



Municipal Law Program (MLP) Unit 3: Municipal Contracts Course Outline

Updated May 2023

Course Description

MLP Unit 3 focuses on contract law and its application to municipalities. The lessons cover subjects such as the formation of contracts and their statutory framework. The discussion also addresses the various elements of a contract and the principles surrounding its termination. Other topics in the unit include the analysis of a contract, various types of contracts, the capacity to contract, as well as the basic procedures of drafting a contract.

MLP Unit 3 is a standalone certificate course that can be taken on its own. However, those who are pursuing AMCTO's Diploma in Municipal Administration (DMA) must complete all four units of the program. The other units in the program are:

- Unit 1: Introduction to Municipal Law
- Unit 2: Municipal Torts
- Unit 4: Municipal Land-Related Law

Course Delivery Formats

AMCTO offers MLP in two formats: correspondence format and Zoom format.

- If you are taking the course in **correspondence format**, you will complete the assigned readings and submit assessments according to a given schedule. There are no classes to attend. Your work is graded by a marker.
- If you are taking the course in **Zoom format**, you will attend interactive online classes led by an instructor in addition to completing readings and assessments. Your work is graded by the instructor. Attendance and participation in discussions are important in the Zoom format.

All course materials and assessments are provided through AMCTO's online learning platform, AMCTO Connect.

A syllabus with assessment due dates is provided when the course opens each term.

Grading Scheme (Correspondence Format)

Assessment	Weight
Assignment 1	17.5%
Assignment 2	17.5%
Assignment 3	17.5%
Assignment 4	17.5%
Final Assignment	30%

Grading Scheme (Zoom Format)

Assessment	Weight
Assignment 1	17.5%
Assignment 2	17.5%
Assignment 3	17.5%
Participation	17.5%
Final Assignment	30%

To successfully complete the unit, students must earn a minimum grade of 51% on the final assignment and an overall average grade of 60% or higher for the entire unit.

Students who do not achieve 51% but score at least 35% on the final assignment will be given the opportunity for a re-write. This re-write must take place on the date(s) chosen by AMCTO.

Students who score less than 35% on the initial final assignment or under 51% on the re-write will be required to re-register to take the course in its entirety.

Assignment Expectations

All assignments are written assignments in essay format. They require you to analyze hypothetical cases, laws, or problems related to the course topics to demonstrate your understanding of the legal provisions, concepts, and principles discussed in the textbook.

Please note that MLP is an academic program that requires time commitment for reading, research, and writing. Essays are graded based on criteria such as depth of analysis, clarity, organization, and grammar and mechanics.

If you use a source (such as a website, article, report, video, legal source, or any other source) in your work, it must be properly cited.

Further guidelines and expectations will be provided with the course syllabus and assignment instructions.

Academic Integrity

Students in AMCTO's education programs are expected to abide by the association's policy on academic integrity (section 4 of the Education Programs Policy). Plagiarism is considered academic misconduct and will result in a zero on the entire assignment. Repeated offences will lead to more severe penalties such as expulsion.

It is the student's responsibility to be informed about the definitions and consequences of academic misconduct. The full policy will be provided with the course syllabus.

MLP Unit 3 Topic Outline

Lesson 1: Introduction to Contract Law

- The key elements of a contract and contracts in the municipal setting
- Basic contract terms and special types of contracts used by municipalities
- The importance of contracts in relation to municipal procurement
- Enforceability and reasons for non-performance of a contract
- Judicial inquiry reports that relate to municipal procurement and contracts

Lesson 2: Contract Elements and Other Provisions

- Factors that constitute an offer and an acceptance under contract law
- The role of "consideration"
- The complex role of physical places in the making of a contract
- Contract provisions and terms
- Key statutes affecting contracts

Lesson 3: Parties, Execution, and Agency

- Parties with legal capacity to undertake a given contract
- Concepts such as a "natural person" and a "mentally incompetent person"

- The rights and responsibilities of municipal boards, agencies, or commissions in a contract
- Contractual dealings involving business corporations, clubs, associations, sporting groups, and charitable and religious organizations
- Key issues in contractual partnerships
- Requirements for execution of a contract
- The various ways that an agency may be created

Lesson 4: Special Contracts Relevant to Municipalities

- The general nature of special contracts into which municipalities often enter
- The various conditions surrounding construction contracts
- Principles governing consultant contracts
- Provisions relating to Sales of Goods contracts
- Common issues in computer contracts
- Contracts arising from the *Planning Act*
- Real property-related contracts and employment-related contracts
- The difference between a consultant contract and an employment contract
- Specific limitations on municipal contracting—the bonusing prohibition

Lesson 5: Contract Termination and Enforcement

- Factors and principles that constitute the termination of a contract
- Distinctions between various vitiating factors in a contract
- The various methods by which a contract is discharged
- The various methods by which a contract may be enforced after it is breached
- Difference between damages and specific performance

Lesson 6: Purchasing and Tendering

- Legislated policy requirements
- Different procurement models, with a focus on tendering and request for proposals
- The significance and implications of the Bellamy Inquiry and Collingwood (Marrocco) Inquiry as they relate to procurement
- Significant principles identified by the courts related to municipal procurement
- Contents of a purchasing policy or by-law and some best practices in implementing a municipal procurement policy