



# DIVISION OF LOCAL ASSISTANCE CALTRANS OVERSIGHT INFORMATION NOTICE



DLA COIN Issue # 24-01

Release Date: April 2024

## Welcome to the C O I N !

*This is a Caltrans Oversight Information Notice, or “COIN” for short.*

*These short, single-topic bulletins are intended to provide outreach information and guidance to Local Public Agencies (LPAs) on issues pertaining to federal-aid projects. They cover a wide variety of subjects, including discussions of findings resulting from process reviews by Caltrans and/or FHWA, changes in procedures or regulations, reminders of existing procedures or best practices, and other timely information.*

## Environmental Mitigation Work

Environmental mitigation work that involves actual field work or construction activities must be performed under a construction contract, and not under an Architectural and Engineering (A&E) services contract. As explained in Local Assistance Procedures Manual (LAPM) Chapter 10: Consultant Selection, 23 CFR 172 and California Government Code 4525 define A&E services as those private consulting firms providing architectural, landscape architectural, engineering, environmental, land surveying, construction engineering, or program management.

A recent construction oversight review revealed environmental mitigation work that involved planting trees, among other things, performed by a consultant. Such work should have been performed by a licensed contractor, not through an A&E services contract. When in doubt, one may ask the following question to identify whether a certain undertaking must be performed under a construction contract or an A&E services contract:

***“Is this a professional or incidental service that is logically or justifiably performed by licensed architects or engineers?”***

Typically, the work required for environmental mitigation projects, such as tree planting, is not considered A&E services, but rather, construction work. LPAs should not award environmental mitigation projects using a consultant contract.