

**CORK INSTITUTE OF TECHNOLOGY
INSTITIÚID TEICNEOLAÍOCHTA CHORCAÍ**

Semester 2 Examinations 2009/10

Construction Contract

Module Code: BULD7027

School: Building and Civil Engineering

Programme Title: BSc in Construction Economics
BSc in Construction Management

Programme Code: CCECO_7_Y3
CMNGT_7_Y3
CCMNE_7_Y3

External Examiner(s): Mr. Noel Dempsey, Mr. Paul Quinn, Mr. Tim Cahalane
Mr. Gerry O'Rourke

Internal Examiner(s): Ms. Eithne Farr

Instructions: Answer 3 questions:
All questions carry marks as stated

Duration: 2 Hours

Sitting: Summer 2010

Requirements for this examination:

Note to Candidates: Please check the Programme Title and the Module Title to ensure that you have received the correct examination paper.
If in doubt please contact an Invigilator.

- 1 (a) Outline the procedure, described in Clause 13, for ensuring that oral variations are properly recorded (5 Marks)
- (b) Outline the two ways in which the retention fund may be dealt with (5 Marks)
- (c) Explain the Clerk of Works' role in relation to daywork sheets (5 Marks)
- (d) What is the effect of the issuing the final certificate (5 Marks)
- 2 (a) Outline the principle difference between a simple contract and a standard form of building contract (5 Marks)
- (b) The parties to an agreement governed by an RIAI form of contract may choose one of two options when endorsing their arrangement. Identify the alternatives available and outline the contractual consequences (5 Marks)
- (c) Apart from the architect, the contract extends a right of access to the site to a number of other named persons. Identify them and give the relevant clause number(s) (5 Marks)
- (d) If a nominated sub-contractor defaults in any way, the employer is entitled to recover any loss from the contractor. Outline the ways in which a contractor can protect him/herself from such an occurrence (5 Marks)
- 3 (a) Outline the potential consequences on the contractor's organization of failure to be given possession of the site (5 Marks)
- (b) What option is open to the employer if the contractor refuses or unreasonably delays the remedying of defects? (5 Marks)
- (c) Outline the means by which a contractor receives interim payments from the employer. Incorporate into your answer the procedure, timetable and interval between payments (10 Marks)
- 4 (a) A building contract, governed by an RIAI Standard Form of Contract, involves at least seven participants. Identify them and outline their roles. Highlight your answer with a diagram (10 Marks)
- (b) List the nine headings, given in Clause 2, under which an architect may issue instructions (10 Marks)