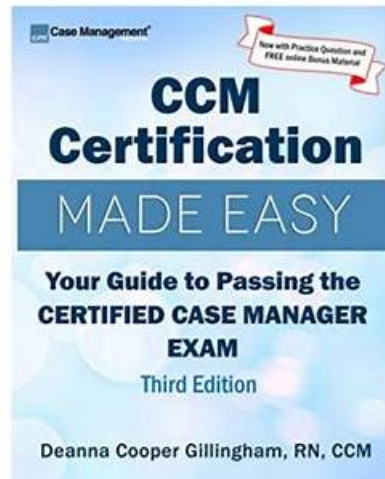


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q79-Q84):

NEW QUESTION # 79

Regarding the FIDIC Silver Book (both editions), if a part of the Works is to be paid according to quantity supplied or work done, appropriate provisions must be included in the Particular Conditions. Is this statement true or false?

- A. False
- **B. True**

Answer: B

Explanation:

This statement is true. The Silver Book (EPC/Turnkey contracts) usually involves lump-sum payment, but if part payment is based on quantity or work done, this must be explicitly provided for in the Particular Conditions to avoid ambiguity. Such provisions ensure clarity on payment terms in line with project specifics.

References:

FIDIC Silver Book 1999 & 2017 Editions, Sub-Clause 14 - Payment Provisions FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 80

In case a Variation is initiated by the Engineer for prompt implementation [FIDIC Red, and Yellow Books, 2017 Editions]
Choose all of the correct answers (multiple possibilities).

- A. ... the Contractor is not bound to start implementing the varied works right up until the price for the varied works is fully agreed (or determined)
- B. ... the Contractor may send a Notice to the Engineer, that the subject of the Variation was Unforeseeable (having regard to the scope and nature of the Works), hence, the Contractor is not to start implementing the varied work promptly.
- C. ... the Contractor is required to commence implementing the varied works even if it would pose immediate hazard to the safety of public areas surrounding the Site
- **D. ... the Contractor is required to commence implementing the varied works and take records of all the details (... regarding the details of the varied works executed, expenditures incurred, and impact on progress etc.)**
- **E. ... the Contractor within 28 days after receiving such instruction shall submit to the Engineer a description of the varied work, a programme for its execution and a proposal for adjustment of the Contract Price.**

Answer: D,E

Explanation:

Comprehensive and Detailed Explanation:

Option B is correct: When instructed to implement a Variation promptly, the Contractor must commence work and keep detailed records for subsequent valuation and impact assessment.

Option D is correct: The Contractor is required to submit, within 28 days, a description, programme, and price proposal relating to the Variation as part of contract procedures.

Option A is incorrect: The Contractor generally must proceed promptly regardless of dispute about foreseeability but may reserve rights via notices.

Option C is incorrect: Safety cannot be compromised; the Contractor should not undertake hazardous work without mitigation.

Option E is incorrect: The Contractor is generally bound to start work upon instruction even if the price is not yet agreed.

References:

FIDIC Red and Yellow Books 2017 Editions, Sub-Clause 3.5 - Variation Procedure FIDIC Contract Manager Study Guide, Module on Variations and Change Management

NEW QUESTION # 81

Regarding FIDIC Yellow and Silver Books (edition 1999) the Contractor has submitted its design proposal through the Contractor's Proposal. Which two of the following statements are true in this respect, after it has been submitted?

Choose all of the correct answers (multiple possibilities).

- A. The Contractor is not allowed to make any changes regarding the design to optimise the design, unless approved by the Engineer/Employer.
- B. The Contractor may submit a proposal for Value Engineering.
- C. The Contractor is not allowed to submit a proposal for Value Engineering, as any value engineering should already have taken place before submitting its design proposal.
- D. The Contractor is entitled to change the design by optimising the design, without approval of the Employer/Engineer.

Answer: A,B

Explanation:

Option B is correct: The Contractor must obtain approval from the Engineer/Employer before making design changes.

Option C is correct: The Contractor can submit Value Engineering proposals to improve efficiency or reduce costs.

Option A is incorrect; unilateral changes are not allowed.

Option D is incorrect; Value Engineering can be proposed even after initial submission.

References:

FIDIC Yellow and Silver Books 1999 Edition, Sub-Clauses 4.1 and 4.4

FIDIC Contract Manager Study Guide, Module on Design and Value Engineering

NEW QUESTION # 82

You are the new Contract Manager of the Contractor in a bridge project using FIDIC Yellow Book (edition 2017). The project had been suspended due to a material change in the Employer's financial arrangement. You have worked with your team to identify several failures of the Employer in carrying its obligations under the Contract. Which one of the following does NOT allow the Contractor to issue Notice to terminate the Contract?

- A. The Employer failed to comply with a final and binding determination issued by the Engineer, and such failure constitutes a material breach of the Employer's obligations under the Contract.
- B. The Contractor has requested the Employer but has not received any evidence that the financial arrangement is being maintained, despite having sent a notice thereto 4 months earlier.
- C. The Contractor does not receive the amount due under the latest Payment Certificate for more than 4 months after the due date.
- D. A prolonged suspension for more than 1 year has affected the whole of the Works.

Answer: B

Explanation:

Comprehensive and Detailed Explanation:

Option C does NOT, on its own, provide grounds for termination. The Contractor's request for evidence of financial arrangement, without further contractual breach, is insufficient to terminate.

Options A, B, and D are valid grounds for termination under FIDIC Yellow Book 2017 due to prolonged suspension, non-payment beyond allowed period, or failure to comply with binding determinations.

References:

FIDIC Yellow Book 2017 Edition, Sub-Clauses 15.1 (Suspension) and 15.2 (Termination by Contractor) FIDIC Contract Manager Study Guide, Module on Suspension and Termination

NEW QUESTION # 83

Which one of the following statements is correct regarding the Employer's Representative under the FIDIC Silver Book (edition 1999)?

- A. The Employer may appoint an Employer's Representative to act on his behalf under the Contract.
- B. The Employer may appoint an Employer's Representative to act on his behalf under the Contract but has to consult the Contractor to agree to this Representative.
- C. The Employer must always appoint an Employer's Representative to act on his behalf under the Contract.
- D. The Representatives of both the Employer and the Engineer have no authority to amend the Contract at all.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Under the FIDIC Silver Book (1999 edition), the Employer may appoint an Employer's Representative to act on their behalf, but

this is discretionary and not mandatory (Option B). The Employer's Representative acts within the authority delegated by the Employer but cannot amend the Contract unless expressly authorized.

Option A is partly correct but less complete than B.

Option C is incorrect; the appointment is not compulsory.

Option D is incorrect; the Employer is not contractually obliged to consult the Contractor for appointment approval.

References:

FIDIC Silver Book 1999 Edition, Clause 1.1 and Clause 3 - Employer's Representative FIDIC Contract Manager Study Guide, Module on Contract Administration

NEW QUESTION # 84

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