



Jim Haining <jhaining@gmail.com>

HUD-mandated form, form HUD-50071, Certification of Payments to Influence Federal Transactions

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Housing Agency Procurement Assistance

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Procurement Professionals:

On March 3, 2017, HUD issued the Attached No. 1, Notice PIH-2017-04 (HA), entitled *Limitations on Payment to Influence Federal Transactions for PIH Programs and PHA Anti-Lobbying Certification and Disclosure Requirements*.

I have also attached hereto copies of the two referenced forms:

(a) Attached No. 2 is the form HUD-50071, *Certification of Payments to Influence Federal Transactions*; and

(b) Attached No. 3 is the SF-LLL form, *Disclosure of Lobbying Activities*.

My thoughts follow:

I have been aware for a number of years that the "50071" form was required to be executed by the Agency and delivered to HUD annually (please see Section No. 4 within the Attached No. 1). However, what is new to me is the requirement detailed within No. 5.B of this PIH Notice wherein HUD states, "Contractors shall submit to the PHA Form HUD-50071 and SF-LLL, if applicable, for each contract exceeding \$100,000."

I am unsure if utilization of these forms with contractors is a new requirement or if has been a requirement in the past; regardless, by receipt of the attached PIH Notice we are now aware that the inclusion of these forms is definitely a requirement for all contracts with a value "exceeding \$100,000."

Many years ago (if I recall correctly, it was over 20 years ago) I used to include the "50071" form as a part of my contracts, but there came a point that I was advised that this form was not necessary and I have not included this form in competitive solicitations since (nor can I recall ever seeing this form utilized by another housing agency). Obviously, that will now change and I will include these forms as follows:

(1) form HUD 50071: I will include this form in all competitive solicitations (as a part of the sample contract issued) wherein the eventual award is expected to exceed \$100,000 or that may potentially exceed \$100,000 (each in the aggregate). Further, I will ensure that this form is fully executed by the contractor and included as an appendix to the contract.

(2) Standard Form (SF) LLL: I will include this form in any competitive solicitation (as a part of the sample contract issued) wherein the eventual award is expected to exceed \$100,000 or that may potentially exceed \$100,000 (each in the aggregate). Further, I will ensure that this form is fully executed by the contractor and included as an appendix to the contract, if necessary as described within Section No. 2 of the "50071 form.

The next thought is, what is the best course of action pertaining to contracts already issued? For contracts that have already expired, I will not recommend any further action by my clients. For any contract that is currently in force, I am going to work with my clients to ensure that we issue a contract modification and include the forms, as applicable, as a part of any current contract that has a value greater than \$100,000.

I hope that this information is of a help. Please feel free to contact me by return email if you have any questions or concerns pertaining to this issue.

Please see my Disclaimer on my website, procurementassistance.org, which all terms and conditions therein applies to Notice.

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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3 attachments

 **AttachmentNo_3_SF-LLL_DisclosureOfLobbyingActivities.pdf**
46K

 **AttachmentNo_2_HUD-50071_.pdf**
29K

 **AttachmentNo_1_PIH-2017-04_HA__.pdf**
188K