



**MASINDE MULIRO UNIVERSITY OF  
SCIENCE AND TECHNOLOGY  
(MMUST)**

**MAIN CAMPUS**

**UNIVERSITY EXAMINATIONS  
2019/2020 ACADEMIC YEAR**

**FIFTH YEAR SECOND SEMESTER EXAMINATIONS**

**FOR THE DEGREE  
OF  
BACHELOR OF SCIENCE IN CIVIL AND STRUCTURAL  
ENGINEERING  
BACHELOR OF SCIENCE IN MECHANICAL AND INDUSTRIAL  
ENGINEERING  
BACHELOR OF SCIENCE IN ELECTRICAL AND  
COMMUNICATION ENGINEERING**

**COURSE CODE: ECC 502**

**COURSE TITLE: LAW, ETHICS AND PROFESSIONAL  
PRACTICE**

**DATE: WEDNESDAY 28<sup>TH</sup> OCTOBER 2020 TIME: 8.00 – 10.00 AM**

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**INSTRUCTIONS:**

1. This question paper consists of FOUR questions.
2. Answer a total of THREE questions ONLY.
3. Answer ALL questions in Section A and any ONE question in Section B..
4. Examination duration is **2 Hour**

MMUST observes ZERO tolerance to examination cheating

This Paper Consists of 2 Printed Pages. Please Turn Over.

**SECTION A: Answer ALL questions in this section.****Question 1 (25 marks)**

Kakamega County in western Kenya has invited bids for the construction and commissioning of an export processing zone (EPZ) along the Kakamega-Webuye A1 highway. Mawe Developers Limited (MDL), Sawa Sawa Solutions (SSS) and Young International Professionals (YIP) are among the final three top ranked bidders after technical and financial evaluation, but before due diligence report. The summary of the evaluation results as shown in Table Q1. The Bid bond and performance bonds were specified to be 2% and 7% of the tender sum respectively.

Table Q1 Summary of Evaluation Results

Bid No.	Name of Bidder	Tender Sum (Ksh.)	Arithmetical Error (Ksh.)	Corrected Tender Sum (Ksh.)	Rank
36	Mawe Developers Limited (MDL)	33,405,112.00	+1,000,000.00	34,405,112.00	1
25	Young International Professionals (YIP)	38,900,200.50	-2,000,000.00	36,900,200.50	2
3	Sawa Sawa Solutions (SSS)	39,000,209.95	Nil	39,000,209.95	3

- (a) List the offeror(s) and the offeree(s) in this bidding process. (2 marks)
- (b) How many bidders are likely to have participated in the bidding. (2 marks)
- (c) State the correct bid bond and performance bond for each bidder. (6 marks)
- (d) In your professional opinion as the Chairman and member of the Kakamega County Tender Committee:
- (i) Who must be awarded the tender for construction and commissioning of the Export Processing Plant? (2 marks)
- (ii) Who among the three bidders is likely to be awarded the tender for construction and commissioning of the Export Processing Plant? (2 marks)
- (e) List the factors that can render a contract null and void? (5 marks)
- (f) State how you may resolve an engineering dispute. (6 marks)

**Question 2 (15 marks)**

- (a) State the difference between law of Tort and Law of Contract. (4 marks)
- (b) List the documents that constitute a contract document. (4 marks)
- (c) What do you understand by “specifications”? (3 marks)
- (d) Explain the meaning of “Garnishee Order” and give one example in engineering contract management to illustrate your answer. (4 marks)

**SECTION B: Answer any ONE question in this section****Question 3 (10 marks)**

- (a) Compare and contrast un-priced BoQ and priced BoQ. (2 marks)
- (b) Bid bond and Performance Bond (2 marks)
- (c) Main contractor and sub-contractor (2 marks)
- (d) Explain the basic difference between a nominated and domestic contractor. (4 marks)

**Question 4 (10 marks)**

- (a) Outline how engineering practice is regulated in Kenya. (4 marks)
- (b) Engineer Susan Nabet appends the following accolades to her title:  
Eng. Susan Nabet, B. Sc. (Mech. Eng.), MIEK, PE.  
Explain the meaning of each abbreviation. (3 marks)
- (c) What are the contents of an engineering professional report ? (3 marks)