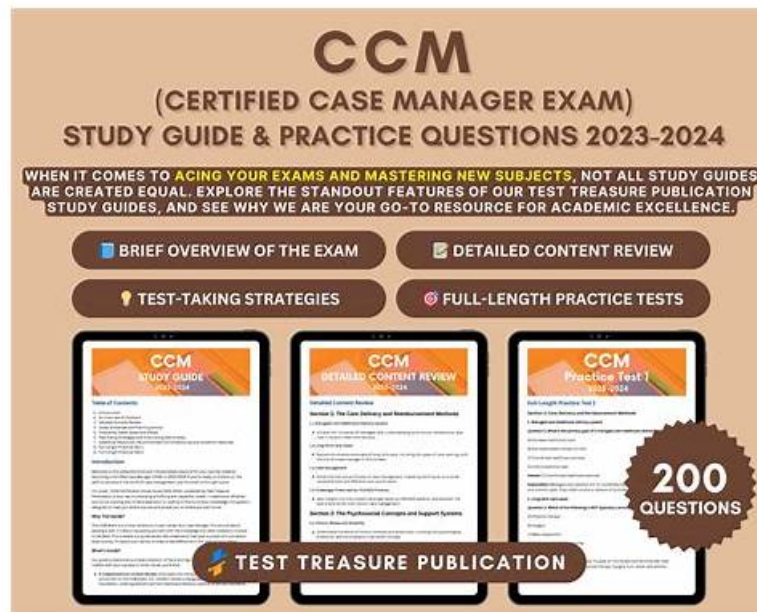


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q68-Q73):

NEW QUESTION # 68

A Contractor under the FIDIC Silver Book (edition 1999) has not been able to finish the Works within the Time for Completion as mentioned in the Contract and has overrun the Time for Completion by 3 months.

This results in a significant claim of \$4,500,000 from the Employer. The Employer has submitted this claim to the Contractor according to the procedures as mentioned in the Contract. The Contractor asks you for advice and refers to Clause 8. Which one of the following statements is NOT true?

- A. If there are Variations agreed between the Contractor and the Employer, the Contractor should check if an adjustment for Time for Completion was part of any of these Variations.
- B. If the delay is entirely caused by the Employer having instructed the Contractor to suspend progress during the Works,

while the cause of the suspension is not the responsibility of the Contractor, the claim for delay damages was wrongfully issued.

- C. The root cause of the delay has to be determined by the Contractor, thereby especially verifying if the cause of the delay lies in a delay caused by the Authorities.
- D. In addition to the delay damages as mentioned in Sub-Clause 2.5, the Employer has the right to claim any extra costs it has to make due to the delay, as delay damages are not seen as compensation for costs incurred by the Employer, but only as an incentive for the Contractor to perform on time.

Answer: D

Explanation:

Comprehensive and Detailed Explanation:

Option C is not true because under the FIDIC Silver Book (1999 edition), the delay damages (liquidated damages) specified in the contract are intended as full compensation for the Employer's loss resulting from late completion. The contract usually excludes other claims for actual losses or extra costs beyond the delay damages.

Option A is true; Variations can include extensions of time.

Option B is true; identifying delay causes is essential for claims and defences.

Option D is true; if the Employer causes suspension not attributable to the Contractor, delay damages claims by the Employer are generally unjustified.

Thus, the Employer cannot claim extra costs over and above delay damages as per typical Silver Book provisions.

References:

FIDIC Silver Book 1999 Edition, Sub-Clause 8 - Time for Completion and Delay Damages FIDIC Silver Book 1999 Edition, Sub-Clause 2.5 - Employer's Claims FIDIC Contract Manager Study Guide, Module on Claims and Delay Damages

NEW QUESTION # 69

In which one of the following circumstances is it recommended to select the Contractor after a two-stage procurement procedure (pre-qualification + tender procedure)?

- A. If there is international financing for the project, it is always necessary to conduct a two-stage procurement procedure.
- B. When the works are simple and of short duration.
- C. When there is a limited number of capable experienced contractors available and ready to take part in the procurement.
- D. In case of large scale works, where there are several companies likely to have an interest in submitting an offer.

Answer: D

Explanation:

Two-stage procurement, involving pre-qualification followed by tender, is typically recommended for large-scale projects where many potential contractors might be interested. This process helps to shortlist qualified contractors, thus streamlining the tender evaluation and increasing the quality and competitiveness of submitted offers.

Option C correctly reflects this approach for complex or large projects where competition needs to be managed.

Option A is incorrect since simple, short-duration projects usually do not require complex procurement.

Option B is incorrect because if only a few capable contractors exist, pre-qualification may be less necessary.

Option D is incorrect as international financing does not always mandate two-stage procurement, although it often influences procurement methods.

References:

FIDIC Contract Manager Study Guide, Module on Contract Formation and Procurement Strategies World Bank Procurement Guidelines and Common Industry Practice

NEW QUESTION # 70

The amount of an advance payment guarantee provided for pursuant to FIDIC Red and Yellow Books (both editions) may be reduced as of

- A. The Commencement Date
- B. The date on which the entire advance payment is repaid as stated in the Payment Certificate
- C. The date on which an amount is repaid by the Contractor as stated in the Payment Certificates
- D. The date of the Taking Over Certificate

Answer: C

Explanation:

According to FIDIC Red and Yellow Books (both 1999 and 2017 editions), the advance payment guarantee amount may be progressively reduced as the Contractor repays the advance payment through deductions from interim payment certificates. This means the guarantee is reduced as per amounts repaid, not only upon full repayment.

Option D is correct: The guarantee reduces as partial repayments are certified in Payment Certificates.

Option C is incorrect because the reduction happens gradually, not only after full repayment.

Options A and B do not directly relate to the reduction mechanism of the advance payment guarantee.

References:

FIDIC Red and Yellow Books 1999 & 2017 Editions, Sub-Clause 14.2 - Advance Payment Guarantee FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 71

You are the Contract Manager of the Engineer in a condominium project under FIDIC Yellow Book (edition 2017), with Time for Completion of 5 months.

The Contractor received a Letter of Acceptance on 1 May 2022. The Contract Agreement was signed on 1 June 2022. The Contract Agreement states that the Commencement Date shall be notified by the Engineer, but it shall be no later than 14 days after the signing of the Contract Agreement, subject to the issuance of the construction permit.

1 July 2022 is the first day the Engineer was at Site. On the same day, the Engineer issued a Notice to the Contractor that the Commencement Date shall be 15 July 2022. However, the construction permit was issued only on 1 August 2022.

The Project was completed on 1 December 2022. After completion, the Employer submitted a claim for Delay Damages. Following consultations, the Parties could not reach agreement on the Commencement Date.

What is the correct Commencement Date?

- A. 15 June 2022
- **B. 1 August 2022**
- C. 12 June 2022
- D. 15 July 2022

Answer: B

Explanation:

According to the FIDIC Yellow Book 2017, the Commencement Date is the date notified by the Engineer as the date on which the Contractor shall start the execution of the Works (Sub-Clause 8.1). In this case, although the Engineer notified 15 July 2022 as the Commencement Date, it was subject to the issuance of the construction permit. Since the construction permit was only obtained on 1 August 2022, work could not legally commence before that date.

FIDIC recognizes that the Contractor cannot be expected to start before all necessary permissions are granted.

Hence, the effective Commencement Date must be the earliest date on which the Contractor can legally commence work, i.e., the date when the permit was issued (1 August 2022). The contract's requirement that the Commencement Date notification occur no later than 14 days after signing is subject to actual readiness conditions (permit availability).

Therefore, for purposes of delay and completion, the Commencement Date is 1 August 2022. This affects the calculation of the Time for Completion and any delay claims accordingly.

References:

FIDIC Yellow Book 2017 Edition, Sub-Clause 8.1 - Commencement of Works

FIDIC Yellow Book 2017 Edition, Sub-Clause 2.1 - Right of Access to Site and Permits FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

NEW QUESTION # 72

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

(1 correct response applies)

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

Answer: B

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 # 73

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