



STATE OF MISSISSIPPI
HALEY BARBOUR, GOVERNOR

DEPARTMENT OF FINANCE AND ADMINISTRATION

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To: Department of Finance and Administration/OPTFM
State Personnel Board/PSCRB
Department of Information Technology Services
Department of Education
State Agency Purchasing Offices
Institutions of Higher Learning

From: Cille Litchfield, Deputy Executive Director

Date: September 21, 2009

Subject: **Memo # 27**
Clarification on Financial Terms and Conditions for Statewide Contracts

The Office of the Governor issued Memo #12 – “Standard Award Terms Required by ARRA in all Financial Assistance Awards” on May 6, 2009. This memorandum, in part, states, “The standard award terms set forth in 2 CFR Part 176 and attached to this memo must be included in all financial assistance awards as an exhibit and incorporated therein.” A footnote defining “financial assistance awards” further provides “Financial assistance awards include **contracts, subcontracts**, grant agreements, sub-grant agreements, cooperative agreements and loan agreements with recipients and/or sub-recipients and/or sub-awardees.” Memo #12 also indicated that existing contracts may need to be amended.

A number of questions have been asked as to whether statewide agreements may be used as purchasing instruments utilizing Stimulus funds. These agreements, include, but are not limited to, the following:

- State contracts managed by the Department of Finance and Administration, Office of Purchasing, Travel, and Fleet Management;
- Statewide master agreements managed by the Department of Information Technology Services;
- Statewide Express Products Lists managed by the Department of Information Technology Services;
- Agency sponsored statewide agreements such as the School Bus Contract managed by the Department of Education for use by the school districts;
- Internal agency master agreements competed for the use of a single agency.

These agreements **may** be used for purchasing with Stimulus funds **IF** the agency notifies the managing party for the Agreement to ensure that the master agreement has been modified to include the financial terms and conditions outlined in Memo #12. The Agreements **must** be amended before you purchase from them using Stimulus funds. **It is the Agency’s responsibility to check on the status of the terms and conditions of the master agreements before using them for Stimulus purposes.**