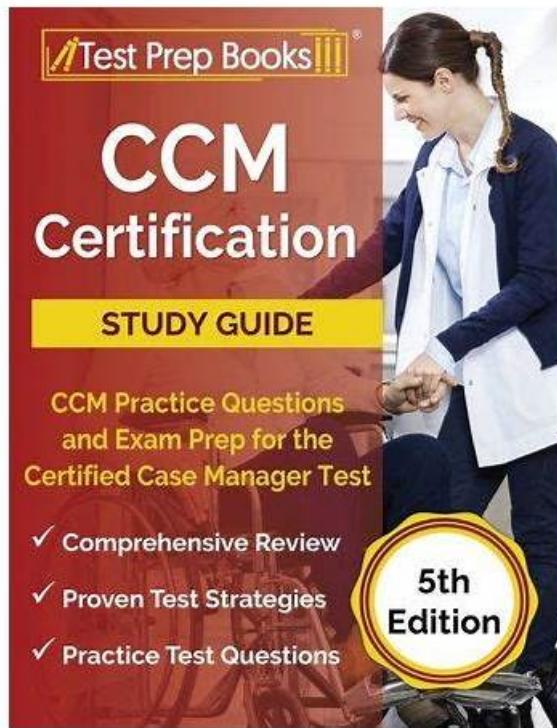


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q11-Q16):

NEW QUESTION # 11

You are the Contract Manager for the Engineer in a hotel project using FIDIC Red Book (edition 1999). The Employer demands perfection in the project's design and construction quality. There are many Variations initiated by the Employer during construction.

Which one of the following is NOT considered as a Variation?

- A. The Engineer requests a proposal regarding a change in type of windows and doors of the business centre.
- B. The Engineer instructs a change in slopes of stairs to the parking lot with an Instruction in accordance with Sub-Clause 3.3.
- C. The Employer verbally instructs a change in the layout of the rooftop restaurant. The Engineer issued an Instruction describing the required change with revised design drawings.
- D. The Contractor submits a Value Engineering proposal, in which it proposed to change the colour of the outdoor paint. The Engineer approved the proposal.

Answer: D

Explanation:

Comprehensive and Detailed Explanation:

Option A is NOT a Variation because it originates from a Value Engineering proposal by the Contractor, not from Employer or Engineer instruction or request.

Options B, C, and D are all variations initiated by the Employer or Engineer.

References:

FIDIC Red Book 1999 Edition, Clause 3 - Variations

FIDIC Contract Manager Study Guide, Module on Variations

NEW QUESTION # 12

During the execution of certain Works under a FIDIC Yellow Book (edition 1999), a Contract in a historical area along the silk route, one of the workers on the excavator shouts out to the supervisor of the Contractor it has discovered something on the Site. The supervisor inspects the finding and concludes this is possibly an ancient treasure in a wooden box. The supervisor sees some golden coins through the cracked lid of the box.

The supervisor immediately stops the execution of the Works, sends the workers away and blocks access to the Site for all persons. Given the sensitive nature of the findings, the supervisor informs you as Engineer.

How do you react?

- A. You compliment the supervisor for their swift and decisive action. However, the Works should advance as soon as possible. You ask the supervisor to excavate the box further, and place it in the back of your truck. You promise the supervisor you will drive the box yourself to the University in the city nearby, because it is very important to preserve found treasures like this. The Contractor is not entitled to an extension of time, as no delay has been incurred.
- B. You inform the supervisor that given the sensitive nature of the findings, you need a formal and written notice as mentioned in Sub-Clause 4.24 second paragraph, otherwise you cannot give further instructions. You ask them to send it to you as soon as possible, because otherwise you are not able to entitle the Contractor to any extension of time and payment of costs.
- C. You immediately take action and give the instruction to the supervisor to make sure to cover this finding and till the excavation with material. You then redesign and make a determination (Sub-Clause 3.5) on a change of the Works - if needed - to make sure the execution can restart within days because of the need to finish this project.
- D. You thank the supervisor for their action. You make sure the Site is secured and ask the Contractor to make an improvised barrier around the Site. You ask the Contractor to appoint its most trustworthy guards to set a perimeter. You inform the Employer and local authorities and you ask the Contractor to send you a notice in writing whereby it requests for a Variation (as this is needed for you to instruct the Contractor), thereby already including a fixed proposal for the costs of the guards and barrier, all in accordance with Sub-Clause 4.24.

Answer: D

Explanation:

Comprehensive and Detailed Explanation:

Under FIDIC Yellow Book 1999, Sub-Clause 4.24 ("Unforeseeable Physical Conditions") deals with unexpected discoveries such as archaeological finds. The Engineer's role includes ensuring site safety, notifying the Employer and relevant authorities, and managing the implications through variations.

Option B reflects best practice: securing the site, appointing guards, notifying Employer and authorities, and requesting a formal Variation Notice to cover costs and entitlement to extension of time.

Options A and D are unsafe or legally risky actions that could damage the find and breach legal obligations.

Option C delays the necessary immediate protective actions.

References:

FIDIC Yellow Book 1999 Edition, Sub-Clause 4.24 - Unforeseeable Physical Conditions FIDIC Contract Manager Study Guide, Module on Claims and Variation Management

NEW QUESTION # 13

Which one of the following claim events does NOT allow profit?

- A. Under the Plant and Design-Build Contract, errors in the Employer's requirements.
- B. Under the Construction Contract, the failure of the Employer to give right of access to the site.
- C. Under the Construction Contract, the Engineer's delay in supplying drawings or issuing instructions.
- D. Under the Construction Contract, interference by the Employer with Tests on Completion.
- E. Under the Construction Contract, the relevant authority had unnecessarily delayed the approval.

Answer: E

Explanation:

Comprehensive and Detailed Explanation:

Under FIDIC contracts:

Profit is usually allowed on claims arising from Employer-caused delays, instructions, or breaches that directly affect the Contractor's performance or costs (Options A, B, C, and E).

Option D relates to delays caused by third parties (authorities). Typically, delays caused by relevant authorities (e.g., permit or approval delays) are treated differently, and profit is not generally recoverable on these claims as they are considered neutral or force majeure-type delays. The Contractor may receive an extension of time and reimbursement of direct costs but not profit. Thus, Option D is the claim event where profit is not allowed.

References:

FIDIC Red, Yellow, and Silver Books 1999 and 2017 Editions, Clauses on Claims and Compensation FIDIC Contract Manager Study Guide, Module on Claims and Profit on Claims

NEW QUESTION # 14

Which of the following form a Contractor's entitlement, in case the Contractor does not receive an interim payment within the allocated contractual deadline for payment? (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. The Contractor is entitled to suspend the works or reduce the rate of progress of the work, after giving a due Notice (21 days) about this intention.
- B. Beyond receiving the financing charges, the Contractor has no further entitlements in such a case.
- C. If the payment is not made within the time period required, after the expiry of such period, from the next day onwards, the Contractor is entitled to suspend all his/her activities on Site.
- D. Right after the expiry of the payment deadline, the Contractor may terminate the contract.
- E. In case the Employer paid the Contractor late, the Contractor becomes entitled to receive financing charges applying the % included in the Contract Data (if this is not stated, then applying the percentage as included under the corresponding Sub-Clause).

Answer: A,E

Explanation:

Option C is correct: The Contractor is entitled to financing charges (interest) on late payments, calculated as per the percentage specified in the Contract Data or corresponding Sub-Clause.

Option D is correct: The Contractor can suspend works or reduce progress after giving due notice, usually 21 days, if payments are not made on time.

Option A is incorrect; termination is not automatic right after the payment deadline expires.

Option B is incorrect; suspension requires prior notice rather than immediate action.

Option E is incorrect because the Contractor has additional remedies such as suspension, beyond just financing charges.

References:

FIDIC Red, Yellow, Silver Books 1999 & 2017 Editions, Sub-Clause 14.8 - Payment of Retention Money and Financing Charges FIDIC Contract Manager Study Guide, Module on Payment Procedures and Remedies

NEW QUESTION # 15

Under the FIDIC Red Book (edition 1999), if the Contractor as per Sub-Clause 14.2 has to ensure the Employer receives an Advance Payment Guarantee as per the standard model, what type of instrument should this be?

- A. A bank guarantee

- B. A parent company guarantee
- C. A declaration of joint and several liability
- D. A surety bond

Answer: A

Explanation:

According to FIDIC Red Book 1999, Sub-Clause 14.2, the Advance Payment Guarantee must be a bank guarantee issued by a reputable bank acceptable to the Employer. This bank guarantee serves as security to ensure that the advance payment made by the Employer will be repaid if the Contractor fails to fulfill contractual obligations. The bank guarantee is a commonly used, reliable instrument providing direct financial assurance to the Employer.

Other instruments like surety bonds or parent company guarantees may be acceptable only if explicitly agreed, but the standard requirement is a bank guarantee.

Declaration of joint and several liability is not a typical form of guarantee for advance payments.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 14.2 - Advance Payment Guarantee FIDIC Contract Manager Study Guide, Module on Payment Procedures and Guarantees

NEW QUESTION # 16

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