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## Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q126-Q131):

NEW QUESTION # 126

(Which two FIDIC Books (edition 2017) should especially be considered for use if the Employer needs the Contractor to take responsibility for the design and execution of the project. The construction will involve substantial work underground or work in other areas which tenderers cannot inspect.

Choose all of the correct answers (multiple possibilities).)

- A. Silver Book by amending Sub-Clause 4.12 in the Particular Conditions
- B. Red Book
- C. Silver Book without amending Sub-Clause 4.12 in the Particular Conditions
- D. Yellow Book

**Answer: A,D**

Explanation:

The key issue in this question is the allocation of design responsibility and the treatment of unforeseeable physical conditions (particularly relevant for underground works or inaccessible areas).

The Yellow Book 2017 is specifically designed for projects where the Contractor is responsible for both design and execution, while still maintaining a balanced risk allocation. Importantly, Sub-Clause 4.12

[Unforeseeable Physical Conditions] allows the Contractor to claim additional time and/or cost for conditions that could not reasonably have been foreseen. Therefore, for projects involving underground or uninspectable works, the Yellow Book is highly appropriate. Hence, Option A is correct.

The Silver Book 2017 (EPC/Turnkey) also places full responsibility for design and execution on the Contractor. However, it adopts a much stricter risk allocation: the Contractor generally bears the risk of unforeseen physical conditions. This makes it less suitable for projects with significant uncertainty-unless amendments are made. By modifying Sub-Clause 4.12 in the Particular Conditions to reallocate risk (e.g., allowing relief for unforeseeable conditions), the Silver Book can be adapted for such projects. Therefore, Option C is correct.

Option B (Red Book) is incorrect because design responsibility primarily lies with the Employer, not the Contractor.

Option D is incorrect because using the Silver Book without amendment would place excessive and potentially unmanageable risk on the Contractor in cases involving unknown subsurface conditions.

This reflects a core FIDIC principle: selecting the appropriate form depends heavily on risk allocation and the degree of uncertainty in site conditions.

#### NEW QUESTION # 127

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

**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 # 128

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 is not allowed to make any changes regarding the design to optimise the design, unless approved by the Engineer/Employer.
- B. The Contractor is entitled to change the design by optimising the design, without approval of the Employer/Engineer.
- C. 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.
- D. The Contractor may submit a proposal for Value Engineering.

**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 # 129

Which two statements are correct regarding the FIDIC Red Book (edition 2017)?

- A. In some cases, if a certain information is not provided in the Contract Data, the relevant Sub-Clause shall not be applicable.
- B. Contract Data contains information which is required by certain Sub-Clauses in the General Conditions.
- C. Words and expressions stated in Sub-Clause 1.1 Definitions do not apply in respect of Specifications and Drawings.
- D. There is never a difference in effect whether in the Particular Conditions when the term " Works " is used, or when the term " works " is used.

**Answer: A,B**

Explanation:

Option B is correct: The Contract Data provides information required by specific Sub-Clauses in the General Conditions to complete the contract.

Option D is correct: If required data is missing in the Contract Data, some Sub-Clauses may not apply.

Option A is incorrect; definitions generally apply throughout the contract including Specifications and Drawings.

Option C is incorrect; case sensitivity of terms can affect contractual meaning.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 1.1 - Definitions and Contract Data FIDIC Contract Manager Study Guide, Module on Contract Documents

### NEW QUESTION # 130

You are the Contract Manager of the Contractor in a building project. The Contract has been awarded to your firm, but the Engineer has not been selected. The Contract Agreement states that the Commencement Date shall be notified by the Engineer, which must be done within 14 days after the signing of the Contract Agreement. The Employer requested your firm to commence works on the 14th day after signing the Contract Agreement. Your director, Y, wants to wait with commencing the works until the Engineer has been selected or until the 42 days since the date your firm receives Letter of Acceptance. Is Y correct?

- A. Yes
- B. No

**Answer: B**

Explanation:

Y is not correct. The Contractor's obligation to commence works depends on the Commencement Date notification as per the contract. If the Employer requests commencement on the 14th day after signing, and the contract allows or the Engineer has not yet notified otherwise, the Contractor should comply unless formally instructed otherwise.

Delaying work beyond the contractual or Employer's instruction without valid cause may be considered breach of contract and could

lead to claims against the Contractor.

References:

FIDIC Red, Yellow, and Silver Books 2017 Edition, Sub-Clause 8.1 - Commencement of Works FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

## NEW QUESTION # 131

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