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NEW QUESTION 47

Which of the following are likely to be advantages of using invitation to tender? Select TWO that apply:

Short turnaround times

- A. Lower administration costs
- B. Quick implementation
- C. **Driving forward planning culture**
- D. **Reducing risks of bribery and corruption**

Answer: C,D

Explanation:

Advantages of using invitation to tender may be as below:

No Nepotism: Tenders or bids are evaluated on the basis of certain predetermined criteria, such as price, quality and value for money. In other words, the firm offering the highest quality product or service at the lowest price point would win the contract. As most tender documents are opened and evaluated in a public process, I think that there remains little room for nepotism or favoritism of any kind.

Value for Money: From the perspective of the client, tenders offer the greatest value for the amount of money spent. This is due to the fact that the client can choose from a wide pool of potential suppliers to select the ones that can produce the highest quality product or service at the lowest price point. This allows the company, establishment or organization to save money without having to compromise on quality. Therefore, despite being quite time consuming, tendering is, in my opinion, a profitable long-term process from an organization's point of view.

Encourages Competition: The process of tendering helps promote a competitive market. This is because a number of potential contractors, firms or suppliers get a chance to bid for every project. And because selection depends on quality and price, every bidder tries to reduce operational inefficiencies and redundancies as much as possible in order to lower expenses and improve quality. This entire process encourages healthy competition in the market and prevents complacency and laziness, which in turn provides a boost to innovation and new ideas.

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CIPS Commercial Contracting Sample Questions (Q82-Q87):

NEW QUESTION # 82

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

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

LO 2, AC 2.1

NEW QUESTION # 83

Company A buys a lorry from Company B on hire purchase. During the contractual period, Company A makes default in paying the instalment. Company B has....?

- A. No right to take repossession
- **B. The right to take repossession of the lorry**
- C. Company B has to approach the court
- D. The option to repossess the lorry

Answer: B

Explanation:

Hire purchase is an arrangement for buying expensive consumer goods, where the buyer makes an initial down payment and pays the balance plus interest in installments. Ownership is not transferred until the end of the agreement, hire purchase plans offer more protection to the vendor than other sales or leasing methods for unsecured items. That's because the items can be repossessed more easily should the buyer be unable to keep up with the repayments.

The answer is that Company B has the right to take repossession of the lorry.

Reference:

- Hire Purchase Agreements

- CIPS study guide page 70

LO 1, AC 1.3

NEW QUESTION # 84

John Powers is the managing director of ACC Trading Ltd, which provides components to the automotive industry. His company has been providing number plates to Elite Motors Ltd for many years. As John Powers and Peter Ellis, the MD of Elite, have been friends for a long time, there has never been a formal contract agreed between the companies. Following a downturn in the market, Elite Motors Ltd has now been placed in administration. ACC recently delivered 200 number plates but have not received payment. As the number plates have been fitted to some vehicles, the administrators are being very slow to return them. Which clause in a formal agreement would have helped John?

- **A. Retention of Title (Romalpa)**
- B. Penalty Clause
- C. Force Majeure
- D. Liquidated Damages

Answer: A

Explanation:

A Retention of Title clause allows the seller to retain ownership of goods until full payment is received. If included in a contract, this

clause would have enabled ACC to claim ownership of the number plates and potentially recover them from Elite Motors Ltd, even in administration. It protects suppliers against buyer insolvency.

Reference:CIPS L4M3 Commercial Contracting Study Guide, Chapter 3, Section 3.2.1 - Retention of Title clauses.

NEW QUESTION # 85

Which of the following should be done by procurement professionals right after obtaining a pre-written specification for a critical item so that the added value will be the greatest?

- A. Challenge the used specification
- B. Issue invitation to tender or request for quotation
- C. Evaluate tender or quotation
- D. Select the best supplier

Answer: A

Explanation:

A previously used specification must always be robustly challenged to see how well it fits the proposed circumstances. Aspects which appear not to fit should be analysed to understand why they were included in the sample specification and whether this changes the view on whether or not they should be omitted or changed.

Reference: CIPS study guide page 80

LO 2, AC 2.1

NEW QUESTION # 86

Which of the following are examples of express terms in a contract? Select TWO that apply.

- A. Term inserted through the custom of the trade
- B. A liquidated damages term
- C. A retention of title term
- D. Term inserted by the Sale of Goods Act 1979
- E. Term inserted through business efficacy test

Answer: B,C,E

Explanation:

Express terms are those explicitly stated and agreed upon by the parties within the contract. A retention of title clause specifies that ownership of goods remains with the seller until certain conditions are met, while a liquidated damages clause outlines predetermined compensation in case of specific breaches. In contrast, terms from the Sale of Goods Act 1979, business efficacy tests, and trade customs are considered implied terms, not expressly stated in the contract.

Reference:CIPS L4M3 Commercial Contracting Study Guide, Chapter 3, Section 3.1.1 - Express and implied terms.

NEW QUESTION # 87

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