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CIPS Level 4 – Diploma in Procurement and Supply

## Commercial Contracting [L4M3]

Sample Exam Questions (Objective Response)

The correct answer will be listed below each question

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## CIPS Commercial Contracting Sample Questions (Q12-Q17):

### NEW QUESTION # 12

A manufacturing company signed a contract with a raw material supplier. The contract includes a clause on liquidated damages in case of late delivery. Purchaser was obliged to pay after 30 days from delivery.

Eventually raw material was delivered 1 week later than initial plan due to supplier's slow production process.

There is no defect in the delivered batch. Which of the following can be claimed by the manufacturing company?

- A. Right of extending payment
- B. Right of third party
- C. Right of set-off
- D. Rights to refunds or repairs

**Answer: C**

Explanation:

In certain circumstances, where two parties have monetary debts against each other, the right to set-off may arise. A right of set-off allows a ("Party 1") to take into account the amount owed to it by the second party ("Party 2") against any amount owed by Party 1 to Party 2, each party must be a debtor and a creditor.

Common law provides the key features that must be present for set-off to arise are;

1. mutuality of debts (each party must be the sole beneficial owner of the debt it is owed and the sole person liable for the debt it owes)
2. the claims each party has must be for non-payment of money

The common law provisions of set-off can be greatly enhanced by the inclusion of a contractual right to set-off (this is discussed further below) so that set-off is applicable in a greater range of situations. If you envisage set-off being a useful right it is not advisable to rely on the implied ability to use it (via common law or equitable set-off). Common law and equitable set-off are subject to various conditions and limitation however, a contractual right of set-off can be drafted to ensure parties are able to agree exactly how and when set-off should be applied.

In the above scenario, the supplier owes the manufacturer the payment for damages, while the manufacturer owes the supplier the payment for goods. This is mutuality of debts, which leads to right of set off.

Reference:

- Set-off on the right foot: a practical guide to set-off

- CIPS study guide page 158-159

LO 3, AC 3.2

### NEW QUESTION # 13

Under hire purchase agreement, when will the ownership of asset legally belong to the purchaser?

- A. When the down payment is made
- B. When the agreement is signed
- C. When the purchaser takes possession of the asset
- D. When the final instalment is paid

**Answer: D**

Explanation:

Hire purchase is an arrangement for buying expensive consumer goods, where the buyer makes an initial down payment and pays the balance plus interest in installments. Ownership is not transferred until the end of the agreement, hire purchase plans offer more protection to the vendor than other sales or leasing methods for unsecured items. That's because the items can be repossessed more easily should the buyer be unable to keep up with the repayments.

The answer is 'When the final instalment is paid'.

Reference:

- Hire Purchase Agreements

- CIPS study guide page 70

LO 1, AC 1.3

#### NEW QUESTION # 14

Maximum Score: 1

A service contract for cleaning is due for expiry after a five year duration. Which of the following are good sources of data to create a specification for the new invitation to tender?

- \* Incumbent supplier
  - \* Maintenance services
  - \* Alternative suppliers
  - \* Management information
- 
- A. 1, 2 and 4 only
  - B. 2, 3 and 4 only
  - C. 1, 3 and 4 only
  - D. 1, 2 and 3 only

**Answer: C**

Explanation:

To write a strong, realistic specification for a renewal cleaning contract, good data sources include:

\* Incumbent supplier (1): They can provide information on what has actually been delivered, issues experienced, and practical requirements.

\* Alternative suppliers (3): Market engagement with other providers helps identify innovation, better methods, and realistic performance standards.

\* Management information (4): Internal data (volumes, complaints, quality reports, site usage) shows what the organisation truly needs.

"Maintenance services" (2) are not inherently a good source for defining cleaning services requirements, so the best combination is 1, 3 and 4 only.

Reference: CIPS L4M3 Commercial Contracting - Developing specifications using management information, incumbent feedback, and market engagement.

#### NEW QUESTION # 15

Which of the following might be considered as advantages, to the supplier, of key performance indicators (KPIs)? Select TWO that apply.

- A. They help the supplier to focus on specific critical success factors and maximise on effectiveness
- B. They help the supplier to avoid confusion arising from unclear expectation from buyers
- C. They help the supplier to share their best cost-saving systems with their competitors
- D. They help the supplier to ensure that they do not exceed the target performance levels
- E. They help the supplier to achieve higher productivity by cutting down on other aspects like quality

**Answer: A,B**

Explanation:

From the supplier's perspective, well-constructed KPIs:

\* Focus on critical success factors (A) - allows the supplier to allocate resources effectively and improve performance where it matters most.

\* Clarify expectations (C) - clear KPIs reduce confusion and misunderstandings about what the buyer actually needs.

Options B, D and E are either negative or nonsensical from a supplier-advantage viewpoint:

\* Cutting quality (B) is not a legitimate advantage; it increases risk.

\* Sharing best systems with competitors (D) is definitely not an advantage.

\* Ensuring they do not exceed performance levels (E) is not beneficial; suppliers often want to exceed targets for reputation or gain-share.

Reference: CIPS L4M3 Commercial Contracting - Benefits of KPIs for buyers and suppliers.

#### NEW QUESTION # 16

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

**Answer: C**

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 # 17

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