

Term of Reference



Mine Closure Plan Year 2024 -2026 for Hongsa Mine Mouth Power Plant Project, Xayabouly Province, Lao PDR

August 20th, 2023

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1. INTRODUCTION AND BACKGROUND

According to the obligations in an approved Mine Closure Plan dated Mar 25, 2021 No.1001/ ພບ.໗໑໕.5 which was issued by Department of Mine Management (“DOM”) under Ministry of Energy and Mines for Hongsa Mine Mouth Power Plant Project, HPC is obligated to prepare and submit Mine Closure Plan to GOL every 3 years. The Mine Closure Plan report is required to work plan regarding Mining activity plan, Power Plant, environment, community as well as other topics related which is during the year 2024 to the end of the project.

Hongsa Power Company (“HPC”) would like to update the mine closure plan for Hongsa Mine Mouth Power Plant Project that shall be submitted to Department of Mine Management (“DOM”) under Ministry of Energy and Mines for approval and implementation during the year 2024 - 2026 by covering to the project overview, geology structure, the physical of mine closure area, environment aspect and disturbed area, implementation of mine closure plan and rehabilitation, budget for mine closure, and conclusion. However, the mine closure plan is required the registered consultant to prepare under obligation (ດຳລັດວ່າດ້ວຍການປັດບັດແຮ່) no.252/ລບ (dated 26/5/2020).

Overall, this Term of Reference (the “TOR”) is prepared to provide enquiries and invite potential Bidders for the Bidding Process by following the intention of mine closure plan for Hongsa Mine Mouth Power Plant Project, Xayabouly Province, Lao PDR.

2. Project Description

The Hongsa Mine Mouth Power Project (“**Project**”) is located in the 67.37 km² Concession Area granted by the GOL in Xayaburi Province, in the northwest region of Lao PDR, approximately 34 km northeast from the Thai-Lao border at the Houay Khon Checkpoint, Chalodem Prakiat District, Nan Province.

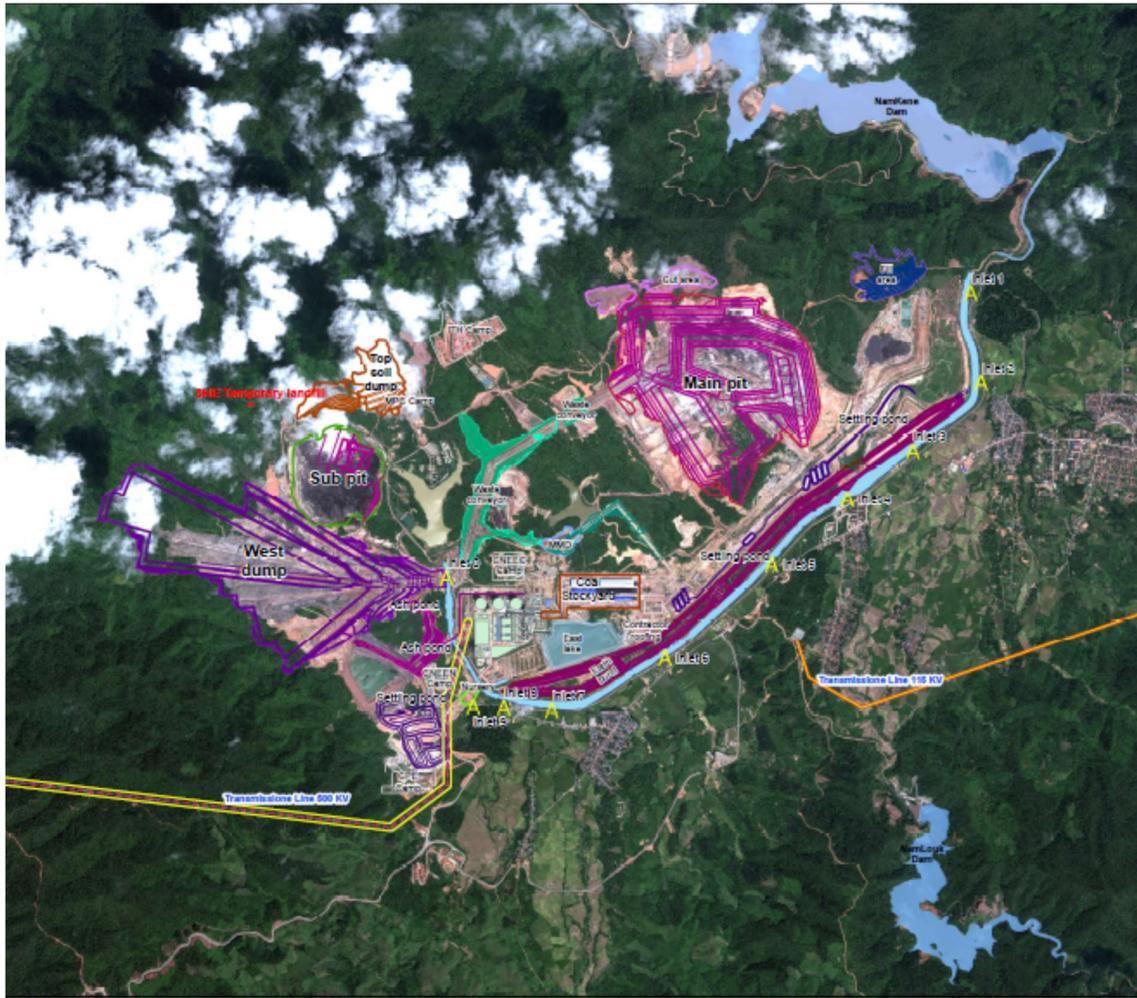


Figure 1 : Overall Project's Area

The Project comprises: (A) the Power Project (which encompasses the development of an 1,878 MW coal-fired power project commonly referred to as the Hongsa Power Plant to be located in the Hongsa District, Xayaburi Province, northwestern Lao PDR, including Transmission Line and all of the project facilities related thereto under the Power Concession Agreement); (B) the Coal Mining Project (which encompasses the survey, exploration, prospecting, evaluation, mining, refining (treatment & processing), exploitation, and transportation of Coal in and from the Coal Mining Area as defined in the Mining Concession Agreement, the design, construction, completion, operation and maintenance of the Coal Mining Project, the supply and delivery of Coal to the Project, and all other ancillary activities related thereto to be carried out under the Mining Concession Agreement); and (C) the Limestone Quarry Project which limestone for use by the Project to produce power for desulphurization process for Project's Power Plant.

The Power Plant is located adjacent to the mining area and located approximately 8 km to the west of the town of Muang Hongsa. The power plant and related facilities (e.g. cooling towers, Flue

Gas Desulphurization (FGD), Electrostatic Precipitator (ESP), Low NO_x burner, pump houses, lignite and ash handling conveyors and silos, water treatment plant, workshops, maintenance building, 500 kV switchyard and 250 m height chimney) are located within a fenced area of approximately one (1) km². The power plant operation will be controlled from a fully-equipped central control room. Each Unit will be highly automated to ensure strict compliance with operating limits, achievement of optimum performance, and to guarantee reliability and safety of the power plant. Additionally, the Power Plant will be operated in compliance with the World Bank Environmental Guidelines 2007 (“WBEG07”).

Lignite will be supplied from the mine located adjacent to the power plant. There are over 700 million tons of lignite in the Hongsa Basin, and within the planned mine area; there are approximately 393.27 million tons of lignite reserve. The proposed mining concession covers an area of approximately 45 km² that in total, an area will be covered by mining, dumping areas, stockyard, mine service and facilities, etc. The mine area has approximately 12 km², a maximum length of 12 km and maximum width of 5 km, and will reach a maximum depth of about 300 m. The volume of lignite and the overburden to be excavated will be 341.26 million tones and 1.245 million bcm, respectively. Therefore, the mine ratio is 1:3.3 (tones/bcm). However, lignite 13 Mt from sub-pit that is some part in west dump area will be open pit as the first stage.

A 67-km 500-kV double circuit overhead transmission line will be built from the power plant to the interconnection point near Ban Xiang Lom, Lao PDR and Songkwaie District, Nan Province, Thailand (Thai-Lao border) to supply electricity to the Thai Grid. There are about 137 towers with right of way (ROW) in 40-metre strips on both sides of the center line to be installed along the distance of 67 km in which the conductor (i.e. Aluminum Conductor with Steel Reinforcement (ACSR) of CONDOR type) will be used. The 500 kV double circuit line supported on compact lattice towers with 4 conductors per phase will be used.

A 105-km 115-kV circuit overhead transmission line will be built from the power plant to Luang Prabang 2 Sub-station at Xieng Nguen District, Luang Prabang Province to supply electricity to Lao, PDR and supporting electrical to Power Plant for commissioning. There are about 234 towers with right of way (ROW) in 12.5-metre strips on both sides of the center line to be installed along the distance of 105 km in which the conductor will be used. This 115 kV Transmission Line will further supply to Luang Prabang 2 Substation Northeast thereof and will hand over to the Electric de Lao (“EDL”) for operation phase.

The Nam Ken reservoir (capacity 22.7 MCM) with 2 km² will be located northeast of the power plant, and the Nam Louk reservoir (capacity 16.7 MCM) with 1 km² will be located southeast of the power plant. The water from the Nam Louk reservoir will be drawn by gravity while a pumping station will be constructed to pump the water from the Nam Kene Reservoir to the power plant.



Nam Kene Dam



Nam Louk Dam

Figure 2 : Nam Kene and Nam Louk Reservoir

The limestone quarry is located near Muang Nguen, Xayaburi Province, Lao PDR. The quarry will cover approximately 1km². Limestone from the quarry is required for the Flue Gas Desulphurization (FGD) system at the power plant at a rate of 1,650 tones/day. The total quantity of limestone is approximately 12 million tones over 25 year period of Project lifetime.

The supporting infrastructures includes Sandstone Quarry located in Mining Area for material supply, 35-km Main roads (Muang Ngeun – Project Main Road), Limestone Bypass Road, Ban Han Bypass Road, access road to water reservoirs or dams, the water resource system (Nam Louk and Nam Kene Dams), Resettlement Villages and facilities, Fuel Supply Station, Staff Accommodation.

Additional Mining Concession Areas :

- CA1: total area 12.74 sq.km; area required by Jan 2021
- CA3: total area 28.75 sq.km; area required by Jan 2024

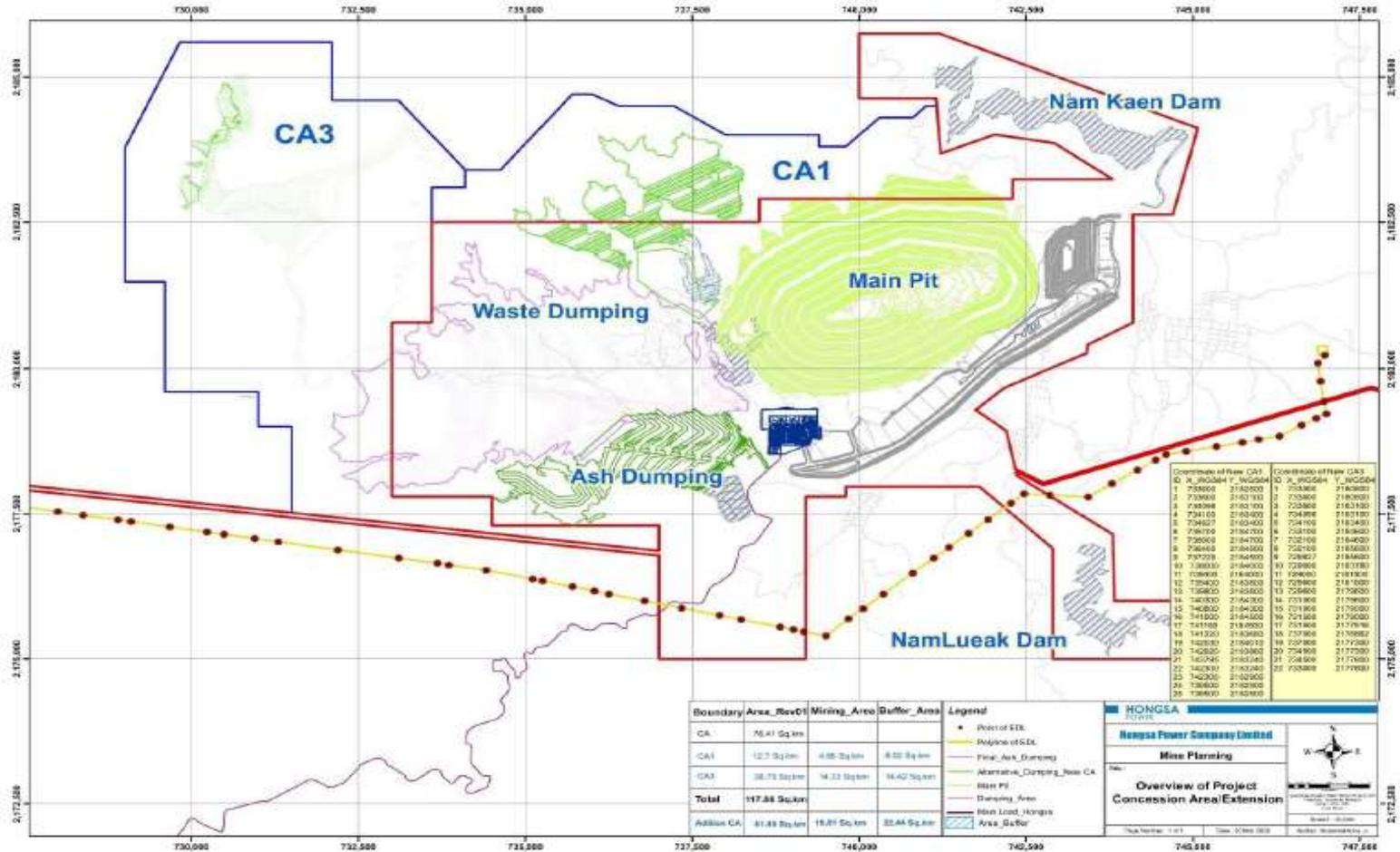


Figure 3 : Expanded Mining Concession Area (MCA Expansion)

NNN Building 4th Floor/Room No. D5, Boulichan Road, Phonsinouan Village,
Sisattanak District, Vientiane Capital, Lao PDR.
Tel: + 856 21 223911, 222315, 222482, 219381
Fax: + 856 21 222089

Phonchanh Office, Hongsa District, Xayabouly Province, Lao PDR.
Tel: + 856 74 266121 - 29
Fax: + 856 74 266120

Pre-Construction and Construction Activities in MCA Expansion

1) Additional Mining Concession Area 1 (CA1): the activities in CA1 include Land acquisition and compensation, and logging of tree and clear cutting of vegetation cover, and topsoil layer removal. Land acquisition and compensation are the first activities before pre-construction/construction works. After the logging of tree and clear cutting of vegetation cover, topsoil layer within the required area for solving slope failure will be excavated and transported to the topsoil stockyard which is located to the north of the existing Main Dumping Area. Bulldozer and truck are the major equipment during these phases.

2) Additional Mining Concession Area 3 (CA3), the activities in CA3 include Land acquisition and compensation, and logging of tree and clear cutting of vegetation cover, topsoil layer removal, and construction of related facilities such as conveyor system and settling pond. Similar to CA1, land acquisition and compensation are the first activities before pre-construction/construction works, the people in Ban Kiew Ngiew would be moved out to the new area of approximately 90 hectares at Ban Pang Bong’s intersection where new houses and infrastructures will be constructed. After the logging of tree and clear cutting of vegetation cover, topsoil layer within the required area for waste dumping will be excavated and transported to the topsoil stockyard which is located to the north of the existing Main Dumping Area. After that the conveyor system and settling pond will be constructed.

The settling pond is designed and constructed downstream of the waste dumping area to collect and settle the solids or sediment in the run-off water before discharge into Huay Kating, the connected surface water course. The conveyor system will be constructed to connect the existing Main Pit and waste dumping area in CA3.

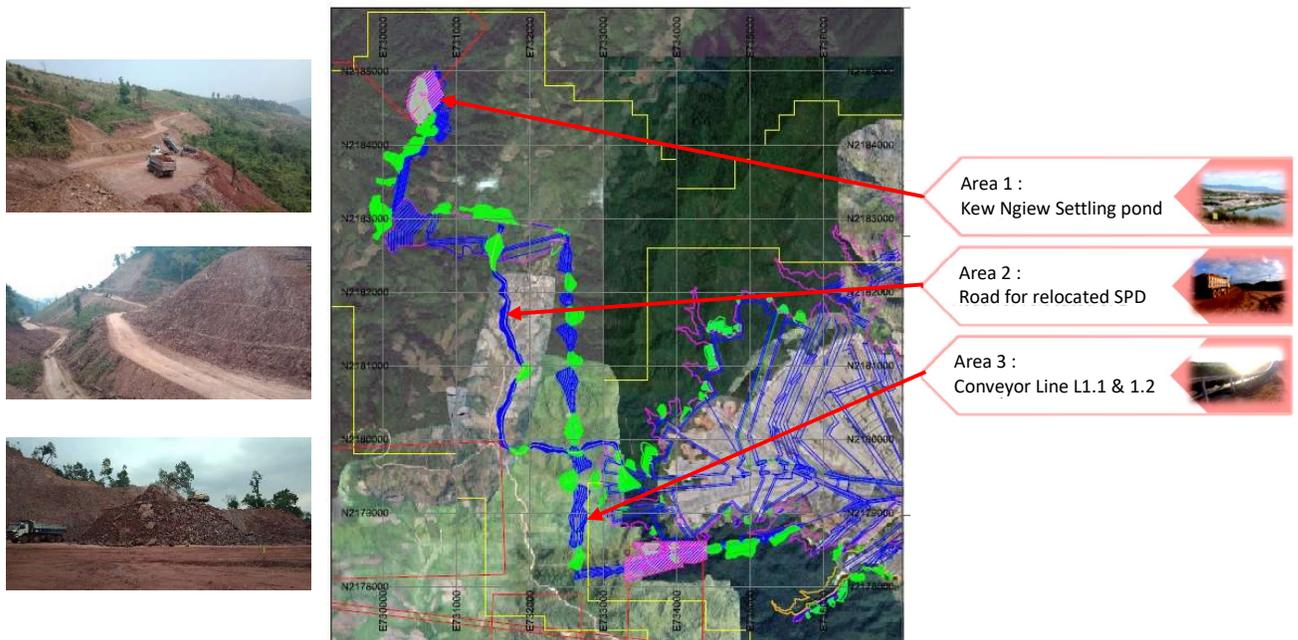


Figure 4 : Construction Activities in MCA Expansion

Mine Rehabilitation and Mine Closure Plan

Mine Rehabilitation work objective is to return the disturbed land to its old condition prior to pre-mining or develop the area to be better with land stability and safety which follows the stakeholder requirement and complies with law and obligation. Mine Rehabilitation carry out since 2012 at Earth bund area, in 2015 at East bund, in 2017 at North diversion areas, in 2018 at Ash Pond, and 2019 at Mian dumping area. The progress of planted area during 2012 – 2023 is 273 ha of total 2,495 ha or completed 11%. The process of rehabilitation area consists of:

1. Seedling preparation: gathering seed and seedling production for planting in rehabilitation with acceptable quality and sufficient.
2. Site preparation: prepare the area for suitable tree planting such as site stability, soil improvement, leveling, and constructing a ditch for water drainage.
3. Planting: grass, legume species, local tree, and tree pioneer species.
4. Maintenance: weed control, apply fertilizer, and soil mulching to help tree growth in 3 years after planting.
5. Monitoring: to monitor and performance evaluation of rehabilitation work such as tree growth measurement, survival rate, carbon capture, and other studies.

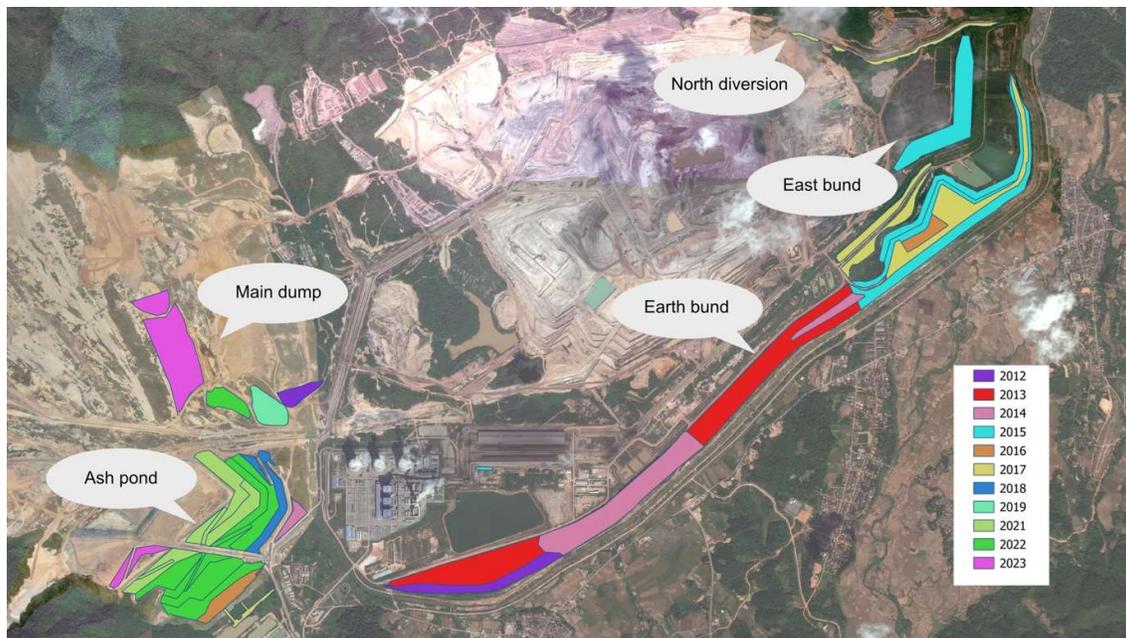


Figure 5: Rehabilitation area year 2012 – 2023.

Mine Closure Plan of HPC, 1st developed in year 2015 utilized period 2015 - 2020 and 2nd updated in 2021 for utilized period 2021 -2023. Under Lao law and obligations, HPC must update the mine closure plan every 3 years and approval by the Department of Mine Management (DOM). Therefore, the 3rd of mine closure plan report must be updated for utilized period 2024 -2026 by updated within 2023 and submit to the Department of Mine Management (DOM) for consideration in Dec'2023 with meeting and site inspection performed in early 2024 and expectation for receive the renew permit within Mar'2023.

3. Duration of the contract

This TOR covers the period of 180 days (6 months) as the “effective date” after both parties signing the contract agreement.

4. Objective

1. To update the mine closure plan from year 2021 to be year 2024 follow Lao law and related obligations by covering to the project overview, geology structure, the physical of mine closure area, environment aspect and disturbed area, implementation of mine closure plan and rehabilitation, budget for mine closure, and conclusion (refer to the content guideline from DOM).
2. To propose the applicable methods for stability and sustainable mine closure including rehabilitation work for Hongsa Mine Mouth Power Plant Project.
3. To prepare the Mine Closure Plan Report for Hongsa Mine Mouth Power Plant Project and submit the Report to government authority of Lao PDR under Lao Laws for approval in timeline.

5. Scope of work

The consultant shall gather necessary data and information from HPC, data analysis, update, prepare, and complete the Mine Closure Plan Report, as well as support to revise the plan as comment of authorized GOLs. The scope of work is to be undertaken by the consultant represents it has full knowledge and understanding of its duties and obligations. The consultant shall perform the services promptly as following tasks:

1. Gathering the relevant data from HPC to analysis follow the mine closure plan guidelines content from DOM.
2. Prepare Mine Closure Plan report for agreed with HPC to comply with Lao Law prior to address in the relevant information.
3. Review and assess the safety, occupational health, environmental, and social impact of operational phrase and mine closure activities and propose the mitigation measure.
4. Propose the applicable process and/or methods of rehabilitation program that reflect Project activities and regulatory requirements relevant to the Project in compliance with the law of mine closure.
5. Organize the Meeting with relevant authority government and/or HPC and/or Authorities for presentation until the Mine Closure Plan Report has been approved by authority government.
6. Response and revise the Mine Closure Plan Report as comment of authority government to be completed the Mine Closure Plan approval.

5.1. Desk review

The consultant shall review all relevant Project documents such as Mine Closure Plan year 2015, Mine Closure Plan year 2021, Mine Planning, Project's information, existing monitoring data including the applicable contractual and legal environmental, health and social obligations to support the CPEMMP development. The kick-off meeting will be conducted for updating project activities, objective/ detail of Mine Closure Plan updating, and required information and data etc. The relevant reviewed documents will be requested after the kick-off meeting.

5.2. Update progress meeting with HPC

The consultant shall undertake to conduct monthly meeting (at least) for the Mine Closure Plan progress update presentation with HPC for detail as following (not limit to).

1. Information gathering and analyze from relevant party including requested information and remaining information.
2. Drafted final report and progress report.
3. Final report (with GOL)
4. Other difficulties and area of concern.

Any special meeting sessions would be requested to set up upon the urgent or concerned issues have been found which request the consideration and approval by HPC.

Notwithstanding the above, any results and reports are submitted initially only to HPC, and that such results and reports shall not be shared with any other entity or released in any way to the public until and unless HPC has officially given its prior approval to do so in writing.

5.3. Mine Closure Plan presentation meeting with authorized government

The consultant shall provide presentation in English and Lao version and participate in meeting with authorized government for Mine Closure Plan presentation in Lao PDR. (Tentatively 1 time in Vientiane Capital of Lao PDR or Hongsa Site). In the site inspection or meeting with GOL, the allowance and meeting cost of GOL will be under HPC's responsibility however the consultant will support the coordination with GOL if required by HPC.

5.4. Response to comment of authorized government

The consultant shall revise the Mine Closure Plan as comments of authorized government until the Mine Closure Plan is approved.

However, HPC reserves the right to accept or reject all or any parts of the Bid Proposal without assignment of any reasons whatsoever.

Besides, HPC is also entitled to verify all statements, information and documents submitted by the Bidders in response to the TOR provided that any such verification or lack of such verification by HPC to undertake such result shall not relieve the Bidders of their obligations or liabilities nor will affect any rights of HPC.

6. DELIVERABLE OF REPORTS

The consultant shall complete and submit the final report within 60 days the date of Award Letter as list below.

Table 1 Delivery of report

Report submission	Hard Copy	Digital file
1. Drafted Mine Closure Plan Report (Lao version)	-	1
2. Final Report (Lao version) included all related data	10	1
3. Presentation of Mine Closure Plan for GOL presentation (English and Lao version)	-	1

7. WORK PLAN

The work plan was shown as **Table 2**.

Table 2 : Duration of work

Description	2023				2024		
	Sep	Oct	Nov	Dec	Jan	Feb	Mar
1. Submit a proposal	Sep 20, 23						
2. Submit PO and contract agreement		Oct 5, 23					
3. Desk review → kick off meeting and Project activities updating meeting		Oct 10, 23	Nov 10, 23	Dec 10, 23	Jan 10, 24	Feb 10, 24	Mar 10, 24
4. Submit inception report and template of report within 15 days after desk review		Oct 25, 23					
5. Submit drafted final report			Nov 30, 2023				
6. Submit final report				Dec 10, 23			
7. Submit the presentation (Consultant is required to participate and support for presentation with GOLs)					Jan 10, 24		
8. Meeting with authorized government					Jan 31, 24		
9. Final Report submission to GOL after comment						Feb 20, 24	
10. Received the permit from GOL							Mar 15, 24

Currency and Language

- Prices in the Bid Proposal should be quoted in LAK for the contractor in Lao and USD or THB for other country.
- Unless otherwise specified by HPC, all Bid Proposal including the supporting information and/or documents should be written in English. If any supported document attached is translated and in case of any ambiguity the translation (original as translated by the Employer) shall be prevail.

Bidding Process Fees

The Bidders are not required to pay the Bidding Process Fee.

8. ELIGIBLE BIDDERS

The bidding is opened to all firms, either alone or in joint-venture or in consortium (jointly and severally responsible) satisfied to the required $\bar{1}$ s by HPC as the following:

- i. Bidders shall be invited and received the TOR supplied by HPC.
- ii. Having at least 20 years of experiences for environmental and social impact assessment;
- iii. Shall provide sufficient amount of the specialist who is adequately qualified to fully perform the scope of work under this TOR.
- iv. Shall attend TOR explanation at Phonchan office or online meetings on Dec 19th, 2022.
- v. Shall provide sufficient amount of budget to perform work as due date.
- vi. Being a juristic person, duly and legally incorporated;
- vii. Having the business objective in carry on related to TOR's objective;
- viii. Having the legal authority to execute the Bid Proposal according to this TOR;
- ix. Not being a bankrupt or liquidated;
- x. Having adequate finances to perform the scope of work as described in this TOR;
- xi. Never breach of contract/agreement or any work to HPC, HPC's counterparties or HPC's Bidders;
- xii. Not sharing any collusive information with other Bidders and commit any action in obstruction of the fair competition;

- xiii. No having business, financial, personal, or other interests to HPC’s activities, the project or others that related thereto.

Finally, Any Bidders who submit any fraudulent document to HPC or misrepresent any documents shall be deemed disqualified in all cases.

9. HPC’s Requirement

9.1. Part I: General Term

9.1.1. BIDDING PROCESS AND CONDITION OF BID

Bidding Process

The TOR Document is to distribute to the Bidders by e-mail or USB flash drive and/or HPC’s website. The Bidders shall propose the Technical and Commercial approach based on the provided information, guidelines scripts and table from HPC or specified herein. The Bidders shall submit to HPC in accordance with the schedule as specified in **Clause 8**.

Addenda

No amendment to the TOR Document, shall be effectual unless in the form of a written addendum thereto issued by HPC.

An addendum may be notified in writing, facsimile transmission, or e-mail. HPC may, in its discretion, extend the Bid period to allow the Bidders for consideration the addenda.

The Bidders shall formally acknowledge, in its Form of Bid, the receipt of each and all addendum to the TOR Document issued by HPC and received by Bidder during the Bidding period.

Cost of Bid

For Bid Proposal Submission, the Bidders acknowledge that the Bid Proposal entirely at their own costs and expenses. HPC is not responsible for payable any costs and/or expenses as incurred by any preparation and submission of the Bidders.

Discrepancies, Errors, Question and Omissions

In the event that bidder finds any discrepancy, error or omission in, or requires clarifications of the TOR, shall notify HPC no later than **10 Sep 2023** in writing.

HPC is going to respond in writing (with a copy to others) to any notification that received within **15 Sep 2023**.

Enquires of Bid or technical nature may be directed, in the first instance by e-mail to:

Ms. Phannipa Kiatbumrung / Division Manager - Procurement

Address 1: Hongsa Power Company Limited
NNN Building 4th Floor/Room No. D5, Boulichan Road,
Phonsinouan Village, Sisattanak District, Vientiane Capital, Lao PDR.

Address 2: Hongsa Power Company Limited
Phonchan Office, Hongsa Sub-district, Xayabouly District, Lao PDR.

Telephone Number: +856-20-52441809

Tel: +856(0)74266121-4 EXT. 1131

E-mail address: Phannipa_K@hongsapower.com:

Acceptance and Rejection of Bid Proposal

HPC reserves the right, at its sole discretion, to accept the proposal that is most responsive and best offer, or to reject any or all proposals, or to waive minor irregularities and informalities in any proposal submitted.

HPC will reject any proposal, which at its judgment, is not responsive. Notwithstanding, HPC shall not be bound to award a contract to the Bidder who has submitted the lowest price proposal. On the other hand, HPC will take into account all evaluating factors and other factors such as compliance with the TOR Documents, technical and financial qualification, capability of the Bidder, and other related matters as HPC deems appropriate to execute the works promptly and vigorously in such manner as to secure delivery and/or completion within the timeframe specified.

Moreover, HPC also reserves the right to separate its order into several purchase orders for different amounts and/or for the selected items to different Bidder and/or to remove any part of scope of supply specified herein and in the TOR Documents after the Bid Evaluation process is completed in order to fulfill its business profit and budget utilization plan.

Ultimately, HPC reserves the right to cancel proposal submission by all Bidders on date and time as designed in TOR due to necessitates the change in our procurement plan.

9.1.2. TOR DOCUMENTS

The TOR Documents shall be issued by HPC for the Bid Proposal as comprised of the document lists as the following together with other documents that required by the conditions to be submitted by the Bidders with Bid Proposal:

1. Invitation for Bid Proposal
2. Introduction and Background
3. Bidding Process and Conditions of Bid
4. HPC's Requirements
 - a) Part I: General Terms; and
 - b) Part II: Work Quality and Specification.
5. Bid Proposals
 - a) Annex I: Price Bid Form;
 - b) Annex II: Technical Bid Form;
 - c) Annex III: Commercial Bid Form; and
 - d) Annex IV: Documentation Form
6. Schedule to TOR Document
 - Schedule I: CA Requirements and Compliances
 - Schedule II: General Conditions of Contract
 - Schedule III: Form of Performance Securities

- Intentionally omitted -

9.1.3. REQUIRED BIDDER SUBMISSION DOCUMENTS

Notwithstanding, the Bidders shall submit the following documents but not limited to:

i. Price Proposal Documents (Envelop 1)

- a) Quotation;
- b) Printout of the completely filled-up [Annex I- Price Bid Form]; and
- c) USB Flash Drive contains the PDF file of the item a) and Excel File of [Annex I- Price Bid Form].

ii. Technical Proposal Documents (Envelop 2)

- a) Printout of the completely filled-up [Annex II- Technical Bid Form and Annex IV- Documentation Form];
- b) Other necessary supporting documents (if any); and
- c) USB Flash Drive contains the Excel Files of [Annex II- Technical Bid Form and Annex IV- Documentation Form] and PDF file of the item a) **Error! Reference source not found.** b).

iii. Commercial Proposal and Corporate Documents (Envelop 3)

is to be used for the examination of the Bidder, consist of:

- a) Printout of the completely filled-up [Annex III- Commercial Bid Form];
- b) Copy of Certificate of Registration of the Bidder (not outdated more than 6 months);
- c) Copy of Tax Certificate;
- d) Copy of Passport / ID Card of the Company Directors;
- e) Copy of Power of Attorney (if any);
- f) Copy of Passport / ID Card of the Authorized Representatives if in case that there is a Power of Attorney, if any
- g) Company profile, reference project list, and other documents required by HPC;
- h) Company Organization Chart;
- i) Declaration / Certification of Manufacturer for the design and manufacturing of the Goods, if any;
- j) In case of the Bidder is an authorized dealer for supply of the goods, shall submit authorization letter, experience and related evidence presented to HPC for consideration.
- k) The last Financial Statement Audited. (upon HPC request)
- l) ISO 9001, ISO 14001, ISO 45001 and OHSAS 18001 Certificates (if any); and
- m) USB Flash Drive contains the Excel File of [Annex III – Commercial Bid Form] and PDF Files of Items a) to l).

Provided that, the above documents must be certified by the authorized person(s) and affixed with the company seal of the Bidder.

HPC provides to the Bidders one (1) completed set of TOR Document as electronic format.

However, the Bidders shall immediately return all TOR and materials provide by HPC and copies thereof at Procurement Division in Hongsa as the following:

- i. If a party invited to Bid, determines that it will not do so;
- ii. If a Bidder notified by HPC, the Bid has been unsuccessful;
- iii. Upon request in writing by HPC.

10. BID EVALUATION PROCESS

Bid Evaluation Process

The Bidders shall respond all requirements in the TOR to the maximum extent possible to ensure that all aspects of the evaluation criteria are covered. HPC also encourages the Bidders to expand their responses to include details of technical infrastructures, standards, and key differentiators.

Besides, the Bidders are required to clearly identify limitations and expectation to the specifications and requirements inherent in the proposed Bid Proposal.

Any Bidder who submits the documents and information that are not complied with the materials, conditions, and specifications as HPC's requirements, shall be rejected from the determination.

The conditions of Bid Evaluation process as the flowing:

Bid Opening

- i. Bid is going opened after 05:00 PM on the next date of closing date for Bid Submission date, provided that the Bid Opening is internally private.
- ii. In the event that Bid received after the time as set for the receipt of Bid Submission may be returned, unopened or retained for consideration entirely at the option of HPC.
- iii. Related information to the examination, clarification and evaluation of Bid and recommendations concerned on the award is confidential to HPC, who shall be under no obligation to disclose the information to any Bidders.

Clarification and Evaluation of Bid Proposal

- i. To assist on the examination, evaluation and comparison of Bid Proposal, HPC may at its discretion, inquire any Bidders for clarification of their Bid Proposal. However, the requested clarification and response shall be in writing and no change in the Price or substance of Bid Proposal, shall be sought, offered or permitted.
- ii. The Bidders may be requested to participate the Bid Evaluation meeting at the site in Laos, Nan Office in Thailand, or Tele-Conference (if any).
- iii. HPC may waive any informality in any received Bid Proposal and reject any and/or Bid Proposal without assigning reasons, therefore.

Right to Negotiation

- i. HPC may in its discretion to negotiate with any Bidders after the Bid closing.
- ii. During the Bid Evaluation period, HPC may negotiate with the Bidders to vary some aspect of HPC's specification and requirements or the Bidders' Bid Proposal, including but not limited to conditions of contract, scope of work, capability, costs and effectiveness or matters that related to the combination of part of the Bid Proposal with another of Bid.

Bid Proposal Validity Period

Bid Proposal shall remain valid for a period of 30 days from the expiration of the proposal submission date.

Bid Evaluation Criteria

The Bid Evaluation Criteria for the Awarded Bidder selection is listed as the following:

i. Qualification of Bidder

The completeness and qualified criteria of the following documents, including but not limited to bidder's profiles and experiences, financial statement and current asset value, statement of capability, team members and proposed safety, system, and procedures.

➤ **General requirements**

HPC will appoint the Consultant or Expert based on its sole evaluation of technical and financial proposal. The required qualifications of the EHSIA study consultant are presented here below:

- a) The consultant shall preferably be a specialized company that comprises wide range of environmental and social specialists.
- b) The consultant and its assigned Experts shall have no business, financial, personal, or other interest in HPC activities, the project or any activities related thereto.
- c) The consultant shall have relevant academic qualification in the field of environmental assessment, environmental management, environmental engineering, social development and public health, implementation and/or monitoring of resettlement activities.
- d) The consultant shall provide sufficient amount of the specialist who is adequately qualified to fully perform the scope of work under this TOR.
- e) The consultant shall be knowledgeable of GOL environmental and social policies, Lao laws, regulations and international guidelines.
- f) All consultant team personnel shall be proficient in English written and speaking.
- g) The consultant is registered with the authority government, Ministry of Natural Resource and Environment (MONRE) for Environmental and Social Impact Assessment under Lao Law.

➤ **Fields of competencies and experiences**

The consultant team of experts shall individually or in combination cover the fields of competencies and experiences comprising;

Required position	Graduation	Working experience related to environmental impact assessment
Project Manager	Master’s degree in engineering, environmental or others related field	10 in environmental assessment and planning project management
Project specialist and coordinator	Bachelor’s or master’s degree in engineering, environmental or others related field	5 in environmental assessment and planning together with project coordination.

ii. Technical Evaluation

- a. The completeness and conformance of the technical specifications and requirements confirmation as specified in Annex II- Technical Bid Form;

iii. Commercial Evaluation

- a. The completeness and conformance as specified in Annex III- Commercial Bid Form;
- b. HPC reserves the right for consideration in any portion of such commercial in entire benefit of HPC.

iv. Price Evaluation

- a. Price of goods for all relevant costs and expenses as specified in Annex I- Price Bid Form;
- b. HPC reserves the right not to accept the lowest price or any portion of the price or the entire proposed price.

Bid Evaluation Process

i. Examination of the Bidders’ Proposal

Upon the Bidders qualified the ono-price aspects, as the Bidders, HPC considers and examines to price proposal evaluation by using the result from the scoring criteria as solely designed and specified by HPC.

- a. If the rates and prices specification of the price proposal are non-conformance with the provided to the Bid Document or is not reasonable or inconsistent with any type, size, dimension of goods or services to be further supplied, HPC may disqualify such Bidders.
- b. In consideration of assessment the appropriated bidders of enter the Contract, HPC shall entitlement to request for the rates and prices declaration, status and other facts relating to the Bidder. However, HPC reserves the right to reject the Price Proposal or enter the Contract with the Bidder in case of the evidence is not appropriated and/or incorreceted.
- c. HPC still reserves the right to reject the lowest Price Proposal or some portion of the price or the entire Price Proposal at its own determination on basis of the best benefit of HPC. The determination of HPC shall be final, and HPC is also entitled to sanction the Bidder on charge of

omission of works in all cases whether the Bidder is awarded or not. If non-reasonable to believe there is fraudulent Bid Proposal, such as misrepresentation of the documents or use of other individuals or juristic persons as nominees.

- d. If the lowest proposed Bidder submits low price beyond expectation, which may likely result in the inability for the Bidder to perform, HPC may request the Bidder to explain and present evidence, which will increase the credibility of the ability of that Bidder to fully fulfill his obligations. If the explanation is not reasonable or justifiable, HPC, at its own discretion, is entitled to reject the proposed price of that Bidder.
- e. the bidder acknowledged and accepted that the selection process is fully authority by HPC's its own decision.

11. PAYMENT

11.1.1. The terms of payment will upon on the milestones as below;

- 1st Payment: 20% of budget upon a submission of inception report and template of report within 15 days after desk review.
- 2nd Payment: 40% of budget upon a submission final report of the mine closure plan in Dec 23 (version submit to GOL)
- 3rd Payment: 40% of budget upon a submission final report and presentation which have been agreed by HPC and authorized government as well as received the approved Mine Closure Plan.

11.1.2. Payment condition

- a) If an invoice is submitted to the Employer during the date of 1 – 15 in any month, the payment of such invoice will be paid on the date of 10 of the following months.

In this regard, when there is the case that such submitted invoice is incorrect or the work performed or goods procured is not in compliance with the requirements provided under the Agreement, the Bidder could be entitled to receive the payment on the same due date only on the conditions that such invoice is revised to the Employer's satisfaction or the work has been performed or the goods has been procured in compliance with the requirements thereof; and that the revised invoice is re-submitted to the Employer within the date of 15 of such month.

- b) If an invoice is submitted to the Employer during the date of 16 – 31 in any month, the payment of such invoice will be paid on the date of 25 of the following months.

In this regard, when there is the case that such submitted invoice is incorrect or the work performed or goods procured is not in compliance with the requirements provided under the Agreement, the Bidder could be entitled to receive the payment on the same due date only on the conditions that such invoice is revised to the Employer's satisfaction or the work has been performed or the goods has been procured in compliance with the requirements thereof; and that the revised invoice is re-submitted to the Employer within the end of such month.

12. ENTER INTO CONTRACT

- After the Bidding Period has been evaluation and completed as the specified in the Bidding Schedule herein, the Letter of Award (LOA) or Letter of Intent (LOI) may be issued by HPC to the successful Bidder in order to advise the successful Bidder of HPC's intent to award a contract of this project prior the enter into the contract thereto.
- The parties are responsible for preparing the contract upon the terms and conditions as preliminary set forth in the General Conditions of Contract (schedule II) as attached thereof.
- The successful Bidder shall provide HPC the performance security in the amount and conditions as specified herein of the TOR Documents on or before the contract execution.
- Subject to Law PDR Laws requirement, the successful Bidder shall register the temporary tax identification number and be the corporate income tax of Laos and any other required/complied under a) HPC Concession Agreement and b) Lao PDR Laws.

13. CONFIDENTIALLY AND INTELLECTUAL PROPERTY

The information in this TOR Document is considered to be the confidential by HPC. The implementers shall use the information only as it pertains to complete the Bid Proposal and MUST not disclose to any third party without the written consent by the Employer.

All Bidders shall treat the TOR Document as confidential and shall be circulated to as few persons and other organizations as possible compatible with the Bidder's ability to submit the best commercial Bidder Sum.

The Bidders shall keep confidential all documents, drawings and other information supplied by HPC as marked "**Confidentiality**" and shall not disclose such information or items to a third party except as may be required by law or for the proper execution of the work.

Ultimately the conditions shall survive the termination or expiration of the TOR Documents.

14. CONTACT PERSON

The following HPC personnel shall be the point of contact for any queries relating to the commercial and technical part of the TOR Document during the bidding stage.

Contact Person (Commercial):

Ms. Phannipa Kiatbumrung

Division Manager - Procurement

E-mail: Phannipa_K@hongsapower.com

Tel: +856-20-5244-1809

Contact Person (Technical):

Mr. Thawatchai Wongunta

Section Manager-Rehabilitation and

Reforestation

E-mail: Thawatchai_W@hongsapower.com

Tel: +856-20-2305-0309

15. SITE Information

The Bidders can request the project information to support the proposal preparation.

the Bidder is requested to provide the attendee name to HPC's contract person below

Contact Person (Commercial):

Ms. Phannipa Kiatbumrung

Division Manager - Procurement

E-mail: Phannipa_K@hongsapower.com

Tel: +856-20-5244-1809

Contact Person (Technical):

Mr. Thawatchai Wongunta

Section Manager- Rehabilitation and

Reforestation

E-mail: Thawatchai_W@hongsapower.com

Tel: +856-20-2305-0309

The Bidders including its personnel or agents may enter into the site for the purpose of inspection in the conditional upon the Bidders including its personnel or agents agrees to release and/or indemnify the company from and/or against all liability occurred to and/or caused by the Bidder including its personnel or agents, provided that the liability of which is including but not limited to any other person for personnel injury (whether fatal or otherwise), loss of or damage to property and any other loss, damage, costs and expenses of whatever kind and whether occurred during or in consequence of the permit to enter hereby granted.

As COVID-19 global outbreaks, non-attendance at the Site Visit will not be caused for disqualification of Bidder.