

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



ADDENDUM IV

This Addendum IV to Contract SC-05-23 (hereinafter the "Contract") is entered into on this 19 day of September 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":

WHEREAS, on July 16, 2024, the Parties amended the Contract which are

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reflected in the '**revised**' Exhibit "C" which reallocated labor hours among the various labor categories. The reallocation aimed to enhance the project's efficiency by strategically adjusting labor allocation. A copy of said Addendum III is attached hereto and made a part hereof as Appendix "D";

WHEREAS, the Parties wish to amend the Contract "Term" to extend the Contract with a new termination date of February 28, 2025; and

WHEREAS, the Parties wish to further amend the Contract "Consideration" for an additional Four Hundred Sixty-Four Thousand Four Hundred Dollars and 00/100 (\$464,400.00) which is reflected in the '**updated**' Exhibit "C" for a new not to exceed Total Contract "Consideration" of Four Million Three Hundred Fifty-One Thousand Eight Hundred Sixty-Six Dollars and 95/100 (\$4,351,866.95). These changes are reflected in the attached updated 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 IV shall constitute an integral part thereof.
2. That Section 2 of the Contract entitled "Term" shall be amended for the Contract to now expire on February 28, 2025;
3. That Section 3 of the Contract entitled "Consideration" shall be amended for a cost increase for an additional \$464,400.00 for a new not to exceed Total Contract "Consideration" of **Four Million Three Hundred Fifty-One Thousand Eight Hundred Sixty-Six Dollars and 95/100 (\$4,351,866.95).**

'Updated' Exhibit "C" is added to, and made part of, the Contract.



4. That additional Gross Receipt Taxes in the amount of Twenty-Three Thousand Two Hundred Twenty Dollars and 00/100 (\$23,220.00) shall become due and payable;
5. The foregoing provisions do not usurp, nor in any way amend the terms and conditions of the Contract, except as specifically stated herein.
6. All other terms and conditions of the Contract remain in full force and effect, except as expressly amended herein.

SIGNATURE PAGE TO FOLLOW

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

WEST PEAK ENERGY, LLC

Ivan Clark
WITNESS

By: Paul Trygstad 9/19/2024
PAUL TRYGSTAD
PRESIDENT Date

V.I. WATER AND POWER AUTHORITY

[Signature]
WITNESS

By: Karl Knight 09/27/2024
KARL KNIGHT
EXECUTIVE DIRECTOR (CEO) Date

APPROVED AS TO LEGAL SUFFICIENCY:

[Signature] 09/19/2024
Patricia Quinland, Esq.
Assistant General Counsel Date

Attachment