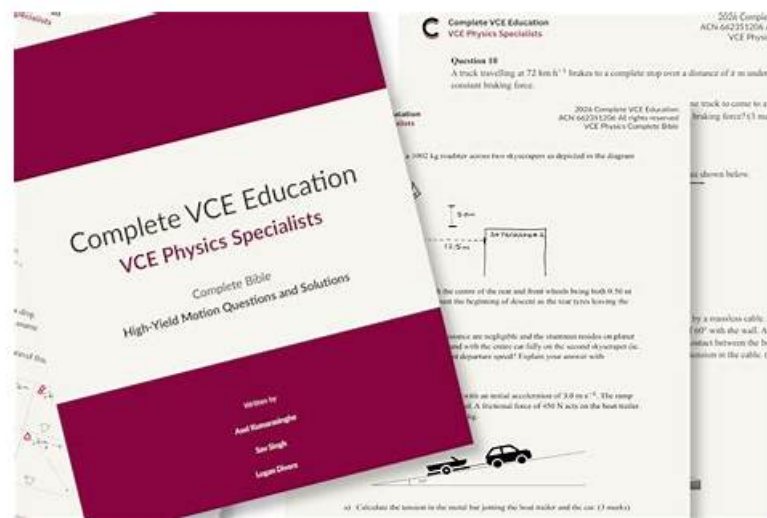


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q78-Q83):

NEW QUESTION # 78

(Under the FIDIC Red, Yellow, and Silver Books (edition 1999), which of the following entitlements of the Employer can result in a deduction of the Contract Price and Payment Certificates subject to Sub-Clause 2.5?

(2 correct answers apply))

- A. Delay Damages.
- B. Paying the Nominated Subcontractor directly.
- C. Compensation for the costs of the initial review of the Contractor ' s Documents.
- D. Cost of using the Employer ' s materials.

Answer: A,B

Explanation:

Under FIDIC 1999, Sub-Clause 2.5 [Employer's Claims] provides that the Employer is entitled to make claims against the Contractor, which may result in deductions from the Contract Price and from Interim Payment Certificates.

Option C is correct. Delay Damages (Sub-Clause 8.7) are a classic example of Employer's entitlement. If the Contractor fails to complete within the Time for Completion, the Employer is entitled to delay damages, which are typically deducted directly from payments due.

Option A is also correct. Under provisions relating to Nominated Subcontractors (Sub-Clause 5.4), if the Employer pays a nominated subcontractor directly (e.g., due to Contractor default), such payments may be recovered from the Contractor and deducted from the Contract Price via Sub-Clause 2.5.

Option B is incorrect because costs related to reviewing Contractor's Documents are generally part of the Engineer's duties and are not recoverable from the Contractor unless explicitly stated.

Option D is incorrect because the use of Employer's materials is typically accounted for within the contract pricing structure and not treated as a claim under Sub-Clause 2.5.

Thus, Sub-Clause 2.5 serves as a key mechanism for the Employer to recover amounts due through deductions, particularly in cases like delay damages and payments made on behalf of the Contractor.

NEW QUESTION # 79

Is the Employer obliged under FIDIC Silver Book (edition 1999) to describe which Documents are to be submitted to the Employer? (1 correct response applies)

- A. Yes, the Employer should define which documents it wants to receive from the Contractor as Contractor's Documents in the Employer's Requirements, as stated in Sub-Clause 5.2.
- B. No, according to Sub-Clause 5.7 provisional operation and maintenance manuals are always required.
- C. No, because the Contractor has a duty to supply the Employer with every Document, given Sub-Clause 7.4.
- D. Yes, because otherwise the Contractor doesn't have to submit any Document until Completion of the Works as stated in Sub-Clause 1.8.

Answer: A

Explanation:

Under the FIDIC Silver Book 1999 (Conditions of Contract for EPC/Turnkey Projects), the Employer must specify clearly in the Employer's Requirements which Contractor's Documents are to be submitted. Sub-Clause 5.2 states that the Contractor must submit all documents listed in the Employer's Requirements, ensuring clarity and enabling the Employer to control the documentation process.

Option D is correct because it highlights the need for Employer's Requirements to define the scope and content of the Contractor's Documents.

Option A is incorrect; although operation and maintenance manuals are generally required, they are part of the specified Contractor's Documents, not automatically required without Employer's direction.

Option B is incorrect as the Contractor's duty to supply documents is limited to those specified.

Option C is incorrect because documentation obligations are ongoing and not just at completion.

References:

FIDIC Silver Book 1999 Edition, Sub-Clause 5.2 - Contractor's Documents FIDIC Silver Book 1999 Edition, Sub-Clause 1.8 - Time for Completion FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures

NEW QUESTION # 80

Which of the following documents form part of a FIDIC Construction Contract [" Red Book " (1999)], hence, to be drafted and included among the Tender Documents? (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. Schedule of Guarantees
- B. Employer ' s Requirements
- C. Bill of Quantities
- D. Schedule of Baselines
- E. Specifications

Answer: C,E

NEW QUESTION # 81

Under the FIDIC Red Book (edition 1999), if the Contractor as per Sub-Clause 14.2 has to ensure the Employer receives an Advance Payment Guarantee as per the standard model, what type of instrument should this be?

- A. A declaration of joint and several liability
- B. A parent company guarantee
- **C. A bank guarantee**
- D. A surety bond

Answer: C

Explanation:

According to FIDIC Red Book 1999, Sub-Clause 14.2, the Advance Payment Guarantee must be a bank guarantee issued by a reputable bank acceptable to the Employer. This bank guarantee serves as security to ensure that the advance payment made by the Employer will be repaid if the Contractor fails to fulfill contractual obligations. The bank guarantee is a commonly used, reliable instrument providing direct financial assurance to the Employer.

Other instruments like surety bonds or parent company guarantees may be acceptable only if explicitly agreed, but the standard requirement is a bank guarantee.

Declaration of joint and several liability is not a typical form of guarantee for advance payments.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 14.2 - Advance Payment Guarantee FIDIC Contract Manager Study Guide, Module on Payment Procedures and Guarantees

NEW QUESTION # 82

The amount of an advance payment guarantee provided for pursuant to FIDIC Red and Yellow Books (both editions) may be reduced as of:

- A. The Commencement Date
- **B. The date on which an amount is repaid by the Contractor as stated in the Payment Certificates**
- C. The date of the Taking Over Certificate
- D. The date on which the entire advance payment is repaid as stated in the Payment Certificate

Answer: B

Explanation:

According to FIDIC Red and Yellow Books (both 1999 and 2017 editions), the advance payment guarantee amount may be progressively reduced as the Contractor repays the advance payment through deductions from interim payment certificates. This means the guarantee is reduced as per amounts repaid, not only upon full repayment.

Option D is correct: The guarantee reduces as partial repayments are certified in Payment Certificates.

Option C is incorrect because the reduction happens gradually, not only after full repayment.

Options A and B do not directly relate to the reduction mechanism of the advance payment guarantee.

References:

FIDIC Red and Yellow Books 1999 & 2017 Editions, Sub-Clause 14.2 - Advance Payment Guarantee FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 83

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