

## FIRST AMENDMENT TO CONTRACT

This First Amendment to Contract (herein "First Amendment") is made and entered into effective this 18th day of August 2016 by and between the TOWN OF COLLIERVILLE (herein the "Town") and HERBI-SYSTEMS, INC., a Tennessee corporation (herein the "Contractor").

WHEREAS, the Town and the Contractor have previously entered into that certain CONTRACT FOR SERVICES AND/OR PRODUCTS dated December 14, 2015 (herein the "Contract") under the terms of which the Contractor provides chemical weed control services (herein the "Contract Items") to the Town; and

WHEREAS, the original approved contract totaled One Hundred Five Thousand Seven Hundred Twenty-Four and 35/100 Dollars (\$105,724.35); and

WHEREAS, the parties now have agreed to amend the Contract.

NOW, THEREFORE, for good and valuable consideration, received or to be received, the sufficiency of which the parties acknowledge, the parties agree to amend the Contract as follows:

1. Item 1.00, Scope of Contract, is amended to reduce the number of miles of Right of Way spraying from 81 to 63.3.
2. Item 3.00, Compensation, of the Contract is hereby amended to provide that, as a result of the reduction in mileage shown in Section 1 above, the Contract amount shall be reduced to One Hundred Three Thousand Eight Hundred Ninety-Three and 60/100 Dollars (\$103,893.60) as shown in Right of Way Revised Pricing attached hereto as Exhibit A and incorporated herein by reference.
3. The terms of this First Amendment shall supercede any inconsistent terms in the Contract, but the terms of the Contract that are not amended hereby are ratified and affirmed.

[Signatures follow on next page]

[Signature Page for First Amendment to Contract]

WITNESS THE DUE EXECUTION HEREOF.

TOWN OF COLLIERVILLE,  
TENNESSEE

By: James Lewellen  
James Lewellen, Town Administrator

ATTEST:  
By: Lynn Carmak  
Town Clerk/Recorder

APPROVED AS TO FORM AND  
CONTENT

Derek Honeycutt 8-19-2016  
Derek Honeycutt  
Director of General Services

HERBI-SYSTEMS, INC.

By: [Signature]  
Its: END DEU MGR.

CONTRACTOR's Mailing Address:  
7551 Bartlett Corporate Cove East  
Bartlett, TN 38133

CONTRACTOR's Telephone Number:  
(901) 382-5296

CONTRACTOR's Facsimile Number:  
(901) 385-7111



Invoice No 26492  
 Invoice Date 07/13/2016  
 P. O. No 40985  
 Customer No 990431

PM  
 TS  
 STATUS

INVOICE

8/12

**Herbi-Systems®**

Professional Vegetation Management  
 7551 Bartlett Corporate Cove East  
 Bartlett, Tennessee 38133  
 (901) 382-LAWN (5296)

Technician Lee Barclay  
 TDA #22392

233-2137

"Providing solutions for your unwanted vegetation problems"

|                                                                                                    |                                                                                                    |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Bill to                                                                                            | Job Site                                                                                           |
| Town of Collierville<br>Attn: Accounts Payable<br>500 Poplar View Parkway<br>Collierville TN 38017 | Town of Collierville<br>Attn: Accounts Payable<br>500 Poplar View Parkway<br>Collierville TN 38017 |

| DATE                                                                                                                                          | HERBICIDE MIX | QUANTITY | UNIT  | PRICE    | TOTAL      |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|-------|----------|------------|
| 06/29/2016                                                                                                                                    |               | 63.3     | miles | \$ 50.00 |            |
| 1) First summer roadside bermuda release herbicide application on assorted Town of Collierville road shoulders per road list. (12' shoulders) |               |          |       |          | \$ 3165.00 |
| 2)                                                                                                                                            |               |          |       |          | \$ 0.00    |
| 3)                                                                                                                                            |               |          |       |          | \$ 0.00    |
| 4)                                                                                                                                            |               |          |       |          | \$ 0.00    |
| 5)                                                                                                                                            |               |          |       |          | \$ 0.00    |
| 6)                                                                                                                                            |               |          |       |          | \$ 0.00    |
| 7)                                                                                                                                            |               |          |       |          | \$ 0.00    |
| 8)                                                                                                                                            |               |          |       |          | \$ 0.00    |
| 9)                                                                                                                                            |               |          |       |          | \$ 0.00    |
| 10)                                                                                                                                           |               |          |       |          | \$ 0.00    |

|          |              |                   |
|----------|--------------|-------------------|
| Comments | Sub Total    | \$ 3165.00        |
|          | TN Sales Tax | \$ 0.00           |
|          | <b>TOTAL</b> | <b>\$ 3165.00</b> |

HERBICIDES USED  
 PR017 MSMA - Weed Hoe 108 (6#/gal)(gallon)  
 PR018 Metsulfuron Methyl (generic Escort)(ounces)  
 PR003 SFM 75 (Oust)(ounces)

JUL 18 2016

## SECOND AMENDMENT TO CONTRACT

This Second Amendment to Contract (herein "Second Amendment") is made and entered into effective this 12th day of December 2016 by and between the TOWN OF COLLIERVILLE (herein the "Town") and HERBI-SYSTEMS, INC., a Tennessee corporation (herein the "Contractor").

WHEREAS, the Town and the Contractor have previously entered into that certain CONTRACT FOR SERVICES AND/OR PRODUCTS dated December 14, 2015 (herein the "Contract") under the terms of which the Contractor provides chemical weed control services (herein the "Contract Items") to the Town; and

WHEREAS, the original approved contract totaled One Hundred Five Thousand Seven Hundred Twenty-Four and 35/100 Dollars (\$105,724.35); and

WHEREAS, the parties previously amended the Contract by the First Amendment dated August 18, 2016 resulting in an amended Contract amount of One Hundred Three Thousand Eight Hundred Ninety-Three and 60/100 Dollars (\$103,893.60); and

WHEREAS, the parties now have agreed to amend the Contract further.

NOW, THEREFORE, for good and valuable consideration, received or to be received, the sufficiency of which the parties acknowledge, the parties agree to amend the Contract as follows:

- 1. Item 2.00, Term of Contract, of the Contract is hereby amended by the following:

The Town elects to exercise its option to renew the Contract for the period from January 1, 2017 to December 31, 2017.

- 2. Item 1.00, Scope of Contract, is hereby amended to add the following:

| <u>Location</u>                                                    | <u>Cost per Application</u> |
|--------------------------------------------------------------------|-----------------------------|
| Hinton Park - 21 acres (approximately)                             | \$1,470.00                  |
| Byhalia Road newly constructed medians – 3.2 acres (approximately) | \$ 400.00                   |

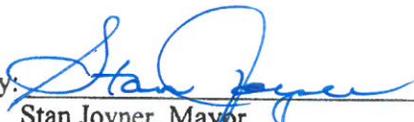
Each location to receive five (5) applications per year as itemized in the proposal dated November 10, 2016 attached hereto as Exhibit A and incorporated herein by reference.

- 3. Item 3.00, Compensation, of the Contract, is hereby amended to provide that for Contract services and/or products described in Section 2 above, the Town shall pay the Contractor the total additional amount of Nine Thousand Three Hundred Fifty and 00/100 Dollars (\$9,350.00) resulting in an amended contract amount of One Hundred Thirteen Thousand Two Hundred Forty-Three and 60/100 Dollars (\$113,243.60).
- 4. The terms of this Second Amendment shall supercede any inconsistent terms in the Contract, but the terms of the Contract that are not amended hereby are ratified and affirmed.

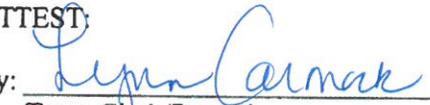
WITNESS THE DUE EXECUTION HEREOF.

**TOWN OF COLLIERVILLE,  
TENNESSEE**

**HERBI-SYSTEMS, INC.**

By:   
Stan Joyner, Mayor

By:   
Title: IND. DEV. MGR.

ATTEST:  
By:   
Town Clerk/Recorder

CONTRACTOR's Mailing Address:  
7551 Bartlett Corporate Cove East  
Bartlett, TN 38133

CONTRACTOR's Telephone Number:  
(901) 382-5296

CONTRACTOR's Facsimile Number:  
(901) 385-7111

APPROVED AS TO FORM AND  
CONTENT  
 11-18-2016  
Derek Honeycutt  
Director of General Services

EXHIBIT A



7551 Bartlett Corporate Cove East

Bartlett, TN 38133

Telephone 901-382-5296

"Providing solutions for your unwanted vegetation problems"

November 10, 2016

Mr. Neil Wiseman  
Town of Collierville  
500 Poplar View Parkway  
Collierville, TN 38017

Mr. Wiseman:

Thank you for the opportunity to perform weed control services on you facilities for the past several years, and your interest in Herbi-Systems. Thank you also. for the opportunity to present you with the following request for services at your NEW Hinton Park on Holmes Road and on the NEW median areas on Byhalia Road. Hinton is approx. 21 ac & Byhalia Median is approx. 3.2 ac.

|                              |             |            |
|------------------------------|-------------|------------|
| Application One: Feb – March | Hinton Pk   | \$ 1470.00 |
|                              | Byhalia Med | \$ 400.00  |

A blanket application on specified areas with prodiamine @ 1 pound per acre, MSM 60 @ 1/3 ounce per acre, and Trimec (or equiv) @ 1.5 quarts per acre.

|                              |             |            |
|------------------------------|-------------|------------|
| Application Two: April – May | Hinton Pk   | \$ 1470.00 |
|                              | Byhalia Med | \$ 400.00  |

A blanket application on specified areas with prodiamine @ 1 pound per acre, MSM 60 @ 1/3 ounce per acre. and Trimec (or equiv) @ 1.5 quarts per acre.

|                                |             |            |
|--------------------------------|-------------|------------|
| Application Three: June – July | Hinton Pk   | \$ 1470.00 |
|                                | Byhalia Med | \$ 400.00  |

A spot application on specified areas with a post-emergent herbicide.

|                             |             |            |
|-----------------------------|-------------|------------|
| Application Four: June July | Hinton Pk   | \$ 1470.00 |
|                             | Byhalia Med | \$ 400.00  |

A spot application on specified areas with a post-emergent herbicide.



"Lemme kill your weeds."

November 10, 2016  
Town of Collierville  
Page 2 of 2

Application Five: Oct Nov

|             |            |
|-------------|------------|
| Hinton Pk   | \$ 1470.00 |
| Byhalia Med | \$ 400.00  |

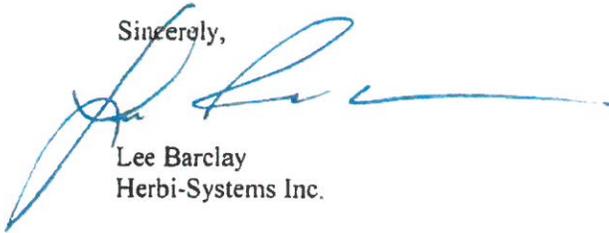
A blanket application on specified areas with prodiamine @ 1 pound per acre, MSM 60 @ 1 3 ounce per acre. and Vessel (or equiv) @ 1.5 quarts per acre.

**TOTAL FOR 2017**

**\$ 9350.00**

Again thank you for your interest in our services and if this meets with your approval we will make these changes.

Sincerely,



Lee Barclay  
Herbi-Systems Inc.