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CCM® Examination Guide

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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q70-Q75):

NEW QUESTION # 70

Under the FIDIC Red Book, which one of the following statements is correct for a claim by the Contractor?

- A. It is the Employer's Representative who must first respond to the claim by the Contractor.
- **B. If the Engineer does not make a determination, the Employer and the Contractor are unable to agree to settle an issue that gave rise to a claim.**
- C. The Employer has the authority to accept a claim by the Contractor, even in the case of the Contractor's failure to comply with the notice requirements.
- D. The Engineer's response to a claim by the Contractor is final and binding upon the Employer.
- E. The Engineer's response to the Contractor's submission of detailed particulars that are required by the procedure for claims by the Contractor must include the Engineer's final decision on the quantum.

Answer: B

Explanation:

Under FIDIC Red Book 1999, the Engineer plays a key role in determining claims submitted by the Contractor (Clause 20). If the Engineer fails to make a determination within the prescribed time, the Parties may be unable to resolve the dispute and thus the matter may proceed to dispute resolution mechanisms.

Option B is correct because if the Engineer does not decide, the claim remains unsettled, and the Parties are left to resolve the dispute, often via Dispute Adjudication Board or arbitration.

Option A is incorrect; claims must comply with notice requirements to be valid.

Option C is incorrect because the Engineer may request further particulars but is not obligated to give a final decision on quantum immediately.

Option D is incorrect as the Engineer, not the Employer's Representative, first responds to claims.

Option E is incorrect since the Engineer's decision is not final and binding if disputed; it may be challenged.

References:

FIDIC Red Book 1999 Edition, Clause 20 - Claims, Disputes and Arbitration FIDIC Contract Manager Study Guide, Module on Claims and Dispute Resolution

NEW QUESTION # 71

You are the Contract Manager for the Engineer in a hotel project using FIDIC Red Book (edition 1999). The Employer demands perfection in the project's design and construction quality. There are many Variations initiated by the Employer during construction. Which one of the following is NOT considered as a Variation?

- A. The Engineer instructs a change in slopes of stairs to the parking lot with an Instruction in accordance with Sub-Clause 3.3.
- B. The Engineer requests a proposal regarding a change in type of windows and doors of the business centre.
- **C. The Contractor submits a Value Engineering proposal, in which it proposed to change the colour of the outdoor paint. The Engineer approved the proposal.**
- D. The Employer verbally instructs a change in the layout of the rooftop restaurant. The Engineer issued an Instruction describing the required change with revised design drawings.

Answer: C

Explanation:

Comprehensive and Detailed Explanation:

Option A is NOT a Variation because it originates from a Value Engineering proposal by the Contractor, not from Employer or Engineer instruction or request.

Options B, C, and D are all variations initiated by the Employer or Engineer.

References:

FIDIC Red Book 1999 Edition, Clause 3 - Variations

FIDIC Contract Manager Study Guide, Module on Variations

NEW QUESTION # 72

Under both FIDIC Yellow Book (YB) and Silver Book (SB) (edition 1999), if the Engineer (YB) / Employer (SB) instructs the Contractor based on Sub-Clause 8.6 to provide a revised programme, the acceptance by the Engineer (YB) / Employer (SB) of a revised programme with a completion within Time of Completion entitles the Contractor to a payment of the needed extra costs. Is this statement true or false?

- **A. False**

- B. True

Answer: A

Explanation:

This statement is false. Acceptance of a revised programme that shows completion within the Time for Completion does not automatically entitle the Contractor to extra payment. The Contractor must demonstrate additional costs arising from the instruction or circumstances to claim payment.

The acceptance of a compliant programme is a scheduling and administrative matter, not a compensation guarantee.

References:

FIDIC Yellow and Silver Books 1999 Editions, Sub-Clause 8.6 - Revised Programme FIDIC Contract Manager Study Guide, Module on Claims and Payment

NEW QUESTION # 73

Regarding the FIDIC Silver Book (both editions), if a part of the Works is to be paid according to quantity supplied or work done, appropriate provisions must be included in the Particular Conditions. Is this statement true or false?

- A. True
- B. False

Answer: A

Explanation:

This statement is true. The Silver Book (EPC/Turnkey contracts) usually involves lump-sum payment, but if part payment is based on quantity or work done, this must be explicitly provided for in the Particular Conditions to avoid ambiguity.

Such provisions ensure clarity on payment terms in line with project specifics.

References:

FIDIC Silver Book 1999 & 2017 Editions, Sub-Clause 14 - Payment Provisions FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 74

Which one of the following claim events does NOT allow profit?

- A. Under the Construction Contract, the relevant authority had unnecessarily delayed the approval.
- B. Under the Construction Contract, interference by the Employer with Tests on Completion.
- C. Under the Construction Contract, the failure of the Employer to give right of access to the site.
- D. Under the Construction Contract, the Engineer's delay in supplying drawings or issuing instructions.
- E. Under the Plant and Design-Build Contract, errors in the Employer's requirements.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Under FIDIC contracts:

Profit is usually allowed on claims arising from Employer-caused delays, instructions, or breaches that directly affect the Contractor's performance or costs (Options A, B, C, and E).

Option D relates to delays caused by third parties (authorities). Typically, delays caused by relevant authorities (e.g., permit or approval delays) are treated differently, and profit is not generally recoverable on these claims as they are considered neutral or force majeure-type delays. The Contractor may receive an extension of time and reimbursement of direct costs but not profit.

Thus, Option D is the claim event where profit is not allowed.

References:

FIDIC Red, Yellow, and Silver Books 1999 and 2017 Editions, Clauses on Claims and Compensation FIDIC Contract Manager Study Guide, Module on Claims and Profit on Claims

NEW QUESTION # 75

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