



**Department of General Services
Procurement Division**

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Broadcast Date: October 13, 2005

**TO: Purchasing Authority Contacts (PACs)
Procurement and Contracting Officers (PCOs)**

RE: General Provisions - Revised October 3, 2005

The State's General Provisions, for non-information technology (IT) goods (GSPD-401Non-IT Commodities) and IT goods and services (GSPD-401IT), were revised October 3, 2005 and are available at the following Department of General Services, Procurement Division web site:

- <http://www.pd.dgs.ca.gov/modellang/GeneralProvisions.htm>

Specifically, the following revisions have been made:

Non-IT Goods (GSPD-401Non-IT Commodities)

Item 51: Union Activities. Deleted as a result of a ruling by the court in the case titled Chamber of Commerce v. Lockyer (--- F.3d ----, 2005 WL 2140798 (C.A.9 (Cal.)).

IT (GSPD-401IT)

- Item 1: Definitions. Modified.
- Item 7: Compliance with Statutes and Regulations. Added language b) and c).
- Item 8: Contractor's Power and Authority. Added language a) and b).
- Item 11: Order of Precedence. Added language a).
- Item 25: Rights and Remedies of State for Default. Modified.
- Item 51: Union Activities. Deleted as a result of a ruling by the court in the case titled Chamber of Commerce v. Lockyer (--- F.3d ----, 2005 WL 2140798 (C.A.9 (Cal.)).

All departments granted non-IT and/or IT purchasing authority by the Department of General Services' Procurement Division (DGS/PD) must immediately incorporate the applicable General Provisions into all new and in-progress solicitations and all new purchase documents. Contracts currently in effect do not need to be amended to delete these provisions, but these provisions cannot be enforced as a result of the court's decision.

Departments are reminded that the State's General Provisions have been developed to protect the State's interests, and as such, modifications to this language are prohibited unless approved by the DGS/PD Contract Negotiations Manager. Requests to modify language must be coordinated through the Purchasing Authority Management Section (PAMS).

DGS/PD will be incorporating the revised General Provisions into existing and/or new Leveraged Procurement Agreements (LPAs) as applicable to those programs.

Questions or concerns regarding this notification should be addressed to:

PAMS@dgs.ca.gov