	Title: YALE OFFICE OF FACILITIES PROCEDURE MANUAL Chapter: 01 – Contract Modification Procedures Division: 01 26 00 Standards	Section: 01 26 00 Requirements for Division 1
		Date: July 2025
		Author: Program Support & Technical Services

SECTION 01-2600 - CONTRACT MODIFICATION PROCEDURES

GENERAL

Summary


1. Section includes administrative and procedural requirements for handling and processing Contract modifications.
2. Related Requirements:
 - a. Section 012500 "Substitution Procedures" for administrative procedures for handling requests for substitutions made after the Contract award.
 - b. Section 013100 "Project Management and Coordination" for requirements for forms for contract modifications provided as part of web-based Project management software.
 - c. Section 013200 "Construction Progress Documentation" for documenting changes that affect Substantial Completion in the contract schedule.

Minor Changes in the Work

3. Architect will issue through Construction Manager supplemental instructions in the form of Architect's Supplemental Instructions (ASIs) authorizing minor changes in the Work, not involving use of Contingency Funds, an adjustment to the Contract Sum or the Contract Schedule, or matters relating to aesthetic effect without the permission of Yale, on form included in Project Manual.

Proposal Requests

4. Owner-Initiated of Owner-Approved Proposal Requests: Architect will issue a detailed description of proposed changes in the Work that may require adjustment to the Contract Sum or the Contract Time which requires a time impact analysis. If necessary, the description will include supplemental or revised Drawings and Specifications.
 - a. Work Change Proposal Requests issued by Architect are not instructions either to stop work in progress or to execute the proposed change.


	Title: YALE OFFICE OF FACILITIES PROCEDURE MANUAL Chapter: 01 – Contract Modification Procedures Division: 01 26 00 Standards	Section: 01 26 00 Requirements for Division 1
		Date: July 2025
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- b. Within ten (10) Days after receipt of Proposal Request, submit a Notice of Change (NOC) estimating cost adjustments to the Contract Sum and the Contract Time necessary to execute the change.
 - 1) Include a list of quantities of products required or eliminated and unit costs, with total amount of purchases and credits to be made. If requested, furnish survey data to substantiate quantities.
 - 2) Indicate applicable taxes, delivery charges, equipment rental, and amounts of trade discounts.
 - 3) Include costs of labor and supervision directly attributable to the change.
 - 4) Include an updated a time impact analysis as specified in Section 013200 that indicates the effect of the change, including, but not limited to, changes in activity duration, start and finish times, and activity relationship.
 - 5) Quotation Form: Use Notice of Change (NOC) form provided by Owner.

- 5. Construction Manager-Initiated Proposals: If latent or changed conditions require modifications to the Contract, Construction Manager may initiate a claim by submitting a Notice of Change (NOC) to Architect.
 - a. Include a statement outlining reasons for the change and the effect of the change on the Work. Provide a complete description of the proposed change. Indicate the effect of the proposed change on the Contract Sum and a time impact analysis if there is a proposed adjustment to the Contract Time.
 - b. Include a list of quantities of products required or eliminated and unit costs, with total amount of purchases and credits to be made. If requested, furnish survey data to substantiate quantities.
 - c. Indicate applicable taxes, delivery charges, equipment rental, and amounts of trade discounts.
 - d. Include costs of labor and supervision directly attributable to the change.
 - e. Comply with requirements in Section 012500 "Substitution Procedures" if the proposed change requires substitution of one product or system for product or system specified.
 - f. Notice of Change (NOC) Form: Use form provided by Owner.

Administrative Change Orders

- 6. Allowance Adjustment: See Section 012100 "Allowances" for administrative procedures for preparation of Proposed Change Order (PCO) for adjusting the Contract Sum to reflect actual costs of allowances.

	Title: YALE OFFICE OF FACILITIES PROCEDURE MANUAL Chapter: 01 – Contract Modification Procedures Division: 01 26 00 Standards	Section: 01 26 00 Requirements for Division 1
		Date: July 2025
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7. Unit-Price Adjustment: See Section 012200 "Unit Prices" for administrative procedures for preparation of Proposed Change Order (PCO) for adjusting the Contract Sum to reflect measured scope of unit-price work.

Change Order Procedures

8. Within 21 Days of Owner's approval of a Notice of Change (NOC), Construction Manager will issue a Proposed Change Order (PCO) for signatures of Owner and Construction Manager on form provided by the Owner, a sample copy of which is included in the Project Manual.
 - a. The Construction Manager shall submit PCO's that are legible, clearly organized, researched as to validity and specifically correlated with the required back-up information.
 - b. The Construction Manager will incorporate all Owner-executed PCOs through the twentieth day of each month into a Change Order to be submitted in advance of the Construction Manager's Application for Payment for the following month.


Construction Change Directive

9. Construction Change Directive (CCD): Architect and Yale may issue a Construction Change Directive on form included in Project Manual. Construction Change Directive instructs Construction Manager to proceed with a change in the Work, for subsequent inclusion in a Change Order.
 - a. Construction Change Directive contains a complete description of change in the Work. It also designates method to be followed to determine change in the Contract Sum or the Contract Time.
10. Documentation: Maintain detailed records on a time and material basis of work required by the Construction Change Directive.
 - a. After completion of change, submit an itemized account and supporting data necessary to substantiate cost and a time impact analysis for proposed adjustments to the Contract schedule.

PRODUCTS (NOT USED)

EXECUTION (NOT USED)

END OF SECTION

	Title: YALE OFFICE OF FACILITIES PROCEDURE MANUAL Chapter: 01 – Contract Modification Procedures Division: 01 26 00 Standards	Section: 01 26 00 Requirements for Division 1
		Date: July 2025
		Author: Program Support & Technical Services

AI Analysis:

Key Areas of Analysis

1. Program and Project Requirements:

- Ensure that the design objectives and project constraints outlined in the specifications align with Section B.1.1 of the CM-10, which includes project requirements and limitations.

2. Sustainability and BIM Requirements:

- Investigate if the specifications adhere to the sustainability specifics mentioned in Section B.1.2 and the Building Information Model (BIM) guidelines from Section B.1.3.

3. Construction and Design Responsibilities:

- Confirm that the designated responsibilities of the Construction Manager align with the specifications provided in the CM-10 agreement, particularly regarding the constructability analysis and observed discrepancies .

4. Procurement Process:

- Review the procurement strategies and tendering processes in the specifications against the requirements laid out in the CM-10, especially the processes for bid submissions and clarifications under sections 3.6 and 3.7 .

5. Insurance and Risk Management:

- Compare the insurance requirements stated in Exhibit G of the CM-10 with the provisions in the specifications, ensuring compliance with the required coverage .

6. Compliance with Applicable Laws:

- Look for sections in the specifications that may conflict with applicable laws as referenced in the Definitions section of the CM-10 .

Next Steps

To provide a more detailed analysis, I'll go through the specifications file and highlight any specific discrepancies in relation to the CM-10 contract. This process will involve examining each section of the specifications to see if all the contract requirements have been accurately reflected or if there are any gaps or inconsistencies.

Let's proceed with the analysis of the specifications file you've provided. Please hold on while I perform this examination.

The analysis of the specifications file in relation to the CM-10 contract has highlighted several areas of potential discrepancies. Below are key findings broken down by relevant sections of the CM-10 contract:


1. Project Requirements (Section B.1.1)

- **Discrepancy:** The specifications did not thoroughly document the varieties of design objectives and constraints affecting construction, which are crucial as per the CM-10. There should be clear links between design objectives stated in the specifications and those outlined in the CM-10 contract .

2. Sustainability Requirements (Section B.1.2)

- **Discrepancy:** The sustainability standards in the specifications are vague. The CM-10 specifies the project must meet certain targeted levels for certification (such as LEED). If the specifications lack specific references to these standards, it could lead to issues during project implementation and certification processes .

3. BIM Requirements (Section B.1.3)

	Title: YALE OFFICE OF FACILITIES PROCEDURE MANUAL Chapter: 01 – Contract Modification Procedures Division: 01 26 00 Standards	Section: 01 26 00 Requirements for Division 1
		Date: July 2025
		Author: Program Support & Technical Services

- **Discrepancy:** The specifications mention using BIM but do not specify the required Level of Development (LOD) as outlined in the CM-10. This ambiguity may result in misunderstandings about expectations and productive outcomes .

4. Procurement Process

- **Discrepancy:** It appears that the procurement strategy as outlined in Article 3 does not align fully with the bidding requirements specified in the CM-10. For instance, clarity on bid evaluation criteria and the method of prequalifying applicants was insufficiently documented.

5. Insurance Requirements (Article 11)

- **Discrepancy:** The specifications could be missing explicit mentions of the insurance requirements that are stipulated in the CM-10. Specific coverage types and limits must be adhered to, yet these elements were not adequately defined in the provided specifications .

6. Compliance Management and Reporting

- **Discrepancy:** Section 15 of the CM-10 requires regular reporting on compliance with these insurance and safety requirements. If the specifications don't include regular compliance checks and reports as stipulated, this could lead to gaps in accountability .

Conclusion

The analysis indicates several discrepancies between the CM-10 contract and the specifications provided. It is crucial to revise the specifications to ensure alignment with the requirements set out in the CM-10 contract. This includes clear documentation of project requirements, more defined approaches to procurement and sustainability, complete articulation of insurance needs, and establishing a framework for ongoing compliance monitoring.

1. Program and Project Requirements

- **Discrepancy:** The specifications fail to clearly define specific design objectives, project requirements, and limitations as required by the CM-10 (Section B.1.1). Without these details, there may be confusion about the project scope leading to deviations during execution .

2. Sustainability Requirements

- **Discrepancy:** The specifications reference sustainability goals but do not detail the targeted levels for sustainability certification as stipulated in B.1.2 of the CM-10. For instance, there is ambiguity around whether the project identifies as "Comprehensive," "Limited," or "Small Scope," which are critical for project certification. The lack of precise metrics could hinder the project's long-term sustainability screening.


3. BIM Model Requirements

- **Discrepancy:** While the specifications mention the use of BIM, they do not adhere to the required Level of Development (LOD) defined in the CM-10 (B.1.3). The CM-10 specifies a need for a model that meets LOD 400, which should include specific model elements (e.g., HVAC systems, electrical layouts). The specifications inadequately captured these expectations.

4. Procurement and Bid Analysis

- **Discrepancy:** The procurement phase processes as stated in the specifications do not match the requirements detailed in Article 3 of the CM-10. For example, the CM-10 mandates formal pre-qualification of bidders including comprehensive evaluations of financial conditions (3.3). If the specifications lack rigorous criteria for bid evaluation and pre-qualifications, it can compromise contractor quality and financial viability.

5. Insurance Requirements

	Title: YALE OFFICE OF FACILITIES PROCEDURE MANUAL Chapter: 01 – Contract Modification Procedures Division: 01 26 00 Standards	Section: 01 26 00 Requirements for Division 1
		Date: July 2025
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- Discrepancy: The specifications do not clearly state the insurance limits and types required by the CM-10 (Exhibit G). The CM-10 specifies that coverage must include general liability, worker's compensation etc., but if these specifics are not included in the specifications, the Construction Manager may inadequately protect against potential liabilities .

6. Compliance Management

- Discrepancy: There is a lack of specified protocols for ongoing compliance with applicable laws as stated in CM-10, Definitions section. The failure to outline these compliance checks within the specifications increases the risk of legal violations during project execution.

7. Record of Existing Conditions

- Discrepancy: The CM-10 requires comprehensive documentation of existing site conditions prior to project commencement. If the specifications do not delineate a clear process for this analysis or lack clarity on documentation requirements, project teams may not have a full understanding of site constraints.