

Course Outline

---

<b>COURSE:</b>	<b>LAWS 4209C- Topics in Business Law: Government Procurement Law</b>
<b>TERM:</b>	<b>Winter 2015</b>
<b>PREREQUISITES:</b>	<b>Fourth-Year Honours Standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Mondays 6:05 PM- 8:55 PM</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Alexander A. Jeglic</b>
<b>CONTACT:</b>	<b>Office: Loeb Building Room B442</b>
	<b>Office Hrs: By appointment</b>
	<b>Telephone: 613.947.2259</b>
	<b>Email: Alex.jeglic@p3canada.ca</b>

---

**Academic Accommodations**

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/>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of

calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:  
<http://www.carleton.ca/studentaffairs/academic-integrity/>

### ***Department Policy***

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

---

## **COURSE DESCRIPTION**

The procurement of goods and services by government departments, agencies and crown corporations 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**

Available for purchase at the Carleton University Bookstore: 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)**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

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%

## **SCHEDULE**

### **JAN 05, 2015**

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

**READING:**

Emanuelli (Pg.1-21)

### **JAN 12, 2015**

***Introducing some of the Players at the Federal Level:*** The Canadian International Trade Tribunal (CITT), Public Works and Government Services Canada (PWGSC), Canadian Commercial Corporation (CCC), 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

## **JAN 19, 2015**

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

#### READING:

1. Emanuelli (Pg.79-148)

## **JAN 26, 2015**

### ***Disclosure Duty***

#### READING:

1. Emanuelli (Pg.149-249)

#### ASSIGNMENT:

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

## **FEB 02, 2015**

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

#### READING:

1. Emanuelli (Pg.249-295)

## **FEB 09, 2015**

### ***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 after break (Group Project).

## **FEB 16-20, 2015 – Winter break: no classes**

## **FEB 23, 2015**

### ***Oral presentations of Legal Brief***

READING:  
No Reading

ASSIGNMENT:

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

## **MAR 02, 2015**

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

READING:  
1. Emanuelli (Pg.295-418)

## **MAR 09, 2015**

### ***Duty to Conduct a Fair Competition***

READING:  
1. Emanuelli (Pg.419-496)

ASSIGNMENT:

1. RFP drafting assignment due at the beginning of class.

## **MAR 16, 2015**

### ***Duty to Conduct a Fair Competition (Continued)***

READING:  
1. Emanuelli (Pg.497-563)

ASSIGNMENT:

1. CITT complaint drafting assignment distributed at the end of class

## **MAR 23, 2015**

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

READING:  
1. Emanuelli (Pg.565-666)

**MAR 30, 2015**

***Remedies***

**READING:**

1. Emanuelli (Pg. 667-792)

**APR 6, 2015**

***Class Summary***

**READING:**

None

**ASSIGNMENT:**

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