

Course Outline**COURSE:** LAWS 4209 A- Topics in Business Law- Government Procurement Law**TERM:** Fall 2012-13**PREREQUISITES:** Fourth-Year Honours Standing**CLASS:** Day & Time: Wednesday's 6:05 PM- 8:55 PM**Room:** Please check with Carleton Central for current room location.**INSTRUCTOR:** Alexander Jeglic**CONTACT:** Office: Loeb Building Room B442
Office Hrs: By appointment
Telephone: 613.947.0594
Email: ajeglic@ccc.ca

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at **613-520-6608** or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable). For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

The procurement of goods and services by government departments and agencies for their own purposes is a core element of the operation of governments. It secures the inputs that enable governments to fulfill their tasks, having a major impact on key stakeholders in society.

This course will review Canada's government procurement laws and processes, as well as a limited review of relevant US procurement laws and other international conventions.

The course will combine theory with practice and will require students to actively engage and participate.

REQUIRED TEXTS

Government Procurement, Paul Emanuelli, (LexisNexis Canada, 3rd edition, 2012)

SUPPLEMENTARY TEXTS

Supplementary materials will be made available during class or emailed to students as necessary.

SEMINAR FORMAT

The Seminar will be highly interactive and shall depend on active participation from the students. A very hands-on approach with practical learning will be the guiding principles throughout the term. In general, the first half of each class will be devoted to the review of required readings. The remaining half of the class will be dedicated to discussion of topical issues in procurement and will require active participation. You will be evaluated based on the evaluation criteria set out below. To be successful in the class you will be required to take initiative and actively participate. Failure to attend all classes may result in disappointing results.

EVALUATION

(All components must be completed in order to get a passing grade)

Legal Brief and Presentation	30% (Maximum 4 page submission plus 7 minute presentation)
RFP Drafting (Group project)	30% (Topic to be distributed in class)
CITT Complaint Drafting	30% (Topic to be distributed in class)
Class Participation	10%

ALL STUDENT WORK IS SUBJECT TO THE CONTRACTUAL PROVISIONS CONTAINED IN THE CARLETON UNIVERSITY UNDERGRADUATE CALENDAR (2012-2013) AND TO THIS COURSE OUTLINE

SCHEDULE

SEPT 12, 2012

Introduction of instructor, students and subject.

READING:

Emanuelli (Pg.1-21)

SEPT 19, 2012

Introducing some of the Players: The Canadian International Trade Tribunal (CITT), Public Works and Government Services Canada (PWGSC), Canadian Commercial Corporation (CCC) and Export Development Canada (EDC), Supreme Court (SC), World Trade Organization (WTO).

READING:

1. Emanuelli (Pg.23-78)
2. Official PWGSC Website
3. Official CITT Website
4. Official WTO Website
5. Official CCC Website

SEPT 26, 2012

Implied Duties and Express Rights

READING:

1. Emanuelli (Pg.79-148)

OCT 3, 2012

Disclosure Duty & Municipal Procurement.

READING:

1. Emanuelli (Pg.149-249)
2. <http://www.ontariocourts.ca/decisions/2012/2012ONCA0273.pdf>
3. http://ottawa.ca/en/licence_permit/bylaw/a_z/purchasing/index.html

ASSIGNMENT:

Legal Brief Assignment on Municipal Procurement distributed at the end of class. (4 Page Maximum)

OCT 10, 2012

Disclosure Duty Continued

READING:

1. Emanuelli (Pg.249-295)

OCT 17, 2012

Procurement Documents

READING:

1. Emanuelli (Pg.1071-1155)
2. World Bank website: <http://siteresources.worldbank.org/INTPROCUREMENT/Resources/smworks-04-08-ev1.pdf> (Please read the table of contents and skim the text)

ASSIGNMENT:

1. Legal Brief Assignment on Municipal Procurement due at the beginning of class.
2. RFP Drafting Assignment distributed at the end of class (Group Project).

OCT 24, 2012

Oral presentations of Legal Brief on Municipal Procurement

READING:

No Reading

ASSIGNMENT:

Oral presentations of Legal Brief on Municipal Procurement (All students must present on this date. 7 minute maximum)

OCT 31, 2012

Duty to Reject Non-Compliant Tenders & Class Time to Work on RFP Drafting Assignment

READING:

1. Emanuelli (Pg.295-418)

NOV 7, 2012

Duty to Conduct a Fair Competition

READING:

1. Emanuelli (Pg.419-563)

ASSIGNMENT:

1. RFP drafting assignment due at the beginning of class.
2. CITT complaint drafting assignment distributed at the end of class

NOV 14, 2012

Special Topics with Guest Lecturer (Public Private Partnerships)

READING:

TBD

NOV 21, 2012

Duty to Award to the Winning Bidder and Duty to Award the Contract as Tendered

READING:

1. Emanuelli (Pg.565-666)

NOV 28, 2012

Remedies

READING:

3. Emanuelli (Pg. 667-792)

ASSIGNMENT:

1. CITT complaint drafting assignment due at the beginning of class.