor or Owner that are not required in order to meet other Project requirements but may offer an advantage to NYCHA.

**1.04 QUALITY ASSURANCE**

- A. Compatibility of Substitutions: Investigate and document compatibility of proposed substitution with related products and materials. NYCHA's designated representative shall ensure all necessary documentation and the Contractor to comply.

**PART 2 PRODUCTS (NOT USED)**

**PART 3 EXECUTION**

**3.01 SUBSTITUTION PROCEDURES & RELATED SUBMITTALS**

- A. Substitution Requests: All substitutions will be in the form of a Request for Information (RFI). Identify product or fabrication or installation method to be replaced. Include Specification Section number and title and Drawing numbers and titles.
- B. Documentation: Show compliance with the requirements for substitutions and the following, as applicable:
  - 1. Statement indicating why the specified product or fabrication or installation cannot be , provided where applicable.
  - 2. Coordination information, including a list of changes or revisions needed on other parts of the Work and on construction performed by separate contractors that will be necessary to accommodate proposed substitution.
  - 3. Detailed comparison of significant qualities of the proposed substitution with those of the Work specified. Include annotated copy of applicable Specification Section. Significant qualities may include attributes such as reference standards performance, weight, size, durability, visual effect, sustainable design characteristics, warranties, and specific features and requirements indicated. Indicate deviations, if any, from the Work specified.
  - 4. Product Data, including drawings and descriptions of products and fabrication and installation procedures.
  - 5. Samples, where applicable or where indicated in the submittal log
  - 6. Certificates such as sustainability factory certifications, etc. and qualification data, where applicable or requested.
  - 7. List of similar installations for completed projects with project names and addresses, and names and addresses of Designers of Record and NYCHA.

8. Material test reports from a qualified testing agency indicating and interpreting test results for compliance with the original product specifications.
  9. Research reports evidencing compliance with the New York State and City Building Codes in effect for the Project..
  10. Detailed comparison of the Contractor's construction schedule and the effects using proposed substitution with products specified for the Work, including the effect on the overall Contract Time. If specified product or method of construction cannot be provided within the Contract Time, include a letter from the manufacturer, on manufacturer's letterhead, stating date of receipt of purchase order, lack of availability, or delays in delivery.
  11. Cost information, including a proposal of change, if any, in the Contract Sum. Cost information shall include material supplier's certified quote for sale to be included in the change order request.
  12. Contractor's certificates that the proposed substitution complies with requirements in the Contract Documents except indicated in the substitution request.
  13. Contractor's waiver of rights to additional payment or time that may subsequently become necessary because of the failure of the substitution to produce indicated results. (To be further reworded to make the intent clearer)
- C. If necessary, the Architect or Engineer of Record will request additional information or documentation for evaluation within 14 calendar days of receipt of a request for substitution. NYCHA's Designated Representative will notify the Contractor of acceptance or rejection of the proposed substitution within 14 calendar days of the receipt of the original substitution request, or within 14 calendar days of the receipt of additional information or documentation, whichever is later.
1. Forms of Acceptance: An official letter or email from NYCHA's Designated Representative indicating that the substitution is approved and directing the Contractor to initiate a Change Order.
  2. Form of Rejection: An official letter or email from NYCHA's designated representative listing out the RFI stating that the substitution is rejected.
- D. Substitutions for Cause: Submit requests for substitution immediately upon the discovery of a need for change, but not later than 30 days prior to the scheduled ordering of materials.
1. Summary
    - a. Products, materials, systems and equipment specified within the technical sections Division 02 through Division \_\_ (to be filled in per Contract) and Drawings shall be used for this Project unless approval for the submitted "or Equal" substitutions is obtained from NYCHA.
    - b. Requests will not be considered if they are made for a certain item or items at such a date that will not allow time for proper NYCHA analysis and determination for a decision. Refer to Paragraph 5.
    - c. The Contractor's request for substitutions with "alternate" products, materials, systems and equipment (those that vary from the Contract Documents, i.e. not an "or Equal") will be evaluated on a case-by-case basis within the sole discretion of NYCHA. The schedule for submission and review of alternate products, materials, systems, and equipment shall be the same as described in the Submission Submittal Schedule below.
    - d. Submittals
      - 1) Substitution Submittal Schedule: Request for substitution will only be considered if received within the number of days indicated below after the issuance of the Notice To Proceed (NTP).
      - 2) In addition, the request for substitutions for all materials that comprise the building envelope must be made within the time allotted per the above schedule, but shall not exceed 45 days of the Notice to Proceed (NTP).
      - 3) The timeliness of the request must allow for the review, as well allow for necessary lead and installation times for the substituted item and for all construction related to and dependent on the substitution.

- 4) NYCHA may request additional information or documentation for the evaluation of the request. NYCHA will notify the Contractor of acceptance or rejection of the proposed substitution. If a decision on the use of a proposed substitute cannot be made or obtained, the Contractor must use the products specified by name. No time extensions will be granted due to the approval process or the rejection of a substitution.
- e. Substitution Submittal Procedure
  - 1) Each substitution submitted to NYCHA for consideration shall be separate and distinct from a regular submittal and shall be submitted to NYCHA as a Request for Information. See Section 01 33 00 for Submittal Procedure and Requirements. Each request shall identify the material, item of equipment, installation method, etc. proposed for substitution. Include the related Contract Specification and Contract Drawing number(s). Provide complete documentation showing compliance with the specified requirements. Such documentation shall include, but not be limited to the following:
  - f. Product data, including drawings, fabrication, calculations and installation procedures.
    - 1) Samples, where samples of the specified product are required or subsequently requested.
    - 2) Mock ups, where mock ups of the specified product are required or subsequently requested.
    - 3) A detailed comparison of significant qualities of the proposed substitution with those of the material or work specified. Significant qualities may include elements such as size, weight, durability, performance, visual effect, code compliance, maintenance requirements, energy usage, and environmental considerations.
    - 4) Coordination of information, including a list of changes or modifications to be made to other parts of the Work including the Work to be performed by other trades and for construction performed by others that will become necessary to accommodate and to accept the proposed substitution.
    - 5) Warranty information, with any deviations from the Contract requirements highlighted.
      - (a) Failure by the Contractor to include the above requirements in the submittal may cause rejection of the submittal in its entirety.
- E. Approval Decision
  1. The decision for approval or rejection of a product substitution shall rest solely with NYCHA. NYCHA will endeavor to include all recommendations of the Designer of Record and NYCHA's Designated Representative.
- F. Accommodations for Substitutions
  1. In the event substitute products, materials, systems and equipment ("or Equal") and "alternate") that are accepted cause accommodations incurring additional costs, such costs shall be borne by the Contractor.
- G. Options
  1. When the Contractor's options are allowed for use of certain products, materials, systems, and equipment for this Project, conditions shall be as set out in the respective technical Sections.
- H. Substitutions for Convenience: NYCHA and the Designer of Record will consider requests for substitution if received within 30 CCDs after the Letter of Award (LOA). Requests received after that time may be considered or rejected at the discretion of NYCHA and the Designer of Record.
- I. Conditions: NYCHA and the Designer of Record will consider the Contractor's request for substitution when the following conditions are satisfied. If the following conditions are not satisfied, NYCHA's Designated Representative will return requests without action, except to record noncompliance with these requirements:

1. Requested substitution does not require any revisions to the Contract Documents.  
Revisions to the Contract Documents will be made at cost to the Contractor.
2. Requested substitution is consistent with the Contract Documents and will produce the indicated results.
3. Substitution request is fully documented and properly submitted.
4. Requested substitution will not adversely affect the Contractor's construction schedule.
5. Requested substitution has received necessary approvals of Authorities Having Jurisdiction.
6. Requested substitution is compatible with other portions of the Work.
7. Requested substitution has been coordinated with other portions of the Work.
8. Requested substitution provides specified warranty.
9. 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.
10. NYCHA has the right and or option to reject contractor substitution submission at their discretion. Rejection of proposed substitution shall not constitute any basis for contractor's claims.

**END OF SECTION**