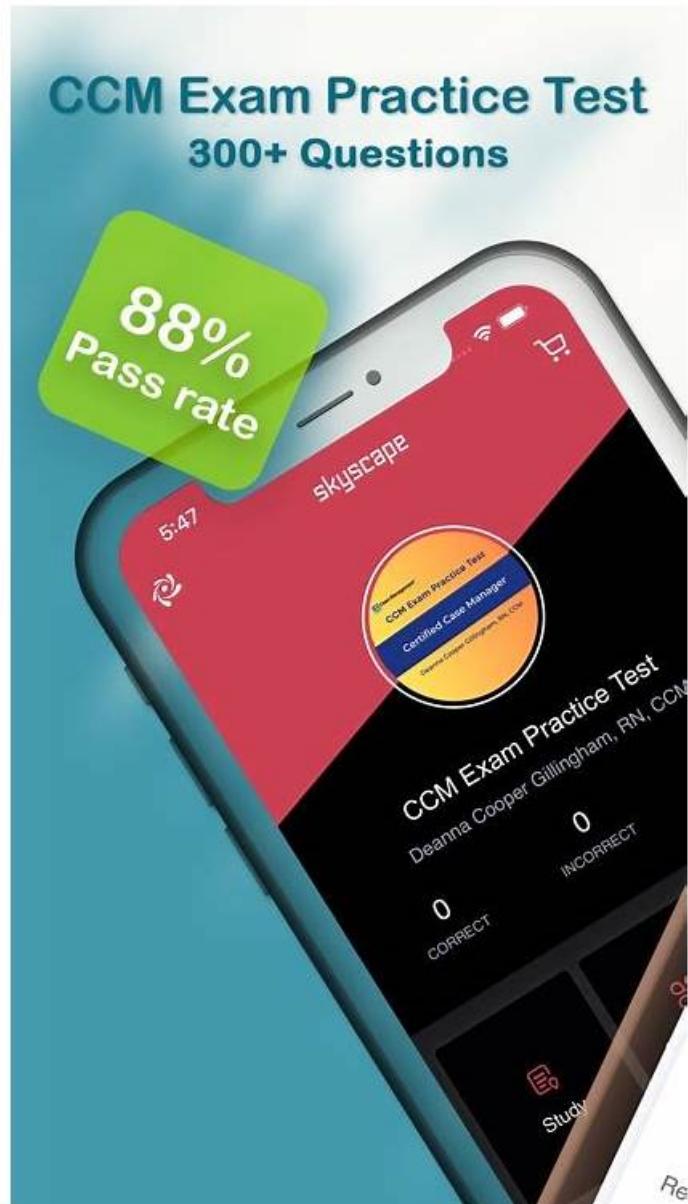


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q92-Q97):

NEW QUESTION # 92

Which one statement is correct regarding the FIDIC Red Book (edition 2017)?

- A. No Data other than required by the General Conditions of Contract may be entered in the Contract Data.
- B. Instructions to Tenderers are part of the Employer's Requirements.
- C. Instructions to Tenderers may require the tenderer to provide information on matters in Sub-Clause 4.3 on Contractor's Representative and Sub-Clause 6.12 on Key Personnel.
- D. General Conditions of Contract cannot be amended as it may imbalance the obligations and rights of the Parties.

Answer: C

Explanation:

Comprehensive and Detailed Explanation:

In the FIDIC Red Book 2017, Instructions to Tenderers are part of the tender documents but are distinct from the Employer's Requirements. They guide tenderers on how to prepare and submit their tenders. Specifically, Instructions to Tenderers may require tenderers to provide detailed information about their organization, key personnel, and the Contractor's Representative (see Sub-Clause 4.3 on Contractor's Representative and Sub- Clause 6.12 on Key Personnel), which is essential for evaluating the capability and resources of the tenderer.

Option A is incorrect because Instructions to Tenderers are separate from Employer's Requirements; the latter define the scope and technical needs of the project.

Option B is incorrect; Contract Data may include specific data relevant to the particular project beyond just the General Conditions, including amendments and project-specific information.

Option D is incorrect because the General Conditions can be amended through the Particular Conditions (within limits), provided the amendments are balanced and agreed upon by both Parties.

References:

FIDIC Red Book 2017, Guide to Tendering Documents

FIDIC Red Book 2017, Sub-Clause 4.3 - Contractor's Representative

FIDIC Red Book 2017, Sub-Clause 6.12 - Key Personnel

FIDIC Contract Manager Study Guide, Module on Introduction to FIDIC Contracts

NEW QUESTION # 93

Which one of the following statements is correct regarding the Provisional Sum under the FIDIC Red, Yellow, and Silver Books (edition 1999)?

- A. Each Provisional Sum shall not be used, in whole or in part, in accordance with instructions from the Engineer.
- B. The Provisional Sum cannot be issued by instruction either by the Engineer (or Employer in case of FIDIC Silver Book).
- C. The Contractor shall, when required by the Engineer, produce proof to substantiate how it has used the Provisional Sum.

Answer: C

Explanation:

Comprehensive and Detailed Explanation:

Option B is correct. Under FIDIC contracts, the Contractor must provide proof of how the Provisional Sum has been expended when requested by the Engineer. This ensures transparency and proper use of funds allocated as Provisional Sums.

Option A is incorrect; Provisional Sums are often used based on instructions from the Engineer or Employer. Option C is incorrect because Provisional Sums are precisely intended to be used, in whole or in part, according to Engineer's or Employer's instructions.

References:

FIDIC Red, Yellow, and Silver Books 1999 Edition, Sub-Clause 13.2 - Provisional Sums FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 94

Which one of the following is NOT considered a change made in the 2017 edition of the FIDIC Red, Yellow, and Silver Books?

- A. New procedures requiring the Contractor to prepare and implement a Compliance Verification System to show that the design, materials, workmanship and certain other matters all comply.
- B. A fair and balanced approach where risk is allocated to the Party that is best able to bear and control that risk.
- C. New procedures requiring the Contractor to prepare and implement a Quality Management System to show compliance with the Contract requirements.
- D. The concentration on dispute avoidance, including an enhanced role for the Dispute Avoidance and Adjudication Board (DAAB) in this respect, and promoting cooperation between the parties during the project.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Option D is not a new procedure introduced in the 2017 FIDIC editions.

The 2017 editions focus on dispute avoidance (A), quality management systems (B), and fair risk allocation (C), but do not explicitly require a Compliance Verification System as described.

References:

FIDIC Red, Yellow, Silver Books 2017 Editions - Overview of Changes

FIDIC Contract Manager Study Guide, Module on Contract Updates

NEW QUESTION # 95

Which of the following cases will allow the Employer to claim under the Performance Security? [2017 Edition] (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. The Contractor failed to extend the validity of the Performance Security.
- B. The Contractor abandons the Works and the Employer did not issue Notice of termination.
- C. The Employer had submitted a claim under Sub-Clause 20.2.
- D. The Engineer had issued instruction to replace part of the Works.
- E. The Contractor failed to renew the Tender Security.

Answer: A,E

Explanation:

Under FIDIC 2017 editions, the Performance Security protects the Employer against failure by the Contractor to fulfill contractual obligations. The Employer may claim under the Performance Security in the following cases:

Option A: Failure to renew the Tender Security as required during the tendering or contract formation phase can allow Employer to make a claim, since the security guarantees the Contractor's commitments at this stage.

Option E: Failure to extend the validity of the Performance Security when requested or required breaches contractual obligations and enables the Employer to claim under the security.

Option B is incorrect because abandonment without termination notice does not immediately entitle the Employer to claim under Performance Security; formal termination is usually required first.

Option C is incorrect because submitting a claim under Sub-Clause 20.2 (Employer's claims) does not directly correlate with claiming under Performance Security.

Option D is irrelevant; instructions to replace works do not relate to Performance Security claims.

References:

FIDIC Red, Yellow, and Silver Books 2017 Edition, Sub-Clause 4.2 - Performance Security FIDIC Contract Manager Study Guide, Module on Risk Management and Securities

NEW QUESTION # 96

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

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

Answer: C

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

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