

RA 1005 – Contracting with Competent Organizations

Rationale

Organizations within the Defence Air Environment (DAE) may be contracted¹ to carry out specified **Type and Continuing Airworthiness management**, Contractor Flying, and Air Traffic Management Equipment activities. Not having competent organizations contracted to carry out these activities may result in a compromised level of Air Safety. To assure the Secretary of State for Defence that organizations contracted to provide Air Safety related products and services to the UK MOD are competent to do so, the MAA provides a number of approval schemes. Moreover, correctly contracting to the MAA Regulatory Publications (MRP) is of vital importance to ensure the latest regulatory standards and practices are adhered to.

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Regulation 1005(1)

General Principles

- 1005(1) Organizations that let contracts in the DAE **shall** ensure that activities are carried out by competent organizations.

Acceptable Means of Compliance 1005(1)

General Principles

1. Contracts **should** be let against the latest issue of each applicable Regulatory Article and / or other MRP. The contract **should** allow provision for:
 - a. The contracted organization to support on-site access for the MAA or its appointed agents to undertake oversight and assurance activities.
 - b. Changes in the MRP to be addressed through contract amendment.
2. Air Safety risk assessments **should** be conducted by the contracting organization to assess the effects of changes in the MRP when they occur, and an auditable trail of risk management **should** be maintained.
3. Where an MAA approval scheme exists and activity falls within its scope, the approval scheme **should** be contracted to.
4. Where the contracted organization is required to hold but has yet to gain MAA approval the contracting organization **should**:
 - a. Have a contracted route to achieving approval.
 - b. Ensure that an application has been submitted to the MAA for assessment against the relevant scheme.
5. Where no MAA approval scheme exists, or activity is beyond the scope of the MAA approval scheme, the contracting organization **should** assure themselves of the competency of the contracted organization and record their decision-making process and assumptions. Any associated Risk to Life **should** be communicated to and addressed by the appropriate Aviation Duty Holder (ADH) or Accountable Manager.
6. The MOD may contract with intermediate organizations, which do not hold an MAA approval, to manage or deliver products or services; in these cases the organization performing the activity that is covered by an MAA approval scheme **should** hold the relevant MAA approval, noting the requirements of paragraphs 4 and 5. **The intermediate organization should flow down MRP regulations that are relevant to the organization performing the activity.**

¹ **Contracting includes other arrangements such as: Internal Business Agreements, Joint Business Agreements, Service Level Agreements, Foreign Military Sales agreements, etc.**

Acceptable Means of Compliance 1005(1)

7. The contracted organization **should** have a nationally accredited Quality Management System with an appropriate scope for the contracted activity ►(eg ISO 9001 and AS 9100, accredited by the UK Accreditation Service). ◀
8. If a Type Airworthiness Authority (TAA)►²◀ wishes to contract with an organization that does not hold an appropriate Airworthiness organizational approval from the MAA but instead holds a relevant Airworthiness organizational approval from a foreign Military Airworthiness Authority, they **should** check if that foreign Regulator is currently Recognized³ by the MAA⁴.
9. If this Recognition, the scope of which includes the type of organizational approval required, does exist, the TAA **should** submit a request for Alternative Acceptable Means of Compliance (AAMC) to utilize the organizational approval from the foreign Military Airworthiness Authority. A contract **should** only be awarded if this AAMC has been approved by the MAA.
10. If a Recognition with the required scope does not exist, ►the◀ TAA **should** approach ►the MAA⁵◀ to request ►◀ the ►◀ undertaking ►of◀ Recognition activity with the foreign Military Airworthiness Authority. This request **should** include a clearly articulated Business Need that details the TAA's understanding of the applicability of the other Military Airworthiness Authority's organizational approval. The Business Need **should** also contain details of the expected duration of use of that organizational approval and the TAA's intended actions if that foreign Military Airworthiness Authority approval be withdrawn or the MAA Recognition expires.
11. ►Contracting organizations **should** ensure that the responsibilities for the appropriate development, management, upkeep of, or contribution to, the Air System Safety Case⁶ are clearly articulated and contracted for. ◀

Guidance Material 1005(1)

General Principles

12. The MAA or its appointed agents will assess the suitability of a contractor's personnel, processes and facilities to conduct their contracted activities for inclusion in the relevant MAA approval scheme. Approval will only be granted following a successful assessment by the MAA.
13. Contracting organizations are advised to engage with the MAA at the earliest opportunity because the time required to gain an MAA approval can vary considerably. Contributing factors can include: the scope of the activity, the familiarity of the contracted organization with the MRP, the quality of the evidence submitted to the MAA and MAA workload and priorities.
14. Recognition is a process by which the MAA can make an informed and auditable judgement on the extent to which the Airworthiness outputs of a foreign Military Airworthiness Authority could be accepted for use within the MRP. Airworthiness outputs, including Airworthiness organizational approvals, from a Recognized foreign Military Airworthiness Authority are not automatically accepted by the MAA. TAAs will need to assure themselves that they understand the source, scope and applicability of any such Airworthiness output before submitting the AAMC.
15. Costs of periodic MAA assurance activities cannot be recovered from the MAA.
16. ►◀

² ►Where the Air System is Civilian-Owned, ownership of regulatory responsibility by either the TAA or Type Airworthiness Manager (TAM) needs to be agreed within the Sponsor's approved model for Type Airworthiness (TAW) management; refer to RA 1162 – Air Safety Governance Arrangements for Civilian Operated (Development) and (In-Service) Air Systems, or refer to RA 1163 – Air Safety Governance Arrangements for Special Case Flying Air Systems. Dependant on the agreed delegation of TAW responsibilities TAM may be read in place of TAA as appropriate throughout this RA. ◀

³ Refer to MAA/RN/2015/08 (D Tech) – Recognition of Other Military Airworthiness Regulators.

⁴ This information is available from the following MAA webpage (<https://www.gov.uk/government/publications/maa-recognition>) and additional guidance can be obtained from the Defence Equipment & Support (DE&S) Airworthiness Team.

⁵ ►Contact via DSA-MAA-MRPEquiries@mod.gov.uk.

⁶ Refer to RA 1205 – Air System Safety Cases. ◀

Regulation 1005(2)

Design Organizations

1005(2) For the procurement of Air Systems (including their Products, Parts and Appliances), Airborne Equipment⁷, ►◄ Air Launched Weapons⁷ (ALW), ►TAW management◄ and Post-Design Services (PDS), the contracting organization **shall** only contract with a competent Design Organization (DO).

Acceptable Means of Compliance 1005(2)

Design Organizations

17. The DO **should** be approved under the Design Approved Organization Scheme (DAOS)⁸.

18. ►Any requirement for TAW management **should** be approved specifically under the TAW Management Supplement⁹ and only be undertaken within an Air System Co-ordinating DO. ◄

Guidance Material 1005(2)

Design Organizations

19. Where a DO holds a European Aviation Safety Agency (EASA) ►/ Civil Aviation Authority (CAA) ◄ Part 21 Subpart J approval, the EASA ►/ CAA ◄ approved DO Handbook (DOH) may be submitted together with supporting evidence addressing the differences in regulation. As these are not insignificant, DOs are advised to seek guidance from the MAA DAOS Branch as early as possible to assist with the regulatory differences and advising the documentary evidence needed to demonstrate compliance¹⁰. The Approved DOH and agreed supporting evidence may be considered as acceptable to support the organization's application for inclusion in the DAOS.

20. There are cases where DAOS is not required, specifically:

a. For PDS contracts, where the proposed design element of such contracts is limited to holding engineering drawings of equipment or where changes to legacy equipment configuration are not anticipated. If design changes are subsequently required, DAOS approval must be sought⁸.

b. For equipment contracts involving manufacture and supply, where there is no change to the original design produced by a DAOS approved organization. If design changes are subsequently required these will be referred back to the original designer.

Regulation 1005(3)

Maintenance Organizations

1005(3) For the Maintenance of Air Systems (including their Products, Parts and Appliances) and ALW⁷, the contracting organization **shall** only contract with competent Maintenance organizations.

Acceptable Means of Compliance 1005(3)

Maintenance Organizations

21. For all Contractor-run on-Aircraft Maintenance, and for Contractor-run off-Aircraft Maintenance that is carried out on UK Government Property►7◄, contracting organizations **should** only contract with Maintenance organizations approved under the Maintenance Approved Organization Scheme (MAOS).

22. MAOS approval **should** be achieved by demonstration of full compliance with ►MRP Part 145. ◄

a. ►◄

⁷ As defined in MAA02: Military Aviation Authority Master Glossary.

⁸ Refer to RA 5850 – Military Design Approved Organization (MRP ►Part◄ 21 Subpart J).

⁹ ►The TAW Management Supplement is available on the MAA websites.

¹⁰ Refer to ◄ MAA03: Military Aviation Authority Regulatory Processes.

Acceptable Means of Compliance 1005(3)

b. ►◄

23. For Maintenance activities out of the scope of MAOS, the contracting organization **should** refer to paragraph 5.

Guidance Material 1005(3)

Maintenance Organizations

24. Contractor-run off-Aircraft Maintenance carried out off of UK Government Property is beyond the scope of MAOS.

25. The MAA recognizes that, where on-Aircraft Maintenance activity is carried out by a civil organization accredited with the appropriate scope, approved under EASA ►/CAA◄ Part 145, and where CAA oversight under CAA Civil Aviation Publication (CAP) 562 Leaflet B-40 is invoked, then the EASA ►/CAA◄ Part 145 approval may meet the majority of MAOS requirements. In this case, all differences must be addressed and MAOS approval obtained ►◄ as detailed in RA 4800¹¹.

Regulation 1005(4)

Contractor Flying Organizations

1005(4) For the delivery of UK military registered Air System flying operations, the contracting organization **shall** only contract with competent flying organizations.

Acceptable Means of Compliance 1005(4)

Contractor Flying Organizations

26. Contracting organizations **should** only contract with flying organizations that are either:

a. Approved under the Contractor Flying Approved Organization Scheme¹² (CFAOS), or:

b. ► Operating under the governance of a military Aircraft Operating Authority (AOA) and ◄ ADH.

Guidance Material 1005(4)

Contractor Flying Organizations

27. ► Documented systems and processes in support of other aviation operations regulatory approvals may be used and credited towards CFAOS approval, using the Contractor Flying Organization Exposition¹³, to show cross-linkages.

28. CFAOS organizations contracting non-UK military registered Air System support (such as for trials support or chase Aircraft) in support of CFAOS activity are responsible for ensuring that correct regulatory approvals are in place based on Air System registration. Appropriate due diligence would be expected to be enacted through the CFAOS organization's Air Safety Management System¹⁴. ◄

Regulation 1005(5)

Air Traffic Management Equipment Organizations

1005(5) For the provision and / or installation of Air Traffic Management (ATM) Equipment, and / or the provision of technical services that support ATM Equipment, contracting organizations **shall** only contract with competent ATM Equipment Organizations.

Acceptable Means of Compliance 1005(5)

Air Traffic Management Equipment Organizations

29. Contracting organizations **should** only contract with ATM Equipment organizations approved under the ATM Equipment Approved Organization Scheme (AAOS)¹⁵ when contracting for the provision and / or installation of ATM Equipment, and / or the provision of technical services that support ATM Equipment.

¹¹ Refer to RA 4800 – General Requirements (MRP Part 145).

¹² Refer to RA 1028 – Contractor Flying Approved Organization Scheme - Responsibilities.

¹³ ► Refer to RA 2501 – Contractor Flying Approved Organization Scheme.

¹⁴ Refer to RA 1200 – Air Safety Management. ◄

¹⁵ Refer to RA 1027 – Air Traffic Management Equipment Organizations - Responsibilities of Contracted Organizations.

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1005(5)**

Air Traffic Management Equipment Organizations

30. Nil.

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