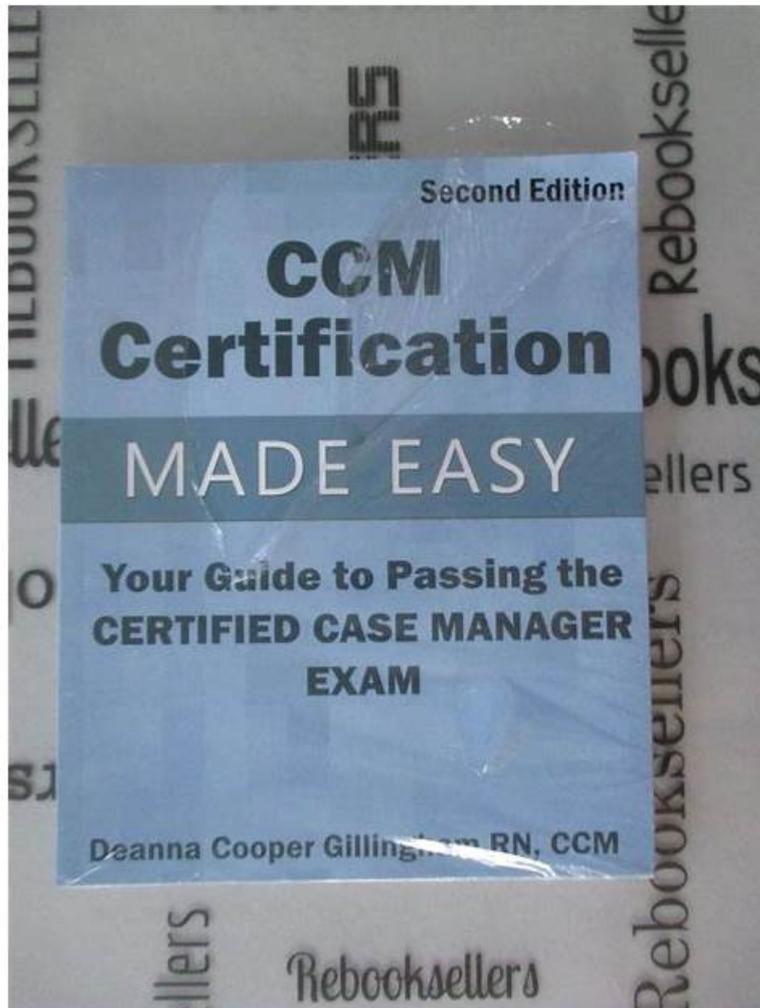


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q44-Q49):

NEW QUESTION # 44

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. 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.
- B. 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.
- C. 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.
- D. 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.

Answer: A

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 # 45

You are the new Contract Manager of the Contractor in a bridge project using FIDIC Yellow Book (edition 2017). The project had been suspended due to a material change in the Employer's financial arrangement. You have worked with your team to identify several failures of the Employer in carrying its obligations under the Contract. Which one of the following does NOT allow the Contractor to issue Notice to terminate the Contract?

- A. The Contractor has requested the Employer but has not received any evidence that the financial arrangement is being maintained, despite having sent a notice thereto 4 months earlier.
- B. The Contractor does not receive the amount due under the latest Payment Certificate for more than 4 months after the due date.
- C. A prolonged suspension for more than 1 year has affected the whole of the Works.
- D. The Employer failed to comply with a final and binding determination issued by the Engineer, and such failure constitutes a material breach of the Employer's obligations under the Contract.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Option C does NOT, on its own, provide grounds for termination. The Contractor's request for evidence of financial arrangement,

without further contractual breach, is insufficient to terminate.

Options A, B, and D are valid grounds for termination under FIDIC Yellow Book 2017 due to prolonged suspension, non-payment beyond allowed period, or failure to comply with binding determinations.

References:

FIDIC Yellow Book 2017 Edition, Sub-Clauses 15.1 (Suspension) and 15.2 (Termination by Contractor) FIDIC Contract Manager Study Guide, Module on Suspension and Termination

NEW QUESTION # 46

Regarding the FIDIC Red Book (edition 1999): which two statements are true in respect of Building Information Modelling (BIM)? Choose all of the correct answers (multiple possibilities).

- A. General Conditions of Contract require the use of BIM.
- B. BIM is one of the digital data technologies used in all aspects of project planning, investigation, design, construction and operation.
- C. BIM is not related to the improvement of quality, accuracy, delivery times and cost savings.
- D. For construction or building projects involving BIM, many Sub-Clauses of FIDIC Red Book (edition 2017) should be thoroughly reviewed when drafting the Particular Conditions.

Answer: B,D

Explanation:

Option B is correct: BIM is indeed a digital data technology applicable throughout the project lifecycle.

Option D is correct: Use of BIM requires careful consideration of contract clauses and appropriate adjustments in Particular Conditions.

Option A is incorrect; the 1999 edition does not mandate BIM use.

Option C is false; BIM improves quality, accuracy, delivery times, and cost efficiency.

References:

FIDIC Red Book 1999 & 2017 Editions - BIM and Contract Amendments

FIDIC Contract Manager Study Guide, Module on BIM and Digital Technologies

NEW QUESTION # 47

Which one of the following documents constitutes a contract and is considered binding on both parties, when the Employer wants to award the Contract to the tenderer?

- A. Memorandum of understanding
- B. Letter of Intent & Memorandum of understanding
- C. Letter of Acceptance
- D. Letter of Intent

Answer: C

NEW QUESTION # 48

Under the FIDIC Silver Contract (edition 2017), which two of the answers provide for preconditions for certification and payment of the Interim Payment Certificate?

Choose all of the correct answers (multiple possibilities).

- A. Receipt of a statement and supporting documents.
- B. The appointment of the Contractor and receipt of the Advance Payment Guarantee, by the Employer, in the form, and issued by an entity, in accordance with Sub-Clause 14.2.1.
- C. The appointment of the Contractor's Representative and receipt of the Performance Security, by the Employer, in the form, and issued by an entity, in accordance with Sub-Clause 4.2.1.
- D. Receipt of a statement via a letter showing the amounts to which the Contractor considers itself to be entitled.

Answer: A,B

Explanation:

Comprehensive and Detailed Explanation:

Option A is correct: Certification and payment of interim payments are conditional on Employer's receipt of the Contractor's

appointment and the Advance Payment Guarantee (Sub-Clause 14.2.1).

Option D is correct: Payment also requires receipt of the Contractor's statement supported by relevant documentation.

Option B alone is insufficient without supporting documents.

Option C relates to appointment and performance security but is not a stated precondition for payment certification.

References:

FIDIC Silver Book 2017 Edition, Sub-Clause 14.6 - Interim Payment Certificates FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 49

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