

# CIPS L4M3參考資料 & L4M3考試證照



CIPS Level 4 – Diploma in Procurement and Supply

## Commercial Contracting [L4M3]

Sample Exam Questions (Objective Response)

The correct answer will be listed below each question

L4M3 Sample Questions V5 Sept 2020

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**最新的 CIPS Certifications L4M3 免費考試真題 (Q129-Q134):**

### 問題 #129

Maximum Score: 1

Buyer O has placed an order for the supply and installation of six new servers for a total amount of £600,000 from Supplier A. Which of the following could potentially be treated as examples of a liquidated damages clause within the contract for the supply of the servers?

- \* If the supplier delivers any of the servers late, £1,000 per server will be deducted from the order per day
- \* This contract is subject to delay remedies of £X - the amount to be agreed by both parties during delivery
- \* The sum for breach of the completion date for the order is £40,000 per day up to a maximum of 50% of the contract price
- \* If the performance of any of the servers degrades within five years, a full refund of £600,000 will be provided

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

答案: B

解題說明:

Liquidated damages (LDs) are pre-agreed sums payable for specific breaches (commonly late delivery), intended as a genuine pre-estimate of loss.

\* Clause 1: £1,000 per server per day for late delivery # clear pre-agreed daily amount = LD.

\* Clause 3: £40,000 per day up to 50% of contract price # again, defined LD structure.

\* Clause 2: "Amount to be agreed" is uncertain and not a valid LD amount.

\* Clause 4: A full refund after five years for performance degradation is more like a warranty / guarantee, not a liquidated damages clause.

Thus, LD examples are 1 and 3 only # option C.

Reference: CIPS L4M3 Commercial Contracting - Liquidated damages vs. penalties and warranty obligations.

### 問題 #130

Which of the following will be included in a conformance specification?

1. Brand names
2. Description of the operating environments
3. Chemical formulae
4. Required safety level

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

答案: C

解題說明:

According to CIPS, there are two main types of specification:

- Conformance specification - is more output driven as it outlines the product details exactly which may include the material, dimensions, tolerances, source, ingredients, packaging, storage of the part or material.

- Performance specification - is more output driven in terms of what the part or material must achieve.

Among the four options, only 2. 'Description of the operating environments' and 3. 'Chemical formulae' are possible components of a conformance specification. Brand names can be a part of a performance specification, according to a document published by CIPS and NIGP.

Graphical user interface, text, application Description automatically generated

Reference:

- CIPS study guide page 8-10

- Knowledge Byte - Specification Development

- Principles and Practices of Public Procurement: Specifications

LO 1, AC 1.1

### 問題 #131

Which of the following are implied terms in sales contracts? Select THREE that apply.

- A. Mode of transportation
- **B. Transfer of ownership**
- C. Payment method
- **D. Risk transfer**
- **E. Fitness for purpose**
- F. Customer satisfaction

答案: B,D,E

解題說明:

Generally, under the Sale of Goods Acts (in UK, Singapore, Australia,...) or Commercial Codes (in France, Germany, Vietnam,...), the sale contracts have the following implied terms:

- the seller has the right to sell the goods. This is also a condition of the contract
- the goods are free from undisclosed security interests
- the goods supplied under the contract will be reasonably fit for any purpose which the buyer made known to the seller
- sales of unseen goods will be of merchantable quality, and match their description and conform with a sample.
- Passing of risk
- Passing of possession and title

...

Reference:

LO 3, AC 3.1

#### 問題 #132

Which of the following statement is true about one-off contract?

- A. One-off contracts only apply to low-value, low-risk purchase
- B. Suppliers have many opportunities to improve the quality during the performance of one-off contract
- **C. One-off contracts can be used for services and works**
- D. Ad-hoc purchase is not a type of one-off purchase

答案: C

解題說明:

One-off contract is the type of contract that relates to a single purchase. One-off contracts can be used for goods, services or works. One-off contract can be simple (such as buying a small number of office stationeries) or complex (such as a construction project or buying an aircraft).

A one-off contract lasts "until completion of the obligations of the parties". The performance is unlikely to be improved during contract performance since the duration is relatively shorter than framework agreement or call-off contract.

Ad-hoc purchase is an item bought for a single and non-recurring use or purpose. Ad-hoc purchase is a type of one-off contract.

Reference:

LO 1, AC 1.3

#### 問題 #133

A retailer prefers to display its best selling products and promotion programme on the building windows.

According to rule of contract formation, this act will generally constitute...?

- **A. An invitation to treat**
- B. A legal capacity
- C. An offer
- D. A mailbox rule

答案: A

解題說明:

Fisher v Bell [1960] and Pharmaceutical Society of Great Britain v Boots Cash Chemists [1953] identified that the courts will generally consider goods advertised in shop windows or those with a price tag attached to constitute an invitation to treat. An invitation to treat is a concept in contract law. It refers to an invitation for a party to make an offer enter into contractual negotiations.

Invitations to treat can be anything displayed to a large number of people, as long as there is no defined way to choose who can accept. Items on display in a shop, advertisements, and catalogues are all common examples of invitations to treat. However, there are cases in the US shows that under some circumstances an advertisement can become an offer (see Leftkowitz v Great Minneapolis Surplus Stores [1957]).

Reference:

- What is an Invitation to Treat in Contract Law?

- CIPS study guide page 29

LO 1, AC 1.2

## 問題 #134

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