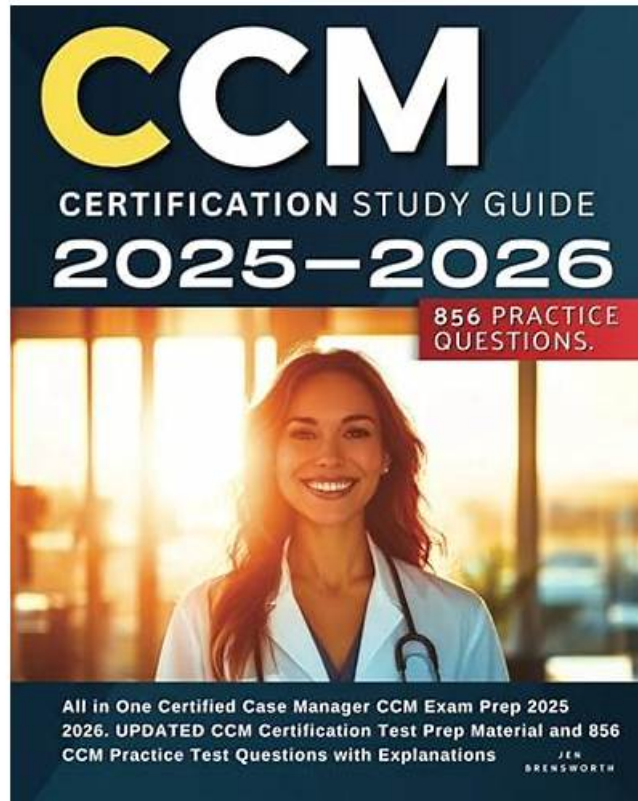


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q38-Q43):

NEW QUESTION # 38

Under the FIDIC Red and Yellow Books (edition 2017), which two of the following elements shall form part of the initial time Programme?

- A. All key delivery dates of Plant and Materials.
- B. The actual progress to date, any delay to such progress and the effects of such delay on other activities (if any).
- C. The date on which the right of access to and possession of (each part of) the Site is to be given to the Contractor.
- D. The sequence and timing of the remedial work.

Answer: A,C

Explanation:

Comprehensive and Detailed Explanation:

Option A is correct: The initial programme must include the date for the Contractor's access to the Site.

Option D is correct: Key delivery dates for Plant and Materials are essential elements of the programme.

Option B relates to updated/revised programmes, not the initial programme.

Option C generally relates to remedial work and is part of revised or detailed programmes.

References:

FIDIC Red and Yellow Books 2017 Edition, Sub-Clause 8.3 - Programme

FIDIC Contract Manager Study Guide, Module on Time and Delay Management

NEW QUESTION # 39

You are the Contract Manager in a highway project using FIDIC Red Book (edition 1999). You work for the Employer- a highway management agency. During the tender period, you are informed of a specific Commencement Date required by the directors of the agency. Which two of the following approaches to inform the tenderers of this date are clearly and unambiguously drafted?

Choose all of the correct answers (multiple possibilities).

- A. Specify Commencement Date in the Minutes of Meeting of Contract Negotiation.
- B. Inform the Commencement Date to the tenderers by email, and attach that email in the list of Contract Documents.
- C. Specify Commencement Date in the Particular Conditions.
- D. Specify Commencement Date in the Contract Agreement.

Answer: C,D

Explanation:

The Commencement Date is a critical contractual milestone that triggers contractual obligations including the start of time for completion. For clarity and enforceability, it must be specified clearly in contract documents forming part of the formal contract. The Contract Agreement (Option B) and the Particular Conditions (Option C) are the standard places to unambiguously specify the Commencement Date.

Minutes of meetings (Option A) or emails (Option D), while useful for informal communication, do not have the legal certainty or binding contractual effect unless expressly incorporated into the contract documents.

Therefore, specifying the Commencement Date solely in meeting minutes or emails is not advised for clarity and risk mitigation.

References:

FIDIC Red Book 1999, Sub-Clause 8.1 - Commencement of Works

FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

NEW QUESTION # 40

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

(1 correct response applies)

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

Answer: A

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 # 41

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 # 42

Under the FIDIC Red Book (edition 2017), if the Contractor fails to comply with Site clearance obligation, what two options does the Employer have?

Choose all of the correct answers (multiple possibilities)

- **A. The Employer may sell or otherwise dispose any remaining items and reinstate the Site at the Contractor's Cost.**
- B. The Employer cannot reinstate and clear the Site and dispose the remaining Contractor's items on the Site if the Contractor fails, as this is the Contractor's obligation.
- C. The Engineer cannot sell or otherwise dispose any remaining items and reinstate the Site at the Contractor's Cost.
- **D. The Employer is entitled to the cost of reinstating, clearing the Site and disposal cost to the extent they exceed the money received from selling the remaining Contractor's items on the Site.**

Answer: A,D

Explanation:

* Option A is correct: The Employer may sell or dispose of any items left by the Contractor and reinstate the Site, recovering costs from the Contractor.

* Option C is correct: The Employer is entitled to recover costs for clearing, reinstatement, and disposal exceeding proceeds from sale.

* Option B is incorrect; the Engineer does not hold this authority, but the Employer does under the contract.

* Option D is incorrect; if the Contractor fails to clear the Site, the Employer may take action to protect the Site.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 8.7 - Contractor's Use of Site

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