

DEPT OF ADMINISTRATIVE SERVICE Policies and Procedures DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT	Ref	Page 1 of 4
	Effective Date 8-Apr-20	Revision Date 15-Jun-21
SUBJECT: Deferred Submittal Process	Created by: Sarah Boll and Taylor Maxfield	

I. PURPOSE

This policy establishes a process by which The Division of Facilities and Construction Management (“DFCM”) manages delegated design and deferred submittals.

II. BACKGROUND

Delegated design is the transfer of code related required design from the architect of record or engineer of record (“AOR/EOR”) to the contractor.

A deferred submittal is the design undertaken by the contractor in response to the delegated design. Deferred submittals may be composed of drawings, details and product information to fulfill the delegated design. Through the process of submitting a deferred submittal a contractor is completing the project documents. The prime AOR/EOR and Authority Having Jurisdiction (“AHJ”) must approve the deferred submittal before any delegated design work may be installed.

III. POLICY

The currently adopted International Building Code (“IBC”) Section 107, defines deferred submittals.

DFCM will not require a variance for the following delegated designs: deep foundation and shoring systems, seismic restraints for any equipment, fire suppression systems, fire alarm systems and metal buildings.

DFCM does not allow delegated design beyond the 5 named exceptions shown on the deferred submittal list. A variance for additional delegated design from the DFCM Director or his designee may be granted on a case by case basis in the best interest of the project. DFCM requires the AOR/EOR to be responsible for all design and instruments of service. The AOR/EOR must provide DFCM with a complete design. The design schedule must adequately reflect the design services required for a complete design. DFCM Approval of design assist subcontractors can be authorized to assist with design.

A variance from this policy can only be granted in writing from the DFCM Director or DFCM Director Designee. If a variance is granted, the following policy and procedures must be followed.

As part of the A/E responsibilities, substantial effort shall be made to research and incorporate as a basis of design all building envelope systems that are proposed to require delegated design services from the subcontractors and manufacturers of those systems. Coordination of those systems and their interactions with adjacent and sub-structural systems shall remain the responsibility of the A/E, except in regards to means and methods. In concurrence with those efforts, the project team shall track the progress of the allocated DDDS scopes and work with the A/E and respective construction trades to coordinate the construction and installation of those systems. The delegated design scopes shall be limited to the proprietary nature of the manufacturer's systems and their specific recommendations for the installation of those systems in compliance with the requirements of the adopted codes. Contractor, subcontractors and A/E shall meet prior to development of the DDDS to coordinate adjacent scopes, required tolerances, and the design intent. The coordination of those efforts prior to construction shall be under the purview of the A/E. The Responsibility for the coordination of the installation in accordance with AHJ approved DDDS and warranty maintenance of DDDS scopes remains the responsibility of the contractor.

Notwithstanding the delegation of design, a design professional shall perform design professional services under a design professional services contract consistent with the professional skill and care ordinarily provided by other design professionals with the same or similar license and providing the same or similar design professional service in the same or similar locality, at the same or similar time and under the same or similar circumstances; provided, that, a design professional shall not be liable for damages in connection with the delegation of design other than liability for damages to the extent caused by or resulting from the design professional's breach of contract, negligence, recklessness, or intentional misconduct or the design professional's subconsultant's negligence.

IV. PROCEDURES

- 1) A meeting shall be held early in design development to identify any known or possible delegated design. If a delegated design item is identified that the prime AOR/EOR firm cannot provide, written justification must be provided in form of a request for a variance from this policy to the Director of DFCM or designee. The DFCM Variance form is included with this policy.
- 2) If a variance is granted, the below tracking table format should be filled out and reviewed at every Owner Architect contractor ("OAC") meeting. If a General Contractor is involved they should also be included following the DFCM pre-construction policy.

DEFERRED SUBMITTALS Tracking Chart

Item Name	Group (MEP, S, A, etc)	Description	Required	Maybe needed	Not allowed	Justification / History/ Cost Impact

- 3) Any delegated design with the potential to impact the critical path of the project must be flagged by the design team. The implications of the schedule impact must be communicated to the project team and DFCM.
- 4) All delegated design elements for a project must be made obvious to the code reviewers by utilizing the EDMS deferred submittal tool. If additional testing and inspection is needed for any item, the code official shall notify the team.
- 5) If a delegated design approach is approved by the Director of DFCM or designee, the deferred submittals must be clearly stated for the contractor’s use in bidding. The specifications for each delegated design must be clear as to what is being delegated and what is required for the deferred submittal.
- 6) Once it is known who the responsible party is for the deferred submittal, a schedule must be produced to show when the deferred submittal is required to be approved. The schedule must include a minimum of 10 business days for the AHJ to provide their review as well as the required time for the EOR to review and approve. This process can not impact the overall project schedule. Any delegated design element must be approved by the AOR/EOR and AHJ before it is installed, thus the critical nature of scheduling for design and review is imperative to project success.
- 7) If contractors submit a product substitution that creates a new item of delegated design not previously identified, that item will be rejected through the submittal review process unless the prime AOR/EOR sees value in the product and submits a variance request for delegated design to the Director of DFCM or designee. Contractors also inherit the risk and cost of both design and construction for changing the Basis of Design to work with their proposed delegated design and subsequent deferred submittal. DFCM encourages the practice of Value engineering to the extent that substitution requests do not cause additional design or do not provide the overall best value to the project.
- 8) Transparency of communicating product substitutions and the impact they may have on the other systems within the project is a priority. Contractors must understand that changing the Basis of Design to utilize a less expensive system

may create changes that exceed the savings from the less expensive system. It is the responsibility of the contractor to prove out that the substitution is the over-all best choice for the project.

- 9) Delegated design work shall not be installed by the contractor until it is approved by both the AOR/EOR and the AHJ.
- 10) The code inspectors shall inspect work performed as a result of the delegated design to what was approved and submitted in EDMS as a deferred submittal.

DFCM Delegated Design & Deferred Submittal Request Form

Project Name:	Date:
	Agency:
Project Number:	DFCM PM:
Requested by:	
Company:	
Email:	
Project Delivery Method:	

Provide a description of the delegated design: Scope of work it encompasses and other design element impacts	
Delegation Justification – Why is it in the projects best interests to delegate the design and produce a deferred submittal?	
Cost for AOR/EOR to provide the proposed delegated design?	
Could deferring the design impact the critical path?	
Why or Why not? Provide a mitigation strategy and justification for either case. Include schedule logic and sequencing	
When must the deferred submittal be approved by the AHJ?	
Who will be the responsible party for the deferred submittal?	
Additional Justification, irregularities or comments regarding the delegation of this design	

Team Commitment to permit delegated design prior to installation				
Entity:	DFCM	AOR/EOR	Contractor	Agency or institution
Name:				
Company:	State of Utah			

AOR/EOR shall be the registered design professional in responsible charge with respect to all delegated design / deferred submittals			
Name:		Date:	
Company:		Signature:	

Approval by DFCM Director or Designee			
Name:		Date:	
Title:		Signature:	

DFCM MATRIX OF DEFERRED SUBMITTALS

Item Name	Description	Variance Not Required	By Variance Only	Not Allowed	Not Required	Justification
Seismic bracing	<u>Seismic bracing for non-structural components</u> , such as Piping & conduit, electrical cable tray, lighting fixtures, prefabricated sun shades, storage racks, equipment pads, exterior wall cladding, generator, transformer, UPS, electrical gear, boiler flue, ductwork, Mechanical Equipment etc..	X				The IBC requires seismic bracing per structural code (ASCE), which is not included within the base scope of work for architects and engineers. The seismic calcs for each piece of equipment has to be calculated using the unique dimensions, weights, center of gravity, etc. for the selected equipment. If products were sole sourced and not competitively bid, the delegated design could be eliminated and included within the design.
Fire Sprinklers	Deferred shop drawings of fire sprinklers, flow test, hydraulic calcs, etc.	X				This is generally a performance based specification and most if not all Fire suppression system designers work for the Fire suppression subcontractors.
Performance Based Alternate Equipment	There could be different equipment combinations that may offer differences in performance, but would also have significant changes to the design of a room.		X			A performance based Alternative equipment design may generate savings, provide for better means and methods, or offer the best case scenario to reduce costs or risks for a project. If this choice is offered, the costs associated with redesign and other associated disciplines must be included within the proposal.
Appearance related items	This could be anything with any level of customization, such as equipment appearance, finishes, access panels, etc.				X	All appearance related items, including customization of components, shall be decided and designed prior to final bidding.
Controls	Controls are required to provide shop drawings for review.				X	The specifics of the controls components should not change the design intent or performance which will have no impact on code. The shop drawings shall be provided and reviewed for conformance.
Water Treatment or other process systems	This could be HVAC water treatment for heating and chilled water lines, but it could also be process water treatment for RO and DI systems, or even other types of lab or process systems like vacuum, or compressed air.				X	The water treatment system is specified generally by a performance specification and designed by a local water treatment contractor. The overall performance should be the same, and the specifics shouldn't have any code implications - Shop drawings shall be provided and reviewed for conformance. This is a requirement of the certificate of occupancy.
Design build work	There are times when a discipline requires a design build contractor.		X			Various factors could drive a design build requirement - any code implications for an un-designed system must be a deferred submittal.
Curtainwall			X			A BOD may specify multiple manufactures, but the structural engineering is specific to the product and the project.
Smoke Control				X		
Excavation Support and Protection - Non-permanent shoring					X	This should not be "delegated" by the Design Professional since it is not their responsibility in the first place. The design should be separated out and listed under the contractor's responsibilities. From a code perspective this is not required, but could be a Project risk - needs exploration by the team on a case by case basis.
Structural Glazing			X			A BOD may specify multiple manufactures, but the structural engineering is specific to the product and the project.
FIRE ALARM SYSTEM		X				
Pre-engineered Stairs and access ladders			X			DFCM will accept a delegated design and corresponding deferred submittal for Pre-engineered stairs and access ladders if the following conditions apply. The project delivery is Design Bid build. A Design assist subcontractor is not feasible or warranted, to bring under the CMGC to produce and support this design with the contract documents. No exemption for Design build delivery unless a variance is granted. DFCM Approved Fabricator is a requirement of all structural steel elements.

DFCM MATRIX OF DEFERRED SUBMITTALS

Item Name	Description	Variance Not Required	By Variance Only	Not Allowed	Not Required	Justification
Special Open Web Joist and Joist Girders			X			DFCM will accept a delegated design and corresponding deferred submittal for Joist and deck if the following conditions apply. The project delivery is Design Bid build. A Design assist subcontractor is not feasible or warranted, to bring under the CMGC to produce and support this design with the contract documents. No exemption for Design build delivery unless a variance is granted. DFCM Approved.
Deep Foundation and permanent shoring Systems		X				This is generally a performance based specification.
GFRC Systems and Connections			X			
Elevator				X		Elevators are specific to manufactures, but their specifics rarely impact code review. A performance based spec should be adequate for code review. The conformance set of documents should include the final elevator selection and corresponding design.
Prefabricated Metal Building Design		X				DFCM will accept a delegated design and corresponding deferred submittal for metal building design if the following conditions apply. The project delivery is design bid build. A design assist subcontractor is not feasible or warranted, to bring under the CMGC to produce and support this design with the contract documents. No exemption for design build delivery unless a variance is granted. DFCM Approved Fabricator is a requirement of all structural steel elements.
Prefabricated Precast Concrete			X			
Prefabricated Wood Trusses			X			DFCM will accept a delegated design and corresponding deferred submittal for wood trusses if the following conditions apply. The project delivery is design bid build. A design assist subcontractor is not feasible or warranted, to bring under the CMGC to produce and support this design with the contract documents. No exemption for Design build delivery unless a variance is granted.
Agency provided SIGNS						Required for code review prior to production. This is simply a proactive review by the building official so we don't have a problem in the field and issuing CO.
Structural Seismic Bracing				X		BRB, Gussets, Side plate, Durafuse, Etc.. All are a required structural system that must be submitted with the design documents.
Pedestrian Protections				X		
ACCESS FLOOR SYSTEM.			X			
Exterior Enclosure metal Framing			X			Delegating any façade work is a high risk to the project - careful consideration of any delegation is imperative to project success.
Wall Panels - metal, wood, Stone,			X			
Cabinet Seismic Bracing			X			
Suspended Ceiling Systems			X			
Handrails, Guardrails & Railings			X			
FIRE RESISTANT FIRESTOPS AND JOINT SYSTEMS				X		
Light & Flag Pole Base Design			X			
Kitchen Equipment Hoods			X			

DFCM MATRIX OF DEFERRED SUBMITTALS

Item Name	Description	Variance Not Required	By Variance Only	Not Allowed	Not Required	Justification
OVERHEAD COILING GRILL					X	
STOREFRONTS				X		The NFRC is a requirement of Certificate of Occupancy and must be submitted to DFCM via EDMS
Cellular Distributed Antenna systems					X	Distributed Antenna Systems are not deemed code related deferred submittals.
Emergency DISTRIBUTED ANTENNA SYSTEM					X	Emergency Distributed Antenna Systems are not deemed code related deferred submittal. Requirements for this system should be made on a project by project basis, and acceptance is only granted via the state fire marshal sign off.
Arc Flash Study - shock Hazard Analysis					X	This study is not deemed a code related deferred submittal - and will not require acceptance from the building official. It is required as a deliverable to the DFCM for Certificate of Occupancy to be granted. Requirements for a ARC flash study are per the NEC, and must be assessed for each project.
Short Circuit study					X	This study is not deemed a code related deferred submittal - and will not require acceptance from the building official. It is required as a deliverable to the DFCM for Certificate of Occupancy to be granted. Requirements for a short circuit study are per the NEC, and must be assessed for each project.
Protective Device coordination					X	This study is not deemed a code related deferred submittal - and will not require acceptance from the building official. It is required as a deliverable to the DFCM for Certificate of Occupancy to be granted. Requirements for a protected device coordination study are per the NEC, and must be assessed for each project.