

This Section specifies the department's policy. Always include this Section in project specifications.

This Master Specification Section contains:

- .1 This Cover Sheet
- .2 Specification Section Text:
  - .1 Related Requirements
  - .2 Definitions
  - .3 Product Options
  - .4 Substitutions
  - .5 Proprietary Specifications
  - .6 Changes to Accepted Products and Manufacturers
  - .7 Product Data

Editing: Use this Section as is; do not modify in any way.

Following is a summary of the department's policy on substitutions:

- .1 Substitutions will be considered **only** for those products specified by the proprietary method ie. where a product trade name and/or the name of a particular manufacturer is specified and substitutions are acceptable.
- .2 Bidders may base their tenders on substitutions provided that such substitutions are equivalent or superior in all respects to the named product(s). Bidders have the sole responsibility for making this determination during the bidding period.
- .3 The Province will not consider requests for approval of substitutions during bidding period.
- .4 Substitutions will be evaluated and approved or rejected after award of contract.
- .5 Should a substitution be rejected by the Province, the Contractor is required to provide a named product and/or manufacturer or another product and/or manufacturer acceptable to the Province, at no extra cost.

### Changes made in this Update (2022-10-31)

1. Added Alberta Logo to headers.
2. Added Change Log.
3. Replaced Minister with Province.
4. Other minor edits for grammar and capitalized defined terms.
5. Updated wording in Articles, 4.1.1., 4.2.1, 7.1.

## 1. RELATED REQUIREMENTS

- .1 Substitutions during bidding period: Instructions to Bidders.

## 2. DEFINITIONS

- .1 **“Proprietary Specification”** means a specification which includes one or more proprietary names of products or manufacturers, or both, and may also include descriptive, reference standard, or performance requirements, or any combination thereof.
- .2 **“Non-proprietary Specification”** means a specification which includes descriptive, reference standard or performance requirements, or any combination thereof, but does **not** include proprietary names of products or manufacturers.
- .3 **“Substitution”** means a product or manufacturer not specified by proprietary name which may be acceptable in place of a product or manufacturer which is specified by proprietary name.

## 3. PRODUCT OPTIONS

- .1 For products specified by Non-proprietary Specification:
  - .1 select any product by any manufacturer, which meets requirements of the Contract Documents.
- .2 For products specified by Proprietary Specification:
  - .1 select any product or manufacturer named, or
  - .2 substitute an unnamed product or manufacturer in accordance with Article 4. of this Section.
- .3 For products specified by Proprietary Specification and accompanied by words indicating that substitutions will not be accepted:
  - .1 select any product or manufacturer named; substitutions are not permitted.

#### 4. SUBSTITUTIONS

- .1 Substitute Products: Where substitute products are permitted, unnamed products will be accepted by the Province, subject to the following:
  - .1 Substitute products shall be the same type as, be capable of performing the same functions as, and meet or exceed the standards of quality and performance of the named product(s). Substitutions shall only be accepted if they do not require revisions to Contract Documents nor to the work of Other Contractors.
- .2 Substitute Manufacturers: Where substitute manufacturers are permitted, unnamed manufacturers will be accepted by the Province, subject to the following:
  - .1 Substitute manufacturers shall have capabilities equivalent to those of the named manufacturer(s). Substitutions shall only be accepted if they do not require revisions to Contract Documents nor to work of Other Contractors.
- .3 In making a substitution, the Contractor represents that the Contractor:
  - .1 has investigated the substitute product or manufacturer, or both, and has determined that it meets the criteria specified in 4.1 or 4.2, or both as applicable, and
  - .2 will make any changes to the Work necessitated by the substitution as required for the Work to be complete in all respects, and
  - .3 waives claims for additional costs and time caused by such substitution which may subsequently become apparent.
- .4 Substitutions shall not be ordered nor installed without the Province's written acceptance.
- .5 If in the Province's opinion, a Substitution does not meet the requirements of the Contract Documents, the Contractor shall, at no extra cost to the Province, provide a product which, in the Province's opinion, does meet requirements of the Contract Documents.

#### 5. PROPRIETARY SPECIFICATIONS

- .1 Notwithstanding the specified proprietary names of either or both products or manufacturers, products provided by the Contractor shall meet all other applicable requirements of the Contract Documents. The Contractor shall modify products if necessary to ensure compliance with all requirements of the Contract Documents.

#### 6. CHANGES TO ACCEPTED PRODUCTS AND MANUFACTURERS

- .1 Products and manufacturers accepted by the Province for use in performance of the Work of the Contract shall not be changed without the Province's written consent.

- .2 Submit requests to change accepted products and manufacturers to the Province in writing, including product data indicated in Article 7 – Product Data.

## 7. PRODUCT DATA

- .1 When requested by the Province, the Contractor shall submit complete data substantiating the compliance of a product with requirements of the Contract Documents. Submissions shall include the following:
  - .1 Product identification, including manufacturer's name and address.
  - .2 Manufacturer's literature providing product description, applicable reference standards, and performance and test data.
  - .3 Samples of the product, as applicable.
  - .4 Name and address of projects on which product has been used and date of each installation.
  - .5 For substitutions and requests for changes to accepted products, include in addition to the above, the following:
    - .1 Itemized comparison of substitution with named product(s). List significant variations.
    - .2 Designation of availability of maintenance services and sources of replacement materials.

**END OF SECTION**