



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 1/22/2026

File ID: TMP-6442

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Change Order No. 4 and Final between the City of Huntsville and Chorba Contracting Corporation for the Construction Services of Martin Road Recreation Center.

Resolution No.

Finance Information:

Account Number: 4017-14-00000-522021-000000000

City Cost Amount: -\$171,027.48

Total Cost: \$7,550,933.59

Special Circumstances:

Grant Funded: NONE

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: 150 Martin Road SW

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

Additional Comments:

Negative Change Order No. 4 and Final includes wall pads for north and south walls in both gyms; credits for unused allowances.

RESOLUTION NO. 26-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Chorba Contracting Corporation for Construction Services for the Martin Road Recreation Center, Huntsville, Alabama, approved and executed by the City of Huntsville, Huntsville, Alabama on the 10th day of July 2025, be and the same is hereby amended as is reflected on Change Order No. 4 and Final attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from SEVEN MILLION SEVEN HUNDRED TWENTY ONE THOUSAND NINE HUNDRED SIXTY ONE DOLLARS AND 43/100s (\$7,721,961.43), to SEVEN MILLION FIVE HUNDRED FIFTY THOUSAND NINE HUNDRED THIRTY THREE DOLLARS AND 59/100s (\$7,550,933.59) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to including this Change Order No. 4 and Final in the amount of Negative ONE HUNDRED SEVENTY ONE THOUSAND TWENTY SEVEN DOLLARS AND 48/100s (-\$171,027.48), said Change Order is substantially in word and figures as attached hereto and identified as “Change Order No. 4 and Final to the contract between the City of Huntsville and Chorba Contracting Corporation, for Construction Services for the Martin Road Recreation Center consisting of six (6) pages 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 Clerk of the City of Huntsville, Alabama.

ADOPTED this the 22nd day of January, 2026.

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

APPROVED this the 22nd day of January, 2026.

Mayor of the City of Huntsville,
Alabama

(Exhibit B)

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 4 and Final

DATE: 1/6/2025

PROJECT: Martin Rd. Rec Center

TO: Chorba Contracting Corporation

(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

Martin Road Recreation Center CMR 16 & 17

(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>(171,027.84)</u>	(\$ 171,027.84)
ORIGINAL CONTRACT PRICE	\$ <u>\$7,497,058.00</u>
Net total previous Change Orders	\$ <u>\$224,903.43</u>
Previous revised Contract Price	\$ <u>\$7,721,961.43</u>
This Change Order No. <u>4</u> ADD (DEDUCT)	\$ <u>(\$171,027.48)</u>
Revised Contract Price this date	\$ <u>\$7,550,933.59</u>

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 City of Huntsville.

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

CONTRACTING PARTIES

Fidelity & Deposit Company of Maryland

Chorba Contracting Corporation

By [Signature]
(Authorized Representative)

By [Signature]
(Authorized Representative)

RECOMMENDED

CITY OF HUNTSVILLE, ALABAMA

By [Signature]
(Design Engineer or Architect)

By _____
(Its Mayor)

By [Signature]
(COH Facilities Project Manager)

By _____
(President of City Council)

By _____
(COH Director of General Services)

Date _____

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Christopher Nolan, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Charles E. CARPER, IV, Kimberly A. SPENCE, James A. GUNN, Sabrina DONALDSON, George W. THOMPSON, III, Hannah TOMBERLIN, Robbie D. DUNCAN** of Montgomery, Alabama, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York, the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland, and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland, in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 10th day of October, A.D. 2025.



ATTEST:
**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: *Christopher Nolan*
Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

On this 10th day of October, A.D. 2025, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Christopher Nolan, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Genevieve M. Maison
Notary Public
My Commission Expire January 27, 2029



Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney....Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 6th day of January, 2026.



MJ Pethick

Mary Jean Pethick
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
reportsfclaims@zurichna.com
800-626-4577

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790



Change Order No. 4 Summary
1/7/2026

Project 2022-54 Martin Recreation Center

Project Manager O'Neil

Type	Date	Account	Comments	Qty	Unit	x	Unit Cost	Amount
Revision								
Revision	01/05/26	205	Change Order No. 4	CMR 16 - Wall Pads for North and South Walls in both Gyms.				\$ 8,715.00
Revision	01/07/26	205	Change Order No. 4	CMR 17 - Credits for Unused Allowances				(\$ 179,742.84)
Subtotal	Revision							(\$ 171,027.84)
Total	2022-54	Martin Recreation Center		Total Change Order No. 4				(\$ 171,027.84)

"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 1/5/2025 CMR NUMBER: 16
PROJECT: MARTIN ROAD RECREATION CENTER
OWNER: CITY OF HUNTSVILLE
ARCHITECT: WILLIAM BOEHME & ASSOCIATES
CONTRACTOR: Chorba Contracting Corporation
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Wall Pads at North and South Walls in both gyms

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$8,715.00
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0
☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT
3. SUBMITTED BY:
A. CONTRACTOR
B. ARCHITECT Kory Love
William Bohme

BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE

4. INITIATED BY: Owner
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.
 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)

Natasha Wright
Chris Chubb
Phil Ewilk - JR.

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: 1/5/2025 CMR NUMBER: 17

PROJECT: MARTIN ROAD RECREATION CENTER

OWNER: CITY OF HUNTSVILLE

ARCHITECT: WILLIAM BOEHME & ASSOCIATES

CONTRACTOR: Chorba Contracting Corporation

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Credit back on allowances

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): (\$179,742.84)

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

☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

3. SUBMITTED BY:

A. CONTRACTOR

B. ARCHITECT

Kory Love
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

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- ☒ MINOR CHANGE OF A MONETARY VALUE AND NOT REQUIRED FOR COMPETITIVE BIDDING.
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☐ 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)

[Signature]
[Signature]
[Signature]

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