



believes it would be uncommon and unnecessary to include such provisions in the amendment. District staff feels that the risk of not adding specific dates can be mitigated by carefully monitoring and managing the construction activities as shown in the baseline schedule, and that any deviation will be brought immediately to ForeFront's attention as contract misrepresentation.

Additionally, in parallel with the negotiations with ForeFront, District staff has completed due diligence to determine the feasibility of cancelling the Agreement and completing the project with a different vendor. Highlights of that effort include:

1. Engineering estimates to complete the work are significantly less than the ForeFront capital expenditure price. However, this would require immediate capital outlay.
2. Confidence that the NEM 2.0 schedule can be met should the District choose the path of a different vendor.

PREVIOUS BOARD ACTION

On January 5, 2023, the Board approved Resolution 2023-2295 for Energy Services Agreement with ForeFront Power

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

Additional cost of \$0.022/kWh for NEM 2.0 or \$0.0117/kWh for NEM 3.0

