

## Course Outline

COURSE:	LAWS 4209A – Topics in Business Law-Government Procurement Law
TERM:	Fall 2013-14
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: <a href="mailto:ajeglic@ccc.ca">ajeglic@ccc.ca</a>

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You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** 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](mailto: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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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## **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 review of relevant 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 (2013-2014) AND TO THIS COURSE OUTLINE

**SCHEDULE****SEPT 11, 2013**

***Introduction of instructor, students and subject.***

**READING:**

Emanuelli (Pg.1-21)

**SEPT 18, 2013**

***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 25, 2013**

### ***Implied Duties and Express Rights***

#### READING:

1. Emanuelli (Pg.79-148)

## **OCT 2, 2013**

### ***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](http://ottawa.ca/en/licence_permit/bylaw/a_z/purchasing/index.html)

#### ASSIGNMENT:

1. Legal Brief Assignment distributed at the end of class. (4 Page Maximum)

## **OCT 9, 2013**

### ***Disclosure Duty Continued***

#### READING:

1. Emanuelli (Pg.249-295)

## **OCT 16, 2013**

### ***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 due at the beginning of class.
2. RFP Drafting Assignment distributed at the beginning of class (Group Project).
3. Oral presentations of Legal Brief (25% of students must present on this date. 7 minute maximum)

**OCT 23, 2013*****Oral presentations of Legal Brief on Municipal Procurement***READING: No

Reading

ASSIGNMENT:

1. Oral presentations of Legal Brief (75% of students must present on this date. 7 minute maximum)

**NOV 6, 2013*****Duty to Reject Non-Compliant Tenders & Class Time to Work on RFP Drafting Assignment***READING:

1. Emanuelli (Pg.295-418)

**NOV 13, 2013*****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 20, 2013*****Special Topics with Guest Lecturer (Public Private Partnerships)***READING:

TBD

**NOV 27, 2013*****Duty to Award to the Winning Bidder and Duty to Award the Contract as Tendered***READING:

1. Emanuelli (Pg.565-666)

**DEC 4, 2013**

***Remedies***

READING:

3. Emanuelli (Pg. 667-792)

ASSIGNMENT:

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