



Product Substitutions and Performance Specifications

Avoiding Disputes Over Whether the Owner Got What It Paid For

Legal Seminar

**Thursday,
March 10, 2011
8:00 - 10:30 a.m.**

8:00 - 8:30 a.m.
Registration &
Continental Breakfast

8:30 - 10:30 am
Seminar

Location:

The Grand Conference Center
4101 E. Willow Street
Long Beach, CA
Directions: 562-426-0555

Cost:

Register by 5pm - Friday, March 4
\$60/person CMAA Members
\$100/person Non-Members
Register after March 4
\$75/person CMAA Members
\$125/person Non-Members

Includes:

- Complimentary parking
- Continental breakfast
- Comprehensive handout

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This presentation will provide a guide on what can be done by the owner, design professionals, and contractors when specified products are substituted with others. Any time a product is substituted for one called for by the contract documents, the risk arises that the owner will not get what it paid for, that the product is not substantially equivalent to the one specified, that construction problems will arise, and that claims and litigation will result. This seminar explains what can be done to avoid disputes. Performance specifications are another way owners seek to ensure they get what they paid for. This presentation will discuss ways the project participants can specify and comply with clear and appropriate performance specifications.

Substitution of Specified Materials

- Design specifications
- Design professionals' liability for improper design specifications
- Owners' implied warranty of availability of specified materials
- "Restrictive" product specifications
- Evaluation of bid responses that substitute specified products
- Owners' right to approve substitutions under AIA and AGC contracts
- Material shortages – who bears the risk?
- Risk of losing LEED certification by substituting specified products
- Effect of voluntary owner changes, delays

Performance Specifications

- Delegating design responsibilities to the contractor
- Liability for failure to achieve performance requirements
- Implied warranty of design adequacy to performance specifications

Seminar Instructors:

Derek Simpson & Christian Carrillo
Morris Polich & Purdy LLP

Registration Form	March 10	Seminar
	<input type="checkbox"/> CMAA Member \$60/\$75 <input type="checkbox"/> Non-Member \$100/\$125	
NAME _____	<input type="checkbox"/> Check Enclosed <input type="checkbox"/> AMEX <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	
TITLE _____	Amount to Charge \$ _____	
COMPANY _____	Card Number _____	
ADDRESS _____	Name on Card _____	
CITY, STATE, ZIP _____	Exp. Date _____/_____/_____ Security Code: _____	
() _____		
TELEPHONE _____	Please make checks payable to: CMAA S. Ca. Chapter Mail to: PO Box 41202, Long Beach, CA 90853	
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To Register Register on-line: www.cmaasc.org

Registration Policy

- ✓ Payment must accompany registration.
- ✓ The Chapter does not invoice.

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- ✓ Cancellations must be made in writing 48 hours prior to each event.
- ✓ No-shows and cancellations made after this deadline will not be refunded.
- ✓ Registration is non-transferable to another event, please send a substitute if you are unable to attend.

Questions: 562-434-8409 or sccmaa@cmaasc.org