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CIPS Commercial Contracting Sample Questions (Q12-Q17):

NEW QUESTION # 12

Which of the following should be specially noticed in market dialogue with suppliers in specification development?

- A. The buying organisation must avoid social media at all cost
- B. Market dialogue should only be conducted with well-known supplier
- C. Market dialogue is banned in the public sector
- D. Both parties must respect confidentiality

Answer: D

Explanation:

Being clear on your objectives helps you to design the best approach to the dialogue. There are some notices in developing dialogue with suppliers:

- All meetings should be documented
- Respect commercial confidentiality. Although insights gained from one conversation lead to questions in another, you must be very careful not to allow this to happen in a way that breaches the confidentiality of the first conversation.

Reference:

LO 2, AC 2.1

NEW QUESTION # 13

Which of the following is the term that describes an item bought for a single and non-recurring use or purpose?

- A. Stock purchase
- B. Ad-hoc purchase
- C. Call-off purchase
- D. Operational purchase

Answer: B

Explanation:

Ad-hoc purchase is the item bought for a single and non-recurring use or purpose.

A call-off contract, also known as a blanket order, is a purchase order which enables bulk orders over a period of time.

Operational procurement refers to the procurement of goods and services that are required to sustain an organization's day-to-day business operations.

Reference:

LO 1, AC 1.3

NEW QUESTION # 14

XYZ Ltd is negotiating a long-term supply contract of important parts with a supplier. Dave, procurement manager teams up with Alla, legal manager to construct a service level agreement. Dave is concerned that poor performance of supplier may cause damages to the operations of the organisation. Which of the following can be used in conjunction with SLA to compensate the buying organisation in case of supplier's poor performance?

1. Warranties
2. Force majeure clauses
3. Penalty clauses
4. Service credits

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

Answer: D

Explanation:

Service level agreement often sets out the minimum quality standards of the services provided, remedies if that standards are not met, consequences if the targets are exceeded. Penalty clauses and service credits are remedies that are often used in conjunction with service level agreement to ensure the performance and to compensate the purchaser if targets are not met.

Reference:

LO 2, AC 2.2

NEW QUESTION # 15

In a sale contract, a clause requires the seller to "defend, reimburse, and hold harmless" the buyer and its personnel from and against any and all damages arising in connection with some specific circumstances. This clause is an example of...?

- A. Liquidated damages
- **B. Indemnity**
- C. Force Majeure
- D. Insurance

Answer: B

Explanation:

An indemnity is a promise by one party to compensate another for the loss suffered as a consequence of a specific event, called the "trigger event".

The trigger event can be anything defined by the parties, including:

- A breach of contract;
- A party's fault or negligence;
- A specific action.

An indemnity operates as a transfer of risks between the parties, and changes what they would otherwise be liable for or entitled to under a normal damage claim.

Force Majeure Provisions: A force majeure event refers to the occurrence of an event which is outside the reasonable control of a party and which prevents that party from performing its obligations under a contract.

Liquidated damages are presented in certain legal contracts as an estimate of otherwise intangible or hard-to-define losses to one of the parties. It is a provision that allows for the payment of a specified sum should one of the parties be in breach of contract.

LO 3, AC 3.2

NEW QUESTION # 16

Social and environmental criteria are often incorporated into which of the following type of specification?

- A. Technical specification
- B. Design specification
- **C. Output specification**
- D. Conformance specification

Answer: C

Explanation:

Developing and using generic specifications is as import in the sustainable procurement process as it is in the traditional procurement process. During this stage, human/labour rights and environmental performance criteria should be translated into specifications that meet specific requirements of the specified outcome, desired by the procurement action.

The specification stage is key to all types of contract. Building in environmental and social considerations at this early stage, provides a clear indication to suppliers that sustainability is important to the UN organization.

Consider available alternatives which are less environmentally and socially damaging. Consider all the phases of a product's life cycle (e.g. production, transportation, maintenance, disposal, etc) when determining its cost and environmental impact. Assess the overall environmental and social integrity of suppliers by looking at their policies and practices.

Specifications which are output-based rather than input-based can increase supplier innovation, reduce waste and minimise harmful social and environmental impacts.

Reference:

- Sustainable Procurement
- CIPS study guide page 95-99

LO 2, AC 2.1

NEW QUESTION # 17

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