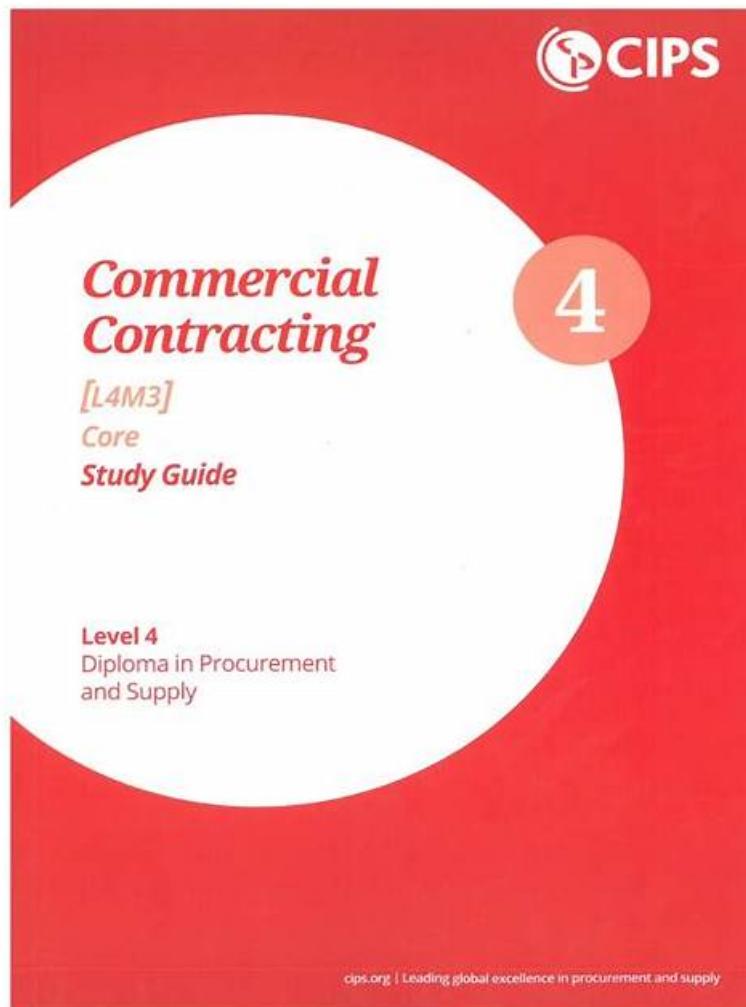


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### **CIPS Commercial Contracting Sample Questions (Q197-Q202):**

#### **NEW QUESTION # 197**

Bethy sees a coat on shop window with a \$100 price tag. She comes and asks the shop owner to buy it. The owner states that the price has not been updated and the current price for the coat is \$120. Bethy says the owner should honour the quoted price on window shop. Is Bethy correct?

- A. Yes, the owner has made an offer by showing his product on the shop window and he must honour that offer
- B. No, the owner is revoking his initial offer to sell at \$100 and he is proposing new offer to Bethy
- **C. No, the display on shop window is just an invitation to treat and the owner may change the price at his will**
- D. Yes, \$120 for a coat is extremely unreasonable and the owner's later offer therefore void

**Answer: C**

Explanation:

Based on two famous precedents, Fisher v. Bell (1961) and Pharmaceutical Society of Great Britain v. Boots Cash Chemists (1953), the display on shop window is considered as an invitation to treat. The shop owner can change the price when his customer asks to buy.

Reference: CIPS study guide page 29

LO 1, AC 1.2

#### **NEW QUESTION # 198**

Bandpro is a reseller of branded computer products to the private and public sector. The procurement team must purchase 500 items each day solely by multiple phone calls and emails to suppliers. Due to this practice, it takes a lot of time to track and collect relevant documents. Some important documents even get lost, which makes procurement audit more burdensome. Which of the following would increase the robustness of audit trails in procurement activities?

- A. Spend less time on auditing procurement procedures
- B. Rectify non-compliant activities
- C. Every evidence must be recorded by paper
- **D. Adopt e-procurement**

**Answer: D**

Explanation:

Audit trail is a chronological record the sequence of events connected to a given transaction, such as a purchase of raw materials, payroll disbursements, or a detailed financial statement. The record includes all the source documents connected to the transaction, providing context and clarity in the event a review is required. The more comprehensive the documentation, the more effective the audit trail is when used to create financial reports, verify information, and ensure compliance while eliminating fraud.

In the scenario, the procurement team gets the quotation from phone calls and emails which have weak audit trails and lack of transparency. One solution may be increasing the use of e-procurement system.

Reference:

- What is an audit trail?
- CIPS study guide page 6-7

LO 1, AC 1.1

### NEW QUESTION # 199

In order to monitor supplier's performance, an organization decides to draft performance management frameworks. Which of the following are the components of a performance management framework? Select THREE that apply:

- A. Consequences
- B. Targets
- C. Indemnity
- D. KPIs
- E. Force majeure
- F. Justification

**Answer: A,B,D**

Explanation:

There are three key components of a performance management framework:

- Key performance indicators (KPIs) - What you are measuring
- Targets - the performance level to be achieved
- Consequences - what happens if the measures are not achieved and/or if they are exceeded

Reference:  
LO 1, AC 1.1

### NEW QUESTION # 200

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

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

**Answer: D**

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 # 201

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

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

**Answer: C,D**

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 an 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 UPIICC (Part 1)
- CIPS study guide page 49-52

LO 1, AC 1.2

## NEW QUESTION # 202

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