

A View from the Back of the Bus

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Effective Substitutions

In my perspective from the back of the bus, I often wonder why specifiers and product reps do such a poor job handling and processing product substitutions. From one point-of-view, having to consistently participate in the substitution process is a product marketing failure. However, there are several sides to the substitution process. While the need to substitute often indicates ineffective product marketing, is not always that straight forward. No matter how effective your marketing may be, you will not be named in every specification. As a corollary, it should be mentioned that design professionals are as much to blame for substitutions as anyone else. If clear, competitive specifications were generated by specifiers, listing every qualified or acceptable manufacturer, the substitution process would practically disappear. It never ceases to amaze that design professionals will accept a substitution time after time and yet refuse to add the product into their office master. That, in my opinion, demonstrates a professional indifference to client and industry that borders on negligence. Having said that, let us focus on how to be more effective with the substitution process.

Substitutions Causes

Typically, substitutions are mandated by statutory requirements for competitive bidding and the "or equal" clause. Granted, while the "or equal" clause is a poor way to procure products, it is sound public policy and is not going away. Many large private clients also require competitive bidding as a part of their procurement policy. Interestingly, the statutory requirement for competitive bidding and the "or equal" clause is not the primary reason for substitutions. In my experience, substitutions are generated more by lazy, overloaded, or ignorant specifiers with lots of help from fast talking sales representatives looking for specification advantage.

Minimizing Substitutions

In my view, specifiers have a responsibility to their clients and the industry to produce industry standard specifications that clearly identify the specific range of competitive products appropriate to the owner's requirements. This does not mean that every qualified product needs to be or should be specified. Only the products that fit within the parameters established by the designer and owner should be named. Remember, a typical specification is not about the highest quality products, it is simply the lowest common denominator acceptable to meet project requirements. Irrespective, it is critical that every qualified product be named. The courts have clearly stated that the specifier is the final arbiter of what is an "equal" product, not the manufacturer, the product rep, the contractor, or the owner.

Given that, how does a specifier understand the range of appropriate products, determine the acceptable common denominator, and proceed to ensure that every qualified product is identified and named? Considering project intensity and short design times, how does the specifier get the information needed to produce a substitution-free specification? To my mind, it is the product representative, pure and simple. Expert reps always know the industry, primary competitors, and how to identify the appropriate players to satisfy the owner's requirements. A knowledgeable rep will know how to draft a specification that will accomplish the design intent without advantaging or disadvantaging the appropriate competitors.

It is important to understand that specifiers only become experts on products that they have problems with. Trying to maintain expertise with the thousands of products and assemblies available, is an overwhelming task. This lack of information, leading to incomplete or inappropriate specifications, is the underlying reason for substitutions. Specifiers are always in the market for that one rep who can balance their need to sell products with the specifier's need to produce industry standard specifications that serve the owner's interest. Taking the time to educate specifiers on industry issues rather than features and benefits is the beginning of establishing a working relationship that can practically eliminate substitutions.

Substitution Process

Despite our best efforts, substitutions are going to happen no matter how effective we are. It is critical to understand the substitution process currently in effect. Generally speaking, government projects accept only

pre-bid substitutions. The pre-bid substitution process must be clearly understood and followed to the letter or the results can be disastrous. Review the Advertisement for Bids and Instructions to Bidders for substitution requirements. Then review and understand Division 1 requirements for substitutions. These requirements are generally found in Sections 01600 and 01630. Look for subtle or hidden requirements such as architectural or engineering redesign fees to accommodate products that are not truly equal. It is imperative that you understand the difference between equal and equivalent. An equal product means just that, equal in size, shape, performance, function, everything. Equivalent products almost always cause some type of redesign to use and design professionals are tired of getting stuck for the redesign fees. I have seen several manufacturers pay out \$20,000 in fees on a \$5,000 substitution. Read the fine print and make sure you know how your product will interface with the design.

Effective Substitution Marketing

If forced to substitute, take advantage of the marketing opportunity to contact and educate the specifier about industry standards and best practices. It still amazes me that 95% of the substitution requests I receive are practically anonymous. Do reps really expect specifiers to just make a decision based on product literature and some marketing hype? If you don't know the specifier or project architect, make a call, or better yet, hand deliver the substitution request. As Woody Allen has been quoted, "80 percent of success is showing up". It doesn't always work, the specifier won't always see you, but you never know until you try. I could approve significantly more of the substitutions I receive, if I had someone I knew to ask. Otherwise, the preferred response to substitution requests is NO. As Rod Erickson FCSI often comments, "When in doubt, leave it out". Rod, as with most senior specifiers, is not in the business of testing new products on his owner's projects, especially without a technical relationship to back it up.

Secondly, when developing a substitution submittal, try to remember that it is a technical submittal not a marketing presentation. Clearly compare products by industry issues not features and benefits. Point out and demonstrate critical aspects of the product or assembly as it relates to specific project requirements. Most substitutions I receive assume I am familiar with the product and should not need any help in deciding if the product is appropriate. Take the time to review the drawings and read the specifications. Provide clear, organized technical literature that uses the same terms and values as the primary specification. I will never approve a substitution that is presented in terms different from the specification. Even if the specifications is incorrect, it represents the best understanding of the specifier and the substitution process must begin there.

Substitution Request Form

Finally, use a substitution request form with every submittal. An increasing number of architects are including substitution request forms in Section 01630 or as Section 01631. If you read the fine print, you will notice that not using the substitution request form is grounds for rejection. I strongly recommend that you develop your own substitution request form that clearly demonstrates your understanding of the process. Examples of substitution request forms can be found in CSI's Manual of Practice. Do not use a transmittal or cover letter.

Develop a substitution request form that clearly demonstrates that your product is equal and worthy of consideration. Don't include a return envelope for approval, approvals are documented in the next addendum. Rejections are round filed. If you really want to know, you should have called in the first place. Follow up is everything.

That's my view from the back of the bus, welcome aboard; come on back! Let me hear from you.

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