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WRIGHT-PATTERSON AIR FORCE BASE OHIO

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United States Air Force (USAF) Airworthiness Bulletin (AWB)-1012

Subject: USAF Airworthiness (AW) Requirements for Contractor-Owned and Contractor-Operated (COCO) Aircraft

Attachments: (1) Glossary of References and Supporting Information
(2) Supplemental Airworthiness Information
(3) Sample Contract Language for COCO Aircraft Services
(4) COCO Aircraft Airworthiness Data Package (AADP)
(5) Civil Aircraft Operations Verification Letter Template
(6) “*Declaration of Public Aircraft Operation*” Letter Template

1. **Purpose.** This bulletin defines USAF methodology for assessing AW of, and providing the appropriate airworthiness flight authorization for, COCO aircraft. Compliance with this publication is mandatory.
2. **Office of Primary Responsibility (OPR).** USAF AW Office, Air Force Life Cycle Management Center/Engineering (AFLCMC/EN-EZ) is the OPR. Comments, suggestions, or questions on this bulletin should be emailed to the USAF AW Office mailbox at USAF.airworthiness.office@us.af.mil.
3. **Definitions.** Amplifying information is provided in Attachments 1 and 2.
 - 3.1 **Contractor-Owned Contractor-Operated (COCO) Aircraft.** Aircraft owned and operated by a private entity receiving compensation via USAF contract, agreement, or other means to provide products or services in support of research & development activity, science & technology activity, flight testing, operator training, operational missions, or other USAF interests.
 - 3.2 **Contractor-Owned Government-Operated (COGO) Aircraft.** Same definition as COCO aircraft except operated by a USAF crew. Hereafter, the term “COCO aircraft” implies both COCO and COGO aircraft. AW requirements are the same for both.
 - 3.3 **Civil Aircraft Operations (CAO).** CAO is operation of a civil aircraft fully within the limits and conditions of its FAA AW Certificate and applicable operating regulations under 14 CFR (Attachment 1, Ref a).
 - 3.4 **Public Aircraft Operations (PAO).** PAO is operation of a civil aircraft outside the purview of its FAA AW Certificate (e.g., configuration, operational use, or maintenance) and applicable operating regulations under 14 CFR.
 - 3.5 **Contracting Organization.** The organization (e.g., program office, test center, lab, operating command, etc.) acquiring products or services involving civil aircraft, via contract, agreement, or other means.
 - 3.6 **Contracting Officer.** The Contracting Officer of the Contracting Organization.
 - 3.7 **Requirements Authority.** The organization (e.g., program office, test center, lab, operating command, etc.) with the requirement to acquire products or services involving civil aircraft, via contract, agreement, or other means.

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USAF Center of Excellence for Airworthiness

4. Applicability.

a. This bulletin applies when products or services involving COCO aircraft are being acquired by a USAF organization via USAF contract, agreement, or other means. If another public entity issues the contract or agreement, they are the AW authority (the AW authority is, at a minimum, required to render the PAO/CAO determination). If the public entity issuing the contract or agreement is not a recognized AW authority, it is the responsibility of the Requirements Authority to obtain one of the three military services as the AW authority.

b. This bulletin does not apply to the following scenarios when these air services, or aircraft, are conducting CAO:

(1) Company Provided Air Services. For USAF personnel flying onboard a privately owned and operated aircraft whose flight(s) will NOT be compensated by the USAF, the operational commander is responsible to conduct an Operational AW Appraisal. Contact OPR for Operational Appraisal Checklist.

(2) DoD Commercial Transportation. COCO aircraft transporting personnel and/or cargo for the United States Transportation Command (USTRANSCOM) and whose flight safety has or will be evaluated by USTRANSCOM IAW Department of Defense Instruction (DoDI) 4500.53, *DoD Commercial Air Transportation Quality and Safety Review Program*.

(3) Civil Air Patrol (CAP) Aircraft. Aircraft operating IAW CAP governing regulations including, but not limited to, Civil Air Patrol Regulation (CAPR) 60-1, *CAP Flight Management* and CAPR 66-1, *Civil Air Patrol Aircraft Maintenance Management*.

(4) USAF Aero Club Aircraft. Aircraft operating IAW Air Force Instruction (AFI) 34-117, *Air Force Aero Club Program*.

c. This bulletin does not apply to civil aircraft that the USAF intends to develop and/or purchase as part of a procurement contract when that civil aircraft has not yet completed its FAA Type Certification activity.

5. Background. The USAF frequently contracts for, or otherwise acquires (by agreement or other means), products or services involving civil aircraft. The USAF contracting organization must ensure proper AW approvals and oversight are provided for operation of these aircraft.

5.1. **DoD AW Policy.** Department of Defense Directive (DoDD) 5030.61, *DoD Airworthiness Policy*, paragraph 3a states “All aircraft and air systems owned, leased, operated, used, designed, or modified by DoD must have completed an airworthiness assessment in accordance with Military Department policy.” The USAF Technical AW Authority (TAA) has determined that products and services involving COCO aircraft receiving compensation via USAF contract, agreement, or other means, or via a contract belonging to another public entity but where there is a USAF Requirements Authority, are “used” by the USAF and therefore are governed by this DoD Directive.

USAF AW Policy. USAF AW Policies, AFD 62-6, *USAF Airworthiness*, AFI 62-601, *USAF Airworthiness*, and AFI 62-601, AFMC Sup 1, *USAF Airworthiness*, were published before DoDD 5030.61. As such, they are not clear as to their applicability to COCO aircraft used by the USAF. Future revisions will align USAF AW policy with DoD AW policy on this matter.

5.2. **Public vs Civil Aircraft Operations.** Both FAA policy, FAA Advisory Circular 00-1.1A, *Public Aircraft Operations*, and Federal Statute, Title 49 United States Code Section 40102 require public entities (e.g., USAF) to determine whether the COCO aircraft operating for their use are considered PAO or CAO. The USAF TAA or Delegated [AW] Technical Authority (DTA) is responsible for making the PAO/CAO determination. The U.S. Armed Forces PAO

Decision Tool (Attachment 1) guides these determinations. When COCO aircraft operations, even a single flight, meet the definition of CAO, the FAA remains the AW authority for the subject flight(s). When the COCO air services, even a single flight, meet the definition of PAO, the public entity (e.g., USAF) becomes the AW authority for the subject flight(s). It is important to note that AW responsibilities include oversight of operations and maintenance.

6. **AW Process.** Figure 1 outlines the steps for ensuring AW of COCO aircraft. Steps 6.1 and 6.2 are recommended to ensure proper preparation for AW activities. Steps 6.3 – 6.7 are mandatory. Reference Supplemental Airworthiness Information (Attachment 2) for additional clarifying information.
 - 6.1. **AW Planning.** When planning to acquire products or services involving civil aircraft, the contracting organization should contact their assigned DTA (if known) or the USAF AW Office to begin the planning process. Based upon information provided by the contracting organization:
 - a. The TAA or DTA should make an initial determination as to whether the intended COCO aircraft flight(s) meet the definition of PAO or CAO. This determination is fundamental to the AW process and will impact contractual/agreement requirements. Given the determination can be complex, it is imperative the TAA or DTA use the U.S. Armed Forces PAO Decision Tool (Attachment 1), located at AFLCMC Engineering, USAF Airworthiness SharePoint site.
 - b. The contracting organization and the TAA or DTA should determine the approach for AW that will culminate with the appropriate airworthiness flight authorization.
 - c. The contracting organization should determine operations and maintenance oversight responsibilities as these will impact contractual requirements.
 - 6.2. **AW Contracting.** Organizations contracting for, or otherwise acquiring (by agreement or other means), products or services involving civil aircraft flight(s) should incorporate AW requirements in the contract or agreement. These requirements should be sufficient to support AW activities required by USAF policy, including the activities required by this AWB, and as tailored by the TAA or DTA. Sample Contract Language for COCO Aircraft Services (Attachment 3) is provided for guidance.
 - 6.3. **AW Assessment Activities.**
 - a. The contracting organization shall ensure the contractor, or other cognizant authority, provides a COCO Aircraft Airworthiness Data Package (AADP) as defined in Attachment 4.
 - b. The TAA or DTA shall finalize the PAO/CAO determination.
 - c. The contracting organization and TAA or DTA shall conduct the AW assessment.
 - (1) The contracting organization shall provide sufficient evidence and/or data to the TAA or DTA attesting to the AW of their COCO aircraft in support of the USAF's AW process.
 - (2) For CAO with or without aircraft modification activity, and PAO without aircraft modification activity, the TAA or DTA may completely satisfy AW assessment requirements by validating the existence of proper FAA certifications noting any associated limitations, restrictions and conditions the FAA may have imposed. The AADP may suffice as the sole substantiating document providing the necessary information.
 - (3) For PAO requiring aircraft development and/or modification activity, the USAF AW process is required. Reportable modifications shall be forwarded to the USAF AW Office.

- Non-reportable modifications are to be conducted IAW the DTA's delegation and operating instructions.
- d. The contracting organization shall obtain acceptance of any identified AW safety risks, associated with AW non-compliances, by the appropriate authorities IAW MIL-STD-882, *System Safety* or AFI 99-103, *Capabilities-Based Test and Evaluation*, as applicable.
- 6.4. **Airworthiness Flight Authorization.** Upon completion of the AW assessment, formal acceptance of risks and prior to COCO aircraft performing flight operations, even a single flight, for, or by, the USAF, the TAA or DTA shall issue the appropriate airworthiness flight authorization to the contracting organization.
- a. CAO Verification Letter. This letter, signed by the TAA or DTA, verifies the COCO aircraft flight(s) meet the definition of CAO and all flight operations can be conducted fully within FAA's civil regulations. See Attachment 5 for a sample CAO Verification Letter.
- b. Military Flight Release (MFR). The MFR, signed by the TAA or DTA, attests that the TAA or DTA's AW assessment is complete, and documents flight limitations and/or restrictions. Use AWB-006, *Military Flight Release (MFR)*, for instructions for authoring MFRs.
- 6.5. **PAO Notification.** Upon receipt of the TAA or DTA-issued MFR, the contracting officer shall provide the contractor a "*Declaration of Public Aircraft Operations*" Letter (Attachment 6) for the designated, qualified flight(s) and a copy of the MFR. If there is no contracting officer, then another official government representative should provide the letter. The contractor or aircraft owner is responsible to provide the declaration to its FAA FSDO and shall carry it and the MFR onboard the aircraft for continental United States (CONUS) operations. In addition, for outside the continental United States (OCONUS) operations, the operator must obtain authorization from the host nation IAW Title 14, Code of Federal Regulations (CFR), Part 91.703. The contracting organization should request the local operating command obtain this authorization.
- 6.6. **COCO Aircraft Maintenance and Operations:**
- a. The contracting organization shall ensure aircraft maintenance and operations are conducted IAW applicable regulations (FAA and/or USAF).
- b. The contracting organization shall ensure appropriate oversight for maintenance and operations is provided for the COCO aircraft.
- (1) For CAO, the FAA has the responsibility to oversee and enforce contractor compliance with all FAA regulations.
- (2) For PAO, the USAF has the responsibility to oversee and enforce contractor compliance with all USAF and contracted requirements. The USAF may use a Government Flight Representative, Contracting Officer's Representative, or other representative to conduct oversight. The representative should be adequately trained in the contractually required maintenance and operational requirements (FAA and/or USAF). The representative shall review the contractor's Flight Operations Procedures, Ground Operations Procedures, Maintenance Procedures, Operational Risk Management sheets, Master Minimum Equipment List and training evaluation programs, as applicable.
- (3) The contractor will support FAA and/or USAF oversight activities (depending on COCO aircraft flight(s) PAO/CAO status).
- 6.7. **COCO Aircraft Mishaps.** Mishaps will be handled in accordance with AFI 91-202, *The US Air Force Mishap Prevention Program*. Regardless of whether the COCO aircraft flight(s) has been deemed PAO or CAO, the contractor will notify the contracting organization in the event of any

mishap involving the COCO aircraft. The contracting organization shall notify the TAA or DTA.

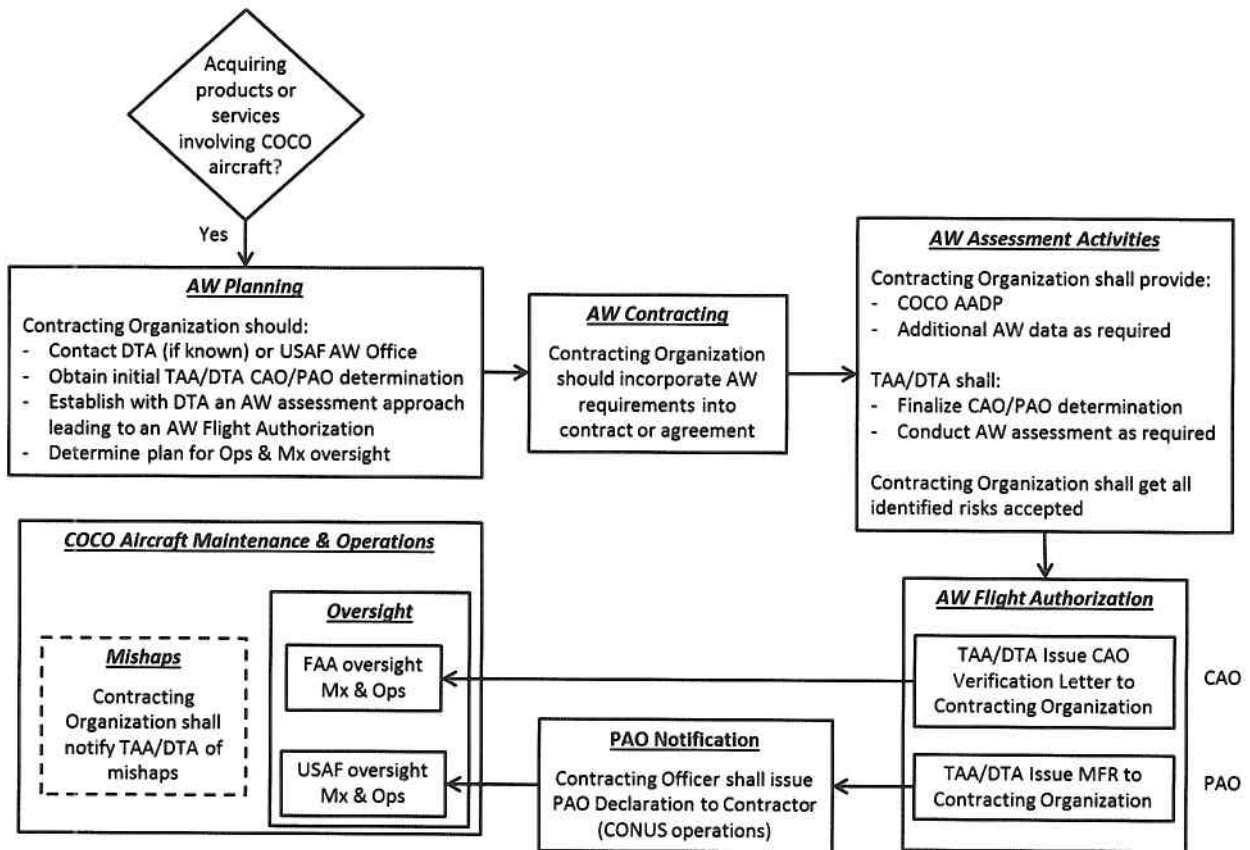


FIGURE 1. Steps for Ensuring AW of COCO Aircraft.

7. USAF AW Office Address:

USAF Airworthiness Office
AFLCMC/EN-EZ
2145 Monahan Way, Bldg 28, Area B
Wright-Patterson AFB, OH 45433-7017
usaf.airworthiness.office@us.af.mil

JORGE F. GONZALEZ, SES
USAF Technical Airworthiness Authority
Director, Engineering & Technical Management/Services
Air Force Life Cycle Management Center (AFLCMC)

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

- DoDI 4500.53**, *DoD Commercial Air Transportation Quality and Safety Review Program*, October 20, 2008, Incorporating Change 1, December 2, 2010 (<http://www.dtic.mil/whs/directives/index.html>)
- CAPR 60-1**, *CAP Flight Management*, 19 December 2014 (http://www.capmembers.com/forms_publications_regulations/)
- CAPR 66-1**, *Civil Air Patrol Aircraft Maintenance Management*, 11 July 2014
- AFI 34-117**, *Air Force Aero Club Program*, 1 October 2014 (<http://www.e-publishing.af.mil/>)
- DoDD 5030.61**, *DoD Airworthiness Policy*, May 24, 2013
- AFPD 62-6**, *USAF Airworthiness*, 11 June 2010
- AFI 62-601**, *USAF Airworthiness*, 11 June 2010
- AFI 62-601**, AFMC Sup I, *USAF Airworthiness*, 12 May 2011
- FAA AC 00-1.1A**, *Public Aircraft Operations*, February 12, 2014 (<https://www.faa.gov/>)
- 49 USC § 40102** (<http://uscode.house.gov/>)
- U.S. Armed Forces Public Aircraft Operations (PAO) Decision Tool**, 7 July 2014 (<https://cs.eis.afmc.af.mil/sites/AeroEngDisciplines/Systems/Airworthiness/References/Forms/AllItems.aspx>)
- MIL-STD-882**, *System Safety*, 11 May 2012
- AFI 99-103**, *Capabilities-Based Test and Evaluation*, 16 October 2013
- AWB-006**, *Military Flight Release (MFR)*, 13 April 2011 (<https://cs.eis.afmc.af.mil/sites/AeroEngDisciplines/Systems/Airworthiness/AW%20Bulletins/Forms/Active%20Documents.aspx>)
- 14 CFR Part 91.703**, *Operations of civil aircraft of U.S. registry outside of the United States* (<http://www.ecfr.gov/>)
- AFI 91-202**, *The US Air Force Mishap Prevention Program*, 23 March 2015
- 14 CFR Part 3.5**, General Requirements
- FAA Order 8130.2H**, *Airworthiness Certification of Products and Articles*
- 14 CFR Part 43**, *Maintenance, Preventive Maintenance, Rebuilding, and Alteration*

Forms

- FAA Form 337**, *Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance)*, October 1, 2006
- FAA Form 8110-3**, *Statement of Compliance with Airworthiness Standards*, March 18, 2010

Abbreviations and Acronyms**AADP** – Aircraft Airworthiness Data Package**AFI** – Air Force Instruction**ATC** – Amended Type Certificate**AW** – Airworthiness**AWB** – Airworthiness Bulletin**CAO** – Civil Aircraft Operations**CAP** – Civil Air Patrol**CAPR** – Civil Air Patrol Regulation**CFR** – Code of Federal Regulations**COCO** – Contractor-Owned, Contractor-Operated**COGO** – Contractor-Owned, Government-Operated**CONUS** – Continental United States**DER** – Designated Engineering Representative**DTA** – Delegated Technical Authority**DoD** – Department of Defense**DoDD** – Department of Defense Directive**DoDI** – Department of Defense Instruction**FAA** – Federal Aviation Administration**FAR** – Federal Aviation Regulations**FSDO** – Field Standards District Office**GFE** – Government Furnished Equipment**IA** – Inspection Authorization**IAW** – In Accordance With**MFR** – Military Flight Release**OCONUS** – Outside Continental United States**OEM** – Original Equipment Manufacturer**OPR** – Office of Primary Responsibility**Ops** – Operations**PAO** – Public Aircraft Operations**STC** – Supplemental Type Certificate**TAA** – Technical Airworthiness Authority**TC** – Type Certificate**TCDS** – Type Certification Data Sheet

USAF – United States Air Force

USC – United States Code

USTRANSCOM – United States Transportation Command

Terms

Contractor-Owned Contractor-Operated (COCO) Aircraft. Aircraft owned and operated by a private entity receiving compensation via USAF contract, agreement, or other means to provide products or services in support of research & development activity, science & technology activity, flight testing, operator training, operational missions, or other USAF interests.

Contractor-Owned Government-Operated (COGO) Aircraft. Same definition as COCO aircraft except operated by a USAF crew. Hereafter, the term “COCO aircraft” implies both COCO and COGO aircraft. AW requirements are the same for both.

Civil Aircraft Operations (CAO). CAO is operation of a civil aircraft fully within the limits and conditions of its Federal Aviation Administration (FAA) AW Certificate and applicable operating regulations under 14 Code of Federal Regulations (CFR).

Public Aircraft Operations (PAO). PAO is operation of a civil aircraft outside the purview of its FAA AW Certificate (e.g., configuration, operational use, or maintenance) and applicable operating regulations under 14 CFR.

Contracting Organization. The organization (e.g., program office, test center, lab, operating command, etc.) acquiring products or services involving civil aircraft, via contract, agreement, or other means.

Contracting Officer. The Contracting Officer of the Contracting Organization.

Requirements Authority. The organization (e.g., program office, test center, lab, operating command, etc.) with the requirement to acquire products or services involving civil aircraft, via contract, agreement, or other means.

Attachment 2

SUPPLEMENTAL AIRWORTHINESS (AW) INFORMATION

This Attachment provides an introductory overview of the FAA AW certification process, FAA AW Certificates, and the distinction between civil and public aircraft operations. Official FAA information is found in 14 CFR, FAA Orders, FAA Advisory Circulars and other information that can be found at www.faa.gov.

1. **FAA AW DEFINITION:** 14 CFR Part 3.5 and FAA Order 8130.2H, *Airworthiness Certification of Products and Articles*, define “airworthy” as the aircraft must conform to its design and be in a condition for safe operation.
 - a. Conforming to its design is generally meant that an aircraft has been issued a Type Certificate (TC) and, if required, an amended TC (ATC) and/or any number of Supplemental Type Certificates (STCs).
 - b. In a condition for safe operation is generally meant to include the proper routine maintenance, completion of condition inspections, approval of the installation of STCs, approval of major/minor alterations/repairs, and that approved ground and flight procedures are available.
2. **FAA TYPE CERTIFICATION PROCESS:** The FAA’s type certification process encompasses both the design and manufacturing of the physical aircraft, engine, or propeller and the technical data for the operation and maintenance of the same. The following categories describe the methods under which the aircraft configuration can be changed:
 - a. **Type Certificate (TC):** A TC is the official document provided by the FAA to the applicant that indicates their aircraft, engine, or propeller design meets all the appropriate 14 CFR requirements. A TC is supported by documentation developed during the design and manufacturing process (i.e., stress reports, parts drawings, etc.). Operations and maintenance manuals (pilot operating handbooks, parts lists, structural repair manuals, etc.) also support the TC. Only some of this documentation is provided to the owner/operator of the aircraft, engine, or propeller. The top level textual summary (weights, engines, fuel, etc.) of the TC is given in the Type Certification Data Sheet (TCDS) maintained by the FAA and available to the public at www.faa.gov.
 - b. **Amended Type Certificate (ATC):** An ATC is an official revision to the TC given to the TC holder stating that the holder’s aircraft, engine, or propeller’s design modification meets all the appropriate 14 CFR requirements. ATC’s are commonly used for engine changes, optional equipment, landing gear changes, and gross weight increases.
 - c. **Supplemental Type Certificate (STC):** An STC is a modification to the original aircraft, engine, or propeller that can range from a change of limitations (service life extension, approval of additional fuel, etc.) to a physical change to the aircraft, engine, or propeller. An approved STC meets the appropriate 14 CFR requirements. Installation of an STC is documented on an FAA Form 337, *Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance)*, and provided to the FAA. An aircraft can have multiple STCs installed. Furthermore, an STC may be amended by the STC holder, similar to how TCs may be amended.
 - d. **Major Alteration:** A major alteration is a change to the aircraft, engine, or propeller parts listed in 14 CFR Part 43; Appendix A (e.g., wings, tail surfaces, gross weight, etc.). A major alteration is done to a single aircraft and is documented on an FAA Form 337, colloquially known as a Field Approval. The final approval authority can range from an FAA mechanic with an Inspection Authorization (IA) to an FAA Aircraft Certification Office (ACO). Based upon the alteration, documentation may consist of a simple write-up in section 8 of the FAA Form 337 to a

supporting Designated Engineering Representative (DER) analysis approved with an FAA Form 8110-3, *Statement of Compliance with Airworthiness Standards*, manufacturer technical documentation, and lab/field testing results.

- e. Major Repair: A major repair is one in which a repair is made to one of the major components of an aircraft, engine, or propeller as listed in 14 CFR Part 43, Appendix A and is documented on an FAA Form 337. The scope of oversight and approval mirrors a Major Alteration.
 - f. Minor Alteration: A minor alteration is an alteration to an aircraft, engine, or propeller not listed in 14 CFR Part 43, Appendix A. A maintenance log book entry is required by a licensed FAA Aircraft and/or Powerplant Mechanic.
 - g. Minor Repair: A minor repair is a repair to an aircraft, engine, or propeller not listed in 14 CFR Part 43, Appendix A. A maintenance log book entry is required by a licensed FAA Aircraft and/or Powerplant Mechanic.
3. **FAA AW CERTIFICATES:** All U.S. civil registered aircraft must possess an FAA-issued AW Certificate. The FAA AW Certificate is a physical piece of paper issued by a representative of the FAA after the aircraft has been inspected. The FAA AW Certificate must be displayed in the aircraft so that it is visible to passengers and crew whenever the aircraft is operated. The two types of AW Certificates are a Standard and a Special as defined in FAA Order 8130.2H, Section 216.
- a. FAA Standard AW Certificate: A Standard AW Certificate is for an aircraft which has been issued a TC. The AW Certificate is valid as long as the aircraft is maintained and operated in accordance with applicable 14 CFR requirements.
 - b. FAA Special AW Certificates: Special AW Certificates are used for a wide variety of purposes as described in FAA Order 8130.2H, Section 216. They cover aircraft, engines, or propellers that typically have not been certified by the FAA against all the applicable 14 CFR requirements. The classifications of Special AW Certificates include primary, limited, provisional, special flight permit, restricted, light sport, and experimental.
 - (1) Experimental AW Certificates may be issued to both FAA TC and non-FAA TC aircraft. These Certificates are for one of the following purposes: research and development, show compliance, exhibition, market survey, crew training, air racing, and amateur built. In general, aircraft with an Experimental AW Certificate are restricted from carrying persons or property for compensation and hire.
 - (2) A Restricted category aircraft has the following potential purposes: agricultural, forest and wildlife conservation, aerial surveying, patrolling, weather control, aerial advertising, and other operations specified by the FAA.
 - (3) Non-Type Certified aircraft (e.g., former military aircraft) do not possess an FAA approved design and do not have FAA approved documents supporting continued AW. Non-Type Certified aircraft may be eligible only for an Experimental AW Certificate.
 - (4) Both experimental and restricted categories may include additional operating limitations, beyond those documented in the technical data, which impose requirements or limits on the operation and maintenance of the aircraft.

4. **USAF TAA OR DTA CONSIDERATIONS:** The following describes the basic understanding used to generate the AWB. The AWB takes precedence over this Attachment.
- a. The TAA or DTA must assess if the aircraft is in a condition for safe operation through a review of AW Certificates, maintenance records, and FAA Form 337s. It is recommended that an on-site inspection of the aircraft be conducted by someone familiar with FAA processes.
 - b. The TAA or DTA should ensure that the FAA AW approvals have been obtained through a complete FAA approval process.
 - c. The USAF TAA recognizes FAA TCs and STCs as evidence an aircraft type design meets the FAA AW certification requirements. The USAF TAA does not require separate or redundant evaluation of the engineering data that have already been approved by the FAA when issuing TCs, ATCs, and STCs.
 - d. Some contractors operate aircraft with an FAA AW Certificate containing installed equipment that cannot be operated under civil regulations. In order to operate the equipment, the contractor must obtain additional authorizations, such as a declaration of PAO, authorization from an FSDO or a different FAA AW Certificate. The TAA or DTA should verify all authorizations needed for the operation are obtained.
 - e. The USAF TAA recognizes FAA Special AW Certificates (FAA Form 8130-7) only when evidence exists that the aircraft is in a condition for safe operation and modifications were designed and installed using standards and procedures acceptable to the USAF TAA.
 - f. The existence of an FAA Special AW Certificate may indicate the aircraft design configuration and/or operating intent is not fully certified within appropriate FAA regulations. It may also indicate there are certain aircraft modifications which were not sufficiently evaluated (with approved documentation) by appropriate FAA representatives. The TAA or DTA should pay particular attention to any modifications installed with just an FAA Form 337 as the scope of the work and oversight may be determined by an FAA mechanic with an Inspection Authorization (IA).
 - g. The TAA or DTA shall assess the aspects of the aircraft and/or operation baseline that drove the need for the FAA Special AW Certificate focusing on the design, manufacturing, operations and maintenance. The TAA or DTA should closely examine aircraft documentation including the COCO Aircraft AW Data Package, FAA Form(s) 337, FAA Form(s) 8110-3, and other records and substantiating analyses that support the aircraft configuration and operation. Attention should be given to the validation of these data along with any limitations, restrictions, or conditions imposed. It is the TAA or DTAs responsibility to ensure sufficient substantiating data exists to support the airworthiness flight authorization.
 - h. Some aircraft may have multiple AW Certificates issued to them. In contracted air services, the operating limitations issued will have explicit instructions on how and when the aircraft can be moved from one Certificate to the other and then back again.
 - i. Aircraft, engines, or propellers lacking an FAA Type Certification does not mean the design, manufacturing, operations, and maintenance of these aircraft do not have a safe and sound design basis. However, it does place a greater oversight burden on the TAA or DTA conducting the AW assessment.

Attachment 3

SAMPLE CONTRACT LANGUAGE FOR COCO AIRCRAFT SERVICES

Notes to Contracting Officer:

- 1) The PWS provided in this attachment includes “either/or” language that depends upon the initial PAO/CAO assessment provided you by the TAA or DTA.
- 2) Development contracts sometimes omit (intentionally or unintentionally) reference to the fact that the contractor will use COCO aircraft in some fashion to fulfill the requirements of the contract. If the contractor is to be compensated by the contract for their use of COCO aircraft, DODD 5030.61 requires that airworthiness assessments be accomplished. AWB 1012 and FAA AC No 00-1.1A require that the appropriate authority for the flight(s) is established. For these reasons, it is important to include the appropriate COCO aircraft contract language in the contract.

PERFORMANCE WORK STATEMENT

1.0 SCOPE

Contractor-Owned Contractor-Operated (COCO) aircraft provide Air Force customers with a wide variety of airborne services and products. The specific tasks will be delineated in the PWS. The paragraphs below are presented as an example of the contractual language that will enable the Technical Airworthiness Authority to accomplish their assessment and oversight, if applicable, of the COCO aircraft per DoDD 5030.61

2.0 APPLICABLE DOCUMENTS

Title 14, Code of Federal Regulations (14CFR)

FAA ADVISORY CIRCULAR AC NO: 00-1.1A PUBLIC AIRCRAFT OPERATIONS

U.S. Armed Forces PAO Decision Tool, 07 July 2014

Airworthiness Bulletin 1012

3.0 GENERAL REQUIREMENTS (sample)

3.1 Conflict between Performance Work Statement and 14 CFR

For clarity, all references to the Federal Aviation Regulation in this Performance Work Statement (PWS) will be by reference to Title 14, Code of Federal Regulations (CFR) and abbreviated with the acronym “14 CFR”. All references to the Federal Acquisition Regulation will be abbreviated with the acronym “FAR”. When the requirements of this PWS exceed the minimum requirements of 14 CFR, this PWS takes precedence. Definitions contained in 14 CFR Part 1 apply to all situations and conditions related to flight operations, aircraft maintenance, and flight crew certifications and qualifications, except as noted or defined otherwise herein.

3.2 Civil and Public Aircraft Operations

EITHER: The flight operations required by this contract have been determined to be Civil Aircraft Operations (CAO) and shall be conducted within 14CFR. If aircraft operations are to be conducted outside 14CFR, the contractor shall notify the Contracting Officer and shall not conduct Public Aircraft Operations (PAO) until the Contracting Officer has signed a Declaration of Public Aircraft Operations.

OR: The flight operations required by this contract have been determined to be Public Aircraft Operations (PAO) and shall be conducted under the USAF Technical Airworthiness Authority (TAA). The aircraft ground and flight operations shall be conducted using FAA approved data, to include specifications, drawings, procedures, manuals, and limitations. Operations requiring deviation from the FAA approved technical data, procedures, and limitations shall be specifically approved by the USAF Technical Airworthiness Authority. During the period of the contract, the USAF TAA or the Delegated Technical Authority (DTA) reserves the right to inspect the aircraft and operation records to verify compliance.

3.3 COCO Aircraft Airworthiness Data Package (AADP)

The contractor shall provide a COCO AADP IAW AWB 1012 for each aircraft to be utilized for this contract.

3.4 Aircraft Modification

The contractor shall operate and maintain their aircraft, which have standard certificates of airworthiness, using approved FAA data and procedures. The contractor shall design and install required modifications using 14 CFR type certification procedures or other FAA approved methods. Should modifications be necessary to aircraft not conforming to an approved type design, the contractor shall use the USAF airworthiness process and obtain approval from the USAF's Technical Airworthiness Authority.

3.5 Airworthiness Assessment: The Contractor shall support the USAF airworthiness assessment process.

3.5.1 Civil Aircraft Operations (CAO): The Contractor shall provide evidence of FAA certifications and airworthiness, in the COCO AADP.

3.5.2 Public Aircraft Operations (PAO): For aircraft development and/or modification activities not approved by the FAA, the Contractor shall support the USAF airworthiness process IAW AFI 62-601, USAF Airworthiness.

3.5.2.1 The Contractor shall develop and document the activities required to obtain the USAF airworthiness flight authorization in a Military Airworthiness Certification Plan (MACP).

3.5.2.2 The Contractor shall establish a certification basis tailored from *MIL-HDBK-516C, Airworthiness Certification Criteria*, and document the criteria's applicability, standards, methods of compliance, and supporting artifacts/references in a Modified Airworthiness Certification Criteria (MACC). The Contractor shall obtain the approval from the TAA or DTA. If the modification is Reportable, then the Contractor shall

support the contracting organization in obtaining approval from the USAF's independent Technical Airworthiness Authority (TAA).

3.5.2.3 The Contractor shall show compliance to the MACC by performing a combination of inspections, similarity, demonstrations, analyses and tests. The Contractor shall obtain approval of the compliance documents from the Delegated Technical Authority.

3.5.2.4 The Contractor shall develop and document a formal risk assessment IAW MIL-STD-882E for any MACC non-compliances that are acceptable to the USAF.

3.6 Airworthiness Flight Authorization

The Contractor shall assess the airworthiness of the modified air vehicle and provide a documented recommendation that the air vehicle be authorized for flight operations. The Contractor shall obtain the appropriate TAA/DTA issued Airworthiness Flight Authorization prior to conducting any COCO flight operations. For CAO this is a CAO Verification Letter and for PAO this is a Military Flight Release.

3.7 Maintenance

The Contractor shall maintain the aircraft IAW applicable FAA regulations and standards. The Contractor shall use the approved FAA maintenance plan, if available, or maintenance procedures, as applicable. The Contractor shall adhere to, and comply with, all applicable FAA and OEM airworthiness directives and service bulletins.

3.8 Operations

For CAO, the contractor shall operate their aircraft under 14 CFR.

For PAO, the contractor shall have a documented Standards and Evaluations (STAN EVAL) program to monitor both pilots and sensor operators. The contractor shall have documented processes to include, but not limited to, train aircrew and document risk analysis, standardized crew communications, crew resource management, and deficiency reporting. The contractor shall maintain an initial and recurring training and evaluation documentation folder for each crew member.

3.9 Quality Assurance

The Contractor and subcontractors shall maintain a commercial aviation quality program for the modification, maintenance, and operation of commercial aircraft under FAA regulation, and maintenance of electronic systems.

3.10 Regulatory Oversight.

The Contractor shall support site visits by the FAA, contracting organization, COCOM, COCOM supporting unit or end user.

For PAO, the contractor shall supply the contracting office a copy of contractor flight procedures and documents for review including but not limited to FOPs, GOPs, SOPs, ORM sheet, MMEL and crew qualification documents as appropriate.

The Contractor will immediately notify the contracting organization in the event of any mishap or reportable incident involving the COCO aircraft.

Attachment 4

COCO AIRCRAFT AIRWORTHINESS DATA PACKAGE (AADP)

The Contracting Organization is responsible for providing the USAF TAA or DTA with the documentation necessary to conduct their PAO/CAO determination and assist in performing their airworthiness assessment. The TAA or DTA is the final authority to determine the documentation required.

NOTE: Depending on the nature of the responses, additional information may be required to further substantiate the aircraft's safety or to more fully understand the risks involved in the COCO aircraft operation.

1. GENERAL INFORMATION:

- a. ***Make and Model Number***
- b. ***Serial Number*** – identify the serial number(s) of the aircraft.
- c. ***Registration Number*** – identify the registration number(s) of the aircraft.
- d. ***Type Certificate Data Sheet (TCDS)*** – provide the aircraft's TCDS number on which the aircraft's serial number appears. If no TCDS number exists, describe the basis of certification recognized by the FAA.
- e. ***Airworthiness Certificate*** – provide a copy of the aircraft's Airworthiness Certificate (e.g., FAA Form 8100-2, 8130-7, etc.).
- f. ***Period of Use*** – identify when the operator will perform the COCO aircraft operations.
- g. ***Purpose of COCO Aircraft Operation*** – provide an overview describing the nature and purpose of the services being provided. Note if the aircraft will be operated in accordance with FAA approved technical data.

2. AIRCRAFT CONFIGURATION:

- a. ***Modifications*** – if the aircraft configuration will be altered by act or direction of the US Armed Forces prior to, or during, the COCO aircraft operation, identify and describe the following:
 - i. Each alteration and planned approach for certification (FAA STCs, FAA Form 337 Field Approvals, Military certification, etc.).
 - ii. The existence and/or type of FAA approval applicable to the parts being installed.
 - iii. Government Furnished Equipment (GFE) that will be on-board the aircraft.
- b. ***Temporary Equipment*** – if temporary equipment is being used in support of the COCO aircraft operation, describe the nature of the equipment, how and when it will be used in flight, and the approach for certification.

3. AIRCRAFT OPERATIONS:

- a. ***Operating Organization*** – identify the organization(s) that will be operating the aircraft during the Period of Use.
- b. ***Operating Rules*** – identify rules and procedures governing ground and flight operations (e.g., FAR Part 91, AFI 91-202, GOPs/FOPs). Identify any planned deviations.

- c. **Technical Data** – identify the technical data that will govern flight operations (e.g., FAA-approved Airplane Flight Manual, OEM supplements accepted by the FAA, etc.). If operating outside of FAA-approved technical data, describe the nature and frequency of such operations.
- d. **Oversight** – identify the organization that will be responsible for oversight of aircraft operations during the Period of Use.

4. AIRCRAFT MAINTENANCE:

- a. **Maintenance Organization** – identify the organization that will be performing maintenance during the Period of Use.
- b. **Maintenance Rules** – describe the rules and regulations that will govern how maintenance is performed (e.g., 14 CFR Parts 43 and 91, AFI 21-101, TO-00-20-2, etc.). Identify any planned deviations from the established maintenance requirements.
- c. **Technical Data** – identify the technical data that will govern maintenance requirements and procedures. If the aircraft will be maintained outside of FAA-approved technical data, describe the nature of such maintenance.
- d. **Oversight** – identify the organization that will be responsible for oversight of aircraft maintenance during the Period of Use.
- e. **Maintenance Currency** – state that maintenance has been, or will be, verified as current prior to the first flight of the COCO aircraft. Identify the organization that will perform the verification and how the verification will be accomplished.

Attachment 5

CIVIL AIRCRAFT OPERATIONS VERIFICATION LETTER TEMPLATE

The TAA or DTA should tailor the following letter template for the specific program.

MEMORANDUM FOR **CONTRACTING ORGANIZATION** Insert Date

FROM: **USAF Technical Airworthiness Authority (TAA) or Delegated Technical Authority (DTA)**

SUBJECT: Civil Aircraft Operations (CAO) Verification Letter for **Contractor ABC**, Aircraft **N###**,
Operating Under Contract **####-##-#####**

References: (a) DoDD 5030.61, *DoD Airworthiness Policy*, May 24, 2013
 (b) AFI 62-601, *USAF Airworthiness*, 11 Jun 2010
 (c) Performance Work Statement, Contract **####-##-#####**, dated DD MM YYYY
 (d) Relevant FAA Airworthiness Certificates for subject COCO aircraft
 (e) Other Relevant FAA documentation
 (f) Relevant supporting information, such as Aircraft Airworthiness Data Package (AADP)

1. I have reviewed the relevant policy, contract information, and aircraft documentation in the noted references and hereby determine that the intended flight operations involving aircraft **N###**, under contract **####-##-#####**, constitute Civil Aircraft Operations. The FAA will remain the airworthiness authority for operations and maintenance.
2. Key rationale considered when using the U.S. Armed Forces Public Aircraft Operations (PAO) Decision Tool:
 - a. The aircraft is owned by **Contractor**, not the Armed Forces.
 - b. All operations and maintenance can be conducted IAW Title 14 CFR, FAA guidance, approved manuals and airworthiness certificates. The FAA will have enforcement authority for any deviation.
 - c. **List any other relevant information, such as no GFE, no AF operators, etc.**
3. The **Contracting Organization** must ensure all aspects of the contract, operations and maintenance remain consistent with the noted references. If deviations occur, this CAO determination is invalid and a separate airworthiness assessment may be required IAW Ref. (a) and (b) prior to commencing flight operations.
4. This letter is evidence the AF completed the airworthiness assessment mandated by Ref. (a).

MR. JOHN D. DOE

Delegated Technical Authority for Airworthiness

Attachment 6

DECLARATION OF PUBLIC AIRCRAFT OPERATIONS LETTER TEMPLATE

MEMORANDUM FOR CONTRACTOR ABC

Insert Date

FROM: Address of Contracting Organization

SUBJECT: Declaration of Contractor Conducting Public Aircraft Operations (PAO)

1. As recommended in Federal Aviation Administration (FAA) Advisory Circular (AC) 00-1.1A, *Public Aircraft Operations*, I am providing Contractor with a written declaration of PAO for flights within U.S. airspace. Title 49 of the United States Code (USC), § 40102(a)(41) provides the definition of “Public Aircraft” and Title 49 USC §40125 provides the Qualifications for public aircraft status.
2. This declaration is made for the following:
 - a. Operator: Contractor 123 (or Government Organization if government operated)
 - b. Aircraft Owner: Contractor 456
 - c. Aircraft: Aircraft Model(s); Aircraft Serial Number(s); Aircraft N-Number(s)
 - d. Contract Information: Contract #####-##-#-#####; (dd mm yyyy – dd mm yyyy)
 - e. Proposed PAO Flight(s) Dates: dd mm yyyy – dd mm yyyy
 - f. Air Force Delegated Technical Authority determining PAO status:

Mr. John D. Doe, Director of Engineering/Delegated Technical Authority
Email Address
Phone Number
 - g. Air Force Organization Sponsoring PAO operations:

The Contracting Organization
Email address
Phone Number

JOE Q. CONTRCOFFCR, GS-XX
Contracting Officer
Contracting Organization