

Class Syllabus  
**BCT 478 Applications of Construction Law**  
**Section H001**

- SOAR Schedule:** Fall Session, August 19-December 11, 2009.
- 2008-2009 Catalog Data:** Analysis of construction law: Legal Problems, the bidding process, contract performance, the contract. 3 Credit Hours.
- Instructor:** John Jeffrey Hannon, Associate Professor  
School of Construction, 118 College Drive, #5138  
Hattiesburg, MS 39406-0001, TEC 239 (Bobby Chain Technology Bldg-#3 on [Campus Map](#))  
601-266-5550 (phone)  
[john.hannon@usm.edu](mailto:john.hannon@usm.edu)  
In-Person Office Hrs: (unless changed by announcement)  
-Thursdays, Hattiesburg Office 3:00-5:00pm  
-Fridays, Hattiesburg Office 1:30-4:30pm
- Drop Date:** The last day to drop this course without financial penalty: Friday 09/01/2009. See this semester's Academic Calendar (on the USM website) for other important dates:  
[http://www.usm.edu/registrar/calendars/fall\\_2009/index.php](http://www.usm.edu/registrar/calendars/fall_2009/index.php)
- Prerequisite:** Senior Standing.
- Prerequisites By Topic:** Familiarity with construction work processes, estimating, bidding, project management, scheduling, writing competencies, and the ability to successfully utilize and troubleshoot operating system, word processing, and web browser software applications.
- Course Overview:** This course is designed for you to attain some skills of contract administration and knowledge regarding construction contracts and legalities which are critical to your future construction career. The principles of construction law are the course emphasis, including how these principles affect the construction manager. I am not a lawyer and I will not try to make you one, but we will learn how and when to involve a lawyer in your future industrial/contractual issues. The course is also designated as 'Writing Intensive' according to the University's Quality Enhancement Plan (QEP). Weekly assigned readings and papers are required. Students are expected to display competencies in written communication and basic construction law principles. You are expected to utilize your construction industry experiences (both from the classroom and the field) as a senior in standing.
- Learning Outcome:** The main goal of the course is to expose students to legal thinking in the context of construction through readings, case studies, discussions and various exercises, emphasizing the duties, rights, best practices, and liabilities of stakeholders in construction projects.
- Course Objectives:** At the conclusion of this course, students with passing scores will be able to:
1. Recognize and differentiate between the basic implications of primary construction contract clauses.
  2. Identify construction management/contract administration best practices based upon construction law.
  3. Critically evaluate construction disputes based upon case facts and contract content.
  4. Demonstrate the ability to research, develop, and focus on legal topics for speaking and writing assignments while presenting ideas in an organized, logical, and coherent form.
  5. Demonstrate the ability to use Standard English grammar, punctuation, spelling, and usage.
  6. Consideration of ethical issues involved in construction project delivery.
- Course Communication:** The main mode of one-to-one communication will be through in-person class lectures AND the course website/(BlackBoard-WebCT). Course communication will be via website, in-shell email, recorded video and sound, and face-to-face lectures. Email to instructor outside of the course website shell is discouraged (for

emergency purposes only please).

**Required Text(s):** Thomas J, K. Jr. (2009). *Common Sense Construction Law: A Practical Guide for the Construction Professional--4th Edition*. Hoboken, NJ: John Wiley & Sons, Inc. ISBN: 978-0-470-23136-4, (student purchase).

**Required Reading(s):**

1. Excel Inc., *Claim Prevention*, (instructor provided).
2. Textbook
3. Assigned Court Cases (student researched).
4. Assigned Articles (instructor provided).
5. Assigned video(s) to watch (instructor provided).

**Library Resources:**

The USM Library can be accessed online at: <http://www.lib.usm.edu/>  
The LexusNexis-Legal Research database can be accessed at this link:  
<https://login.lynx.lib.usm.edu/login?url=http%3a%2f%2fwww.lexisnexis.com%2fus%2flnacademic%2fsearch%2fflap.do%3fflapID%3dlegal>

**Class Procedures  
And Requirements:**

To succeed in this course you will need to do the following:

- Be disciplined in reading the assigned material as designated in the reading schedule sufficiently in advance so that you can reflect upon the content and complete the assignments by the due date.
- Ask questions regarding material which you do not comprehend or in which you need clarification through the physical contact hours or email.
- Exhibit written and oral communication skills gained throughout your education to this point. If you lack some of these competencies, it is recommended that you attack your assignments early and utilize assistance outside of the course: such as the University's Writing and Speaking Labs (<http://www.usm.edu/admissions/parentsandfamily/academics/writinglabs.php>)

Your comprehension of the reading and lecture material will be assessed via assigned papers, case argument (FIRAC) and quizzes. Written communication competencies will be assessed via Chapter Topic and Best Practice Papers according to the course schedule. There will be two types of Best Practice papers due:

1. Text Chapter-Specific Papers.
2. A comprehensive Paper which incorporates and synthesizes all of the previous papers submitted.

The chapter text readings and the course material is organized in four sections (modules):

1. The Law in the U.S.//A background understanding of basic U.S. law principles.
2. Risk//Liabilities and risk mitigation topics of construction project delivery.
3. Contracts//Construction law pertaining to the pre-construction stage for contractors.
4. Applications// Construction law pertaining to the construction stage (generally) for contractors.

**Evaluation Criteria (Assessment):**

1. Quizzes/Exercises	Approx 8-12ea	10%
2. FIRACS	Approx 2-5ea	20%
3. Chapter Topic Papers	Approx 12-15ea	40%
4. Final Best Practices Paper	1 ea	30%

**Grading Scale:**

A 90-100

B	80-89
C	70-79
D	60-69
F	0-59

**ADA Compliance:** If a student has a disability that qualifies under the American with Disabilities Act (ADA) and requires accommodations, he/she should contact the Office for Disability Accommodations (ODA) for information on appropriate policies and procedures. Disabilities covered by ADA may include learning, psychiatric, physical disabilities, or chronic health disorders. Students can contact ODA if they are not certain whether a medical condition/disability qualifies.

Address:

The University of Southern Mississippi  
Office for Disability Accommodations  
118 College Drive # 8586  
Hattiesburg, MS 39406-0001

Voice Telephone: (601) 266-5024 or (228) 214-3232 Fax: (601) 266-6035

Individuals with hearing impairments can contact ODA using the Mississippi Relay Service at 1-800-582-2233 (TTY) or email Suzy Hebert at [Suzanne.Hebert@usm.edu](mailto:Suzanne.Hebert@usm.edu).

**Attendance:** As this course is delivered both partially online and in-person (Executive Format), you must first understand the requirements of the course (the purpose of this document), estimate the time required to complete the assignments, and then incorporate these study/work sessions into your schedule. I realize that the world is a busy place and that many of you have pressures upon you outside of academia—However, unless you know this material already (unlikely), it will take a significant investment of your time (well spent, with a good return). I will document in-person attendance, but not assess grades on that criterion. But please understand that if you have trouble comprehending the concepts, and consistently miss the weekly in-person/face-to-face class, it will not be my responsibility to catch you up during my office hours. I travel a fair amount for research and scholarly purposes, so you cannot count on personal tutoring during office hours in lieu of class attendance. I care very much that you learn this material and if you exhibit diligence in your attempt to attain it I will do whatever I can within my power and constraints to assist you.

**Late Assignments  
or Projects:**

In order to emulate the nature of the industrial environment, late work will not be accepted regardless of the amount of effort expended in the assignment or project. The only exceptions are documented 'acts of God', death or illness in the family, or personal illness (documented). The intent of this policy is to be fair to the students in this course which extend considerable time and effort to meet the deadlines.

**Academic Honesty:** Students are expected to do their own work on all graded course assignments including quizzes, tests, papers, presentations, etc.

The following is from the USM 2007-2008 Graduate/Undergraduate Bulletin:

“When cheating is discovered, the faculty member may give the student an “F” on the work involved or in the course. If further disciplinary action is deemed appropriate, the student should be reported to the dean of students. In addition to being a violation of academic honesty, cheating violates the Code of Student Conduct, as published in the *Student Handbook* and may be grounds for probation, suspension, and/or expulsion. Students on disciplinary suspension may not enroll in any courses offered by The University of Southern Mississippi.”

Please make sure that you understand the difference between collaboration and performing your own work. Collaboration involves communicating with others regarding techniques, methods, and ideas which are acceptable. It does not include dividing up work between a group which should be accomplished individually or utilizing and representing someone else's work as your own. Be very careful with sharing electronic media as all portions of each assignment should be accomplished by the INDIVIDUAL. Sharing work which you have completed and authored with other students makes you a collaborative cheater if such material is submitted and represented as someone else's'.

THIS HAS BEEN AN ISSUE EVERY SEMESTER I'VE TAUGHT THIS COURSE—Cheating will not be worth your while in the end and I will penalize TWO (2) persons in every case, one usually guiltier than the other. Do not let others have access to your work, it could cost you failing grades or worse and I am becoming quite savvy at discovery.

**Computer Usage/Technology Requirements:**

- Broadband Internet Connection
- Computer workstation with audio features enabled (handicapped students will be accommodated when instructor is informed of needs).
- Word Processor: Microsoft Word 2003 or 2007\*
- Web browser: Microsoft Explorer version 7 (NOT version 8.x which is current)
- Proper JAVA version for Blackboard:
- Video Player: with sound codecs enabled
- Adobe Reader

See USM Blackboard Tech Support: <http://d2.parature.com/ics/support/default.asp?deptID=8140>

\*You will be expected to know or to learn how to use detailed features of the MS Word word processor. I will offer some assistance to get you started via screen shot video(s), but these will utilize the latest version of Word 2007, not the former version, Word 2003, which is significantly different in navigation and use. I also suggest a relatively inexpensive and easily obtained reference tool:

Wempen, F. (2009). *Using Microsoft Office Word 2007*. Indianapolis: Que. ISBN: 0-7897-3608-X

**Detailed Class Schedule:**

WEEK No.	Week/Of	Chapter	Topic	Due	Module
1	8/20/2009	N/A	Introduction/Orientation		
		N/A	Excel Document		1
2	8/27/2009	N/A	Intro/U.S. Law/FIRAC		1
		1	The Legal Context of Construction		1
3	9/3/2009	2	Alternative Contracting Methods	FIRAC-1	2
		N/A	Functional Areas/Functional Roles	FIRAC-2	
		N/A	Chapter Topic Papers-How To		
4	9/10/2009	13	Managing Risk		2
		14	Payment Bonds	CTP-1	2
5	9/17/2009	15	Performance Bonds	CTP-2	2
		18	Construction Insurance	CTP-3	2
6	9/24/2009	3	Pre-Bid	CTP-4	3
		4	Bidding		3
7	10/1/2009	5	Interpretation	CTP-5	3
		21	Dispute Resolution	CTP-6	2
	10/8/2009	N/A	FALL BREAK-No Class		
8	10/15/2009	6	UCC	CTP-7	3
		7	Authority/Responsibility	CTP-8	3
9	10/22/2009	8	Subcontract Admin	CTP-9	4
10	10/29/2009	9	Changes	CTP-10	4
		10	Differing Site Conditions		4
11	11/5/2009	11	Schedules, Delays, and Acceleration	CTP-11	4
12	11/12/2009	12	Inspection, Acceptance, Commissioning, Warranties	CTP-12	4
13	11/19/2009	17	Environmental	CTP-13	4
		20	Unionism/Collective Bargaining	CTP-14	4
	11/26/2009	N/A	THANKSGIVING_No Class		
14	12/3/2009	N/A	BIM/IDP		4
		N/A	Intellectual Property		
15	12/10/2009	N/A	FINAL BP Document Due		

\*I reserve the right to make fair and equitable adjustments to this syllabus/schedule.

**Learning Outcome-  
Assessment Matrix:**

Course Topic (Text: 4th Ed)	Class Objective						Assessment				TAC-ABET Criterion						ACCE Core Subject
	1	2	3	4	5	6	1	2	3	4	A	B	C	D	E	F	
Intro/U.S. Law/FIRAC		▪	▪	▪		▪	▪	▪		▪							1.1, 5.42
Excel Document	▪	▪	▪	▪		▪	▪		▪	▪	▪			▪			1.1,5.41,5.42,5.45
The Legal Context of Construction	▪	▪	▪	▪		▪	▪		▪					▪			1.1,5.42,5.45
Alternative Contracting Methods	▪	▪	▪			▪	▪		▪					▪			1.1,5.41,5.45
Managing Risk	▪	▪	▪			▪	▪		▪					▪			1.1,5.41,5.45
Payment Bonds	▪	▪	▪			▪	▪		▪	▪	▪			▪			1.1,5.42,5.43,5.45
Performance Bonds	▪	▪	▪			▪	▪		▪	▪	▪			▪			1.1,5.42,5.43,5.45
Construction Insurance	▪	▪	▪			▪	▪		▪	▪	▪			▪			1.1,5.41,5.43,5.45
Dispute Resolution	▪	▪	▪			▪	▪		▪	▪	▪			▪			1.1,5.45
Pre-Bid	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1,5.41
Bidding	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1, 5.41,5.45
Interpretation	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1,5.41,5.45
UCC	▪	▪	▪			▪	▪		▪					▪			1.1,5.42
Authority/Responsibility	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1,5.41,5.45
Subcontract Admin	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1,5.41,5.46
Changes	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1,5.41,5.47
Differing Site Conditions	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1,5.41,5.48
Schedules, Delays, and Acceleration	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1,5.41,5.49
Insp, Acceptance, Comm, Warranties	▪	▪	▪			▪	▪	▪	▪	▪	▪			▪			1.1,5.41,5.50
Environmental	▪	▪	▪			▪	▪		▪					▪			1.1,5.41,5.51
Unionism/Collective Bargaining	▪	▪	▪			▪	▪		▪					▪			1.1,5.41,5.52
BIM/IDP	▪	▪	▪			▪	▪		▪					▪			1.1,5.41,5.53
Intellectual Property	▪	▪	▪			▪	▪		▪					▪			1.1,5.41,5.54

**General Education Curriculum (GEC):** BCT478 is part of the general Education Curriculum (GEC) of the University. As a consequence, the course fulfills the following GEC Student learning Outcomes:

1a. Students will demonstrate the ability to develop and focus on one topic in speaking and writing assignments and present ideas in an organized, logical, and coherent form.

1b. Students will demonstrate the ability to use Standard English grammar, punctuation, spelling, and usage.