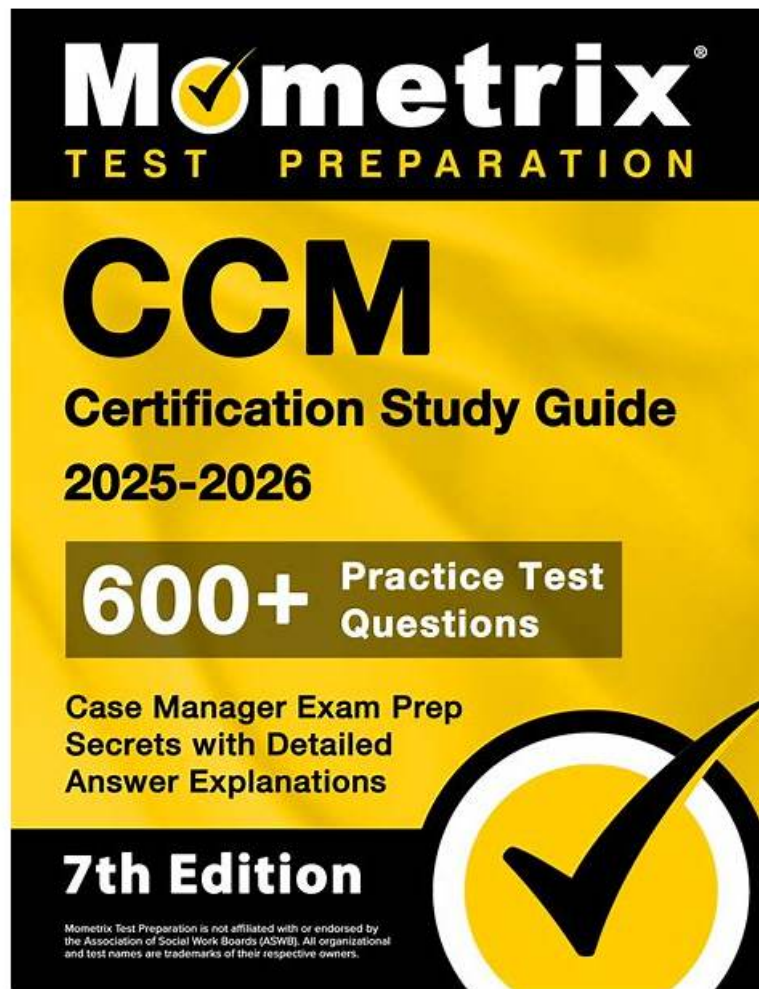


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q82-Q87):

NEW QUESTION # 82

Which of the following documents form part of a FIDIC Construction Contract ["Red Book" (1999)], hence, to be drafted and included among the Tender Documents? (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. Bill of Quantities
- B. Specifications
- C. Schedule of Guarantees
- D. Schedule of Baselines
- E. Employer's Requirements

Answer: A,B

Explanation:

Under the FIDIC Red Book (1999), the Tender Documents typically include:

The Bill of Quantities (Option B), which provides detailed quantities for priced items and forms a basis for tender pricing.

The Specifications (Option E), which define the technical requirements for the Works.

The Schedule of Guarantees (Option A) is usually provided later, during contract formation, not as part of tender documents.

Employer's Requirements (Option C) are more commonly referenced in design-build contracts such as the Yellow Book, not the Red Book which is traditionally a design-bid-build contract.

Schedule of Baselines (Option D) is not a standard tender document in FIDIC Red Book contracts.

References:

FIDIC Red Book 1999 Edition - Tender Documents Section

FIDIC Contract Manager Study Guide, Module on Tendering Documents

NEW QUESTION # 83

You are the Contract Manager in a highway project using FIDIC Red Book (edition 1999). You work for the Employer- a highway management agency. During the tender period, you are informed of a specific Commencement Date required by the directors of the agency. Which two of the following approaches to inform the tenderers of this date are clearly and unambiguously drafted? Choose all of the correct answers (multiple possibilities).

- A. Specify Commencement Date in the Minutes of Meeting of Contract Negotiation.
- B. Inform the Commencement Date to the tenderers by email, and attach that email in the list of Contract Documents.
- C. Specify Commencement Date in the Contract Agreement.
- D. Specify Commencement Date in the Particular Conditions.

Answer: C,D

Explanation:

The Commencement Date is a critical contractual milestone that triggers contractual obligations including the start of time for completion. For clarity and enforceability, it must be specified clearly in contract documents forming part of the formal contract. The Contract Agreement (Option B) and the Particular Conditions (Option C) are the standard places to unambiguously specify the Commencement Date.

Minutes of meetings (Option A) or emails (Option D), while useful for informal communication, do not have the legal certainty or binding contractual effect unless expressly incorporated into the contract documents.

Therefore, specifying the Commencement Date solely in meeting minutes or emails is not advised for clarity and risk mitigation.

References:

FIDIC Red Book 1999, Sub-Clause 8.1 - Commencement of Works

FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

NEW QUESTION # 84

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 date on which the entire advance payment is repaid as stated in the Payment Certificate
- B. The date on which an amount is repaid by the Contractor as stated in the Payment Certificates

- C. The Commencement Date
- D. The date of the Taking Over Certificate

Answer: B

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 # 85

Under the FIDIC Construction Contract, which one of the following statements is correct?

- A. Payments of a DAB Member's retainer fee is the sole responsibility of the Contractor.
- B. For an ad-hoc DAB, a retainer fee for each DAB Member must be paid to the Member on the first day of each calendar month.
- C. Payment to DAB Members must be certified by the Employer.
- D. If all persons nominated to serve as members of an ad hoc DAB do not sign a DAB Agreement, an appointing entity can make appointments.
- E. A DAB must give its decision in writing on any dispute when requested by one of the Parties.

Answer: E

Explanation:

Under the FIDIC Conditions of Contract (particularly 2017 editions), the Dispute Adjudication Board (DAB) is a standing or ad hoc body that provides binding decisions on disputes. One key requirement is that the DAB must give its decisions in writing upon request by either Party, ensuring clarity and enforceability.

Option E is correct as the DAB's decision must be documented formally.

Option A is incorrect; the cost of the DAB is generally shared by Employer and Contractor as per the contract.

Option B is incorrect because retainer fees can be paid on different schedules, not necessarily monthly on the first day.

Option C is incorrect; payments to DAB members do not require Employer's certification but are agreed as part of the DAB contract.

Option D is partially true but not a standalone correct statement without additional context.

References:

FIDIC Red, Yellow, Silver Books 2017 Edition, Clause 21 - Disputes and DAB Procedures FIDIC Contract Manager Study Guide, Module on Claims and Dispute Resolution

NEW QUESTION # 86

During the execution of certain Works under a FIDIC Yellow Book (edition 1999), a Contractor 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 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.
- B. 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.

- C. 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.
- D. 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.

Answer: A

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 # 87

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