

Course Outline

COURSE:	LAWS 4209 A -Topics in Business Law- Government Procurement Law
TERM:	Winter 2009-10
PREREQUISITES:	Fourth-Year Honours Standing
CLASS:	Day & Time: Friday: 8:35 -11:25 AM Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Alexander Jeglic
CONTACT:	Office: Loeb Building Room C476 Office Hrs: By appointment Telephone: 613.947.0594 Email: ajeglic@ccc.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

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 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 the most relevant international conventions. A limited review of US procurement laws relevant to Canadians will also be reviewed in this context.

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

REQUIRED TEXTS

Government Procurement Paul Emanuelli, (LexisNexis Canada, 1st edition, 2005)

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)

Essay and Presentation	25% (Maximum 7 page submission plus 5 minute presentation)
RFP Drafting (Group project)	25% (Topic to be distributed in class)
Oral Argument on Municipal Procurement	25% (In-class oral argument with partner)
Final Examination	25% (Open book)

ALL STUDENT WORK IS SUBJECT TO THE CONTRACTUAL PROVISIONS CONTAINED IN THE CARLETON UNIVERSITY UNDERGRADUATE CALENDAR (2009-2010) AND TO THIS COURSE OUTLINE

SCHEDULE**JAN 8 *Introduction of instructor, students and subject.***

READING: Emanuelli (Pg.1-19)

JAN 15 *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.23-66)
2. PWGSC Website: <http://www.tpsgc-pwgsc.gc.ca/app-acq/index-eng.html>
3. EDC Website: <http://www.edc.ca/english/corporate.htm>
4. CCC Website: http://www.ccc.ca/eng/abo_whoWeAre_corporateProfile.cfm
5. CITT Website: http://www.citt.gc.ca/mandate/index_e.asp
6. WTO Website: http://www.wto.org/english/tratop_e/gproc_e/gproc_e.htm

NOTE: *Last day to change courses or sections for winter term courses.*

JAN 22 *Implied Duties and Express Rights*

READING Emanuelli (Pg.71-107)

JAN 29 U.S. Government Procurement.

- READING
1. Buy American and Buy America: <http://www.canadainternational.gc.ca/sell2usgov-vendreaugouvusa/procurement-marches/buyamerica.aspx?lang=eng>
 2. ITAR: http://www.pmdtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_120.pdf
 3. Federal Acquisition Regulation : <https://www.acquisition.gov/far/authorityframe.html>

ASSIGNMENT: Buy American Essay Assignment distributed. (7 Page Maximum)

NOTE: *JAN 31, 2010 is the last day for withdrawal from winter term and winter portion of fall/winter courses with full fee adjustment.*

FEB 5 Disclosure Duty

- READING
1. Emanuelli (Pg.119-189)

FEB 12 Procurement Documents

- READING
1. Emanuelli (Pg.609-631)
 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 Buy American Essay Assignment Due at the beginning of class.

ASSIGNMENT RFP Drafting Assignment Distributed at the end of class (Group Project).

FEB 19 Winter Break (No Class)**FEB 26 Presentations**

READING No Reading

ASSIGNMENT Oral presentations of Buy American Essay Assignment (All students must present on this date. 5 minute maximum)

MAR 5 Duty to Reject Non-Compliant Tenders

- READING
1. Emanuelli (Pg.209-263)

ASSIGNMENT RFP Drafting Assignment Due at the beginning of class.

MAR 12 Duty to Conduct a Fair Competition

- READING
1. Emanuelli (Pg.279-338)

ASSIGNMENT Oral Argument Problem Distributed (Each student must pair up with a partner)

NOTE: *Last day to withdraw from fall/winter and winter-term courses & Last day to submit, to the Paul Menton Centre for Students with Disabilities, Formal Examination Accommodation Forms for April examinations.*

MAR 19 *Municipal Procurement*

- READING 1. City of Ottawa Purchasing Bylaw No 50 of 2000 available at:
http://www.ottawa.ca/residents/bylaw/a_z/purchasing_en.html

MAR 26 *Presentations*

READING No reading

ASSIGNMENT Oral Argument Problem Presentations (each team will have 15 minutes and all students must present on this date.)

APR 2 *Good Friday (No Class)*

APR 7 *Duty to Award & Remedies*

- READING 1. Emanuelli (Pg. 347-452)

APR 8-24 Final exam period