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>> Standard L4M3 Answers <<

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CIPS Commercial Contracting Sample Questions (Q16-Q21):

NEW QUESTION # 16

An organization has a normal tender process that often last 1 month from defining the needs to contract award. Manufacturing department suddenly required a new special part that they could not foresee within a month. Which of the following should be the priority actions of procurement manager in this urgent situation?

Select TWO that apply:

- A. Design new specification
- B. **Submit full business justification**
- C. Develop relationships with potential suppliers
- D. Review contract performance
- E. Get high-level authority approval

Answer: B

Explanation:

This urgent needs occasionally occur due to a sudden change in circumstances. The process for selecting a replacement supplier must still be controlled. If there is a reason for normal processes to be waived, this must be fully documented and approved at a high level.

Reference: CIPS study guide page 7

LO 1, AC 1.1

NEW QUESTION # 17

A service contract is going to be expired, which data source is good to create specifications for ITT?

1. Incumbent supplier
2. Maintenance services
3. Alternative supplier
4. User's knowledge

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

Answer: D

Explanation:

There are a number of shortcuts that can be taken when drafting the specification. These include the following:

- The use of brand names
- The use of recognised standards
- The use of samples
- Information and knowledge from users/other buyers: Drafting a specification should naturally include those already used within the organisation itself, but also variants used by other companies in the same sector and other companies in different sectors
- Information from suppliers: suppliers will always be willing to assist in specification development, as this is one way in which they can seek to influence the design to favour their own products.

Reference: CIPS study guide page 81-85

LO 2, AC 2.1

NEW QUESTION # 18

Which of the following is the term that describes an item bought for a single and non-recurring use or purpose?

- A. Stock purchase
- B. Operational purchase
- C. **Ad-hoc purchase**
- D. Call-off purchase

Answer: C

Explanation:

Ad-hoc purchase is the item bought for a single and non-recurring use or purpose.

A call-off contract, also known as a blanket order, is a purchase order which enables bulk orders over a period of time.

Operational procurement refers to the procurement of goods and services that are required to sustain an organization's day-to-day business operations.

Reference:

LO 1, AC 1.3

NEW QUESTION # 19

John Powers is the managing director of ACC Trading Ltd, which provides components to the automotive industry. His company has been providing number plates to Elite Motors Ltd for many years. As John Powers and Peter Ellis, the MD of Elite, have been friends for a long time, there has never been a formal contract agreed between the companies. Following a downturn in the market, Elite Motors Ltd has now been placed in administration. ACC recently delivered 200 number plates but have not received payment. As the number plates have been fitted to some vehicles, the administrators are being very slow to return them. Which clause in a formal agreement would have helped John?

- A. Force Majeure
- B. Liquidated Damages
- C. **Retention of Title (Romalpa)**
- D. Penalty Clause

Answer: C

Explanation:

A Retention of Title clause allows the seller to retain ownership of goods until full payment is received. If included in a contract, this clause would have enabled ACC to claim ownership of the number plates and potentially recover them from Elite Motors Ltd, even in administration. It protects suppliers against buyer insolvency.

Reference:CIPS L4M3 Commercial Contracting Study Guide, Chapter 3, Section 3.2.1 - Retention of Title clauses.

NEW QUESTION # 20

Maximum Score 1

The nature of the "Battle of the forms" is when both buyer and supplier are attempting to ...

- A. Create a performance specification
- B. Create a collaborative relationship
- C. **Secure their own terms and conditions**
- D. Form a joint contract

Answer: C

Explanation:

The "battle of the forms" arises when each party seeks to have its own terms and conditions govern the contract.

Under common law, the terms last sent and accepted (expressly or by conduct) usually apply.

Reference: CIPS L4M3 Commercial Contracting - "Battle of the forms and contract acceptance."

NEW QUESTION # 21

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