



Jim Haining &lt;jhaining@gmail.com&gt;

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**VERY IMPORTANT NEW MESSAGE FROM MIKE GIFFORD PERTAINING TO THE BABA ACT (Build America, Buy America)**

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HAPA <postmaster@mg.procurementassistance.org>  
Reply-To: HAPA <mgifford@procurementassistance.org>  
To: jhaining@gmail.com

Mon, Dec 2, 2024 at 7:58 AM

**Housing Agency Procurement Assistance**

Housing Agency Procurement Assistance

Dear Procurement Professionals,

I and others have noticed that HUD has proceeded with various trainings and issuances of Notices that does not recognize that, as stated within the following formerly issued announcement from NAHRO, "the BABA requirements will not apply to Public Housing Units." Accordingly, I recently followed up with NAHRO pertaining to their following original announcement in May 2024.

I have what I consider to be some bad news. I consulted directly with a representative from NAHRO and received the following response:

"NAHRO stands by the factual accuracy that in May 2024, HUD announced that BABA would not apply to public housing unit and that specific implementation guidance was expected after the announcement. In early June 2024, NAHRO spoke with a senior HUD official and NAHRO agreed to remove the post from its blog.

As you know, this announcement was never implemented and neither HUD not OMB provided additional guidance limiting the applicability of BABA on public housing units. NAHRO has continued to be engaged with HUD on finding a workable implementation strategy for BABA and as the full implementation date of August 23 passed NAHRO made a blog post about BABA's implementation and the available general waivers – [Reminder: The Build America Buy America Act in Effect for New HUD Funding - The National Association of Housing and Redevelopment Officials \(NAHRO\).](#)"

**Reminder: The Build America Buy America Act in Effect for New HUD Funding**

HUD has sent out a reminder to PHAs that new obligations of many HUD funding sources are covered by the Build Am...

Personally, I am very grateful that NAHRO is engaging HUD on this issue and it is my sincere hope that NAHRO can advocate for some workable and practical solutions for housing authorities pertaining to BABA.

As for me, I am not going to teach BABA as a part of my services; I just cannot see any practical or possible path as to how the vast majority of housing agencies will have the resources to be able to implement the requirements of BABA in an effective, efficient, and timely manner (I am not saying it is not possible, I just cannot figure out how to do it).

If any housing authority can share any information with me, including documentation, as to how they successfully met the BABA standards as published by HUD, please share such information with me (if you tell me to keep it confidential, I will certainly do so).

I will be happy to talk with anyone about BABA, but I really cannot give you anymore information than what I have stated in this new posting.

Best Wishes to all and Happy Holidays,

Michael S. Gifford  
Housing Agency Procurement Assistance

**ORIGINAL NOTICE I ISSUED EARLIER THIS YEAR ON MAY 26, 2024:**

Dear Procurement Professionals,

Please see the following announcement by NAHRO. This solves a HUGE problem for our efforts to do competitive solicitations and award contracts in an efficient and effective manner. I found the same Notice on the first page of the NAHRO.org website (please see the NAHRO link within the following Notice from NAHRO), so it looks to be legitimate.

WOW! What a great "present" to receive this holiday weekend! I am sure that more details will be yet released. I went to the HUD.gov website and I could not locate any similar notice posted, but I would not be surprised to eventually see a related PIH Notice issued by HUD at some point in the near future pertaining to this issue. I will advise via another notice if I receive any new clarifying information.

**BEGINNING OF NOTICE RECEIVED**

The announcement was made this morning in Washington, D.C.



## **HUD Announces Build America, Buy America Act Requirements Will Not Apply to Public Housing Units**

Following the latest comments submitted by NAHRO, HUD Office of General Counsel Senior Attorney Vickie Longosz announced on May 24, 2024 at the American Bar Association conference in Washington, D.C. that the Build America, Buy America Act (BABA) will not apply to public housing units.

HUD and the Office of Management and Budget (OMB) will release guidance detailing the extent to which BABA still applies to other programs. NAHRO has worked with federal partners on this law since 2022 and will continue advocating for a workable implementation of BABA. Find NAHRO's comment letters regarding BABA and other regulatory concerns on [the NAHRO website](#).

**ENDING PORTION OF THE ORIGINAL 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.

This email was sent to [jhaining@gmail.com](mailto:jhaining@gmail.com) by HAPA  
of Housing Agency Procurement Assistance  
[2308 Flower Spring St](#)  
Las Vegas, NV 89134

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