

DEPT OF ADMINISTRATIVE SERVICE Policies and Procedures DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT	Ref	Page 1 of 3
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SUBJECT: Deferred Submittal Process	Created by: Sarah Boll and Taylor Maxfield	

I. PURPOSE

This policy establishes a process by which DFCM manages delegated design and deferred submittals.

II. BACKGROUND

Delegated design is the transfer of code related required design from the prime architect or engineer (“A/E”) 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 A/E and Authority Having Jurisdiction (“AHJ”) must approve the deferred submittal before any delegated design work may be installed.

III. POLICY

The 2015 International Building Code Section 107.3.4 defines deferred submittals.

Fees for the A/E will be set at the beginning of the project.

DFCM does not allow delegated design as DFCM requires that the A/E be ultimately responsible for all design services and Instruments of Service. The A/E must provide DFCM with a complete design without delegation. The design schedule must adequately reflect the design services required for a complete design. An approach to design that DFCM supports is the use of design assist team members to assist the A/E fulfill the A/E’s responsibility to provide a complete design.

A variance from this policy can only be granted in writing from the Director of DFCM, or 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 A/E firm cannot provide, written justification must be provided in form of a request for a variance from this policy to the Director of DFCM.
- 2) If a variance is granted, the below tracking table format should be filled out and reviewed at every OA meeting. If a GC is involved at this point 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 that could impact the critical path of the project must be flagged and understood as a project risk.
- 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, 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. This process can not impact the over-all project schedule. Any delegated design element must be approved by the A/E 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 A/E sees value in the product and submits a variance request for delegated design to the Director of DFCM. 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.
- 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 A/E 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.