

VIRGIN ISLANDS WATER AND POWER AUTHORITY
POST OFFICE BOX 1450
SAINT THOMAS
U.S. VIRGIN ISLANDS 00804



ADDENDUM II

This Addendum II to Contract SC-05-23 (hereinafter the "Contract") is entered into on this 29 day of August 2023, by and between the VIRGIN ISLANDS WATER AND POWER AUTHORITY (hereinafter the "Authority") and WEST PEAK ENERGY, LLC (hereinafter "the Contractor"). The Authority and the Contractor shall hereinafter be jointly referred to as the "Parties."

WHEREAS, on October 11, 2022, the Parties entered into Contract SC-05-23, wherein the Contractor agreed to provide project management services for the installation of the new Reciprocating Internal Combustion Engines (RICE) units and the Battery Energy Storage Systems (BESS) in the US Virgin Islands on behalf of the Authority. A copy of said Contract is attached hereto and made a part hereof as Appendix "A";

WHEREAS, on June 13, 2023, the Parties executed Addendum I which amended West Peak's labor hours and added the position of start-up engineer to the project. A copy of said Addendum I is attached hereto and made a part hereof as Appendix "B";

WHEREAS, due to on-going discussions with Wartsila regarding proffered change orders and associated monetary claims, the Parties agree that West Peak should also evaluate, investigate, and negotiate, on behalf of the Authority, all Wartsila past, current and future change orders and associated monetary claims;

A handwritten signature in black ink, appearing to be "DKA", is written over a horizontal line.

WHEREAS, the additional scope is noted through changes to the revised Exhibit C 3 as follows:

- Reduce the current budgeted labor hours for QA/QC Engineer from 4000 to 2100 hours and revise the description to LPG Design Engineer -- QA/QC Engineer with a labor rate of \$250 per hour. The change in labor hours and labor rate results in a reduction of \$355,000.
- Reduce the current budgeted labor hours for Safety Officer from 1088 to 736 hours resulting in a reduction of \$59,840.
- Add three new labor categories for Claim Specialist personnel:
 - Senior Claim Specialist Attorney/Engineer (Ronald Leaders) with a labor rate of \$295 per hour, a budget of 820 labor hours and a total cost of \$241,900;
 - Senior Schedule Engineer/Specialist (Vince Cimino) with a labor rate of \$240 per hour, a budget of 240 labor hours and a total cost of \$57,600; and
 - Senior Paralegal Specialist (Ingrid Leaders) with a labor rate of \$175 per hour, a budget of 130 labor hours and a total cost of \$22,750.
- Modify Document Control/Administration labor category to Paralegal Specialist/Document Investigator (Melanie House) with a labor rate of \$95 per hour. The budget has been adjusted to \$178,500 from \$150,000, reflecting an increase of \$28,500 for additional paralegal responsibilities and document investigation requirements to support the claims evaluations;



- Increase labor budget for Senior Project Manager to 1580 hours (an increase of 80 hours) with a budget of \$395,000; and
- Increase labor budget Home Office Engineer to 2700 hours (an increase of 200 labor hours) with a budget of \$594,000.

These changes are reflected in the attached Exhibit C-3; and

WHEREAS, these adjustments do not increase the contract's not-to-exceed costs.

NOW THEREFORE, in consideration of the mutual covenants herein and the Parties intending to be legally bound hereby, it is agreed as follows:


1. The preamble to this Addendum II shall constitute an integral part thereof.
2. This Addendum II between VIWAPA and the Contractor is hereby made effective on May 01, 2023.
3. Exhibit C-3 is added to, and made part of, the Contract.
4. The foregoing provisions do not usurp, nor in any way amend the terms and conditions of the Contract, except as specifically stated herein.
5. All other terms and conditions of the Contract remain in full force and effect, except as expressly amended herein.



IN WITNESS WHEREOF, the Parties hereto duly execute this Addendum II on
the day, month, and year first above written.


WEST PEAK ENERGY, LLC


WITNESS

By:  8/28/2023
PAUL TRYGSTAD
PRESIDENT Date

V.I. WATER AND POWER AUTHORITY


WITNESS

By:  8.29.2023
ANDREW L. SMITH
EXECUTIVE DIRECTOR (CEO) Date

APPROVED AS TO LEGAL SUFFICIENCY:


Dionne G. Sinclair, Esq.
General Counsel 8-25-2023
Date

Attachment