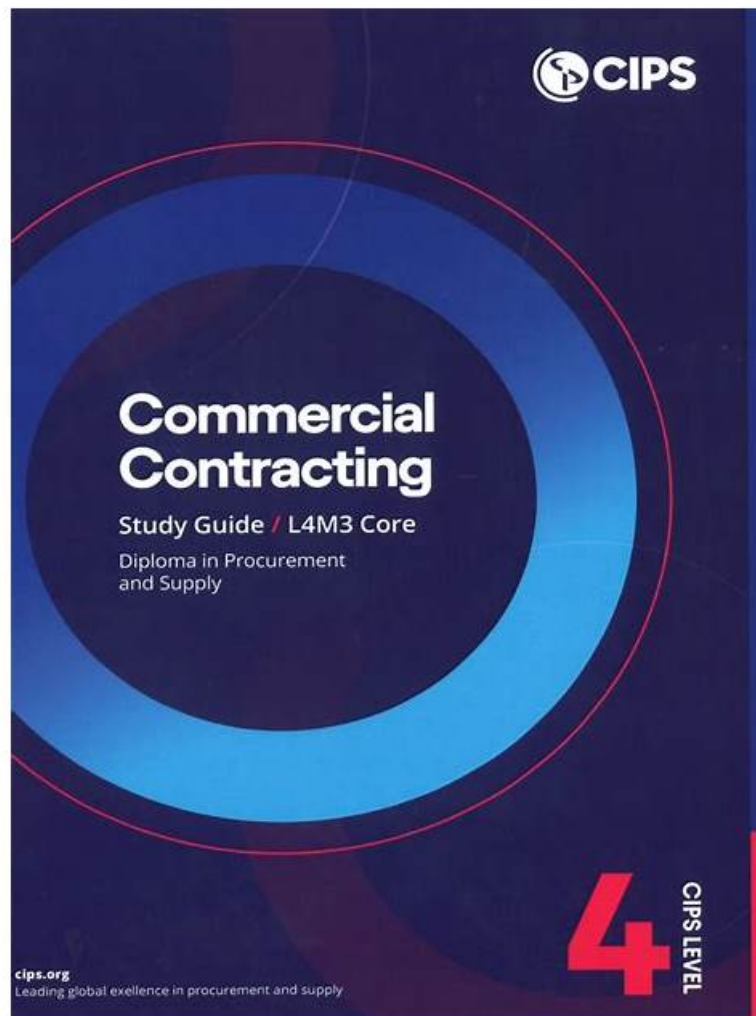


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CIPS Commercial Contracting Sample Questions (Q12-Q17):

NEW QUESTION # 12

A fashion company is drafting a specification for an order in next year. The company wants to expand its supply base in low cost countries. The procurement department is considering applying standard ISO 3759 on method for the preparation, marking and measuring of textile fabrics, garments and fabric assemblies for use in tests for assessing dimensional change after a specified treatment. Which of the following should be taken into account when embedding this standard into the specification?

- A. Supplier selection
- B. Legality
- C. Date of publication
- D. Type of specification

Answer: C

Explanation:

Standards are incorporated into specifications by simply cross-referring to the relevant standard by its number and date of publication. It is important to include the date of publication. All standards are reviewed from time to time and their content changes. The absence of the publication date will lead to disputes over which version of the standard actually applies to the contract.

Reference: CIPS study guide page 85-89

LO 2, AC 2.1

NEW QUESTION # 13

Which of the following are reasons why a purchaser wants to embed a subcontracting clause into the main contract? Select TWO that apply:

- A. To condemn whole liabilities to subcontractors
- B. To induce the conflicts between the main contractor and subcontractors
- C. To improve supply chain transparency
- D. To reduce the main contract complexity
- E. To keep main contractor liable

Answer: C,E

Explanation:

There are number of reasons why the purchaser will want to control the supplier's subcontracting:

- Supply chain transparency: Normally the purchaser has invested a lot of effort into selecting the right contractor. However, the main contractor's selection of subcontractor might not be in such careful manner, which may result in poor performance. Purchaser must know who subcontractors are. Controlling the subcontracting process can help the purchaser control the outcome.

- Contract terms: the purchaser's requirements must be reflected in the subcontracts. The subcontracting clauses may require the main contractor to do this.

- Liability: the main contractor may subcontract the whole or a part of its liabilities. Subcontracting clause may bind the contractor to be liable with the work, it cannot just blame the subcontractor for any faults.

Reference:

LO 3, AC 3.2

NEW QUESTION # 14

Tony Campbell, a West Logistics Ltd (WLL) procurement manager, is working on a specification for a data storage solution. The current version of an Information Security Management standard (ISO 27001) has been identified as a suitable standard for potential suppliers to be certified to. What is the advantage to WLL of stipulating this type of standard within a product specification?

- A. It allows all suppliers to understand the common criteria that is required
- B. It allows the buying organisation to set the pricing for its products
- C. It removes the requirement for quality management measures
- D. It ensures the suppliers control spending and pass the savings on

Answer: A

Explanation:

Referencing recognised international standards like ISO 27001 in specifications ensures that all potential suppliers understand and

meet a uniform set of expectations regarding data security. This not only promotes consistency but also reduces the burden on the buyer to evaluate varied, incompatible approaches.

Reference:

CIPS L4M3 Commercial Contracting Study Guide, Chapter 2, Section 2.1.3 - Use of international and industry standards in specifications.

NEW QUESTION # 15

Which of the following clauses addresses fraud, bribery and corruption?

The Company has undertaken commercially reasonable efforts to eliminate Conflict Minerals from each Company Product and any products currently proposed to be manufactured by the Company or on its behalf in the future. "Conflict Minerals" means columbite-tantalite (coltan), cassiterite, gold, wolframite, or their derivatives, which originate in the Democratic Republic of the Congo or other country the exploitation and trade of which is determined by the United States to be financing conflict in the Democratic Republic of the Congo or other country.

- A. Nothing in this Agreement shall prevent a Party from utilizing the services of any subcontractor as it deems appropriate to perform its obligations under this Agreement; provided, however, that each Party shall require its subcontractors to comply with all applicable terms and conditions of this
- B. Customer will be responsible for and shall ensure that while Service Provider employees, agents or contractors are on Customer's premises, all proper and legal health and safety precautions are in place and fully operational to protect such persons.
- C. Agreement in providing such services and each Party shall remain primarily liable to the other Party for the performance of such subcontractor.
- D. Each Party hereby undertakes that, at the date of the entering into force of the Contract, itself, its directors, officers or employees have not offered, promised, given, authorized, solicited or accepted any undue pecuniary or other advantage of any kind in any way connected with the Contract and that it has taken reasonable measures to prevent subcontractors, agents or any other third parties, subject to its control or determining influence, from doing so.

Answer: D

Explanation:

This question is intended to let students know about how contractual clauses regarding ethical issues is constructed. The exam paper may not ask about this.

"Each Party hereby undertakes that, at the date of the entering into force of the Contract, itself, its directors, officers or employees have not offered, promised, given, authorized, solicited or accepted any undue pecuniary or other advantage of any kind in any way connected with the Contract and that it has taken reasonable measures to prevent subcontractors, agents or any other third parties, subject to its control or determining influence, from doing so.": This is a clause addressing fraud, bribery and corruption. It is created to prevent any undue act by contracting parties. You may find other anti-corruption clause samples in this document.

"Nothing in this Agreement shall prevent a Party from utilizing the services of any subcontractor as it deems appropriate to perform its obligations under this Agreement; provided, however, that each Party shall require its subcontractors to comply with all applicable terms and conditions of this Agreement in providing such services and each Party shall remain primarily liable to the other Party for the performance of such subcontractor.": This clause is used to control the subcontracting and subcontractors.

"Customer will be responsible for and shall ensure that while Service Provider employees, agents or contractors are on Customer's premises, all proper and legal health and safety precautions are in place and fully operational to protect such persons.": This clause is used to ensure health and safety standards.

"The Company has undertaken commercially reasonable efforts to eliminate Conflict Minerals from each Company Product and any products currently proposed to be manufactured by the Company or on its behalf in the future. "Conflict Minerals" means columbite-tantalite (coltan), cassiterite, gold, wolframite, or their derivatives, which originate in the Democratic Republic of the Congo or other country the exploitation and trade of which is determined by the United States to be financing conflict in the Democratic Republic of the Congo or other country.": This is a clause addressing conflict minerals.

Reference:

LO 3, AC 3.2

NEW QUESTION # 16

Which of the following statements is true about model form of contract?

- A. When model contracts are employed, there are no requirements for legal advice and input
- B. Model contract form's standard clauses often contain correct legal terminology without recourse to third party experts.
- C. Only the publishers of model forms of contract can edit the clauses of these forms

- D. The standard clauses of model contract forms give the offeror legal advantages over the offeree

Answer: B

Explanation:

Model forms of contract are published by some industry or professional organisations such as FIDIC, ITC, CIPS,... These forms are often carefully prepared by legal professionals, with correct legal terminology. The standard clauses within these forms are based on fair and balanced risk/reward allocation between the contracting parties. The model contract forms also include standard clauses to be selected or deleted on an as required basis.

Despite being standardised to be used in any jurisdiction, legal advice may be required if the users decide to make variations to the forms.

The correct answer should be "Model contract form's standard clauses often contain correct legal terminology without recourse to third party experts." Reference: CIPS study guide page 144-147 LO 3, AC 3.1

NEW QUESTION # 17

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