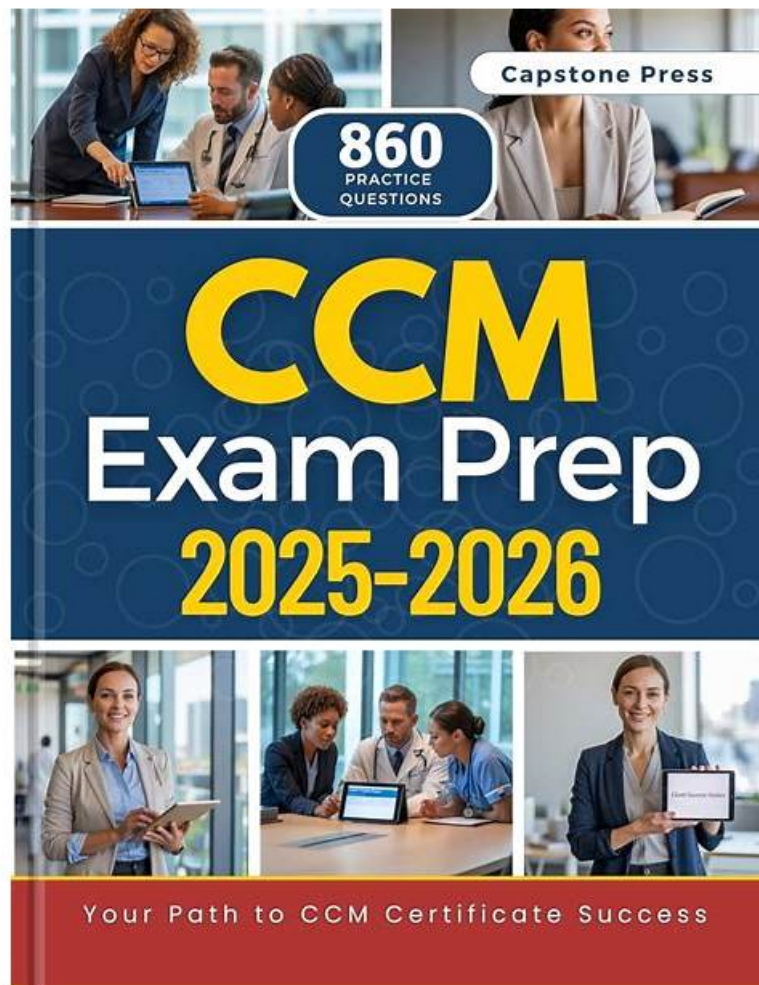


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q103-Q108):

NEW QUESTION # 103

What does discharge confirm under the FIDIC Red Book (edition 1999)?

- A. None of the above three statements is correct.
- **B. It confirms full and final settlement of all money due to the Contractor.**
- C. It confirms interim settlement of all money due to the Contractor
- D. It confirms the immediate end to the Contract unconditionally whenever issued.

Answer: B

Explanation:

Discharge under FIDIC Red Book 1999 confirms full and final settlement of all money due to the Contractor.

It signifies the Contractor's acceptance of the Final Payment Certificate and releases the Employer from further financial obligations related to the contract.

Options A and C misrepresent the nature of discharge.

Discharge is not a unilateral immediate termination but a financial closure.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 14.13 - Discharge

FIDIC Contract Manager Study Guide, Module on Final Account and Discharge

NEW QUESTION # 104

Which one of the following statements is correct regarding the Provisional Sum under the FIDIC Red, Yellow, and Silver Books (edition 1999)?

- A. Each Provisional Sum shall not be used, in whole or in part, in accordance with instructions from the Engineer.
- **B. The Contractor shall, when required by the Engineer, produce proof to substantiate how it has used the Provisional Sum.**
- C. The Provisional Sum cannot be issued by instruction either by the Engineer (or Employer in case of FIDIC Silver Book).

Answer: B

Explanation:

Comprehensive and Detailed Explanation:

Option B is correct. Under FIDIC contracts, the Contractor must provide proof of how the Provisional Sum has been expended when requested by the Engineer. This ensures transparency and proper use of funds allocated as Provisional Sums.

Option A is incorrect; Provisional Sums are often used based on instructions from the Engineer or Employer.

Option C is incorrect because Provisional Sums are precisely intended to be used, in whole or in part, according to Engineer's or Employer's instructions.

References:

FIDIC Red, Yellow, and Silver Books 1999 Edition, Sub-Clause 13.2 - Provisional Sums FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 105

You are the Contract Manager of the Engineer in a hotel project. In May 2020, the Employer and the Contractor signed a Contract based on the FIDIC Yellow Book (edition 2017), as per which the Contractor will design and build a hotel project with Contract Price of 5,100,000 USD. The Time for Completion for this project is 12 months (May 2021). The Contract also named a nominated subcontractor (as referred to in Sub- Clause 4.5) who provides mechanical, electrical, and plumbing services for the project (including the fire fighting system), which was accepted by the Contractor without any discussions.

The Project was delayed due to issues with the fire fighting system, and you issued the Taking-Over Certificate in June 2022.

The Employer sent a Notice of Claim to the Contractor on Delay Damages with a maximum value equal to

10% of Contract Price (510,000 USD). The Employer also gave a Notice to the Contractor stating that the Contractor has failed to submit the evidence of payment to the nominated Subcontractor as well as the reason for withholding payment to the nominated Subcontractor. Therefore, the Employer has paid the nominated Subcontractor directly the entire amount due, coming to 100,000 USD. The Employer intends to include this amount as a deduction in the Final Payment to the Contractor.

As Contract Manager of the Engineer, you are tasked to make a fair determination of the Notices of the Employer. In your "Notice of the Engineer's determination", what is your determination for the deduction of the next Interim Payment to the Contractor in relation to the amount directly paid to the nominated Subcontractor?

- A. The Employer is not entitled to deduct the amount directly paid.
- **B. The Employer is entitled to deduct the amount directly paid.**

Answer: B

Explanation:

Comprehensive and Detailed Explanation:

According to FIDIC Yellow Book 2017, Sub-Clause 4.5, the Employer has the right to pay a nominated Subcontractor directly if the Contractor fails to do so and can deduct the amount from payments due to the Contractor. This provision protects nominated Subcontractors and ensures payment continuity. The Contractor's failure to provide evidence of payment and justification for withholding payment justifies the Employer's direct payment and deduction.

Thus, the Engineer's determination should allow the Employer to deduct the 100,000 USD paid directly to the nominated Subcontractor from the Contractor's next Interim Payment, ensuring fairness and contract compliance.

References:

FIDIC Yellow Book 2017 Edition, Sub-Clause 4.5 - Nominated Subcontractors FIDIC Contract Manager Study Guide, Module on Claims and Payment Procedures

NEW QUESTION # 106

In the FIDIC Silver Book (both editions), the Notice of the Commencement Date will be informed by whom?

(1 correct response applies)

- **A. The Employer**
- B. The Employer's Representative
- C. The Engineer
- D. The Engineer's Resident Engineer

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

In the FIDIC Silver Book (1999 and 2017 editions), which is tailored for EPC/Turnkey contracts, the Employer is responsible for notifying the Contractor of the Commencement Date (Sub-Clause 8.1). Unlike other FIDIC contracts where the Engineer might notify commencement, the Silver Book places more responsibility on the Employer due to the nature of the contract where the Contractor is largely responsible for design and execution with fewer Engineer roles.

The Employer's formal notification of the Commencement Date signals the official start of the Contractor's obligations and triggers timelines under the contract.

The Engineer or Resident Engineer typically does not issue such notice in the Silver Book framework.

References:

FIDIC Silver Book 1999 and 2017 Editions, Sub-Clause 8.1 - Commencement of Works FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

NEW QUESTION # 107

(Under the FIDIC Red Book, which of the following statements are correct? [2017 Edition] (2 correct answers apply) Choose all of the correct answers (multiple possibilities).)

- A. If the Employer or the Contractor fails to notify its dissatisfaction with an Engineer ' s ruling within the specified time, the DAAB ' s decision is final and binding.
- B. An attempt to reach an amicable settlement is a mandatory requirement before an Engineer ' s ruling can be referred to a DAAB.
- **C. The FIDIC Red Book ' s General Conditions specify a standing DAAB.**
- D. A decision by a DAAB is not final and binding on the Parties until it is confirmed by an arbitration award.
- **E. A DAAB member nominated by one of the Parties must be agreed by the other Party.**

Answer: C,E

Explanation:

Under the FIDIC Red Book 2017, Clause 21 establishes a standing Dispute Avoidance/Adjudication Board (DAAB) as a default requirement. This is a major evolution from the 1999 edition, where a Dispute Adjudication Board (DAB) could be ad hoc.

Therefore, Option C is correct, as the General Conditions clearly provide for a standing DAAB appointed at the outset of the Contract.

Option D is also correct. The appointment procedure for DAAB members requires mutual agreement between the Parties. Even if one Party nominates a member, that nomination must be accepted by the other Party to ensure neutrality, independence, and

confidence in the dispute resolution process.

Option A is incorrect because amicable settlement (Clause 21.5) is required after a DAAB decision and before arbitration, not before referring a matter to the DAAB.

Option B is incorrect because DAAB decisions are binding immediately (whether or not final), unless and until revised by arbitration. They are not dependent on prior confirmation by arbitration to be binding.

Option E is incorrect because failure to give a Notice of Dissatisfaction (NoD) relates to a DAAB decision becoming final and binding-not an Engineer's determination. The statement incorrectly mixes procedural steps.

These provisions reflect FIDIC's structured multi-tier dispute resolution system, promoting early resolution through DAAB before escalation to arbitration.

NEW QUESTION # 108

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