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NEW QUESTION 32

In which of the following section of a specification, requirements for training to use the equipment will be set out?

- A. Implementation
- B. Issue reference
- C. Performance
- D. Consultation requirements

Answer: A

Explanation:

Implementation is a substantive requirement which covers the following areas:

- Will there be a need to train the staff to use the equipment?
- Are there integration requirements with other systems or processes?
- How will this work?
- What are the timescales?
- Are detailed method statements required?

Consultation requirements regards to explicitness of compliance with any national or local legal requirements Reference:

LO 2, AC 2.1

NEW QUESTION 33

Which of the following is regulated by standard ISO 14001?

- A. Information security management
- B. Environmental management
- C. Quality management systems
- D. Energy management

Answer: B

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Modern technology has changed the way how we live and work. In current situation, enterprises and institutions require their candidates not only to have great education background, but also acquired professional L4M3 certification. Considering that, it is no doubt that an appropriate certification would help candidates achieve higher salaries and get promotion. However, when asked whether the L4M3 Latest Dumps are reliable, costumers may be confused. For us, we strongly recommend the L4M3 exam questions compiled by our company, here goes the reason. On one hand, our L4M3 test material owns the best quality.

CIPS L4M3 exam is an essential qualification for procurement professionals who are looking to advance their careers in commercial contracting. It covers all aspects of the contracting process, from drafting and negotiation to contract management. It is a comprehensive exam that requires candidates to demonstrate a deep understanding of the legal and regulatory framework for contracts, as well as the practical skills needed to manage contracts effectively. Passing L4M3 Exam is a great achievement and can open up many new career opportunities for procurement professionals.

CIPS Commercial Contracting Sample Questions (Q186-Q191):

NEW QUESTION # 186

Which of the following could be the last document in a 'battle of the forms'?

- A. Purchase order
- B. Quotation
- C. Invitation to Tender (ITT)
- **D. Order acknowledgement**

Answer: D

Explanation:

In a 'battle of the forms', both buyer and supplier exchange documents with conflicting terms. The general rule is that the terms of the last document exchanged before performance (e.g., delivery or payment) that is not objected to will govern the contract. An order acknowledgement from the supplier with its own terms, followed by acceptance (e.g., payment), usually constitutes the final word. Reference:CIPS L4M3 Commercial Contracting Study Guide, Chapter 1, Section 1.2.3 - Battle of the forms and contractual precedence.

NEW QUESTION # 187

Which of the following are most likely to be liabilities of suppliers under a guarantee clause?(SelectAny Two)

- A. Upgrading
- **B. Repair**
- **C. Replacement**
- D. Decommissioning
- E. TWO that apply
- F. Installation

Answer: B,C

Explanation:

A guarantee is an agreement given by a trader to a consumer, without any extra charge, to repair, replace or refund goods that do not meet the specifications set out in the guarantee. A guarantee is usually issued by the manufacturer of goods or by a trader that provides goods as part of a service - replacement windows, for instance. Generally, a guarantee provider undertakes to carry out free repairs, for a set period of time, for problems that can be attributed to manufacturing defects.

Reference:

- Guarantees and warranties
- CIPS study guide page 157-159
LO 3, AC 3.2

NEW QUESTION # 188

Why would you use a non-disclosure agreement?

- A. To allow parties the freedom to disclose confidential information to the public domain
- B. To agree between parties what information is and is not confidential and what can be in the public domain
- **C. To protect parties, where information has been shared that is not in the public domain**

- D. To give parties permission to share all information in the public domain

Answer: C

Explanation:

A non-disclosure agreement is used to protect confidential information shared during discussions or collaborations. It ensures that sensitive data is not disclosed to unauthorized parties and maintains trust between contractual parties during tendering or negotiation. Reference: CIPS L4M3 Commercial Contracting Study Guide, Chapter 3, Section 3.2.1 - Use of NDAs in procurement.

NEW QUESTION # 189

Which of the following are key features of standard terms and conditions? Select TWO that apply

- A. Specific to each purchase order
- **B. Non-negotiable**
- C. Standard terms always comply with implied terms
- D. Non-disclosure
- **E. Designed to be used in repetitive transactions**

Answer: B,E

Explanation:

The key features, advantages and disadvantages of standard terms are summarised below:

- Form: Concise, generic and designed to be attached to purchase or sales orders
- Non-negotiable
- Ineffective terms: may be replaced by implied terms or national legal code rules, or subject to court 'balance of interest' judgement.
- Advantages: Basic contractual protection for most common circumstances; Avoid having to create new contract for repeat business.
- User friendly
- Usage: Low value, low risk, repetitive transactions
- Coverage: Definitions, relationship to other contracts, formation of the contract, order of precedence, price, invoicing and payment, specification, legal compliance, warranty and liability, ownership and risk, intellectual property, data management and ethics.
- Disadvantages: Does not allow for specific circumstances; Risk for creating battle of the forms; Can create contractual uncertainty if used with purchase orders under call-off contracts.

Reference: CIPS study guide page 139

LO 3, AC 3.1

NEW QUESTION # 190

Which of the following are NOT covered by CISG? Select TWO that apply:

- A. Remedies for breach of contracts
- B. Liability to pay damages
- C. Transfer of risks
- **D. Contract validity**
- **E. Liability of the seller for death or personal injury**

Answer: D,E

Explanation:

United Nations Convention on Contracts for the International Sale of Goods (Vienna Convention or CISG) Vienna Convention was prepared by the United Nations Commission on International Trade Law (UNCITRAL) and adopted by a diplomatic conference on 11 April 1980. The Convention was welcomed by several countries from different geographic areas, with different legal and political systems. As of 20 August 2020, the Convention has 93 Contracting States. The Convention has proved the effectiveness of a uniform text on international trade law.

What CISG covers, and what it does not

In the 6 first articles of the Convention, the authors set up the boundaries of its application.

First is about where it applies. According to UNCITRAL, the Convention applies to contracts of sale of goods between parties whose places of business are in different States and either both of those States are Contracting States or the rules of private international law lead to the law of a Contracting State. A few States have availed themselves of the authorisation in article 95 to

declare that they would apply the Convention only in the former and not in the latter of these two situations. As the Convention becomes more widely adopted, the practical significance of such a declaration will diminish. Finally, the Convention may also apply as the law applicable to the contract if so chosen by the parties. In that case, the operation of the Convention will be subject to any limits on contractual stipulations set by the otherwise applicable law.

Second, the Convention has a list of goods that are not subject to its application in Article 2. Article 3 clarifies the differences between manufacturing contracts and sale contract.

Third, Article 4 and 5 clearly states what CISG does not covers, including grounds for contract invalidity and liabilities to death or injury of person caused by the the goods Finally, the Convention respects the contractual freedom of the trading parties. Trading parties may select this convention as governing law or select other instrument, such as UPICC or domestic laws.

Reference:

- Governing law in International Contracts - Would you choose CISG or UPICC (Part 1)

- CIPS study guide page 49-52

LO 1, AC 1.2

NEW QUESTION # 191

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