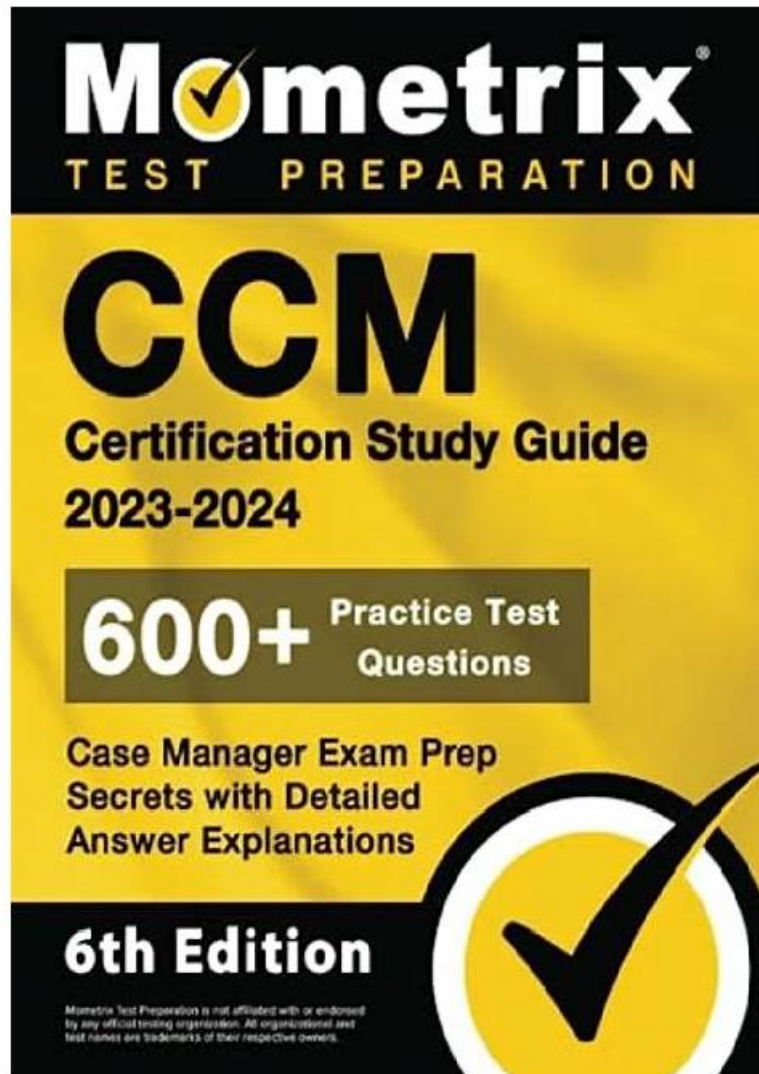


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q80-Q85):

NEW QUESTION # 80

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

Answer: D

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 # 81

Which one statement is correct regarding the FIDIC Red Book (edition 2017)?

- **A. Instructions to Tenderers may require the tenderer to provide information on matters in Sub-Clause 4.3 on Contractor's Representative and Sub-Clause 6.12 on Key Personnel.**
- B. No Data other than required by the General Conditions of Contract may be entered in the Contract Data.
- C. General Conditions of Contract cannot be amended as it may imbalance the obligations and rights of the Parties.
- D. Instructions to Tenderers are part of the Employer's Requirements.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

In the FIDIC Red Book 2017, Instructions to Tenderers are part of the tender documents but are distinct from the Employer's Requirements. They guide tenderers on how to prepare and submit their tenders. Specifically, Instructions to Tenderers may require tenderers to provide detailed information about their organization, key personnel, and the Contractor's Representative (see Sub-Clause 4.3 on Contractor's Representative and Sub-Clause 6.12 on Key Personnel), which is essential for evaluating the capability and resources of the tenderer.

Option A is incorrect because Instructions to Tenderers are separate from Employer's Requirements; the latter define the scope and technical needs of the project.

Option B is incorrect; Contract Data may include specific data relevant to the particular project beyond just the General Conditions, including amendments and project-specific information.

Option D is incorrect because the General Conditions can be amended through the Particular Conditions (within limits), provided the amendments are balanced and agreed upon by both Parties.

References:

FIDIC Red Book 2017, Guide to Tendering Documents

FIDIC Red Book 2017, Sub-Clause 4.3 - Contractor's Representative

FIDIC Red Book 2017, Sub-Clause 6.12 - Key Personnel

FIDIC Contract Manager Study Guide, Module on Introduction to FIDIC Contracts

NEW QUESTION # 82

Under the FIDIC Red Book (edition 1999), as part of the Contractor submission of Statement, any amount to be deducted for retention, will be calculated by applying the percentage of retention stated in the Appendix to Tender to the total of: (two correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. Any amounts to be added and deducted for Plant and Materials in accordance with Sub-Clause 14.5.
- B. The estimated contract value of the Works executed.
- C. Any amounts to be added and deducted for changes in legislation and changes in cost.
- D. Any amounts to be added and/or deducted for the advance payment and repayments under Sub-Clause 14.2.

Answer: A,B

Explanation:

Under FIDIC Red Book 1999, retention is calculated as a percentage (stated in Appendix to Tender) of the value of Works executed and Plant and Materials in accordance with Sub-Clause 14.5 that are on or off Site but intended for incorporation.

Option A is correct: Retention applies to the value of executed works.

Option D is correct: It also applies to Plant and Materials under Sub-Clause 14.5.

Option B is incorrect; advance payments and repayments are not part of retention calculations.

Option C is incorrect; changes due to legislation or costs are not included in retention calculation.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 14.5 - Plant and Materials; Sub-Clause 14.6 - Retention FIDIC Contract Manager Study Guide, Module on Payment and Retention Procedures

NEW QUESTION # 83

FIDIC Red, Yellow, and Silver Books (both editions) contain a provision for the Engineer or Employer to instruct the Contractor to employ a subcontractor, thereby also permitting the Contractor to refuse to employ such proposed subcontractor on the basis of a reasonable objection by a notice. Is this statement true or false?

- A. False
- B. True

Answer: B

Explanation:

All main FIDIC contract editions contain provisions that allow the Employer or Engineer to propose or instruct the Contractor to employ certain subcontractors (e.g., nominated subcontractors). The Contractor retains the right to refuse such subcontractors only for reasonable cause, which must be communicated formally.

This mechanism protects the Employer's interests in subcontractor selection while safeguarding the Contractor's right to reject subcontractors that may not be competent or suitable.

Therefore, the statement is true.

References:

FIDIC Red, Yellow, and Silver Books 1999 and 2017 Editions, Sub-Clause 4.4 - Subcontractors FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures

NEW QUESTION # 84

Under the FIDIC Red and Yellow Books (edition 1999), which two of the following statements are correct regarding the issuance of Interim Payment by the Engineer?

(Choose all correct answers - multiple possibilities)

- A. The Employer is not bound by the Certificate issued by the Engineer.
- B. The Employer is bound by the Certificate issued by the Engineer and must make payment in full, irrespective of any entitlement to compensation arising from any claim which the Employer may have against the Contractor.
- C. The Employer is bound by the Certificate issued by the Engineer, and must make payment in full, except for any compensation arising from any claim which the Employer may have against the Contractor.
- D. If the Employer considers itself entitled to claim against the Contractor, notice and particulars must first be submitted under Sub-Clause 2.5. The Employer's entitlement is then to be agreed or determined by the Engineer, and then, incorporated as a

deduction in a Payment Certificate.

Answer: C,D

Explanation:

Under the FIDIC Red Book and Yellow Book, 1999 editions, the Engineer issues Interim Payment Certificates certifying the amounts due to the Contractor for completed works and materials on site (Sub- Clause 14.6). The Employer is generally bound by the Payment Certificate and must pay accordingly, except where there is a lawful set-off or compensation claim against the Contractor.

Option A is correct because the Employer must pay the amount certified except for compensation claims that may be offset against the payment (Sub-Clause 14.6).

Option D is also correct: If the Employer intends to claim against the Contractor (e.g., for damages or defects), it must notify the Contractor under Sub-Clause 2.5 and provide particulars. The Engineer then assesses and decides on the claim and incorporates any agreed deductions into the Payment Certificate.

Option B is incorrect because the Employer is indeed bound by the Payment Certificate unless lawful deductions or disputes arise.

Option C is incorrect as the Employer can withhold amounts due for compensation claims once these are properly notified and substantiated.

References:

FIDIC Red and Yellow Books, 1999 Edition, Sub-Clause 14.6 - Interim Payments FIDIC Red and Yellow Books, 1999 Edition, Sub-Clause 2.5 - Employer's Claims FIDIC Contract Manager Study Guide, Module on Payment Procedures and Financial Management

NEW QUESTION # 85

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