

Dispute Resolution and Claims Reviewed:

The dispute resolution process provided for in Chapter 2260 of the Government Code shall be used, as further described herein, by Owner and Contractor to attempt to resolve any claim for breach of contract made by the University.

Contractor’s claim for breach of this contract that the parties cannot resolve in the ordinary course of business shall be submitted to the negotiation process provided in Chapter 2260, subchapter B, of the Government Code. To initiate the process, Contractor shall submit written notice, as required by subchapter B, to Mr. Bert A. White, Director of Purchasing and Contract Administration. Said notice shall specifically state that the provisions of Chapter 2260, subchapter B, are being invoked. A copy of the notice shall also be given to all other representatives of Owner and Contractor otherwise entitled to notice under the parties’ contract. Compliance by Contractor with subchapter B is a condition precedent to the filing of a contested case proceeding under Chapter 2260, subchapter C, of the Government Code.

The contested case process provided in Chapter 2260, subchapter C, of the Government Code is Contractor’s sole and exclusive process for seeking a remedy for any and all alleged breaches of contract by Owner if the parties are unable to resolve their disputes under subparagraph (A) of this paragraph.

Compliance with the contested case process provided in subchapter C is a condition precedent to seeking consent to sue from the Legislature under Chapter 107 of the Civil Practices and Remedies Code. Neither the execution of this contract by Owner nor any other conduct of any representative of Owner relating to the contract shall be considered a waiver of sovereign immunity to suit.

The submission, processing and resolution of Contractor’s claim is governed by the published rules adopted by Owner pursuant to Chapter 2260, as currently effective, hereafter enacted or subsequently amended.

Neither the occurrence of an event nor the pendency of a claim constitutes grounds for the suspension of performance by Contractor, in whole or in part. The designated individual responsible on behalf of Owner for examining any claim or counterclaim and conducting any negotiations related thereto as required under §2260.052 of H.B. 826 of the 76th Texas Legislature shall be:

Mr. Bert A. White, Director
Purchasing and Contract Administration
Texas A&M University-Commerce
P.O. Box 3011
Commerce, TX 75429-3011

ACCEPTED AND AGREED TO:

By: _____
(Contractor’s Name)

(Print Name & Title)

(Signature)

(Date)