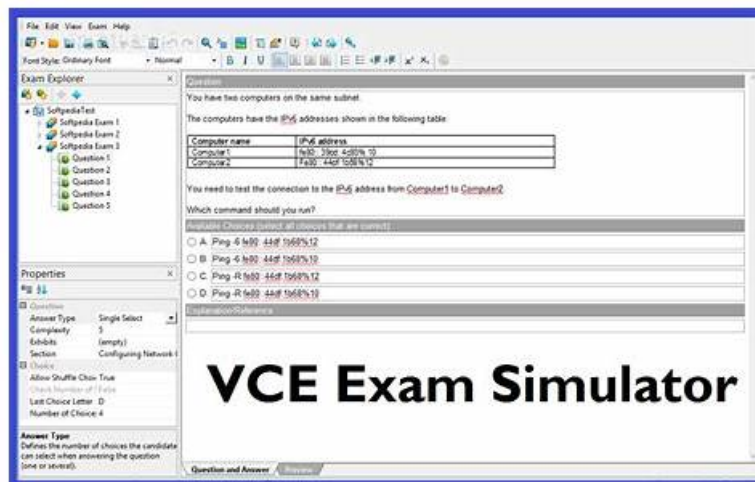


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## Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q45-Q50):

### NEW QUESTION # 45

(In the FIDIC Yellow Book (edition 1999), the Contractor has to provide the Engineer with documents as stated in Sub-Clause 5.2. Who is responsible for ensuring there is sufficient time allocated for reviewing these documents in relation to the Schedule of the Works?)

- A. Contractor
- B. Employer
- C. Engineer

**Answer: A**

**Explanation:**

Under FIDIC Yellow Book 1999, Sub-Clause 5.2 [Contractor's Documents] requires the Contractor to submit design documents

to the Engineer for review. Importantly, the responsibility for planning and coordinating these submissions lies with the Contractor. The Contractor must ensure that the programme (Clause 8.3) allows sufficient time for the Engineer's review process, including any resubmissions that may be required if documents are not approved initially. This reflects the design responsibility placed on the Contractor in the Yellow Book, where the Contractor controls both design and execution.

The Engineer's role is to review and respond within the time stated in the Contract, but the Engineer is not responsible for integrating this review time into the overall project schedule. Similarly, the Employer has no direct role in managing this timing.

From a contract management perspective, failure by the Contractor to allow adequate review time may lead to delays for which the Contractor bears responsibility, as such delays would not typically qualify for Extension of Time unless caused by the Engineer exceeding prescribed review periods.

Thus, proper programming and coordination of document submissions is a key Contractor obligation, making Option A correct.

#### NEW QUESTION # 46

Is the Employer obliged under FIDIC Silver Book (edition 1999) to describe which Documents are to be submitted to the Employer? (1 correct response applies)

- A. Yes, because otherwise the Contractor doesn't have to submit any Document until Completion of the Works as stated in Sub-Clause 1.8.
- B. No, according to Sub-Clause 5.7 provisional operation and maintenance manuals are always required.
- **C. Yes, the Employer should define which documents it wants to receive from the Contractor as Contractor's Documents in the Employer's Requirements, as stated in Sub-Clause 5.2.**
- D. No, because the Contractor has a duty to supply the Employer with every Document, given Sub-Clause 7.4.

**Answer: C**

Explanation:

Under the FIDIC Silver Book 1999 (Conditions of Contract for EPC/Turnkey Projects), the Employer must specify clearly in the Employer's Requirements which Contractor's Documents are to be submitted. Sub-Clause 5.2 states that the Contractor must submit all documents listed in the Employer's Requirements, ensuring clarity and enabling the Employer to control the documentation process.

Option D is correct because it highlights the need for Employer's Requirements to define the scope and content of the Contractor's Documents.

Option A is incorrect; although operation and maintenance manuals are generally required, they are part of the specified Contractor's Documents, not automatically required without Employer's direction.

Option B is incorrect as the Contractor's duty to supply documents is limited to those specified.

Option C is incorrect because documentation obligations are ongoing and not just at completion.

References:

FIDIC Silver Book 1999 Edition, Sub-Clause 5.2 - Contractor's Documents FIDIC Silver Book 1999 Edition, Sub-Clause 1.8 - Time for Completion FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures

#### NEW QUESTION # 47

(Sub-Clause 12.3(a) of FIDIC Red Book (edition 1999) specifies four criteria which are applicable without reference to Clause 13. A new rate shall only be appropriate if all four criteria are satisfied. Is this statement true or false?)

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

**Answer: A**

Explanation:

Under FIDIC Red Book 1999, Sub-Clause 12.3 [Evaluation] governs how the Engineer determines the value of work done. Sub-Clause 12.3(a) sets out conditions under which existing rates and prices in the Contract should be used for valuation, even if the quantity of work changes. It includes criteria such as similarity of work, similar conditions, and that the rate is appropriate.

However, the statement in the question is incorrect because it implies that all four criteria must be satisfied simultaneously before a new rate can be applied. In reality, FIDIC does not require all criteria to be strictly fulfilled in a cumulative manner. Instead, the Engineer exercises professional judgment to determine whether existing rates are appropriate. If they are not appropriate—due to significant changes in quantity, conditions, or nature of work—then new rates or prices may be determined.

Furthermore, Sub-Clause 12.3 provides flexibility and refers to Clause 13 [Variations and Adjustments] where necessary. The valuation process is not rigidly conditional upon all criteria being met but rather guided by fairness and reasonableness.

Therefore, the statement is false because it misinterprets the application of the criteria as absolute and cumulative, whereas FIDIC allows discretion and does not impose such a strict requirement.

#### NEW QUESTION # 48

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. True
- B. False

**Answer: A**

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 # 49

Which one of the following statements regarding drafting contracts based on FIDIC Books is correct?

- A. Amending clauses, supposedly in the interest of the Employer, immediately nullifies all the advantages of standardization, and almost invariably introduces conflicting or ambiguous requirements on the parties, and often causes mistrust between them
- B. People who draft contracts should, when preparing a new contract, always start with the question: where do I want to lay the most risks between Employer and Contractor, and does the Employer have the budget to reward Contractors with a high risk appetite?
- C. The Form of Contract is chosen by the Contractor and imposed by him on the Employer, who tenders on that basis.
- D. The FIDIC Books provide people who draft contracts with great examples on how to draft a good contract model. Furthermore, arrangements from Red, Yellow and Silver Books can be easily mixed to get a good fit for a specific project.

**Answer: B**

Explanation:

Option D is correct because contract drafting should strategically allocate risks between parties based on who can best manage them and the Employer's budget for risk and reward. Understanding risk appetite is key to tailoring FIDIC contracts appropriately.

Option A is exaggerated; while amendments can introduce issues, careful drafting can preserve benefits of standardization.

Option B is partly true but mixing arrangements is complex and not always straightforward.

Option C is incorrect; the Employer usually chooses the contract form.

References:

FIDIC Contract Management Guidelines - Golden Principles

FIDIC Contract Manager Study Guide, Module on Contract Drafting and Risk Allocation

#### NEW QUESTION # 50

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