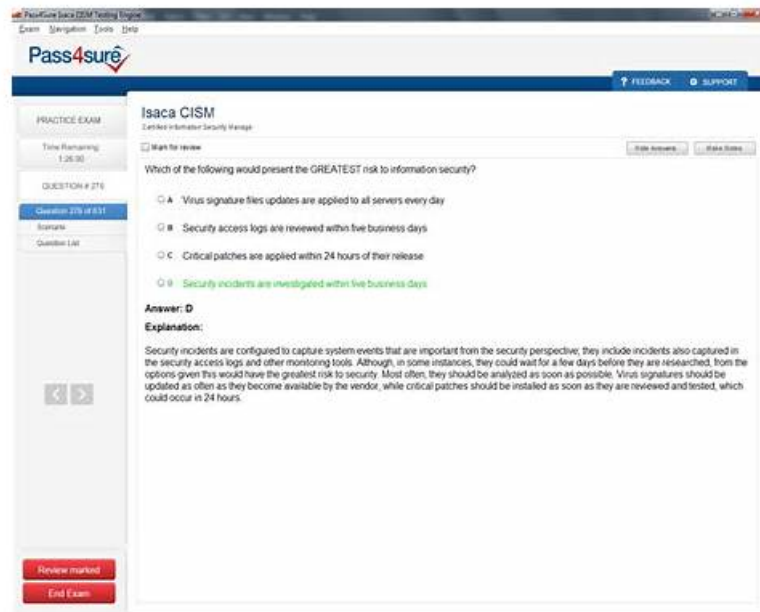


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q41-Q46):

NEW QUESTION # 41

Which of the following form a Contractor's entitlement, in case the Contractor does not receive an interim payment within the allocated contractual deadline for payment? (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. Beyond receiving the financing charges, the Contractor has no further entitlements in such a case.
- B. Right after the expiry of the payment deadline, the Contractor may terminate the contract.
- C. In case the Employer paid the Contractor late, the Contractor becomes entitled to receive financing charges applying the % included in the Contract Data (if this is not stated, then applying the percentage as included under the corresponding Sub-Clause).
- D. The Contractor is entitled to suspend the works or reduce the rate of progress of the work, after giving a due Notice (21 days) about this intention.
- E. If the payment is not made within the time period required, after the expiry of such period, from the next day onwards, the

Contractor is entitled to suspend all his/her activities on Site.

Answer: C,D

Explanation:

Option C is correct: The Contractor is entitled to financing charges (interest) on late payments, calculated as per the percentage specified in the Contract Data or corresponding Sub-Clause.

Option D is correct: The Contractor can suspend works or reduce progress after giving due notice, usually 21 days, if payments are not made on time.

Option A is incorrect; termination is not automatic right after the payment deadline expires.

Option B is incorrect; suspension requires prior notice rather than immediate action.

Option E is incorrect because the Contractor has additional remedies such as suspension, beyond just financing charges.

References:

FIDIC Red, Yellow, Silver Books 1999 & 2017 Editions, Sub-Clause 14.8 - Payment of Retention Money and Financing Charges

FIDIC Contract Manager Study Guide, Module on Payment Procedures and Remedies

NEW QUESTION # 42

Both FIDIC Silver Book (SB) and Yellow Book (YB) (edition 1999) mention the Contractor scrutinising the Employer's Requirements. Which statement is correct?

- A. Scrutinising in FIDIC Yellow Book 1999 means that the Contractor has the opportunity after contract close to report on any errors, mistakes or conflicts in the Employer's Requirements. In the FIDIC Silver Book 1999 scrutinising provides that obligation during the tender period; Contractor has the opportunity to report on any errors, mistakes or conflicts in the Employer's Requirements and for Employer to change it; for after contract closes this is not a duty anymore of Employer.
- B. Scrutinising in FIDIC Silver Book 1999 means that the Contractor should read the Employer's Requirements very thoroughly after the contract closes and see if the Employer's Requirements is complete or if something is missing.
- C. Scrutinising in FIDIC Yellow Book 1999 means the same as in FIDIC Silver Book 1999. In both models it means that after the contract closes and before starting the actual making of the design, the Contractor has to read the Employer's Requirements very thoroughly and check on any errors, omissions or conflicts.
- D. Scrutinising in FIDIC Yellow Book 1999 and Silver Book 1999 means that the Contractor must ask the Employer to check the Employer's Requirements very well to see if the Works can be built on that location according to the Employer's Requirements.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Option D correctly captures the difference between Yellow and Silver Books (1999):

In the Yellow Book, the Contractor may raise concerns after contract close.

In the Silver Book, the Contractor must scrutinize and report on Employer's Requirements during the tender period, and after contract close this duty lapses.

Other options misunderstand timing or scope of scrutiny.

References:

FIDIC Yellow and Silver Books 1999 Editions, Sub-Clause 4.1 - Contractor's General Obligations FIDIC Contract Manager Study Guide, Module on Employer's Requirements and Scrutiny

NEW QUESTION # 43

Under the FIDIC Red Book (edition 2017), the Engineer has suspended works to come to a change of the design of a part of the Works. After expiry of 84 days of suspension, the Contractor gave notice thereof.

Following this notice, the suspension was not lifted within 28 days. What two statements are correct in such a situation?

- A. The Contractor may omit the affected part of Works and deny to carry out such Work going forward, but only after it has given a second notice to the Engineer.
- B. The Contractor cannot terminate the Contract.
- C. Under the Contract the Parties cannot agree on further suspension and the Contractor may immediately terminate the Contract if it affects the whole Works.
- D. The Contractor may terminate the Contract if it affects the whole Works, but only after it has given a second notice to the Engineer.

Answer: C,D

Explanation:

Under FIDIC Red Book 2017, if the Engineer suspends works for more than 84 days and the Contractor notifies the Engineer, but the suspension is not lifted within 28 days, the Contractor may terminate the contract if the suspension affects the whole of the Works (Option A).

Additionally, the Contractor must give a second notice before termination (Option C). This process ensures proper communication and adherence to contractual procedures.

Option B is incorrect; termination is allowed under specified conditions.

Option D is incorrect; omission of work is not generally permitted without formal termination.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 8.9 - Suspension by Engineer

FIDIC Contract Manager Study Guide, Module on Suspension and Termination

NEW QUESTION # 44

Which of the following FIDIC contract forms require certification in the payment process? (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- **A. FIDIC Conditions of Contract for Plant and Design Build ("Yellow Book").**
- **B. FIDIC Conditions of Contract for Construction ("Red Book").**
- C. FIDIC Conditions of Contract for EPC/Turnkey Projects ("Silver Book").

Answer: A,B

Explanation:

Comprehensive and Detailed Explanation:

Options A and B are correct: Both the Red and Yellow Books require the Engineer to certify payments before the Employer pays the Contractor.

Option C (Silver Book) typically places the risk on the Contractor and often provides for payment without Engineer certification, reflecting the turnkey nature of the contract.

References:

FIDIC Red and Yellow Books 1999 & 2017 Editions, Clauses on Payment Certification FIDIC Silver Book 1999 & 2017 Editions - Payment Provisions FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 45

Which of the following cases will allow the Employer to claim under the Performance Security? [2017 Edition] (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. The Engineer had issued instruction to replace part of the Works.
- **B. The Contractor failed to renew the Tender Security.**
- C. The Employer had submitted a claim under Sub-Clause 20.2.
- D. The Contractor abandons the Works and the Employer did not issue Notice of termination.
- **E. The Contractor failed to extend the validity of the Performance Security.**

Answer: B,E

Explanation:

Under FIDIC 2017 editions, the Performance Security protects the Employer against failure by the Contractor to fulfill contractual obligations. The Employer may claim under the Performance Security in the following cases:

Option A: Failure to renew the Tender Security as required during the tendering or contract formation phase can allow Employer to make a claim, since the security guarantees the Contractor's commitments at this stage.

Option E: Failure to extend the validity of the Performance Security when requested or required breaches contractual obligations and enables the Employer to claim under the security.

Option B is incorrect because abandonment without termination notice does not immediately entitle the Employer to claim under Performance Security; formal termination is usually required first.

Option C is incorrect because submitting a claim under Sub-Clause 20.2 (Employer's claims) does not directly correlate with claiming under Performance Security.

Option D is irrelevant; instructions to replace works do not relate to Performance Security claims.

References:

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