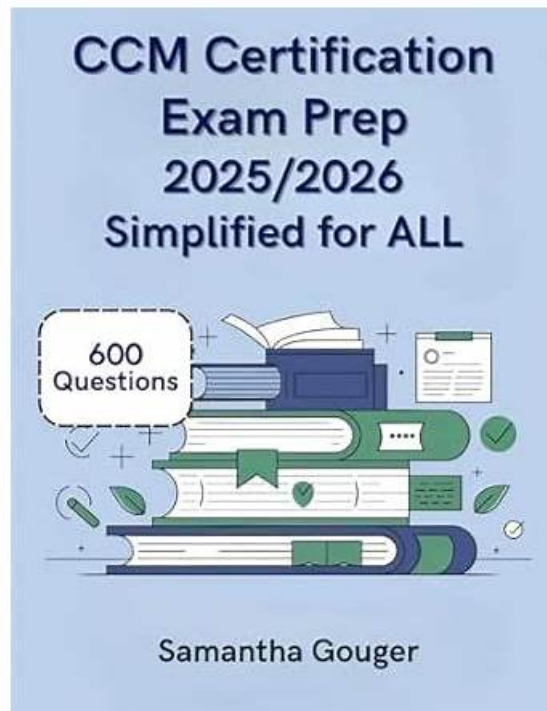


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q20-Q25):

NEW QUESTION # 20

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

Answer: D

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 # 21

Applying FIDIC Silver Book (edition 1999), which one of the following elements shall not form part of the time Programme/ revised programme?

- A. The intended order of the works.
- **B. The remedial work (if any) instructed under Sub-Clause 7.6.**
- C. Review periods under Sub-Clause 5.2.
- D. The sequence and timing of inspections and tests.

Answer: B

Explanation:

According to the FIDIC Silver Book, 1999 Edition (The Conditions of Contract for EPC/Turnkey Projects), the Contractor is required under Sub-Clause 8.3 ("Programme") to submit a time programme that illustrates the sequence and timing of the works,

including milestones and key events. The intended order of the works (Option A), sequence and timing of inspections and tests (Option B), and review periods (Option D) related to contract management processes such as approval of design or submissions (Sub-Clause 5.2) are integral to effective scheduling and coordination.

However, remedial work instructed under Sub-Clause 7.6, which concerns remedying defects or damage, is generally not part of the initial or revised programme. Instead, remedial works are typically handled as separate tasks or incorporated into specific defect liability or rectification schedules after the main programme has been executed. Such remedial works arise from defects liability obligations and do not belong to the original or revised time programme used to plan the main construction phases.

This distinction is important because the programme reflects planned works execution, whereas remedial work is reactive and may be scheduled separately under defects liability clauses or final project close-out arrangements.

References:

FIDIC Silver Book 1999 Edition, Clause 8.3 - Programme

FIDIC Silver Book 1999 Edition, Clause 7.6 - Remedial Work

FIDIC Contract Manager Study Guide, Module on Time and Delay Management

NEW QUESTION # 22

The FIDIC Books are evolutions of earlier contract models, and although the different versions of a specific model are not the same, familiarity in definitions and structure makes it easier to work with different FIDIC books as well as with their different editions.

Is this statement true or false?

- A. True
- B. False

Answer: A

Explanation:

This statement is true. The FIDIC suite of contracts, including Red, Yellow, and Silver Books, have evolved from earlier editions and contract models, but they retain a common structure, terminology, and approach to risk allocation. This familiarity allows professionals who know one FIDIC contract to adapt more easily to other FIDIC contracts or updated editions. For example, common terms like Engineer, Employer, Contractor, Variation, and Claims exist across editions with consistent meaning. The modular and familiar structure supports easier contract administration, negotiation, and interpretation.

However, differences in clauses, obligations, and procedures between editions (e.g., 1999 vs. 2017) require careful review. Nevertheless, the shared foundations mean prior experience provides valuable understanding, streamlining learning and application.

References:

FIDIC Contracts Guide, General Introduction and History

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

NEW QUESTION # 23

Choose which one statement consists of an example of an unclear and ambiguously drafted Particular Conditions.

- A. Provisions of the General Conditions are deleted and replaced in the Particular Conditions solely by the words "not used".
- B. Clarifications to the meaning of tender documents together with answers to tenderers' inquiries made during the tender period by the Employer should be e-mailed in a Excel table in both PDF and XLS file format.
- C. The clarifications to the Contract given during the tender period are never to be attached to the Contract, as such clarifications are reflected by amending the Particular Conditions.
- D. All deletions of a General Conditions are replaced with new Particular Conditions that cover the same scope.

Answer: A

Explanation:

The use of vague phrases such as "not used" in Particular Conditions to delete provisions of the General Conditions without replacement or explanation leads to ambiguity and unclear contractual obligations. Such drafting can cause confusion as it fails to clarify whether the deleted provisions are simply not applicable or replaced by other terms. This practice is discouraged because it creates legal uncertainty and possible disputes regarding the rights and responsibilities of the parties.

Option A exemplifies this problem, as it deletes General Conditions clauses without specifying alternatives or clarifications.

Option B is a good practice where deletions are replaced by well-defined clauses to maintain contract balance.

Option C describes a clear method of issuing clarifications, promoting transparency and traceability.

Option D is consistent with standard practice, where clarifications during tender are formalized by contract amendments.

References:

FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures and Particular Conditions drafting FIDIC

NEW QUESTION # 24

Before applying the procurement process of any FIDIC Book, the Employer should always check if there are local procurement rules that also apply. Which one of these responses is correct?

- A. Yes, but this is only applicable for public entities like governments. If the Employer is a private organisation (like a company), they are free to procure how they want.
- **B. Yes, based on the law system, internal governance or type of Employer additional procurement rules can apply.**
- C. No, because Employers never have specific procurement rules.
- D. No, because the FIDIC procurement process is universal.

Answer: B

Explanation:

Local procurement laws, regulations, and internal governance rules often apply in addition to or alongside FIDIC contract provisions. Employers, whether public or private, must comply with applicable national or sector-specific rules, which may affect procurement procedures, documentation, and contract award processes.

Option C is correct because procurement requirements depend on local legal systems, the nature of the Employer, and applicable governance.

Option A is incorrect as FIDIC contracts provide contractual frameworks but do not override local legal obligations.

Option B is incorrect because many Employers have procurement policies.

Option D is incorrect since private entities may also be subject to procurement laws or internal policies.

References:

FIDIC Contract Manager Study Guide, Module on Contract Formation and Procurement Strategies World Bank Procurement Guidelines and National Procurement Laws

NEW QUESTION # 25

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