

## Terms and Conditions for “Global Water Challenge”

**Abril 2023**

### **1. Background**

“Global Water Challenge” is an initiative led by BHP and supported by Fundación Chile through Expande. The challenge arises from the idea to collaborate among its different mining operations to achieve integrated water resource management by 2030.

The objective of the Global Water Challenge is to identify and de-risk disruptive water treatment solutions to sustainably enhance **water efficiency, and help us reach our sustainable development goals and commitments**

BHP is a leading global natural resources company. Its objective is to create long-term value, combining talent with the best assets in the commodity market. In all its operations around the world, it has the commitment to work based on the values of Sustainability, Integrity, Respect, Performance, Simplicity and Responsibility, which are contained in Its Charter. In this way, they continue to work on their success today for tomorrow.

Expande is an Open Innovation Program, managed by Fundación Chile, which encourages the development of high-potential solutions from technology-based companies and connects them to the challenges of the natural resources industry.

## 2. Objectives

### General:

We are looking for technology suppliers that would like to participate as partners of BHP in optimizing integrated water management in its different assets and process. In order to achieve this, this call has three goals:

- Enable tailing de-risking by elimination **water brine** treatment constraints.
- Optimization of water, maximizing the reuse of water: **recovery & treatment**.
- Promote **circular economy** models creating marketable solutions.

### Specific:

We seek to identify technological solutions or new developments in the following challenges and opportunities:

- Minimize discharge of sea water reverse osmosis (RO) brine – Escondida
- Treatment and reuse of brines recovered from tailings storage facilities – Olympic Dam
- Treatment of acidic pit lake waters – Legacy Asset
- Treatment of hypersaline groundwater – Nickel West
- Treatment of neutral brine effluent from leaching operations – Nickel West

## 3. Who can apply?

Companies, startups, institutes, research centers or other entities that are legally incorporated pursuant to the current legislation in their country of origin.

We extend an invitation to promote collaboration and complement technological and/or business capabilities between companies, business ventures or other entities. For teams and consortiums, the institution responsible must be clearly identified in the application.

Legal entities that meet the requirements set forth in this document and submit an application will have the status of "Applicants".

## **4. Activity Timeline**

The entire process will be divided into the following stages: Scouting, Evaluation, Demo day, Request for technical economic offer, BHP evaluation & Awarding will be described in detail in Section 5. Table 1 contains the challenge calendar.

*Table 1: Tentative Calendar of Activities*

Stage	Activity	Date
Scouting	Application opening	April 27, 2023
	Reception of applications	April 27 – June 1, 2023
	Questions from applicants period	April 27 – May 11, 2023
	Application deadline	June 1, 2023
Evaluation	Evaluations	June 2 – July 31, 2023
	Notify results	August 4, 2023
Demo Day	Sending of Demo Day Requirements	August 7, 2023
	Pitch presentation and finalist selection	August, date to be confirmed
Request for technical economic offer	Request for technical economic offer	To be confirmed
BHP Evaluation & Awarding	Evaluations period by BHP	To be confirmed
	Notification of award	To be confirmed

The calendar will be available on the challenge website:

<https://expandemineria.cl/convocatoria-custom/global-water-challenge/?lang=en>

Notwithstanding the foregoing, BHP reserves the right to modify the above dates if deemed appropriate, without any liability for BHP or Fundación Chile. In this case, the changes will be communicated in a timely manner on the website and in the updated terms and conditions provided therein.

## 5. Stages of the Challenge

The challenge consists of five stages, as listed below, the results of which will be communicated by email to Applicants using the information provided in the application form in the Expande platform: <https://fch.brightidea.com/GlobalWaterChallenge>

### 5.1 Scouting

#### 5.1.1 Application opening

- This stage of the process is intended to communicate the scope of the challenge with the interested parties and ensure their correct understanding of the solutions sought for each area, the application process and terms and conditions.
- BHP, together with Expande, will hold webinars to address these issues and gather questions, which will be systematized and made available on the challenge site for all potential applicants.

#### 5.1.2 Receipt of Applications

- The official information on the challenge and application requirements can be found on the website <https://expandemineria.cl/convocatoria-custom/global-water-challenge/?lang=en> where one can directly access the application link (<https://fch.brightidea.com/GlobalWaterChallenge>) and complete the registration process.
- On the challenge page there is a datasheet that explains the context of the challenge and indicates the requirements of the solutions and exclusions.
- All questions regarding the application process or the form must be channeled through the Expande innovation management platform <https://fch.brightidea.com/QABHP>. They will not be answered by any other means.

- Applicants may register with one solution per application that addresses some of the areas indicated in Objectives and must fully complete the application form available on the platform before the deadline.
- If Applicants want to apply with more than one solution, they must enter one application for each solution.
- Applicants must ensure that the email address registered in the application form has been enabled to receive messages from the following email addresses: [noreponderexpande@fch.cl](mailto:noreponderexpande@fch.cl) and [innovacion.abierta@fch.cl](mailto:innovacion.abierta@fch.cl). This will ensure that notifications sent by Expande do not go into the spam or junk mail folder.
- Applicants must fully complete the application form available at <https://fch.brightidea.com/GlobalWaterChallenge> by the deadline described in Table 1.
- Applications can be submitted in English or Spanish.
- Proposals are associated with a single user unless the user indicates that he/she wishes to share it with additional users. Only the submitter of the proposal can request modifications to his or her submission.
- Applicants must be available to submit supporting Intellectual Property (IP) information upon request to the evaluation team to verify their eligibility. This information will be kept confidential by Expande, BHP and the Applicant, as stated in Section 8 of these Terms and Conditions.

### 5.1.3 Application Deadline

- The application process will end on the date and time indicated in Table 1. All potential applicants are encouraged not to leave the process to the last minute and to take all precautions to use the same application platform to communicate any problems that arise to ensure complete traceability.
- Deadlines may be extended at BHP's discretion without further liability. Interested

parties will be informed of this change through the challenge website.

- Applicants are responsible for uploading information in a timely manner and respecting the indicated deadlines. Expande is available to answer questions a few days before the application deadline through the channels indicated above. The support team works from 8:30 a.m. to 5:30 p.m. Monday through Friday, Santiago, Chile. Therefore, any situation that arises outside these hours will be dealt with the following business day. Expande is not responsible for situations that arise at the last minute during the application process.

## 5.2 Evaluation

- Applicants will be evaluated based on the information provided by them, which must be complete and clearly detailed, answering all the questions on the application form.
- The evaluation is directly related to the questions on the application form. Therefore, it must be completed in a clear, robust and responsive manner.
- The evaluation team, formed with professionals from BHP and Expande, is not required to select a minimum number of applications per field and reserves the right not to shortlist any Applicant if the minimum requirements are not met or no proposal is considered to have potential, without further liability for BHP or Fundación Chile. By merely applying, the applicants accept these terms and conditions and irrevocably waive any claim or exercise of action in this regard.
- The evaluation team may request information through the platform or personal interviews with Applicants to better understand the details of the application and clarify key aspects for correct evaluation.
- The evaluation team will select the best proposals to move on to the next phase.
- Results will be communicated on the dates indicated in Table 1 through the Platform to submitters, who are responsible for reviewing the information and responding by the corresponding deadlines.

- The reasons for the team’s decision are exclusive and reserved and it is not obligated to communicate them to the rest of the Applicants or provide any type of feedback on application or selection.

## 5.3 Demo day

### 5.3.1 Preparation of Demo Day

- Every selected Applicant will have the opportunity to participate in a Demo Day to present their proposal to a BHP team.
- Selected Applicants will receive instructions to standardize the content of the presentations to be made at the Demo Day.
- Selected Applicants will have to prepare the presentation and submit it within the deadlines established in Table 1.
- Upon receipt of your submission, Expande will provide feedback on form and/or content, which must be incorporated to continue the process, which they are asked to do in a timely manner.
- To ensure the quality of pitches, Expande reserves the right to disqualify selected participants who do not meet the presentation requirements for Demo Day after review and feedback.

### 5.3.2 Demo Day event

- Demo Day will be held on the date indicated in Table 1. At the event, finalists will present a pitch to an BHP team, which will evaluate the presentations and will select the finalists who will be asked to submit a technical economic offer.
- The event format consists of a structured pitch with a presentation of the proposed solutions by the application’s representative to BHP team and guests. Presentations will be made in a pre-established order, which will be communicated in a timely manner by Expande. The structure will be as follows: Presentation by selected



participants, Questions from the jury and Technical selection.

- The Demo Day agenda will be informed to participants in a timely manner so that they can plan the presentations that must be sent to Expande in advance through the application platform.
- This activity is mandatory and there is no other opportunity for presenting the solutions to BHP. Therefore, every precaution must be taken in this regard.

## **5.4 Request for Technical Economic Offer**

- The applicants selected as finalists will be sent the requirements to prepare their technical economic offer.
- The requirements may include format standards and minimum technical content, which must be followed correctly for the bid to be considered admissible.
- The deadlines correspond to those indicated in Table 1. The finalists are encouraged not to leave the process to the last minute and to take all precautions to use the same application platform to communicate any problems that arise to ensure complete traceability. Deadlines may be extended at BHP's discretion without further liability. Interested parties will be informed of this change through the challenge website.
- Following receipt of bids, BHP may request clarifications or meetings to facilitate understanding of the proposals. It is the finalist's responsibility to respond within the requested timeframe and to be aware of the official communication channels.

## **5.5 Awarding (Pilot)**

- Once the evaluation of the technical and economic offers has been completed, BHP will select the participants for this stage.
- The submitter of the application will be informed through the platform (comments section or e-mail) whether the proposal was awarded or not.

- The awarded companies will be able to work together on the next steps for BHP such as a Proof of Concept, Proof Under Controlled Environment and/or industrial pilot on a potential BHP asset
- The participant(s) must consider that BHP will have the authority to request and correct the work plan, according to its standards and interests.
- The participant(s) must consider the success milestones in their work plan, which must be reported to BHP in the times that have been jointly agreed upon.

## 6. Feedback of results

The transfer of resources is subject to the submission of a detailed work plan reflecting the main milestones.

BHP is interested in learning about the advances and achievements of these technologies with the potential to positively impact people's lives. Consequently, winning companies must undertake to execute the work plan, activities and/or tests and submit their results to BHP with a frequency and method that must be agreed upon after the notification and formally defined in the work plan. The confidentiality of this work plan will be duly safeguarded in the MUTUAL CONFIDENTIALITY AGREEMENT in Appendix 1 (to be delivered upon request).

## 7. Trademarks

Applicant companies irrevocably authorize BHP and Expande to use their name and image in advertising or press material related to the application and/or for dissemination activities for <https://expandemineria.cl/convocatoria-custom/global-water-challenge/?lang=en> as they deem appropriate.

In the event that Applicant companies want to use the BHP or Expande trademarks in various media, they must request permission, indicating the context and objectives, and be subsequently and formally authorized by email.

## 8. Confidentiality

BHP and Expande declare that their technical and/or commercial information shared for this program, or provided by the Applicant, will be kept confidential during each of the stages of the selection process and indefinitely after its completion. The information exchanged may only be used for the purposes of this challenge.

If necessary, a MUTUAL CONFIDENTIALITY AGREEMENT will be signed as described in Appendix 1 (to be delivered upon request), of these terms and conditions to protect the information that is considered sensitive by the Applicant.

All information requested in the application is mandatory for completion and considered essential for the development of the application process.

## 9. Intellectual Property

Any intellectual property that each party owned or licensed prior to invitation by BHP to participate in the Project or developed independent of BHP (Background IP) remains vested in such Party.

Any intellectual property (other than Background IP) created, discovered, or coming into existence as a result of, for the purpose of, or in connection with the participation in the Project will be considered "Project IP".

Participant may not disclose or use in any form without the previous consent of BHP, other than for the execution of the Project, any intellectual property rights, the Background IP or Project CI of BHP, which remain vested in BHP.

Participant warrants that:

- Participant owns, or has the rights to use and develop to the extent required for the Project, any Background IP, including any Background IP that is incorporated in or relates to the Project IP; and
- The use of any Background IP or Project IP by BHP for the project will not infringe any rights of any parties, including any intellectual property rights or moral rights.

Subject to the agreement described in paragraph above, Participant will not:

- Challenge or oppose or assist any third parties to challenge or oppose the validity, ownership or use of the Project IP by BHP; or
- Take any other action to invalidate, put in dispute or impair in any way BHP's interest in or use or exploitation of the Project IP anywhere in the world.

## **10. Exclusiveness**

BHP will not require the exclusive use of solutions presented in the areas that are part of this challenge.

## **11. Questions**

The official period for responding to the Global Water Challenge consultation will be the first two weeks of the scouting period, as indicated in Table 1 above.

Every question related to the call must be submitted through the question-and-answer section of the page <https://fch.brightidea.com/QABHP>, which every Applicant can access by logging in with their username and password.

## **12. Legal**

For all purposes of the challenge, domicile is set in the city of Santiago, Chile.

Any difficulty or controversy that occurs between the Applicants regarding the application, interpretation, duration, validity or execution of the challenge or any other reason related to the challenge will be submitted to arbitration, in accordance with the Rules of Arbitral Procedure of the Santiago Arbitration and Mediation Center, valid at the time of request.

BHP and the Claimants hereby confer a special and irrevocable power of attorney to the Santiago Chamber of Commerce AG, so that, at the written request of any of them, it may appoint an arbitrator in relation to the procedure and Chilean law in relation to the award, from among the members of the arbitration body of the Santiago Arbitration and Mediation Center.

The arbitrator's decisions cannot be appealed. The arbitrator is specially empowered to resolve any matter related to their competence and/or jurisdiction.

Companies and Claimants will respect the legislation in force in Chile regarding data protection and anti-corruption.

### **13. Acceptance of Terms and Conditions**

BHP and Expande may unilaterally update or modify these terms and conditions at any time, without further liability, by publishing the new version on the website <https://expandemineria.cl/convocatoria-custom/global-water-challenge/?lang=en>.

BHP and Expande reserve the right to cancel, modify or suspend the application process or leave the number of selected candidates vacant in any of the selection stages, if deemed appropriate, without further liability or obligation to justify the decision.

Submission of an application will be considered irrevocable acceptance of these Terms and Conditions for all legal purposes.

The data provided by the Applicant must be correct, truthful and complete, assuming all liability for the lack of veracity, integrity or accuracy thereof. In the event that the data provided by the Applicant turn out to be false, inaccurate, incomplete or misleading, BHP and Expande will be empowered, notwithstanding other legal measures available to them, to withdraw, deny or suspend the rights recognized for the Applicant in these Terms and Conditions.

The Applicant accepts that BHP has the final authority regarding the application and during the selection process.

Expenses incurred by Applicants, as a result of this open innovation process, will be their exclusive liability and risk, without the right to reimbursement, compensation or any subsequent claim, and in no case and regardless of the outcome of the proposal submitted.