

<b>DEPT OF ADMINISTRATIVE SERVICE</b> Policies and Procedures <b>DIVISION OF FACILITIES</b> <b>CONSTRUCTION AND MANAGEMENT</b>	Ref	Page 1 of 3
	Effective Date 8-Apr-20	Revision Date 9-Apr-20
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 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. 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.

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.

<b>DEFERRED SUBMITTALS Tracking Chart</b>						
<b>Item Name</b>	<b>Group (MEP, S, A, etc)</b>	<b>Description</b>	<b>Required</b>	<b>Maybe needed</b>	<b>Not allowed</b>	<b>Justification / History/ Cost Impact</b>

- 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:	

Provide a description of the delegated design: Scope of work it encompasses and other design element impacts	
Delegation Justification Statement – 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 scheduling 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			
Name:		Date:	
Company:		Signature:	

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