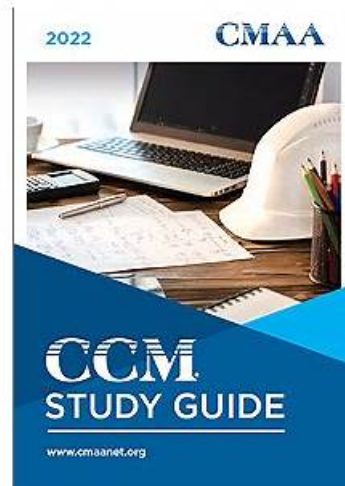


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Sample Questions (Q27-Q32):

NEW QUESTION # 27

The procurement process of a project executed based on any FIDIC Contract model is exactly the same in terms of definitions, time and steps, which makes it universal and more easy to use worldwide. Is this statement true or false?

- A. True
- B. False

Answer: B

Explanation:

This statement is false. While FIDIC Contracts provide standardized contractual frameworks, procurement processes vary widely depending on local laws, employer requirements, contract editions, and project specifics. Definitions, timelines, and procurement steps may differ between models and jurisdictions, making the procurement process not universally identical.

The FIDIC contracts are adaptable tools, not rigid procurement procedures, so users must tailor procurement to local and project needs.

References:

FIDIC Contract Manager Study Guide, Module on Contract Formation and Procurement Strategies Various National Procurement Regulations and Practices

NEW QUESTION # 28

Which two of the following statements are correct regarding the dayworks under FIDIC Red, Yellow, and Silver Books (both editions)?

Choose all of the correct answers (multiple possibilities).

- A. If a Daywork Schedule is not included in the Contract, the Sub-Clause related to dayworks shall not apply.
- B. The dayworks related Sub-Clause is only used for remeasurement in the FIDIC Red Book (both editions) only.
- C. The Engineer (or the Employer in case of FIDIC Silver Book) may instruct that "a Variation shall" be executed on a daywork basis.
- D. The dayworks related Sub-Clause is also applicable to other types of works.

Answer: C,D

Explanation:

Dayworks refer to works executed on a time basis (e.g., labor and plant) with payment made according to predetermined rates rather than a lump sum or unit rate contract price.

* Option A is incorrect. Even if a Daywork Schedule is not initially included, the dayworks Sub-Clause (e.g., Sub-Clause 13.7 in Red and Yellow Books, 13.8 in Silver Book 1999) still applies to dayworks ordered during the contract execution. The schedule facilitates pricing, but the Sub-Clause governs the method and conditions for dayworks.

* Option B is incorrect. The dayworks Sub-Clause is applicable not only to traditional construction works but can also be applied to other types of works, such as variations or additional works that cannot be precisely measured or foreseen and are charged on a time basis.

* Option C is incorrect. The dayworks Sub-Clause is used in all FIDIC standard forms (Red, Yellow, and Silver Books), not only for remeasurement in the Red Book. In the Yellow Book (plant and design- build) and Silver Book (EPC/turnkey), dayworks are similarly applicable for certain variations or unforeseen works.

* Option D is correct. The Engineer (in Red and Yellow Books) or the Employer (in the Silver Book, where the Engineer's role is limited) may instruct that a variation be executed on a daywork basis. This instruction is typically used when the scope or quantity cannot be reasonably pre-determined.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 13.7 - Dayworks

FIDIC Yellow Book 2017 Edition, Sub-Clause 13.7 - Dayworks

FIDIC Silver Book 1999 Edition, Sub-Clause 13.8 - Dayworks

FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures

NEW QUESTION # 29

Which one of the following statements is NOT correct in respect of FIDIC Red Book (both editions)?

- A. The Letter of Tender may be worded by the Contractor (at its discretion) so as to allow for the alternative of the Contract

to become effective when the Employer issues a Letter of Acceptance.

- B. The Contract typically becomes legally effective when the Employer issues the Letter of Acceptance to the Contractor.
- C. The Contract is administered by the Engineer who is appointed by the Employer. If disputes arise, they are referred to a Dispute Adjudication Board (DAB) for its decisions.
- D. The General Conditions allocate the risks between the parties on a fair and equitable basis.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Option A is NOT correct because the wording of the Letter of Tender is usually governed by the tender documents and contract terms; it is not solely at the Contractor's discretion to dictate when the Contract becomes effective. The standard process is that the Contract becomes effective upon the Employer's issuance of the Letter of Acceptance.

Options B, C, and D correctly describe standard FIDIC practices.

References:

FIDIC Red Book 1999 & 2017 Editions - Contract Formation and Tendering

FIDIC Contract Manager Study Guide, Module on Contract Formation

NEW QUESTION # 30

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. True**
- B. False

Answer: A

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 # 31

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, because otherwise the Contractor doesn't have to submit any Document until Completion of the Works as stated in Sub-Clause 1.8.
- **B. 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.**
- C. No, because the Contractor has a duty to supply the Employer with every Document, given Sub-Clause 7.4.
- D. No, according to Sub-Clause 5.7 provisional operation and maintenance manuals are always required.

Answer: B

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 # 32

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