



SMACNA National  
4201 Lafayette Center Dr  
Chantilly, VA 20151-1219

# SMACNA Request for Proposals (RFP)

Project Title: Best Practices in Defending Against Back Charges Addition to Contractor Operations Manual

RFP Number: RFP-2024-BACKCHARGES

Date Issued: 1/10/2025.

Proposal Due Date: 3/1/2025.

## Contact Information:

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## Introduction

SMACNA is seeking a consultant to author a new chapter in its Contractors Operations Manual titled *"Best Practices in Defending Against Back Charges."* Back charges pose a significant financial and operational challenge to SMACNA members. These back charges – often arising from disputes over quality, scheduling, or scope changes—can erode profit margins, damage professional relationships, and create long-term business instability. To address these concerns, SMACNA seeks to commission this paper identifying effective strategies that member contractors can employ to protect themselves against unjustified or excessive back charges.

## Background on SMACNA (Sheet Metal and Air Conditioning Contractors' National Association):

SMACNA is a prominent and respected national trade association representing the interests of the sheet metal and air conditioning industry in the United States. Founded in 1943, SMACNA is dedicated to advancing the sheet metal and HVAC (Heating, Ventilation, and Air Conditioning) industry through advocacy, education, research, and standards development.

## Key points about SMACNA:

*Advocacy:* SMACNA actively engages in legislative and regulatory advocacy at the federal and state levels, working to promote the interests of its members and the construction industry as a whole.

*Education:* SMACNA offers a wide range of educational resources, including technical manuals, industry publications, and training programs, to ensure that members have access to the latest industry knowledge and best practices.



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*Standards Development:* SMACNA plays a vital role in developing industry standards and guidelines related to sheet metal and HVAC construction, ensuring quality and safety in the field.

*Research:* SMACNA is committed to advancing research in the sheet metal and HVAC industry, fostering innovation, and promoting the adoption of modern technologies and practices.

*Membership:* The association represents a diverse membership base of contractors, manufacturers, and suppliers involved in the sheet metal and HVAC industry.

We invite qualified consultants to submit their proposals to contribute their expertise and insights to this vital research project.

## Purpose and Objectives

### *Primary Objective:*

To produce a well-researched, practitioner-focused paper that:

- Identifies common scenarios leading to back charges against HVAC and sheet metal contractors.
- Evaluates the key legal, contractual, and operational defenses available.
- Recommends best practices, policies, and documentation standards that help reduce or mitigate unwarranted back charges.

### *Secondary Objectives:*

- Highlight precedent-setting legal cases, recent policy shifts, and emerging contractual trends.
- Provide guidance on negotiation techniques and dispute resolution methods that can be employed both before and after a back charge occurs.
- Offer actionable checklists, sample contract language, and workflow recommendations to empower contractors in their negotiations and project execution.

## Scope of Work

The selected consultant will be responsible for the following tasks:

- Conduct Appropriate Research in the Following Areas:
  - Literature and Legal Framework Review:
    - Examine existing academic literature, industry publications, legal commentary, and standard construction contract frameworks (e.g., AIA, ConsensusDocs) related to back charges.
    - Identify differences and nuances in state and federal laws that could influence defense strategies.
  - Common Causes and Triggers of Back Charges:
    - Detail typical reasons general contractors and construction managers issue back charges (e.g., alleged workmanship defects, scheduling delays, material shortages, incomplete or non-compliant work).
    - Analyze how unclear contract language, change orders, lack of proper documentation, or poor communication often lead to disputes.
  - Defensive Strategies and Best Practices:



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- Present proven documentation practices, including robust project recordkeeping, daily reports, photographic logs, and digital project management tools.
- Suggest contract provisions that limit exposure, clarify responsibilities, and set out agreed-upon dispute resolution mechanisms.
- Identify negotiation techniques and mediation/arbitration strategies that HVAC and sheet metal contractors can employ to resolve potential back charges before escalation.
- Case Studies and Industry Insights:
  - Incorporate interviews or surveys of HVAC and sheet metal contractors, attorneys specializing in construction law, and construction claims consultants to provide real-world insights.
  - Present at least three in-depth case studies illustrating successful defenses against back charges and the strategies involved.
- Practical Tools and Templates:
  - Provide sample contract clauses, checklists for project documentation, recommended recordkeeping templates, and step-by-step guidelines for defending against back charges.
- Compile the Research and Create:
  - Comprehensive Research Paper - A fully referenced, professionally formatted document including:
    - Executive summary and infographic for busy professionals
    - Introduction and industry background
    - Methodology and research sources
    - Detailed findings on best practices and benchmarks
    - Actionable recommendations and frameworks
    - Implementation roadmap with timelines and resource requirements
    - Conclusion and next steps

## Deliverables and Timeline

The expected deliverables and timeline for this project are as follows:

- A literature review and a survey report by April 1, 2025
- A draft guide and infographic by May 1, 2025
- A final guide and infographic by May 15, 2025

## Thank you for Your Proposals

We would like to extend our sincere appreciation to all prospective consultants who take the time to submit proposals in response to this Request for Proposals (RFP). Your interest in contributing to our Contractor Operations Manual project, "*Best Practices in Defending Against Back Charges*," is invaluable to us. We recognize the effort and expertise that goes into preparing a proposal and are grateful for your participation in this endeavor.

## Submission Instructions

To present your proposal, please submit it via the following form: [SMACNA RFPs](#). The deadline for proposal submissions is 3/1/2025 at 5PM Central. We kindly request that you adhere to this deadline.



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Late submissions may not be considered. If you have any questions or require clarifications regarding the RFP or the submission process, please do not hesitate to reach out to Travis Voss at [tvoss@smacna.org](mailto:tvoss@smacna.org) for assistance. We look forward to receiving your proposals and embarking on this important research journey together.