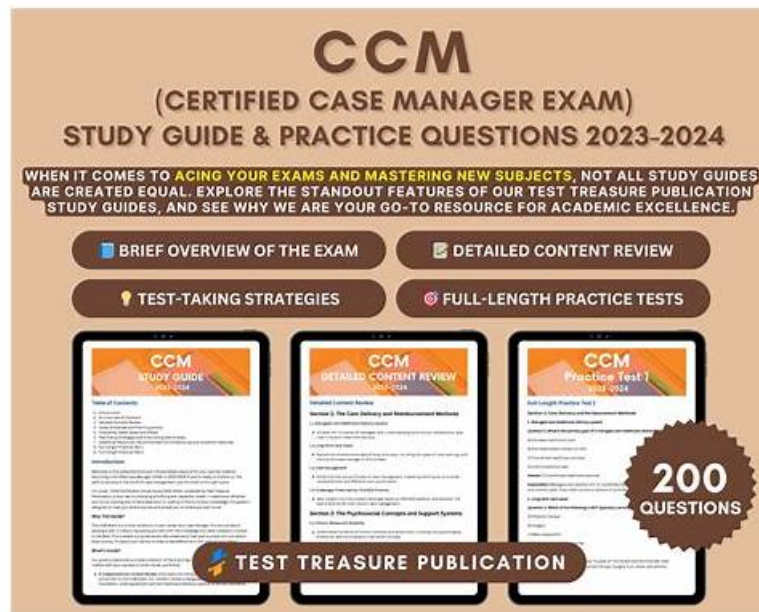


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NEW QUESTION # 77

For the FIDIC Red Book (both editions), the Contractor is required to submit a progress report monthly. When does the Contractor's reporting requirement end?

- A. After issuance of the Performance Certificate.
- B. At the Date of Completion of the Works (irrespective of whether there is minor outstanding work to be performed).

- C. After issuance of the Taking-Over Certificate.
- **D. Until all outstanding works as stated in the Taking-Over Certificate are completed.**

Answer: D

Explanation:

The Contractor's obligation to submit progress reports continues until all outstanding work identified in the Taking-Over Certificate has been completed. The Taking-Over Certificate signals substantial completion but may allow for outstanding minor works.

Reporting is essential to monitor progress on these outstanding works.

The Performance Certificate relates to final contract completion but reporting usually ends earlier only after all works are completed. Therefore, Option D is correct.

References:

FIDIC Red Book 1999 & 2017 Editions, Sub-Clause 4.21 - Progress Reports FIDIC Contract Manager Study Guide, Module on Communication and Reporting

NEW QUESTION # 78

In a drafted FIDIC Silver Book (edition 1999), the following sentence has been added to Sub-Clause 3.5:

"In case of an Instruction regarding a pending or proposed Variation, Contractor shall carry out any determination regardless of a possible notice of dissatisfaction." What GP(s) is/are breached?

- A. GP3 only
- **B. GP1 and GP3**
- C. GP1 only
- D. GP1, GP2 and GP3

Answer: B

Explanation:

This clause breaches Golden Principles (GP) 1 and 3:

GP1 promotes fairness and balanced risk allocation between parties. Forcing the Contractor to carry out determinations despite a notice of dissatisfaction undermines fair dispute resolution and contractual balance.

GP3 emphasizes the importance of clear and unambiguous contract drafting that reflects agreed procedures.

This sentence introduces ambiguity and overrides contractual rights to dispute determinations.

References:

FIDIC Contract Management Guidelines - Golden Principles

FIDIC Contract Manager Study Guide, Module on Contract Administration and Contract Clauses

NEW QUESTION # 79

Regarding the FIDIC Red Book (edition 1999), which two statements are true?

- **A. Notices and other communications may be sent in hand written, type written, in print or through an electronic original transmission system.**
- **B. In emergency situations notices can also be submitted verbally (rather than (also) in writing).**
- C. A notice and other communications may be delivered by hand, courier and mail. In each case with proof of receipt is required to qualify as legally valid.
- D. A notice is to be signed by the Engineer, Contractor's Representative or Employer's Authorised Representative.

Answer: A,B

Explanation:

Comprehensive and Detailed Explanation:

Option A is true: In emergencies, verbal notices are permitted with the requirement to follow up in writing.

Option D is true: Notices and communications may be sent in various formats including handwritten, typed, printed, or electronic systems.

Option B is incorrect; a notice does not necessarily have to be signed by all these representatives; it depends on the party issuing the notice.

Option C is incorrect; proof of receipt is ideal but not always strictly required for legal validity depending on contract provisions.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 1.3 - Communications and Notices FIDIC Contract Manager Study Guide, Module

NEW QUESTION # 80

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

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

Answer: B

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 # 81

A new important feature of the FIDIC Yellow and Silver Books (edition 2017) is the inclusion of the default position that the Works or relevant part of the Works designed by the Contractor shall be fit for their ordinary purposes. Is this statement true or false?

- **A. True**
- B. False

Answer: A

Explanation:

This statement is true. The FIDIC Yellow and Silver Books (2017 editions) include a clear provision that the Works, or the parts designed by the Contractor, must be fit for their ordinary purposes, reflecting the Contractor's responsibility for design and performance. This introduces an express fitness-for-purpose obligation, which was less explicit in earlier editions.

This provision clarifies risk allocation related to design liability, ensuring that the Contractor is accountable for the fitness of the designed works unless otherwise specified.

References:

FIDIC Yellow and Silver Books 2017 Edition, Sub-Clause 4.1 - Contractor's General Obligations FIDIC Contract Manager Study Guide, Module on Legal Obligations and Fitness for Purpose

NEW QUESTION # 82

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