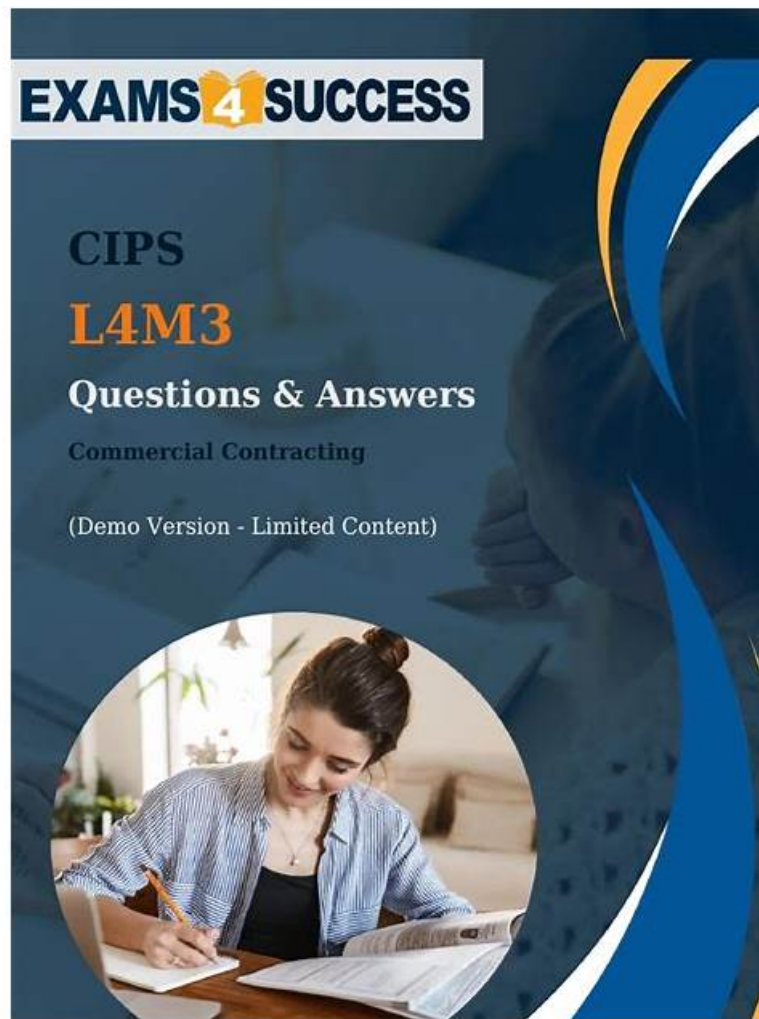


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CIPS Commercial Contracting Sample Questions (Q143-Q148):

NEW QUESTION # 143

Sally places a purchase order to the supplier for some components that her company requires. The supplier delivers the goods as she asks, but the quality assurance team finds that these components are defective and unfit for the company's operations. Which document is the ground to decide whether the goods received are fit for purpose?

- A. Specification
- B. Pre-qualification questionnaire
- C. Code of conduct
- D. CSR policies

Answer: A

Explanation:

According to USLegal Inc, fitness for purpose refers to the standard that must be met by a seller in the course of a business.

Generally, when a buyer makes known to a seller the particular purpose for which the goods are bought, there is an implied condition that the goods are reasonably fit for that purpose (customer's requirements, needs, or desires). Specification is the ground for deciding whether goods received are fit for purpose.

We already know that there are two types of specifications: conformance and performance specifications.

With conformance specification, the buyer lists out technical requirements to which the goods must conform.

Lacking of any requirement may be enough for the goods to be unfit. On the other hand, if performance specification is in use, the goods must be fit for specific outputs that buyer has listed in the specification.

Providing the 'fit for purpose' goods is one of the fundamental obligations of seller in sale contract.

Unfulfilling this obligation would lead to legal consequences. If the goods are unfit for purpose, seller may have to:

- replace the non-conforming goods
- pay the damages to the buyer

Reference:

- Why you should keep attention to the specification when contracting with suppliers
- CIPS study guide page 137

LO 3, AC 3.1

NEW QUESTION # 144

A buyer is procuring innovative new IT systems and has issued a performance specification as part of the invitation to tender. Is this a suitable approach?

- A. Yes, because it allows the bidder to present solutions and further inform the requirement
- B. No, because the Procurement Team should only include outputs in specifications
- C. No, because the bidder may use it to inflate costs
- D. Yes, because it will improve relationships and collaboration between both parties

Answer: A

Explanation:

A performance specification outlines the results or outputs required, rather than dictating how they should be achieved. This is ideal for innovation-focused procurement, like IT systems, as it allows suppliers to bring forward creative, technical solutions. It encourages market input and can lead to better value and performance.

Reference: CIPS L4M3 Commercial Contracting Study Guide, Chapter 2, Section 2.1.3 - Types of specifications including performance-based.

NEW QUESTION # 145

Under which of the following scenarios an RFQ is most likely to be used?

- A. Design of a unique and complex software code
- B. Purchase of complex machinery
- C. When the buying organisation does not know the requirements in details and needs the input from suppliers
- **D. Purchase of a small number of standardised products under a framework agreement**

Answer: D

Explanation:

The request for quotations is a procurement method that is used for small value procurements of readily available off-the-shelf goods, small value construction works, or small value services procurements. Request for quotations works best under a framework agreement. This procurement method is also known as invitation to quote and shopping, and it does not require the preparation of tender documents to the same extent as open tendering, request for proposals or two-stage tendering.

Among 4 options:

- "Purchase of a small number of standardised products under a framework agreement": the products are standardised and there is a framework agreement in place, so RFQ is the best solution.
- "Purchase of complex machinery": Complex machinery is often a large purchase. Furthermore, suppliers' quality may vary. So RFQ is not suitable, instead, depending on the situation, buyer may opt ITT or RFP to purchase this type of machinery.
- "Design of a unique and complex software code": Unique and complex software is not off-the-shelf, thus RFQ is not suitable.
- "When the buying organisation does not know the requirements in details and needs the input from suppliers": When the detailed requirements are unknown, the best solution is request for proposal or developing dialogue with suppliers.

Reference:

- Request for Quotations
- CIPS study guide page 3-4

LO 1, AC 1.1

NEW QUESTION # 146

A company is considering entering a new market. Which of the following are the external factors that influence the difference between cost and price of this company? Select THREE that apply

- A. Business strategy
- B. Procurement policy
- C. Process efficiency
- **D. Competitiveness of the market**
- **E. Relative bargaining power of supplier and purchaser**
- **F. Threat of substitution**

Answer: D,E,F

Explanation:

The difference between cost and price is profit. According to Michael E. Porter, the profitability of an industry is shaped by five forces:

1. Competition in the industry
2. Potential of new entrants into the industry
3. Power of suppliers
4. Power of customers
5. Threat of substitute products

The Question: only mentions external factor, then business strategy is not accepted.

Reference:

LO 3, AC 3.3

NEW QUESTION # 147

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

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

Answer: C

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 # 148

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