

Contract Formation

The information in this chapter is not intended to provide legal advice to agencies. This chapter includes general rules regarding contract formation. However, there are also many variations and exceptions to these general rules, so consult your agency legal office for the applicable rules of law for each procurement.

Texas courts define a contract as a promise or a set of promises to which the law attaches legal obligation.^{xxiv} The law regards the performance of these promises as a duty and provides a remedy for the breach of this duty.^{xxv} Contracts that deviate substantially from requirements defined in the solicitation document are open to challenge from unsuccessful respondents.

i C & H Transportation Company v. Wright, 396 S. W. 2d 443, 446 (Civ App.-Tyler 1965, ref. n.r.e.).

ii Foster v. Wagner, 343 S. W. 2d 914, 927 (Civ.App.-El Paso 1961, ref. n.r.e.).