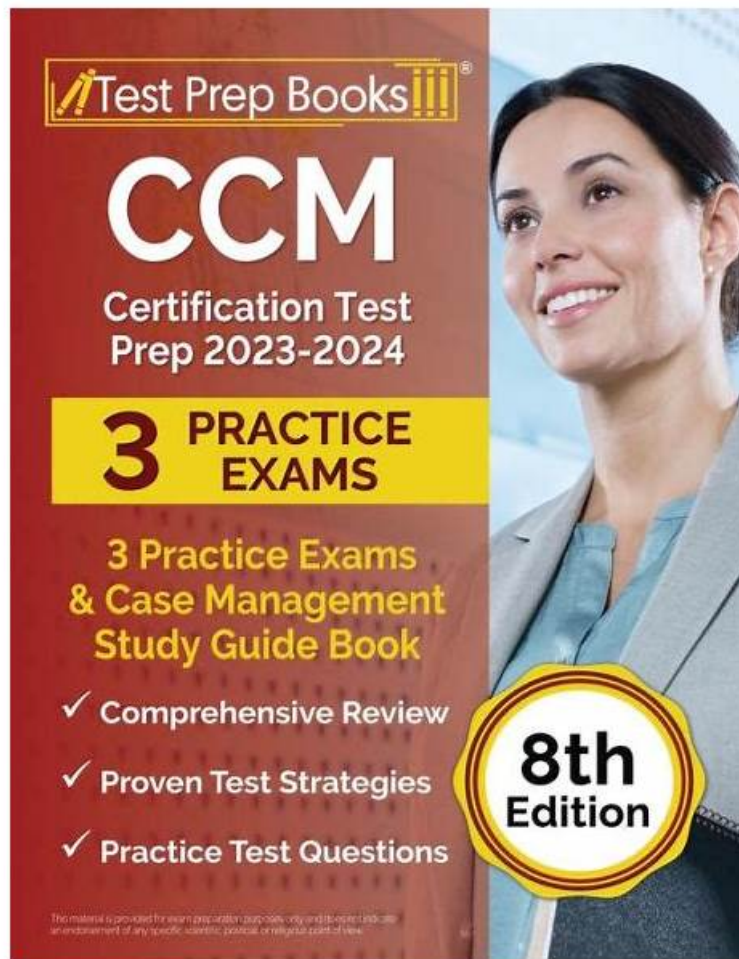


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Medical Professional Certified Case Manager Certification Exam (CCM)

Sample Questions (Q62-Q67):

NEW QUESTION # 62

You are the Contract Manager of the Engineer in a condominium project under FIDIC Yellow Book (edition 2017), with Time for Completion of 5 months.

The Contractor received a Letter of Acceptance on 1 May 2022. The Contract Agreement was signed on 1 June 2022. The Contract Agreement states that the Commencement Date shall be notified by the Engineer, but it shall be no later than 14 days after the signing of the Contract Agreement, subject to the issuance of the construction permit.

1 July 2022 is the first day the Engineer was at Site. On the same day, the Engineer issued a Notice to the Contractor that the Commencement Date shall be 15 July 2022. However, the construction permit was issued only on 1 August 2022.

The Project was completed on 1 December 2022. After completion, the Employer submitted a claim for Delay Damages. Following consultations, the Parties could not reach agreement on the Commencement Date.

What is the correct Commencement Date?

- A. 1 August 2022
- B. 15 June 2022
- C. 15 July 2022
- D. 12 June 2022

Answer: A

Explanation:

According to the FIDIC Yellow Book 2017, the Commencement Date is the date notified by the Engineer as the date on which the Contractor shall start the execution of the Works (Sub-Clause 8.1). In this case, although the Engineer notified 15 July 2022 as the Commencement Date, it was subject to the issuance of the construction permit. Since the construction permit was only obtained on 1 August 2022, work could not legally commence before that date.

FIDIC recognizes that the Contractor cannot be expected to start before all necessary permissions are granted.

Hence, the effective Commencement Date must be the earliest date on which the Contractor can legally commence work, i.e., the date when the permit was issued (1 August 2022). The contract's requirement that the Commencement Date notification occur no later than 14 days after signing is subject to actual readiness conditions (permit availability).

Therefore, for purposes of delay and completion, the Commencement Date is 1 August 2022. This affects the calculation of the Time for Completion and any delay claims accordingly.

References:

FIDIC Yellow Book 2017 Edition, Sub-Clause 8.1 - Commencement of Works

FIDIC Yellow Book 2017 Edition, Sub-Clause 2.1 - Right of Access to Site and Permits FIDIC Contract Manager Study Guide, Module on Contract Formation and Execution

NEW QUESTION # 63

For the FIDIC Red Book (both editions), the Contractor is required to submit a progress report monthly.

When does the Contractor's reporting requirement end?

- A. After issuance of the Taking-Over Certificate.
- B. After issuance of the Performance Certificate.
- C. Until all outstanding works as stated in the Taking-Over Certificate are completed.
- D. At the Date of Completion of the Works (irrespective of whether there is minor outstanding work to be performed).

Answer: C

Explanation:

The Contractor's obligation to submit progress reports continues until all outstanding work identified in the Taking-Over Certificate has been completed. The Taking-Over Certificate signals substantial completion but may allow for outstanding minor works.

Reporting is essential to monitor progress on these outstanding works.

The Performance Certificate relates to final contract completion but reporting usually ends earlier only after all works are completed. Therefore, Option D is correct.

References:

FIDIC Red Book 1999 & 2017 Editions, Sub-Clause 4.21 - Progress Reports FIDIC Contract Manager Study Guide, Module on Communication and Reporting

NEW QUESTION # 64

You are teaching a group of early career professionals in the Contract Management department about the FIDIC 2017 Rainbow Suite of contract, and you are explaining about the intention of Delay Damages. Which one of the following statements is correct?

- A. Delay Damages is not intended to remove burden for the Employer to demonstrate and prove that it has suffered any loss or damage.
- B. None of the above.
- C. Delay Damages is intended to provide full compensation to the Employer for all damages that it is expected to suffer as a result of the delay.
- **D. Delay Damages is intended to be treated as an incentive for the Contractor to perform on time.**

Answer: D

Explanation:

Delay Damages under FIDIC are primarily a pre-agreed measure to incentivize the Contractor to complete works on time rather than full compensation for all losses suffered. They simplify the process by avoiding the need for the Employer to prove actual losses.

Option A is incorrect; Delay Damages are generally not full compensation.

Option C is incorrect because Delay Damages remove the Employer's burden to prove actual loss.

Option B is the correct interpretation.

References:

FIDIC Red, Yellow, Silver Books 2017 Editions, Sub-Clause 8.7 - Delay Damages FIDIC Contract Manager Study Guide, Module on Delay Damages

NEW QUESTION # 65

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

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 # 66

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

Choose all of the correct answers (multiple possibilities)

- **A. The actual progress to date, any delay to such progress and the effects of such delay on other activities (if any).**
- B. Only the delivery dates of Plant and Materials which have not been delivered on Site yet.
- **C. All internationally recognized holiday periods.**
- D. The sequence and timing of the remedial work.

Answer: A,C

Explanation:

Under Sub-Clause 8.3 of the FIDIC Red and Yellow Books 2017, the revised programme must reflect:

The planned sequence and timing of works including recognized holidays (Option A) to ensure realistic scheduling.

The actual progress to date, delays, and impacts on subsequent activities (Option B) so that stakeholders can manage resources and risks effectively.

Option C (remedial work) is typically not part of the main programme but may be in a separate defect rectification schedule.

Option D is too narrow; the programme should include all activities, not only undelivered materials.

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 # 67

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