

CLIENT ALERT

GSA Class Deviation Takes Aim at Commercial Terms

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As reported by the Coalition of Government Procurement, GSA recently released a final version of the class deviation it previewed in March that purports to eliminate commercial terms that are inconsistent with federal law. Among other changes, the deviation (1) revises the order of precedence to give solicitation provisions precedence over commercial provisions; (2) rewrites commercial supplier agreement dispute resolution, automatic renewal, and audit right provisions; and (3) places limits on the use and applicability of click-wrap and other comparable commercial contract execution mechanisms.

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