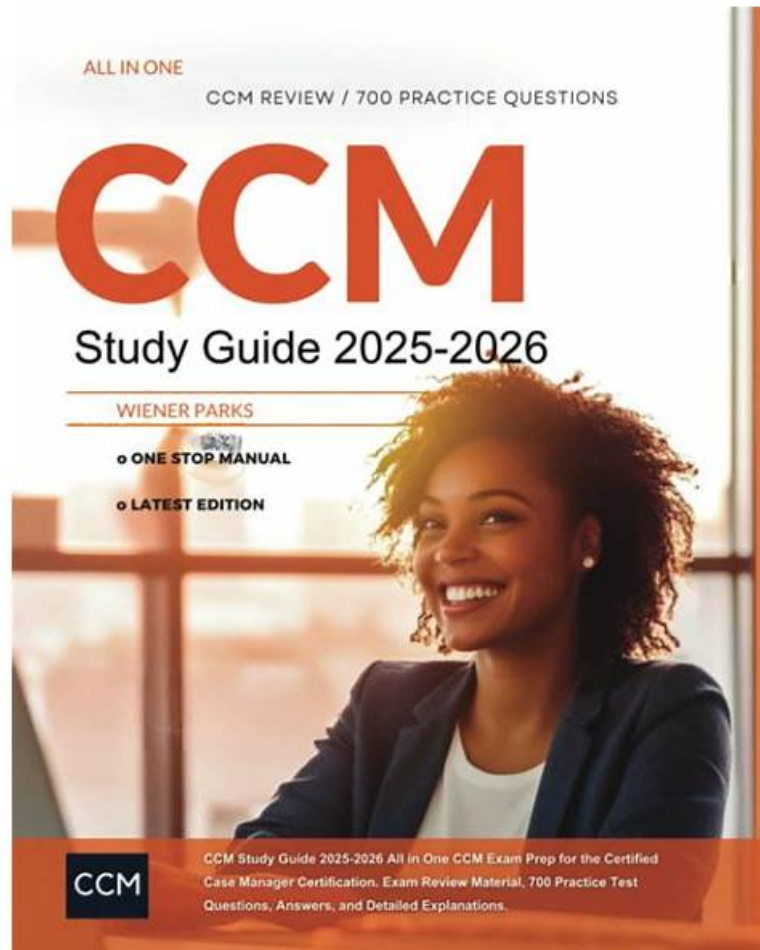


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q38-Q43):

NEW QUESTION # 38

The Contractor is entitled to an advance payment, it has obtained such payment and it has not yet been entirely paid back. Under FIDIC Red Book (edition 1999), in which two situations will the outstanding balance of the advance payment become immediately due?

Choose all of the correct answers (multiple possibilities).

- A. If the advance payment is not completely repaid before Time for Completion.
- B. If advance payment is not completely repaid before the Performance Certificate is issued.
- C. If the advance payment is not completely repaid before the Taking-Over Certificate is issued.
- D. If the advance payment is not completely repaid before termination of the Contract.

Answer: A,D

Explanation:

Under the FIDIC Red Book 1999, advance payment is a sum paid to the Contractor to help cash flow early in the project. It must be repaid through deductions from interim payments according to a specified schedule.

* Sub-Clause 14.5 (Advance Payment) states that the Contractor must repay the advance payment by installments, typically by the Time for Completion. If the advance payment has not been fully repaid by the Time for Completion, the outstanding balance becomes immediately due and payable by the Contractor (Option A). This ensures the Employer recovers the advance by the time the project completes.

* Additionally, upon termination of the Contract (Sub-Clause 15.2 or relevant termination clauses), any outstanding balance of the advance payment becomes immediately due (Option D). This protects the Employer's financial interest if the Contract ends prematurely.

* Option B (before the Performance Certificate is issued) and Option C (before the Taking-Over Certificate is issued) are not explicitly linked in FIDIC Red Book 1999 to triggering immediate repayment of the advance payment. The Taking-Over Certificate marks practical completion and may precede the final repayment schedule, while the Performance Certificate is issued after the Defects Notification Period.

Therefore, the correct situations for immediate repayment of outstanding advance payment balance are before Time for Completion and upon termination of the Contract.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 14.5 - Advance Payment

FIDIC Red Book 1999 Edition, Sub-Clause 15.2 - Termination by Employer (Payment obligations) FIDIC Contract Manager Study Guide, Module on Payment Procedures and Financial Management

NEW QUESTION # 39

A large sewage pump installation has been constructed under the FIDIC Yellow Book (edition 1999). Prior to commencement of the Tests on Completion, the Employer requires the Contractor to issue the Operation and Maintained Manuals. All contract documents are to be drafted in the English language as per Sub-Clause 1.4.

However, the Employer discovers all documents are drafted in a different language: French. The Contractor explains that the territory where the Plant was constructed is a region with French as a second official language, as result of which, this approach is acceptable. This also works for the proposed maintenance company, which is Paris-based. The Employer is surprised and asks you what to do. Select the best fitting advice you should give the Employer.

- A. If French is indeed an official second language of the region where the Plant is built, the Contractor is entitled to deliver the documents in French. The usability in terms of language is not described in Sub-Clause 5.7, so the Employer should accept the Operation and Maintained Manuals in French.
- B. The Employer should check on the Appendix to Tender, Employer's Requirements and / or Particular Conditions. There could very well be specific requirements regarding the language in those. If that is not the case, the language of the Contract determined in Sub-Clause 1.4 and the language of the Operation and Maintained Manuals should in this case be English.

- C. Golden Principle no. 1 states: The duties, rights, obligations, roles and responsibilities of all the Contract Participants must be generally as implied in the General Conditions, and appropriate to the requirements of the project. In this case this means it is appropriate that the Operation and Maintenance Manuals are in French, as the maintenance is based in France.
- D. As the Contract is written in the English language, Sub-Clause 1.4 dictates that the Operation and Maintenance Manuals should be written in English as well.

Answer: B

Explanation:

The best advice is to verify specific contractual documents such as the Appendix to Tender, Employer's Requirements, and Particular Conditions, which may specify the required language for Operation and Maintenance Manuals. If no specific provision is made, the default language is that of the Contract as per Sub-Clause 1.4, which in this case is English.

Therefore, the Contractor is generally obliged to provide manuals in English unless otherwise specified.

Options B, C, and D are less comprehensive or may disregard contractual hierarchy or project-specific details.

References:

FIDIC Yellow Book 1999 Edition, Sub-Clause 1.4 - Language

FIDIC Yellow Book 1999 Edition, Sub-Clause 5.7 - Operation and Maintenance Manuals FIDIC Contract Manager Study Guide, Module on Contract Language and Documentation

NEW QUESTION # 40

Under the FIDIC Red Book (edition 2017), the Engineer has suspended works to come to a change of the design of a part of the Works. After expiry of 84 days of suspension, the Contractor gave notice thereof.

Following this notice, the suspension was not lifted within 28 days. What two statements are correct in such a situation?

- A. The Contractor cannot terminate the Contract.
- B. Under the Contract the Parties cannot agree on further suspension and the Contractor may immediately terminate the Contract if it affects the whole Works.
- C. The Contractor may omit the affected part of Works and deny to carry out such Work going forward, but only after it has given a second notice to the Engineer.
- D. The Contractor may terminate the Contract if it affects the whole Works, but only after it has given a second notice to the Engineer.

Answer: B,D

Explanation:

Under FIDIC Red Book 2017, if the Engineer suspends works for more than 84 days and the Contractor notifies the Engineer, but the suspension is not lifted within 28 days, the Contractor may terminate the contract if the suspension affects the whole of the Works (Option A).

Additionally, the Contractor must give a second notice before termination (Option C). This process ensures proper communication and adherence to contractual procedures.

Option B is incorrect; termination is allowed under specified conditions.

Option D is incorrect; omission of work is not generally permitted without formal termination.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 8.9 - Suspension by Engineer

FIDIC Contract Manager Study Guide, Module on Suspension and Termination

NEW QUESTION # 41

In the FIDIC Silver Book (edition 1999), if the Employer has instructed the Contractor as per Sub-Clause 8.6 to provide a revised programme to stay within Time of Completion, the Employer can claim additional costs.

This only applies if the revised programme is still too slow to complete the Works within the Time for Completion. Is this statement true or false?

- A. False
- B. True

Answer: B

Explanation:

This statement is true. Under FIDIC Silver Book 1999, Sub-Clause 8.6, the Employer can instruct the Contractor to submit a

revised programme to meet the contractual Time for Completion. If, after such instruction, the revised programme still shows the Works will not complete on time, the Employer may claim additional costs (such as delay damages or compensation) due to continued delay.

Thus, the Employer's right to claim additional costs is contingent on the revised programme not enabling timely completion.

References:

FIDIC Silver Book 1999 Edition, Sub-Clause 8.6 - Revised Programme

FIDIC Contract Manager Study Guide, Module on Claims and Delay Damages

NEW QUESTION # 42

Which two statements are true under the FIDIC Red Book (edition 1999)?

(Choose all of the correct answers - multiple possibilities)

- A. The Engineer shall issue the Performance Certificate within 28 days at the latest: by the end of the Defects Notification Periods, and once the Contractor has supplied all the Contractor's Documents and completed and tested all Works including remedying any defects in accordance with the Contract.
- B. The Performance Certificate is deemed to be issued on fulfilment of certain conditions stated in the respective Sub-Clause.
- C. The Performance Certificate constitutes acceptance of the Works and full performance of all obligations of each Party.
- D. The Performance Certificate is deemed to constitute the acceptance of the Works.

Answer: A,B

Explanation:

Under the FIDIC Red Book 1999, the Performance Certificate marks the end of the Contractor's obligations under the contract (Sub-Clause 11.9). The Engineer must issue this certificate once the Defects Notification Period has ended, all Contractor's Documents are submitted, and all works including defect rectification have been completed and tested.

Option C is correct because the Engineer is required to issue the Performance Certificate within 28 days after these conditions are met.

Option D is correct as the certificate is conditional upon fulfilling specific contract requirements (e.g., completion of works, submission of documents).

Option A is incorrect because acceptance of works usually happens earlier (e.g., taking-over certificate); the Performance Certificate represents completion of all contractual obligations, not just acceptance.

Option B is incorrect as the Performance Certificate confirms contractual completion but does not necessarily imply full mutual performance beyond contract terms.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 11.9 - Performance Certificate

FIDIC Contract Manager Study Guide, Module on Project Close-Out and Final Account

NEW QUESTION # 43

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