

Necessary Elements of a 20i Contract & Application (eff. 4/1/26)

Ensure the 20-i application contains:

- Names and bar numbers of Attorney(s) already approved on the 20i attorney approval list
- Declaration whether anticipated contract amount is above or below \$20k
- Affirmation whether a multiple year contract is involved
- Affirmation whether the application involves an amendment or renewal of an existing contract
- Citation to non §20i authority permitting representation by private counsel
- Reason(s) why in-house counsel is not being utilized
- Reason(s) why Attorney General representation is not sought
- Anticipated costs of representation
- Confirmation of the anticipated fee(s) to be charged (or a rate schedule)

Ensure the contract contains:

- Audit clause
- Non-Collusion clause (see OMES form CP004)
- Good standing clause (see OMES form CP004)
- Guarantees to comply with the Oklahoma State Travel Reimbursement Act
- Document maintenance and retention guarantees
- Permissible term or adequate means of termination
- Confirmation of adequate liability insurance coverage
- Confirmation of appropriate Governing law (Oklahoma)
- Non-Appropriation clause (for legislatively appropriated agencies)

State contracts must contain the following statutory certifications (OMES form CP004):

- Certification Clause (74 O.S. §85.22)
- Non-involvement by government employee (74 O.S. §85.42)
- Petroleum & Energy boycott language (74 O.S. §12005)
- Israel language (74 O.S. §582)
- Debarment, Suspension or other Responsibility Matters
- Employment Status Verification System participant (74 O.S. §85.5)
- Firearm anti-discrimination practice or policy (21 O.S. §1289.31)
- Business / Familial Relationship acknowledgment (74 O.S. 85.22C)
- No involved individual employed by the state given anything of value (75 O.S. §85.42B)

Ensure the contract does not contain:

- Binding arbitration clause
- State indemnification clause