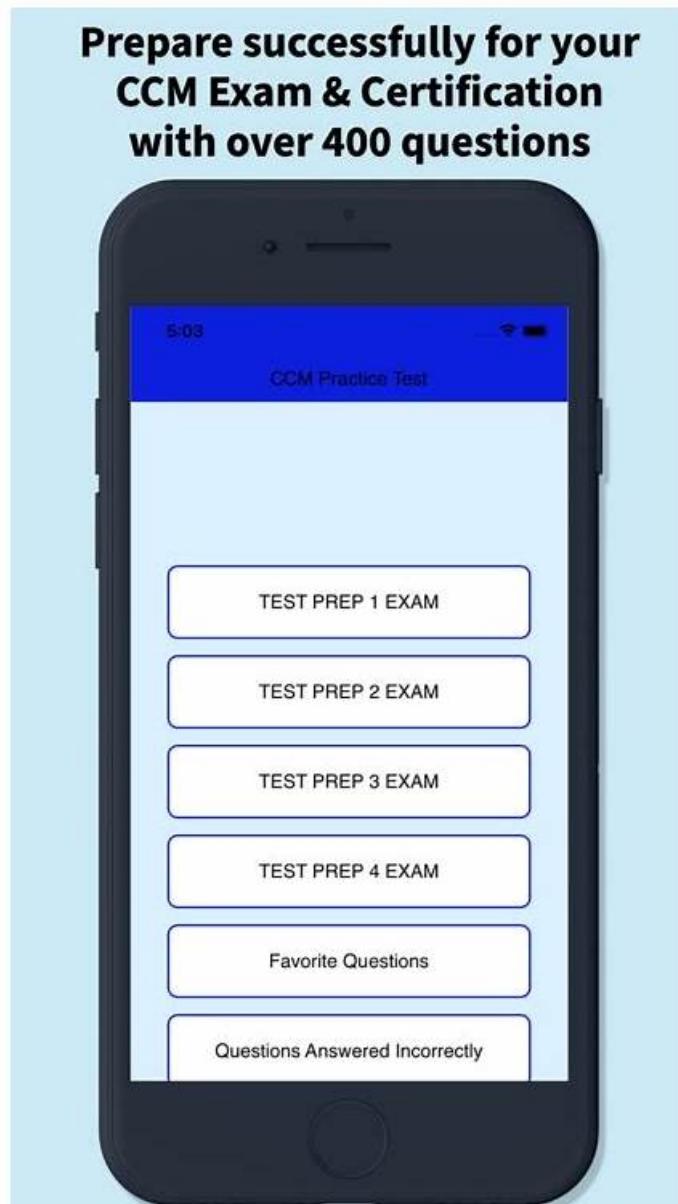


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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q101-Q106):

NEW QUESTION # 101

You are the Contract Manager of the Engineer and person Y is the Contract Manager of the Employer in a construction project under FIDIC 2017 Red Book. The project is late in schedule and Y has issued Employer's claim on Delay Damages. You have asked Y to consider whether the Contractor's delay to completion is a reflection of cash-flow shortfall from interim payments before making deductions to the Contractor's payment. Y replied that even if the Contractor pays Delay Damages to the Employer, the Contractor is still obliged to complete the Works and is not relieved from its duties and obligations. You warned Y of the risks of further reduction of cash-flow by the deduction of Delay Damages from payments. As this could worsen the situation of the Contractor, leading to further delays to the completion of the Works. Who is right?

- A. Both you and Y are wrong.
- B. You are wrong, Y is correct.
- C. You are correct, Y is wrong.
- D. Both you and Y are both correct.

Answer: D

Explanation:

Both statements are correct:

Y is right that payment of Delay Damages does not relieve the Contractor from completing the Works.

You are also correct that excessive deduction of Delay Damages can reduce the Contractor's cash flow, potentially worsening delays.

This situation requires careful balance between enforcing contractual rights and maintaining project progress.

References:

FIDIC Red Book 2017 Edition, Sub-Clause 8.7 - Delay Damages

FIDIC Contract Manager Study Guide, Module on Claims and Cash Flow Management

NEW QUESTION # 102

The amount of an advance payment guarantee provided for pursuant to FIDIC Red and Yellow Books (both editions) may be reduced as of:

- A. The Commencement Date
- B. The date of the Taking Over Certificate
- C. The date on which an amount is repaid by the Contractor as stated in the Payment Certificates
- D. The date on which the entire advance payment is repaid as stated in the Payment Certificate

Answer: C

Explanation:

According to FIDIC Red and Yellow Books (both 1999 and 2017 editions), the advance payment guarantee amount may be progressively reduced as the Contractor repays the advance payment through deductions from interim payment certificates. This means the guarantee is reduced as per amounts repaid, not only upon full repayment.

Option D is correct: The guarantee reduces as partial repayments are certified in Payment Certificates.

Option C is incorrect because the reduction happens gradually, not only after full repayment.

Options A and B do not directly relate to the reduction mechanism of the advance payment guarantee.

References:

FIDIC Red and Yellow Books 1999 & 2017 Editions, Sub-Clause 14.2 - Advance Payment Guarantee FIDIC Contract Manager Study Guide, Module on Payment Procedures

NEW QUESTION # 103

If the Engineer is required to obtain the Employer's prior approval to issue determinations (including such requirement in the Particular Conditions) and such approval was not given by the Employer, what possible options are at stake for the Engineer to proceed? [1999 Edition] (2 correct answers apply) Choose all of the correct answers (multiple possibilities).

- A. Informing the Contractor of their inability of issuing the determination, in lack of the Employer's necessary approval.
- B. Issuing the determination to the Contractor in the form and with the content agreeable to the Employer, with a remark, that it is the Employer's determination and not the Engineer's determination.
- C. Remain silent and not do anything in the subject.
- D. The Engineer should refer the matter in subject to the DAB.

Answer: A,B

Explanation:

Under the FIDIC Red Book 1999 Edition, the Engineer is generally responsible for issuing determinations on claims and contract matters. However, if the Particular Conditions require the Engineer to obtain the Employer's prior approval before issuing such determinations, the Engineer's options become limited if that approval is not granted.

* Option C (Issuing the determination to the Contractor in the form and with the content agreeable to the Employer, with a remark that it is the Employer's determination and not the Engineer's determination) is a practical approach often taken. The Engineer may issue the determination as directed or approved by the Employer but must clarify that it reflects the Employer's decision rather than the Engineer's independent determination.

* Option D (Informing the Contractor of their inability to issue the determination, due to lack of Employer's approval) aligns with transparency and procedural correctness. The Engineer should notify the Contractor if they cannot proceed with the determination, explaining the reason to avoid misunderstanding or delay.

* Option A (Remain silent and do nothing) is not appropriate, as it may cause project delays and disputes.

* Option B (Referring the matter directly to the Dispute Adjudication Board) without a determination from the Engineer is not standard procedure under the 1999 edition. The Engineer's determination or failure to determine generally triggers the dispute resolution process, but referral is normally after due process, including issuing or attempting to issue a determination.

Hence, Options C and D are the appropriate courses of action.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 3.5 - Determinations

FIDIC Red Book 1999 Edition, Particular Conditions (typical clauses on Engineer's authority) FIDIC Contract Manager Study Guide, Module on Claims and Dispute Resolution

NEW QUESTION # 104

Regarding the FIDIC Red Book (edition 1999): which two statements are true in respect of Building Information Modelling (BIM)? Choose all of the correct answers (multiple possibilities).

- A. BIM is not related to the improvement of quality, accuracy, delivery times and cost savings.
- B. General Conditions of Contract require the use of BIM.
- C. For construction or building projects involving BIM, many Sub-Clauses of FIDIC Red Book (edition 2017) should be thoroughly reviewed when drafting the Particular Conditions.
- D. BIM is one of the digital data technologies used in all aspects of project planning, investigation, design, construction and operation.

Answer: C,D

Explanation:

Option B is correct: BIM is indeed a digital data technology applicable throughout the project lifecycle.

Option D is correct: Use of BIM requires careful consideration of contract clauses and appropriate adjustments in Particular Conditions.

Option A is incorrect; the 1999 edition does not mandate BIM use.

Option C is false; BIM improves quality, accuracy, delivery times, and cost efficiency.

References:

FIDIC Red Book 1999 & 2017 Editions - BIM and Contract Amendments

FIDIC Contract Manager Study Guide, Module on BIM and Digital Technologies

NEW QUESTION # 105

You are the Contract Manager for the Engineer in a highway project using FIDIC Red Book (edition 1999).

There is a Schedule of cost indexation included in the Contract. The project must be completed by 31 December of this year. If the Contractor fails to complete the Works by then, how will the adjustment of prices take place thereafter?

- A. Either the current index/price, or index or price applicable on the date 49 days before the expiry of the Time for Completion of the Works, whichever is more favourable to the Employer.
- B. The current index or price.
- C. Either the current index/price, or index or price applicable on the date 49 days before the expiry of the Time for Completion of the Works, whichever agreed by Parties.
- D. Each index or price applicable on the date 49 days before the expiry of the Time for Completion of the Works.

Answer: D

Explanation:

Comprehensive and Detailed Explanation:

Under FIDIC Red Book 1999, price adjustments after the Time for Completion are based on the indices or prices applicable on the date 49 days before the expiry of the Time for Completion, not the current index. This prevents the Contractor from benefiting from price fluctuations after the contract period.

This clause ensures fairness by locking the price basis as of a fixed reference date, protecting the Employer from increased costs due to delays.

References:

FIDIC Red Book 1999 Edition, Sub-Clause 13.8 - Adjustments for Changes in Cost FIDIC Contract Manager Study Guide, Module on Price Adjustment

NEW QUESTION # 106

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