

MarmonMok

ARCHITECTURE



ADDENDUM NO. 04

PROJECT	Alamodome Final Four Renovation
PROJECT NO.	21017
DATE	December 14, 2022

TO: All Prime Contract Bidders and all others to whom Drawings and Specifications have been issued by the Architect/Engineer.

This Addendum forms a part of the Contract Documents. This addendum modifies and supplements the Contract Documents as follows for the above-mentioned project and includes one (1) page(s), one (1) attachment(s), and zero (0) revised drawing sheet(s). All other provisions of the Documents remain the same.

CLARIFICATIONS

ITEM NO. 1. DEADLINE FOR QUESTIONS:

- A. All questions, including any pre-bid substitution requests, must be submitted by the Owner's advertised Deadline for Questions date. Refer to Addendum 3 for latest date.

CHANGES TO THE SPECIFICATIONS

ITEM NO. 2. SECTION NO. 01 2500, TITLE: SUBSTITION PROCEDURES

- A. 1.4-E-1: Revision to deadline for Pre-Bid substitution requests.

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SECTION 01 2500 SUBSTITUTION PROCEDURES

PART 1 GENERAL

1.1 SECTION INCLUDES

- A. Procedural requirements for substitution request proposals.

1.2 RELATED REQUIREMENTS

- A. This list of sections (below in this "RELATED REQUIREMENTS" article) is applicable but not all inclusive. See other sections as required for the completion of the Work. The following documents include related requirements for the Work of this section and every other section affected by the Work.
- B. Section 01 3000 - Administrative Requirements: Submittal procedures, coordination.
- C. Section 01 6000 - Product Requirements: Fundamental product requirements, product options, delivery, storage, and handling.
- D. Section 01 6116 - Volatile Organic Compound (VOC) Content Restrictions: Restrictions on emissions of indoor substitute products.

1.3 DEFINITIONS

- A. Substitutions: Changes from Contract Documents requirements proposed by Contractor to materials, products, items, assemblies, equipment, systems, services, and procedures, hereinafter referred to as "product(s)" or combination of any of these or related terms.
 - 1. Substitutions for Cause: Proposed due to changed Project circumstances beyond Contractor's control.
 - a. Unavailability.
 - b. Regulatory changes.
 - c. Warranty not compliant with Project requirements.
 - 2. Substitutions for Convenience: Proposed due to possibility of offering substantial advantage to the Project.
 - a. Substitution requests offering advantages solely to the Contractor will not be considered.
- B. AHJ - Authority Having Jurisdiction.

1.4 SUBMITTALS FOR PROPOSED SUBSTITUTION REQUESTS

- A. Substitution Requests: Submit in the appropriate attached Substitution Request Form (Pre-Bid or Post Bid) of each request for consideration. Only one item per Substitution Request Form. All blanks shall be filled-in. If a blank is "Not Applicable" enter "N/A" in the blank. Identify the specified product or fabrication or installation method to be replaced. Include Specification Section number and title and Drawing numbers and titles. Provide the complete comparison information within the Substitution Request Form and supporting manufacturers information, including but not limited to Product Data Sheets (PDS), Material Safety Data Sheet (MSDS), certifications, test reports, and other critical data.
- B. Substitution Request Forms shall be submitted in an approved digital format, except for samples and other items that can only be reviewed as Hard Copies.
- C. Documentation to show compliance with requirements for substitutions and the following, as applicable:
 - 1. Statement indicating why specified product or fabrication or installation method cannot be provided, if applicable.
 - 2. Requests for a substitution shall come from the subcontractor (installer) or the main contracting entity (Contractor or Construction Manager, etc.).

3. Coordination of information, including a list of changes or revisions needed to other parts of the Work and to construction performed by Owner and separate contractors that will be necessary to accommodate proposed substitution.
 4. Detailed comparison of significant qualities of proposed substitutions with those of the Work specified. Include annotated copy of applicable Specification Section. Significant qualities may include attributes, such as performance, weight, size, durability, visual effect, sustainable design characteristics, warranties, and specific features and requirements indicated. Indicate deviations, if any, from the Work specified.
 5. Provide Shop Drawings where required, including design, calculations, drawings, supporting product data sheets (PDS), and other critical data/information in compliance with prevailing codes and regulations under seal and signature by a Structural Professional Engineer experienced in design of this type of Work and licensed in TEXAS.
 6. Product Data, including drawings and descriptions of products and fabrication and installation procedures.
 7. Samples, where applicable or requested.
 8. Certificates and qualification data, where applicable or requested.
 9. List of similar installations for completed projects, with project names and addresses as well as names and addresses of architects and owners.
 10. Material test reports from a qualified testing agency, indicating and interpreting test results for compliance with requirements indicated.
 11. Research reports evidencing compliance with building code in effect for Project, from ICC-ES and other entities acceptable to the code organization or AHJ.
 12. Detailed comparison of Contractor's construction schedule using proposed substitutions with products specified for the Work, including effect on the overall Contract Time. If specified product or method of construction cannot be provided within the Contract Time, include letter from manufacturer, on manufacturer's letterhead, stating date of receipt of purchase order, lack of availability, or delays in delivery.
 13. Cost information, including a proposal of change, if any, in the Contract Sum.
 14. Contractor's certification that proposed substitution complies with requirements in the Contract Documents, except as indicated in substitution request, is compatible with related materials and is appropriate for applications indicated.
 15. Contractor's waiver of rights to additional payment or time that may subsequently become necessary because of failure of proposed substitution to produce indicated results.
- D. When a Basis of Design manufacturer and product, item, or service is specifically identified and "Other Acceptable Manufacturers" are listed with NO specific product(s), item(s), or service(s) explicitly identified in this specification category for any of the "Other Acceptable Manufacturers", substitution procedures must be taken. Refer also to Section 01 6000 - Product Requirements, for substitution procedures, limitations, and requirements.
- E. Request for proposed substitutions prior to Bid (Pre-Bid).
1. Submit a "Substitution Request Form - Pre-Bid" for review not later than ~~44 days prior to the bid date~~ **the Owner's advertised deadline for questions**. Upon review by the Architect and if favorably reviewed, notification will be made by Addendum.
 2. No response constitutes rejection of the proposed substitute. The proposed product may not be used on this project for the proposed use.
 3. Rejection of proposed substitute may be made by letter or memo from the Architect at the Architects sole discretion.
 4. Use the "Substitution Request Form - Pre-Bid", fully filled out, to accompany the required back-up material for consideration.
 - a. The form shall be signed by a person authorized to conduct the construction of the proposed project. Signature of the form by secretarial or clerical personnel is cause

- for rejection.
 - b. Refer below for the article titled "AVAILABLE MANUFACTURERS (AM)" for considering proposed substitutes.
 - c. A copy of the "Substitution Request Form - Pre-Bid" including the comparison format is attached to this Section 01 2500.
- F. Substitutes shall not be proposed or submitted with the bid. Any substitutes will not be considered if submitted with the bid.
- G. Request for proposed substitution after the Bidding phase (Post Bid) (& after execution of the Contract):
- 1. Substitutions may be considered for use after the Owner-Contractor Agreement has been signed.
 - 2. Submit a "Substitution Request Form - Post Bid" (& after execution of the Contract) for review within 30 days of Contract (Owner-Contractor Agreement) date.
 - 3. Use the "Substitution Request Form - Post Bid" (& after execution of the Contract), fully filled out, to accompany the required back-up material for consideration.
 - a. The form shall be signed by a person authorized to conduct the construction of the proposed project. Signature of the form by secretarial or clerical personnel is cause for rejection.
 - b. Refer below for the article titled "AVAILABLE MANUFACTURERS (AM)" for considering proposed substitutes.
 - c. A copy of the "Substitution Request Form - Post Bid" including the comparison format is attached to this Section 01 2500.
- H. Notification of favorable review for the proposed substitute will be made by Architects Supplemental Instruction (ASI).
- I. No response constitutes rejection. The proposed product may not be used on this project for the proposed use.
- J. Notification of rejection may be made by email, letter, or memo from the Architect at the Architects sole discretion.
- K. Consideration of proposed substitutes:
- 1. Any product, item, system or procedure not specifically listed or described in the Contract Documents is subject to rejection.
 - 2. Where a listed manufacturers product is submitted, and this product is not the one described in the Contract Documents, the submitter must provide a "Substitution Request Form - Pre-Bid or Post Bid" as applicable, fully filled out, including the required comparison format information. List the specified product data descriptions, the specified product values, and the equivalent values for the proposed submitted product. . Refer to Section 01 6000 - Product Requirements, for substitution procedures, limitations, and requirements.
 - a. For each "Substitution Request Form" provide a point-for-point comparison showing the specified product data descriptions, the specified product values, and the equivalent values for the proposed submitted product. Refer to the article below titled "AVAILABLE MANUFACTURERS (AM)" for considering proposed substitutes.
 - b. The Architect will review the data to determine if it will be accepted.
 - c. Products with incomplete comparison data are subject to rejection.
 - d. Products determined by the Architect not to be essentially equivalent, or appropriate, or desired, or better than the described product in the Contract Documents will be rejected.
 - e. Products with incomplete comparison data are subject to rejection.
- L. Refer also to Section 01 6000 - Product Requirements, for substitution procedures, limitations, and requirements.

1.5 AVAILABLE MANUFACTURERS (AM)

- A. Substitution, when and where permitted: Whenever substitutions are to be considered, the compliant product(s) by the manufacturer listed, forms the Basis of Design (BOD). The Contractor at their option may propose an alternate manufacturer as an equal however, if an equal is proposed, the Contractor shall provide product data from the specified manufacturer & product(s) as well as equivalent product data from the proposed manufacturer for a comparison, review, and determination of acceptance (review or rejection) by the Architect.
- B. Submit a completed Substitution Request Form (Pre-Bid and/or Post Bid, as applicable). Provide required information at each page. Provide manufacturers product data, safety data, and other available product information with the submittal.
- C. Refer to this section for the attached "Substitution Request Form(s)" (Pre-Bid and/or Post-Bid, as applicable).
- D. On the Substitution Request Form there is a three column table which is required to be filled in as follows:
 1. In the first column titled "SPECIFIED Product Data" identify the names/acronyms/labels of the defining reference standards (ASTM's, performance characteristics, physical characteristics, descriptions, regulatory compliance (all AHJ's), and other product attributes) for the specified product/item.
 - a. Where a product is the Basis Of Design (BOD), or in the absence of listed standards in the specifications, identify the names/acronyms/labels of the defining reference standards, (ANSI, ASTM, UL, performance characteristics, physical characteristics, descriptions, regulatory compliance (all AHJ's), and other product attributes) which the manufacturer identifies in the Product Data Sheet (PDS), or equivalent, for the SPECIFIED product/item.
 2. At the second column, titled "Corresponding Value for the SPECIFIED PRODUCT/ITEM," list the corresponding values for the entries at the first column.
 3. The third column titled "Corresponding Value for PROPOSED SUBSTITUTE" is for the proposed product/item, where you list the corresponding values for the entries at the first column.
- E. A review cannot be made if adequate comparison information is not provided on the table in the Substitution Request Form. Absence of any of the listings, 1) names of the *defining references*, 2) the *specified product's values*, and 3) the *equivalent values for the proposed substitute*, is grounds for rejection.
- F. In addition provide manufacture's digital/printed product data, identifying the proposed substitute.
 1. Provide a complete, thorough, and clear identification of the proposed substitution inclusive of important product data enabling a direct comparison to the specified product(s) or item(s) including specified options and additional features.
 2. When submitting manufacturers digital/printed data (PDS, MSDS, cut-sheets, tech data sheets, brochures, et cetera) make appropriate marks clearly identifying comparable features/selected available option(s) of the proposed substitute to the specified item(s).
- G. If any accepted substitute changes the requirements of the current design in any way, the changes shall be fully covered by the Contractor at no additional cost to the Owner or Architect and shall not add time to the project.

PART 2 PRODUCTS - NOT USED

PART 3 EXECUTION

3.1 GENERAL REQUIREMENTS

- A. A Substitution Request for products, materials, items, equipment, assemblies, and systems constitutes a representation that the submitter:
 - 1. Has investigated proposed product and determined that it meets or exceeds the quality level of the specified product, material, item, equipment, assembly, or system.
 - 2. Has investigated and will provide documentation for the sustainability characteristic to be equal to or better than the specified and it does not adversely affect any quantitative measures for any sustainability, environmental, and/or ecological program.
 - 3. Agrees to provide the same warranty for the substitution as for the specified product.
 - 4. Agrees to provide same or equivalent maintenance service and source of replacement parts, as applicable.
 - 5. Agrees to coordinate installation and make changes to other work that may be required for the work to be complete, with no additional cost to Owner.
 - 6. Waives claims for additional costs or time extension that may subsequently become apparent.
 - 7. Agrees to reimburse Owner and Architect for review or redesign services associated with re-approval by authorities.
- B. Document each request with complete data substantiating compliance of proposed substitution with Contract Documents. Burden of proof is on proposer.
 - 1. Note explicitly any non-compliant characteristics.
- C. Content: Include information necessary for tracking the status of each Substitution Request, and information necessary to provide an actionable response.
- D. Limit each "Substitution Request Form" to a single proposed substitution item.

3.2 SUBSTITUTION PROCEDURES DURING PROCUREMENT

- A. Submittal Time Restrictions:
 - 1. Refer to the respective paragraph(s) above within the PART 1 article titled "SUBMITTALS FOR PROPOSED SUBSTITUTION REQUESTS" for time restrictions and the documents required for submitting substitution requests during the bidding period..
- B. Submittal Form - "Substitution Request Form - Pre-Bid":
 - 1. Submit "Substitution Request Form - Pre-Bid" by completing the appropriate form attached to this section. See the forms for additional information and instructions. Use only the applicable attached form; other forms of submission are unacceptable.

3.3 SUBSTITUTION PROCEDURES DURING CONSTRUCTION

- A. Submittal Form - "Substitution Request Form - Post Bid" (& after award of the Contract):
 - 1. Submit substitution requests after award of contract by completing the "Substitution Request Form - Post Bid" attached to this section. See the forms for additional information and instructions. Use only the applicable attached form; other forms of submission are unacceptable.
- B. Architect will consider requests for substitutions only within 30 days after date of Agreement.
- C. Submit request for Substitution for Cause immediately upon discovery of need for substitution, but not later than 14 days prior to time required for review and accepted by Architect, in order to stay on approved project schedule.
- D. Submit request for Substitution for Convenience immediately upon discovery of its potential advantage to the project, but not later than 14 days prior to time required for review and

determination of rejection or favorable review by Architect, in order to stay on approved project schedule.

1. In addition to meeting general documentation requirements, document how the requested substitution benefits the Owner through cost savings, time savings, greater energy conservation, or in other specific ways.
 2. Document means of coordinating of substitution item with other portions of the work, including work by affected subcontractors.
 3. Bear the costs engendered by proposed substitution of:
 - a. Owner's compensation to the Architect for any required redesign, time spent processing and evaluating the request.
 - b. Other construction by Owner.
 - c. Other unanticipated project considerations.
- E. Substitutions will not be considered under one or more of the following circumstances:
1. When they are indicated or implied on shop drawing or product data submittals, without having received prior favorable review.
 2. Without a separate written request.
 3. When acceptance will require revisions to Contract Documents.

3.4 RESOLUTION

- A. Architect may request additional information and documentation prior to rendering a decision. Provide this data in an expeditious manner.
- B. Architect will notify Contractor in writing of decision to accept or reject request.
 1. Architect's decision following review of proposed substitution will be noted on the submitted form.

3.5 ACCEPTANCE

- A. Accepted substitutions change the work of the Project. They will be documented and incorporated into work of the project by Change Order, Construction Change Directive, Architectural Supplementary Instructions, or similar instruments provided for in the Conditions of the Contract.

3.6 CLOSEOUT ACTIVITIES

- A. See Section 01 7800 - Closeout Submittals, for closeout submittals.
- B. Include completed Substitution Request Forms as part of the Project record. Include both accepted and rejected Requests.

3.7 ATTACHMENTS

- A. "Substitution Request Form - Pre-Bid"; two (2) pages.
- B. "Substitution Request Form - Post Bid" (& after execution of Contract); two (2) pages.

END OF SECTION