

Texas State Technical College Waco

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Chapter 2260 Dispute Resolution and Claims

TSTC System General Council 2003-2004

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"The dispute resolution process provided for in Chapter 2260 of the Government Code shall be used, as further described herein, by Texas State Technical College Waco and the contractor to attempt to resolve any claim for breach of contract made by the contractor:

A 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, the contractor shall submit written notice, as required by Subchapter B, to the general Council for the Texas State Technical College System. 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 Texas State Technical College Waco and the contractor otherwise entitled to notice under the parties' contract. Compliance by the 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 the contractor's sole and exclusive process for seeking a remedy for any and all alleged breaches of contract by Texas State Technical College Waco if the parties are unable to resolve their disputes.

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 Texas State Technical College Waco nor any other conduct of any representative of Texas State Technical College Waco relating to the contract shall be considered a waiver of sovereign immunity to suit.

The submission, processing and resolution of the contractor's claim is governed by the published rules adopted by Texas State Technical College Waco or The Attorney General for the State of Texas pursuant to Chapter 2260, as currently effective, hereafter enacted or subsequently amended.

These rules are found at <http://www.capitol.state.tx.us/tlo/76R/billtext/HB00826F.htm>. Neither the occurrence of an event nor the pendency of a claim constitutes grounds for the suspension of performance by the contractor, in whole or in part.

The designated individual responsible on behalf of Texas State Technical College Waco 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 the general counsel for the Texas State Technical College System.