

**COMMONWEALTH OF PUERTO RICO  
PUERTO RICO ELECTRIC POWER AUTHORITY**

**FIRST AMENDMENT**

**PROFESSIONAL SERVICES CONTRACT**

**2021-P00004<sub>A</sub>**

**APPEAR**

AS FIRST PARTY: The Puerto Rico Electric Power Authority (PREPA), a public corporation and government instrumentality of the Commonwealth of Puerto Rico, created by Act 83 of May 2, 1941, as amended (Act 83), represented in this act by its Interim Executive Director, Efran Paredes Maisonet, of legal age, married and resident of Bayamón, Puerto Rico. -----

AS SECOND PARTY: Hogan Lovells US, LLP (Consultant) a limited liability partnership organized and existing under the laws of District of Columbia herein represented by Adam M. Kushner, its Partner, of legal age, and resident of the State of Maryland, United States of America, whose authority of representation is evidenced by Power of Attorney dated January 26, 2020. -----



Both PREPA and Consultant are herein individually referred to as a "Party" and collectively referred to as the "Parties". -----

**RECITALS**

WHEREAS: PREPA, by virtue of Act 83, has the authority to engage those professional, technical and consulting services necessary and convenient for its activities, programs, and operations. -----

WHEREAS: The appearing Parties executed Professional Services Contract 2021-P00004 (Contract) on June 30, 2020, to provide PREPA legal advisory services.

The Contract had a maximum amount of one million five hundred thousand dollars (\$1,500,000,) (Contract Amount) through June 30, 2021. -----

WHEREAS: At present the Consultant is supporting PREPA in the PROTECO case. A case brought by the United States Environmental Protection Agency (EPA) against various public and private entities for the provision of hazardous waste at the PROTECO facility located in the Municipality of Penuelas. Because of the aforementioned, it is necessary for the Consultant to have available technical personnel that can evaluate the data related to the disposal of waste made by PREPA in the property. These personnel were not included in the Appendix B of the current Contract. -----

WHEREAS: For the abovementioned situation the Planning and Environmental Directorate (PID), requested an amendment of the Appendix B of the Contract to add the personnel needed. -----

THEREFORE: In order to have available the personnel needed the Parties hereby agree to enter into this First Amendment under the following: -----

**TERMS AND CONDITIONS**

FIRST: The Parties agree to amend Article 6. Payment, to amend Appendix B. The remaining language of Article 6, as amended, shall remain unaltered and fully enforceable. -----

All payments performed under this Amendment will be charged to PREPA's budget account number 01-4019-92319-556-673. -----

SECOND: As for the original Contract, Consultant will continue to comply with all applicable State Law, Regulations or Executive Orders that regulate the contracting

process and requirements of the Commonwealth of Puerto Rico. Particularly, Act 237-2004, as amended, which establishes uniform contracting requirements for professional services. \_\_\_\_\_

A. Consultant shall provide, at the execution date of this First Amendment, the following documents: \_\_\_\_\_

1. A sworn statement in compliance with the requirements established in Circular Letter No. 1300-16-16 of Puerto Rico Treasury Department certifying that, under penalty of perjury, Consultant does not have tax liability in Puerto Rico and the execution of the Contract will not result in Consultant being engage in trade or business in Puerto Rico. \_\_\_\_\_
2. A sworn statement to the effect that neither Consultant nor any president, vice president, executive director or any member of a board of officials or board of directors, or any person performing equivalent functions for Consultant has been convicted of or has pled guilty to any of the crimes listed in Article 6.8 of Act 8-2017, as amended, known as the Act for the Administration and Transformation of Human Resources in the Government of Puerto Rico or any of the crimes included in Act 2-2018. \_\_\_\_\_
3. The Consultant shall present, the Certification issued by the Puerto Rico Child Support Administration (known in Spanish as the *Administración para el Sustento de Menores (ASUME)*), which indicates that the Consultant nor any of its owners, affiliates of subsidiaries, if applicable, is in compliance with the withholdings required by law as an employer, to collect child support payments that may be

registered with ASUME. If this Certification shows a debt, and Consultant has requested a review or adjustment of this debt, Consultant will certify that it has made such request at the time of the Contract execution. If the requested review or adjustment is denied and such determination is final, Consultant will provide, immediately, to PREPA a proof of payment of this debt; otherwise, Consultant accepts that the owed amount be offset by PREPA and retained at the origin, deducted from the corresponding payments. -----

4. The Consultant shall provide Certificate of Incorporation or Certificate of Organization or Certificate of Authorization; and Good Standing Certificate. -----

THIRD: Consultant understands and agrees that PREPA is prohibited to process any payment under the Contract until the enumerated documents are submitted to PREPA.

FOURTH: The Parties agree that all other terms, conditions, specifications, stipulations, insurances, and requirements established in the Contract shall remain unaltered and fully enforceable. -----

*Handwritten initials*

In WITNESS WHEREOF, the Parties hereto have agreed to execute this First Amendment to the Contract in San Juan, Puerto Rico, on this 13 day of November, 2020. -----

Puerto Rico Electric Power Authority

Hogan Lovells, LLC

*Handwritten signature of Efran Paredes Maisonet*

*Handwritten signature of Adam Kushner*

Efran Paredes Maisonet  
Interim Executive Director

Adam Kushner  
Partner

## APPENDIX B

Hogan Lovells Attorney/Expert	Title	Existing Applicable PREPA Rates	Proposed Applicable PREPA Rates	Area of Expertise
Adam Kushner	Client Relationship Partner	\$1,410.00	\$1,245.00	Federal Environmental Law (Clean Air Act, Superfund, Resource Conservation and Recovery Act), EPA and Justice Department Enforcement
Jim Banks	Partner	\$1,272.00	\$1,125.00	Corps of Engineers, Natural gas Port Permitting, National Environmental Policy Act, Clean Water Act Permitting
Ana Gutierrez	Partner	\$1,008.00	\$930.00	Clear Air Act, National Environmental Policy Act, Public Lands, Endangered Species Act
Greg Junge	Partner	\$1,104.00	\$985.0	Federal Energy Regulatory Commission
Maria Ramirez	Partner	\$1,002.00	\$900.00	Commercial/Contracts Litigation
Scott Reisch	Partner	\$1,230.00	\$1,095.00	Environmental Transactions and Due Diligence
Mary Anne Sullivan	Senior Counsel	\$1,260.00	\$1,110.00	Department of Energy
Hilary Tompkins	Partner	\$1,176.00	\$1,015.00	Federal Emergency Management Agency, National Marine Fisheries Service/NOAA, Department of the Interior
Ivan Zapien	Partner	\$1,080.00	\$935.00	Legislation and Political Law — White House, Congress
Hayley Fink	Senior Associate	\$924.00	\$870.00	Federal Environmental Law
Allison Hellreich	Senior Associate	\$984.00	\$900.00	Federal Energy Law
Emily Kimball	Senior Associate	\$1,008.00	\$920.00	Federal Environmental Law
Joseph Smith	Senior Associate	\$816.00	\$780.00	Federal Environmental Law
Marta Orpizewska	Senior Associate	\$876.00	\$820.00	Federal Environmental Law
Hillary Neger	Associate	\$672.00	\$570.00	Federal Environmental Law
Timothy Roth	Associate	\$588.00	\$600.00	Federal Environmental Law

<b>Sonoma Technology Team</b>	<b>Title</b>	<b>Existing Approved PREPA Rates</b>	<b>Proposed Applicable PREPA Rates</b>	<b>Area of Expertise</b>
<b>Lyle Chinkin</b>	Chief Scientist / Chief Executive Officer	\$540.51	\$540.51	Preparation and assessment of emissions inventories of air pollutants and air quality analysis
<b>Tami LaVezzo</b>	Vice President / Senior Scientist	\$384.42	\$384.42	Modeling, analysis, and outreach software tools, Litigation service projects
<b>Lynn Baringer</b>	Atmospheric Scientist	\$236.07	\$236.07	Air quality dispersion modeling and impact assessments, and interpreting models
<b>Adam Love</b>	Vice President	NA	\$520.00	Allocation and Environmental Forensics
<b>Rachel Maxwell</b>	Senior	NA	\$312.00	Allocation and Environmental Forensics
<b>Sara Bassett</b>	Senior	NA	\$312.00	Allocation and Environmental Forensics
<b>Emily Siegel</b>	Project	NA	\$294.00	Allocation and Environmental Forensics
<b>Stella Keck</b>	Project	NA	\$294.00	Allocation and Environmental Forensics
<b>Crystal Stowell</b>	Project	NA	\$294.00	Allocation and Environmental Forensics
<b>Charmayne Floyd</b>	Staff	NA	\$276.00	Allocation and Environmental Forensics
<b>Lauren Mitchell</b>	Staff	NA	\$276.00	Allocation and Environmental Forensics

*Handwritten signature/initials*