

## DR10: Controlling Substitution Requests

Charles Nelson

Substitution requests represent a **huge** waste of time for most architects during construction. Although there are many reasons for these requests, some completely legitimate, most occur because the contractor or a subcontractor has a cheaper product or solution than the one incorporated into the design.

### Your duty of care

From a legal perspective, the moment you approve a substitution request, that product or solution gives you the same duty of care responsibility for performance as if you had specified it in the first place. So you have to exercise every bit as much care in checking the product/solution as you would have in the original design process. This doubles your work, and it is hard to get compensated for this effort. The contractor saves money – and the client rarely gets any benefit.

### When do you have to wear the cost?

What are the exceptions? The first one is obvious: If you have specified a product that is no longer available, can't be obtained within the normal period needed for installation, or simply is the wrong product or process, the contractor is doing you a big favor by requesting a substitution, and you must process that request within your fee.

There are other legitimate requests. Example: The client wants a product different from that you specified. In this case, if the client previously approved a selection, and later changed her mind, you may be entitled to claim for a change of scope. If however you made assumptions about what the client wanted and didn't get prior approval, you must wear the costs to process the substitution request.

Another grey area is where the contractor simply knows more about new products and systems than you do, and comes up with a better solution. In this case the prudent response is to thank him and learn from the experience at your expense.

These are the exceptions. The rest – usually the great majority - represent either the contractor seeking to reduce costs, or of having failed to order the proper product in time to suit his installation schedule. All of these represent a potential change of scope, and should not be processed without compensation. You will find, however, that the client is **not** very interested in paying you to do all this work, especially when the result is to reject the request.

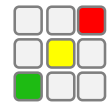
### Solving the problem

Happily, there is a GREAT solution, one created by Tulsa architect Charles Chief Boyd. Chief Boyd told me that from the day he started using this template, requests for substitution dropped to near zero. You will see why when you look at it!

The two sides of the form are shown on the next two pages. You can create your own, or you will have access to them if you are using the **iProjects** suite of Design Management tools.

One more point: You WILL need a clause in the Quality Control section of your specification **Preliminaries** (in Australia) or **General Conditions** (in the USA) to require the use of this form. The text for that clause follows the forms below.

Attach a copy of the RFS form to your specs as an annexure.



## ***Request for Substitution***

This form must be completely filled in with all relevant data by the Subcontractor and submitted to the Project Manager for consideration before any request to change the drawing or specification requirements will be considered.

### **REFERENCE DATA**

Project name: \_\_\_\_\_ Date of Request: \_\_\_\_\_  
 Location: \_\_\_\_\_ Architect's Job No: \_\_\_\_\_  
 Request by (firm): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Contact person: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
 Subcontract works: \_\_\_\_\_ Package No: \_\_\_\_\_

### **SUBSTITUTION REQUEST DATA**

SUBSTITUTION REQUESTED IS FOR: Reason for request: \_\_\_\_\_  
☐ Named product. \_\_\_\_\_  
☐ Product type, material, finish or formulation. \_\_\_\_\_  
☐ Fabrication or installation methods. \_\_\_\_\_

PRODUCT / MATERIAL / METHOD FOR WHICH SUBSTITUTION IS REQUESTED IS SHOWN ON THE FOLLOWING DOCUMENTS:

Specification: Section No: \_\_\_\_\_ Page(s): \_\_\_\_\_ Clause No(s): \_\_\_\_\_  
 Drawings: (List No's of all Drawings affected): \_\_\_\_\_

### **COST/BENEFIT ANALYSIS**

Describe in detail any alteration to any other part of the Works required by use of the requested substitution:

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Total nett cost of any such other required alterations, including overhead and profit: \$ \_\_\_\_\_  
 Cost of Builder's administration (to be filled in by Builder): \$ \_\_\_\_\_  
 Cost of Architect's documentation and administration (to be filled in by Project Manager): \$ \_\_\_\_\_  
 Total cost of such other alterations (to be filled in by Project Manager): \$ \_\_\_\_\_  
 Total cost savings achieved (from page 2, to be filled in by Project Manager): \$ \_\_\_\_\_  
 Total cost/benefit to Proprietor (to be filled in by Project Manager): \$ \_\_\_\_\_  
 Benefits to Proprietor other than financial: \_\_\_\_\_

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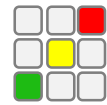
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### **ADDITIONAL INFORMATION REQUIRED**

COMPLETE THE REVERSE SIDE AS APPLICABLE.

ATTACH THE FOLLOWING INFORMATION:

- 1 Manufacturer's technical data sheets on proposed products.
- 2 Manufacturer's standard form of warranty.
- 3 Letter on manufacturer's letterhead stating that manufacturer will warrant products as specified, if specification requires specific warranties not included in manufacturer's standard form of warranty.
- 4 Letter(s) from subcontractor(s) responsible for works affected by proposed substitution which state the total cost(s) of all such work, if any alteration of other work is required.



## COMPARISON OF OPTIONS

Fill in the following blanks as are applicable to the product, material or method type. As a guide, if the item is mentioned in the Specification as a performance or materials requirement, then information about the proposed substitution is required by the Project Manager to evaluate the proposed substitution. Requests lacking relevant information will be returned without action.

### SPECIFIED PRODUCT, MATERIAL OR METHOD

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Product Name: \_\_\_\_\_

Type: \_\_\_\_\_

Model No: \_\_\_\_\_

Fire rating (hours): \_\_\_\_\_

Thickness: \_\_\_\_\_

Composition: \_\_\_\_\_

Availability (time): \_\_\_\_\_

Country of manufacture: \_\_\_\_\_

Substrate preparation required: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Length of warranty available (years): \_\_\_\_\_

Sound transfer coefficient (STC): \_\_\_\_\_

Exposure class: \_\_\_\_\_

Resistance to chemicals (list): \_\_\_\_\_

\_\_\_\_\_

Other specified performance criteria (list):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

UNIT COST OF PRODUCT / MATERIAL (Must be completed):

\$ \_\_\_\_\_ What \_\_\_\_\_

Units required: \_\_\_\_\_ Total value: \$ \_\_\_\_\_

### PROPOSED SUBSTITUTION

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Product Name: \_\_\_\_\_

Type: \_\_\_\_\_

Model No: \_\_\_\_\_

Fire rating (hours): \_\_\_\_\_

Thickness: \_\_\_\_\_

Composition: \_\_\_\_\_

Availability (time): \_\_\_\_\_

Country of manufacture: \_\_\_\_\_

Substrate preparation required: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Length of warranty available (years): \_\_\_\_\_

Sound transfer coefficient (STC): \_\_\_\_\_

Exposure class: \_\_\_\_\_

Resistance to chemicals (list): \_\_\_\_\_

\_\_\_\_\_

Other specified performance criteria (list):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

UNIT COST OF PRODUCT / MATERIAL (Must be completed):

\$ \_\_\_\_\_ What \_\_\_\_\_

Units required: \_\_\_\_\_ Total value: \$ \_\_\_\_\_

## BUILDER'S REVIEW

I certify that I have checked the above documentation for the proposed Request for Substitution and warrant it to be substantially complete and accurate:

Signed by: \_\_\_\_\_

Date: \_\_\_\_\_

## PROJECT MANAGER'S ACTION

☐ Request approved.

☐ Request approved subject to qualifications per attached documentation.

Approved by: \_\_\_\_\_

☐ Request denied.

☐ Refer Variation Order No: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_



Suggested text for use with the Request for Substitution form:

## 105 SUBSTITUTIONS

- A The Contract Documents are intended to produce a building of consistent character and quality of design. All components of the building including visible items of mechanical and electrical equipment have been selected to have a coordinated design in relation to the overall appearance of the building. The Architect will judge overall design of the work, as well as for the intrinsic merits of the proposed substitution. The Architect will not permit as equal to materials specified proposed substitutions that, in the Architect's opinion, would be out of character, obtrusive or otherwise inconsistent with the character or quality of design of the work.
- B Requests for substitutions: The Builder may request permission for a substitution of any item, subject to the following conditions:
  - 1 Submit requests in writing to the Architect, on a form supplied by the Architect, fully completed. A sample copy of this form is included as an Annexure to this Section.
  - 2 State whether the use of the substitution will require alteration to any part of the Works. If the substitution is adopted, carry out any such alteration without extra charge. In the case where the affected works are part of another subcontract, obtain cost from the other sub-contractor for such alteration and include it in the cost of the substitution.
  - 3 No claim shall arise from any rejection, nor, unless otherwise agreed, shall adoption of a substitution be ground for any claim for variation to cost or time.
- C Conditions: Builder's request for substitutions will be received and considered when extensive revisions to Contract Documents are not required and changes are in keeping with general intent of contract documents, and when timely, fully documented and properly submitted, all as judged by Architect.
- D Approval: No work involving any request for substitution shall be commenced, or materials ordered, until the Builder has received written evidence of the approval of the request by the Architect (if for building works) or the Consulting Engineer (if for building services).

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To see other **DesignRisk** "more info" docs, go to [http://iprojects.net.au/index.php/user\\_guides](http://iprojects.net.au/index.php/user_guides) and scroll down to the bottom: 8.0 DESIGN RISK, and click on the document you'd like to review.