

**STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA**

FIRST AMENDMENT

THIS FIRST AMENDMENT (“Amendment”) to the **Modified Agreement Between Owner and Contractor for Construction (Lump Sum)** (“Contract”) is made effective as of the ____ day of March 2023 (“Effective Date”) by and between **THE TRANSYLVANIA COUNTY BOARD OF EDUCATION** (“Owner”) and **SUPERIOR MECHANICAL SERVICES, INC.** (“Contractor”).

NOW, THEREFORE, the Parties, for and in consideration of the terms and conditions contained herein and other good and valuable consideration, amend and revise the Contract as follows:

1. References to the Owner as the Transylvania County Schools on pages 1 and 8 of the Contract shall refer to the Transylvania County Board of Education, a body corporate and the legal entity for the Transylvania County Schools.
2. Section 8.01(A) of the Contract is hereby amended to include the following documents which Contractor acknowledges receipt of:
 - a) Transylvania County Board of Education – Final Certificate and Release; and
 - b) Performance Bond and Payment Bond Forms attached as Exhibit A.
3. The Contract shall be amended to add Article 13, titled “Additional Terms and Conditions,” to include the following additional terms and conditions listed below.
 - a) Jessica Lunsford Act: Under North Carolina law, certain sex offenders are prohibited from coming onto school campuses. The Contractor agrees to conduct a check of all employees working at the project site on the N.C. Sex Offender and Public Protection Registration Program, the N.C. Sexually Violent Predator Registration Program and the National Sex Offender Registry. As a term of this Contract, said checks must be performed by the Contractor and reported to the Transylvania County Schools’ Superintendent or designee.
 - b) Iran Divestment and E-Verify: The Contractor shall comply with the requirements of G.S. Chapter 64, Article 2 (the “E-Verify Requirements”). The Contractor certifies that it is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. § 147-86.58, the Iran Divestment Act of 2015 (S.L. 2015-118). In the event that the Contractor utilizes a subcontractor to perform the Work of this Contract, the Contractor shall require any such subcontractor to comply with the E-Verify Requirements and the Iran Divestment Act.

IN WITNESS WHEREOF, as of the Effective Date, the Owner has caused this Amendment to be executed in its name by its Chair or Superintendent and Contractor consents to and has executed this Amendment by this signature hereto. This Amendment may be executed with signatures transmitted via electronic mail in multiple counterparts.

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**THE TRANSYLVANIA COUNTY BOARD OF
EDUCATION**

Tawny McCoy
Chair, Transylvania County Board of Education

SUPERIOR MECHANICAL SERVICES, INC.



James R. Fields
President