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Medical Professional Certified Case Manager Certification Exam (CCM) Sample Questions (Q48-Q53):

NEW QUESTION # 48

The procurement process of a project executed based on any FIDIC Contract model is exactly the same in terms of definitions, time and steps, which makes it universal and more easy to use worldwide. Is this statement true or false?

- A. False
- B. True

Answer: A

Explanation:

This statement is false. While FIDIC Contracts provide standardized contractual frameworks, procurement processes vary widely depending on local laws, employer requirements, contract editions, and project specifics. Definitions, timelines, and procurement steps may differ between models and jurisdictions, making the procurement process not universally identical.

The FIDIC contracts are adaptable tools, not rigid procurement procedures, so users must tailor procurement to local and project

needs.

References:

FIDIC Contract Manager Study Guide, Module on Contract Formation and Procurement Strategies Various National Procurement Regulations and Practices

NEW QUESTION # 49

Choose which one statement consists of an example of an unclear and ambiguously drafted Particular Conditions.

- **A. Provisions of the General Conditions are deleted and replaced in the Particular Conditions solely by the words "not used".**
- B. All deletions of a General Conditions are replaced with new Particular Conditions that cover the same scope.
- C. The clarifications to the Contract given during the tender period are never to be attached to the Contract, as such clarifications are reflected by amending the Particular Conditions.
- D. Clarifications to the meaning of tender documents together with answers to tenderers' inquiries made during the tender period by the Employer should be e-mailed in a Excel table in both PDF and XLS file format.

Answer: A

Explanation:

The use of vague phrases such as "not used" in Particular Conditions to delete provisions of the General Conditions without replacement or explanation leads to ambiguity and unclear contractual obligations. Such drafting can cause confusion as it fails to clarify whether the deleted provisions are simply not applicable or replaced by other terms. This practice is discouraged because it creates legal uncertainty and possible disputes regarding the rights and responsibilities of the parties.

Option A exemplifies this problem, as it deletes General Conditions clauses without specifying alternatives or clarifications.

Option B is a good practice where deletions are replaced by well-defined clauses to maintain contract balance.

Option C describes a clear method of issuing clarifications, promoting transparency and traceability.

Option D is consistent with standard practice, where clarifications during tender are formalized by contract amendments.

References:

FIDIC Contract Manager Study Guide, Module on Contract Administration Procedures and Particular Conditions drafting FIDIC Red Book 2017 Guide notes on drafting Particular Conditions

NEW QUESTION # 50

A large sewage pump installation has been constructed under the FIDIC Yellow Book (edition 1999). Prior to commencement of the Tests on Completion, the Employer requires the Contractor to issue the Operation and Maintenance Manuals. All contract documents are to be drafted in the English language as per Sub-Clause 1.4.

However, the Employer discovers all documents are drafted in a different language: French. The Contractor explains that the territory where the Plant was constructed is a region with French as a second official language, as result of which, this approach is acceptable. This also works for the proposed maintenance company, which is Paris-based. The Employer is surprised and asks you what to do. Select the best fitting advice you should give the Employer.

- A. If French is indeed an official second language of the region where the Plant is built, the Contractor is entitled to deliver the documents in French. The usability in terms of language is not described in Sub- Clause 5.7, so the Employer should accept the Operation and Maintenance Manuals in French.
- **B. The Employer should check on the Appendix to Tender, Employer's Requirements and / or Particular Conditions. There could very well be specific requirements regarding the language in those. If that is not the case, the language of the Contract determined in Sub-Clause 1.4 and the language of the Operation and Maintenance Manuals should in this case be English.**
- C. As the Contract is written in the English language, Sub-Clause 1.4 dictates that the Operation and Maintenance Manuals should be written in English as well.
- D. Golden Principle no. 1 states: The duties, rights, obligations, roles and responsibilities of all the Contract Participants must be generally as implied in the General Conditions, and appropriate to the requirements of the project. In this case this means it is appropriate that the Operation and Maintenance Manuals are in French, as the maintenance is based in France.

Answer: B

Explanation:

The best advice is to verify specific contractual documents such as the Appendix to Tender, Employer's Requirements, and Particular Conditions, which may specify the required language for Operation and Maintenance Manuals. If no specific provision is made, the default language is that of the Contract as per Sub- Clause 1.4, which in this case is English.

Therefore, the Contractor is generally obliged to provide manuals in English unless otherwise specified.

Options B, C, and D are less comprehensive or may disregard contractual hierarchy or project-specific details.

References:

FIDIC Yellow Book 1999 Edition, Sub-Clause 1.4 - Language

FIDIC Yellow Book 1999 Edition, Sub-Clause 5.7 - Operation and Maintenance Manuals FIDIC Contract Manager Study Guide, Module on Contract Language and Documentation

NEW QUESTION # 51

Which one of the following statements is correct regarding the Employer's Representative under the FIDIC Silver Book (edition 1999)?

- **A. The Employer may appoint an Employer's Representative to act on his behalf under the Contract.**
- B. The Employer must always appoint an Employer's Representative to act on his behalf under the Contract.
- C. The Employer may appoint an Employer's Representative to act on his behalf under the Contract but has to consult the Contractor to agree to this Representative.
- D. The Representatives of both the Employer and the Engineer have no authority to amend the Contract at all.

Answer: A

Explanation:

Comprehensive and Detailed Explanation:

Under the FIDIC Silver Book (1999 edition), the Employer may appoint an Employer's Representative to act on their behalf, but this is discretionary and not mandatory (Option B). The Employer's Representative acts within the authority delegated by the Employer but cannot amend the Contract unless expressly authorized.

Option A is partly correct but less complete than B.

Option C is incorrect; the appointment is not compulsory.

Option D is incorrect; the Employer is not contractually obliged to consult the Contractor for appointment approval.

References:

FIDIC Silver Book 1999 Edition, Clause 1.1 and Clause 3 - Employer's Representative FIDIC Contract Manager Study Guide, Module on Contract Administration

NEW QUESTION # 52

Through which two of the following documents may the Employer give information to the Contractor of a planned timetable of meetings such as management meetings, site meetings, technical meetings, and progress meetings?

Choose all of the correct answers (multiple possibilities).

- A. Specification
- **B. Employer's Requirements**
- C. General Conditions of Contract
- **D. Special Conditions**

Answer: B,D

Explanation:

The timetable for meetings is usually set out in the Special Conditions (Particular Conditions) and/or the Employer's Requirements, which define project-specific administrative and management arrangements.

Special Conditions customize the General Conditions to the project and often specify meeting schedules.

Employer's Requirements detail the Employer's expectations, including communication protocols and meeting timetables.

The General Conditions (Option A) are standard and do not include project-specific meeting schedules.

The Specification (Option B) mainly covers technical requirements, not administrative matters like meetings.

References:

FIDIC Red and Yellow Books 1999 and 2017 Editions, Special Conditions and Employer's Requirements Sections FIDIC Contract Manager Study Guide, Module on Communication and Reporting

NEW QUESTION # 53

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