The Legal Aspects of Public Purchasing
Course Syllabus

Welcome to The Legal Aspects of Public Procurement

NIGP’s foundation course, The Legal Aspects of Public Purchasing will be of interest to those who are substantially involved in the public procurement contracting process. Individuals who want to increase their understanding of both the capability and limitation of the law on government procedures will be responsive to the course content. In addition, this course will be beneficial to all those who work alongside those in the public sector and must operate under the guidelines of procurement law for the successful acquisition of products and services. Please note that this course is intended to address US legal issues and may not meet the needs of those working outside the United States. The UPPCC certification exams do not contain questions about country-specific laws.

Benefits of this online format

Some of the benefits of taking this as an eight-week online course are:

- No travel costs.
- No time away from the office.
- Work is spread out over 8 weeks so that you can better study and absorb the content.
- You can do the coursework when your schedule allows as long as you complete the weekly assignments.
- Your classmates are from a wide range of entities so that you can learn about their best practices.

Course Objectives:

Upon successful completion of this course participants will be able to:

- Use publicly available IP legal resources to develop a teaming agreement. Explain the implications of anti-competitive behavior.
- Describe how statutory procurement law & other types of laws impact public procurement operations and the decisions of public procurement professionals.
- Explain the basic elements of a contract in order to relate contract formation and performance law principles to "best practices" procurement procedures.
- Describe the key contract formation issues. Distinguish between expressed & implied warranties.
• Apply the UCC rules about inspection, acceptance, and revocation of acceptance. Describe legal counsel's perspective of remedies under the U.C.C.
• Explain how a public procurement solicitation relates to the law of contracts. Describe policies dealing with common issues with bids and proposals.
• Describe special issues in complex RFPs, software licensing and technology procurement, and defending bid protests.
• Distinguish between professionalism, ethics, and law. Determine an approach to applying appropriate actions and conduct.

Course Activities

This course will address various aspects of the law and procurement as presented in The Legal Aspects of Public Purchasing. You will receive a copy of this textbook when you register. Case studies and group activities will allow you to apply legal practices to common procurement activities.

You will be assigned to a team and work with your team members on weekly assignments. You will be responsible for contributing fully to your team’s outputs.

The course is organized by week. Each week starts on Friday and ends the following Thursday. Each week contains:
  • a recorded introduction to the textbook chapter assignment
  • one or more supplementary articles,
  • an activity,
  • discussion questions and
  • a self-assessment.

The self-assessment, based on terminology and concepts directly from the reading assignments, is not graded and you can take it as often as you want.

You should complete the reading assignments first each week, and you may read ahead.

You will work with team members to complete your assignments. As a team, you will reach a consensus on your response to the assignment and post on the LGL NIGP discussion group. You will participate in discussions every week. You will respond to the instructor’s questions on the discussion board with a well thought out paragraph at minimum and make a substantial comment on one other response on the discussion board.

Basis for Student Grading

You will receive a grade of pass or fail. In order to pass you must:
  • work with your team to complete the group assignments
• participate every week by responding to two instructor-posted discussion questions and commenting on one other student-posted response on the discussion board.
• achieve a score of 70% on the final exam.

**Attendance Policy**
You must “attend” every week. Attendance is gauged primarily through participation in discussions.

**Course Schedule**
Compare this course schedule to your personal and professional schedules to identify weeks with heavy workloads. While you cannot complete teamwork ahead of time, you may want to read ahead. This schedule may be changed with prior notice at any time during the course.

**Registration:**
• Complete the Participant Questionnaire. You received a link to this questionnaire in your confirmation email.

**Week 0: Orientation**
• Print and read this syllabus.
• Introduce yourself to the class using the Discussion Board.
• Connect with your team members via a conference call or online chat (both provided free through Wiggio). Agree on team roles and complete the team roles assignment. Post the assignment to your team folder on Wiggio.

**Week 1: The Essential Principles and Structure of the United States Legal System**
**Focus:** The first week’s reading contains the essential principles and structure of the United States legal system—the three types of law, the history of statutory law affecting public procurement and legal precedents affecting statutory law.

**Week 2: Fundamentals of Procurement Law & Procurement Authority**
**Focus:** This chapter focuses on public contract law.

**Week 3: Basic Components of a Common Law Contract**
**Focus:** The basic components of contracting includes the six essential elements needed to forma legal contract, conditions that could lead to a voidable contract and the conditions for oral and written contracts.

**Week 4: The Uniform Commercial Code (Part 1)**

**Focus:** Part 1 of the UCC topic will focus on contract formation: Offer and acceptance, Battle of the Forms, parol evidence rule, Statute of obligations and warranties and obligations.

**Week 5: The Uniform Commercial Code (Part 2)**

**Focus:** Part 2 of the UCC topic will focus on contract performance: inspection and acceptance, rejection and perfect tender rule, revocation of acceptance waiver, remedies, unconscionability, and substantial performance.

**Week 6: The Legal Context for Formal Solicitations**

**Focus:** this week focuses on the importance of legal terms and conditions when developing formal bids and solicitations.

**Week 7: Legal Considerations for Software Licensing and other topics**

**Focus:** This week examines the special problems of RFPs for services, professional services, and construction, and software licensing.

**Week 8: Ethics and Professionalism in Public Procurement**

**Focus:** This final week examines the intersection of the law and ethics and why procurement officials need to maintain the highest level of ethical practice.

**Course Wrap-up**

- Review the entire course and then complete the Final Exam. One of the requirements for passing the course is a score of 70% on the final exam.
- Once you have achieved a passing grade, complete the course evaluation online.
- Receive and print certificate.