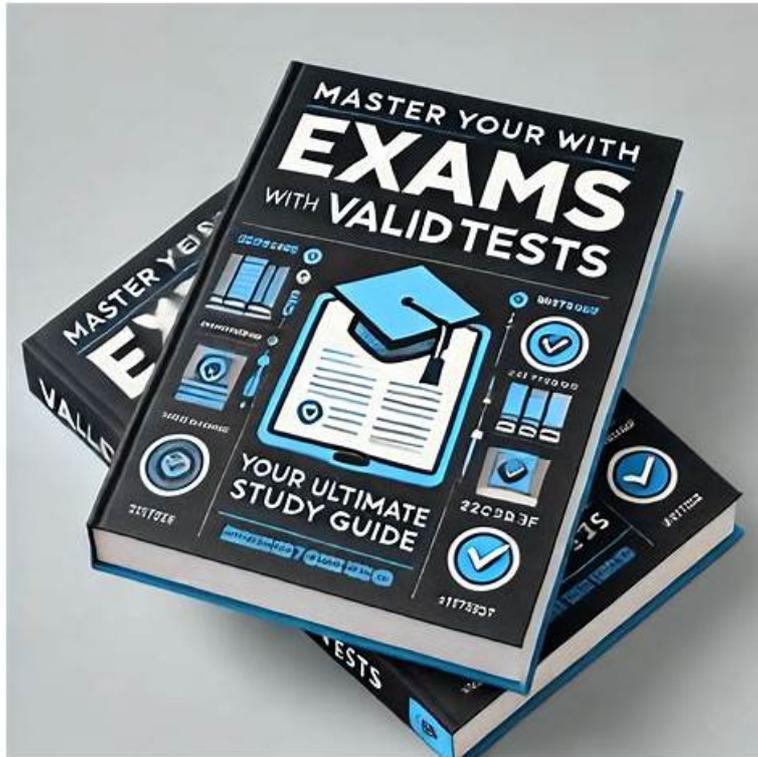


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CIPS Commercial Contracting Sample Questions (Q32-Q37):

NEW QUESTION # 32

Which of the following are advantages of using a model form contract in negotiations between buyer and seller?

These contracts can save time in negotiations

Each contract is approved by the courts

These contracts are appropriate for all complexities

The contracts are well-known to both parties

- A. 3 and 4
- B. 1 and 2
- C. 1 and 4
- D. 2 and 3

Answer: C

Explanation:

Model contracts are pre-drafted templates commonly accepted in specific industries, helping to reduce negotiation time and increase consistency. They are often familiar to both parties, reducing misunderstandings. However, they are not court-approved by default and may not suit all complex needs without modifications.

Reference:CIPS L4M3 Commercial Contracting Study Guide, Chapter 3, Section 3.1.3 - Advantages and limitations of model form contracts.

NEW QUESTION # 33

Which of the following are always included within a framework agreement? Select TWO that apply:

- A. Insurance
- B. Exact price to be paid
- C. Exact quantity to be purchased
- D. Duration
- E. Call-off procedure

Answer: D,E

Explanation:

A framework agreement will set out the following:

- How call offs can be made - whether a mini-competition is required or a direct call off can be made

- How price is calculated

- The specification - this may have various options to cater for different needs

- The duration of the agreement

- Who can access the agreement

- Any limitations

- The main terms to be included in the contract or the form of contract to be used, where this is intended to be a standard form.

Reference:

LO 1, AC 1.3

NEW QUESTION # 34

Which of the following is an invitation to treat?

- A. Tender bid
- B. Invoice
- C. Price list
- D. Purchase order

Answer: C

Explanation:

An invitation to treat is an action inviting other parties to make an offer to form a contract. These actions may sometimes appear to be offers themselves, and the difference can sometimes be difficult to determine. The distinction is important because accepting an offer creates a binding contract while "accepting" an invitation to treat is actually making an offer.

One simple test to distinguish an offer and an invitation to treat is to ask what this statement will become when it is accepted. Now

we apply this test to four options:

- Tender bid: Tender bid is submitted by a supplier to an invitation to tender from the buyer. It states the specific quantity, price and other elements. If buyer accepts the bid, there will be a contract between them. Therefore, a tender bid is an offer.
- Purchase order: Purchase order which is sent by a buyer will state the items, the quantity, the price and terms and conditions. If supplier accepts the purchase order, there will also be a contract between two parties. It is also an offer.
- Price list: Price list is prepared by a supplier. The price list often states the items and unit price. If a buyer accepts it, the contract has not yet been formed since the contract scope has not yet been decided. It is an invitation to treat.
- Invoice: Invoice is often sent after a contract is formed. It is in fact a request for payment, neither offer nor invitation to treat.

Reference:

- CIPS study guide page 29-32
- What Is an Invitation to Treat?

LO 1, AC 1.1

NEW QUESTION # 35

John Powers is the managing director of ACC Trading Ltd, which provides components to the automotive industry. His company has been providing number plates to Elite Motors Ltd for many years. As John Powers and Peter Ellis, the MD of Elite, have been friends for a long time, there has never been a formal contract agreed between the companies. Following a downturn in the market, Elite Motors Ltd has now been placed in administration. ACC recently delivered 200 number plates but have not received payment. As the number plates have been fitted to some vehicles, the administrators are being very slow to return them. Which clause in a formal agreement would have helped John?

- A. Liquidated Damages
- B. Penalty Clause
- C. Force Majeure
- D. Retention of Title (Romalpa)

Answer: D

Explanation:

A Retention of Title clause allows the seller to retain ownership of goods until full payment is received. If included in a contract, this clause would have enabled ACC to claim ownership of the number plates and potentially recover them from Elite Motors Ltd, even in administration. It protects suppliers against buyer insolvency.

Reference: CIPS L4M3 Commercial Contracting Study Guide, Chapter 3, Section 3.2.1 - Retention of Title clauses.

NEW QUESTION # 36

Which of the following shall help the purchaser control the selection of tier 2 suppliers?

- A. Warranty clause
- B. Guarantee clause
- C. Subcontracting clause
- D. Insurance clause

Answer: C

Explanation:

When a party takes on a contractual obligation, they are legally required to perform the obligation.

That same contracting party is still entitled to subcontract out the work to another service provider, unless the contract:

- is a contract for personal services, such an employment contract
- contains an express term preventing subcontracting out the work, or an implied term Subcontracting clauses are written to control whether the contractor is entitled to subcontract, and how purchaser shall control that subcontracting process.

Reference:

- Subcontracting clauses (delegation of contractual obligations to third parties)
- CIPS study guide page 153-157

LO 3, AC 3.2

NEW QUESTION # 37

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