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CIPS L4M3 certification exam covers a wide range of topics related to commercial contracting, including the principles of contract law, contract types, contract formation and management, dispute resolution, and contract termination. L4M3 exam is designed to test candidates' understanding of these topics and their ability to apply this knowledge in real-world scenarios. L4M3 Exam is divided into two parts: the first part is a multiple-choice exam, while the second part is a case study-based exam.

# **CIPS Commercial Contracting Sample Questions (Q204-Q209):**

## **NEW OUESTION # 204**

Curnoe Ltd supplied tyres to Garage Ltd. Garage Ltd agreed in the contract that for any specified breaches of contract, it would pay Curnoe Ltd £5 per tyre sold in breach. It subsequently sold tyres at below the listed price, which was one of the breaches mentioned in the contract. What is the £5 per tyre provision an example of?

- A. Unliquidated damages
- B. Exclusion clause
- C. Liquidated damages
- D. Quantum meruit

#### Answer: C

Explanation:

Liquidated damages are a pre-agreed amount stated in the contract, payable upon a specific breach. These clauses are enforceable if the amount is a genuine pre-estimate of loss and not punitive. In this case, the £5 per tyre is a typical liquidated damages clause as it quantifies the penalty for non-compliance.

Reference: CIPS L4M3 Commercial Contracting Study Guide, Chapter 3, Section 3.2.1 - Liquidated damages, indemnities, and breach clauses.

## **NEW QUESTION #205**

Which of the following standards gives guidance on the layout and preparation of specifications?

- A. BS 7373-1:2001
- B. BS 5975:2019
- C. BS EN 60601-1-11:2015
- D. BS 5864:2019

#### Answer: A

#### Explanation:

BS 7373-1:2001 Product specifications. Guide to preparation gives guidance on layout, preparation and management. The subject has been treated in a generic way and guidance can be used in the preparation of all types.

BS 5864:2019 is the standard for installation and maintenance of gas-fired ducted air heaters of rated heat input not exceeding 70 kW net (2nd and 3rd family gases). Specification BS 5975:2019 is the standard for code of practice for temporary works procedures and the permissible stress design of falsework.

BS EN 60601-1-11:2015 is the standard for medical electrical equipment. General requirements for basic safety and essential performance. Collateral Standard: Requirements for medical electrical equipment and medical electrical systems used in the home healthcare environment.

#### Reference:

- BSI website
- CIPS study guide page 90-92

LO 2, AC 2.1

## **NEW QUESTION #206**

Michelle contacts Hannah and asks her if she would be interested in purchasing her car for £2000. Hannah immediately takes £2000 to Michelle and says she wants to buy the car. Michelle subsequently refuses to proceed. Has the contract between Michelle and Hannah been made?

- A. No, because Michelle has rejected Hannah's offer on buying the car
- B. Yes, by her performance Hannah has accepted Michelle's offer on selling the car
- C. Yes, because both parties have full legal capability to enter into a contract
- D. No, because by refusing to proceed, Michelle rejects Hannah's counter-offer

#### Answer: A

# Explanation:

To solve the question, you must distinguish the following notion:

- Offer: The case of Storer v Manchester City Council [1974] 1 WLR 1403 outlines that an offer is: An expression of willingness to contract on specified terms, with the intention that it is to be binding once accepted
- Acceptance: in order for a contract to be formed, the offer must be accepted. Acceptance represents the meeting of the minds of the parties to the contract both agree to exchange something for the other (payment, services, goods, etc.).
- Counter offer: is an offer made in response to a prior offer.
- Invitation to treat: An important distinction to make in contract law is that between an offer and an invitation to treat. An invitation to treat is usually an invitation for another party to make an offer. It may also be defined as an indication that a party is open to negotiation.

Here are some key distinctions of offers and invitation to treats.

# Offer:

- \* Certain promise to be bound
- \* Clear and specified terms
- \* The conduct or words of the party show certainty
- \* There is no room for negotiation

Invitation to treat:

- \* There is room for negotiation
- \* There is an invitation for offers
- \* There is a request for information
- \* Lack of certainty

In the scenario above, initially Michelle just gives an invitation to treat because she is asking whether Hannah is interested to buy her car (request for information from Hannah). Hannah may reject or go into a negotiation with Michelle. Then, Hannah makes an offer by taking the money and shows her intention to be legally bound. At this point, when Hannah's offer is present, Michelle can accept or reject. When she rejects, the contract is not formed. The answer must be "No, because Michelle has rejected Hannah's offer on buying the car".

## Reference:

- Definition of Counter Offer
- Formation of the contract
- CIPS study guide page 28-35

LO 1, AC 1.2

# **NEW OUESTION #207**

Which of the following is an invitation to treat?

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

#### Answer: D

#### 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 # 208**

Southwark is negotiating a contract with Orchard to provide software and IT services. Orchard will manufacture and install the products which are contractually supplied by IBM. Southwark's procurement manager is worried that during the contract there would be some problems that they would not able to claim for damages from Orchard. Which of the following should be included in the head contract so that Southward can sue IBM, should the need arise?

- A. Collateral warranty deed
- B. Indemnity
- C. Insurance
- D. Negligence

#### Answer: A

# Explanation:

A Collateral Warranty is a contract under which a consultant, a building contractor or a sub- contractor warrants to a third party that is has fulfilled its obligations under its professional appointment, building contract or sub-contract. The purpose of a Collateral

Warranty is to give a third party, who is not a party to the original contract, rights to enforce that original contract. In this case, IBM is the subcontractor, then purchaser can use collateral warranty deed to bind them. Reference:

- Collateral Warranties an Overview
- CIPS study guide page 39-40 LO 1, AC 1.2

# **NEW QUESTION #209**

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