

SECTION 01.25.00
OR EQUALS
PRODUCT SUBSTITUTION PROCEDURES

25.1 SCOPE/GENERAL REQUIREMENTS

- A.** This section Supplements the General Conditions and other sections of Division 1 and supersedes any provisions regarding material substitutions/Or equals found in any of the technical sections of the specifications.
- B.** The requirements of this section are in addition to any provisions of all other sections of these specifications.
- C.** Definition - Whenever a specification section names one or more brands for a given item, and the Contractor wishes to submit, for consideration, another brand, the submission shall be considered an "or-equal" or a "material substitution". For the purposes of this Contract, the terms "or-equal" and "material substitution" shall be considered synonymous
- D.** In no case may an item be furnished on the Work other than the item named or described, unless the Architect, with the Administrator's written concurrence, shall consider the item equal to the Item so named or described, as provided by M.G.L. c.30 § 39M.
- E.** The equality of items offered as "equal" to items named or described shall be proved to the satisfaction of the Architect at the expense of the Contractor submitting the substitution.
- F.** The Architect and/or the Department may require that full size samples of both the specified and proposed products be submitted for review and evaluation. The Contractor shall bear full cost for providing, delivering, and disposal of all such samples.
- G.** The Contractor shall assume full responsibility for the performance of any item submitted as an "Or-Equal" and assume the costs of any changes in any Work that may be caused by such substitution.

25.2 RELATED SECTIONS

- A.** 01.33.00 SUBMITTALS, SHOP DRAWINGS AND SAMPLES

25.3 OR EQUAL APPROVAL PROCESS

- A.** On the transmittal, or on a separate sheet attached to the submission, the Contractor shall direct attention to any deviations, including minor limitations and variations, from the Contract Documents.
 - (1)** The Contractor shall submit to the Architect for consideration of any or-equal substitution a written point-by-point comparison containing the name and full particulars of the proposed product and the product named or described in the Contract Documents.
 - (2)** Such submittal shall in no event be made later than 90 calendar days after the Award of the Contract or 120 calendar days prior to the incorporation of the item into the Work. In any case in which the time period specified in the Contract Documents from the Notice to Proceed to Substantial Completion is less than 120 days, this requirement can be modified by the Architect.
 - (3)** The Contractor shall be completely responsible for the timely submission of supporting documentation.
 - (4)** Upon receipt of a written request for approval of an or-equal substitution, the Architect shall investigate whether the proposed item shall be considered equal to the item named or

described in the Contract Documents and in accordance with the provisions of MGL c.30§39M.

- (5) Upon conclusion of the investigation, the Architect shall promptly advise the Construction Advisor with written notice that the item is, or is not, considered acceptable as on Or-Equal substitution with documentation to support the determination.
- (6) The Construction Advisor will then solicit the concurrence of the Administrator as to the equality of the submitted item.
- (7) Should the Architect determine that the submitted product substitution is not equal to the specified standard the Architect shall send written notice of this to the Contractor.
- (8) Proceeding with work using the submitted item without the concurrence of the Administrator may result in rejection of the work and removal and replacement at the expense of the Contractor.

END OF SECTION 01.25.00