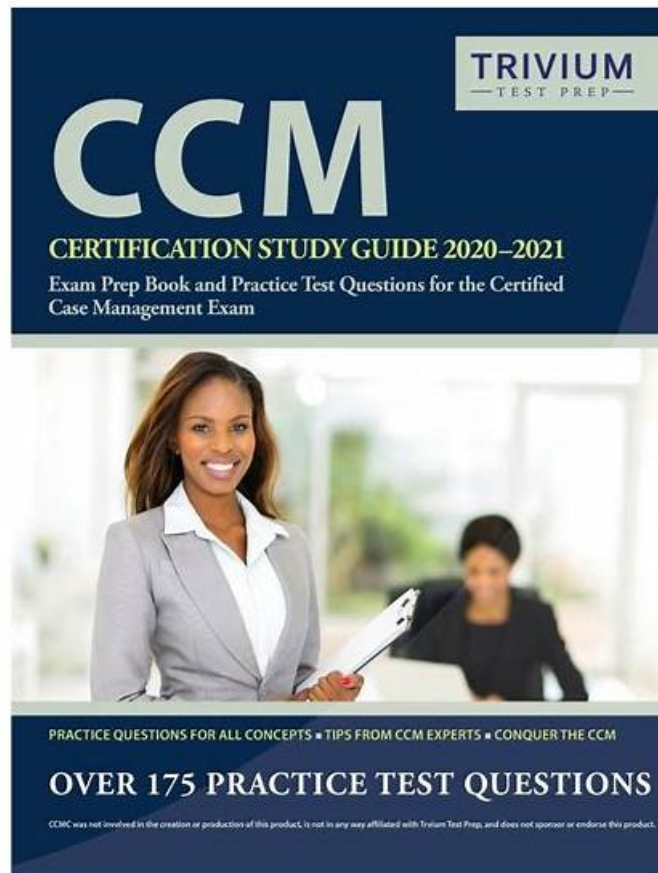


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# Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q45-Q50):

## NEW QUESTION # 45

Under the FIDIC Yellow Book (both editions), the Contract is administered by the Employer (unless it appoints an Employer's Representative) who endeavours to reach agreement with the Contractor on each claim. Is this statement true or false?

- A. False
- B. True

**Answer: B**

Explanation:

Comprehensive and Detailed Explanation:

This statement is true. The Employer administers the contract unless an Employer's Representative or Engineer is appointed to act on its behalf. The Employer (or its Representative) is responsible for reviewing and negotiating claims in good faith with the Contractor to reach agreement, in line with FIDIC procedures.

References:

FIDIC Yellow Book 1999 & 2017 Editions, Clause 3 - Employer's Administration Role FIDIC Contract Manager Study Guide, Module on Contract Administration

## NEW QUESTION # 46

Which of the following form a Contractor's entitlement, in case the Contractor does not receive an interim payment within the allocated contractual deadline for payment? (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. Right after the expiry of the payment deadline, the Contractor may terminate the contract.
- B. If the payment is not made within the time period required, after the expiry of such period, from the next day onwards, the Contractor is entitled to suspend all his/her activities on Site.
- C. In case the Employer paid the Contractor late, the Contractor becomes entitled to receive financing charges applying the % included in the Contract Data (if this is not stated, then applying the percentage as included under the corresponding Sub-Clause).
- D. The Contractor is entitled to suspend the works or reduce the rate of progress of the work, after giving a due Notice (21 days) about this intention.
- E. Beyond receiving the financing charges, the Contractor has no further entitlements in such a case.

**Answer: C,D**

Explanation:

Option C is correct: The Contractor is entitled to financing charges (interest) on late payments, calculated as per the percentage specified in the Contract Data or corresponding Sub-Clause.

Option D is correct: The Contractor can suspend works or reduce progress after giving due notice, usually 21 days, if payments are not made on time.

Option A is incorrect; termination is not automatic right after the payment deadline expires.

Option B is incorrect; suspension requires prior notice rather than immediate action.

Option E is incorrect because the Contractor has additional remedies such as suspension, beyond just financing charges.

References:

FIDIC Red, Yellow, Silver Books 1999 & 2017 Editions, Sub-Clause 14.8 - Payment of Retention Money and Financing Charges FIDIC Contract Manager Study Guide, Module on Payment Procedures and Remedies

## NEW QUESTION # 47

Choose which one statement consists of an example of an unclear and ambiguously drafted Particular Conditions.

- A. Provisions of the General Conditions are deleted and replaced in the Particular Conditions solely by the words "not used".
- B. All deletions of a General Conditions are replaced with new Particular Conditions that cover the same scope.
- C. The clarifications to the Contract given during the tender period are never to be attached to the Contract, as such clarifications are reflected by amending the Particular Conditions.
- D. Clarifications to the meaning of tender documents together with answers to tenderers' inquiries made during the tender period by the Employer should be e-mailed in a Excel table in both PDF and XLS file format.

**Answer: A**

Explanation:

The use of vague phrases such as "not used" in Particular Conditions to delete provisions of the General Conditions without replacement or explanation leads to ambiguity and unclear contractual obligations. Such drafting can cause confusion as it fails to clarify whether the deleted provisions are simply not applicable or replaced by other terms. This practice is discouraged because it creates legal uncertainty and possible disputes regarding the rights and responsibilities of the parties.

Option A exemplifies this problem, as it deletes General Conditions clauses without specifying alternatives or clarifications.

Option B is a good practice where deletions are replaced by well-defined clauses to maintain contract balance.

Option C describes a clear method of issuing clarifications, promoting transparency and traceability.

Option D is consistent with standard practice, where clarifications during tender are formalized by contract amendments.

References:

FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures and Particular Conditions drafting FIDIC Red Book 2017 Guide notes on drafting Particular Conditions

#### **NEW QUESTION # 48**

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

**Answer: C**

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 # 49**

When is the Employer obliged to return the Performance Security (PS) under the FIDIC Red Book (edition 1999)?

- A. Within 21 days after the issuance of the Taking-Over Certificate.
- B. Without undue delay after the issuance of the Performance Certificate.
- C. Without undue delay after the issuance of the Taking-Over Certificate.
- **D. Within 21 days after the issuance of the Performance Certificate.**

**Answer: D**

Explanation:

Comprehensive and Detailed Explanation:

Under FIDIC Red Book 1999, the Performance Security (or Performance Guarantee) is held to ensure the Contractor's performance during the defects liability period. The security is typically released only after the Employer issues the Performance Certificate, which confirms the completion of defects liability obligations and that the Contractor has fulfilled the contract.

The contract commonly specifies a fixed period (often 21 days) within which the Employer must return the Performance Security after issuance of the Performance Certificate (Option D). The Taking-Over Certificate (Options A and C) marks substantial completion but does not end the Contractor's obligations for defects.

References:

FIDIC Red Book 1999, Sub-Clause 10.2 - Taking-Over Certificate

FIDIC Red Book 1999, Sub-Clause 10.4 - Performance Certificate  
FIDIC Red Book 1999, Sub-Clause 10.5 - Release of Performance Security  
FIDIC Contract Manager Study Guide, Module on Payment Procedures and Financial Management

## NEW QUESTION # 50

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