



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

---

**Meeting Type:** City Council Regular Meeting **Meeting Date:** 3/26/2026

**File ID:** TMP-6738

---

**Department:** General Services

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to execute Change Order No.4 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:** 4017-14-00000-522020-00000000-

**City Cost Amount:** \$13,049.13

**Total Cost:** \$18,863,768.53

**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. 4 to include the following changes; Landscaping and irrigation revisions at Don Mincher Per Schoel revision, backfill of gas ditch as leftover from HSV Utilities at varies locations, additional days due to addition AV scope, lead time for materials 4-6 weeks and installation 3 weeks. Change Order No. 4 to include 48 additional days to the contract.



**RESOLUTION NO. 26-\_\_\_\_\_**

**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 4 attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be hereby is amended from Eighteen Million Eight Hundred Fifty Thousand Seven Hundred Nineteen Dollars and 40/100s (\$18,850,719.40), to Eighteen Million Eight Hundred Sixty-Three Thousand Seven Hundred Sixty-Eight Dollars and 53/100s (\$18,863,768.53) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to including this Change Order Number 4 in the amount of Thirteen Thousand Forty-Nine Dollars and 13/100s (\$13,049.13), said Change Order is substantially in word and figures as attached hereto and identified as “Change Order Number 4 to the contract between City of Huntsville and Fite Construction Company for the construction services at the John Hunt Park Recreation Center consisting of seven pages (7) 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 26<sup>th</sup> day of March, 2026.

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

**APPROVED** this the 26<sup>th</sup> day of March, 2026.

\_\_\_\_\_  
Mayor of the City of Huntsville, Alabama

**"EXHIBIT B"**

CITY OF HUNTSVILLE, ALABAMA

**CONTRACT CHANGE ORDER**

**CHANGE ORDER NO. 4**

DATE: 3/26/2026 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 22R1, 23, 24, and 26  
(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>13,049.13</u>	\$	
ORIGINAL CONTRACT PRICE	\$	18,529,323.00
Net total previous Change Orders	\$	321,396.40
Previous revised Contract Price	\$	18,850,719.40
This Change Order No. <u>4</u> ADD (DEDUCT)	\$	<u>13,049.13</u>
Revised Contract Price this date	\$	18,863,768.53

Extension of time resulting from this Change Order 48 (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 father 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**



Western Surety Company  
Company)

Fite Construction Company, LLC  
(Contractor)

By [Signature]  
(Authorized Representative)  
Jeffrey W. Cutshall, Attorney-in-Fact

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 [Signature]  
(Director of General Services)

Date \_\_\_\_\_

# 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 25th day of February, 2026.



WESTERN SURETY COMPANY

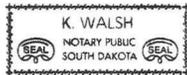
Larry Kasten, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 25th day of February, 2026, 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

December 4, 2031



K. Walsh, Notary Public

### CERTIFICATE

I, Paula Kolsrud, 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-Laws 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 11th day of March, 2026.



WESTERN SURETY COMPANY

Paula Kolsrud, 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](http://www.cnasurety.com) > Owner / Obligee Services > Validate Bond Coverage, if you want to verify bond authenticity.

**John Hunt Park Recreation Center**  
**3/10/2026**

**FITE CONSTRUCTION COMPANY, LLC**

ORIGINAL CONTRACT AMOUNT	\$ 18,529,323.00
CHANGE ORDER NO. 1	\$ 161,168.00
CHANGE ORDER NO. 2	\$ 31,229.05
CHANGE ORDER NO. 3	\$ 128,999.35
CHANGE ORDER NO. 4	\$ 13,049.13
<b>REVISED CONTRACT AMOUNT</b>	<b>\$ 18,863,768.53</b>

**CHANGE ORDER NO 4 SUMMARY**

CMR NO. 22R1 - Landscape Irrigation revisions at Don Mincher per Schoel revision	\$ 4,522.10
CMR NO. 23 - Backfill of gas ditch as lefover from HU	\$ 3,361.21
CMR NO. 24 - Backfill of gas ditch as lefover from HU at Don Mincher Streetscapes	\$ 5,165.82
CMR NO. 26 - Additional days for added A/V scope (48 Days)	\$ -
<b>TOTAL CHANGE ORDER NO 4</b>	<b>\$ 13,049.13</b>
<b>REVISED CONTRACT AMOUNT</b>	<b>\$ 18,863,768.53</b>

CONTRACT MODIFICATION REQUEST

DATE: 2/25/2026 CMR NUMBER: 22 R1  
 PROJECT: John Hunt Park Rec Center  
 OWNER: City of Huntsville  
 ARCHITECT: William Boehme & Associates  
 CONTRACTOR: Fite Construction Company  
 DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):  
Landscaping and irrigation revisions at Don Mincher per Schoel revision.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$4,522.10  
 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 Jordan Golden  
 B. ARCHITECT 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)
- [Signatures]

\*\*\*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: 12/26/2025 CMR NUMBER: 23

PROJECT: John Hunt Park Rec Center

OWNER: City of Huntsville

ARCHITECT: William Boehme & Associates

CONTRACTOR: Fite Construction Company

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Bakfill of gas ditch as leftover from Huntsville Utilities

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$3,361.21

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

Handwritten signatures of Jordan B. Holden and 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

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)

Handwritten signatures of representatives

\*\*\*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: 3/3/2026 CMR NUMBER: 26

PROJECT: John Hunt Park Rec Center

OWNER: City of Huntsville

ARCHITECT: William Boehme & Associates

CONTRACTOR: Fite Construction Company

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

We are requesting additional days due to the addition of the AV scope. Material was released to be ordered on 3/2/26.

The current lead time is 4-6 weeks, and we have been given an install duration of 3 weeks. This projects the scope being completed on 5/1/26. This adds a total of 48 calendar days to our current completion date of 3/14/26. After discussion with the city, we have agreed to do a general conditions change order at the end of the project for additional GC costs.

- 1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$0.00
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 48

THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

SUBMITTED BY:

- A. CONTRACTOR
B. ARCHITECT

Handwritten signatures for Contractor and Architect.

\*\*\*BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE\*\*\*

4. INITIATED BY: Contractor

OWNER'S CLASSIFICATION:

CONTRACT MODIFICATION DUE TO:

- VALUE ENGINEERING OR COST REDUCTION
X CHANGES IN PROJECT SCOPE OF WORK
OWNER REQUESTED UPGRADE
UNFORESEEN CONDITIONS
X 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.
X 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)

Handwritten signatures for CoH representatives.

\*\*\*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.\*\*\*