

TERMS OF REFERENCE (the “TOR”)

Drilling, Blasting, and Hauling Rock Material for In-dump Drain Elevation +690 m MSL Construction Services

Part I: General Terms

1. INTRODUCTION AND BACKGROUND

To maintain the new waste dump area with the principle for stability improvement by In-dump drain construction at the new waste dump area, safety reasons and other uncertainty factors may cause project operation interruptions. The stability of the dumping area is important in order to continue mining operations for coal supply to power plant under the Mining Concession Area (MCA).

2. OBJECTIVE

The Employer would like to procure the successful Bidder for the service of Drilling, Blasting, and Hauling Rock Material for In-dump drain Construction at MCA dumping area, which consists of five (5) work items as follows,

| Work Item | Scope of work | Unit | Quantity (Approximately) |
|-----------|---|-------|--------------------------|
| 1 | Site clearing, grubbing, excavation and hauling of the topsoil, overburden and inter-burden | BCM | 123,600 |
| 2 | Drilling & blasting of limestone | BCM | 254,300 |
| 3 | Selection, Excavation, and hauling of blasted product materials 3 types to designated area which consist of 3 types | Tones | |
| 3A | Oversize materials: dimensions are more than 30 cm. | Tones | 144,000 |
| 3B | In-dump drain materials: dimensions are between 20-30 cm. | Tones | 126,000 |
| 3C | Filter materials: dimensions are less than 20 cm. | Tones | 90,000 |
| 4 | Rehandling in-dump drain materials from stockpile to designated area which consist of 2 types | LCM | |
| 4A | In-dump drain materials: dimensions are between 20-30 cm. | LCM | 50,100 |
| 4B | Filter materials: dimensions are less than 20 cm. | LCM | 16,800 |
| 5 | Levelling In-dump drain and filter material as designated area | Sq.m. | |
| 5A | Levelling In-dump drain material as designed | Sq.m. | 150,000 |

| | | | |
|-----------|---------------------------------------|-------|---------|
| 5B | Levelling Filter material as designed | Sq.m. | 300,000 |
|-----------|---------------------------------------|-------|---------|

3. ELIGIBLE BIDDER

The Bidding is open to all incorporations having;

1. Its objective in carry on mining business or being contractor for any kind of construction **and** having experiences in blasting or drilling work at least 1 year.
2. its registered capital not less than One Million (1,000,000) Thai Baht or Three Hundred Million (300,000,000) Lao Kip or equivalent.
3. Having Safety and Environment experience at least one (1) year.

(each referred to as the “**Bidder**”), either alone or joint venture, who are not in HPC’s blacklist and qualified or satisfy to HPC.

4. SCOPE OF WORK

4.1 Scope of Work Item 1: Site clearing, excavation, and hauling of the topsoil, overburden and inter-burden to designed area.

The successful bidder preparation work area of excavated including the clearing, grubbing, and land clearance in an approximately 123,600 BCM for the purpose of the In-dump drain construction services before commencing the excavation of material in accordance with the Work Plan approved by the Employer.

4.2 Scope of Work Item 2: Drilling, Blasting Services for In-dump Drain at MCA Dumping Services Agreement.

- a) Drilling and blasting performance in the approximate amount of two hundred fifty-four thousand (254,000) bank cubic meter (BCM).
- b) Blasting plan and pattern shall be submitted by the Bidder and approved by the Employer.
- c) Submission of the blast hole loading/charging plan including the blast initiation procedures to the Employer for approval prior to commencing any firing of a blast.
- d) Provision of qualified and experienced personnel to carry out all blasting activities.
- e) Provision of all necessary warning signs, safety signs, bunting, warning sirens, personnel, vehicles, and equipment to supervise, initiate blasts and guard the blast area against access by others.
- f) Provision of experienced personnel to prepare ANFO and load such ANFO into the blast holes
- g) Inspection, making safe and clearance of all blast areas in accordance with approved blast initiation procedures.
- h) Returning all unused explosives to the correct magazine after the blast loading/charging of each round is completed.

- i) Procuring, loading, and transportation of packaged explosives including other accessories from the providers to the magazine and the stock take of the magazine replenishment together with the relevant Authority. Provided that written consent from the Employer shall be obtained, prior to any procurement thereof.
- j) Any loading and transportation of explosives shall meet the standards required by Law and Regulation, safety procedure, and the Employer's specification.
- k) Preparing the detailed blast reports pursuant to the Employer specifications.
- l) The Bidder shall provide 2 soldiers to be stationed at the Employer's explosive warehouse.
- m) Blasting activity in relation to the performance of the Aggregate Material Service hereunder shall only be performed during 12:30 and 16:30 hours, except otherwise instructed by the Employer.
- n) The successful Bidder shall bear all costs and expenses incurred attributable to providing security to the explosive warehouse, including costs and expenses incurred by any Authority.
- o) The importation and use of explosives require the following licenses from the Defense Industry Department, Ministry of Defense:
 - Explosives Importation and Utilization License
 - Explosive Handling and Usage Procedures
- p) Drilling plan and pattern as designated by HPC in accordance with the specification as specified in Part II: Technical Specification and meet HPC's requirements.
- q) The Works shall be performed by 2 separate working shifts of the Bidder's employees.
- r) Supporting documents to the standards as specified in the TOR Documents; and
- s) Blast Hole Drilling activities.

The successful Bidder shall perform drilling activities suitable for the blasting pattern and comply with Work Plan, unless specified by the Employer, the successful Bidder's activities in relation to blast hole drilling shall include, without limitation, the following:

- i. Provision of sufficient mobilization of the drilling machine to perform blast hole drilling activities;
- ii. Provision of layout of blast hole positions prior to drilling as approved by the Employer;
- iii. The Drilling of the blast holes with depth and tolerance thereof in accordance with the blasting pattern as approved by the Employer;
- iv. Arranging pumping water out of the working area in order to ensure good drainage and removal of any surface water, mud, loose or broken rock which would cause collaring or access difficulties;
- v. Where holes are found to be drilled outside the required tolerances as specified in the blasting pattern, re-drilling or rectifying such circumstance, at its own costs, to ensure that such detailed design thereof is achieved;
- vi. Provision of the material and closed hole before blasting in case waiting blasting activities;
- vii. Provision of the drilling report in accordance with the instruction of the Employer; and
- viii. Provision of the blast holes layout positions for the Employer's approval prior to drilling.

- t) Work Plan in which shall be approved by HPC from time to time prior to work commencement or at any time of modification or rectification thereto;
- u) Closing holes prior to blasting in the event that the drilled hole is awaiting blasting activity.

4.3 Scope of Work Item 3: Selection, excavating, and hauling blasted material to designated area.

The successful Bidder’s activities in relation to the selection, excavating, and hauling of blasted material to the designated area (the “**Work**”) required volume amount of 360,000 Tones (the “**Agreed Target of Work**”) with the approximate monthly Work Plan and tentative working duration as specified in a below table; without limitation the following;

| Items | Scope of work (Material Types) | M1 | M2 | M3 | M4 | M5 | M6 | M7 | M8 | M9 | M10 | M11 | M12 | Total |
|-------|---|----|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|-----|----------------|
| 1 | Work Item 3A : Oversize materials (Tones) | - | 14,500 | 18,900 | 15,200 | 17,900 | 17,000 | 13,100 | 12,300 | 11,800 | 14,900 | 8,400 | - | 144,00 |
| 2 | Work Item 3B : In-dump drain materials: (Tones) | - | 12,700 | 16,500 | 13,300 | 15,700 | 14,900 | 11,500 | 10,800 | 10,400 | 13,000 | 7,100 | - | 126,000 |
| 3 | Work Item 3C : Filter materials (Tones) | - | 9,100 | 11,800 | 9,500 | 11,200 | 10,600 | 8,200 | 7,700 | 7,400 | 9,300 | 5,200 | - | 90,000 |

- a) The blasted material to be selected, excavated, and hauled from the quarry onto the transportation truck for weighing at the truck weighing scale provide by The Employer to the designated area in MCA dumping area which consists of 3 works items.
 - (i) Excavation and hauling of the blasted material dimensions more than 30 cm. (Oversize materials) approximate amount **144,000** Tones to the stockpile.
 - (ii) Excavation and hauling of the blasted material dimensions between 20 – 30 cm. (In-dump drain material) approximate amount **126,000** Tones to the designated area.
 - (iii) Excavation and hauling of the blasted material dimensions less than 20 cm. (Filter material) approximate amount **90,000** Tones to the designated area.
- b) The Employer’s required The successful bidder breaking Oversize material (dimensions more than 30 centimeter) by hydraulic breaker from blasted product for the purpose of material In-dump drain size (20-30 centimeters) at the designated area as specified in Work Plan or designated by the Employer.
- c) Drainage system construction at relevant working area;
- d) Construction and Maintenance all road in Working Area;
- e) The Works shall be performed by 2 separated working shifts of the Bidder’s employees;
- f) Supporting documents to the standards as specified in the TOR Documents; and
- g) Work plan in which shall be approved by HPC from time to time prior to work commencement or at any time of modification or rectification thereto.

4.4 Scope of Work Item 4: Rehandling material from stockpile to the designed areas activities.

The successful Bidder’s activities in relation to the hauling of In-dump drain material and filter material to the designated areas (the “**Work**”) in an approximate amount of **66,900 LCM** (the “**Agreed Target of Work**”) with the approximate monthly Work Plan and tentative working duration as specified in a below table; without limitation the following;

| Items | Scope of work (Material Types) | M1 | M2 | M3 | M4 | M5 | M6 | M7 | M8 | M9 | M10 | M11 | M12 | Total |
|-------|---|----|----|----|----|----|----|----|----|----|--------|--------|-----|---------------|
| 1 | Work Item 5A : In-dump drain materials: (LCM) | - | - | - | - | - | - | - | - | - | 27,600 | 22,500 | - | 50,100 |
| 2 | Work Item 5B : Filter materials: (LCM) | - | - | - | - | - | - | - | - | - | 9,200 | 7,600 | - | 16,800 |

- a) The successful Bidder shall load In-dump drain material and filter material onto the transportation truck to the designated area which consists of 2 works items.
 - (i) Rehandling In-dump drain material from the stockpile to the designated area having approximately amount of **50,100 LCM** and such amount are the merely preliminary estimation which might be varied depending on the Employer’s requirement;
 - (ii) Rehandling filter material from the stockpile to the designated area having approximately amount of **16,800 LCM** and such amount are the merely preliminary estimation which might be varied depending on the Employer’s requirement;
- b) Drainage system construction at relevant working area;
- c) Construction and Maintenance all road in Working Area;
- d) The Works shall be performed by 2 separated working shifts of the Bidder’s employees;
- e) Supporting documents to the standards as specified in the TOR Documents; and
- f) Work plan in which shall be approved by HPC from time to time prior to work commencement or at any time of modification or rectification thereto.

4.5 Scope of Work Item 5: Levelling In-dump drain material and filter material as designed.

The successful Bidder’s activities in relation to leveling the In-dump drain material and filter material according the designed (the “**Work**”) in an approximate amount of 450,000 Sq.m. (the “**Agreed Target of Work**”) with the approximate monthly Work Plan and tentative working duration as specified in a below table; without limitation the following;

- a) The successful Bidder shall level In-dump drain material and Filter material according to the designed and/or as instructed by the Employer detail.
- b) The successful bidder shall provide the machinery and equipment which is suitable for leveling of In-dump drain and filter in order to as designed and meet the employer's requirements. The details are as follows:

- (i) For Work Item 5A : The In-dump drain material must be approved by the employer before construction and the successful Bidder must level the In-dump drain 150,000 Sq. m. according to the specifications detail as specified by the Employer;
- (ii) For Work Item 5A : The In-dump drain leveling must be adjusted to the specified design with no different elevation of ± 15 centimeters from the design and the successful Bidder must be approved by the Employer when the In-dump drain leveling is completed.
- (iii) For Work Item 5B : The Filter material must be approved by the Employer before construction and the successful Bidder must level the filter 300,000 Sq. m. according to the specifications detail as specified by the Employer;
- (iv) For Work Item 5B : The Filter material must be leveling to the specified design with no different elevation of ± 5 centimeters from the design and the successful Bidder must be approved by the Employer when leveling the Filter is completed for approval

5. TOR DOCUMENTS

5.1) HPC's Requirements

- a) Part I: General Terms; and
- b) Part II: Technical Specification
- c) Conditions of Contract

5.2) Bid Proposals

a) **Financial Bid**

1. **Work Item 1** consist of

- (i) Table FN 1.1 (Proposed Unit Price for Work Item 1 Site clearing and Excavation work)
- (ii) Table FN 1.1.1 (Proposed adjust price of average hauling distance for Work Item 1 in case Avg. Distance Greater than 500 meters)
- (iii) Table FN 1.2 (Summary costs and expenses for Work Item 1 Site clearing and Excavation work)
- (iv) Table FN 1.3 (Unit Price Proposed Equipment for Work Item 1 Site clearing and Excavation work);

2. **Work Item 2** consist of

- (i) Table FN 2.1 (Proposed Price for Work Item 2 Drilling and Blasting work)
- (ii) Table FN 2.1.1 (Proposed price for Work Item 2 in case that Powder Factor difference from 0.4100 Kg./ BCM)
- (iii) Table FN 2.2 (Summary Costs and Expenses for Work Item 2 (Drilling and Blasting Works (PF = 0.41 KG./ BCM))

- (iv) Table FN 2.3 (Unit Price Proposed Equipment and Explosive Material for Work Item 2);
 - 3. **Work Item 3** consists of
 - (i) Table FN 3.1 (Proposed Unit Price for Work Item 3 Selection, Excavation, and Hauling Blasted Product)
 - (ii) Table FN 3.1.1 (Proposed Adjusted Price of Advance Hauling Distance for Work Item 3 in case Avg. Distance Greater than 1,500 Meters)
 - (iii) Table FN 3.2 (Summary Costs and Expense for Work Item 3A Selection, Excavation, and Hauling Blasted Product Oversize)
 - (iv) Table FN 3.3 (Summary Costs and Expense for Work Item 3B Selection, Excavation, and Hauling Blasted Product In-dump Drain Size.)
 - (v) Table FN 3.4 (Summary Costs and Expense for Work Item 3C Selection, Excavation, and Hauling Blasted Product Filter Size.)
 - (vi) Table FN 3.5 (Unit Price Proposed Equipment for Work Item 3);
 - 4. **Work Item 4** consists of
 - (i) Table FN 4.1 (Proposed Unit Price for Work Item 4 Rehandling Product from Stockpile)
 - (ii) Table FN 4.1.1 (Proposed Adjusted Price of Advance Hauling Distance for Work Item 4 in case Avg. Distance Greater than 500 Meters)
 - (iii) Table FN 4.2 (Summary Costs and Expense for Work Item 4A Rehandling In-dump Drain Size 20-30 cm.)
 - (iv) Table FN 4.3 (Summary Costs and Expense for Work Item 4B Rehandling Filter Size less than 20 cm.)
 - (v) Table FN 4.4 (Unit Price Proposed Equipment for Work Item 4);
 - 5. **Work Item 5** consists of
 - (i) Table FN 5.1A (Proposed Price for Work Item 5A Leveling In-dump Drain Material Work)
 - (ii) Table FN 5.1B (Proposed Price for Work Item 5B Leveling Filter Material Work)
 - (iii) Table FN 5.2 (Unit Price Proposed Equipment for Work Item 5);
- b) Technical Bid**
- 1. **Work Item 1** consist of
 - (i) Table EN 1.1 (Proposed Main and Auxiliary Equipment for Work Item 1)
 - (ii) Table EN 1.2 (Diesel Consumption for Work Item 1)
 - (iii) Table EN 1.3 (Proposed Manpower for Work Item 1)
 - (iv) Table EN 1.4 (Proposed Production Schedule for Work Item 1);
 - 2. **Work Item 2** consist of
 - (v) Table EN 2.1 (Proposed Main and Auxiliary Equipment for Work Item 2)
 - (vi) Table EN 2.2 (Explosive Material Utilization for Work Item 2)

- (vii) Table EN 2.3 (Manpower for the Work Item 2)
 - (viii) Table EN 2.4 (Proposed Production Schedule for the Work Item 2)
 - (ix) Table EN 2.5 (Blasting Pattern Requirement);
 - 3. **Work Item 3** consist of
 - (i) Table EN 3.1 (Proposed Main and Auxiliary Equipment for Work Item 3)
 - (ii) Table EN 3.2 (Diesel Consumption for Work Item 3A Selection, Excavation, and Hauling Blasted Product Oversize)
 - (iii) Table EN 3.3 (Diesel Consumption for Work Item 3B Selection, Excavation, and Hauling Blasted Product In-dump Drain Size.)
 - (iv) Table EN 3.4 (Diesel Consumption for Work Item 3C Selection, Excavation, and Hauling Blasted Product Filter Size.)
 - (v) Table EN 3.5 (Manpower for the Work Item 3)
 - (vi) Table EN 3.6 (Proposed Production Schedule for Work Item 3);
 - 4. **Work Item 4** consist of
 - (i) Table EN 4.1 (Proposed Main and Auxiliary Equipment for Work Item 4 Rehandling Product from Stockpile)
 - (ii) Table EN 4.2 (Diesel Consumption for Work Item 4A Rehandling In-dump Drain Size 20-30 cm.)
 - (iii) Table EN 4.3 (Diesel Consumption for Work Item 4B Rehandling Filter Size less than 20-30 cm.)
 - (iv) Table EN 4.4 (Manpower for the Work Item 4)
 - (v) Table EN 4.5 (Proposed Production Schedule for Work Item 4);
 - 5. **Work Item 5** consist of
 - (vi) Table EN 5.1 (Proposed Main and Auxiliary Equipment for Work Item 5 Levelling Work)
 - (vii) Table EN 5.2 (Manpower for The Work Item 5); and
- c) **Table I: Corporate documents, company profile, and experience**

6. REQUIRED BIDDER SUBMISSION DOCUMENTS

Notwithstanding, the Bidder shall submit the following documents together with quotation, but not limited to:

6.1) Commercial Documents

- a) Printout of the completely filled-up Table I together with a flash drive containing the data of the filled-up Table I [in the format of Excel file];
- b) Printout of the completely filled-up Form of Bid as given in Annex I to this TOR;
- c) Copy of Statement of cash flow;
- d) Other documents as required by HPC.

6.2) Technical Proposal Documents

- a) Printout of the completely filled-up Table II together with a flash drive containing the data of the filled-up Table II [in the format of Excel file]; and
- b) Other necessary supporting documents (if any).

6.3) Corporate documents, company profile, and experience

- a) Printout of the completely filled-up Table II together with a flash drive containing the data of the filled-up Table II [in the format of Excel File];
- b) Copy of Certificate of Registration of the Bidder not outdated more than six (6) months;
- c) Copy of authorized person's passport;
- d) Copy of Tax Certificate;
- e) Power of Attorney (if any);
- f) Company Profile where expressed the Bidder's prior experiences including manpower, equipment and SHE measures with evidence;
- g) Financial Support Letter from reputable commercial bank, within 7 calendar days upon requested by HPC; and
- h) other documents as required by HPC.

All documents above must be certified by the authorized person and affixed with the company seal of the Bidder.

7. SUBMISSION OF PROPOSAL

The Bidder's proposal shall be submitted to HPC in three (3) separate sealed envelopes with flash drive in each envelope:

- First (1st) sealed envelope shall contain the quotation together with the commercial documents as specified in Clause 6.2(a);
- Second (2nd) sealed envelope shall contain the technical proposal documents as specified in Clause 6.2(b); and
- Third (3rd) sealed envelope shall contain the corporate documents, company profile, and experience as specified in Clause 6.2(c).

The submission of the proposal shall be addressed to HPC's personnel and office address below, no later than 05.00 p.m. local time on the date of **19th September 2025**.

For bidders submitting by post, the proposal shall be registered at the post office by the same deadline, **19th September 2025**.

Hongsa Power Company Limited

Attention: Ms. Phannipa Kiatbumrung
(Manager - Procurement)

3/37-38 Woravichai Road, Nai-Wiang
District, Muang Nan, Nan Province
55000, Thailand

Hongsa Power Company Limited

Attention: Ms. Phannipa Kiatbumrung
(Manager - Procurement)

Phonchan Office, Hongsa District,
Xayaboury Province, Lao PDR.

8. SITE VISIT

The Bidder **is required** to, by submitting its request HPC no later than 29th August 2024, visit and examine the Site and surroundings as provided in this clause and shall obtain for itself all information that it thinks necessary for the Bidder and Contract provided that a representative of HPC shall accompany the person visiting the Site during the visit. Any costs of visiting the Site shall be borne by the Bidder.

The Bidder shall provide appropriate reasons to the Company no later than 29th August 2024 in the event that attending the visit on the designated date becomes impractical.

Failure to attend the site visit on the period specified by the Company will result in the Bidder being deemed ineligible to participate in the bidding process.

The Bidder including its personnel or agents may enter into the Site for the purpose of inspection in the conditional upon the Bidder agrees to release and/or indemnify HPC 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 personal 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.

9. BID TIMETABLE

| Process | Date | Time (local time) |
|---|---------------------------------|-------------------|
| TOR distribution | 24 th August 2024 | N/A |
| Request for Site Visit | 29 th August 2024 | 05.00 PM |
| Site Visit | 6 th September 2024 | N/A |
| Addenda submission (if any) | 16 th September 2024 | 05.00 PM |
| Bid Closing | 19 th September 2024 | 05.00 PM |
| Bidder Selection & Negotiation | 25 th September 2024 | N/A |
| Contract Award | November 2024 | N/A |
| Contract Execution | November 2024 | N/A |
| Completion of Mobilization | 30 th November 2024 | N/A |
| Works Commencement | 1 st February 2025 | N/A |

**Remark: this timetable may be varied upon HPC's discretion*

The Bidder shall note that the Bidder is entitled to, prior to its proposal submission, request for HPC's clarification to its inquiries in respect of this TOR until 11th September 2024, provided that such inquiries will be answered by HPC on or before 16th September 2024.

10.VALIDITY OF PROPOSAL

The Bidder's proposal shall remain valid not less than one hundred eighty (180) days as specified in Table I: Commercial Bid and Corporate Documents.

11.ACCEPTANCE AND REJECTION OF PROPOSALS

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 completion within the timeframe specified.

For avoidance of any doubt, prior to contract execution process, HPC shall not be bound by provisions under this TOR and entitled, as it deems appropriate, to cancel this TOR regardless of there is any Bidder's submission of proposal, or the successful Bidder has been awarded by HPC. Provided that HPC shall not be responsible in all costs and expenses incur in bidding process by the Bidder.

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 Bidders in order to fulfill its business profit.

The successful Bidder shall enter into the contract with HPC promptly and shall provide the Works within the period agreed by both parties.

For avoidance of doubt, in no event shall the successful Bidder's delay or failure to perform in accordance with the contract in which is caused by foreseeable event at the time of contract signing, including but not limited to coronavirus pandemic, will be claimable as impracticable performance and deemed as forced majeure.

12.LEGAL COMPLIANCE

1) Tax Privilege

The price of the Works to be proposed by the Bidder shall be excluded from value added taxes as granted by the Government of Lao PDR under the Concession Agreements;

2) Safety Measures

I. The Bidder shall adhere to the laws, rules, regulations, ordinances and other official instructions applicable to the Safety Health and Environment, as well as the working procedures set forth by HPC for the time being and from time to time for the purpose of working safely.

- i. Do not allow the children under 18 years old to be involved in any performance of heavy work, and/or other tasks that may/might cause any health hazard (Refer to Lao PDR Labour Law No. 06/NA 27 December 2006.)

II. The Bidder shall fill and submit the Site Permit Requisition form (HPC-ESD-FO-029 V.01) to request the access permission in advance 2 weeks prior to commencement the utilization the construction sites or working area. In case, the Bidder does not submit or incomplete this form for approval, HPC may consider delaying the first payment as equal as the number of dates which delay for the submission the construction site permit.

III. The Bidder shall provide the competence person one or more as the person(s) responsible for Safety health and environment management (SHE), SHE representative can be assigned or delegated from member of bidder responsibilities for overall operation of SHE functions.

IV. The Bidder shall provide their workers the necessary and appropriate Personal Protective Equipment (PPE). At least basic PPE (safety helmets, safety shoes, reflective vest) shall be worn all the time. In addition, other specific PPE that need for specific task shall be provided to the workers who may have a chance to get injure and/or illness from that specific workplace hazard.

V. The Bidder shall set up safety talk, toolbox talk, and/or on-the-job training program at least once a week to allow their workers to practice and know how to work safely and correctly. The Bidder must assign their employees to attend the SHE orientation/ or training conducted by the HPC as requested.

VI. The Bidder shall not allow unauthorized person to enter the construction area.

VII. The workers employed by the Bidder shall be performed the medical checked up to ensure that they do not suffer from serious occupational illness or serious communicable disease prior to employment. HPC may reject any worker who has serious communicable disease or serious occupational illness.

VIII. When the Bidder builds, but not limited to, a warehouse or store, workshop, temporary house or accommodation for workers in the construction site boundary, the Bidder shall;

- ii. Install suitable fire extinguishers (2 units of type 2A or 20B) or always provide sufficient water (at least 2 drums of 200 Litre placed at each unit of house, warehouse, and workplace) for handling the unexpected emergency.
- iii. Furnish tools, machines and equipment with proper and safe conditions shall be examined by HPC (or SHE Owner engineer) before use. Provide own security to watch your own facilities,

equipment and material. If any loss or damage of Bidder's material, assets or properties are occurred, HPC will no obligation to compensate or responsible for such loss or damage.

- iv. Provide a first-aid kit at workers' camp and workplace.
 - v. Always keep the construction site clean and maintain good sanitation. If kitchen is built, grease trap shall be installed to treat wastewater. In other words, the wastewater from kitchen cannot be discharge directly into surface water without treatment. Wastewater from bathing, showering, laundry, canteen and other activities shall be also treated by at least pond system before discharge or other better treatment system.
 - vi. Provide sufficient toilets equipped with septic tanks (1 toilet per 20 workers) and location should be 50 meters away from water resource, stream.
 - vii. In case, there is fuel storage tank in working area; it should be properly stored for instance put it on the concrete floor together with concrete bund and oil/water separator. The capacity for protective bund is at least 110% of total fuel volume to ensure no oil leakage on the ground or release to water resource.
 - viii. Provide adequate garbage bins with cover lid, food waste shall be removed at least once a week. Do not allow to burn all waste at all area.
 - ix. Manage the hazardous waste properly, remove own Bidder's unused material, scrap, waste from the construction area. Keep the chemical or hazardous material in the warehouse or sealed containers to avoid the leakage on ground or release to water resource.
 - x. Do not allow the workers to hunt, catch the protected wildlife or cook, consume the protected wildlife inside the construction area or labor houses.
 - xi. Gamble and consumption of alcoholic beverages in the construction area is strictly prohibited.
- IX. The Bidder shall inform and report incidents and accidents, details of incidents within 24 hours (at least by verbally), then investigate root cause, remedies the incident, complete and submit the incident report within 3 days and agree to improve to avoid the re-occurrence of accident. In addition, report the statistic accident record, man-hour on a monthly basis by HPC incident record form.
- X. The Bidder assigns a SHE representative who is in charge of Safety Health and Environment to participate in the Site Inspection together with HPC SHE Corporate/SHE Business once a week. The Bidder shall accept to improve, correct the noncompliance conditions in relation to Safety Health and Environment issues within agreed target date.
- XI. Whenever the representative of HPCs inspects and found that it has no improvement or correction of non-compliance condition within agree target date, such, HPC has the rights to issue the penalty such as;
- i. Hold the next payment.
 - ii. Cease the working period, but the contract working time is still counted.
 - iii. Record as the blacklisting Bidder for the next bidding for employment
 - iv. Other, as reasonably consideration by HPC

In case HPC is issued the penalty by EMU or Gal or claimant regarding to the non-compliance condition of the SHE issues caused by the Bidder's activities or works; the Bidder will agree to pay fully amount of penalty fee or damage cost issued by EMU or Gal or claimant.

XII. The Bidder will accept to restore or rehabilitation the disturbed area as a good condition, if HPC consider that condition of construction site is unsafe or hazard or untidy or unstable.

3) Environmental Measures

The Bidder shall ensure that it shall comply with all applicable Laws and Regulations, as well as the Employer's procedures in relation to environment.

13.PAYMENT CURRENCY

The Contract Price to be payable to the Bidder shall be made through telegraphic transfer in Lao Kip currency for Lao Contractor or in Thai Baht currency for the Contractors other than Laos.

14.LIQUIDATED DAMAGES

The successful Bidder shall completely mobilize, inspect, and start to operate the equipment in full capacity no later than the Commencement Date.

If the Bidder fails to complete the procurement, mobilization, equipment inspection, acceptance and start the operation of the Main Equipment by the Commencement Date then the Bidder agrees to pay the Employer the Delay Liquidated Damages based on the process as stipulated in the Table FN 1.3, Table FN 2.3, Table FN 3.5, Table FN 4.4 and Table FN 5.2 and at the rate of zero point one percent (0.1%) of the value of each such non-procured, non-mobilized and/or non-operated of Main Equipment per day of delay, until the procurement, mobilization, and operation of the relevant item of the Main Equipment has been completed by the Contractor.

15.Intentionally omitted.

16.Intentionally omitted.

17.TOR DOCUMENT DISCREPANCY

In any event of any discrepancy, the documents to prevail shall be given precedence in the following order:

- (i) the Part I of this TOR: General Terms;
- (ii) the Part II of this TOR, the Technical Specification;
- (iii) the Conditions of Contract;
- (iv) the Table FN & EN WI 1 Site clearing, excavation, and hauling of the topsoil, overburden and inter-burden to designed area.
- (v) the Table FN & EN WI 2 Drilling and Blasting

- (vi) the Table FN & EN WI 3 Selection, excavating, and hauling blasted material to designated area.
- (vii) the Table FN & EN WI 4 Rehandling material from stockpile to the designed areas activities.
- (viii) the Table FN & EN WI 5 Levelling In-dump drain material and filter material as designed.
- (ix) the TOR amendment; -
- (x) the Addenda of TOR; and
- (xi) the Bid Proposal

18.CONTACT PERSONS

Contact Person (Commercial):

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TERMS OF REFERENCE (the “TOR”)

MCA Expansion Services

Part II: Technical Specification

19. Work Item 1: Site clearing, excavation, and hauling of the topsoil, overburden and inter-burden to designed area.

The clearing, excavation, and hauling of the topsoil, overburden and inter-burden under work performance for the excavated and dumping area before commencing the excavation of Material in accordance with the Bidder’s Work Plan submission as approved by HPC.

- 1) Required Volume
- 2) Distance
 - Base Distance is 500 meters.
 - Horizontal Distance: from center of excavation area to center of dumping area.
 - Vertical Distance: different level from working grounds level to the relevant Waste Dumping area only the going up distance, shall exceed 30 meters.
 - Average total Distance: Horizontal Distance (meter) including Vertical Distance as converted from 1 meter of Vertical Distance to 30 meters of Horizontal Distance but excludes first 30 meters of Vertical Distance.

20. Work Item 2: Drilling and Blasting Rock.

Unless otherwise approved by HPC in relevant work plan, drilling and blasting services under the works performance shall be in accordance with the Bidder’s work plan submission as approved by the following conditions;

- 1) Performing of drilling and blasting work; and
- 2) Performing daily, weekly, and monthly Work Plan as approved by HPC.

21. Work Item 3: Selection, excavating, and hauling blasted material to designated area.

Unless otherwise approved by HPC in relevant Work Plan, Selection, excavating, and hauling blasted material under the works performance shall be in accordance with the Bidder’s Work Plan submission as approved by the following conditions;

- 3) Required Volume
- 4) Distance

- Base Distance is 2,500 meters.
- Horizontal Distance: from center of excavation area to center of dumping area.
- Vertical Distance: different level from working grounds level to the relevant Waste Dumping area only the going up distance, shall exceed 30 meters.
- Average total Distance: Horizontal Distance (meter) including Vertical Distance as converted from 1 meter of Vertical Distance to 30 meters of Horizontal Distance but excludes first 30 meters of Vertical Distance.

22. Work Item 4: Rehandling material from stockpile to the designed areas activities.

Unless otherwise approved by HPC in relevant Work Plan, rehandling work under work performance shall be in accordance with the Bidder's Work Plan submission approved by the following conditions;

- 1) The successful Bidder shall load In-dump drain material dimension between 20-30 centimeters onto the transportation truck to the designated area by HPC.
- 2) The successful Bidder shall load Filter material dimension less than 20 centimeters onto the transportation truck to the designated area by HPC.
- 3) Distance
 - Base Distance is 500 meters.
 - Horizontal Distance: from center of stockpile to center of dumping area.
 - Vertical Distance: different level from working grounds level to the relevant Waste Dumping area only the going up distance, shall exceed 30 meters.
 - Average total Distance: Horizontal Distance (meter) including Vertical Distance as converted from 1 meter of Vertical Distance to 30 meters of Horizontal Distance but excludes first 30 meters of Vertical Distance.

23. Work Item 5: Levelling In-dump drain material and filter material as designed.

Unless otherwise approved by HPC in relevant Work Plan, leveling work under work performance shall be in accordance with the Bidder's Work Plan submission approved by the following conditions;

1. Leveling In-dump drain material at area designed by HPC.
2. Leveling Filter material at area designed by HPC.

For Work Item 5A: The In-dump drain leveling must be adjusted to the specified design with no different elevation of ± 15 centimeters from the design and the successful Bidder must be approved by the Employer when the In-dump drain leveling is completed.

For Work Item 5B: The Filter material must be leveling to the specified design with no different elevation of ± 5 centimeters from the

design and the successful Bidder must be approved by the Employer when leveling the Filter is completed for approval

24. Proposed Production Plan

The available performance duration of this Works shall be **three hundred and three (303) days commencing from 1st February 2025 to 30th November 2025**, therefore, the Bidder shall propose its performance schedules at the maximum of the said period in order to complete the Works quantity as specified in Table II: Technical Bid EN.5 (Proposed Production Schedule) in a timely manner.

25. Equipment Requirements

22.1 The Bidder shall propose the following equipment for the Works performance in accordance with Table II: Technical Bid EN1.4 (Proposed Production Schedule for the Work Item 1), EN 2.4 (Proposed Production Schedule for the Work Item 2), EN 3.6 (Proposed Production Schedule for Work Item 3) and EN 4.5 (Proposed Production Schedule for Work Item 4)

22.1.1 Main Equipment of Work Item 1

1. Excavator
 - Bucket Capacity 1.2 LCM
 - Amount: 1 unit
 - Brand new or used equipment.
2. Dump Truck
 - Body Capacity 20 LCM
 - Amount: 2 units
 - Brand new or used equipment.

22.1.2 Main Equipment of Work Item 2

1. Drilling Rig Machine
 - Minimum requirement 1 unit
 - The required hold diameter shall be 3.5 inch. / Furukawa HCR1200
 - Brand new or used Equipment.

22.1.3 Main Equipment of Work Item 3

1. Excavator
 - Bucket Capacity 1.2 LCM
 - Amount: 1 unit
 - Brand new or used equipment.
2. Dump Truck
 - Body Capacity 20 LCM
 - Amount: 2 units

- Brand new or used equipment.
- 3. Excavator with Hydraulic Breaker
 - Size not less than 20 ton class.
 - Amount: 2 units
 - Brand new or used equipment.

22.1.4 Main Equipment of Work Item 4

1. Excavator
 - Bucket Capacity 1.2 LCM
 - Amount: 1 unit (use excavator with Work Item 3)
 - Brand new or used equipment.
2. Dump Truck
 - Body Capacity 20 LCM
 - Amount: 2 units
 - Brand new or used equipment.

22.1.5 Main Equipment of Work Item 5

1. Excavator
 - Bucket Capacity 1.2 LCM
 - Amount: 1 unit
 - Brand new or used equipment.

22.2 The Bidder's equipment for the Works performance shall be equal to or better than the following specifications, which the Bidder's auxiliary equipment is utilized to support all work items under the contract.

22.2.1 Auxiliary Equipment

1. Motor Grader
 - Base power: at least 150 hp
 - Amount: 1 unit
 - Brand new or used equipment.
2. Bulldozer
 - Base power: at least 150 hp.
 - Amount 1 units.
 - Brand new or used equipment.
3. Water Truck
 - Model/equivalent: at least 12,000L.
 - Amount: 1 units
 - Brand new or used equipment.
4. Fuel Tank Truck
 - Model/equivalent: at least 12,000L.

- Amount: 1 unit
Brand new or used equipment.

26. Working Day and Rainfall Data

The preliminary information regarding annual working hours for waste and rock excavation and transportation, and drilling are described in the Working Hour in following attachment.