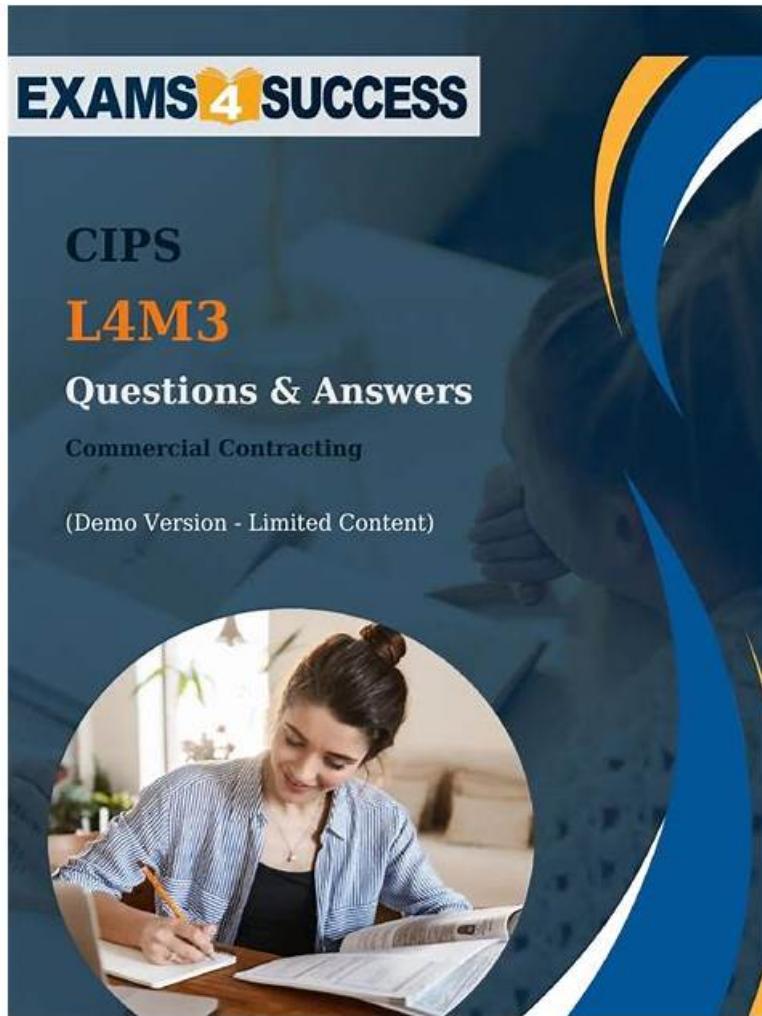


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CIPS Commercial Contracting Sample Questions (Q214-Q219):

NEW QUESTION # 214

Maximum Score 1

John is a new procurement manager who has recently joined Smiths Facilities Management Ltd. The company provides maintenance services through the utilisation of subcontractors. It is experiencing a number of issues with its supply chain which has resulted in customer complaints, and John would like to introduce service level agreements (SLAs) to some of its key providers. Which of the following should be included?

- * How often the service will be provided
- * The procedures to be followed to resolve disputes
- * The qualifications needed by staff providing the service
- * The stock maintained by the subcontractor

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

Answer: A

Explanation:

SLAs define service levels and performance detail such as:

- * Frequency of service (1)
- * Staff qualifications (3)
- * Stockholding requirements (4) Dispute procedures (2) belong in the contract, not the SLA.

Reference: CIPS L4M3 Commercial Contracting - "Service Level Agreements and performance control."

NEW QUESTION # 215

CISG will be most likely to apply to which of the following transactions?

- A. Sale of iron ores
- B. Sale of a property
- C. Sale of electricity
- D. Sale of a ship

Answer: A

Explanation:

Article 2 of CISG states that:

This Convention does not apply to sales:

(a) of goods bought for personal, family or household use, unless the seller, at any time before or at the conclusion of the contract, neither knew nor ought to have known that the goods were bought for any such use; (b) by auction; (c) on execution or otherwise by authority of law; (d) of stocks, shares, investment securities, negotiable instruments or money; (e) of ships, vessels, hovercraft or aircraft; (f) of electricity.

LO 1, AC 1.2

NEW QUESTION # 216

In which scenarios would it be appropriate for a procurement organisation to include contractual indexation and/or price adjustment formulae clauses in a services contract? Select TWO that apply.

- A. The supplier's directors shall be paid dividends during the term
- B. The material components were tendered as fixed costs for the term
- C. The supplier's preference is to switch to a more expensive material specification
- D. The supplier's contract staffing costs will be subject to regulatory increase
- E. The market rates for the supplier's material costs will vary during the term

Answer: A,C,D,E

Explanation:

Indexation and price adjustment clauses are appropriate when future costs are uncertain or likely to change, such as regulatory-driven wage increases (B) or fluctuating material costs (E). These clauses allow adjustments based on objective indices while preserving the integrity of the contract.

Reference:CIPS L4M3 Commercial Contracting Study Guide, Chapter 4, Section 4.2.2 - Index-linked pricing and adjustments.

NEW QUESTION # 217

In which of the following conditions, request for quotation produces the best results?

- A. Under framework agreements
- B. With strategic items
- C. Under a complex process
- D. With an ambiguous specification

Answer: A

Explanation:

Request for quotation has valuable function when its use is properly controlled. It works the best under framework agreements where the contract terms are already fixed.

Reference:

LO 1, AC 1.1

NEW QUESTION # 218

Is a verbal contract legally enforceable?

- A. Yes, but only if you have a witness at the time the verbal agreement was made
- B. No, verbal contracts are never legally enforceable
- C. No, only contracts in writing will be legally enforceable
- D. Yes, a verbal agreement is just as legally enforceable as a written one

Answer: D

Explanation:

A verbal contract is generally enforceable in law, provided that it contains all the necessary elements of a valid contract: offer, acceptance, consideration, intention to create legal relations, and capacity. However, certain types of contracts (e.g., for land) may require written form under the Statute of Frauds. Evidence and clarity are the challenges, not enforceability.

Reference:CIPS L4M3 Commercial Contracting Study Guide, Chapter 1, Section 1.1.2 - Types of contracts: verbal and written.

NEW QUESTION # 219

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