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CIPS Commercial Contracting Sample Questions (Q88-Q93):

NEW QUESTION # 88

Which of the following shall help the purchaser control the selection of tier 2 suppliers?

- A. Subcontracting clause
- B. Guarantee clause
- C. Insurance clause
- D. Warranty clause

Answer: A

Explanation:

When a party takes on a contractual obligation, they are legally required to perform the obligation.

That same contracting party is still entitled to subcontract out the work to another service provider, unless the contract:

- is a contract for personal services, such an employment contract
- contains an express term preventing subcontracting out the work, or an implied term Subcontracting clauses are written to control whether the contractor is entitled to subcontract, and how purchaser shall control that subcontracting process.

Reference:

- Subcontracting clauses (delegation of contractual obligations to third parties)
 - CIPS study guide page 153-157
- LO 3, AC 3.2

NEW QUESTION # 89

Which of the following are likely to be advantages of using request for quotation? Select TWO that apply:

- **A. Lower administration costs**
- B. Encouraging suppliers to submit creative solutions
- C. No specification required
- D. Helping the buying organisation assess both price and quality
- **E. Short turnaround times**

Answer: A,E

Explanation:

One of the advantages of using the RFQ method to procure pricing is that the company making the solicitation does not need to prepare any documentation, as requests are sent out privately. With less paperwork to prepare, turnaround times for quotes are reduced. Administration cost is also lower in compare with other procurement method like ITT or RFP. RFQ is usually used in low value purchase, where buyer knows the detailed specification and the price is the only variable that need to consider.

To use RFQ effectively, the buyer should attach the detailed specification and standard terms & conditions.

The RFQ should only be sent to verified suppliers.

Reference:

- What is an RFQ?
 - CIPS study guide page 3-4
- LO 1, AC 1.1

NEW QUESTION # 90

Maximum Score 1

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

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

Answer: B

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 # 91

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 # 92

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

Answer: B

Explanation:

An SLA typically specifies:

- * Service frequency (1) - how often services are delivered.
- * Staff qualifications (3) - competence and skill standards.
- * Stock levels (4) - inventory of parts or materials the subcontractor must maintain.

Dispute resolution procedures (2) are more appropriately included in the main contract terms, not the SLA itself.

Reference: CIPS L4M3 Commercial Contracting - Service Level Agreements and performance measures.

NEW QUESTION # 93

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