

# STATE UNIVERSITY CONSTRUCTION FUND PROGRAM DIRECTIVES

DIRECTIVE 1C-2

Issue date: October 2014

## **SPECIFICATION OF MATERIALS AND PRODUCTS**

### 1. Material and Product Sources

The technical specifications shall name a minimum of three manufacturers or suppliers for all materials and products. The intent is to promote open competition and establish a standard of quality which the Consultant has determined to be necessary for the project. The Consultant shall not use performance specifications that may limit the source of the material or product to a single manufacturer through technical language describing restrictive or unique material and performance characteristics.

- a. For all significant materials, products, equipment and systems, specify model and/or system numbers for each specified manufacturer. For materials, products, equipment and systems that are the essence of the project, each listed manufacturer should be contacted prior to submitting Pre-Bid documents to confirm that their products are available as specified and can be installed as intended on the documents.
  - 1) Sources listed by the Consultant should be truly competitive and independent of each other, although a listed source may use common third party suppliers for some of the material.
  - 2) It would be prudent for the Consultant to ask each manufacturer to submit written confirmation that they will be able to comply with the Consultant's specifications and design intent.
  - 3) Where significant differences exist between the available manufacturers of materials, products, equipment and systems, such that different design documentation is required to show the different options, the Consultant shall provide the drawings and specifications for at least two complete design options as part of the basic fee. The Contractor then has the option to select one design or the other as part of the competitive bidding process. For example, if a prefabricated storage building is specified, provide separate documentation of each storage building system and its unique components.

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## 2. Equivalent and 'Or Equal'

The Fund's Construction Agreement contains clear guidance regarding Equivalents or Approved Equal products. It is strongly recommended the Consultant be familiar with the section to better understand the importance of preparing appropriate technical specifications.

The language in the technical specifications must be carefully crafted. The Consultant must consider the potential for a Contractor to offer up a fourth product not previously considered. The technical specifications shall articulate the specific objective or appearance criteria that will be used as a benchmark if it becomes necessary to consider a product not specified for equivalency verification.

The Consultant shall not use the phrase "Approved Manufacturers" in the specification. The use of this phrase implies pre-qualification which is not the intent of the Fund.

## 3. Performance Specifications

- a. Performance specifications, where no manufacturer or supplier is listed, shall not be used to avoid compliance with the above requirements. If there are good reasons to rely on performance specifications, the Consultant shall document those reasons in a letter to the Fund in advance of advertising the project. That letter shall list three manufacturers or suppliers who are capable of complying with the performance specifications. The Consultant shall verify each manufacturer would be capable of providing the product as specified.
- b. Where materials and colors have been identified as the basis for the design, they shall be clearly identified as such. Other potential sources for such materials shall also be listed.

## 4. Single or Sole Source Products

- a. There may be times when a campus may seek to specify a single or sole manufacturer or supplier for a product. In this situation the campus may make a request of the Fund to consider a single or sole source approval. The Design Coordinator will be able to assist the campus representative in this matter directly. The Consultant may be tasked to provide supporting documentation to expand on the consequences to the project if this request were not approved by the Fund.

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- b. If the Campus does receive single or sole source approval, guidance will be given to the Consultant regarding modifications to the technical specifications. Also, insert an amendment in Division 1, General Requirements, Amendments, restricting the application of the Equivalents clause to the Construction Agreement.
- 5. Delegation of Design  
  
See Directive 1C-13