



SMACNA Request for Proposals (RFP)

Project Title: **Managing, Preventing, and Defending Against Back Charges**

Addition to the SMACNA Contractor Operations Manual

RFP NUMBER: RFP-2026-BACKCHARGES

Date Issued: 1/20/2026

Proposals Due Date: 3/1/2026

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Project Context and Rationale

Back charges are a persistent and costly issue in construction projects, particularly for HVAC and sheet metal contractors operating within complex contractual and schedule driven environments. While back charges are widely experienced across the industry, they are inconsistently documented, poorly understood outside of individual projects, and often addressed only after disputes have escalated.

Existing guidance on back charges is fragmented. Legal commentary tends to focus on dispute resolution after the fact, while operational guidance is often anecdotal or informal. There is limited applied research that examines how back charges are triggered in practice, how contractors typically respond, and which operational and documentation practices appear to influence outcomes.

SMACNA seeks to commission an applied research paper that brings structure and clarity to this issue by examining prevailing industry conditions, patterns, and responses. The intent is to document real-world practices through research, interviews, and analysis, creating a resource that reflects how back charges are managed on active construction projects rather than how they are treated solely in legal proceedings.



This publication will contribute to a clearer, shared understanding of back charges across the industry and provide contractors with practical insight grounded in documented experience.

About SMACNA and the Contractor Operations Manual

The Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) develops technical standards, guidance, and applied research to support the operational and business needs of union sheet metal and HVAC contractors across North America and select international markets.

The SMACNA Contractor Operations Manual serves as a practitioner focused reference addressing common operational, contractual, and management challenges faced by contractors. Content within the Manual emphasizes practical decision making informed by industry experience and research rather than theoretical or jurisdiction specific legal interpretation.

The proposed paper on defending against back charges is intended to complement existing content within the Contractor Operations Manual by providing applied research and synthesized industry insights on a topic that directly affects project performance, risk management, and contractor profitability.

Purpose and Objectives

Purpose

The purpose of this project is to produce a research-informed technical paper for inclusion in the SMACNA Contractor Operations Manual that examines how back charges arise on construction projects and how contractors commonly respond to them in practice. The publication is intended to document prevailing industry conditions, patterns, and operational responses rather than provide legal advice or jurisdiction specific interpretation.

Back charges represent a recurring source of financial risk and operational disruption for SMACNA member contractors. Through structured research, interviews, and analysis, this paper will help illuminate the factors that contribute to back charges and identify practical, experience driven approaches used to prevent, manage, and respond to them.

Primary Objectives

The primary objectives of this project are to:

- Identify common circumstances, project conditions, and contractual environments that frequently lead to back charges in construction projects involving HVAC and sheet metal contractors



- Analyze recurring operational, documentation, and communication practices associated with successful or unsuccessful responses to back charges
- Synthesize research findings into a clear, practitioner-oriented publication that reflects real world conditions faced by contractors

Secondary Objectives

Secondary objectives include:

- Examine commonly used construction contract frameworks and identify recurring themes related to risk allocation, documentation requirements, and dispute mechanisms
- Capture insights from construction claims professionals, construction law practitioners, and experienced consultants through structured interviews or surveys
- Provide contractors with a clearer understanding of how back charges are typically triggered, challenged, negotiated, and resolved in practice
- Present findings in a format that is accessible to busy construction professionals while maintaining research credibility
- Identify opportunities for optional educational extensions such as webinars or podcasts that build on the published manual, at SMACNA's discretion.

Intended Audience

This publication is intended primarily for project managers and operations managers responsible for day-to-day project execution and documentation. Secondary audiences include senior leadership and estimators who influence contractual strategy, risk tolerance, and operational policy. Claims professionals and legal advisors represent a tertiary audience and are included to provide context and insight rather than as the primary users of the material.

Scope of Work

The selected consultant or academic researcher will be responsible for conducting applied industry research and developing a technical paper aligned with the objectives outlined above. The scope of work includes the following components.

Research Design and Review

The consultant will design an appropriate applied research approach that may include literature review, targeted surveys, and structured interviews. The research should focus on identifying prevailing industry practices rather than exhaustive legal analysis.

Activities may include:

- Review of relevant industry publications, professional guidance, and commonly used construction contract frameworks related to back charges



- Identification of recurring contractual themes and documentation expectations without attempting jurisdiction specific legal interpretation
- Development of interview or survey instruments appropriate for construction claims professionals and subject matter experts

Surveys and Interviews

The consultant will conduct targeted surveys and or interviews with individuals experienced in construction claims, dispute resolution, and project operations. These may include construction claims consultants, construction law practitioners, and experienced project management professionals.

SMACNA will support outreach efforts where feasible to facilitate participation and ensure practical relevance of the findings. A portion of the budget should be set aside to establish a program to incentivize survey engagement.

Early Warning Indicators and Preventive Operational Behaviors

As part of the applied research, the consultant shall identify common early warning indicators and operational behaviors that tend to precede back charges. This section should focus on observable project conditions, documentation patterns, communication breakdowns, and decision points that increase exposure before a formal back charge is issued.

The intent is to help contractors recognize and respond to elevated risk conditions early, rather than addressing back charges only after they have been formally assessed.

Analysis of Common Back Charge Triggers and Responses

Using the research findings, the consultant will analyze and document:

- Common triggers that lead to back charges, such as schedule impacts, quality disputes, scope interpretation, and documentation gaps
- Typical contractor responses and decision points once a back charge is issued
- Patterns associated with effective documentation, communication, and negotiation practices
- Factors that tend to escalate disputes versus those that support early resolution

Case Studies and Industry Examples

The consultant will develop three to five synthesized case scenarios based on anonymized research findings and interview insights. These scenarios should illustrate common back charge situations, response strategies, and outcomes without identifying specific firms, projects, or individuals.



The intent of these scenarios is to help contractors recognize patterns and lessons learned rather than replicate specific legal strategies.

Development of the Technical Paper

The consultant will produce a research-informed technical paper suitable for inclusion in the SMACNA Contractor Operations Manual. The main body of the paper should be concise and practitioner focused, generally targeting **10 to 20 pages** in length. Supporting materials, such as detailed examples, expanded methodology, reference documents, or supplemental analysis, may be included as appendices and are not intended to count toward the main document length. The paper should be written in clear, practitioner focused language while maintaining analytical rigor.

The paper should include:

- Executive summary highlighting key findings and patterns
- Overview of research approaches and sources
- Discussion of common back charge triggers and contributing factors
- Analysis of documented response practices and outcomes
- Synthesized case scenarios illustrating real world conditions
- Practical observations and considerations for contractors
- Conclusion outlining key takeaways and areas for further study

Supporting materials such as generalized documentation examples or contract language themes may be included as appendices where appropriate.

Collaboration and Review

Throughout the project, the consultant will coordinate with SMACNA staff to validate assumptions, review interim findings, and ensure the publication aligns with member needs and expectations. SMACNA recognizes the challenges associated with primary data collection in the construction industry and intends to collaborate with the selected consultant to support the success of the research. The project schedule, including research and drafting phases, will be refined collaboratively with the selected consultant as the work progresses.

Deliverables and Review Milestones

Phase	Deliverable	Review Point
Phase 1	Research design and survey or interview instruments	SMACNA staff review
Phase 2	Interim findings memorandum summarizing emerging themes	SMACNA staff review
Phase 3	Draft technical paper for the Contractor Operations Manual	Committee review
Phase 4	Final technical paper and appendices	Final approval



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

Budget Guidance

Proposers should submit a detailed budget that clearly describes assumptions, level of effort, and cost drivers associated with the proposed scope of work. SMACNA anticipates that proposals for the base scope of this project will generally fall within a range of **\$20,000 to \$25,000**.

Proposals may include optional enhancements or alternate approaches, provided the base scope is clearly defined. SMACNA reserves the right to negotiate scope, schedule, and budget with the selected consultant to ensure alignment with project objectives and available funding.

Proposal Evaluation Criteria

Proposals will be evaluated based on overall quality, relevance, and alignment with the objectives of this RFP. Evaluation criteria may include, but are not limited to:

- Demonstrated experience with contractor operations and project execution, beyond claims or dispute consulting alone
- Evidence of applied industry research capability, including surveys, interviews, or practice-based analysis
- Prior experience producing publications for trade associations, standards bodies, or similar industry organizations
- Clarity and feasibility of the proposed research approach and methodology
- Demonstrated understanding of the construction industry context and SMACNA membership
- Overall value and reasonableness of the proposed budget

SMACNA may consider factors holistically and is not obligated to select the lowest-cost proposal.

To present your proposal, please submit it via the following form: [SMACNA RFPs](#). The deadline for proposal submissions is 3/1/2026 at 5PM Central. We kindly request that you adhere to this deadline. 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 for assistance. We look forward to receiving your proposals and embarking on this important research journey together.