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NEW QUESTION 32

In which of the following section of a specification, requirements for training to use the equipment will be set out?

- A. Implementation
- B. Issue reference
- C. Performance
- D. Consultation requirements

Answer: A

Explanation:

Implementation is a substantive requirement which covers the following areas:

- Will there be a need to train the staff to use the equipment?
- Are there integration requirements with other systems or processes?
- How will this work?
- What are the timescales?
- Are detailed method statements required?

Consultation requirements regards to explicitness of compliance with any national or local legal requirements Reference:

LO 2, AC 2.1

NEW QUESTION 33

Which of the following is regulated by standard ISO 14001?

- A. Information security management
- B. Environmental management
- C. Quality management systems
- D. Energy management

Answer: B

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CIPS Commercial Contracting Sample Questions (Q231-Q236):

NEW QUESTION # 231

Tony Campbell, a West Logistics Ltd (WLL) procurement manager, is working on a specification for a data storage solution. The current version of an Information Security Management standard (ISO 27001) has been identified as a suitable standard for potential suppliers to be certified to. What is the advantage to WLL of stipulating this type of standard within a product specification?

- A. It removes the requirement for quality management measures
- B. It allows the buying organisation to set the pricing for its products
- C. It ensures the suppliers control spending and pass the savings on
- **D. It allows all suppliers to understand the common criteria that is required**

Answer: D

Explanation:

Referencing recognised international standards like ISO 27001 in specifications ensures that all potential suppliers understand and meet a uniform set of expectations regarding data security. This not only promotes consistency but also reduces the burden on the buyer to evaluate varied, incompatible approaches.

Reference:

CIPS L4M3 Commercial Contracting Study Guide, Chapter 2, Section 2.1.3 - Use of international and industry standards in specifications.

NEW QUESTION # 232

Blakenall District Hospital (BDH) is a large hospital that is a major part of the government's health service.

Purchasing staff are in the habit of placing many long-term contracts with suppliers and sub-contractors.

Whilst these contracts are usually carried out successfully, prices are often paid that are well over budget. The purchasing manager is concerned to find that, in some cases, members of staff are forcing suppliers to accept fixed price contracts. The policy has caused several problems such as some suppliers refusing to deal with BDH and a few going out of business mid-way through performing a contract with BDH. This is due to fluctuating market prices of materials. The procurement manager suggests supplier to adopt variable pricing arrangement with price index. Is this a right course of action?

- A. No, price adjustment should be applied to short-term supply contract only (3-month duration or less)
- B. No, variable pricing would only benefit the suppliers
- **C. Yes, this pricing arrangement would reimburse the fluctuation of material prices**
- D. Yes, this type of arrangement would provide absolute certainty when budgeting

Answer: C

Explanation:

Procurement staff in the Hospital is forcing suppliers into fixed price contract. If the costs generally rise, supplier may operate at a loss. This situation can disrupt the relationship, that is the reason why some suppliers refusing to deal with BDH and a few going out of business mid-way.

Alternative methods could be variable pricing arrangement. This method would reimburse the fluctuation of market price. It will also benefit buyer if the market price drops. This type of arrangement should be applied to long-term contracts (i.e. 18 months or more).

Reference: CIPS study guide page 179-184

LO 3, AC 3.3

NEW QUESTION # 233

If a false statement of material fact is made by one of the contracting parties, the misled party will have remedies for:

- **A. Misrepresentation**
- B. Indemnity
- C. Rescission
- D. Damages

Answer: A

Explanation:

A false statement that induces a party to enter a contract constitutes misrepresentation. This provides the misled party with remedies that may include rescission (cancellation of the contract) and, depending on the type of misrepresentation (fraudulent, negligent), possibly damages as well.

Reference: CIPS L4M3 Commercial Contracting Study Guide, Chapter 1, Section 1.3.1 - Misrepresentation and legal remedies.

NEW QUESTION # 234

Maximum Score 1

A construction company wishes to place the contract for the building of a new hotel to a principal contractor using a model form contract. Which of these is an advantage of using a 'model form contract'?

- A. Incentive payment terms can be included to reward the supplier for attainment of cost savings
- B. Formulae or indices can be included to assess any additional supplier's claims for contract price adjustment
- **C. It avoids the requirement to create complex contracts each time but can be adapted to suit particular circumstances**
- D. Legal advice is still required if significant amendments or variations are to be made to the contract

Answer: C

Explanation:

Model form contracts (e.g. NEC, JCT, FIDIC) save time and cost because the framework is pre-written and only needs adapting to specific projects.

Option A correctly identifies this benefit.

Reference: CIPS L4M3 Commercial Contracting - "Use of model form contracts and their advantages."

NEW QUESTION # 235

Company A based in Canada signed a commercial contract with Company B in Egypt. Both countries are Contracting States to Vienna Convention on Contracts for the International Sale of Goods. The contract states that "The validity, interpretation, construction and performance of this Agreement shall be governed by the laws of Canada". Which of the following set of rules will be applied if dispute between contracting parties occurs?

- **A. Canada's legal system**
- B. Egypt's legal system
- C. WTO rules
- D. CISG

Answer: A

Explanation:

Where the sale of goods is between two businesses in different Contracting States, then it is international and the CISG rules of law automatically apply unless they have been excluded. A contract clause stating that the contract is subject to the legal systems and courts of a particular country overrides or excludes the CISG rules, since the local rules of that country would apply instead.

So the answer should be Canada's legal system.

Reference:

LO 1, AC 1.2

NEW QUESTION # 236

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