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CIPS L4M3

CIPS Commercial Contracting

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## CIPS Commercial Contracting Sample Questions (Q181-Q186):

### NEW QUESTION # 181

Information assurance protects information systems and...?

- A. People
- B. Hard copy
- C. Inventory
- **D. Computers**

**Answer: D**

Explanation:

Information Assurance (IA) is the practice of managing information-related risks and the steps involved to protect information systems such as computer and network systems. The IA transformation is a partnership that stretches across the Department of Defense (DoD), Office of National Intelligence, Committee on National Security Systems, National Institute of Science and Technology (NIST), and the Office of Management and Budget.

The US Government's definition of information assurance is:

"measures that protect and defend information and information systems by ensuring their availability, integrity, authentication, confidentiality, and non-repudiation. These measures include providing for restoration of information systems by incorporating protection, detection, and reaction capabilities." Reference:

- What is Information Assurance (IA)?

- CIPS study guide page 99-100

LO 2, AC 2.1

### NEW QUESTION # 182

Maximum Score 1

Which of the following are examples of a lack of 'capacity' to enter into a contract?

- \* A contracting party has a severe mental disorder
- \* A contracting party has failed to concentrate during negotiations
- \* A contracting party is 19 years of age
- \* A contracting party (corporation) has acted 'ultra vires' (beyond its defined legal powers)

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

**Answer: C**

Explanation:

Capacity means the legal ability to form a contract. A party lacks capacity if they are:

- \* Of unsound mind or mental incapacity (1), or
- \* A company acting beyond its powers (ultra vires) (4).

A failure to concentrate or being 19 years old does not affect legal capacity.

Reference: CIPS L4M3 Commercial Contracting - "Elements of a valid contract: Capacity, legality, consent."

### NEW QUESTION # 183

A procurement professional is preparing a sale & purchase contract of a machinery. Which of the following clauses should be added

to the contract? Select TWO that apply

- **A. Guarantees**
- B. Supplier selection mechanism
- **C. Insurance requirements**
- D. Period of hire
- E. Ratio decidendi

**Answer: A,C**

Explanation:

The complexity of the contract will reflect the complexity of the purchase. For simple, low-value purchases, standard terms and conditions may be all that is required, but do not assume that just because the purchase is one-off, the contract will be simple. It may still need to cover the following areas:

- Warranties and guarantees if the one-off purchase has a considerable life-span and is business-critical (e.g., a back-up generator for the office which houses the national computer servers).
- Insurance requirements: including professional indemnity, public/products liability, employer's liability, and cover for any specific risks such as pollution or working at height.
- Specification requirements on quality, timing and delivery
- Minimum quality standards on the business operation (e.g., a catering provider might only be providing sandwiches for a team meeting lunch, but you still need to know its hygiene practices).
- Built-in change process for any goods or services that are beyond very simple (e.g., works contracts always have variations procedures because of the unpredictable nature of such projects).
- Ability to extend the scope of the contract should be minimal or none, and restrained to the single requirement.
- Ability to extend the duration of the contract should be limited to the ability to accommodate unexpected time overruns (which itself should be subject to a damages/penalty provision where they are attributable to the supplier, and an extension to overheads costs where they are attributable to the purchaser).
- Data security protocols need to be considered if personal data is being shared.

Reference:

LO 1, AC 1.3

#### **NEW QUESTION # 184**

Which of the following are likely to be implied terms in a contract? Select TWO that apply:

- **A. Statute**
- B. Definition & interpretation
- C. Contract appendix
- D. Contract clause
- **E. Legal precedence**

**Answer: A,E**

Explanation:

An implied term is a term which the courts imply into a contract because it has not been expressly included by the parties. This may be because the parties did not consider it, did not think that any problem would arise in relation to it or simply omitted to include it. The courts are very reluctant to imply terms into contracts and will only do so in the following circumstances:

- terms implied under statute
- terms implied under common law
- terms implied because of custom or usage
- terms implied due to previous dealings
- terms implied 'in fact' or to reflect the parties' intentions

Reference:

- Contracts: Express and Implied Terms
- CIPS study guide page 32

LO 1, AC 1.2

#### **NEW QUESTION # 185**

Esther Francis has recently changed job from a supply role at Shine Cleaning Services (SCS) to a purchasing role at Southern Commercial Property (SCP).

- A. Conduct market engagement with several capable suppliers, including SCS
- B. Ask a colleague to conduct the market engagement with SCS
- C. Declare the potential conflict of interest to a senior manager of SCS
- D. Conduct the market engagement with SCS off the record

Reference: CIPS L4M3 Commercial Contracting - Ethics, conflicts of interest and fair treatment of suppliers.

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