



OKLAHOMA
Office of Management
& Enterprise Services

Central Purchasing

PROCUREMENT INFORMATION MEMORANDUM

Subject: Contract Language when using Federal Funds
Effective Date: May 13, 2024
Issued by: Amanda Otis, Esq., State Purchasing Director

I. Introduction

As a means of disseminating relevant state procurement information to state entities, the Purchasing Division of Office of Management and Enterprise Services issues Procurement Information Memoranda. To the extent any information in this Procurement Information Memorandum (“PIM”) conflicts with information in a previously issued memorandum, the information in this PIM controls.

II. Summary

State Agencies are responsible for complying with all requirements of any federal grant award, including purchases with federal grant funds. To that end, this PIM seeks to assist State Agencies in properly including federally compliant terms in their contracts. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards can be found at 2 CFR, Part 200. An agency should review these regulations and review any award-specific legislation or publications for additional required contractual provisions. For questions regarding this or any PIM please contact central.purchasing@omes.ok.gov.

III. Agencies are solely responsible for:

- A. Determining if Federal award is being used for a purchase; and
- B. Determining what terms are needed in the Contract to comply with all aspects of any Federal award.

IV. Attachment G

To assist state agencies that use federal funds, OMES has drafted Attachment G, which includes general language that provides a starting place for federal purchasing compliance; however, each Agency should consult legal counsel to determine what terms are required for a Contract to comply with each particular Federal award. Attachment G is available on the OMES Central Purchasing website under “State Contract Structure.”

V. Practitioner Comments

When an agency is pursuing a solicitation or other open market purchase and federal funds will be utilized, Attachment G should be included. Additionally, an agency should insert other necessary contractual language, if any, in “Attachment C: Agency Terms.” For clarity, Attachment G can be used as a starting point, but it will not encompass any specific requirements of the Agency’s Federal award.

When purchasing through a statewide contract an agency also must determine if Federal funds will be utilized for the purchase. If Federal funds are being used on the purchase the agency should review the Statewide Contract to determine what additional terms are required by the specific Federal award. Any additional terms should be attached to the ordering document or Purchase Order.