



**Board of Trustees
Executive Summary of Board Agenda Item**

TITLE:

Approval of Final Acceptance of Work and Final Payment for Don Haskins PK-8, CSP No. 19-002, Project No. 17.614, to Urban Associates, Inc., in care of Zurich American Insurance Company and Colonial American Casualty and Surety Company (2016 Bond Funds - \$403,760.80)

JUSTIFICATION STATEMENT:

Approval required to proceed with final payment for the project as per Board Policy

PURPOSE OF AGENDA ITEM: Action

TO BE HELD IN: Open Session

TEXAS GOVERNMENT CODES:

AUTHORITY FOR ACTION: Legal/Local Policy

STAFF RESPONSIBLE: Dr. Marta Carmona, Chief Operations Officer; Oscar Garcia, Director Facilities and Construction

DISTRICT IMPROVEMENT PLAN OBJECTIVE, GOAL, OR NEED ADDRESSED:

SUMMARY:

The Board of Trustees at its meeting November 17, 2014, approved revisions to Board Policy CV (Local): Facilities & Construction, as follows: "The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work." The District maintains retainage in an amount of at least five percent (5%) of the contract value until final payment is made. Administration is providing the Board documentation to the effect that the conditions for Final Acceptance and Final Payment set out in the contract have been satisfied.

The Board of Trustees at its meeting December 13, 2022, approved the release of partial retainage in the amount of \$1,494,451.19 for Don Haskins PK-8, which equated to 4% of the final construction cost. That resulted in a withholding of \$373,612.80, which equated to 1% of the final cost of construction, due to the pending 20-year roof warranty from the manufacturer. Additionally, previously in October of 2022, there was a Prevailing Wage Rate complaint and in November of 2022, the Board made an initial determination that good cause existed. Therefore, the District retained an additional \$30,148.00 to account for the potential cost related to that issue. The current amount of retainage totals \$403,760.80 of the final cost of construction to include the amount of the October complaint. This total equates to 1.08% of the total cost of construction.

The original project construction contract budget was established at \$37,135,701.00, with the actual final construction cost of Don Haskins PK-8 of \$37,361,279.79. Final Acceptance for the building and site work was achieved on September 30, 2022, excluding the acceptance of the roof and warranty. Due to legal battles between the General Contractor, Urban Associates, Inc., and its subcontractor, KASCO Structures, LLC, and with no fault by the District, obtaining of the completion of the roof and its associated warranty were delayed. Finally, at the direction of the bonding company (Zurich American Insurance Company and Colonial American Casualty and Surety Company), on October 30, 2025, KASCO Structures, LLC, began mobilizing to address all findings in accordance with the Roof Inspection Report provided by Elevate dated June 5, 2025, in the effort of obtaining the 20-year roof warranty. Final Acceptance of the roof and the 20-year warranty were achieved on February 24, 2026.

The Board approved the original contract on November 13, 2018, in the amount of \$37,135,701.00. The following change orders were approved resulting in the final contract amount of \$37,361,279.79:

Change Order No. 1 – Program Contingency Transfer to Owner Construction Contingency Increase \$1,081,622.00, approved by the Board on May 14, 2019.

Change Order No. 2 – Playground Equipment and General Contractor Scope of Work Increase \$241,004.40, approved by the Board on March 24, 2020.

Change Order No. 3 – Non-Compensatory Time Extension of 125 days to Urban Associates due to Covid 19 and Deductive Change Order of \$26,382.00 to fund additional services to GA Architecture, approved by the Board on April 20, 2021.

Change Order No. 4 – Prevailing Wage Rate Violation being a Deductive Change Order of \$1,860.00, approved by the Chief Operation Officer on November 30, 2021.

Change Order No. 5 – Non-Compensatory Time Extension 111 days due to unforeseen conditions of the installation of the LVT system, approved by the Board on June 23, 2022.

Change Order No. 6 – Construction Contingency Savings being a Deductive Change Order to Urban Associates for \$3,697.20, approved by the Chief Operations Officer on August 11, 2022.

Change Order No. 7 – Supply and Return Air Handler Unit replace the chilled water supply and return piping from the isolation valves to the Air Handler Unit #2 for \$18,750.87, approved by the Chief Operations Officer on August 23, 2022.

Change Order No. 8 – Test and Balance Credit being a Deductive change order for \$2,237.28, approved by the Chief Operations Officer on September 28, 2022.

In accordance with the October 2022 Prevailing Wage Rate Complaint, the Facilities & Construction Department performed an investigation and there were no violations found. Therefore, the additional retainage of \$30,148.00 remains as a portion of the final payout.

Project No.	Project Name	Contractor	Final Contract amount	Final Payment
17.614	Don Haskins PK-8	Colonial American Casualty and Surety Company (bonding company)	\$37,361,279.79	\$403,760.80

All actions necessary for the Board to approve Final Acceptance were achieved on February 24, 2026, 1,498 days after achieving substantial completion.

ADMINISTRATIVE RECOMMENDATION/MOTION:

It is recommended that the Board approve the Final Acceptance of Work and Final Payment for Don Haskins PK-8, CSP No. 19-002, Project No. 17.614, to Urban Associates, Inc., in care of Zurich American Insurance Company and Colonial American Casualty and Surety Company, in the amount of \$403,760.80, as presented.

FUNDING SOURCE: 689xx 2016 Bond Fund **ACCOUNT NO.:** 689.81.6624.051.99.603.614

FISCAL IMPACT AND COST:

IMMEDIATE: \$403,760.80

IMPACT ON OTHER FUCTIONS/OPERATIONS:

CONSEQUENCES OF NON-APPROVAL:

Final payment will remain outstanding

IMPLEMENTATION TIMELINE:

Upon Approval

COMMENTS RECEIVED, IF ANY:

ATTACHMENTS:

[17.614 Don Haskins PK-8 - Board Approval Project Closeout - Executed - 04-14-2026.pdf](#)