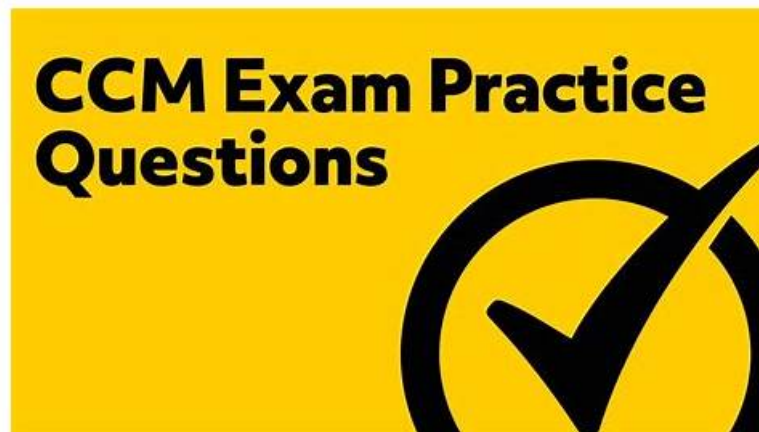


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q29-Q34):

NEW QUESTION # 29

What are two differences between a notice and other communications under the FIDIC Red Book (edition 2017)? (2 correct answers apply)

Choose all of the correct answers (multiple possibilities).

- A. Notice is a defined term, while other communications are not defined as a term in the General Conditions.
- B. Both 'Notice' and 'Other Communications' are defined terms under the Conditions of Contract.
- C. The Parties and Engineer shall be given original or copy of any Notice, Notice of Dissatisfaction (NOD) and Certificates, which is not always the case for other communications.
- D. Contractually there is no difference between a notice and other communications.

Answer: A,C

Explanation:

Option A is correct: "Notice" is a defined term under FIDIC 2017 Red Book; "Other Communications" is a separate category, also defined but distinct.

Option D is correct: Notices, Notices of Dissatisfaction, and Certificates require delivery to all Parties and the Engineer, whereas other communications may not have such strict requirements.

Option B is incorrect as there are contractual differences.

Option C is partially correct but "Other Communications" and "Notice" are distinct terms, so A is more precise.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 1.1 - Definitions

FIDIC Contract Manager Study Guide, Module on Contract Communication

NEW QUESTION # 30

Which two statements reflect an INCORRECT application of a Golden Principle?

- A. When applying the FIDIC Red Book or Yellow Book, the Commencement Date shall be within 60 days after the Contractor receives the Letter of Acceptance, in lieu of 42 days.
- B. The Contractor's right to suspend work (or reduce the rate of work) effective after giving not less than 3 months (in lieu of 21 days) notice to the Employer.
- C. Deleting all the clauses in the General Conditions that refer to the DAAB/DAB.
- D. Any deletions of General Conditions (GC) must be replaced with Particular Conditions (PC) that cover the same scope, and do not leave any roles, duties, obligations, rights, and risk allocation undefined.

Answer: A,C

Explanation:

FIDIC's Golden Principles emphasize clarity, fairness, and completeness in contract drafting and administration. Incorrect applications often create risks, ambiguities, and disputes.

* Option A is incorrect and reflects a good application of Golden Principles. When deleting clauses from the General Conditions, these must be replaced adequately in the Particular Conditions so that no essential contractual scope or responsibilities are lost or left undefined.

* Option B is incorrect and reflects an improper deviation from the standard. The standard Commencement Date notification period is 42 days after the Contractor receives the Letter of Acceptance (per Sub-Clause 8.1). Extending it to 60 days without valid reason or clear agreement introduces uncertainty and potential delay.

* Option C can be a legitimate contractual modification, provided it is agreed by the parties. Extending the Contractor's notice period for suspension from 21 days to 3 months is a significant change but not inherently contrary to Golden Principles if done transparently and fairly.

* Option D is incorrect and reflects a poor application of Golden Principles. Deleting all clauses referring to the DAAB/DAB (Dispute Adjudication Board) removes a critical dispute avoidance and resolution mechanism, undermining contract fairness and efficiency. Therefore, Options B and D represent incorrect applications of the Golden Principles.

References:

FIDIC Contract Manager Study Guide, Module on Legal and Ethical Considerations and Golden Principles FIDIC Red Book 2017 Edition, Sub-Clause 8.1 - Commencement of Works FIDIC Red Book 2017 Edition, Clause 21 - Disputes and DAAB

NEW QUESTION # 31

Giving "Notice" [2017 edition] (2 correct answers apply)

Choose all of the correct answers (multiple possibilities).

- A. ... is not a compulsory obligation, but "highly recommended".
- B. ... is always compulsory together with a clear indication of the relevant Sub-Clause under which the Notice is being served.
- C. ... is a special obligation for the Engineer only, in order to enable him/her to manage the implementation of the contract.
- D. ... is intended for written communications, in full compliance with the formal requirements outlined in the dedicated Sub-Clause.

Answer: B,D

Explanation:

Option B is correct: Notices are compulsory when required and must reference the relevant Sub-Clause to be valid.

Option D is correct: Notices are formal written communications and must comply with the contract's prescribed procedures.

Option A is incorrect; notices are often mandatory, not merely recommended.

Option C is incorrect; notices are obligations for all Contract Participants, not just the Engineer.

References:

FIDIC Red, Yellow, Silver Books 2017 Edition, Sub-Clause 1.3 - Communications FIDIC Contract Manager Study Guide, Module on Notices and Communication

NEW QUESTION # 32

Upon review of the revised programme, submitted by the Contractor, if the Engineer (under FIDIC Red or Yellow Books) or Employer (under FIDIC Silver Book) does not give a Notice of Non-Compliance within 14 days after receiving a revised programme, then ... [complete the sentence, thereby considering FIDIC Red, Yellow, and Silver Books (edition 2017)]. (1 correct answer applies)

- **A. The Engineer is deemed to have no objection to use the revised programme submitted by the Contractor, for the Works.**
- B. The Engineer shall be deemed to have given a Consent and the revised programme shall be the Programme.
- C. The Contractor cannot proceed in accordance with the Programme.
- D. The Contractor shall submit a Notice to the Engineer or the Employer reminding him to give its approval on the revised programme.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

According to the FIDIC 2017 editions (Red, Yellow, and Silver Books), when the Contractor submits a revised programme, the Engineer or Employer has a limited time (typically 14 days) to review and raise any Notice of Non-Compliance if the programme does not meet contract requirements (Sub-Clause 8.3 or equivalent). If no notice is issued within this period, the Engineer or Employer is deemed to have no objection to the revised programme.

This does not imply formal approval or consent, but the programme can be used for the execution and administration of the works in the absence of objections. This avoids unnecessary delay due to inaction.

Option D is correct as it captures this deemed "no objection" position.

Option B is incorrect as "deemed consent" is stronger than FIDIC provisions state; it is more correct to say "no objection".

Option A is incorrect since the Contractor does not have to remind the Engineer or Employer for consent within this period.

Option C is incorrect because the Contractor may proceed if no non-compliance is notified.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 8.3 - Programme

FIDIC Yellow Book 2017 Edition, Sub-Clause 8.3 - Programme

FIDIC Silver Book 2017 Edition, Sub-Clause 8.3 - Programme

FIDIC Contract Manager Study Guide, Module on Time and Delay Management

NEW QUESTION # 33

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

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

Answer: B

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:

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