

---

## **PART 1 – GENERAL**

### **1.01 DESCRIPTION**

- .1 This Section outlines requirements for substituting materials for those specified in the tender documents.

### **1.02 RELATED SPECIFICATIONS**

- .1 Information for Bidders
- .2 Supplementary General Conditions
- .3 OPS General Conditions, Subsection 5.04 - Substitutions
- .4 Region of Durham's Approved Manufacturer's Product List (AMPL)

### **1.03 TENDER REQUIREMENTS**

- .1 Tender price shall be based only upon supplying the materials specified on the Contract Drawings or in the Specifications or Special Provisions, which shall be regarded as the standard of quality required.
- .2 No tender price shall be based upon a presumed acceptance by the Contract Administrator of a substitute item of supply.
- .3 Where products are named specifically by brand name or other specific details, the Contractor's bid prices shall be based on supply and installation of the named products. The Contractor shall not assume that other products on the AMPL will be acceptable for that particular application.

### **1.04 APPLICATION AND ACCEPTANCE OF SUBSTITUTIONS**

- .1 After the acceptance of a tender, the Contractor may apply to the Contract Administrator to substitute as a "reviewed equivalent", another article or group of related articles. In all cases the proposed substitution must be justified by the Contractor in a written application to the Contract Administrator. Such written application shall indicate reasons why the Contractor wishes a substitution (significant delay in delivery, strikes, unavailability, improved quality or field service) and any credit offered. The application must be accompanied by sufficient descriptive and technical information, specifications, references and samples for the Contract Administrator to thoroughly compare articles or group of articles with that specified.

The Contract Administrator's assessment shall include, but not be limited to, criteria such as quality and durability, performance, ease of operation, safety features, technical support, service and parts, availability and estimated cost of maintenance and adherence to minimum specifications. Failure to comply with this requirement to the Contract Administrator's satisfaction may result in rejection of the request due to insufficient information or time to evaluate the same.

All applications and submissions related to the proposed substitution shall only be made by the General Contractor and not by any Sub-Contractors or Suppliers.

- .2 Any design and/or construction changes necessitated by the use of the proposed substitution shall be at the expense of the Contractor. The Contractor shall be responsible for assuring the proper fit and matching of all equipment or materials to the surrounding pipe, equipment or materials.
- .3 Acceptance or rejection of a proposed substitution shall be at the sole discretion of the Contract Administrator, whose decision shall be final.
- .4 Acceptance by the Contract Administrator of a substitution shall apply to this Contract only.
- .5 Contractor shall assume all responsibilities for liabilities and additional costs that may subsequently arise as a result of his proposed substitution being accepted by the Contract Administrator.

**END OF SECTION**