

(02/13)

ALTERNATIVE DISPUTE RESOLUTION

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

a. Vendor'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 Texas Government Code. To initiate the process, Vendor shall submit written notice, as required by subchapter B, to Dr. David Lunt for Texas A&M AgriLife Research, Mr. Kyle Smith for Texas A&M AgriLife Extension Service, or Dr. Roger Parker for the Texas A&M Veterinary Medical Diagnostic Laboratory. Said notice shall also be given to all other representatives of the Agency and Vendor otherwise entitled to notice under the parties' contact. Compliance by Vendor with subchapter B is a condition precedent to the filing of a contested case proceeding under Chapter 2260, subchapter C, of the Texas Government Code.

b. The contested case process provided in Chapter 2260, subchapter C, of the Texas Government Code is Vendor's sole and exclusive process for seeking a remedy for any and all alleged breaches of contract by the agency if the parties are unable to resolve their disputes under subparagraph (A) of this paragraph.

c. Compliance with the contested case process provided in subchapter C is a condition precedent to seeking consent to sue from the Legislature under Ch. 107 of the Civil Practices and Remedies Code. Neither the execution of this contract by the agency nor any conduct of any representative of the agency thereafter shall be considered a waiver of sovereign immunity to suit.

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

2. Neither the occurrence of an event nor the pendency of a claim constitutes grounds for the suspension of the performance by Vendor, in whole or in part.

d. The designated individuals responsible on behalf of the agency for examining any claim or counterclaim and conducting any negotiations related thereto, as required under 2260.052 of the Texas Government Code shall be Dr. David Lunt of Texas A&M AgriLife Research, Mr. Kyle Smith of Texas A&M AgriLife Extension Service, and Dr. Roger Parker of the Texas A&M Veterinary Medical Diagnostic Laboratory.