

TECHNICAL BULLETIN SUBSTITUTION OF FLOORING



JULY 2023

INTRODUCTION

This bulletin aims to provide clarity over the process of product substitution in relation to flooring, a subject that is very topical given supply issues for so many products in the current market.

A 'MINOR VARIATION' CATEGORY

Changing a spec after consent, or after contracts have been signed off, can be challenging and MBIE has provided helpful guidance on how to substitute one product for another.

There are two aspects to consider:

Contractual – between the contractor and owner.

Compliance – do the proposed changes still meet the Building Code?

Most building contracts use the documented plans and specifications as the contract deliverable and therefore any unauthorised changes could be a breach of contract. The building contractor and owner must agree to any changes and this should be in writing, explaining the need for the change i.e. product specified is out of stock and waiting for it will delay the project. This can be documented informally via email or a note on the plans that is signed off by both parties. It is also important to record and agree on any price variations.

Additionally any proposed changes to what was consented is still required to meet the Building Code and will fall into one of two categories:

- Minor variation.
- Amendment to Consent.

A minor variation is a slight modification, addition, or variation to the building consent that does not deviate significantly from the plans and specifications to which the building consent relates to, for example, substituting one flooring brand for another.

The BCA will grant a Minor Variation with supporting documentation i.e. Technical Data Sheets showing equivalence to substituted product.

Generally any work outside the scope of the original consent (i.e. additional footprint or increases in floor area, construction method, or significant changes to the layout), would be considered a major variation and a formal Amendment to the Consent would be required before the new work is undertaken.

Information source: <https://www.building.govt.nz/projects-and-consents/build-to-the-consent/making-changes-to-your-plans/minor-variations-guidance/>