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## **RJO Update: Government Contracts**

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### **GSA's Class Deviation for Commercial Supplier Agreements**

*By Robert S. Metzger and Oliya S. Zamaray*

**RJO examines GSA's recent "class deviation" that seeks to resolve conflicts between Commercial Sales Agreement (CSA) terms and federal procurement requirements.**

Robert Metzger and Oliya Zamaray review the context in which incongruities between CSA terms and federal procurement requirements arose, and provide analysis of the new contract clauses, definitions, and instructions issued by GSA, each of which is now in effect. Importantly, the authors find that a seemingly technical change – to the Order of Precedence clause – will undo much of the good that GSA sought to accomplish. By downgrading in the Order of Precedence clause those carefully drafted, highly nuanced terms and conditions routinely included in End User License Agreements and Terms of Service, GSA has increased the likelihood of protracted disputes and negotiations, inefficiencies and costs in what should otherwise be quasi-commercial transactions.

Read their article, "[Hits and Misses: GSA's Class Deviation for Commercial Supplier Agreements](#)" in the "[Friday Flash](#)," ([PDF](#)) a publication by The Coalition for Government Procurement.

[Robert Metzger](#) and [Oliya Zamaray](#) have devoted substantial energy to monitoring developments in the GSA schedule arena and advising clients on the challenges of operating in this space. We are able to counsel companies of any size on the risks and opportunities of conducting business with the Federal Government, in the GSA market and beyond.

*The content of this article is intended to provide a general guide to the subject matter, and is not a substitute for legal advice in specific circumstances.*