



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 2/27/2025

File ID: TMP-5216

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Change Order No.1 between the City of Huntsville and Fite Construction Company for Construction Services for the John Hunt Park Recreation Center

Resolution No.

Finance Information:

Account Number: 4017-14-00000-522020-000000000-

City Cost Amount: \$161,168.00

Total Cost: \$18,690,491.00

Special Circumstances:

Grant Funded: NONE

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: 3035 Leeman Ferry Road

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☒ District 5 ☐

Additional Comments:

Change Order No. 1 to include the following changes; Removal of existing 15" RCP; Install 6" conduit per HU; Bore through root system along Noname Road; Bore under storm sewer along Noname Road; Additional grade work and hotel development.

RESOLUTION NO. 25-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Fite Construction Company for Construction Services for the John Hunt Park Recreation Center, located at 3035 Leeman Ferry Road, Huntsville, Alabama, approved and executed by the City of Huntsville, Huntsville, Alabama on the 22nd day of August 2024, be and the same is hereby amended as is reflected on Change Order Number 1 attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from Eighteen Million Five Hundred Twenty-Nine Thousand Three Hundred Twenty-Three Dollars and 00/100s (\$18,529,323.00), to Eighteen Million Six Hundred Ninety Thousand Four Hundred Ninety-One Dollars and 00/100s (\$18,690,491.00) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to including this Change Order Number 1 in the amount of One Hundred Sixty-One Thousand One Hundred Sixty-Eight Dollars and 00/100s (\$161,168.00), said Change Order is substantially in word and figures as attached hereto and identified as “Change Order Number 1 to the contract between City of Huntsville and Fite Construction Company for the construction services at the John Hunt Park Recreation Center consisting of eight pages (8) together with the signature of the City Council President and an executed copy of said document being permanently kept on file in the office of the City Clerk Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 27th day of February, 2025.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 27th day of February, 2025.

Mayor of the City of Huntsville, Alabama

"EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. _____

DATE: 2/10/2025

PROJECT: John Hunt Park Rec Center

TO: Fite Construction Company, LLC

(Contractor)

TERMS: You are hereby authorized, subject to the provisions of your contract for this project, to make the following changes thereto in accordance with the attached Change Order Request and supporting documents and to

FURNISH the necessary labor, materials and equipment to complete CMRs 1, 2R, 4R, 5R, and 7
(Description of work to be done or changes to be made)

TOTAL ADDITION OR DEDUCTION TO CONTRACT PRICE (NOTE: Numbers in parentheses are deductions).

For this Change \$ <u>161,168.00</u>	\$	161,168.00
ORIGINAL CONTRACT PRICE	\$	18,529,323.00
Net total previous Change Orders	\$	0.00
Previous revised Contract Price	\$	18,529,323.00
This Change Order No. <u>1</u> ADD (DEDUCT)	\$	<u>161,168.00</u>
Revised Contract Price this date	\$	18,690,491.00

Extension of time resulting from this Change Order 0 (Indicate no. of calendar days).

The amount of this Change Order will be the responsibility of The City of Huntsville, AL

This contract modification constitutes full and mutual accord and satisfaction for all time and all cost related to this change. By acceptance of this Contract Modification, the Contractor hereby agrees that the modification represents an equitable adjustment to the Contract, and further, agrees to waive all right to file any further claims or changes arising out of or as a result of this change, or the accumulation of executed Contract Modifications on this Contract.

The Contractor and Owner(s) hereby agree to the terms of this Change Order as contained herein.

CONSENT OF SURETY

Western Surety Company

(Company)

By Jeffrey W. Cutshall
(Authorized Representative)

RECOMMENDED

By [Signature]
(Design Engineer or Architect)

By [Signature]
(COH Facilities Project Manager)

By [Signature]
(Director of General Services)

CONTRACTING PARTIES

[Signature]
(Contractor)

By Jacob Way
(Authorized Representative)

CITY OF HUNTSVILLE, ALABAMA

By _____
(Its Mayor)

By _____
(President of City Council)

Date _____



00270-40

REVISED 10-25-2023 LEGAL APPVD

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Ryan R. McClendon, Jeffrey W Cutshall, Albert Bowen Evans, Keith W Harrelson, Jennifer Barranco, Individually

of Birmingham, AL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the Authorizing By-Laws and Resolutions printed at the bottom of this page, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 9th day of November, 2023.



WESTERN SURETY COMPANY

Larry Kasten, Vice President

State of South Dakota } ss
County of Minnehaha

On this 9th day of November, 2023, before me personally came Larry Kasten, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

March 2, 2026



M. Bent, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law and Resolutions of the corporation printed below this certificate are still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 10th day of February, 2025.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Authorizing By-Laws and Resolutions

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

This Power of Attorney is signed by Larry Kasten, Vice President, who has been authorized pursuant to the above Bylaw to execute power of attorneys on behalf of Western Surety Company.

This Power of Attorney may be signed by digital signature and sealed by a digital or otherwise electronic-formatted corporate seal under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 27th day of April, 2022:

"RESOLVED: That it is in the best interest of the Company to periodically ratify and confirm any corporate documents signed by digital signatures and to ratify and confirm the use of a digital or otherwise electronic-formatted corporate seal, each to be considered the act and deed of the Company."

Go to www.cnasurety.com > Owner / Obligor Services > Validate Bond Coverage, if you want to verify bond authenticity.

John Hunt Park Recreation Center
2/10/2025

FITE CONSTRUCTION COMPANY, LLC	
ORIGINAL CONTRACT AMOUNT	\$ 18,529,323.00
CHANGE ORDER NO. 1	\$ 161,168.00
REVISED CONTRACT AMOUNT	\$ 18,690,491.00
 CHANGE ORDER NO 1 SUMMARY	
CMR NO. 1 - Remove/Backfill Existing 15" RCP - Per RFI #7	\$ 3,707.00
CMR NO. 2R - Install 6" Conduit per HU - Bore/Labor/Sweep Material	\$ 59,729.25
CMR NO. 4R - Bore Through Root System Along Noname Road	\$ 37,537.50
CMR NO. 5R - Bore Under Storm Sewer Along Noname Road	\$ 27,011.25
CMR NO. 7 - Additional Grade Work and Hotel Development	\$ 33,183.00
 TOTAL CHANGE ORDER NO 1	 \$ 161,168.00
 REVISED CONTRACT AMOUNT	 \$ 18,690,491.00

"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 12/4/2024 CMR NUMBER: 1
PROJECT: John Hunt Park Rec Center
OWNER: City of Huntsville
ARCHITECT: William Boehme & Associates
CONTRACTOR: Fite Construction Company

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

In discussion with Schoel, we have been advised to remove a section of the 15" existing RCP and backfill it with stone (ref. RFI #7). This is a different direction than what is in the drawings. Our sitework contractor is estimating 100'-0" of pipe to be removed at \$33.70/LF, which brings the total to \$3,370.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$3,707.00
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0
☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT N/A

3. SUBMITTED BY:

- A. CONTRACTOR
B. ARCHITECT

Gordan Eldon
William Boehme

BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE

4. INITIATED BY: Contractor

5. OWNER'S CLASSIFICATION:

CONTRACT MODIFICATION DUE TO:

- ☐ VALUE ENGINEERING OR COST REDUCTION
☐ CHANGES IN PROJECT SCOPE OF WORK
☐ OWNER REQUESTED UPGRADE
☐ UNFORESEEN CONDITIONS
☒ TECHNICAL COORDINATION

6. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

- ☒ MINOR CHANGE OF A MONETARY VALUE AND NOT REQUIRED FOR COMPETITIVE BIDDING.
☐ CHANGES TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.
☐ EMERGENCIES ARISING DURING THE COURSE OF THE WORK.
☐ CHANGE FOR ALTERNATES PROVIDED FOR IN THE ORIGINAL BIDDING WHERE THERE IS NO DIFFERENCE IN PRICE OF THE CHANGE FROM THE ORIGINAL BEST BID ON THE ALTERNATE.
☐ CHANGE NOT CONTEMPLATED WHEN THE PLANS AND SPECIFICATIONS WERE PREPARED AND THE PROJECT WAS BID AND WHICH IS IN THE PUBLIC INTEREST AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.
☐ CHANGE NOT CONTEMPLATED WHEN THE PLANS AND SPECIFICATIONS WERE PREPARED AND THE PROJECT WAS BID AND WHICH IS IN THE PUBLIC INTEREST AND EXCEEDS 10% OF THE CONTRACT PRICE AND CONSTITUTES EXTRAORDINARY CIRCUMSTANCES

7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:

- A. CoH ESTIMATOR
B. CoH PROJECT MANAGER
C. DEPARTMENT HEAD (CUSTOMER)
D. CoH FACILITIES PROJ MANAGER
E. DEPARTMENT HEAD (GS)

Gordan Eldon
William Boehme
Rob Ewilk

THIS EXECUTED FORM DOES NOT CONSTITUTE A CHANGE ORDER. THIS DOCUMENT IS AN ACKNOWLEDGEMENT BY THESE DESIGNATED REPRESENTATIVES THAT THEY RECOMMEND TO THE CITY OF HUNTSVILLE'S CITY COUNCIL TO APPROVE THE CHANGE IN CONTRACT SUM, SCOPE AND OR TIME STATED HEREIN. THE CITY OF HUNTSVILLE'S CITY COUNCIL MUST APPROVE ALL CHANGE ORDERS.

"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 1/9/2025 CMR NUMBER: 2R

PROJECT: John Hunt Park Rec Center

OWNER: City of Huntsville

ARCHITECT: William Boehme & Associates

CONTRACTOR: Fite Construction Company

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

After discussion with Huntsville Utilities, they want to add a 6" conduit to our scope for future expansion. HU did not have the 90 degree sweeps in stock so that material is added. Proctor will install the conduit which will include additional boring, hydrovac operations, and equipment. There credit given for the agreements with Huntsville Fiber and communication to downsize from a 4" to 2" conduit.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$59,729.25

2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0

☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT N/A

3. SUBMITTED BY:

A. CONTRACTOR

B. ARCHITECT

Jordan Holden
William Boehme

BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE

4. INITIATED BY: City of Huntsville

5. OWNER'S CLASSIFICATION:

CONTRACT MODIFICATION DUE TO:

 VALUE ENGINEERING OR COST REDUCTION

 X CHANGES IN PROJECT SCOPE OF WORK

 OWNER REQUESTED UPGRADE

 UNFORESEEN CONDITIONS

 TECHNICAL COORDINATION

6. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

 X MINOR CHANGE OF A MONETARY VALUE AND NOT REQUIRED FOR COMPETITIVE BIDDING.

 CHANGES TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE

 CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.

 EMERGENCIES ARISING DURING THE COURSE OF THE WORK.

 CHANGE FOR ALTERNATES PROVIDED FOR IN THE ORIGINAL BIDDING WHERE THERE IS NO

 DIFFERENCE IN PRICE OF THE CHANGE FROM THE ORIGINAL BEST BID ON THE ALTERNATE.

 CHANGE NOT CONTEMPLATED WHEN THE PLANS AND SPECIFICATIONS WERE PREPARED AND

 THE PROJECT WAS BID AND WHICH IS IN THE PUBLIC INTEREST AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.

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7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:

A. CoH ESTIMATOR

B. CoH PROJECT MANAGER

C. DEPARTMENT HEAD (CUSTOMER)

D. CoH FACILITIES PROJ MANAGER

E. DEPARTMENT HEAD (GS)

Natasha Knight
[Signature]
[Signature]
[Signature]

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"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 1/9/2025 CMR NUMBER: 4R
PROJECT: John Hunt Park Rec Center
OWNER: City of Huntsville
ARCHITECT: William Boehme & Associates
CONTRACTOR: Fite Construction Company

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

After meeting with Huntsville Utilities and Schoel, Proctor Contracting was instructed to bore through the root system of the existing sweet gum tree. Schoel provided us with an updated Supplemental Plan - A (see attached) to clarify these changes.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$37,537.50
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0
☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT N/A

3. SUBMITTED BY:

- A. CONTRACTOR
B. ARCHITECT

Jordan Golden
William Boehme

BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE

4. INITIATED BY: City of Huntsville

5. OWNER'S CLASSIFICATION:

CONTRACT MODIFICATION DUE TO:

- ☒ VALUE ENGINEERING OR COST REDUCTION
☒ CHANGES IN PROJECT SCOPE OF WORK
☐ OWNER REQUESTED UPGRADE
☐ UNFORESEEN CONDITIONS
☐ TECHNICAL COORDINATION

6. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

- ☒ MINOR CHANGE OF A MONETARY VALUE AND NOT REQUIRED FOR COMPETITIVE BIDDING.
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☐ EMERGENCIES ARISING DURING THE COURSE OF THE WORK.
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7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:

- A. CoH ESTIMATOR
B. CoH PROJECT MANAGER
C. DEPARTMENT HEAD (CUSTOMER)
D. CoH FACILITIES PROJ MANAGER
E. DEPARTMENT HEAD (GS)

Natasha Wright
[Signature]
[Signature]
Blk Enilk - JR

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"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 1/9/2025 CMR NUMBER: 5R
PROJECT: John Hunt Park Rec Center
OWNER: City of Huntsville
ARCHITECT: William Boehme & Associates
CONTRACTOR: Fite Construction Company

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Proctor Contracting ran into an issue with an existing sewer pipe that runs parallel to the trenched pathway on unnamed road. After consulting with Huntsville Utilities and the City of Huntsville, they are to keep the pathway they are on and bore under the sewer rather than move to the other side of the road.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$27,011.25
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0
☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT N/A

3. SUBMITTED BY:

A. CONTRACTOR

B. ARCHITECT

Jordan Holden

William Boehme

BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE

4. INITIATED BY: Contractor

5. OWNER'S CLASSIFICATION:

CONTRACT MODIFICATION DUE TO:

VALUE ENGINEERING OR COST REDUCTION

X CHANGES IN PROJECT SCOPE OF WORK

OWNER REQUESTED UPGRADE

UNFORESEEN CONDITIONS

TECHNICAL COORDINATION

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CHANGES TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE

CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.

EMERGENCIES ARISING DURING THE COURSE OF THE WORK.

CHANGE FOR ALTERNATES PROVIDED FOR IN THE ORIGINAL BIDDING WHERE THERE IS NO

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7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:

A. CoH ESTIMATOR

B. CoH PROJECT MANAGER

C. DEPARTMENT HEAD (CUSTOMER)

D. CoH FACILITIES PROJ MANAGER

E. DEPARTMENT HEAD (GS)

[Signature]
[Signature]
[Signature]

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"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 1/9/2025 CMR NUMBER: 7
PROJECT: John Hunt Park Rec Center
OWNER: City of Huntsville
ARCHITECT: William Boehme & Associates
CONTRACTOR: Fite Construction Company
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
There is additional grading work that is required for the Stadium Commons project. The changes have been made per Schoel Engineering, and Grayson Carter has priced the additional scope of work.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$33,183.00
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0
☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT N/A
3. SUBMITTED BY:
A. CONTRACTOR
B. ARCHITECT Jordan Golden
William Boehme

BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE

4. INITIATED BY: City of Huntsville
5. OWNER'S CLASSIFICATION:
CONTRACT MODIFICATION DUE TO:
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B. CoH PROJECT MANAGER
C. DEPARTMENT HEAD (CUSTOMER)
D. CoH FACILITIES PROJ MANAGER
E. DEPARTMENT HEAD (GS) Natasha Wright
Chris Weil
Blair Smith - JR.

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