Practice Tip ?Ã‡Ã´ Service Provider Contracts in M&A Due Diligence

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In conducting due diligence in connection with a corporate transaction, it is common for buyers to request copies of the target?ÃÃs current contracts with its benefit plan service providers like the recordkeeper and third party administrator. Buyers should also consider obtaining information regarding how long the target has been using their current service provider. If there has been a change in service providers in the prior several years, buyers should also consider requesting copies of contracts with the target?ÃÃs previous service providers. This is true especially if there is a concern that there might be operational errors that would require correction, since information will likely have to be obtained from the plan?ÃÃs prior service providers.

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