

**CHAPTER 27. RULES FOR ADMINISTRATIVE SERVICES.**

**Subchapter C. NEGOTIATION AND MEDIATION OF CERTAIN CONTRACT DISPUTES.**

**DIVISION 2. NEGOTIATION OF CONTRACT DISPUTES.**

**§27.81. Notice of Claim of Breach of Contract.**

- (a) A contractor asserting a claim of breach of contract under the Texas Government Code, Chapter 2260, shall file notice of the claim as provided by this section.
- (b) The notice of claim shall:
  - (1) be in writing and signed by the contractor or the contractor's authorized representative;
  - (2) be delivered by hand, certified mail return receipt requested, or other verifiable delivery service, to the officer of the commission designated in the contract to receive a notice of claim of breach of contract under the Texas Government Code, Chapter 2260; if no person is designated in the contract, the notice shall be delivered to the commission's chief administrative officer, and
  - (3) state in detail:
    - (A) the nature of the alleged breach of contract, including the date of the event that the contractor asserts as the basis of the claim and each contractual provision allegedly breached;
    - (B) a description of damages that resulted from the alleged breach, including the amount and method used to calculate those damages; and
    - (C) the legal theory of recovery, *i.e.*, breach of contract, including the causal relationship between the alleged breach and the damages claimed.
- (c) In addition to the mandatory contents of the notice of claim as required by subsection (b) of this section, the contractor may submit supporting documentation or other tangible evidence to facilitate the commission's evaluation of the contractor's claim.
- (d) The notice of claim shall be delivered no later than 180 days after the date of the event that the contractor asserts as the basis of the claim; provided, however, that a contractor shall deliver notice of a claim that was pending before the commission on August 30, 1999, to the commission no later than February 26, 2000.