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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q96-Q101):

NEW QUESTION # 96

The FIDIC Red Book (edition 1999) deals with Value Engineering Clause. It follows from this clause that the Contractor shall give notice to the Engineer with supporting particulars. Upon receiving this notice, the Engineer shall proceed in accordance with Sub-Clause 3.5 to agree or determine this Cost, which shall be included in the Contract Price.

- A. False
- B. True

Answer: B

Explanation:

Under FIDIC Red Book (1999), the Value Engineering Clause requires the Contractor to notify the Engineer with full details and cost implications when proposing Value Engineering changes. The Engineer then follows the Variation procedure in Sub-Clause 3.5 to agree or determine the cost adjustment, which will be reflected in the Contract Price.

This ensures transparent handling of Value Engineering proposals and proper contractual adjustments.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 13.1 - Value Engineering

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

NEW QUESTION # 97

(Golden Principle 2 states that " The Particular Conditions must be drafted clearly and unambiguously. " Which statement best underlines this Golden Principle in relation to the FIDIC Red, Yellow, and Silver Books (both editions)?)

- A. Modifications made to the Conditions of Contract during tender negotiations that were only documented in emails between the Parties can be part of the Contract as long as those emails are subsequently included in the List of Contract documents. In such a case, it is not necessary to incorporate those modifications in, for instance, the Particular Conditions.
- B. When clarifications are given during the tender period, which might impact several general conditions, it is not necessary to amend all these conditions through the Particular Conditions or to consider which exact general conditions require amendment, as such clarifications are deemed to be self-explanatory.
- C. In the Particular Conditions, all changes to the General Conditions must be clearly identified by reference to specific Sub-Clause numbers. Additionally, the Particular Conditions Sub-Clauses must clearly indicate the relationship between the newly introduced text and the corresponding General Conditions Sub-Clauses' original text, e.g., addition, omission, replacement, or amendment.
- D. Clarifications to the meaning of tender documents together with answers to tenderers' inquiries made during the tender period by the Employer can be inconsistent. If Sub-Clause 1.5 does not provide for the right order, this Sub-Clause can be amended explicitly or implicitly, and this can be done through any of the documents mentioned in Sub-Clause 1.5.

Answer: C

Explanation:

FIDIC Golden Principle 2 (GP2) emphasizes that Particular Conditions must be drafted clearly, precisely, and without ambiguity, ensuring that any modification to the General Conditions is transparent and easily understood.

Option D directly reflects this requirement. It highlights that any changes to the General Conditions must be explicitly referenced to the relevant Sub-Clauses and must clearly indicate the nature of the modification (addition, replacement, omission, etc.). This approach ensures traceability, avoids confusion, and preserves the contractual clarity essential for proper administration and dispute avoidance.

Options A, B, and C all contradict the Golden Principles by promoting ambiguity or informal modification practices. Allowing inconsistent clarifications, relying on implicit amendments, or incorporating changes via emails without properly integrating them into the Particular Conditions undermines contractual certainty and increases the risk of disputes.

From a contract management perspective, clear drafting of Particular Conditions is critical to maintaining the integrity of FIDIC contracts, ensuring that all Parties have a shared and precise understanding of their rights and obligations.

Thus, Option D best reflects the intent and application of FIDIC Golden Principle 2.

NEW QUESTION # 98

You are the Contract Manager in a highway project using FIDIC Red Book (edition 1999). You work for the Employer- a highway management agency. During the tender period, you are informed of a specific Commencement Date required by the directors of the agency. Which two of the following approaches to inform the tenderers of this date are clearly and unambiguously drafted? Choose all of the correct answers (multiple possibilities).

- A. Specify Commencement Date in the Contract Agreement.
- B. Specify Commencement Date in the Particular Conditions.
- C. Inform the Commencement Date to the tenderers by email, and attach that email in the list of Contract Documents.
- D. Specify Commencement Date in the Minutes of Meeting of Contract Negotiation.

Answer: A,B

Explanation:

The Commencement Date is a critical contractual milestone that triggers contractual obligations including the start of time for completion. For clarity and enforceability, it must be specified clearly in contract documents forming part of the formal contract. The Contract Agreement (Option B) and the Particular Conditions (Option C) are the standard places to unambiguously specify the Commencement Date.

Minutes of meetings (Option A) or emails (Option D), while useful for informal communication, do not have the legal certainty or binding contractual effect unless expressly incorporated into the contract documents.

Therefore, specifying the Commencement Date solely in meeting minutes or emails is not advised for clarity and risk mitigation.

References:

FIDIC Red Book 1999, Sub-Clause 8.1 - Commencement of Works

FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

NEW QUESTION # 99

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

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

Answer: B

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 # 100

Which of the following situations form legally binding contracts? (2 correct answers apply) Choose all of the correct answers (multiple possibilities)

- A. The Employer received the Contractor's Letter of Tender and issued a conditional Letter of Acceptance.
- **B. The Employer received the Contractor's Letter of Tender and issued Letter of Acceptance.**
- C. The Employer received the Contractor's Letter of Tender and issued a Letter of Intent.
- **D. The Employer and the Contractor signed the Contract Agreement.**

Answer: B,D

Explanation:

A legally binding contract is typically formed when there is an offer, acceptance, and intention to create legal relations. Under FIDIC contracts:

Option B (signing the Contract Agreement) unequivocally forms a binding contract.

Option D (Letter of Acceptance issued after receiving the Contractor's Letter of Tender) generally forms a binding contract unless otherwise specified, as the Letter of Acceptance is the formal acceptance of the tender.

Option A (Letter of Intent) is not necessarily a binding contract; it often serves as an interim arrangement signaling intent but may lack definitive terms to form a contract.

Option C (conditional Letter of Acceptance) may not form a binding contract unless the conditions are fulfilled.

References:

FIDIC Red and Yellow Books 1999 and 2017 Editions - Contract Formation Clauses FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

NEW QUESTION # 101

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