

Course Unit	Construction Law and Contracts	Field of study	Construction Management and Organization		
Master in	Construction Engineering	School	School of Technology and Management		
Academic Year	2022/2023	Year of study	1	Level	2-1
Type	Semestral	Semester	2	ECTS credits	6.0
Workload (hours)	162	Contact hours	T 30	TP 30	PL -
			TC -	S -	E -
			OT -	O -	
			Code 5024-419-1202-00-22		

T - Lectures; TP - Lectures and problem-solving; PL - Problem-solving, project or laboratory; TC - Fieldwork; S - Seminar; E - Placement; OT - Tutorial; O - Other

Name(s) of lecturer(s) Jorge Pedro Lopes, Rui Alexandre Figueiredo de Oliveira

#### Learning outcomes and competences

At the end of the course unit the learner is expected to be able to:

1. Master the aspects related to the legal framework of the construction sector's contracts, particularly those related to the realization of construction works
2. Formulate, analyse and evaluate bids of construction contracts
3. Have knowledge of different types of procurement of construction contracts
4. Undertake valuation of price adjustments in construction contracts

#### Prerequisites

Before the course unit the learner is expected to be able to:  
Demonstrate knowledge consistent with a first degree course

#### Course contents

Procurement methods in the construction industry. Tendering procedures and contract formation. General cores clauses. The contract documents; The parties' obligations and responsibilities. The FIDIC Conditions of Contract. New types of procurement - the case of public private partnerships. The Code of Public Contracts (CCP). The legal regime of entry in the construction industry activity (the "alvarás" law). Analysis and evaluation of bids in tendering. Analysis and evaluation of bids in tendering according to the CCP.

#### Course contents (extended version)

1. Procurement and contracts in the construction industry
  - Types of procurement and contract in the construction industry. Tendering and the contract formation
  - The contract clauses, the contract documents and the parties' obligations and responsibilities
  - General core clauses
  - The contract documents
  - Payment: the contract sum; variations; retention; and fluctuations.
  - Insurance and risks
  - The parties' general obligations and responsibilities-the contractor and the owner
  - Possession and liquidation
  - New types of procurement- the case of public private partnerships.
  - The FIDIC Conditions of Contract
2. The Portuguese legal framework of public sector's contracts
  - The Portuguese Code of Public Contracts (CPC).
  - The European Community frame of reference.
  - Contract's formation phase.
  - Choice of tender procedure according to the contract value.
  - Choice of tender procedures according to material criteria.
  - Tender and contract documentation.
  - Contract's realization phase.
  - Contractual changes. Errors and omissions. Responsibility for errors and omissions
  - The legal regime of entry in the construction industry activity (the "alvarás" law).
  - Methods of price adjustments in construction contracts: the legal regime
3. Analysis and evaluation of bids in tendering
  - Criteria for bid evaluation.
  - Choice of factors and respective weighings.
  - Factors and subfactors.
  - Quantitative and qualitative factors.
  - Methods of bid evaluation.
  - Policies and market organisation in public work's contracts.
  - Bid evaluation according to the CPC.

#### Recommended reading

1. Imprensa Nacional Casa da Moeda - INCM (2008), O Código dos Contratos Públicos -Decreto-Lei nº 18/2008, INCM, Lisboa
2. FIDIC (2011), The FIDIC Condition of Contracts for Construction (2011 ed. ), FIDIC, Switzerland
3. Murdoch, J and Hughes, W (2008), Construction Contracts: Law and Management, 4th ed, Taylor and Francis, London and New York
4. The Aqua Group (1999), Tenders and Contracts for Building, 3rd ed, Blackwell Science Ltd

#### Teaching and learning methods

The course unit will be taught through a combination of lectures, practical classes aimed at the resolution of practical exercises and development of two individual/group projects

#### Assessment methods

1. Alternative 1 - (Regular, Student Worker) (Final, Supplementary, Special)
  - Practical Work - 100% (In this alternative, there is also discussion of other topics of the course unit.)
2. Alternative 2 - (Regular, Student Worker) (Final, Supplementary, Special)
  - Final Written Exam - 100%

**Language of instruction**

Portuguese, with additional English support for foreign students.

**Electronic validation**

Jorge Pedro Lopes, Rui Alexandre Figueiredo de Oliveira	Manuel Teixeira Brás César	José Carlos Rufino Amaro
17-03-2023	18-03-2023	25-03-2023