

**CE 464/564 LEGAL ASPECTS OF CONTRACTING  
SPRING 2024**

Dates: Monday and Wednesday

Time: 1:30 – 2:45 PM

Location: 1230 EB2

**INSTRUCTOR**

Edward J. Jaselskis, PhD, PE

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**TEACHING ASSISTANT**

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Office Hours: M-W, 3:00-4:00 PM

**COURSE OVERVIEW**

**Course Description**

Legal aspects of contract documents; drawings and specifications; owner-engineer-constructor relationship and responsibilities; bids and contract performance; labor laws; governmental administrative and regulatory agencies; torts; business organizations; ethics and professionalism; analysis of current topics and issues; investigation of recent statute and case implications.

**Course Prerequisites**

CE 464 Senior standing in CON (Note that there are other approved electives for CE majors)

CE 564 Graduate standing; credit for both CE 464 and CE 564 are not allowed

**Course Purpose**

CE 464/564 is intended to provide a practical introduction to the legal topics and issues related to the construction process; it is not intended to train the student as a construction lawyer. This course will present the theories, principles, and established rules that the student will likely encounter in the construction industry.

**Course Objective**

CE 464/564 covers topics in three main areas as follows:

- *Contract Issues* Identify the five necessary components to contracts; compare common construction contract documents, including subcontracts; evaluate the contractual impact of change orders and differing site conditions; determine the contractual impact of schedule changes, including delays and acceleration; identify the contractual requirements for contract completion, acceptance, and warranty; evaluate potential damages for contract non-compliance.
- *Management Issues* Explain the purpose of payment and performance bonds; evaluate the consequences of contract termination; identify the types of insurance commonly used in construction; identify regulations related to environmental and safety issues; identify and explain common labor issues, including union vs. non-union activity; identify and explain the various methods of dispute resolution.

- *Professional Issues* Identify common ethical dilemmas and formulate appropriate responses; identify the requirements for licensing as a Professional Engineer (PE) and a General Contractor (GC); determine the most appropriate delivery method for construction contracts; evaluate common issues associated with construction contract competition and competitive bidding.

## **READING**

### **Required Text**

*Smith, Currie & Hancock's Common Sense Construction Law: A Practical Guide for the Construction Professional*, 5<sup>th</sup> Edition, John Wiley & Sons, Inc., 2015.

e-Reserve: Refer to SMITH, CURRIE & HANCOCK'S COMMON SENSE CONSTRUCTION LAW: <https://catalog.lib.ncsu.edu/catalog/NCSU4321757>

**Other Reading Materials** (Available through Moodle—login through wolfware.ncsu.edu)  
Supplemental reading on relevant issues will be required throughout the course.

## **PRERECORDED LECTURES**

CE 464-564

You can view the recorded lectures in your classroom content folder at:

<https://ncsu.hosted.panopto.com/Panopto/Pages/Sessions/List.aspx#folderID=d9d4b4e7-2f9a-4fdb-b1bd-b0d5016a070d>

**ASSIGNMENTS** (Available through Moodle—login through wolfware.ncsu.edu)

### **Homework**

In order to guide the student through the required reading, homework assignments will be given prior to the reading assignment for the class period. Each homework assignment will consist of short answer questions from the required reading. There will be 18 homework assignments throughout the semester and each must be submitted according to the dates shown in Table 1.

### **Term Project**

For this assignment, you will work in teams to assemble a portfolio of construction contract documents for a hypothetical construction project case study with numerous contractual events.

### **Exams**

In order to demonstrate mastery of the course material, there will be three tests given by the instructor. Although the tests are not necessarily cumulative, the material in the course builds upon itself; thus, the student may need to be familiar with material from the first test in order to successfully complete material on the third test. The tests will be given in class according to the dates in Table 1.

### **Legal Case Summary (CE 564 only)**

In order to see how classroom knowledge relates to real-world events, each graduate student is required to submit one paper based on a relevant construction legal case. In addition to seeing the application of new knowledge, another purpose of the papers is to help students improve their

writing skills. The paper will be eight to ten pages in length and will be submitted at the end of the semester.

## COURSE GRADES

The overall course numerical grade will be calculated based on a weighted average as follows:

<b>CE 464</b>		<b>CE 564</b>	
Homework (18 assignments)	15%	Homework (18 assignments)	15%
Tests (3 @ 20% each)	60%	Tests (3 @ 20% each)	60%
Term Project (1 @ 25%)	25%	Term Project (1 @ 15%)	15%
Legal Case (Not Required)	NA	Legal Case (1 @ 10%)	10%
<b>Total</b>	<b>100%</b>	<b>Total</b>	<b>100%</b>

Final course numerical grades will be rounded to two decimal places for assigning letter grades.

Letter grades assigned will be no lower than:

A+ (97-100)	A (93-96.99)	A- (90-92.99)
B+ (87-89.99)	B (83-86.99)	B- (80-82.99)
C+ (77-79.99)	C (73-76.99)	C- (70-72.99)
D+ (67-69.99)	D (63-66.99)	D- (60-62.99)
F (less than 60)		

## POLICIES AND PROCEDURES

### Professionalism

Each student is expected to conduct themselves in a professional manner. This includes, but is not limited to, arriving to class on time and staying for the full duration; being respectful of the instructor and other students; participating in group activities and discussions; refraining from the use of laptop computers, cell phones, and text messages. Furthermore, oral and written communication with the instructor and other students is expected to be at a professional level.

### Late Assignments

Unless agreed upon with the instructor prior to the assignment due date, late assignments will not be accepted and will result in a zero for the assignment. If it is necessary to submit a late assignment, please discuss the situation with the instructor as soon as possible; the instructor will evaluate each situation on a case-by-case basis.

### Re-Grading of Assignments

If the student feels that a portion of an assignment has been unfairly graded by the instructor, the student may re-submit the assignment to be re-evaluated by the instructor within one week after it was originally returned to the student. However, the instructor reserves the right to re-grade the entire assignment and not just the portion that is in question by the student. Thus, it is possible for the student to receive a revised final grade on the assignment that is lower than the grade that was received originally.

### **Academic Integrity**

It is the instructor's expectation that each student will neither give nor receive unauthorized aid on any assignment. Students may discuss the homework assignments if they wish but each student is expected to submit their own assignment. For the tests, use of the text book, course notes, or other material is typically not allowed unless specified by the instructor. For the CE 564 paper assignment, *proper citation must be given for other people's ideas and work; plagiarism will not be tolerated and will result in a zero for the assignment.* Additional information regarding academic integrity may be found in the NC State University [Code of Student Conduct](#).

### **Students with Disabilities**

Reasonable accommodations will be made for students with verifiable disabilities. In order to take advantage of available accommodations, students must register with the Disability Resource Office, Holmes Hall, Suite 304 (2751 Cates Avenue); phone: 515-7653. For more information on NC State's policy on working with students with disabilities, please see the NC State University [Academic Accommodations for Students with Disabilities Regulation \(REG02.20.1\)](#).

**Table 1. Schedule for Lectures, Reading, and Deliverables**

Week	Lecture	Date	Topic	Reading	Deliverable
1	0	Monday, January 8, 2024	No Class		
	1	Wednesday, January 10, 2024	Course Overview		
2	2	Monday, January 15, 2024	Martin Luther King Holiday		
	3	Wednesday, January 17, 2024	Construction Industry Overview/Contracting Relationships (Assign Contract Document Assignment--HW 4 <b>create teams</b> )	Ch. 3; (White Chapter 6); White vs. Edsall	HW 1
3	4	Monday, January 22, 2024	Legal Context of Construction	Ch. 1; (White Chapter 1; White vs Edsall; Verdit Lacking Common Sense)	HW 2
	5	Wednesday, January 24, 2024	Contract Basics	Ch. 2	HW 3
4	6	Monday, January 29, 2024	Contract Documents; Contract document presentations	Ch. 15 (Hinze Chapter 10; Gen'l and Supp. Conditions); contract document self-review	HW 4
	7	Wednesday, January 31, 2024	Owner-Designer Relationship	Ch. 9; Hyatt Regency Case	HW 5
5	8	Monday, February 5, 2024	Owner-Contractor Relationship	Ch. 7	HW 6
	9	Wednesday, February 7, 2024	Review for Exam #1		
6	10	Monday, February 12, 2024	<b>Exam #1</b>		
	11	Wednesday, February 14, 2024	Review Exam #1; Differing Site Conditions ( <b>Assign Legal Case—graduate students</b> )	Ch. 12 (additional reading)	HW 7
7	12	Monday, February 19, 2024	Labor and Employment Issues (Ashley Felton)	Ch. 21	HW 8
	13	Wednesday, February 21, 2024	Schedules, Delays, and Acceleration (Brian Schoolman—watch pre-recorded lecture from Moodle)	Ch. 13 (additional reading)	HW 9
8	14	Monday, February 26, 2024	Contractor-Subcontractor Issues (Heath Kent and Kevin Smith) ( <b>Assign Term Project for all Students</b> )	Ch. 10 (additional reading)	HW 10
	15	Wednesday, February 28, 2024	Contract Changes	Ch. 11	HW 11

9	16	Monday, March 4, 2024	Contract Change Administration (Joseph Corey) (Paul Giroux—watch pre-recorded presentation)		
	17	Wednesday, March 6, 2024	Proving Costs and Damages	Ch. 18 (additional reading)	HW 12
10		Monday, March 11, 2024	<b>Spring Break</b>		
		Wednesday, March 13, 2024	<b>Spring Break</b>		
11	18	Monday, March 18, 2024	<b>Review for Exam #2</b>		
	19	Wednesday, March 20, 2024	<b>Exam #2</b>		
12	20	Monday, March 25, 2024	Review Exam #2; Construction Insurance	Ch. 20	HW 13
	21	Wednesday, March 27, 2024	Dispute Resolution	Ch. 23 (additional readings)	HW 14
13	22	Monday, April 1, 2024	Inspection, Acceptance, Warranties, and Commissioning	Ch. 14	HW 15
	23	Wednesday, April 3, 2024	Environmental/Safety Issues	Ch. 19	HW 16
14	24	Monday, April 8, 2024	Digital Contract Issues (Brian Schoolman)	(additional readings)	
	25	Wednesday, April 10, 2024	Bonding and Lien Laws (Matt Van Sickle)	Ch. 16 and 17	HW 17
15	26	Monday, April 15, 2024	Ethics; Licensing (PE and GC) and Professionalism	Samuels Chapter 11; Sweet Chapter 10; NC GC Laws and Regulations; PE Regulations	HW 18
	27	Wednesday, April 17, 2024	Graduate Student Case Study Presentations		Document assignment due in Moodle (submit as pdf); Graduate Case Study due in Moodle
16	28	Monday, April 22, 2024	Student Case Study Presentations; Review for Final Exam		
	29	<b>April 25 – May 1, 2024</b>	<b>TBD</b>		