

**NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**FACULTY OF THE BUILT ENVIRONMENT**  
**BACHELOR OF QUANTITY SURVEYING (HONOURS) DEGREE**  
**PART 11 FIRST SEMESTER EXAMINATIONS JANUARY 2013**

**LAW: CONSTRUCTION AND ENGINEERING 11 – AQS 2106**

Time: 3 hours

Total Marks: 100

**Instructions to candidates**

Answer any **four** questions

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**QUESTION ONE**

- a) What is a tender? (1 mark)
- b) Using appropriate examples where necessary, discuss the legalities that guide contract formation through the tender process. (15 marks)
- c) Analyze the legal significance of the following tender documents
  - i. Bill of Quantities (3 marks)
  - ii. Tender drawings (3 marks)
  - iii. Specification (3 marks)

**QUESTION TWO**

- a) Indicate clearly the legal relationship that exist in a surety -ship contract, highlighting the rights and obligations of the parties in a surety-ship contract (10 marks)
- b) Using appropriate examples, discuss the defenses in surety (15marks)

### **QUESTION THREE**

Using the standard forms of building contracts justify when ownership of material is vested to the client, support your answer with case laws.

(25 marks)

### **QUESTION FOUR**

a) Discuss the insurances that a contractor is liable to take in a building contract (10 marks)

b) Making reference to clauses in the Agreement and Schedule of Conditions of Building Contracts discuss the rights of the employer when the contractor becomes insolvent

(15 marks)

### **QUESTION FIVE**

a) Outline the correct contractual procedures that are followed by a contractor in the event that the client delays paying for work done that has been certified by the Architect as due for payment (10 marks)

b) Payment certificates are conclusive in their own right, (i.e. they cannot be adjusted by the client) and legally binding. Discuss this ascertainment (15 marks)

### **QUESTION SIX**

Critically evaluate the dispute resolution mechanisms used in the construction industry (25 marks)

**END OF EXAMINATION**