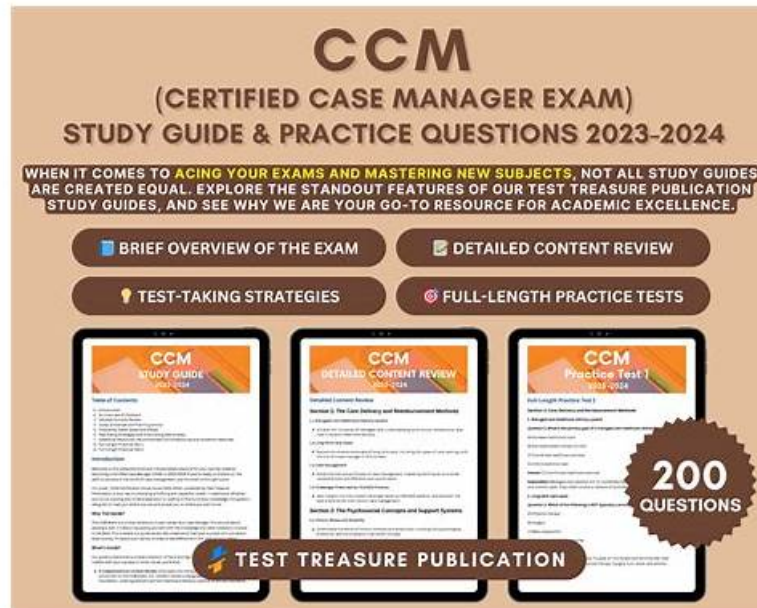


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q71-Q76):

NEW QUESTION # 71

Which one of the following statements is correct regarding the Employer's Representative under the FIDIC Silver Book (edition 1999)?

- A. The Representatives of both the Employer and the Engineer have no authority to amend the Contract at all.

- B. The Employer must always appoint an Employer's Representative to act on his behalf under the Contract.
- **C. The Employer may appoint an Employer's Representative to act on his behalf under the Contract.**
- D. The Employer may appoint an Employer's Representative to act on his behalf under the Contract but has to consult the Contractor to agree to this Representative.

Answer: C

Explanation:

Comprehensive and Detailed Explanation:

Under the FIDIC Silver Book (1999 edition), the Employer may appoint an Employer's Representative to act on their behalf, but this is discretionary and not mandatory (Option B). The Employer's Representative acts within the authority delegated by the Employer but cannot amend the Contract unless expressly authorized.

Option A is partly correct but less complete than B.

Option C is incorrect; the appointment is not compulsory.

Option D is incorrect; the Employer is not contractually obliged to consult the Contractor for appointment approval.

References:

FIDIC Silver Book 1999 Edition, Clause 1.1 and Clause 3 - Employer's Representative FIDIC Contract Manager Study Guide, Module on Contract Administration

NEW QUESTION # 72

(Which one of the following statements regarding FIDIC Golden Principles is correct?)

- **A. The Particular Conditions must not change the balance of risk/reward allocation provided in the General Conditions.**
- B. The FIDIC Golden Principles only apply to handling the General Conditions of a contract and should not be taken into account when preparing the Particular Conditions.
- C. The Particular Conditions do not have to be drafted clearly and unambiguously, as long as the Employer understands the meaning of the risk allocation.
- D. The Particular Conditions can be changed under the condition that the balance of risk/reward allocation provided in the General Conditions provides for significantly less risk to the Contractor.

Answer: A

Explanation:

The FIDIC Golden Principles (introduced in 2019) are intended to preserve the integrity and international recognition of FIDIC standard forms. One of the core principles (GP2) explicitly states that the Particular Conditions should not alter the fundamental balance of risk and reward as established in the General Conditions.

Option B correctly reflects this requirement. The allocation of risks in FIDIC contracts is carefully structured to ensure fairness and clarity between the Employer and the Contractor. Any significant shift in this balance through Particular Conditions would undermine the purpose of using a standardized FIDIC contract and could introduce uncertainty, disputes, and reduced bankability.

Option A is incorrect because another Golden Principle (GP1) requires that all provisions, including Particular Conditions, must be drafted clearly and unambiguously.

Option C is incorrect because even if the change appears favorable to one party (e.g., reducing Contractor risk), altering the agreed balance is still contrary to the Golden Principles.

Option D is incorrect because the Golden Principles apply to the entire contract, including both General and Particular Conditions, ensuring consistency and proper application.

Thus, maintaining the original risk/reward allocation is a fundamental requirement under the FIDIC Golden Principles.

NEW QUESTION # 73

Which of the following statements are not correct?

Choose all of the correct answers (multiple possibilities).

- **A. Only the Engineer can call for a meeting**
- **B. Only the Employer can call for a meeting.**
- C. The Contractor or the Engineer can request a meeting.
- D. Subcontractors cannot attend management or progress meetings unless the Engineer's approval is obtained.
- E. The Engineer shall keep records of the Progress Meetings.

Answer: A,B

Explanation:

In FIDIC contracts (2017 editions), meetings such as progress or management meetings are key tools for communication and coordination among parties. The contract provisions and practical use reflect flexibility regarding who can request or call for such meetings.

* Option A is correct: Both the Contractor and the Engineer can request or call meetings as needed to discuss project progress, issues, or coordination. This promotes proactive communication.

* Option B is incorrect (and therefore included in the answer): It is not only the Engineer who can call meetings. The Contractor can also request meetings.

* Option C is generally correct: Subcontractors may attend meetings only with the Engineer's approval or if invited. This controls confidentiality and relevance of discussions.

* Option D is incorrect: Only the Employer calling meetings is not correct. The Employer may do so but is not the only party authorized.

* Option E is correct: The Engineer typically keeps records (minutes) of progress meetings to document discussions, decisions, and agreed actions. This is essential for contract administration.

Hence, the incorrect statements are B and D.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 4.28 - Progress Reports and Meetings
FIDIC Yellow Book 2017 Edition, similar clauses on meetings and communication
FIDIC Contract Manager Study Guide, Module on Communication and Reporting

NEW QUESTION # 74

Regarding FIDIC Yellow and Silver Books (edition 1999) the Contractor has submitted its design proposal through the Contractor's Proposal. Which two of the following statements are true in this respect, after it has been submitted?

Choose all of the correct answers (multiple possibilities).

- A. The Contractor may submit a proposal for Value Engineering.
- B. The Contractor is not allowed to submit a proposal for Value Engineering, as any value engineering should already have taken place before submitting its design proposal.
- C. The Contractor is entitled to change the design by optimising the design, without approval of the Employer/Engineer.
- D. The Contractor is not allowed to make any changes regarding the design to optimise the design, unless approved by the Engineer/Employer.

Answer: A,D

Explanation:

Option B is correct: The Contractor must obtain approval from the Engineer/Employer before making design changes.

Option C is correct: The Contractor can submit Value Engineering proposals to improve efficiency or reduce costs.

Option A is incorrect; unilateral changes are not allowed.

Option D is incorrect; Value Engineering can be proposed even after initial submission.

References:

FIDIC Yellow and Silver Books 1999 Edition, Sub-Clauses 4.1 and 4.4

FIDIC Contract Manager Study Guide, Module on Design and Value Engineering

NEW QUESTION # 75

Both FIDIC Silver Book (SB) and Yellow Book (YB) (edition 1999) mention the Contractor scrutinising the Employer's Requirements. Which statement is correct?

- A. Scrutinising in FIDIC Yellow Book 1999 means that the Contractor has the opportunity after contract close to report on any errors, mistakes or conflicts in the Employer's Requirements. In the FIDIC Silver Book 1999 scrutinising provides that obligation during the tender period; Contractor has the opportunity to report on any errors, mistakes or conflicts in the Employer's Requirements and for Employer to change it; for after contract closes this is not a duty anymore of Employer.
- B. Scrutinising in FIDIC Silver Book 1999 means that the Contractor should read the Employer's Requirements very thoroughly after the contract closes and see if the Employer's Requirements is complete or if something is missing.
- C. Scrutinising in FIDIC Yellow Book 1999 means the same as in FIDIC Silver Book 1999. In both models it means that after the contract closes and before starting the actual making of the design, the Contractor has to read the Employer's Requirements very thoroughly and check on any errors, omissions or conflicts.
- D. Scrutinising in FIDIC Yellow Book 1999 and Silver Book 1999 means that the Contractor must ask the Employer to check the Employer's Requirements very well to see if the Works can be built on that location according to the Employer's Requirements.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Option D correctly captures the difference between Yellow and Silver Books (1999):

In the Yellow Book, the Contractor may raise concerns after contract close.

In the Silver Book, the Contractor must scrutinize and report on Employer's Requirements during the tender period, and after contract close this duty lapses.

Other options misunderstand timing or scope of scrutiny.

References:

FIDIC Yellow and Silver Books 1999 Editions, Sub-Clause 4.1 - Contractor's General Obligations FIDIC Contract Manager Study Guide, Module on Employer's Requirements and Scrutiny

NEW QUESTION # 76

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