

SECTION 012500

SUBSTITUTIONS AND PRODUCT OPTIONS

PART 1 - GENERAL

1.1 REQUIREMENTS INCLUDED

- A. Furnish and install products specified, under options and conditions for substitutions stated in this Section.
- B. Whenever a product, material or item of equipment is specified or described by using the name of a proprietary product or the name of a particular manufacturer or vendor, followed by the phrase "or equal," the specific item mentioned shall be the basis upon which bids are to be prepared, and shall be understood as establishing the type, function, dimension, appearance and quality desired. Other manufacturer's or vendor's products not named will be considered as substitutions, provided the required information is submitted in the manner set forth in this Section and provided the substitution will not require substantial revision to the Contract Documents.

1.2 RELATED WORK

- A. Delivery Storage and Handling is included in Section 016610.

1.3 SUBMITTAL OF LIST OF PROPOSED SUBSTITUTIONS

- A. Bidders shall submit their list of proposed substitutions and the proposed monetary changes associated therewith to the City together with their bids.

1.4 CONTRACTOR'S OPTIONS

- A. Products shall be in accordance with City of North Port Utilities Standards Specifications and Standard Details, unless otherwise specified.
- B. For Products specified by naming several products or manufacturers, select any one of products and manufacturers named which complies with Specifications.
- C. For products specified by naming one or more products or manufacturers and stating, "or equal," submit a request as for substitutions, for any product or manufacturer which is not specifically named.

D. For products specified by naming only one product and manufacturer, there is no option and no substitution will be allowed.

1.5 SUBSTITUTIONS

A. In order for substitutions to be considered, the Contractor shall submit, within 30 days of issuance of Notice to Proceed, complete data as set forth herein to permit complete analysis of all proposed substitutions noted on his substitutions list. No substitution shall be considered unless the Contractor provides the required data in accordance with the requirements of this Section within the 30-day period, unless agreed in writing by City & Contractor.

B. Submit separate request for each substitution. 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) Operation and maintenance data.
 - c. Samples, as applicable.
 - d. Name and address of similar projects on which product has been used, and date of each installation.
2. Itemized comparison of the proposed substitution with product specified. List significant variations. Substitution shall not change design intent and shall perform equal to that specified.
3. Data relating to impact on construction schedule occasioned by the proposed substitution. Substitutions shall not allow delay of substantial completion.
4. Any effect of substitution on separate contracts.
5. List of changes required in other work or products.

6. Accurate cost data comparing proposed substitution with product specified.

a. Amount of any net change to Contract Sum.

7. Designation of required license fees or royalties.

8. Designation of availability of maintenance services, sources of replacement materials.

C. Substitutions will not be considered for acceptance when:

1. They are indicated or implied on shop drawings or product data submittals without a formal request from Contractor.

2. They are requested directly by a subcontractor or supplier.

3. Acceptance will require substantial revision of Contract Documents.

D. Requests for substitutions submitted more than 30 days after NTP will not be considered unless evidence is submitted to the City and Engineer that all of the following circumstances exist:

1. The specified product is unavailable for reasons beyond the control of the Contractor. Such reasons shall consist of strikes, bankruptcy, discontinuance of manufacturer, or Force Majeure.

2. The Contractor placed, or attempted to place, orders for the specified products within 10 days after Notice of Award.

3. Request for substitution is made in writing to the City within 10 days of the date on which the Contractor ascertains that he cannot obtain the item specified.

4. Complete data as set forth herein to permit complete analysis of the proposed substitution is submitted with the request.

E. The City's decision regarding evaluation of substitutions shall be considered final and binding. Requests for time extensions and additional costs based on submission of, acceptance of, or rejection of substitutions will not be allowed.

1.6 CONTRACTOR'S REPRESENTATION

A. In making formal request for substitution, Contractor represents that:

1. He/she has investigated proposed product and has determined that it is

equal to or superior in all respects to that specified.

2. He/she will provide same warranties or bonds for substitution as for product specified.
3. He/she 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.
5. He/she waives claims for additional costs caused by substitution which may subsequently become apparent.
6. Cost data is complete and includes related costs under his/her Contract, but not:
 - a. Costs under separate contracts.
 - b. City's costs for redesign or revision of Contract Documents.

PART 2 – PRODUCTS (NOT USED)

PART 3 – EXECUTION (NOT USED)

END OF SECTION