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CIPS L4M3      CIPS Commercial Contracting      i



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CIPS L4M3 Exam is a crucial milestone for procurement professionals who want to excel in the field of commercial contracting. L4M3 exam is designed to test the candidates' knowledge and skills in drafting, negotiating and managing commercial contracts. It is a level 4 exam, which means that it is ideal for procurement professionals who have some experience in the field and are looking to advance their careers.

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CIPS L4M3 certification is a valuable qualification for procurement and supply chain professionals who are looking to enhance their knowledge and skills in commercial contracting. It provides a comprehensive understanding of the legal and commercial aspects of contracting, and is designed to equip professionals with the skills required to effectively negotiate and manage contracts with suppliers and other external parties.

For individuals seeking the CIPS L4M3 Certification, it is recommended that they have at least two years of relevant experience in procurement and supply chain management roles. CIPS Commercial Contracting certification exam is relevant for professionals working in both the public and private sectors, including commercial, non-profit, and government organizations.

## CIPS Commercial Contracting Sample Questions (Q83-Q88):

### NEW QUESTION # 83

According to mailbox rule in some common law countries, at which point the offeree's acceptance will be effective?

- A. When the letter of acceptance has been written.
- B. When the letter of acceptance is received by the offeror.
- C. When the letter of acceptance has been correctly addressed, its postage paid, and posted.
- D. When the letter of acceptance is opened and its contents read by the offeree.

#### Answer: C

Explanation:

When parties do not negotiate face-to-face, a key Question: becomes when things like acceptances, rejections and revocations take effect. The general rule is that acceptances are effective on dispatch (when they are mailed). Everything else becomes effective when the offeror actually receives them. This idea is codified by the "mailbox rule" which states that acceptance is effective on dispatch, even before the offeror has received it. (The one minor exception to this rule involves option contracts for which acceptances are not effective until they are received by the offeror.) Reference:

- The Mailbox Rule
- CIPS study guide page 34

### NEW QUESTION # 84

Michelle contacts Hannah and asks her if she would be interested in purchasing her car for £2000. Hannah immediately takes £2000 to Michelle and says she wants to buy the car. Michelle subsequently refuses to proceed. Has the contract between Michelle and Hannah been made?

- A. Yes, because both parties have full legal capability to enter into a contract
- B. No, because by refusing to proceed, Michelle rejects Hannah's counter-offer
- C. Yes, by her performance Hannah has accepted Michelle's offer on selling the car
- D. No, because Michelle has rejected Hannah's offer on buying the car

#### Answer: D

Explanation:

To solve the question, you must distinguish the following notion:

- Offer: The case of *Storer v Manchester City Council* [1974] 1 WLR 1403 outlines that an offer is: An expression of willingness to contract on specified terms, with the intention that it is to be binding once accepted
- Acceptance: in order for a contract to be formed, the offer must be accepted. Acceptance represents the meeting of the minds of the parties to the contract - both agree to exchange something for the other (payment, services, goods, etc.).
- Counter offer: is an offer made in response to a prior offer.
- Invitation to treat: An important distinction to make in contract law is that between an offer and an invitation to treat. An invitation to treat is usually an invitation for another party to make an offer. It may also be defined as an indication that a party is open to negotiation.

Here are some key distinctions of offers and invitation to treats.

Offer:

- \* Certain promise to be bound
- \* Clear and specified terms
- \* The conduct or words of the party show certainty

\* There is no room for negotiation

Invitation to treat:

\* There is room for negotiation

\* There is an invitation for offers

\* There is a request for information

\* Lack of certainty

In the scenario above, initially Michelle just gives an invitation to treat because she is asking whether Hannah is interested to buy her car (request for information from Hannah). Hannah may reject or go into a negotiation with Michelle. Then, Hannah makes an offer by taking the money and shows her intention to be legally bound.

At this point, when Hannah's offer is present, Michelle can accept or reject. When she rejects, the contract is not formed. The answer must be "No, because Michelle has rejected Hannah's offer on buying the car".

Reference:

- Definition of Counter Offer

- Formation of the contract

- CIPS study guide page 28-35

LO 1, AC 1.2

### NEW QUESTION # 85

Under English law's general legal principles of contract formation, which of the following are likely to be offers? Select TWO that apply.

- A. Purchase order
- B. Quotation
- C. Advertisement
- D. Catalogue
- E. Invitation to tender

**Answer: B**

Explanation:

An offer is a full statement of what the offeror is willing to provide and the terms by which they are willing to provide it.

There are some statements that are not offers:

- Invitation to treat: this states that a person or organisation is willing to enter into discussions about the possibility of a deal, but does not confirm a willingness to be bound by any terms mentioned. Catalogues, goods on display and ITTs are invitation to treat.

Civil law countries may have different perspective on this matter. Article 2:201 (3) of The Principles of European Contract Law states: 'A proposal to supply goods or services at stated prices made by a professional supplier in a public advertisement or a catalogue, or by a display of goods, is presumed to be an offer to sell or supply at that price until the stock of goods, or the supplier's capacity to supply the service, is exhausted.' Learners are advised to look at their countries' legislation for more information on offer and acceptance.

- Declaration of intention: this is defined as an aim or a plan.

- A 'mere puff' (or boast): this is anything which is not intended to be taken literally or seriously, such as many advertisement.

- Provision of information: merely provides information, but provider does not confirm willingness to be bound.

Reference:

LO 1, AC 1.2

### NEW QUESTION # 86

Which of the following encourages social and environmental criteria in public sector contracting in the UK?

- A. Children and Social Work Act
- B. The Public Services Act
- C. Social Action, Responsibility and Heroism Act
- D. Supply and Appropriation Act

**Answer: B**

Explanation:

Social and environmental criteria are increasingly encouraged in public sector contracting. In the UK, The Public Services (Social Value) Act 2012 encourages public organisations to apply social and environmental criteria in contract.

Reference:

## NEW QUESTION # 87

Which of the following is always automatically considered as a contract?

- A. Framework arrangement
- B. Performance management framework
- C. Framework agreement
- D. **Call-off**

**Answer: D**

### Explanation:

- A call off or a term contract is one which exists for a fixed period of time, rather than for a specific purpose
- A formal framework agreement does have some legal standing but it is not a contract, primarily because there is no consideration involved, but it is an overarching (or umbrella) agreement under which contracts can be created (this holds true in English law but may not be right in other jurisdiction)
- A framework arrangement is a rather loose set-up, without any legal standing. It usually occurs when an organisation has decided for itself to limit the number of suppliers it is willing to work with and, through a purely internal process, sets up an approved list of such suppliers.
- A performance management framework including KPIs and targets, the assessment scheme and incentives, disincentives, bonuses and penalties. It is a schedule to a contract and only legally binding if it is referred from contract clauses.

### Reference:

LO 1, AC 1.3

## NEW QUESTION # 88

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