

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



MASTER SYLLABUS

**COURSE NUMBER – COURSE NAME
CMGT 389 – Construction Contracts and Law**

Created by: J. Reilly

Updated by:

Canino School of Engineering Technology

Department: Civil and Construction Technology

Semester/Year: Fall 2020

- A. **TITLE:** Construction Contracts and Law
- B. **COURSE NUMBER:** CGMT 389
- C. **CREDIT HOURS:** (Hours of Lecture, Laboratory, Recitation, Tutorial, Activity)

Credit Hours: 3
Lecture Hours: 3 per week
Lab Hours: per week
Other: per week

Course Length: 15 Weeks

- D. **WRITING INTENSIVE COURSE:** Yes No
- E. **GER CATEGORY:** None: Yes: GER
If course satisfies more than one: GER
- F. **SEMESTER(S) OFFERED:** Fall Spring Fall & Spring

G. **COURSE DESCRIPTION:**

Legal aspects associated with the conduct of a construction project are investigated in this course. Topics include: risk and liability to the owner and general contractor under various delivery methods, typical provisions of a contract, public-owner laws, assignment of responsibility for change orders, bonding and insurance, and the effect of unethical practices on the contract award process. Case studies are employed to illustrate concepts.

- H. **PRE-REQUISITES:** None Yes If yes, list below:

CONS 274 Construction Management or CMGT 300 Construction Management, and 45 credits or more; or permission of instructor

CO-REQUISITES: None Yes If yes, list below:

I. STUDENT LEARNING OUTCOMES: (see key below)

By the end of this course, the student will be able to:

<u>Course Student Learning Outcome</u> <u>[SLO]</u>	<u>Program Student Learning Outcome</u> <u>[PSLO]</u>	<u>GER</u> <i>[If Applicable]</i>	<u>ISLO & SUBSETS</u>	
1. Describe provisions in the typical construction contract that address responsibility and liability to the various parties	SO 5		5-Ind, Prof, Disc, Know Skills ISLO ISLO	Subsets Subsets Subsets Subsets
2. Demonstrate a reasonable mastery of the legal terms associated with construction	SO 5		5-Ind, Prof, Disc, Know Skills ISLO ISLO	Subsets Subsets Subsets Subsets
3. Describe how owners, GCs and CMs manage their risk	SO 5		5-Ind, Prof, Disc, Know Skills ISLO ISLO	Subsets Subsets Subsets Subsets
4. Provide actual or hypothetical examples that illustrate how our system of bid and award attempts to "level the playing field"	SO 5		5-Ind, Prof, Disc, Know Skills ISLO ISLO	Subsets Subsets Subsets Subsets
5. Evaluate and describe in legal terms the possible liabilities to the various parties given an actual or hypothetical construction project dispute scenario	SO 5		5-Ind, Prof, Disc, Know Skills ISLO ISLO	Subsets Subsets Subsets Subsets
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KEY	<u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u>
ISLO #	ISLO & Subsets
1	Communication Skills Oral [O], Written [W]
2	Critical Thinking <i>Critical Analysis [CA], Inquiry & Analysis [IA], Problem Solving [PS]</i>
3	Foundational Skills <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
4	Social Responsibility <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
5	Industry, Professional, Discipline Specific Knowledge and Skills

*Include program objectives if applicable. Please consult with Program Coordinator

J. **APPLIED LEARNING COMPONENT:** Yes No

If YES, select one or more of the following categories:

- Classroom/Lab
- Internship
- Clinical Placement
- Practicum
- Service Learning
- Community Service

- Civic Engagement
- Creative Works/Senior Project
- Research
- Entrepreneurship
(program, class, project)

K. TEXTS:

RS Means: Construction Law: An Introduction for Engineers, Architects, and Contractors 1st Edition, by Gail Kelley (Author) ISBN-13: 978-1118229033 ISBN-10: 1118229037

L. REFERENCES:

Construction Law for Design Professionals, Construction Managers and Contractors 1st Edition. by Justin Sweet (Author), Marc M. Schneier (Author), Blake Wentz (Author) ISBN-13: 978-1111986902 ISBN-10: 1111986908

Smith, Currie and Hancock's Common Sense Construction Law: A Practical Guide for the Construction Professional 5th Edition by Kelleher Jr., Thomas J. (Author), John M. Mastin (Author), Ronald G. Robey (Author), Currie & Hancock LLP Smith (Author) ISBN-13: 978-1118858103 ISBN-10: 1118858107

M. EQUIPMENT: None Needed:

N. GRADING METHOD: A-F

O. SUGGESTED MEASUREMENT CRITERIA/METHODS:

Assignments, Exams, Case Study Evaluations, and Oral Presentation

P. DETAILED COURSE OUTLINE:

I. The Construction Process

- a. Primary Participants
- b. Request for Proposal
- c. Bidding
- d. Award
- e. Provision of the Contract

II. Bonding and Insurance

- a. Surety
- b. Bid Bond
- c. Payment Bond
- d. Performance Bond
- e. Liens
- f. Insurance

III. Public vs Private Owners

- a. Public Laws aimed at equity
- iv. Delivery Methods and Assignment of Risk
 - a. Traditional
 - b. Cost Plus
 - c. Guaranteed Maximum Price

d. **Construction Manager**

V. **Handling Disputes**

a. **Change Orders**

b. **Performance Issues**

c. **Force Majeur**

VI. **Impact of Ethics on Bid and Award**

VII. **Case Studies**

Q. **LABORATORY OUTLINE:** None Yes