
**FOLLOWUP NOTICE: INTERESTING NOTICE FROM HUD.GOV: Removed
Expired HUD Forms from HUDCLIPS**

HAPA <mgifford@procurementassistance.org>
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To: jhaining@gmail.com

Mon, Apr 4, 2016 at 2:17 PM

**Housing Agency Procurement Assistance**

Housing Agency Procurement Assistance

Dear Procurement Professional,

I sent out the following Notice a number of weeks ago on February 23, 2016. I had stated that I would get back to everyone once I have made a decision in this matter. Please note that I am sharing my decision as an opinion only--I have no authority to issue any formal notice in this matter. Further, my opinion is actually for my clients only (meaning those housing folks who actually retain and compensate me for my technical services). For all others, this Notice is to be considered to be an FYI (please see my Disclaimer on my web site, procurementassistance.org, which pertains to this Notice and opinion and to all information that I send out).

I did not hear back from anyone at HUD, but several other housing folks did. Based on those responses, it is my decision that clients will continue to utilize these forms as a part of any applicable solicitations (e.g. IFB's; RFP's; RFQ's), both form HUD 5360-C and form HUD 5369-A. My decision is based on the fact that HUD has not issued any formal Notice pertaining to discontinuing the utilization of these forms and making an independent decision to do so based on the attached listing would, in my opinion, be imprudent.

If anyone hears otherwise from HUD pertaining to this issue, please advise me by return email.

As always, I hope that this helps.

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.

TEXT OF THE ORIGINAL FEBRUARY 23, 2016 NOTICE

Dear Procurement Professionals,

Please see the attached Notice from the following link to the hud.gov website.

(NOTE: A big "Thank You" to Rebecca Suarez of Waco Housing Authority & Affiliates in Texas for informing me of this issue! I really appreciate it when housing folks let me know about issues such as this!)

From a procurement standpoint, what is most interesting about the listing on the attached is that thereon there are two procurement-related forms that are labeled as "expired," specifically: form HUD-5369-C, Certifications and Representations of Offerors (heretofore, pertaining to non-construction solicitations); and form HUD-5369-A, Representations, Certifications, and Other Statements of Bidders (heretofore, pertaining to construction solicitations).

A bit more background as to this issue:

About a year ago we noticed that form HUD-5369-C was no longer listed on the HUDCLIPS site. I sent multiple emails to HUD requesting information as to why it was removed and asking if it was still a valid or required form, but, unfortunately, did not receive a response. It appears that we now have the answer; to wit: As detailed on the attached Notice from the hud.gov website, this form is apparently no longer required.

Pertaining to form HUD-5369-A, as of today this form is still listed on the on the HUDCLIPS site; however, I tend to believe that since the attached says it is no longer a valid form to be utilized by housing agencies, and whereas someone at HUD may, as a result of this outreach notice, become informed that it is no longer a valid form, it may be soon removed.

CONCLUSION: A number of folks at HUD will receive this outreach notice, so if my preceding assumption that this form "is no longer required" is actually incorrect, then I anticipate that I will hear from someone at HUD. I am going to wait 30-days to hear from HUD as to if the attached Notice from the hud.gov website is incorrect. If I do not hear from HUD, then I am going to direct all of my clients to cease utilizing these forms as a part of their competitive solicitations.

DISCLAIMER: Please remember that I am distributing this information as a public service. I am simply telling folks nationwide that might be interested as to the actions that I intend to take pertaining to this issue. The only way to definitively know if these forms are no longer valid is to receive specific notice of such from HUD--and I have made a decision that, unless I hear otherwise from HUD, I am going to assume that the attached is a "Notice from HUD" that the forms are no longer applicable. If I receive notice from HUD that these forms ARE still applicable (and that the attached information from the hud.gov website is actually incorrect), then I will immediately send out another Notice to inform all of such. Otherwise, "away these forms go!"

As always, I hope that this information helps.

Regards,

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

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