



北京理工大学国际特色课程

Beijing Institute of Technology Global Courses

MGMT9358 - CONTRACTUAL STRATEGY AND RISK MANAGEMENT

Syllabus

July. 1 - July. 19, 2024

Term Duration: July. 1 - July. 19, 2024

Credit Points: 4

Level: Postgraduate

Instructor Name: TBA

Home Institution: Beijing Institute of Technology

Lecture Hour: 9:00-12:00

Course Description

In this course, students will delve deeply into the strategic and operational aspects of contracts within project management. The curriculum examines contract principles from initial intentions to the nuanced responsibilities and roles of parties involved. It emphasizes the life cycle of contracts—from formulation and negotiation to execution and completion. Attention is given to understanding and drafting contract terms, handling complexities of contract performance, addressing uncertainties, and resolving disputes. The course also scrutinizes various types of contract clauses and their effects on the contracting parties, the intricacies of enforcing good faith, the handling of damages, and the influence of third parties. Real-world scenarios and case studies will be utilized to demonstrate practical applications, fostering skills in critical analysis and risk management related to contracts.

Course Aims

Upon successful completion of this course, students should be able to:

1. understand the key principles and roles of contracts in project management;
2. analyze the mechanisms of offer, acceptance, and termination of contracts;
3. evaluate the principles of certainty and the impact of incomplete agreements on contract enforceability;
4. assess the role of consideration and promissory estoppel in the contractual obligation;
5. identify and interpret complex contract terms, including boilerplate and exclusion clauses;
6. resolve contractual disputes and understand the principles governing the termination of contracts;
7. manage third-party rights and liabilities effectively within the framework of contract law.

Language of Instruction

English

Required Textbook

Contract Strategies for Major Projects: Mastering the Most Difficult Element of Project Management, 1st Edition

Author: Edward W. Merrow

Publisher: Wiley

ISBN: 9781119902096

Contract Law: Text, Cases, and Materials, 9th Edition

Author: Ewan McKendrick

Publisher: Oxford University Press

ISBN: 9780198855293

Other materials provided by the course lecturer.

Course Hours

This course requires 48 hours of contact including 42 hours of lectures and one 6-hour field trip. Lectures are from Monday to Friday.

Prerequisite Course

Students are expected to have taken **Studies in Project Management** or to possess a thorough knowledge of the topics covered in the mentioned course.

Course Schedule

Week	Day	Lecture	Topic	Assignment/ Notes
Week 1	Day 1	Lecture 1	The Role of Contracts in Project Management; Ten Key Principles of Contracting	Edward W. Merrow (Chap 1)
	Day 2	Lecture 2	Data, Methods, and Nomenclature	Edward W. Merrow (Chap 2)
	Day 3	Lecture 3	Offer and Acceptance	Ewan McKendrick (Chap 3)
	Day 4	Lecture 4	Uncertain and Incomplete Agreements; Consideration and Promissory Estoppel	Ewan McKendrick (Chap 4,5)
	Day 5	Lecture 5	Formalities; Intention to Create Legal Relations	Ewan McKendrick (Chap 6,7)
Week 2	Day 6	Lecture 6	Mistake: The Difficulties; Mistakes and Formation; Common Mistake	Ewan McKendrick (Chap 16)
	Day 7	Lecture 7	Misrepresentation; Duress; Undue Influence	Ewan McKendrick (Chap 17,18,19)
	Day 8	Lecture 8	Unconscionability and Inequality of Bargaining Power; Frustration and Force Majeure	Ewan McKendrick (Chap 20,21)
	Day 9	Lecture 9	The Terms of the Contract; Incorporation of Terms; Implied Terms	Ewan McKendrick (Chap 8,9,10)
	Day 10	Industrial Visit		
Week 3	Day 11	Lecture 10	Boilerplate Clauses; Exclusion Clauses; Good Faith	Ewan McKendrick (Chap 12,13,15)

Day 12	Lecture 11	Breach of Contract and Termination; Damages; Specific Performance	Ewan McKendrick (Chap 22,23,24)
Day 13	Lecture 12	Third Parties; Third Parties and the Imposition of Liabilities	Ewan McKendrick (Chap 25)
Day 14	Guided Revision		
Day 15	Final Exam		

Note: Students will be notified if the schedule of the field trip changes according to the situation.

Grading Policy

Method	Percentage
Participation	10%
Quizzes	15%
Group Project	25%
Final Exam	50%
Total	100%

Participation: Students are expected to attend all course sessions punctually. Absences will impact the attendance grade. We will have some case studies and group discussion in class and the performance will be considered as partial attendance points or bonus.

Quizzes: Quizzes conducted during class will consist of a mix of short-answer and multiple-choice questions, designed to last 30 minutes, to effectively gauge students' understanding of the curriculum.

Group Project: For the group project, teams of 3-4 students will collaborate to produce a detailed report, with the topic and specific guidelines to be provided during classroom instruction.

Final Exam: The final exam will be a comprehensive assessment encompassing all course content. This exam will have a duration of 3 hours, and students will be evaluated on their understanding and application of the material covered throughout the course.

Academic Honesty

Academic honesty is not only a fundamental part of learning and teaching but also a core value that this course embraces. Behaviors of academic dishonesty, as outlined hereinafter, are unacceptable and will be penalized:

- a) Plagiarism where students present work for assessment, publication or otherwise that is not their own, without appropriate attribution or reference to the source. Plagiarism can include:
 - i) paraphrasing or copying published and unpublished work without a reference;
 - ii) adopting the ideas or concepts of others, including the structure of an existing analysis without due acknowledgement by way of reference to the original work or source.
- b) Collusion, where students present work as independent work when it has in fact been produced in whole or in part with others unless prior permission for joint or collaborative work has been given by the Course Coordinator. Collusion can include:
 - i) a student inappropriately assisting with or accepting assistance with the production of an assessment task;
 - ii) submitting work that is the same or substantially similar to another student's work for the same assessment task.
- c) Cheating, where a student acts in such a way as to seek to gain an unfair advantage or assist another student to do so. Cheating can include:
 - i) submitting falsified, copied or improperly obtained data relating to results of practicum, field trips or other work as if they were genuine; submitting an assessment task with the intention of deceiving or misleading the instructor about the student's contribution to the work;
 - ii) submitting an assessment task written or answered for the student by another person or which the student has copied from another person;
 - iii) submitting the same or a substantially similar piece of work for assessment in two different courses (except in accordance with approved study and assessment schemes);
 - iv) a student falsely indicating that they have been present at an activity where attendance is required;
 - v) completing an assessment task outside the conditions specified for that task.
- d) Cheating in Examinations means engaging in dishonest practice or breaching the rules regarding examinations, which can include:
 - i) communicating in any way during an examination with any person who is not an examination supervisor inside or outside the examination venue;
 - ii) giving or accepting assistance from any person who is not an examination supervisor whilst in the examination venue;
 - iii) reading, copying from or otherwise using another student's work in an examination or knowingly allowing a student to do so;
 - iv) possessing, referring to or having access to any material or device containing information directly or indirectly related to the subject matter under examination, other than that explicitly approved by the Course Coordinator;

- v) acquiring, or attempting to acquire, possess or distribute examination materials or information without approval;
- vi) permitting another person to attend an examination on a student's behalf or attending an examination on behalf of another student;
- e) Other dishonest acts including but not limited to:
 - i) altering or falsifying any document or record for the purposes of gaining academic advantage;
 - ii) offering or giving money or any item or service to a University staff member or any other person to gain an academic advantage for the student or another person;
 - iii) inventing references.