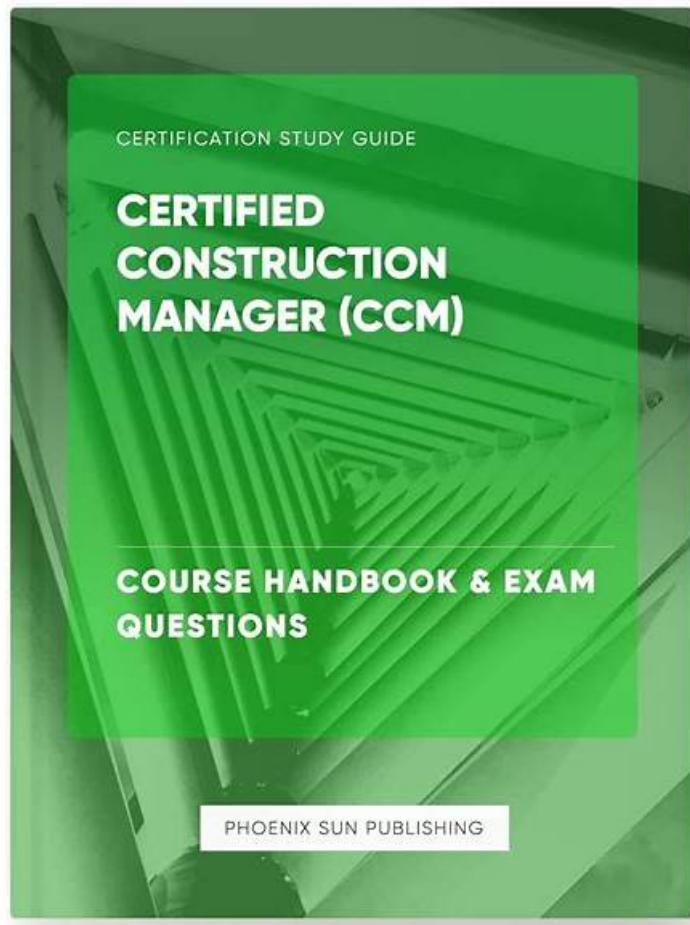


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q93-Q98):

NEW QUESTION # 93

You are the Contract Manager of the Employer for a Data Centre Project using the FIDIC Yellow Book (edition 2017). As a Contract Manager during the procurement stage, you are to explain the difference between Dispute Avoidance and Adjudication Board (DAAB) and other alternative dispute resolutions for this type of project. Which one of the following statements of its explanation is NOT correct?

- A. DAAB provided supports for Parties during arbitration, as a witness to give factual evidence on the background for the DAAB's Decision.
- B. Avoidance of Disputes on the project and resolution of Disputes at or soon after the time they arise is a two-part role of the DAAB.
- C. DAAB is to provide for a fair, timely and efficient resolution of Disputes.
- D. The function of the DAAB is to remain in place as part of the Parties' project team to assist both Parties, equally and impartially.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Option D is NOT correct. The DAAB does not act as a witness or provide support during arbitration. Its role is to avoid and adjudicate disputes early during the project lifecycle impartially and fairly, but it does not serve as witness support in arbitration proceedings.

References:

FIDIC Yellow Book 2017 Edition, Clause 21 - Dispute Avoidance and Adjudication Board FIDIC Contract Manager Study Guide, Module on Dispute Resolution

NEW QUESTION # 94

Which one of the following statements is NOT correct in respect of FIDIC Yellow Book (both editions)?

- A. The Contract typically becomes legally effective when the Employer issues the Letter of Acceptance to the Contractor.
- B. A disproportionate amount of risks is allocated to the Contractor under the General Conditions.
- C. The Contractor provides plant and designs (except as otherwise specified) and executes the other works, all in accordance with the Contract, which includes its Proposal and the Employer's Requirements.
- D. The General Conditions allocate the risks between the parties on a fair and equitable basis.

Answer: B

Explanation:

Option C is NOT correct. FIDIC Yellow Book General Conditions aim to allocate risks fairly and equitably between the Employer and Contractor. The contract balances risks according to who is best able to manage them. It does not impose a disproportionate risk burden on the Contractor.

Options A, B, and D are correct statements describing typical contract formation, risk allocation, and Contractor's design and execution responsibilities.

References:

FIDIC Yellow Book 1999 and 2017 Editions - Introduction and Risk Allocation Clauses FIDIC Contract Manager Study Guide, Module on Introduction to FIDIC Contracts

NEW QUESTION # 95

In the FIDIC Silver Book (both editions), the Notice of the Commencement Date will be informed by whom?

(1 correct response applies)

- A. The Employer
- B. The Engineer's Resident Engineer
- C. The Employer's Representative
- D. The Engineer

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

In the FIDIC Silver Book (1999 and 2017 editions), which is tailored for EPC/Turnkey contracts, the Employer is responsible for notifying the Contractor of the Commencement Date (Sub-Clause 8.1). Unlike other FIDIC contracts where the Engineer might notify commencement, the Silver Book places more responsibility on the Employer due to the nature of the contract where the Contractor is largely responsible for design and execution with fewer Engineer roles.

The Employer's formal notification of the Commencement Date signals the official start of the Contractor's obligations and triggers timelines under the contract.

The Engineer or Resident Engineer typically does not issue such notice in the Silver Book framework.

References:

FIDIC Silver Book 1999 and 2017 Editions, Sub-Clause 8.1 - Commencement of Works FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

NEW QUESTION # 96

Which one of the following claim events does NOT allow profit?

- A. Under the Plant and Design-Build Contract, errors in the Employer's requirements.
- B. Under the Construction Contract, the failure of the Employer to give right of access to the site.
- C. Under the Construction Contract, interference by the Employer with Tests on Completion.
- D. Under the Construction Contract, the Engineer's delay in supplying drawings or issuing instructions.
- E. Under the Construction Contract, the relevant authority had unnecessarily delayed the approval.

Answer: E

Explanation:

Comprehensive and Detailed Explanation:

Under FIDIC contracts:

Profit is usually allowed on claims arising from Employer-caused delays, instructions, or breaches that directly affect the Contractor's performance or costs (Options A, B, C, and E).

Option D relates to delays caused by third parties (authorities). Typically, delays caused by relevant authorities (e.g., permit or approval delays) are treated differently, and profit is not generally recoverable on these claims as they are considered neutral or force majeure-type delays. The Contractor may receive an extension of time and reimbursement of direct costs but not profit.

Thus, Option D is the claim event where profit is not allowed.

References:

FIDIC Red, Yellow, and Silver Books 1999 and 2017 Editions, Clauses on Claims and Compensation FIDIC Contract Manager Study Guide, Module on Claims and Profit on Claims

NEW QUESTION # 97

Upon review of the revised programme, submitted by the Contractor, if the Engineer (under FIDIC Red or Yellow Books) or Employer (under FIDIC Silver Book) does not give a Notice of Non-Compliance within 14 days after receiving a revised programme, then ... [complete the sentence, thereby considering FIDIC Red, Yellow, and Silver Books (edition 2017)]. (1 correct answer applies)

- A. The Contractor cannot proceed in accordance with the Programme.
- B. The Engineer is deemed to have no objection to use the revised programme submitted by the Contractor, for the Works.
- C. The Engineer shall be deemed to have given a Consent and the revised programme shall be the Programme.
- D. The Contractor shall submit a Notice to the Engineer or the Employer reminding him to give its approval on the revised programme.

Answer: B

Explanation:

Comprehensive and Detailed Explanation:

According to the FIDIC 2017 editions (Red, Yellow, and Silver Books), when the Contractor submits a revised programme, the Engineer or Employer has a limited time (typically 14 days) to review and raise any Notice of Non-Compliance if the programme does not meet contract requirements (Sub-Clause 8.3 or equivalent). If no notice is issued within this period, the Engineer or Employer is deemed to have no objection to the revised programme.

This does not imply formal approval or consent, but the programme can be used for the execution and administration of the works in the absence of objections. This avoids unnecessary delay due to inaction.

Option D is correct as it captures this deemed "no objection" position.

Option B is incorrect as "deemed consent" is stronger than FIDIC provisions state; it is more correct to say "no objection".

Option A is incorrect since the Contractor does not have to remind the Engineer or Employer for consent within this period.

Option C is incorrect because the Contractor may proceed if no non-compliance is notified.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 8.3 - Programme

FIDIC Yellow Book 2017 Edition, Sub-Clause 8.3 - Programme

FIDIC Silver Book 2017 Edition, Sub-Clause 8.3 - Programme

FIDIC Contract Manager Study Guide, Module on Time and Delay Management

NEW QUESTION # 98

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