

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

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

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

**§27.83. Agency Counterclaim.**

- (a) The commission asserting a counterclaim under the Texas Government Code, Chapter 2260, shall file notice of the counterclaim as provided by this section.
- (b) The notice of counterclaim shall:
  - (1) be in writing;
  - (2) be delivered by hand, certified mail return receipt requested or other verifiable delivery service to the contractor or representative of the contractor who signed the notice of claim of breach of contract; and
  - (3) state in detail:
    - (A) the nature of the counterclaim;
    - (B) a description of damages or offsets sought, including the amount and method used to calculate those damages or offsets; and
    - (C) the legal theory supporting the counterclaim.
- (c) In addition to the mandatory contents of the notice of counterclaim required by subsection (b) of this section, the commission may submit supporting documentation or other tangible evidence to facilitate the contractor's evaluation of the commission's counterclaim.
- (d) The notice of counterclaim shall be delivered to the contractor no later than 90 days after the commission's receipt of the contractor's notice of claim.
- (e) Nothing herein precludes the commission from initiating a lawsuit for damages against the contractor in a court of competent jurisdiction.