

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



ADDENDUM III

This Addendum III to Contract SC-05-23 (hereinafter the "Contract") is entered into on this __16th__ day of __July__ 2024, 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, on August 29, 2023, the Parties executed Addendum II, due to on-going discussions with Wartsila amended proffered change orders and associated monetary claims, the Parties agreed that West Peak should also evaluate, investigate, and negotiate, on behalf of the Authority, all past, current and future change orders and associated monetary claims. A copy of said Addendum II is attached hereto and made a

part hereof as Appendix "C"; and

WHEREAS, the Parties wish to further amend the Contract, as reflected in the 'revised' Exhibit "C", which reallocates labor hours among the various labor categories. This reallocation aims to enhance the project's efficiency. Specifically, it involves the following changes:

1. Engineering Review Reallocation: Some engineering review hours will be reallocated to focus on critical areas such as site management, change order agreements, and delay claim agreements.
2. Alignment with Labor Efforts: The proposed reallocation aligns with our current and forecasted labor efforts over the next five months.

These changes are reflected in the attached **revised** Exhibit "C".

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 III shall constitute an integral part thereof.
2. '**Revised**' Exhibit "C" is added to, and made part of, the Contract.
3. The foregoing provisions do not usurp, nor in any way amend the terms and conditions of the Contract, except as specifically stated herein.
4. 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

Ivan Clark

By:

Paul Trygstad 7/9/2024
PAUL TRYGSTAD
PRESIDENT Date

V.I. WATER AND POWER AUTHORITY

[Signature]
WITNESS

By:

Ashley Bryan 07/16/2024
Ashley Bryan
Interim EXECUTIVE DIRECTOR (CEO) Date

APPROVED AS TO LEGAL SUFFICIENCY:

[Signature]
Patricia Quinland, Esq.
Assistant General Counsel

06/26/2024
Date

Attachment