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## HUD-required Contract forms, including the form HUD-5370 forms (and others)

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Housing Agency Procurement Assistance

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Procurement Professionals:

I have been receiving a number of calls from folks pertaining to the following listed HUD-required contract forms that have expired (most of those forms listed thereon an expiration date of 1/31/2017). Following are my thoughts pertaining to this issue:

Just because a HUD form lists an expiration date that has expired, such does not mean that the form is no longer required by HUD. It is my opinion that, typically, a form is no longer required if (a) HUD issues a Notice specifically stating that the form is no longer required (NOTE: this does not happen often); or (b) HUD issues, typically on "hudclips," a revision or replacement for the form. If neither of the aforementioned events occur, I would not assume that the form is no longer required; in fact, I assume that it IS still required.

I have been asked why these forms have not been revised with a new expiration date. My short answer is, I do not know. HUD is the source of our funding and HUD will choose to revise the form (with the new expiration date) when HUD chooses to do so.

Some folks have told me that they are going to contact HUD and ask why the forms have not yet been revised—my recommendation is that you not do so for the following reasons:

(a) First, the HUD staff person that you will be most likely able to get a hold of is in your field office, and the field office is typically not where such revisions are addressed; accordingly, your field office staff will most likely not have an answer for you, so why bother them (and why call attention to your Agency?).

(b) Second, if you do receive some feedback, how will it help your procurement and contracts efforts to know why the forms have not yet been revised? If, by chance, a HUD staff person states verbally, "If the form is expired, I guess it no longer applies," I would NOT follow such counsel unless I received the directive in writing—and I am pretty sure that you will not be able to get the person to put it in writing (for those who have attended my presentations/seminars, please don't forget Gifford's 1st Gospel: "If it ain't written, it don't exist!").

My strong recommendation to my clients is to spend time and efforts conducting their Agency's procurement and contracts activities in a manner compliant with what HUD has already instructed us is required; meaning, whereas we have been instructed within HUD Procurement Handbook 7460.8 REV 2 to utilize these forms, and whereas we have not yet received any further written directions canceling or revising those forms, I strongly recommend that you continue to utilize the forms until instructed otherwise by HUD. If anyone receiving this email has received from HUD any written information pertaining to this issue, please forward such to me!

**Listing of HUD-required contract forms\* that I am aware currently have a "1/31/2017" expiration date (and a few others expiring soon):**

- Construction-related: Form HUD-4010 (06/2009), *Federal Labor Standards Provisions* [NOTE: No expiration date listed]
- Related to all contracts exceeding \$100,000: form HUD 50071 (01/14), *Certification of Payments to Influence Federal Transactions* [NOTE: Expired 1/31/2017]
- Architectural- and/or Engineer-related: form HUD-51915 (1/2014), *Model Form of Agreement Between Owner and Design Professional* [NOTE: Expired 1/31/2017]
- Construction-related: form HUD-5370 (1/2014), *General Conditions for Construction Contracts-Public Housing Programs* [NOTE: Expired 1/31/2017]
- Non-construction-related: form HUD-5370-C (01/2014), *General Conditions for Non-Construction Contracts, Section I—(With or without Maintenance Work)* [NOTE: Expired 1/31/2017]
- Non-construction-related: form HUD-5370-C (1/2014), *General Conditions for Non-Construction Contracts Section II (With Maintenance Work)* [NOTE: Expired 1/31/2017]
- Construction-related: Form HUD-5370-EZ (1/2014), *General Contract Conditions for Small Construction/ Development Contracts* [NOTE: Expired 1/31/2017]
- Construction-related: HUD-92554M (Rev. 04/11), *Supplementary Conditions of the Contract for Construction* [NOTE: Expires 6/30/2017]
- Potentially related to all contracts exceeding \$100,000: Standard Form LLL (Rev. 01/14), *Disclosure of Lobbying Activities* [NOTE: No expiration date listed]

\*PLEASE NOTE: There are a number of additional HUD forms that I have not listed within the preceding that have a similar expiration date thereon. It is my opinion that my thoughts within the preceding narrative apply to those forms also in the same manner.

I hope that these thoughts and recommendations are of a help. Please do not hesitate to contact me at [gifford52@yahoo.com](mailto:gifford52@yahoo.com) if you have any thoughts as to this or any other procurement-related issue that you wish to share.

Regards,

**Michael S. Gifford, C.P.M., CPSD**  
*Housing Agency Procurement Assistance*

I have a consulting practice providing procurement- and contracts-related mentoring, training, and technical assistance to housing agencies. I help housing agencies conduct procurement and contracts in a HUD-compliant and "best practice" manner. [Click here](#) to see my full resume. Please do not hesitate to contact me if you have any questions or concerns pertaining to procurement and contracts (initial answering of questions is "no charge"). As I am either on-the-road or on the phone a lot, an initial contact by e-mail is best; please be sure to include your return telephone number (office/cellular) so that I can call you back.

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