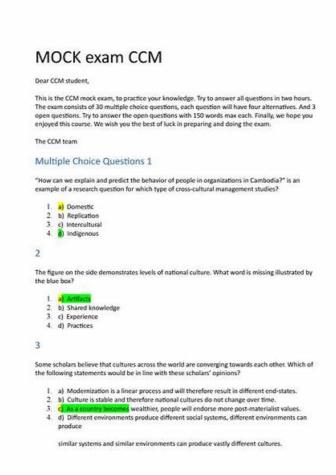
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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q10-Q15):

NEW QUESTION #10

Which of the following cases will allow the Employer to claim under the Performance Security? [2017 Edition] (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. The Engineer had issued instruction to replace part of the Works.
- B. The Employer had submitted a claim under Sub-Clause 20.2.
- C. The Contractor failed to extend the validity of the Performance Security.
- D. The Contractor failed to renew the Tender Security.
- E. The Contractor abandons the Works and the Employer did not issue Notice of termination.

Answer: C,D

Explanation:

Under FIDIC 2017 editions, the Performance Security protects the Employer against failure by the Contractor to fulfill contractual obligations. The Employer may claim under the Performance Security in the following cases:

Option A: Failure to renew the Tender Security as required during the tendering or contract formation phase can allow Employer to make a claim, since the security guarantees the Contractor's commitments at this stage.

Option E: Failure to extend the validity of the Performance Security when requested or required breaches contractual obligations and enables the Employer to claim under the security.

Option B is incorrect because abandonment without termination notice does not immediately entitle the Employer to claim under Performance Security; formal termination is usually required first.

Option C is incorrect because submitting a claim under Sub-Clause 20.2 (Employer's claims) does not directly correlate with claiming under Performance Security.

Option D is irrelevant; instructions to replace works do not relate to Performance Security claims.

References:

FIDIC Red, Yellow, and Silver Books 2017 Edition, Sub-Clause 4.2 - Performance Security FIDIC Contract Manager Study Guide, Module on Risk Management and Securities

NEW QUESTION #11

Under the FIDIC Red and Yellow Books (edition 1999): if the Engineer gives an instruction which requires the Employer's prior approval, the Contractor is required to verify whether the Engineer has obtained the Employer's prior approval or not. Is this statement true or false?

- A. True
- B. False

Answer: B

Explanation:

Under the FIDIC Red and Yellow Books 1999 editions, the Engineer acts as the Employer's representative with authority delegated under the contract. When an instruction requires the Employer's prior approval, it is primarily the Engineer's responsibility to obtain that approval before issuing the instruction to the Contractor.

The Contractor isnot contractually required to verifywhether the Engineer has obtained the Employer's approval. The Contractor is generally entitled to rely on the Engineer's instructions as valid and binding unless there is clear evidence to the contrary.

This principle avoids placing an undue administrative burden on the Contractor and maintains the hierarchical contract administration structure, where the Engineer is the primary point of contact and decision-maker.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 3.1 - Engineer's Duties and Authority FIDIC Yellow Book 1999 Edition, similar provisions FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures

NEW QUESTION #12

Under the FIDIC Red Book (edition 2017), if the Contractor fails to comply with Site clearance obligation, what two options does the Employer have?

Choose all of the correct answers (multiple possibilities)

- A. The Engineer cannot sell or otherwise dispose any remaining items and reinstate the Site at the Contractor's Cost.
- B. The Employer cannot reinstate and clear the Site and dispose the remaining Contractor's items on the Site if the Contractor fails, as this is the Contractor's obligation.
- C. The Employer may sell or otherwise dispose any remaining items and reinstate the Site at the Contractor's Cost.
- D. The Employer is entitled to the cost of reinstating, clearing the Site and disposal cost to the extent they exceed the money received from selling the remaining Contractor's items on the Site.

Answer: C,D

Explanation:

- * Option Ais correct: The Employer may sell or dispose of any items left by the Contractor and reinstate the Site, recovering costs from the Contractor.
- * Option Cis correct: The Employer is entitled to recover costs for clearing, reinstatement, and disposal exceeding proceeds from sale.
- * Option Bis incorrect; the Engineer does not hold this authority, but the Employer does under the contract.
- * Option Dis incorrect; if the Contractor fails to clear the Site, the Employer may take action to protect the Site. References:

FIDIC Red Book 2017 Edition, Sub-Clause 8.7 - Contractor's Use of Site

FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures

NEW QUESTION #13

Before applying the procurement process of any FIDIC Book, the Employer should always check if there are local procurement rules that also apply. Which one of these responses is correct?

- A. No, because Employers never have specific procurement rules.
- B. Yes, based on the law system, internal governance or type of Employer additional procurement rules can apply.
- C. Yes, but this is only applicable for public entities like governments. If the Employer is a private organisation (like a company), they are free to procure how they want.
- D. No, because the FIDIC procurement process is universal.

Answer: B

Explanation:

Local procurement laws, regulations, and internal governance rules often apply in addition to or alongside FIDIC contract provisions. Employers, whether public or private, must comply with applicable national or sector-specific rules, which may affect procurement procedures, documentation, and contract award processes.

Option C is correct because procurement requirements depend on local legal systems, the nature of the Employer, and applicable governance.

Option A is incorrect as FIDIC contracts provide contractual frameworks but do not override local legal obligations.

Option B is incorrect because many Employers have procurement policies.

Option D is incorrect since private entities may also be subject to procurement laws or internal policies.

References:

FIDIC Contract Manager Study Guide, Module on Contract Formation and Procurement Strategies World Bank Procurement Guidelines and National Procurement Laws

NEW QUESTION #14

In case a Variation is initiated by the Engineer for prompt implementation [FIDIC Red, and Yellow Books, 2017 Editions] Choose all of the correct answers (multiple possibilities).

- A. ... the Contractor within 28 days after receiving such instruction shall submit to the Engineer a description of the varied work, a programme for its execution and a proposal for adjustment of the Contract Price.
- B. ... the Contractor is required to commence implementing the varied works even if it would pose immediate hazard to the

safety of public areas surrounding the Site

- C. ... the Contractor is required to commence implementing the varied works and take records of all the details (... regarding the details of the varied works executed, expenditures incurred, and impact on progress etc.)
- D. ... the Contractor is not bound to start implementing the varied works right up until the price for the varied works is fully agreed (or determined)
- E. ... the Contractor may send a Notice to the Engineer, that the subject of the Variation was Unforeseeable (having regard to the scope and nature of the Works), hence, the Contractor is not to start implementing the varied work promptly.

Answer: A,C

Explanation:

Comprehensive and Detailed Explanation:

Option B is correct: When instructed to implement a Variation promptly, the Contractor must commence work and keep detailed records for subsequent valuation and impact assessment.

Option D is correct: The Contractor is required to submit, within 28 days, a description, programme, and price proposal relating to the Variation as part of contract procedures.

Option A is incorrect: The Contractor generally must proceed promptly regardless of dispute about foreseeability but may reserve rights via notices.

Option C is incorrect: Safety cannot be compromised; the Contractor should not undertake hazardous work without mitigation. Option E is incorrect: The Contractor is generally bound to start work upon instruction even if the price is not yet agreed. References:

FIDIC Red and Yellow Books 2017 Editions, Sub-Clause 3.5 - Variation Procedure FIDIC Contract Manager Study Guide, Module on Variations and Change Management

NEW QUESTION #15

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