

CONSTRUCTION LAW – LAWS 2218.02 SYLLABUS

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Credit Value: 2 hours per week; 2 credits

Prescribed Text: Schedule of posted readings

Evaluation: Open book final examination representing 100% of course mark

Please take note of the following policies and procedures:

Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>.

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

SCHEDULE OF CLASSES – 2019

1. January 10 **Introduction/Tendering I** (Gibson)
Contract A/Contract B, *Ron Engineering, MJB, Martel, Double N Earthmovers*
Reading: Casebook, pp. 1-29
2. January 17 **Tendering I cont'd** (Gibson)
Contract A/Contract B, *Ron Engineering, MJB, Martel, Double N Earthmovers*
Reading: Casebook, pp. 1-29
3. January 24 **Tendering II** (Gibson)
Part 1. Evaluation of Tenders & Compliance
Part 2. Privilege Clauses/Waiver – *Tercon and Cherubini*
Reading: Casebook, pp. 29-91
4. January 31 **Tendering III** (Gibson)
Part 1. Subcontractors/Suppliers
Part 2. RFP's and Hybrid Tenders
Part 3. Public Procurement
Reading: Casebook, pp. 92-140

5. February 7 **Standard Forms** (Gibson)
 CCDC2
 Reading: Casebook, pp. 141-172
6. February 14 **Remedies I – Contract** (Gibson)
 Delay Claims, Change Orders
 Reading: Casebook, pp. 343-421
7. February 21 **Reading Week – No Class**
8. February 28 **Remedies II – Tort** (Gibson)
 Property Damage, Pure Economic Loss
 Reading: Casebook, pp. 422-462
9. March 7 **Builders' Liens I** (Meade)
 Legislation
 Reading: Casebook, pp. 173-184
10. March 14 **Builders' Liens II/Performance Security I** (Meade)
 Case Law
 Reading: Casebook, pp. 184-215; pp. 287-342
11. March 21 **Performance Security II** (Meade)
 Bonds, Letters of Credit, Performance Guarantees
 Reading: Casebook, pp. 287-342
12. March 28 **Insurance** (Meade)
 Reading: Casebook, pp. 216-287
13. April 4 **Consultants/Alternative Dispute Resolution**
 (Meade/Gibson)
 Reading: Casebook, pp. 463-489
14. April 18 **Exam**