

# DIPLOMA CENTRE

## Diploma in Construction Law



### MODULE 1: INTRODUCTION TO CONSTRUCTION LAW

#### SESSION 1

#### TIME

#### DELIVERY Onsite & Online

Saturday 8 October 2022

10:00am – 11:00am

Course Introduction: Geraldine Rafferty, Barrister, Diploma Centre, Course Leader

- 1 **What is Construction Law?** Private law (law of obligations) & Public law (regulatory and procedural law)

#### SESSION 1 (cont.)

#### TIME

#### DELIVERY Onsite & Online

Saturday 8 October 2022

11:15am – 1:00pm

*For Lawyers :*

*Introduction to the Construction Process*

*For Construction Professionals:*

*Introduction to Contract Law & Tort*

2. **Introduction to the Construction Process:** Understanding the life cycle of a Construction project from initial conception of project to ultimate demolition

**Contract law:** How construction contracts differ from other contracts; relevant principles of contract law (formation, terms, breach, termination, privity)

- 3 **Who will be involved?:** The Design and Construction Team – The Employer, the Building Contractor, the architect, the engineers, the quantity surveyor/cost consultant, the project manager, the project supervisor for the design phase, and the project supervisor for the construction phase

2.5hrs. Gen. CPD

#### SESSION 2

#### TIME

#### DELIVERY Onsite & Online

Saturday 8 October 2022

1:30pm – 3:30pm

*For Lawyers :*

*Introduction to the Construction Process*

*For Construction Professionals:*

*Introduction to Contract Law & Tort*

- 1 **Construction Law from the Construction professionals perspective**

**Law of tort:** An introduction to the Law of Tort, negligence and other torts relating to construction

- 2 **Contracting in Construction – Current Trends 2021**

2.5hrs. Gen. CPD

#### SESSION 3

#### TIME

#### DELIVERY Online

Wednesday 12 October 2022

6pm – 8:30pm

- 1 **An overview of public procurement law;** The Public Procurement Directive (2014/24/EU): general overview of this Directive and implementing Irish Regulations; differences between public and private procurement. Rules on utilities, concessions plus Irish public procurement guidelines.
- 2 **Focus on the procurement of works contracts:** Structure, thresholds, requirement to advertise, contract notices etc., time-limits, overview of different procedures i.e. open; restricted; competitive dialogue; competitive negotiated and innovation partnership, award criteria, standard form contracts and useful hints.

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2.5hrs. Gen. CPD

### MODULE 2: CONSTRUCTION PROCUREMENT (THE TENDERING PROCESS)

#### SESSION 4

#### TIME

#### DELIVERY

Online

Wednesday 19 October 2022

6pm – 9:00pm

- 1 **Project procurement and Standard form contracts:** Various types of standard form contract including new and emerging options ; the pros and cons of each e.g. employer design, contractors design and build,
- 2 building contracts, engineering contracts, public private partnership contracts, partnering contracts, joint ventures, letter of intent and sub-contracts
- 3 **Allocation of risk as between the employer and the contractor:** identifying the unique risks involved in a construction project; an overview of allocating liability in respect of those risks as between the parties.

3hrs. Gen. CPD

#### SESSION 5

#### TIME

#### DELIVERY

Online

Wednesday 26 October 2022

6pm – 8:30pm

- 1 **Evaluation, documentation and communication:** How to approach ITTs/RFPs/ITPDs etc, key aspects of evaluation criteria, how to engage with the contracting authority, clarifications and debriefing, focus on practical tips
- 2 **Remedies available to unsuccessful candidates:** Implication of the Remedies Directives and implementing Regulations, applicable Court rules, prompt actions, possibility of a complaint to the European Commission/other agencies. Contracts not covered by the EU regime, general judicial review procedures, overall litigation strategy.

2.5hrs. Gen. CPD

### MODULE 3: REGULATION

#### SESSION 6

#### ONLINE RELEASE

#### DELIVERY

Online Release

Wednesday 9 November 2022

- 1 **The Building Control (Amendment) Regulations 2014:** Building control regulations/BCAR compliance, Recent Developments and key issues
- 2 **Health & Safety:** Health and Safety: a review of the Safety, Health and Welfare at Work Act 2005 and other key health and safety legislation in Irish construction; covering statutory appointments, Safety Statements, Risk Assessments, obligations regarding design and construction, key concepts and other considerations

2.5hrs. Gen. CPD

### MODULE 4: CONSTRUCTION CONTRACTS

#### SESSION 7

#### TIME

#### DELIVERY

Online

Wednesday 9 November 2022

6pm – 8:30pm

- 1 **Responsibility for design in construction contracts:** Allocation to the employer or contractor. Consequences of allocation: cost of construction, time, and operation of works. Degrees of design responsibility: fitness for purpose and reasonable skill and care. Employer's responsibility for amending errors in its own design and consequences. Contractor taking responsibility for design undertaken by the employer. Novation of design consultants.

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- 2 Lump sum and quantities contracts:** Bills of quantities and their elements: item descriptions, quantities and rates. Methods of measurement. Provisional and prime cost sums. Treatment of quantities in the public works forms (guidance), RIAI blue and yellow forms [FIDIC 2nd, NEC4]. Use of quantities and other methods (milestone schedules) for interim valuation. Using priced rates to value change (introduction).

**2.5hrs. Gen. CPD**

### SESSION 8

### TIME

### DELIVERY

**Online**

**Wednesday 16 November 2022 6pm – 8:30pm**

- 1 Supply chain:** Subcontracting. Contractor's responsibility for subcontractor work. Forms of employer control over subcontracting. Domestic and nominated subcontractors. Prime cost sums. Reserved sums and named specialists under public works contracts. Subcontractor design and responsibility. Consequences of nominated subcontractor insolvency or other termination.
- 2 Insurance and accidents:** Typical construction insurances. Insurance of the works and ancillary items. Typical exclusions. Link to risks typically retained by the employer. Treatment of proceeds. Lender sole loss payee clauses. Responsibility for damage to other property and injury to workers and others: indemnities and insurance coverage. Professional indemnity. Owner controlled insurance.

**2.5hrs. Gen. CPD**

### SESSION 9

### TIME

### DELIVERY

**Onsite**

**Saturday 26 November 2022 10:00am – 1:00pm**

- 1 Workshop 1:** Project procurement, standard form contracts and Health & Safety and Building Control Legislation

**2.5hrs. Gen. CPD & 1.5hr M&PD**

### SESSION 10

### TIME

### DELIVERY

**Online Release**

**Wednesday 11 January 2023**

- 1 Change:** Right to instruct changes. Obligation to instruct changes. Consequences. Contract processes. Omissions.
- 2 Time and completion:** Meaning of completion. Certifying completion. Sectional completion and milestone dates. Extending time. The prevention principle. Liquidated damages. Defects period and retention. Contractor delay cost

**2.5hrs. Gen. CPD**

### SESSION 11

### TIME

### DELIVERY

**Online**

**Wednesday 18 January 2023 6pm – 9:00pm**

- 1 Claims for more money and time:** Contract processes: public works contracts, RIAI, FIDIC, NEC. Notice bars and early warning. The role of the certifier.
- 2 Security and overall liability:** Bonds. Types of bonds. Collateral warranties. Payment security for the contractor. Types of liability limits.
- 3 Termination and suspension:** Termination at common law and under contractual provisions. Statutory suspension. Default termination. Termination at will. Omissions.

**2.5hrs. Gen. CPD**

### SESSION 12

### TIME

### DELIVERY

**Online**

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**Wednesday 25 January 2023 6pm – 8:45pm**

- 1 Ordinary certification and payment:** Payment provisions of the Construction Contracts Act 2013. Interim and final payments. Methods of valuing interim payment. Certification. The role of the certifier. Retention. Set-off.
- 2 Other commercial risks:** Unexpected conditions and obstructions in the ground and existing buildings. Erroneous site investigation reports and other information provided by the employer. Weather. Strikes. Protesters and trespassers. Interference from other contractors. Statutory consents. Material and labour cost increases and shortages. Change of law.

**2.5hrs. Gen. CPD**

**SESSION 13**

**TIME**

**DELIVERY  
Online**

**Wednesday 01 February 2023 6pm – 9:00pm**

- 1 Information:** Intellectual property. Information modelling (BIM).
- 2 Collaboration:** Attempts to move from conflict to collaboration in construction contracting. Single-project collaboration approaches. Payment models and risk sharing. Early contractor involvement and two-stage contracting. Multi-project collaboration (alliancing).
- 3 Consultant appointments and designer duties:** professional appointments, architect, engineer, monitoring surveyor, project manager etc

**2.5hrs. Gen. CPD**

**SESSION 14**

**TIME**

**DELIVERY  
Onsite**

**Saturday 4 February 2023 10 am – 1 pm**

- 1 Workshop 2:** Contractual Claims and Dispute Resolution

**2.5hrs. Gen. CPD & 1.5hr M&PD**

### MODULE 5: CONSTRUCTION DISPUTE RESOLUTION

**SESSION 15**

**TIME**

**DELIVERY  
Online**

**Wednesday 8 February 2023 6pm – 9:00pm**

- 1 Multi Party Construction Litigation;** Claims Management, strategic and practical considerations for the plaintiff.
- 2 Damages in Construction Litigation;** Apportionment of Damages in Multi-party Litigation / Arbitration; *Recoverability of Damages for Loss of Opportunity/Profits/Diversion of Resources.*
- 3 Professional Negligence in Construction**

**3 hrs Gen. CPD**

**SESSION 16**

**TIME**

**DELIVERY  
Online**

**Wednesday 15 February 2023 6pm – 9:00pm**

- 1 Conciliation in Construction Law**
- 2 An introduction to Arbitration:** Legislative framework: pre and post-Arbitration Act, 2010; Arbitration in context –its advantages; case law.
- 3 Mediation in Construction Law**

**2.**

**3hrs. Gen. CPD**

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SESSION 17	TIME	DELIVERY
Wednesday 22 February 2023	6pm – 8:45pm	Online

- 1 Practice and Procedure Part 1: pre-hearing, the hearing, evidence, witnesses
- 2 Practice and Procedure Part 2: the role of the arbitrator, the award, costs, interest, enforceability

2.5hrs. Gen. CPD

SESSION 18	TIME	DELIVERY
Wednesday 1 March 2023	6pm – 8:45pm	Online

- 1 Dispute resolution through adjudication 1: an overview of the adjudication process; an international perspective on adjudication; particular issues that are likely to arise in Ireland under constitutional law.
- 2 Dispute resolution through adjudication 2: Statutory adjudication – the Construction Contracts Act, a review of the specific provisions in the Act / Code of Practice 2013.

2.5 hrs. Gen. CPD

SESSION 19	TIME	DELIVERY
Saturday 4 March 2023	9:30am – 12:30pm	Onsite

- 1 Workshop 3: Arbitration and Conciliation

2.5hrs Gen. CPD & 1.5hr M&PD

SESSION 20	TIME	DELIVERY
Wednesday March 2023	6pm – 8:45pm	Online Only

- 1 Workshop 4: Exam Prep Workshop

1hrs Gen. CPD & 1.5hr M&PD

**EXAM DATE: TBC**

Please note that topics & dates may be subject to change. Draft timetable as of July 2022

\* Gen = General, M&PD = Management and Professional Development, Reg = Regulatory and eLearning = eLearning CPD credits. **CPD Note:** The number of hours of CPD that you may claim in relation to your diploma/certificate course will depend on the way in which you access each of the individual sessions. For further information please visit the course homepage on our website: [www.lawsociety.ie/diplomacentre](http://www.lawsociety.ie/diplomacentre)