

CHAPTER 27. RULES FOR ADMINISTRATIVE SERVICES.

Subchapter C. NEGOTIATION AND MEDIATION OF CERTAIN CONTRACT DISPUTES.

DIVISION 2. NEGOTIATION OF CONTRACT DISPUTES.

§27.91. Conduct of Negotiation.

- (a) Negotiation is a consensual bargaining process in which the parties attempt to resolve a claim and counterclaim. A negotiation under this subchapter may be conducted by any method, technique, or procedure authorized under the contract or agreed upon by the parties, including negotiation in person, by telephone, by digital or physical mail correspondence, by video conference, or by any other method that permits the parties to identify their respective positions, discuss their respective differences, confer with their respective advisers, exchange offers of settlement, and settle.
- (b) The parties may conduct negotiations with the assistance of one or more neutral third parties. If the parties choose to mediate their dispute, the mediation must be conducted in accordance with Division 3 of this subchapter (relating to Mediation of Contract Disputes). Parties may choose an assisted negotiation process other than mediation, including processes such as those described in Division 4 of this subchapter (relating to Assisted Negotiation Processes).
- (c) To facilitate the meaningful evaluation and negotiation of each claim and, as applicable, each counterclaim, the parties may exchange relevant documents that support their respective claims, defenses, counterclaims or positions.
- (d) Material submitted under this subsection and claimed to be confidential by the contractor must be handled in accordance with the requirements of the Public Information Act, Texas Government Code, Chapter 552.