

**NEW PASSENGER TERMINAL  
DULUTH INTERNATIONAL TERMINAL  
DULUTH, MINNESOTA**

**SECTION 01631 – PRODUCTS  
AND SUBSTITUTIONS**

**PART 1 - GENERAL**

**1.1 RELATED DOCUMENTS**

- A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and other Division 1 Specification Sections, apply to this section.

**1.2 SUMMARY**

- A. This section includes administrative and procedural requirements for handling requests for substitutions made after award of the Contract.
- B. Related Sections: The following sections contain requirements that relate to this section:
1. Division 1, Section 01421 - REFERENCE STANDARDS AND DEFINITIONS specifies the applicability of industry standards to products specified.
  2. Division 1, Section 01300 - SUBMITTALS specifies requirements for submitting the Contractor's Construction Schedule and the Submittal Schedule.

**1.3 DEFINITIONS**

- A. Definitions in this Article do not change or modify the meaning of other terms used in the Contract Documents.
1. "Products" are items purchased for incorporation in the work, whether purchased for the Project or taken from previously purchased stock. The term "product" includes the terms "material," "equipment," "system," and terms of similar intent.
    - a. "Named Products" are items identified by the manufacturer's product name, including make or model number or other designation, shown or listed in the manufacturer's published product literature, that is current as of the date of the Contract Documents.
  2. "Materials" are products substantially shaped, cut, worked, mixed, finished, refined or otherwise fabricated, processed, or installed to form a part of the work.
  3. "Equipment" is a product with operational parts, whether motorized or manually operated, that requires service connections, such as wiring or piping.
- B. Substitutions: Changes in products, materials, equipment, and methods of construction required by the Contract Documents proposed by the Contractor after award of the Contract are considered to be requests for substitutions. The following are not considered to be requests for substitutions:
1. Substitutions requested by bidders during the bidding period, and accepted prior to award of Contract, are considered as included in the Contract Documents and are not subject to requirements specified in this section for substitutions.

2. Revisions to the Contract Documents requested by the Owner or Architect.
3. Specified options of products and construction methods included in the Contract Documents.
4. The Contractor's determination of and compliance with governing regulations and orders issued by governing authorities.

#### 1.4 SUBMITTALS

- A. Materials, products, equipment and systems are specified in the Contract Documents by manufacturer, trade name or distributor to establish a standard of the required criteria, including function, performance, dimension, appearance and quality to be met by any proposed substitution. Unless otherwise specified, application for substitutions will be considered by the Owner and the Architect after execution of the agreement. The burden of proof of merit of proposed substitute is upon the proposer. Substitute items shall not be incorporated in the work without prior written approval of the item by the Architect.
- B. Where an item is specified by one or more manufacturer's model number or specific item identification and "or approved equal" is included, only the item(s) that is specified by manufacturer's model number or specific identification is approved and any other item must be submitted for approval as a substitution.
- C. Where an item is specified by a referenced standard, the item must be submitted for approval same as a substitute.
- D. Submit 3 copies of each request for substitution for consideration. Submit requests in the form and according to procedures required for change-order proposals.
- E. Identify the product or the fabrication or installation method to be replaced in each request. Include related Specification Section and drawing numbers.
- F. Provide complete documentation showing compliance with the requirements for substitutions, and the following information, as appropriate:
  1. Coordination information, including a list of changes or modifications needed to other parts of the work and to construction performed by the Owner and separate contractors, that will be necessary to accommodate the proposed substitution.
  2. A detailed comparison of significant qualities of the proposed substitution with those of the work specified. Significant qualities may include elements such as performance, weight, size, durability, and visual effect.
  3. Product Data, including drawings and descriptions of products and fabrication and installation procedures.
  4. Samples, where applicable or requested.
  5. A statement indicating the substitution's effect on the Contractor's Construction Schedule compared to the schedule without approval of the substitution. Indicate the effect of the proposed substitution on overall Contract Time.
  6. Cost information, including a proposal of the net change, if any in the Contract Sum.
  7. The Contractor's certification that the proposed substitution conforms to or exceeds requirements in the Contract Documents in every respect and is appropriate for the applications indicated. Include the Contractor's waiver of

rights to additional payment or time that may subsequently become necessary because of the failure of the substitution to perform adequately.

- G. Architect's Action: If necessary, the Architect will request additional information or documentation for evaluation within one week of receipt of a request for substitution. The Architect will notify the Contractor of acceptance or rejection of the substitution within 2 weeks of receipt of the request, or one week of receipt of additional information or documentation, whichever is later. Acceptance will be in the form of a change order. If a decision on use of a proposed substitute cannot be made or obtained within the time allocated, use the product specified.

## PART 2 - PRODUCTS

### 2.1 PRODUCT SELECTION

- A. General Product Requirements: Provide products that comply with the Contract Documents, that are undamaged and, unless otherwise indicated, new at the time of installation.
1. Provide products complete with accessories, trim, finish, safety guards, and other devices and details needed for a complete installation and the intended use and effect.
  2. Standard Products: Where available, provide standard products of types that have been produced and used successfully in similar situations on other projects.
  3. Compliance with Standards, Codes, and Regulations: Where Specifications only require compliance with an imposed code, standard, or regulation, select a product that complies with the standards, codes, or regulations specified.
  4. Visual Matching: Where Specifications require matching an established Sample, the Architect's decision will be final on whether a proposed product matches satisfactorily.
    - a. Where no product available within the specified category matches satisfactorily and complies with other specified requirements, comply with provisions of the Contract Documents concerning "substitutions" for selection of a matching product in another product category.
  5. Visual Selection: Where specified product requirements include the phrase "... as selected from manufacturer's standard colors, patterns, textures ..." or a similar phrase, select a product and manufacturer that complies with other specified requirements. The Architect will select the color, pattern, and texture from the product line selected.
- B. Nameplates: Except for required labels and operating data, do not attach or imprint manufacturer's or producer's nameplates or trademarks on exposed surfaces of products that will be exposed to view in occupied spaces or on the exterior.
1. Labels: Locate required product labels and stamps on concealed surfaces or, where required for observation after installation, on accessible surfaces that are not conspicuous.
  2. Equipment Nameplates: Provide a permanent nameplate on each item of service-connected or power-operated equipment. Locate on an easily accessible surface that is inconspicuous in occupied spaces. The nameplate shall contain the following information and other essential operating data:

- a. Name of product and manufacturer.
- b. Model and serial number.
- c. Capacity.
- d. Speed.
- e. Ratings.

## 2.2 SUBSTITUTIONS

- A. Conditions: The Architect will receive and consider the Contractor's request for substitution when one or more of the following conditions are satisfied, as determined by the Architect. If the following conditions are not satisfied, the Architect will return the requests without action except to record noncompliance with these requirements.
1. The specified product or method of construction cannot be provided within the Contract Time. The Architect will not consider the request if the product or method cannot be provided as a result of failure to pursue the work promptly or coordinate activities properly.
  2. The request is directly related to an "or-equal" clause or similar language in the Contract Documents.
  3. The requested substitution offers the Owner a substantial advantage, in cost, time, energy conservation, or other considerations, after deducting offsetting responsibilities the Owner may be required to bear. The Owner's additional responsibilities may include additional compensation to the Architect for redesign and evaluation services, increased cost of other construction by the Owner or separate Contractors, and similar considerations.
  4. The specified product or method of construction cannot receive necessary approval by a governing authority, and the requested substitution can be approved.
  5. The specified product or method of construction cannot be provided in a manner that is compatible with other materials and where the Contractor certifies that the substitution will overcome the incompatibility.
  6. The specified product or method of construction cannot be coordinated with other materials and where the Contractor certifies that the proposed substitution can be coordinated.
  7. The specified product or method of construction cannot provide a warranty required by the Contract Documents and where the Contractor certifies that the proposed substitution provides the required warranty.
- B. The Contractor's submittal and the Architect's acceptance of shop drawings, product data, or samples for construction activities not complying with the Contract Documents do not constitute an acceptable or valid request for substitution, nor do they constitute approval.
- C. Whether or not the Architect and Owner accept a proposed substitution, the Contractor shall reimburse the Owner for the Architect's cost for the Architect and the Architect's consultants for evaluating any proposed substitute including changes required in the Contract Documents for the substitute.
- D. The Architect's decision of approval or disapproval of a proposed substitution shall be final.

- E. All costs that may be incurred associated with a substitution proposed by the Contractor shall be borne by the Contractor. This shall apply to all interfacing components recognized prior to or after approval of the substitution by the Architect.

PART 3 - EXECUTION (Not Applicable)

END OF SECTION 01631