

CLIENT ALERT

DoD Publishes New Other Transactions Guidance

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DoD recently published a new online [Other Transactions \(OT\) Guide](#), replacing the Other Transactions Guide for Prototype Projects, Version 1.2, dated January 2017. Whereas the previous guide applied only to prototype OTs, the new OT Guide addresses research other transaction agreements (OTAs) under 10 U.S.C. §2371, prototype OTAs under 10 U.S.C. §2371b, and follow-on production OTAs under 10 U.S.C. §2371b(f). The new OT Guide also provides practical guidance to Government Agreement Officers and attempts to debunk “Common OT myths.” Among other things, the new OT Guide reinforces that OTAs are intended to be flexible instruments, for example, by encouraging Agreements Officers to negotiate intellectual property rights that differ from those that would apply to FAR-based procurement contracts.

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