

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

**March 7, 2017**

**Opinion No. 17-17**

**Construction Services and Land Surveying - Tenn. Code Ann. § 12-4-107(a)**

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**Question**

Is land surveying a construction service required to be procured by a municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision using the process described in Tenn. Code Ann. § 12-4-107(a)?

**Opinion**

No. The practice of land surveying is not a construction service.

**ANALYSIS**

Tennessee Code Annotated § 12-4-107(a) provides that “[a]ll contracts for architectural, engineering and construction services procured by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute” must meet certain procurement requirements.

The question is whether land surveying is a “construction service.” Title 12 does not define “construction services,” but the term is generally and customarily understood to mean services integral to the building of a structure. *See New Oxford American Dictionary* 3rd ed. (2010) definition of “construction” as “the building of something, typically a large structure.”

Tennessee Code Annotated § 62-18-101 *et seq.* deals with the regulation of land surveyors and defines the “[p]ractice of land surveying” as

any service of work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including the topography, drainage, alignment and grades of streets, and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys . . .

Tennessee Code Annotated § 62-18-102(3)

As the “practice of land surveying” involves land location and land use services, but does not include the building of things, it is not a construction service.

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