

**NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**FACULTY OF THE BUILT ENVIRONMENT**  
**BACHELOR OF QUANTITY SURVEYING (HONOURS) DEGREE**  
**PART II SUPPLEMENTARY EXAMINATIONS - AUGUST 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 the significant difference between an offer and an invitation to treat (3 marks)
- b) Outline and explain all the procedures that should be followed in awarding a tender to a contractor using selective tendering method. (12 marks)
- c) Clearly explain the duties of a Quantity Surveyor in a typical tendering process (10 marks)

**QUESTION TWO**

- a) Distinguish a retention bond from a retention fund (3 marks)
- b) Highlight with examples the legal principles which guide operation of surety bonds (10 marks)
- c) Explain any three types of surety bonds used in the construction industry highlighting condition of their release (12 marks)

**QUESTION THREE**

- a) What are the liabilities of an employer in an insurance contract (6 marks)
- b) What is a professional indemnity insurance and why is it important for professionals to be covered (7 marks)
- c) Clearly explain how all risk insurances taken by contractor on construction projects operate (12 marks)

#### **QUESTION FOUR**

- a) What is the difference between Liquidated and Ascertained Damages and a penalty (3 marks)
- b) Highlight and discuss conditions under a contract which can allow a contractor to claim for a loss and expense (10 marks)
- c) Explain different ways in which employers are protected against delays and any extra cost emanating from the contractor failing. (12 marks)

#### **QUESTION FIVE**

- a) Highlight conditions under which an arbitration award can be set aside (8 marks)
- b) Describe the process involved in seeking arbitration award in the construction industry (10 marks)
- a) Making reference to the standard forms of building contract how conclusive is the Architect's certificate (7 marks)

**END OF EXAMINATION**