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Spring 1-1-2020

## **CET 421-102: Construction Contracts**

John Wiggins

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**Department of Engineering Technology  
Construction Engineering Technology Program  
Combined Course Policy – Spring 2020**

**Title and Course Number:**

CET 421 –Construction Contracts, Section 102 & Section 002

**Course Location and Hours:**

Section 102 will meet on Wednesday evenings, 6:00 P.M. – 8:50P.M., in ME Cullimore Lecture Hall 2; Section 002 will meet on Tuesdays at 1:00 – 2:20 in the Central King Building Room 226 and on Fridays 1:00 – 2:20 in the Central King Building Room 212

**Course Description:**

Legal aspects of the various types of construction contracts and specifications. Scope, format, and use of various standard types of contracts and contract documents such as owner-contractor and contractor-sub-contractor.

**Prerequisites/Co-Requisites:**

Restriction: Senior standing in construction engineering technology or construction management technology.

**Textbooks and Course Materials:**

Course Materials will be available on Canvas. The student will also need to have access to the software necessary for the course (Microsoft Excel, Project, Word and PowerPoint all of which are available free of charge from the NJIT homepage).

The text for the course is Legal Aspects of Architecture, Engineering and the Construction Process, Sweet, J. and Schneier, M., 9th edition, 2013, Cengage Learning, ISBN 978-1-111-57871-8

**Instructor**

The instructor for this course is John A. Wiggins, P.E., J.D., F.ASCE. Professor Wiggins holds a BSCE degree (1973) from Newark College of Engineering, an MSCE degree(1981) from the New Jersey Institute of Technology and a Juris Doctor degree (1980) from the Seton Hall School of Law and is a full time member of the staff at NJIT. In addition to his teaching duties, Prof. Wiggins is a practicing civil engineer. He holds Professional Engineer and Professional Planner licenses from the State of New Jersey and a Professional Engineer's license from the Commonwealth of Pennsylvania as well as being admitted to the New Jersey State Bar. He is also a PhD candidate in Civil Engineering at Rutgers University, New Brunswick, NJ where his principal area of study is Construction Management.

**Office**

The Instructor is available in his office, GITC 2107, for consultation at the times posted on the department webpage for office hours and by appointment only. Appointments can be made on line by visiting the department advising webpage ([http://ucs-vmserver3.njit.edu/et/et\\_scheduling/appointment\\_days.php?id\\_person=3](http://ucs-vmserver3.njit.edu/et/et_scheduling/appointment_days.php?id_person=3)) and reserving an appointment. Walk-ins are generally discouraged.

## Concepts and Skills (Course Learning Objectives)

Upon completion of the course, each student will be able to:

1. Read, understand and apply a construction contract and contract documents.
2. Understand, evaluate and write a claim for a change order.
3. Understand the process of dispute resolution.
4. Understand the concepts of liability in its various forms (personal, design, etc.)
5. Understand the process, role and importance of professional ethics and licensure.

### Attendance Policy and Student Conduct

The class will be conducted in a professional atmosphere in an effort to acquaint the students with the atmosphere of a professional environment. Therefore, laptops are not permitted in class without prior approval of the instructor as is cell phone text messaging. During quizzes, laptops are to be stowed away. Similarly, food is not permitted in class. A light beverage (i.e. coffee, a bottle of water, etc.) is permitted as would be in any business meeting.

It is the student's responsibility to attend class. If a class is missed, the student is responsible for all material and announcements provided during his absence. Assignments are posted on the course' Canvas webpage. Lecture attendance is not required but is encouraged and is a portion, although a minor portion, of the student's grade. For the most part, attendance will be taken via the quizzes that are administered during the course. However, just taking the quiz and leaving does not count as attendance for the session.

During the conduct of the class, professional courtesy is expected. This includes arriving on time as well as leaving during class. Similarly, "private" conversations with fellow students during a class are discourteous and inconsiderate to both your Instructor as well as your fellow students. You are encouraged to ask any questions that you feel further clarifies the material being presented or that will be to the benefit of class in general. Please feel free to ask any question at any time. Negative behaviors, such as texting or falling asleep in class, will be detrimental to your grade in the course and may lead to the student being asked to remove themselves.

### Course Materials

All course materials will be posted on-line in Canvas. It is the student's responsibility to periodically check the course's Canvas site. With the exception of quizzes and examinations, No hard copies will be distributed during class. Similarly, all student submissions will be made via Canvas and hard copies of assignments will not be accepted. Also, please be advised that all submissions in Canvas are time sensitive and that no work will be received after a deadline for submission.

### Grading Criteria

A Mid-Term and a Final examination shall be administered throughout the course. The Mid-Term shall cover only the material designated by the Instructor. The Final Examination shall be a comprehensive examination of all material covered during this course. It is mandatory that the Mid-Term and Final Examinations be taken to successfully complete course. It is strongly encouraged that all students make every effort to attend the examinations on the dates shown in the Course Outline as make-up tests are strongly discouraged. In the event that a student fails to take the Mid-Term or the Final examination, a grade of "F" shall be entered for the student for this course. A Make up examination for the midterm must be taken within 1 week of the midterm being offered. Similarly, the makeup examination should be taken as close as possible to the date that the exam was offered and the grade of "F" shall remain until the examination is taken. Midterms and Finals will not be offered prior to the scheduled date, no exceptions. Unless otherwise announced by the Instructor, all test and examinations will be of the "closed notes-closed book" variety.

Homework assignments will be offered to assist and reinforce the student’s understanding of the material presented. All homework will be posted on Moodle and students must post their homework to Moodle. No hard copies of homework will be accepted – no exceptions. No homework will be received late, no exceptions. After the due date, homework may be covered in class upon request. Homework will not be received for credit after its due date.

A 13 minute quiz will be given each week at the start of the class.<sup>1</sup> The quiz will start promptly 10 minutes into the scheduled class time and be collected at the 23 minute mark. The quiz will be on the material that is assigned for reading for that week. It is anticipated that 11 Quizzes will be given during the semester with each quiz being worth 10 points and the lowest grade will be dropped so that the total value of the quizzes shall represent 100%. **There will no “makeups” for the quizzes with the possible exception of cancelled classes.**

In determining the final grade for this course, all grades shall be weighted as follows:

Midterm	30%
Homework	10 %
Final Examination	30 %
Quizzes	25 %
Attendance	<u>5%</u>
Total	100 %

#### **Grading Scale**

Letter grades will be assigned based on the following scale

A	100 - 90
B	89 – 80
C	79 – 70
D	69 – 60
F	59 - 0

The grade of Incomplete will only be granted in the case of an extreme emergency on the part of the student, demonstrated by appropriate documentation from the Dean of Students. Your Instructor reserves the right to vary the above as necessary based on the results of the course.

#### **Professional Communications**

All communications between the student and Instructor (homework, reports, papers, emails, etc.) are professional communications and should be treated as same. Use of slang and computer short-hand are improper and should be avoided. Also, proper grammar and spelling should be employed at all times.

#### **Inclement Weather**

As the weather during the early part of this semester can result in dangerous conditions that might warrant the cancellation of class; students should check their NJIT email accounts by 4:00 P.M. prior to coming to campus. If a class is to be cancelled because of inclement weather, it will be forwarded to the student via email by that time.

#### **Course Reference Materials**

Standard Specifications for Road and Bridge Construction, New Jersey Department of Transportation, 2007.

(Available from the NJDOT website)

“AIA 201A General Conditions for Construction”, American Institute of Architects, 2007. (Found as an appendix in the Text)

<sup>1</sup> The exceptions to this shall be the first week and the week of the midterm exam.