

CHAPTER 27. RULES FOR ADMINISTRATIVE SERVICES.

Subchapter C. NEGOTIATION AND MEDIATION OF CERTAIN CONTRACT DISPUTES.

DIVISION 2. NEGOTIATION OF CONTRACT DISPUTES.

§27.85. Request for Voluntary Disclosure of Additional Information.

- (a) Upon the filing of a claim or counterclaim, parties may request to review and copy information in the possession or custody or subject to the control of the other party that pertains to the contract claimed to have been breached, including, without limitation:
 - (1) accounting records;
 - (2) correspondence, including, without limitation, correspondence between the commission and outside consultants it utilized in preparing its bid solicitation or any part thereof or in administering the contract, and correspondence between the contractor and its subcontractors, materialmen, and vendors;
 - (3) schedules;
 - (4) the parties' internal memoranda;
 - (5) documents created by the contractor in preparing its offer to the commission and documents created by the commission in analyzing the offers it received in response to a solicitation.
- (b) Subsection (a) of this section applies to all information in the parties' possession regardless of the manner in which it is recorded, including, without limitation, paper and electronic media.
- (c) The contractor and the commission may seek additional information directly from third parties, including, without limitation, the commission's third party consultants and the contractor's subcontractors.
- (d) Nothing in this section requires any party to disclose the requested information or any matter that is privileged under Texas law.
- (e) Material submitted pursuant to this subsection and claimed to be confidential by the contractor shall be handled pursuant to the requirements of the Public Information Act, Texas Government Code, Chapter 552.