

General Provisions

When to Use General Provisions (IT and Non-IT)

Use the preprinted forms for General Provisions in:

- All commodity solicitations and purchase orders (written or verbal) valued in excess of \$4,999.99.
- All information technology solicitations, purchase orders, and contracts (written or verbal) valued in excess of \$4,999.99.

There are to be absolutely no changes made to the General Provisions without prior approval of DGS PD. Should you have a need to do so, these General Provisions may be supplemented with additional provisions tailored to the specific solicitation. The current 09/05/14 version GSPD-401IT, and 06/08/10 GSPD-401 Non-IT and prior versions are available for viewing and downloading (read only) [here](#).

The 09/05/14 version of the GSPD-401IT and the 06/08/10 version of the GSPD-401Non-IT may be incorporated by reference into solicitations and contracts effective immediately. As the General Provisions are revised, new effective dates will be used; old forms will continue to be maintained since they continue to apply to those solicitations and contracts which used them.

The [IT General Provisions \(Revised and Effective 09/05/14\)](#) item 11. C) under Order of Precedence added the language "Other Special Provisions". **This is the only change from the 11/27/13 version; the 11/27/13 version was completely revised.** Please read carefully. This new version was created with input received from the information technology vendor community.

The [General Provisions for Non-IT Commodities \(Revised and Effective 06/08/2010\)](#) include the following updates:
[Accessible Version \(06/08/10\)](#)

- **7.b COMPLIANCE WITH STATUTES AND REGULATIONS:** item was revised to reflect the new dollar threshold of \$554,000.
- **55. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:** item was added as required by law. For specific language, refer to the GSPD-401-Non-IT at the web link above.
- **56. LOSS LEADER:** item was added as required by law. It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10302(b).)
- Multiple changes from "contract" to "Contract", "contractor" to "Contractor", and "goods" to "Goods" to reflect the defined terms in paragraph 1 of the General Provisions.

ARCHIVE SECTION

IT General Provisions

[IT General Provisions \(Revised and Effective 11/27/13\)](#)
[Accessible Version 11/27/13](#)

The [IT General Provisions \(Revised and Effective 06/08/10\)](#) include the following updates: [Accessible Version \(6/8/10\)](#)

- **7.d COMPLIANCE WITH STATUTES AND REGULATIONS:** item was revised to reflect the new dollar threshold of \$554,000.
- **59. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:** item was added as required by law. For specific language, refer to the GSPD-401IT at the web link above.
- **60. LOSS LEADER:** item was added as required by law. It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC12104.5(b).)

[IT General Provisions \(Revised and Effective 04/12/07\)](#)
[Accessible Version 04/12/07](#)

- **58. DOMESTIC PARTNERS:** modified language

[IT General Provisions \(Revised and Effective 6/21/06\)](#)
[ADA Compliant version 6/21/06](#)

- **16.e INSPECTION, ACCEPTANCE AND REJECTION:** Modified language - changed from sixty(60) to thirty (30) days of delivery.
- **18.a WARRANTY:** modified language
- **24. FORCE MAJEURE:** Deleted language "unless the subcontracted Deliverables or services were obtainable from other sources in sufficient time for the Contractor to meet the required delivery schedule."

[IT General Provisions \(Revised and Effective 05/19/06\)](#)
[ADA Compliant version 5/19/06](#)

[IT General Provisions \(Revised and Effective 03/27/2006\)](#)
[ADA Compliant Version 03/27/06](#)

[Form GSPD-401 IT](#), (Revised) General Provisions Information Technology, Effective 10/03/05

[Form GSPD-401 IT ADA Compliant Version 10/03/05](#)

[Form GSPD-401 IT](#), (Revised) General Provisions Information Technology, Effective 08/16/04

[Form GSPD-401 IT](#) ADA Compliant Version 08/16/04

[Form GSPD-401 IT](#), (Revised) General Provisions Information Technology, Effective 04/26/04

[Form GSPD-401 IT](#), (Revised) General Provisions Information Technology, Effective 01/01/04

[Form GSPD-401 IT](#), (Revised) General Provisions Information Technology, Effective 09/23/03

[Form GSPD-401 IT](#), (Revised) General Provisions Information Technology, Effective 01/21/03

NON - IT General Provisions

[General Provisions Non-IT Commodities \(Revised and Effective 04/12/2007\)](#)

[Accessible Version \(04/12/07\)](#)

- **17.e** INSPECTION, ACCEPTANCE AND REJECTION: modified language - added capability to identify a different rejection period in the statement of work.
- **54.** DOMESTIC PARTNERS: modified language

[General Provisions Non-IT Commodities \(Revised and Effective 6/21/06\) ADA Compliant version 6/21/06](#)

- **25.** FORCE MAJEURE: Deleted language "unless the subcontracted Deliverables or services were obtainable from other sources in sufficient time for the Contractor to meet the required delivery schedule."

These General Provisions will be reviewed at a later date, as part of the Procurement Reform Initiative, and modifications will be made as appropriate.

[Form GSPD-401 Non-IT Commodities](#) (Revised) General Provisions, Effective 03/27/06

[Form GSPD-401 Non-IT Commodities](#), (Revised) General Provisions, Effective 10/03/05

[Form GSPD-401 Non-IT Commodities](#), (Revised) General Provisions, Effective 08/16/04

[Form GSPD-401 Non-IT Commodities](#), (Revised) General Provisions, Effective 04/26/04

[Form GSPD-401 Non-IT Commodities ADA Compliant 04/26/04](#)

[Form GSPD-401 Non-IT Commodities](#) , (Revised) General Provisions, Effective 01/21/03

[Form GSPD-401 Non-IT Commodities ADA Compliant 01/21/03](#)