

JOINT TECHNICAL, OPERATIONAL AND AIRWORTHINESS INVESTIGATIVE AUTHORITY ADVISORY (TAA - OAA - AIA ADVISORY)	
<b>Title</b>	<b>Oversight of Civil Aircraft Operators Contracted to Provide Air Services to the DND/CAF</b>
<b>Advisory Number</b>	<b>2022-01e-v2</b>
<b>Effective Date</b>	<b>1 March 2023 (revised 4 November 2025)</b>
<b>Reference</b>	<b>TAM Part 5 Chapter 7</b>
<b>OPI / Telephone</b>	<b>DTAES 3-2 / 613-406-9062</b>
<b>RDIMS #</b>	<b>2182D-1027-835-01 Vol 1 AEPM 1978364 (English) AEPM 2235645 (français)</b>

## 1. Purpose

- 1.1 This joint Technical Airworthiness Authority (TAA)-Operational Airworthiness Authority (OAA)-Airworthiness Investigative Authority (AIA) Advisory defines the level of oversight exercised by the Department of National Defence/Canadian Armed Forces (DND/CAF) over civil aircraft operators providing services to the DND/CAF using civil-registered aircraft.

## 2. Applicability

- 2.1 This TAA-OAA-AIA Advisory applies to Technical Authority, Procurement Authority (PA) and Contracting Authority (CA) who wish to contract civil aircraft operators, and to the TAA, OAA and AIA staff who have to exercise airworthiness oversight of those activities.

## 3. Related Material

### 3.1 Definitions:

- a. Activity Relating to Defence: In accordance with reference 3.2.a, an activity, service or situation that has a connection to the National Defence of Canada and consequently a connection to the DND/CAF.
- b. Civil Aviation Authority (CAA): A country's civil authority that oversees the approval and regulation of civil aviation. Depending on how it is structured within every state, the Airworthiness Authority function may be established as a sub-component of the larger Civil Aviation Authority. The CAA may also be referred to as the National Aviation (or Airworthiness) Authority (NAA).

### NOTE

*The Canadian CAA is Transport Canada Civil Aviation (TCCA).*

- c. Duty of Care: In the context of this TAA-OAA-AIA Advisory, the obligation borne by the DND/CAF, in the absence of direct airworthiness oversight, to ensure that a civil aircraft operator providing services to the DND/CAF will do so in a reasonably safe manner.
- d. Military Airworthiness Authority (MAA): The military authority of a state normally responsible for the airworthiness of the military aircraft of that State. The Canadian MAA is headed by an AA supported by an Operational Airworthiness Authority (OAA), an Airworthiness Investigative Authority (AIA) and a Technical Airworthiness Authority (TAA). Other military regulators may use different terminology and have other organizational structures, for example: the UK Ministry of Defence (MoD) MAA is referred to as the Military Aviation Authority.
- e. Air Operator: In the context of this Advisory, means a civil aircraft operator that holds an Air Operator Certificate (AOC), or equivalent issued by the aircraft's national CAA for the conduct of specific commercial operations.
- f. State Aircraft: In accordance with ICAO general guidance, a State Aircraft is a government owned aircraft used in military, customs and/or police service and which is at the exclusive service of a

government. In Canada, State Aircraft other than military aircraft are under the regulatory responsibility of TCCA.

- g. Tasking Authorization/Task Order (TA/TO): A formal document, signed by the DND and the CAF, authorizing the Activity Relating to Defence. The TA/TO will contain the aircraft type being tasked, the nature of the activity and the exact timeframe the authorization will be valid for. The approved TA/TO format will be specified in the TAO.
- h. Temporary Authority to Operate (TAO): A special type of flight authority, issued jointly by the TAA and OAA, on behalf of the Minister of National Defence (MND), that authorizes an aircraft operator to perform activities relating to defence for or on behalf of the DND/CAF with an aircraft on the civil register.

### 3.2 Regulatory References:

- a. Memorandum of Understanding between the Department of National Defence and the Canadian Armed Forces and Transport Canada (as represented by Transport Canada Civil Aviation) Concerning the Responsibilities for Canadian Civil Registered Aircraft Performing Activities Relating to Defence (available internally, with DND, at RDIMS AEPM #1938916 (English), and #1958421 (French)).
- b. The [Aeronautics Act](#) of Canada;
- c. Canadian Forces Technical Order (CFTO) A-GA-005-000/AG-001 – *Department of National Defence/Canadian Armed Forces (DND/CAF) Airworthiness Program*;
- d. Joint TAA-OAA-AIA Advisory 2011-04 – *Temporary Authority to Operate*;
- e. CFTO C-05-005-001/AG-001 – *Technical Airworthiness Manual*;
- f. CFTO B-GA-104-000/FP-001 – *Operational Airworthiness Manual*;
- g. CFTO A-GA-135-003/AG-001 – *Airworthiness Investigation Manual*; and
- h. CFTO A-GA-135-001/AA-001 – *Flight Safety for the Canadian Armed Forces*.

## 4. Discussion

### 4.1 Overview

- 4.1.1 In recent years, CAF demands for air effects have outstripped the CAF capacity. As a result, it has become common for DND/CAF organizations to contract civil operators for air services. The level of airworthiness oversight by the DND/CAF of the contracted operator and aircraft depends on factors such as the nature of the services performed, whether the aircraft are Canadian or foreign-registered, and whether those services are performed in Canadian or foreign airspace.
- 4.1.2 The *Aeronautics Act* of Canada (the Act) [reference 3.2.b] applies to both the Minister of National Defence and the Minister of Transport. The Act makes the Minister of National Defence responsible for any matter relating to defence (i.e., “activities relating to defence”) and the Minister of Transport responsible for all other aeronautics matters under the Act, including civil aviation.
- 4.1.3 To define the respective responsibilities as they apply to Canadian civil-registered aircraft, the Memorandum of Understanding (MOU) available at reference 3.2.a was put in place. The primary objective of the MOU is to establish a mechanism to facilitate the transfer of regulatory responsibilities between the DND/CAF and TCCA, to ensure an equivalent and continuous level of aviation safety when Canadian civil-registered aircraft are performing activities relating to defence. Regulatory responsibility is never shared between TCCA and DND/CAF. For a given flight or maintenance activity, the responsible authority will be either TCCA or DND/CAF.
- 4.1.4 For an activity to be considered an Activity Relating to Defence, it must have a connection to the national defence of Canada. This connection may be through personnel, an aeronautical product, aerodrome or equipment that belong to, or are to be used by, the CAF, or under the control of the CAF. Although not exhaustive, the following list provides examples of situations in which an activity would be considered an Activity Relating to Defence, if one or more apply:
  - a. The dominant purpose of the activity is military and for Canada (i.e., a state purpose versus a commercial purpose, state priorities versus individual or corporate priorities, etc.);

- b. Canadian military crew (as defined by the DND and the CAF) will be conducting operations on-board the aircraft;
- c. The aircraft will be under the direction of the Canadian military while performing the services;
- d. The aircraft requires the installation of military equipment or aeronautical products;
- e. The aircraft will be operating within military restricted airspace (i.e., Class F or international equivalent) or in an operational theatre while providing the service;
- f. The aircraft will be operated from a Canadian military airfield or ship;
- g. The activity being provided for the DND and the CAF is not regulated by the Canadian Aviation Regulations (CARs) or would not meet the regulatory requirements set out in the CARs, and, as a result, that aircraft and/or its operation would either not fall under the scope of the CARs, or would be in non-compliance with those requirements. Examples include: an aircraft required to transport dangerous goods beyond civil limits but within military limits; transporting military members on exercise who are carrying weapons and ammunition on board; operating at very low altitude and/or high-speed flights; or
- h. The aircraft needs to be in a specific configuration and/or needs a design change that cannot be approved under civil standards, to attain the capability necessary for the conduct of the Activity Relating to Defence.

#### **NOTE**

*Routine transport of military passengers and/or equipment onboard a Canadian civil-registered aircraft for transport purposes is not considered an Activity Relating to Defence, even when these transport activities require flights from a Canadian military airfield.*

- 4.1.5 Airworthiness regulatory staff from both DND/CAF and TCCA may be asked, on a case-by-case basis, to jointly evaluate activities not specifically identified above to determine if these constitute activities relating to defence. When it is determined that an activity is an Activity Relating to Defence, the activity must then be carried out in accordance with a Temporary Authority to Operate (TAO) and Tasking Authorization/Task Order (TA/TO) that is issued by the DND/CAF. In defining the required level of airworthiness oversight, the DND/CAF airworthiness regulatory staffs act as advisors to the Technical Authority, the Procurement Authority (PA) and the Contracting Authority (CA) who seek to contract these civil operators.

#### **NOTE**

*Coordination with TCCA airworthiness staff is normally done through DTAES 3-2 staff. For more information or guidance, please contact DTAES 3-2.*

## **4.2 Civil Operator Providing Air Services to the DND/CAF – Determination of the Oversight**

- 4.2.1 The level of airworthiness oversight over civil aircraft operators depends on whether the type of activity and nature of the services constitute an Activity Relating to Defence, as detailed in Section 4.1, and the following:
- a. The presence and the role of any DND personnel on board;
  - b. The national registration of the aircraft used to provide the service;
  - c. Whether those services are performed in Canadian or foreign airspace; and
  - d. The scope and complexity of the contracted services in support of DND/CAF.
- 4.2.2 The presence and role of DND/CAF personnel on board a civil aircraft could, in itself, determine whether or not a service being provided constitutes an Activity Relating to Defence as defined in section 4.1, above. Technical Authority and PA staffs are therefore encouraged to consult DTAES 3-2 staff before soliciting any services that might involve DND/CAF personnel flying on civil aircraft.
- 4.2.3 If a service is determined **not** to be an Activity Relating to Defence, as defined in section 4.1 above, it will be classed as routine Air Transport (AT) and the civil aircraft will remain under civil airworthiness oversight. Nevertheless, the DND/CAF still has a duty of care towards DND/CAF personnel, materiel and/or facilities that may be involved. As a result, DND/CAF airworthiness regulatory staffs still need to be consulted. Refer to section 4.3 for details.

- 4.2.4 Conversely, if a service is determined to be an Activity Relating to Defence, then the DND/CAF have the following oversight responsibilities:
- a. If the Activity Relating to Defence is conducted by a Canadian operator, inside or outside Canadian airspace, then the civil aircraft will be classed as a Canadian military aircraft, and the operator and aircraft will be subject to airworthiness oversight by the DND/CAF, in accordance with reference 3.2.a. As such, the operator will need to be assessed by the DND/CAF airworthiness staffs to determine if the operator meets DND/CAF airworthiness requirements (in accordance with reference 3.2.c). Thus, the DND/CAF airworthiness regulatory staffs must be involved early in the contracting process, particularly when formulating solicitations/requests for proposals, etc. Refer to paragraph 4.4.1 for details.
  - b. If the Activity Relating to Defence is conducted by a foreign operator inside Canadian airspace, then the foreign civil aircraft will be classed as a Canadian military aircraft and will be subject to airworthiness oversight by the DND/CAF, in accordance with reference 3.2.a. As such, the foreign operator will also need to be assessed by the DND/CAF airworthiness staffs to determine if the operator meets DND/CAF airworthiness requirements (in accordance with reference 3.2.c). Thus, the DND/CAF airworthiness regulatory staffs must be involved early in the contracting process. Refer to paragraph 4.4.2 for details.
  - c. If the Activity Relating to Defence is conducted by a foreign operator outside Canadian airspace, then the DND/CAF have no legal airworthiness authority over that foreign operator. Nevertheless, the DND/CAF would still have a duty of care towards the DND/CAF personnel involved, and airworthiness staffs would still need to be engaged. Refer to paragraph 4.4.3 for details.
- 4.3 **Civil Air Operator Providing Routine AT Services to the DND/CAF – National Registration and Location of Services**
- 4.3.1 If the Air Operator is Canadian, the routine AT will be conducted in accordance with the CARs, and the service will remain under the airworthiness oversight of TCCA. However, the DND/CAF will still need to exercise duty of care regarding this Canadian civil Air Operator, and the TAA, AIA and OAA will provide advice and recommendations to the Technical Authority, the PA and the CA who are seeking to contract this Canadian civil Air Operator. Refer to section 4.5 and paragraph 4.6.1 for details.
- 4.3.2 If the Air Operator is not Canadian, routine AT will be conducted under the airworthiness oversight of the Air Operator's National CAA and TCCA jointly for any flight in Canadian airspace. Nevertheless, the DND/CAF still need to exercise duty of care regarding DND/CAF personnel carried on-board the foreign operator's aircraft. To this end, the TAA, OAA and AIA will provide advice and recommendations to the Technical Authority, the PA and the CA seeking to contract the foreign civil Air Operator. Refer to section 4.5 and paragraph 4.6.1 for details.
- 4.4 **Civil Operator Conducting Activity Relating to Defence for the DND/CAF**
- 4.4.1 Canadian Civil Operator Operating in Canadian or Foreign Airspace. As outlined in paragraph 4.2.4.a, a Canadian operator conducting an Activity Relating to Defence will be subject to airworthiness oversight by the DND/CAF. If it is determined that the operator meets DND/CAF airworthiness requirements, the DND/CAF airworthiness authorities will issue to the operator a military flight authority in the form of a Temporary Authority to Operate (TAO). Refer to paragraph 4.6.2 for details.
- 4.4.2 Foreign Civil Operator Operating in Canadian Airspace. As outlined in paragraph 4.2.4.b, a foreign operator conducting an Activity Relating to Defence in Canadian airspace will be subject to airworthiness oversight by the DND/CAF. If it is determined that the operator meets DND/CAF airworthiness requirements, the DND/CAF airworthiness authorities will issue to the operator a military flight authority in the form of a Temporary Authority to Operate (TAO). Refer to paragraph 4.6.3 for details.
- 4.4.3 Foreign Civil Operator Operating in Foreign Airspace. As outlined in paragraph 4.2.4.c, a foreign operator conducting an Activity Relating to Defence for the DND/CAF outside Canadian airspace cannot be subject to airworthiness oversight by the DND/CAF, since the DND/CAF have no authority under the Act (reference 3.2.b) over such aircraft. Thus, the foreign operator will remain under the airworthiness oversight of its national CAA. Nevertheless, the DND/CAF still need to exercise duty of care regarding DND/CAF personnel, especially if they are carried on-board the foreign operator's aircraft (refer to section 4.5). To this end, the TAA, OAA and AIA will provide advice and recommendations to the Technical Authority, the PA and the CA who are seeking to contract the foreign civil aircraft operator. Refer to paragraph 4.6.4 for details.

of airworthiness requirements and clauses applicable to solicitations and contracts for services by foreign civil operators.

#### **4.5 Exercising Duty of Care**

- 4.5.1 Duty of care is the obligation that the DND/CAF have, in absence of direct airworthiness oversight, to ensure that a civil aircraft operator providing services to the DND/CAF will do so in a reasonably safe manner. The scope and depth of the execution of this duty of care will depend on the presence and the role of any DND/CAF personnel and/or materiel on-board. In order to determine if the civil operator is acceptable to the TAA, AIA and OAA, the DND/CAF will consider various aspects of the operator and its aircraft, including: aircraft design, civil flight authority, Air Operator Certificate (AOC), Foreign Air Operator Certificate (FAOC) in the case of a foreign company operating into Canada, performance of maintenance, operational organization and flight safety background. The TAA staff, with AIA input, if required, will provide a recommendation to the OAA staff who will, in turn, document the findings as evidence that the DND/CAF duty of care has been exercised. Refer to paragraph 4.6.1 for details of airworthiness requirements and clauses applicable to solicitations and contracts for routine AT. Refer to paragraph 4.6.4 for details of airworthiness requirements and clauses applicable to solicitations and contracts for foreign operators conducting an Activity Relating to Defence for the DND/CAF. Consult DTAES 3-2 for further guidance, if required.

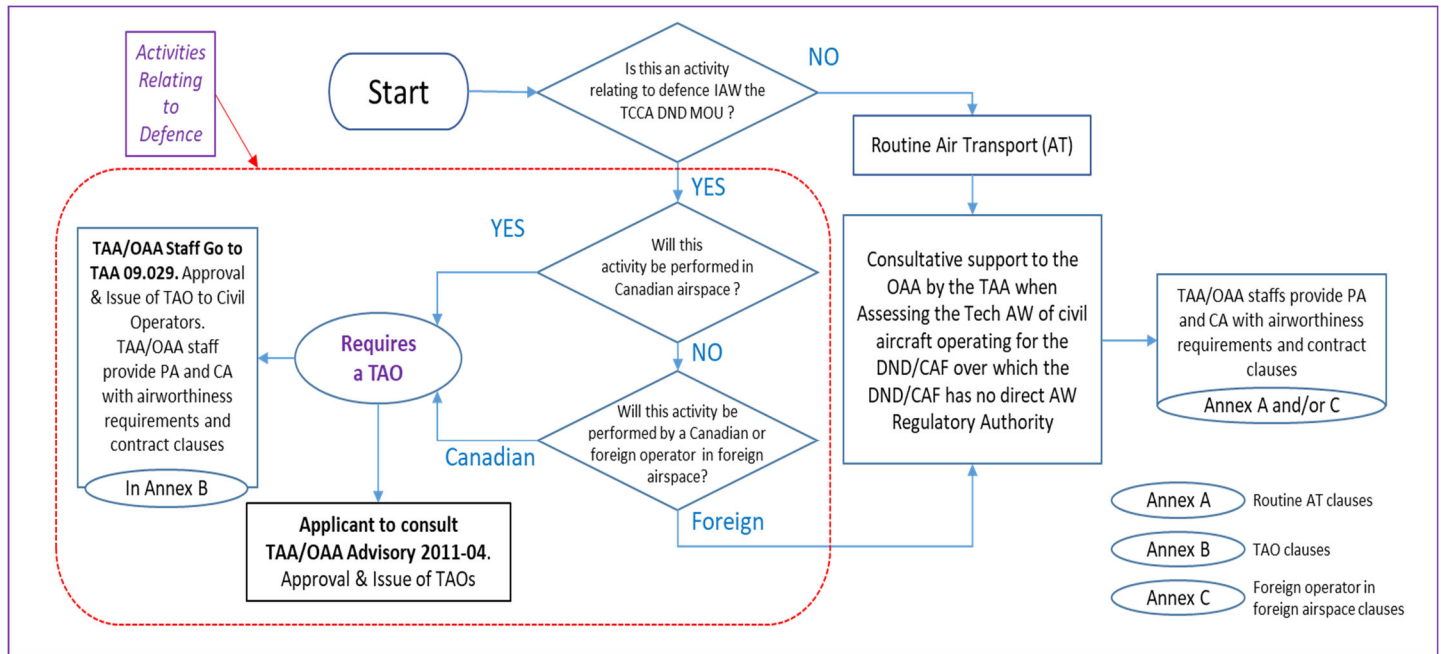
#### **4.6 Contracting of Civil Aircraft Operators for the Conduct of Services for the DND/CAF**

- 4.6.1 Air Transport (AT). As outlined in sections 4.3 and 4.5, the DND/CAF will need to exercise duty of care (in lieu of direct airworthiness oversight) of an Air Operator conducting routine AT for the DND/CAF. Annex A to this advisory provides general technical, operational and investigative airworthiness requirements and clauses to be inserted in solicitations for proposals and contracts in order to ensure, to the extent possible, adherence to DND/CAF safety standards. These requirements and clauses are intended as a guide and may require specific tailoring for individual contracts. Therefore, before their release, solicitations and contract documents must be referred to the DTAES 3-2, Senior Staff Officer – Operational Airworthiness (SSO OA) and Director of Flight Safety (DFS) 2 staffs for confirmation of the airworthiness-related aspects.
- 4.6.2 Activity Relating to Defence – Canadian Civil Operator. As outlined in paragraph 4.4.1, a Canadian civil operator conducting an Activity Relating to Defence inside or outside Canadian airspace requires a TAO in accordance with reference 3.2.d. To ensure the operator's adherence to DND/CAF airworthiness requirements, the technical, operational and investigative airworthiness requirements/clauses listed in Annex B of this advisory need to be inserted in solicitations for proposals and contracts. These requirements and clauses are intended as a guide and may require specific tailoring for individual contracts. Therefore, before their release, solicitations and contract documents must be referred to the DTAES 3-2, SSO OA, and DFS 2 staffs for confirmation of the airworthiness-related aspects.
- 4.6.3 Activity Relating to Defence – Foreign Civil Operator in Canadian Airspace. As outlined in paragraph 4.4.2, a foreign civil operator conducting an Activity Relating to Defence inside Canadian airspace requires a TAO in accordance with reference 3.2.d. To ensure the operator's adherence to DND/CAF airworthiness requirements, the technical, operational and investigative airworthiness requirements/clauses listed in Annex B of this advisory need to be inserted in solicitations for proposals and contracts. These requirements and clauses are intended as a guide and may require specific tailoring for individual contracts. Therefore, before their release, solicitations and contract documents must be referred to DTAES 3-2, SSO OA, and DFS 2 staffs for confirmation of the airworthiness-related aspects.
- 4.6.4 Activity Relating to Defence – Foreign Civil Operator in Foreign Airspace. As outlined in paragraph 4.4.3 and section 4.5, the DND/CAF will need to exercise duty of care (in lieu of direct airworthiness oversight) of a foreign operator providing services to the DND/CAF in foreign airspace. Annex C of this advisory provides general technical, operational and investigative airworthiness requirements and clauses to be inserted in solicitations for proposals and contracts, to ensure, to the extent possible, adherence to DND/CAF safety expectations. These requirements and clauses are intended as a guide and may require specific tailoring for individual contracts. Therefore, before their release, solicitations and contract documents must be referred to DTAES 3-2, SSO OA, and DFS 2 staffs for confirmation of the airworthiness-related aspects.
- 4.6.5 Activity Relating to Defence – Uncrewed Aircraft System/Remotely Piloted Aircraft System (UAS/RPAS). The policy to cover contracting of civil UAS/RPAS operators is still being developed. Until that policy is finalized and released, contracting of a civil UAS/RPAS operator to perform an Activity Relating to Defence

will be managed on a case-by-case basis in accordance with paragraphs 4.6.2 to 4.6.4 above, but adapted to UAS/RPAS operation.

#### 4.7 Overall Process Flowchart for the Oversight of Civil Operators Providing Air Services to DND/CAF

4.7.1 A graphic overview of the overall process to ensure appropriate oversight of civil operators providing air services to the DND/CAF is illustrated in Figure 1: *Overall Process Flowchart for Oversight of Civil Operators*.



**Figure 1: Overall Process Flowchart for Oversight of Civil Operators**

#### Annexes:

- General Airworthiness Requirements/Contract Clauses for Civilian Air Operators Conducting Routine Air Transport for the DND/CAF
- General Airworthiness Requirements/Contract Clauses for Canadian Operators Conducting Activities Relating to Defence in Canadian or Foreign Airspace, and Foreign Operators Conducting Activities Relating to Defence in Canadian Airspace
- General Airworthiness Requirements/Contract Clauses for Foreign Civil Operator Conducting Activities Relating to Defence in Foreign Airspace

**GENERAL AIRWORTHINESS REQUIREMENTS / CONTRACT CLAUSES**  
**FOR CIVIL AIR OPERATORS CONDUCTING ROUTINE AIR TRANSPORT FOR THE DND/CAF**

These requirements / clauses apply to the following:

- a. Canadian Air Operators conducting routine Air Transport (AT) in Canadian or foreign airspace.
- b. Foreign Air Operators conducting routine AT in Canadian airspace or foreign airspace.

The following requirements / contract clauses are intended as a general guide. They need to be reviewed and tailored to suit particular circumstances accordingly. Consult the DTAES 3-2 and SSO OA staff for confirmation. The following requirements also contain clauses that are not directly related to airworthiness but which, nevertheless, represent best practice; they are identified as such where they occur.

**NOTE**

*“X” in the contract clause notes the applicable paragraph number in the RFP / SOW.*

**1. “Rules, Orders and Regulations for Air Transportation Services” Contract Clauses**

**X.1. Rules, Orders and Regulations for Air Transportation Services.**

X.1.1 In supplying the services described in the SOW, the Contractor must comply with all applicable acts, rules, orders and regulations. The Contractor engaged in the performance of the Work is responsible for meeting the regulatory requirements of the airspace in which they will be operating.

X.1.2 The Department of National Defence (DND)/Canadian Armed Forces (CAF) is responsible for ensuring the safety of DND/CAF personnel and equipment. Therefore, the Contractor engaged in the performance of the Work must provide appropriate and valid documentation that demonstrates to the satisfaction of the DND/CAF that the air carrier is capable of safely transporting DND/CAF equipment and personnel. Documentation, if other than original, must be certified by the accountable executive of the bidder's company that they are true copies and, if not in English or French, must be accompanied by a certified English or French translation.

X.1.3 Bidders must provide a valid Air Operator Certificate (AOC) issued by the CAA of a state that is a signatory to the Convention on International Civil Aviation (the International Civil Aviation Organisation (ICAO) Convention), and which is acceptable to the DND/CAF for the provision of this service, together with all appropriate Operating Provisions, or equivalent document. In accordance with Annex 6 to the ICAO Convention, the AOC or equivalent document must include the following:

- a. Operator's identification (name and location).
- b. Date of Issue and period of validity.
- c. Description of the type(s) of operations authorized.
- d. The type(s) of aircraft authorized for use.
- e. Authorized areas of operation or routes, specifying domestic and international operation limitations.
- f. Operating Provisions in accordance with ICAO Doc 8335, Chapter 7, and Paragraph 7.2.
- g. CAA certification and special authorizations/approvals for transport of dangerous goods (if applicable).

X.1.4 Bidders must provide a valid Aircraft Type Certificate, Certificate of Registration (CofR), Certificate of Airworthiness (CofA) and Noise Certificate for the aircraft proposed in the bid, which identify the operator of the aircraft. All flight profiles and the operation of the aircraft, in the conduct of the Work, must be within the limitations of the civil Type Certificate (TC) and CofA.

X.1.5 Bidders must provide evidence of the Air Operator's safety management system, aviation/flight safety policy statement and the operator's aviation/flight safety record for the previous five (5) years (or a current update to an existing five-year Safety Record that is on file with the UN).

X.1.6 The DND/CAF reserves the right to reject any documentation offered.

X.1.7 The carrier must not be an Air Operator listed on the European Union Air Safety List (“Community list of air carriers which are subject to an operating ban within the Community”).

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X.1.8 It is desirable, but not mandatory, that the Air Operator be included on the United States Department of Defense (US DoD) Air Mobility Command list of approved DoD commercial vendors.

**2. “Aircrew and Ground Crew Requirements” Contract Clauses**

**X.2. Aircrew and Ground Crew Requirements.**

X.2.1 All aircrew must hold a valid flight crew licence, endorsed with ratings appropriate to the air services being provided, in accordance with Annex 1, Chapter 2, to the ICAO Convention, and be in current flying practice, based on ‘recency’ requirements of their civil licensing rules. All aircrew must be able to speak English to a standard complying with, or equivalent to, ICAO Level 4 (Operational). Crew duty times must be within civil limits of the flight crew licences and regulations. The Operator is responsible for ensuring that pilots remain current and operationally proficient for IFR and night flights, as required. In addition, the carrier will be responsible for ensuring that any crew member replacing the crew members proposed in the bid is compliant with the minimum pilot qualifications.

X.2.2 At the request of the Technical Authority, the Contractor must provide documentary proof of the aircrew qualifications, required for each crew member. The Air Operator will be responsible for replacing, fully at the Air Operator's expense, any crew member whose qualifications are found, after arrival at the mission, not to meet the contractual requirements.

X.2.3 The aircraft operator is to operate under the guidance of a policy or program that is designed to ensure that personnel involved in the performance of routine air transport for the DND/CAF do not act while impaired due to the influence of alcohol, drugs (prescribed or otherwise) or other harmful substances (which could otherwise prejudice the safe performance of the contract).

X.2.4 If at any time during the performance of the Work, the flight crew and/or maintenance crew is deemed by the DND/CAF to be unsatisfactory, the Technical Authority will inform the Contractor in writing and the crew in question must be replaced. The aircraft involved will then be considered unserviceable until a satisfactory crew resumes operations. Cause for considering flight or maintenance crew to be unsatisfactory includes, but is not limited to: incompetence or inexperience in operating and maintaining the aircraft for normal operations, appearance of intoxication and inability of the flight crewmembers to speak English to a standard complying with, or equivalent to, ICAO Level 4 (Operational).

X.2.5 All aircraft maintenance personnel must be licensed in accordance with Annex 1 Chapter 4 to the ICAO Convention.

X.2.6 Assigned personnel must be assessed as medically fit in accordance with Annex 1, Chapter 6, to the ICAO Convention.

X.2.7 The number and qualifications of the assigned personnel must be sufficient to accomplish the tasks stated.

**3. “Management of Flight Plan” Contract Clauses**

**X.3. Management of Flight Plan.**

X.3.1 The Technical Authority will approve the Air Operator's flight plan for the required air services. All flights must be conducted in accordance with this flight plan. Any change to, or deviation from, this flight plan must be approved in advance and in writing by the Technical Authority.

X.3.2 Operational control of any flight is the sole responsibility of the Air Operator. Changes to an established flight plan are permitted for operational reasons. These reasons must be communicated to the Technical Authority as early as possible.

X.3.3 When, for safety or other reasons, the Contractor temporarily suspends a flight or any portion of the specified service, the Technical Authority has the right to demand a written statement of cause. That statement will not preclude the Technical Authority from exercising any rights under the Contract or under the Law.

X.3.4 All flights must be continuous, with a routing using the fewest number of stops.



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X.3.5 Any change in flight must be approved by the Contracting Authority in full accordance with the terms and conditions of this contract. Approval of any flight change must be sought using the Flight Change Request Form included as Appendix 1 to this Annex.

X.3.6 If time pressures do not permit the timely completion of this form, the Technical Authority will accept, as interim, the following information in an email, and the Contractor must follow up with a completed Flight Change Request Form as soon as possible:

- a. Details of the proposed change (planned flight, revised flight).
- b. Reason(s) for the change.
- c. Options considered.
- d. Estimated financial impact/compensation for change (if any).

X.3.7 [Use in the context of the Note below] All flights must avoid XX airspace. [Insert as required – consult DTAES 3 / SSO OA staff for confirmation of countries to avoid]

**NOTE**

*The above requirement is not directly related to airworthiness but is recommended as representing best practice.*

**4. “Aircraft Ownership, Custody and Control, and Substitution” Contract Clauses**

**X.4. Aircraft Ownership, Custody and Control, and Substitution.**

X.4.1 If the offered aircraft is registered in the state of the Operator and is operated by the Operator under a lease agreement, the following documentation and/or information must be provided:

- a. Proforma copy of the Lease Agreement(s) on which the duration of the lease is clearly stated, with definite start and end dates.
- b. Name and full address of the aircraft owner.

X.4.2 [Use in the context of the Note below] If the offered aircraft is not registered in the state of the Operator and is operated by the Operator under a lease agreement, the bidder is required to complete and duly sign the Statement of Ownership - Lease Arrangement, included at Appendix 2 to this Annex. The subject document must be attached to the bid. Additionally, the following documentation and/or information must be provided:

- a. Proforma copy of the Lease Agreement(s) on which the duration of the lease is clearly stated including definite start and end dates.
- b. Name and full address of the owner of the aircraft.
- c. Letters of awareness from the CAA of both the State of registry and the State of the Operator. Such letters must clearly state that: the said authorities are aware and approve of the lease; that an agreement has been reached regarding the transfer of duties and responsibilities from the state of registry to the State of the Operator; that operational control of the aircraft is the responsibility of the Operator; and that, as far as the State of the Operator is concerned, the aircraft has met its airworthiness requirements.

**NOTE**

*The above requirement is not directly related to airworthiness but is recommended as representing best practice.*

X.4.3 The DND normally requires that Air Operators demonstrate ownership or other custody and control of the offered aircraft, such as by means of a lease, as in effect prior to the date of issuance of the solicitation to bid. Nevertheless, the DND will, under the following circumstances, allow companies to lease or to otherwise acquire full ownership of the aircraft offered to satisfy the requirement set forth herein. This is allowed provided that the following conditions are fulfilled:

- a. The operator’s AOC must list the type of aircraft offered.

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- b. The operator must include with the proposal satisfactory evidence that it has performed flight operations similar to those set forth in this requirement with such aircraft.
- c. If the Operator plans to obtain full ownership of the aircraft, the Operator must submit with its bid an executed bill of sale for the aircraft providing, as a minimum, that full legal title and ownership will be transferred to the bidder **no later than fourteen (14) days prior to the initial positioning** of the aircraft in accordance with this requirement. In addition, the operator must provide the DND/CAF with all required certifications for such aircraft from the applicable civil aviation authority or authorities, **no later than seven (7) days prior to such initial positioning**.
- d. *[Use in the context of the Note below]* If the Operator intends to obtain operational control of the aircraft pursuant to a lease, the Operator must provide at the time of submission of its bid:
  - (1) An executed-option, exercisable by the Operator upon the DND/CAF's notification of an award of the air charter contract, to lease the offered aircraft from the owner thereof under the terms of a lease that conforms to the requirements for such aircraft leases set forth in Paragraphs X.4.1 and X.4.2 above.
  - (2) A pro forma copy of the lease, for which such option to lease applies, indicating, at a minimum: the duration of the lease (including definite start and end dates); that the operator will obtain full operational control over the aircraft; specification of the ownership of the aircraft; and, that the lease conforms in all respects to the requirements for such aircraft leases set forth in Paragraphs X.4.1 and X.4.2 above.
  - (3) An acknowledgement by both parties to such option that the option is irrevocable for a time, certain, and has been made in exchange for good and valuable consideration or, if no consideration is required, that the parties acknowledge and agree that the option is irrevocable and fully exercisable in accordance with its terms.
  - (4) A written acknowledgement and agreement that failure to exercise the option to lease or to provide a satisfactory copy of the fully-executed lease are conditions precedent to the DND/CAF's obligations under any air charter contract for which notification of award may be provided and that such failure may result in payment of liquidated damages for any such delay pursuant to the terms of the air charter agreement.
- e. *[Use in the context of the Note below]* If the aircraft that the bidder proposes to lease for the requirement is registered in a country different from that of the bidder, the bidder must provide, together with the option to lease, letters of awareness between the civil aviation authorities of the state of registry and the state of operator (in accordance with ICAO's Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (ICAO Doc 8335-AN/879), provided that, if such letters of awareness cannot be issued in respect of the aircraft offered, that is the subject of the 'option to lease', then the proposal must specify a certain date when such letters of awareness will be provided, together with an acknowledgement and agreement that any requirement for payment of liquidated damages for delays under the air charter contract shall also be extended to such deadline.
- f. *[Use in the context of the Note below]* If the operator plans to lease the offered aircraft, the operator must submit to the United Nations for inspection the executed lease agreement **no later than fourteen (14) days prior to the initial positioning** of the aircraft in accordance with this requirement and all required certifications for such aircraft from the applicable civil aviation authority or authorities, **no later than seven (7) days prior to such initial positioning**.
- g. *[Use in the context of the Note below]* If the operator plans to obtain full ownership or to lease the offered aircraft following the issuance of this solicitation to bid, the Air Operator must submit to the DND/CAF all Insurance Certificates and Insurance Policy pursuant to paragraph # *[Insert #]* above.

**NOTE**

*The above requirements (sub-paragraphs d, e, f and g) are not directly related to airworthiness, but are recommended as representing best practice.*

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X.4.4 Bidders are required to include in their bid the following information:

- a. Major maintenance overhaul checks and records.
- b. *[Use in the context of the Note below]* Current hull and war risk and additional war risk premiums.
- c. *[Use in the context of the Note below]* Details of previous contracts in the last two years showing relevant experience.

**NOTE**

*The above requirements (sub-paragraphs b and c) are not directly related to airworthiness, but are recommended as representing best practice.*

X.4.5 *[Use in the context of the Note below]* When, due to technical problems, the chartered aircraft becomes unserviceable and cannot be repaired or substituted, in a reasonable length of time, or becomes subject to delays which are attributable to the Contractor, the Contractor must make a reasonable effort to provide transportation, accommodation and meals, at the Contractor's expense, for the affected DND/CAF personnel on board the Chartered Aircraft. Any replacement of the Chartered Aircraft must be approved in advance and in writing by the Technical Authority.

**NOTE**

*The above requirement is not directly related to airworthiness, but is recommended as representing best practice.*

**5. "On Board Equipment" Contract Clauses**

X.5. On Board Equipment.

X.5.1 The Contractor's aircraft must be equipped as follows:

- a. Aircraft Equipment – General. The aircraft provided for the purposes of this contract must be equipped with serviceable equipment applicable to the types of operations required and suitable for the particular airspace through which the operations are intended to occur. The aircraft must be equipped and certified to meet the Performance Based Navigation (PBN) and associated Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) requirements applicable to the airspace in which the aircraft is intended to be operated, without procedural restrictions or the necessity for prior special clearances. The aircraft must have serviceable radio equipment capable of transmitting and receiving on frequencies in use at departure, en route and destination. A serviceable Emergency Locator Transmitter (ELT) must be installed.
- b. Survival Gear. If applicable, the aircraft must have equipment appropriate for long-range, over-water operations, including personal survival equipment and life rafts sufficient to accommodate all crew and passengers.

**6. "Safety Briefing" Contract Clause**

X.6. Safety Briefing.

X.6.1 The Contractor must ensure that the pilot-in-command of the aircraft, or another appropriate member of the crew, provides a safety briefing for all extra crew and passengers before flight, in accordance with the applicable aircraft operations manual.

**7. "Inspection" Contract Clause**

X.7. Inspection.

X.7.1 The Technical Authority has the right to inspect the Contractor's aircraft and operational documentation, including flight plans or flight notifications, loading records, logs and aircrew logbooks, in order to ensure compliance with the terms and conditions stated in the Contract.

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**8. “Support at Military Airports” Contract Clauses**

X.8. Support at Military Airports.

X8.1 When any service or support is required at military airports/locations, it is the Contractor's sole responsibility to make all arrangements for the provision of these services. This includes, but is not limited to: refuelling, aircraft de-icing, material handling equipment, and the provision of meals.

**9. “Dangerous Goods” Contract Clause**

X.9. Dangerous Goods.

X.9.1 When applicable, the Contractor must ensure compliance with rules and/or regulations for the transportation of dangerous goods.

## FLIGHT CHANGE REQUEST

Flight Change Request Form			
Current Requirement		Revised Requirement (changes to be highlighted)	
Air Carrier		Air Carrier	
Aircraft Type		Aircraft Type	
Available Seating		Available Seating	
Available Payload (kg)		Available Payload (kg)	
Available Volume, not including overhead compartments (m <sup>3</sup> )		Available Volume, not including overhead compartments (m <sup>3</sup> )	
Date of Departure		Date of Departure	
Time of Departure		Time of Departure	
Date of Arrival		Date of Arrival	
Time of Arrival		Time of Arrival	

Other Option(s) Considered:

Operational Impact of Change:

Estimated Financial Impact of Change:

Signature: \_\_\_\_\_

Name (Print): \_\_\_\_\_

## STATEMENT OF AIRCRAFT OWNERSHIP – LEASE ARRANGEMENTS

We, the undersigned, hereby confirm that:

For aircraft type: \_\_\_\_\_ Registration Number(s): \_\_\_\_\_

- A The offered aircraft is registered in the State of: \_\_\_\_\_
- B The aircraft is registered to: \_\_\_\_\_  
(Name of Company and full address) \_\_\_\_\_  
\_\_\_\_\_
- Telephone Number: \_\_\_\_\_
- Fax Number: \_\_\_\_\_
- E-mail: \_\_\_\_\_
- C Lease signed on: \_\_\_\_\_
- D Lease expires on: \_\_\_\_\_

### WHERE THE OFFERED AIRCRAFT IS NOT REGISTERED IN THE STATE OF THE OPERATOR

- E The lease of aircraft has been duly approved by the Civil Aviation Authority of both the State of Registry and the State of the Operator **as per the attached letters of awareness**.
- F An agreement has been reached regarding the transfer of duties and responsibilities from the State of Registry to the State of the Operator.
- G Operational control of the aircraft is the responsibility of the company represented by the undersigned.
- H In the case of the State of the Operator, the aircraft has met both airworthiness and operational certification requirements.

Yours sincerely,

Signature: \_\_\_\_\_

Name and title: \_\_\_\_\_

Date: \_\_\_\_\_

Name and address of vendor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**GENERAL AIRWORTHINESS REQUIREMENTS / CONTRACT CLAUSES FOR CANADIAN OPERATORS CONDUCTING ACTIVITIES RELATING TO DEFENCE IN CANADIAN OR FOREIGN AIRSPACE, AND FOREIGN OPERATORS CONDUCTING ACTIVITIES RELATING TO DEFENCE IN CANADIAN AIRSPACE**

These requirements / clauses apply to the following:

- a. Canadian aircraft operators conducting an Activity Relating to Defence for the DND/CAF in Canadian or foreign airspace.
- b. Foreign aircraft operators conducting an Activity Relating to Defence for the DND/CAF in Canadian airspace.

The following requirements / contract clauses are intended as a general guide. They need to be reviewed and tailored to suit particular circumstances accordingly. In all cases, the DTAES 3-2 / SSO OA staff must be consulted for confirmation of the exact airworthiness clauses to be included in contracts for civil aircraft operators to conduct activities relating to defence for the DND/CAF. The following requirements also contain clauses that are not directly related to airworthiness but which, nevertheless, represent best practice; they are identified as such where they occur.

**NOTES**

1. *The operator of the aircraft could be sub-contracted by the contract holder to provide the service being contracted. Therefore, in this annex, the term “aircraft operator” is used where a requirement / contract clause applies specifically to the operator of the aircraft, who might not be the contract holder.*
2. *“X” in the contract clause refers to the applicable paragraph number in the RFP/SOW.*

**1. “General Regulatory Statement” Contract Clause**

**X.1 General Regulatory Statement.**

X.1.1 The services being provided by the contractor are deemed to be activities related to defence for the purposes of Canada’s *Aeronautics Act* and the Ministerial Delegations to the Department of National Defence / Canadian Armed Forces (DND/CAF) Operational Airworthiness Authority (OAA), the Technical Airworthiness Authority (TAA) and the Airworthiness Investigative Authority (AIA).

**2. “Operating Requirements” Contract Clauses**

**X.2 Operating Requirements.**

X.2.1 Operating Location in Canadian Airspace – All Operators. If the operating location is in Canada, the aircraft operator must comply with the following:

- a. The provisions of the *Aeronautics Act*, R.S.C. 1985, c. A-2, the Department of National Defence / Canadian Armed Forces (DND/CAF) Airworthiness Program and with all regulations, directions, orders and rules made pursuant thereof which are applicable to the services to be performed under the Contract.
- b. In accordance with the *Aeronautics Act*, while conducting an Activity Relating to Defence for the DND/CAF, the Operator will operate under the airworthiness oversight of the DND/CAF. In particular, the Operator must be capable of being awarded a Temporary Authority to Operate (TAO) to conduct the required activities relating to defence. A TAO is a military flight authorization, issued by the DND/CAF airworthiness authorities, that authorizes a civil organization to conduct activities relating to defence for the DND/CAF and signifies that these activities are under the airworthiness authority and oversight of the DND/CAF. Activities cannot commence until the Operator is in possession of a valid TAO issued by the

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TAA and OAA. To qualify for the award of a TAO, the Operator must meet the following criteria:

- (1) Be already approved, and suitable for the type of operations required, by an airworthiness authority acceptable to the DND/CAF airworthiness authorities.
  - (2) Must meet the requirements of the DND/CAF Airworthiness Program.
  - (3) Must be assessed by DND/CAF airworthiness authorities to be acceptable for the award of a TAO.
- c. In making that assessment, the DND/CAF will give credit if the aircraft operator meets at least one of the following conditions:
- (1) Holds a valid AOC, issued by Transport Canada Civil Aviation (TCCA) under Canadian Aviation Regulations (CARs) Part VII, subpart 2, or issued by the Federal Aviation Administration (FAA) under Title 14 of the Code of Federal Regulations (14 CFR) Subchapter G (e.g., Part 119, 121, 125 or 135).
  - (2) Holds an appropriate AOC, issued by an authority acceptable to the DND/CAF, for the provision of this service.
  - (3) Be registered with TCCA as a Private Operator in accordance with CARs Part VI.
  - (4) Be authorized by the Federal Aviation Administration (FAA) as a private operator in accordance with Part 91, Subpart K.
  - (5) Foreign organizations who are authorized to operate as a private operator under the general provisions of 14 CFR Part 91, or who hold an authorization for Canada-United States-Mexico Agreement (CUSMA) operations in Canada issued by the FAA, may be acceptable, provided that they meet the requirements of the DND/CAF private operator checklist.

**NOTES**

1. *Some airworthiness requirements are specific to Canada. Nevertheless, foreign airworthiness programs may have equivalent or foreign terms that may be substituted. Foreign standards that meet the intent of the DND/CAF Airworthiness Program may be acceptable if they are deemed equivalent by the DND/CAF. For example, the DND/CAF may accept foreign aircraft maintenance engineers if they meet training/experience standards that are equivalent to those required by the DND/CAF or as outlined in the CARs. Foreign civil operator approvals or maintenance control systems must be referred to DND/CAF airworthiness staffs for guidance on the acceptability of such systems. The DND/CAF Audit Checklists for TAO Organizations and Audit Checklist for Private Operators will apply as applicable.*
2. *A TAO is an authority issued by the DND/CAF to conduct activities related to defence for the DND/CAF. The combination of a TAO, a tasking request/authorization and any associated DND/CAF flight permit comprises the DND/CAF authority to conduct Activities Related to Defence, and replaces the civil flight authority for the aircraft (i.e., Certificate of Airworthiness (CofA), Special CofA Limited or flight permit) while conducting such activities. Conditions and restrictions when operating for the DND/CAF are detailed in the TAO and/or specified in a DND/CAF flight permit. The TAO also includes details of the regulations, rules and orders that are applicable to the types of operations and any applicable exemptions. Electronic copies of applicable military rules and orders will be provided to the aircraft operator. Therefore, a copy of the TAO, the tasking request/authorization for each flight or series of flights, and any additional DND/CAF flight permit must be carried on board each applicable aircraft while undertaking activities related to defence for the DND/CAF.*



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3. *When providing activities relating to defence for the DND/CAF, the aircraft operator's aircraft are considered to be military aircraft for the purposes of the Aeronautics Act and the Ministerial Delegations to the OAA, the TAA and the AIA. Airworthiness oversight will be conducted by the DND/CAF airworthiness staffs.*

**X.2.2 Operating Location in Foreign Airspace – Canadian Aircraft Operator.**

**X.2.2.1 Canadian Aircraft Operator.** If the operating location is in foreign airspace and the aircraft operator is a Canadian company, the aircraft operator is subject to the airworthiness oversight of the DND/CAF and must comply with paragraph X.2.1, above.

**X.2.3 Operating Location in Foreign Airspace – Foreign Aircraft Operator.**

**X.2.3.1 Foreign Aircraft Operator – General Approvals.** If the operating location is in foreign airspace and the aircraft operator is a foreign company operating aircraft that are registered in the State where the activities are to take place, a TAO is not applicable. Nevertheless, the aircraft operator must still be acceptable to the DND/CAF airworthiness authorities for the services to be performed. In assessing acceptability, the DND/CAF will give credit if the aircraft operator meets one or more of the following conditions:

- a. Holds a valid AOC issued by the FAA under 14 CFR (Federal Aviation Regulations (FARs)) Subchapter G (e.g., Part 119, 121, 125 or 135), or equivalent approval (issued by a National CAA) that is acceptable to the DND/CAF.
- b. Must be included on the US DoD Air Mobility Command list of approved DoD commercial vendors.
- c. Must be approved by the FAA for the conduct of the types of parachuting operations required. *[Delete if not applicable]*
- d. Must be approved by the US DoD for parachute operations under the US DoD Commercial Intrastate Paratroop Carrier Program. *[Delete if not applicable]*

**X.2.3.2 US Aircraft Operator – Compliance.** When conducting activities related to defence in the USA, the US aircraft operator must comply with the following:

- a. All applicable 14 CFR Parts and the terms of the applicable operating authorization held.
- b. For parachuting operations, all requirements of the applicable US DoD regulations and/or orders in accordance with the US DoD Commercial Intrastate Paratroop Carrier Program, where they are more restrictive than the 14 CFR Parts. *[Delete if not applicable]*

**3. “General Regulatory Requirements” Contract Clauses**

**X.3 General Regulatory Requirements.**

**X.3.1** The aircraft operator must agree that representatives of the DND/CAF may conduct, at their discretion, a survey of the aircraft operator's facilities to determine the technical and operational capabilities for performance of the work described herein. The aircraft operator will be required to complete DND/CAF TAO Audit Checklists appropriate for the operator type and submit these for assessment by the DND/CAF. The aircraft operator must agree to make its facilities, including its resources and documentation, available for this purpose.

**X.3.2** All services provided must be approved by the DND/CAF, or its authorized representative, who will have the right, at its discretion, to inspect the aircraft and technical and operational documentation including (but not limited to) flight plans or flight notifications, loading records, technical logs and aircrew logbooks, maintenance records and training records, to ensure compliance with the conditions of the contract, the TAO and DND/CAF Airworthiness Program, and continued acceptability by the DND/CAF airworthiness authorities for the provision of the services required.

**X.3.3** The scope and depth of assessment of the aircraft operator, its aircraft and personnel by the DND/CAF will depend on the presence and the role of any DND/CAF personnel and/or materiel on board. In order to determine if the civil operator is acceptable to the TAA and OAA, the DND/CAF will consider various

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aspects of the operator and its aircraft, including: aircraft design, civil flight authority, AOC, FAOC (if applicable), performance of maintenance, operational organization and flight safety background.

X.3.4 On request, the aircraft operator is to provide copies of the following:

- a. Copies of approved manuals (i.e., those that have been approved by an airworthiness authority, such as TCCA, FAA, UK CAA or EASA, etc.) applicable to the operator type and services being contracted, either in hard or soft copy.
- b. Any and all documents that demonstrate to the satisfaction of the TAA and OAA that the aircraft operator is acceptable for the conduct of activities relating to defence for the DND/CAF.
- c. Copy of the latest civil airworthiness authority audit report of the aircraft operator's organization.

**NOTE**

*Under FAA oversight, Part 91 aircraft operators (private operators) may not have a FAA report to provide. In this case, any relevant report from third party audits, such as a Quality Management Systems (QMS) Registrar audit or a US DoD (USAF, USN, US Army, or Defense Contract Management Agency (DCMA)) audit, should be provided.*

X.3.5 When applicable, the aircraft operator must comply with all laws, regulations and/or DND/CAF and/or US DoD orders pertaining to the carriage of dangerous goods or hazardous material.

X.3.6 The aircraft operator must provide all personnel, facilities, supplies and equipment to properly support and perform this contract. Support must include, but need not be limited to, the following aircraft services:

- a. Conduct and control of maintenance.
- b. Fleet service and aircraft dispatch.
- c. Supply support, spare parts and engines, as required.
- d. Operational personnel sufficient to support the contracted services.
- e. Responsibility for weight and balance of the aircraft on all flights.

**4. "Aircraft Requirements" Contract Clauses**

X.4 Aircraft Requirements.

X.4.1 The aircraft must be identified by registration markings and must be either owned or controlled by the aircraft operator in such a manner as to ensure exclusive control over the aircraft, its contents and crew thereof when operating for the DND/CAF.

X.4.2 The aircraft provided for the purpose of this contract must be equipped with serviceable equipment applicable to the types of operations required and suitable for the airspace through which the operations will occur. The aircraft must have: serviceable radio equipment capable of transmitting and receiving on frequencies in use at departure, en route and destination; and with an Emergency Locator Transmitter (ELT). If the civilian aircraft is/are to be flown by RCAF pilots, the Directorate of Flight Safety (DFS) is to be consulted to ensure that the applicable Cockpit Voice Recorder/Flight Data Recorder (CVR/FDR) requirements are met.

X.4.3 When applicable, the aircraft provided for the purpose of this contract must be equipped with a CVR system (recording at least the last two hours of the aircraft operation) that is compliant with CAR 625.34, () and a digital FDR system that is compliant with the system accuracy requirements of CAR Standard 625.33 over the full range of each of these parameters. Any special equipment required to read the undamaged CVR and FDR are to be provided to DND/National Research Council (NRC). A Class C Cockpit video camera recorder would be an acceptable alternative to the FDR, providing that the requirements of Part III of the European Organisation for Civil Aviation Equipment (EUROCAE) ED-112A – *Minimum Operational*

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*Performance Specification for Crash Protected Airborne Recorder Systems* have been met. If the aircraft is not equipped with recorders (CVR, FDR or Cockpit video camera), the Bidder will be required to install and maintain the newly installed recorders within 12 months of contract award.

X.4.4 When applicable, survival gear appropriate for long range, over water operations must be carried on board, including personal survival equipment and life rafts sufficient to accommodate all crew and passengers.

X.4.5 Each aircraft used to fulfil the contract must have a civil flight authority issued by a regulatory body acceptable to the DND/CAF (e.g., TCCA, FAA, EASA or UK CAA). The aircraft must be capable of successfully executing the missions, as tasked, within the limitations of the civil Type Certificate (or design specification for ex-military aircraft [*Delete this text in parentheses if not applicable*]) and civil flight authorities (Certificate of Airworthiness (CofA), Special CofA or appropriate flight permit, etc.) of the applicable aircraft, and any applicable AOC or similar authorization.

X.4.6 The aircraft operator must obtain and maintain all permits, licences and certificates of approval required for the work to be performed under any applicable federal, provincial or municipal legislation. The contractor will be responsible for any charges imposed by such legislation or regulations. Upon request, the contractor must provide a copy of any such permit, licence, or certificate to the DND/CAF. The contractor will be responsible for providing Supplemental Type Certificates (STCs), Limited STCs, Aircraft Flight Manual (AFM) Supplements and maintenance manual supplements, as appropriate, pertaining to any modifications to the aircraft that are required for the service to be provided. During the period of this requirement, any changes or modifications to the aircraft or operating procedures or carry-on equipment that might affect the services being provided must be notified to the DND/CAF (by email, at: [TAORegulatorySupport-SupportReglementaireATE@forces.gc.ca](mailto:TAORegulatorySupport-SupportReglementaireATE@forces.gc.ca)) to facilitate an assessment of whether or not a DND/CAF approval is required.

X.4.7 The aircraft must be maintained by an approved maintenance organization, in accordance with an approved maintenance schedule. If there is no specific approved maintenance program/schedule (e.g., for some aircraft operated under 14 CFR Part 91), the aircraft operator must follow an aircraft maintenance program/schedule recommended by the Original Equipment Manufacturer (OEM), and must meet the intent of the requirements of the DND/CAF Private Operator checklist.

## **5. “Aircrew and Ground Crew Requirements” Contract Clauses**

### **X.5 Aircrew and Ground Crew Requirements.**

X.5.1 The pilot-in-command must have flown a minimum of [XX]\* hours on fixed/rotary wing aircraft, including [XX]\* hours as pilot-in-command of the type of aircraft specified and [XX]\* hours in theatres of operations similar to those required under the contract. [*Add the following text, if required*] The pilot-in-command must also have a minimum of [XX]\* hours of experience in [*Edit as required (e.g., tow target operations, mountainous terrain operations, etc.)*]. When so requested by the identified user, the aircraft operator must provide documentary proof of aircrew qualifications, ratings and experience. [*\* Insert number of hours required*]

X.5.2 All aircraft operator personnel acting as flight crew must each hold a valid flight crew licence, as defined in CARs Part IV (or 14 CFR Part or equivalent), endorsed with ratings appropriate to the aircraft and air services being provided, including the ability to conduct flights under Instrument Flight Rules (IFR) when required. All aircraft operator personnel acting as flight crew must meet the Recency Requirements defined in CARs Part IV (or 14 CFR Part or equivalent).

X.5.3 A comprehensive aircraft capability and walkthrough brief that includes all aircraft ground and in-flight procedures/emergencies must be provided. In particular, the pilot-in-command of the aircraft must ensure that all passengers are given a safety briefing before take-off as outlined in CAR 602.89 (or 14 CFR Part or equivalent), or in other format acceptable to the DND/CAF. If a series of similar or repetitive flights are to be conducted, the safety briefing need be delivered only once before the first flight of each day.

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Before each subsequent flight of each day, the pilot-in-command need brief only those items which have changed since the first safety briefing of the day. The briefing must include, as a minimum, the following:

- a. Danger areas.
- b. Personal safety equipment including the donning of life preservers.
- c. Location of the survival and emergency equipment.
- d. Emergency procedures (including ditching).
- e. Location and operation of emergency exits.

X.5.4 Crew duty times must be within civil limits of the flight crew licences and regulations.

X.5.5 Ground crews must be approved for the support of the aircraft and equipment required.

X.5.6 The contractor/aircraft operator must operate under the guidance of a policy or program that is designed to ensure that personnel involved in the performance of activities related to defence for the DND/CAF do not act while impaired due to the influence of alcohol, drugs (prescribed or otherwise) or other harmful substances (which could otherwise prejudice the safe performance of the contract). The policy or program must address, at least, the following requirements:

- a. Any consumption of alcohol within a period of 24 hours prior to the performance of activities related to defence should be of a moderate amount and be consumed at a rate which, in combination with a period of sleep following consumption, will not affect performance. In particular, flight crew must abstain from consuming alcohol for at least twelve hours prior to flying or control duties, and in no case less than eight hours prior to reporting for duty.
- b. Cannabis consumption by flight crew personnel involved in the provision of activities related to defence under this contract is prohibited during the 28 days before any operation of an aircraft/Remotely Piloted Aircraft System (UAS). *[Edit as required]*

## **6. “General Operations” Contract Clauses**

### **X.6 General Operations.**

X.6.1 If, at any time during the course of the operations, the flight crew, the maintenance crew or both are considered by the DND/CAF to be unsatisfactory for safety or other reasons, the DND/CAF may notify the contractor in writing that the flight crew, the maintenance crew or both must be replaced. The contractor must immediately, upon receiving such notification, withdraw and replace the crew specified in the notice. The contractor must advise the CA or Technical Authority *[Edit as required]* of the corrective action taken. The aircraft involved must be considered unserviceable until a satisfactory crew resumes operations. Causes for consideration of the crew as being unsatisfactory include, but are not limited to, the following: incompetence or inexperience in operating and maintaining the aircraft for normal operations, appearance of intoxication and infractions of rules, regulations or orders.

X.6.2 The DND/CAF reserves the right to review the aircraft operator’s operational procedures and provide guidance whenever necessary.

## **7. “Flight Safety” Contract Clauses**

### **X.7 Flight Safety.**

X.7.1 The aircraft operator must operate under the guidance of an aviation safety program meeting the intent of A-GA-135-001/AA-001 “*Flight Safety for the Canadian Armed Forces*” and A-GA-135-003/AG-001 “*Airworthiness Investigation Manual (AIM)*”, as determined by the DND/CAF. Aviation safety program support and field assistance is available by contacting an assigned Wing Flight Safety Officer, or by contacting the 24/7 Duty Watch Officer at the Air Operations Centre by calling 1-204-833-2500, Ext 2650.

X.7.2 There is a statutory obligation to report specific military-civilian occurrences to the AIA, as listed in Military Airworthiness Investigation Regulations (MAIR) Paragraph 2(1) or (2) (also available/repeated in the AIM). This reporting obligation will be fulfilled through a nominated DND/CAF flight safety contact who will

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process the occurrence report into the Flight Safety Information Management System (FSIMS) on behalf of the Operator.

X.7.3 Therefore, in the event of an aviation accident during an Activity Relating to Defence for the DND/CAF under airworthiness oversight of the DND/CAF [Add “in Canada” for a foreign operator in Canada], the aircraft operator must quarantine the accident site and notify the AIA at the earliest opportunity, by calling +1-888-WARN-DFS (927-6337). An incident or accident must also be reported to the Air Operations Centre in Canada at +1-204-833-2650 and the local Wing Flight Safety Officer; it may also be reportable to the Transportation Safety Board (TSB) of Canada [Add “and/or the FAA or equivalent” for a foreign operator. Delete if N/A].

X.7.4 In the event of an incident or accident [Add “in Canada” for a foreign operator in Canada], the aircraft operator must allow Aircraft Accident Investigators, appointed by the AIA, access to all relevant data, personnel, documentation and facilities to support a DND/CAF Flight Safety investigation, if required. Documents to be provided include (but are not limited to) the Company Operations Manual, Company and Aircraft Standard Operating Procedures (SOPs), Aircraft Flight Manual, Aircraft Cockpit Checklist, Aircrew Flight Training Records, Aircraft Journey Log and Aircraft Maintenance and Parts Manuals. Company subject matter experts must be provided to the AIA to assist with an incident or accident investigation, upon request.

X.7.5 To reduce hazards to investigating personnel and the environment, the aircraft operator must supply a list of known hazardous materials either carried as cargo or integral to the aircraft through design, manufacture, or maintenance. The aircraft operator must provide this list prior to the start of flying operations or within two (2) months from date of issue of the contract.

## **8. “Airworthiness References” Contract Clauses**

X.8 Airworthiness References.

X.8.1 Canadian Aviation Regulations (CARs): <https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433>

X.8.2 Military Airworthiness Investigation Regulations: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2018-217/index.html>

X.8.3 Electronic copies of DND/CAF manuals, publications and Airworthiness Audit Checklists will be provided by the DND/CAF.

### **NOTE**

*The following references are not releasable to the general public. If required, copies will be provided to the selected aircraft operator once the TAO is awarded:*

1. A-GA-135-001/AA-001, *Flight Safety for the Canadian Forces.*
2. B-GA-100-001/AA-000, *National Defence Flying Orders, Book 1 of 2 Flight Rules.*
3. RCAF *Flight Operations Manual.*

## **9. Other Requirements**

X.9 DND/CAF Facilities.

X.9.1 [Use in the context of the Note below] At DND/CAF airfields, the DND/CAF will be responsible for the following:

- a. Aircraft operator's aircraft fuel.
- b. Parking and marshalling of aircraft operator's aircraft.
- c. A restricted area pass or DND/CAF security escort. The aircraft operator's personnel must have a valid photo identification document (e.g., passport, for foreign personnel, or a driver's licence) in their possession and must produce it when requested.

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X.9.2 *[Use in the context of the Note below]* Space for the Aircraft Operator's Use.

X.9.2.1 Any capacity in the contracted aircraft not being utilized by the DND/CAF may, unless the DND/CAF objects, be used by the aircraft operator for the carriage of its own personnel, baggage or goods. However, the DND/CAF is under no obligation to provide space for support items and equipment.

X.9.3 *[Use in the context of the Note below]* Flight Scheduling.

X.9.3.1 The pilot-in-command of the aircraft must act upon instructions given by the DND/CAF, or its authorized representative, in respect of the scheduling and operational use of the aircraft, subject to the serviceability of the aircraft and weather conditions. When, for safety or other reasons, the pilot-in-command or aircraft operator temporarily suspends a flight or any portion of the specified service, the DND/CAF reserves the right to demand a written statement of cause.

X.9.4 *[Use in the context of the Note below]* Substitution of Aircraft.

X.9.4.1 When, owing to causes beyond the control of the contractor/aircraft operator, the contracted aircraft is unavailable at the time the contract commences or becomes unavailable while carrying out the contract, the contractor/aircraft operator must furnish another aircraft of the same type or, with the approval of the DND/CAF, substitute another type of aircraft at the rates and charges applicable to the aircraft originally contracted (except as provided in subsections xxx and xxx *[Delete if not required]*). If the substituted aircraft is of a different type and/or configuration, the existing TAO will require a re-assessment by the DND/CAF airworthiness authorities.

X.9.4.2 When a substituted aircraft is capable of a larger payload than the aircraft originally contracted, the payload carried in the substituted aircraft must not be greater than the payload that would have been available in the aircraft originally contracted, unless the contractor/aircraft operator agrees to pay the rates and charges applicable to the substituted aircraft. When the maximum payload of a substituted aircraft is smaller than the maximum payload of the aircraft originally contracted, charges shall be based on the rates and charges applicable to the type of substituted aircraft, except that where such rates and charges are higher than those for the aircraft originally contracted, the rates and charges for the original aircraft contracted must apply.

**NOTE**

*The above requirements (X.9.1 through X.9.4) are not directly related to airworthiness, but are recommended as representing best practice.*

X.9.5 Special Circumstances. The following requirements may be inserted as required.

X.9.5.1 The aircraft must be capable of, and approved (by an airworthiness authority acceptable to the DND/CAF airworthiness authorities) for, operations to/from austere airstrips.

**NOTE**

*This ensures that the aircraft has a heavy-duty undercarriage fitted with 'tundra' tires etc.*

X.9.5.2 Services provided are to be in accordance with CAF parachute safety regulations for Search and Rescue Technicians contained in Air Force Orders, including Standard Manoeuvring Manuals and covered with the TAO, rules and regulations. Copies of the Orders and Manuals are available upon request.

X.9.5.3 The contractor/aircraft operator is to provide proof of approval (by an airworthiness authority acceptable to the DND/CAF airworthiness authorities) for the conduct of parachute operations.

X.9.5.4 Supplementary oxygen must be utilized at all times when operating at cabin altitudes greater than 10,000 feet.

X.9.5.5 *[Use in the context of the Note below]* The aircraft interior must be maintained in a condition suitable for passengers and be equipped with approved upholstered seating in accordance with applicable occupant safety standards.

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X.9.5.6 [*Use in the context of the Note below*] The contractor/aircraft operator must maintain passenger lists in a manner acceptable to the DND/CAF.

**NOTE**

*The above requirements (X.9.5.5 and X.9.5.6) are not directly related to airworthiness, but are recommended as representing best practice.*

**GENERAL AIRWORTHINESS REQUIREMENTS / CONTRACT CLAUSES FOR FOREIGN CIVIL  
OPERATOR CONDUCTING ACTIVITIES RELATING TO DEFENCE IN FOREIGN AIRSPACE**

These requirements/clauses apply to foreign civil operators conducting an Activity Relating to Defence for the DND/CAF outside Canadian airspace. As outlined in Paragraph 4.4.3 and Section 4.5 of this Advisory, the DND/CAF will need to exercise duty of care (in lieu of direct airworthiness oversight) of a foreign operator providing services to the DND/CAF in foreign airspace. This Annex provides general technical and operational airworthiness requirements and clauses to be inserted in contracts and requests for proposals in order to ensure, to the extent possible, adherence to DND/CAF safety expectations.

The following requirements / contract clauses are intended as a general guide. They need to be reviewed and tailored to suit particular circumstances accordingly. In all cases, the DTAES 3-2/SSO OA staff must be consulted for confirmation of the exact airworthiness clauses to be included in contracts for civil aircraft operators to conduct activities relating to defence for the DND/CAF. The following requirements also contain clauses that are not directly related to airworthiness but which, nevertheless, represent best practice; they are identified as such where they occur.

**NOTES**

1. *The operator of the aircraft could be sub-contracted by the contract holder to provide the service being contracted. Therefore, in this annex, the term “Operator” is used where a requirement/clause applies specifically to the operator of the aircraft, who might not be the contract holder.*
2. *Lines beginning with “X” indicates a contract clause, and in the RFP/SOW the applicable paragraph number should be substituted.*
3. *The DND/CAF cannot exercise airworthiness authority under the Aeronautics Act over foreign companies operating in foreign airspace.*

**1. “General Regulatory Requirements” Contract Clauses**

**X.1 General Regulatory Requirements:**

X.1.1 The Operator must agree that representatives of Canada may conduct, at their discretion, a survey of the Operator’s facilities, to determine the technical capabilities for performance of the work described herein. The Operator must agree to make its facilities, including its resources and documentation, available for this purpose.

X.1.2 All services provided must be approved by the DND/CAF, or its authorized representative, who reserves the right to inspect the aircraft and technical and operational documentation including, but not limited to, flight plans or flight notifications, loading records, technical logs and aircrew logbooks, maintenance records and training records, to ensure compliance with the conditions of the contract as well as safe operation and maintenance of the aircraft.

X.1.3 On request, the aircraft operator is to provide copies of the following:

- a. Copies of any and all documents that demonstrate to the satisfaction of the TAA and OAA that the aircraft operator is acceptable for the conduct of activities related to defence for the DND/CAF.
- b. Copies of the most recent audit reports of the aircraft operator’s organization by one or more of the following:
  - (1) Civil airworthiness authority.
  - (2) Military airworthiness authority.
  - (3) Third party Quality Management System (QMS) Registrar.
  - (4) Any other audit reports related to contracted service.



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X.1.4 When applicable, the aircraft operator must comply with all laws, regulations and/or DND/CAF and/or applicable foreign military orders pertaining to the carriage of dangerous goods or hazardous material.

X.1.5 The aircraft operator must provide all personnel, facilities, supplies and equipment to properly support and perform this contract. Support must include, but need not be limited to, the following aircraft services:

- a. Conduct and control of maintenance.
- b. Fleet service and aircraft dispatch.
- c. Supply support, spare parts and engines, as required.
- d. Operational personnel sufficient to support the contracted services.
- e. Responsibility for weight and balance of the aircraft on all flights.

**2. “Operating Requirements” Contract Clauses**

**X.2 Operating Requirements**

X.2.1 The Operator must meet the following criteria:

- a. Must be approved, for the type of operations required, by an airworthiness authority acceptable to the DND/CAF airworthiness authorities.
- b. Must be assessed by DND/CAF airworthiness staffs to be acceptable for the conduct of the planned activities relating to defence.
- c. In making that assessment the DND/CAF will give credit if the Operator meets at least one of the following conditions:
  - (1) Holds an appropriate and valid AOC issued by an authority acceptable to the DND/CAF, for the provision of the type of service under contract. For example, an authorization issued by the FAA under 14 CFR Subchapter G (e.g., Part 119, 121, 125 or 135) or by EASA.
  - (2) Be authorized by the FAA as a private operator in accordance with Part 91 Subpart K.
  - (3) Foreign organizations who are authorized to operate as a private operator under the general provisions of 14 CFR Part 91, or who hold an authorization for CUSMA operations in Canada issued by the FAA, might also be acceptable, provided that they meet the requirements of the DND/CAF private operator checklists (e.g., maintenance program and control system, flight safety program, aircrew training system, control of spare parts, etc).

X.2.2 The Contractor must be deemed capable of safely conducting the activities relating to defence and hold an appropriate authorization from the Operator’s national Civil Aviation Authority. When performing the required operations, the Contractor will operate under the airworthiness oversight of the Operator’s national Civil Aviation Authority [*Insert the following, if applicable:* “and in compliance with all requirements as a US DoD Air Mobility Command Approved Commercial Vendor, where those requirements are more restrictive than the Operator’s national civil regulations”]. Notwithstanding, the DND/CAF reserves the right to conduct audits/inspections to ensure compliance with the contract.

**NOTE**

*Some airworthiness requirements are specific to Canada. Nevertheless, foreign airworthiness programs may have equivalent or foreign terms that may be substituted. Foreign standards that meet the intent of the DND/CAF Airworthiness Program may be acceptable if they are deemed equivalent by the DND/CAF. For example, the DND/CAF may accept foreign aircraft maintenance engineers if they meet training/experience*

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*standards that are equivalent to those required by the DND/CAF or as outlined in the CARs. Foreign civil operator approvals or maintenance control systems must be referred to DND/CAF airworthiness staffs for guidance on the acceptability of such systems. The DND/CAF Audit Checklists for TAO Organizations and Audit Checklist for Private Operators under 14 CFR Part 91 will apply as applicable.*

**3. “Aircraft Requirements” Contract Clauses**

**X.3. Aircraft Requirements**

X.3.1 The aircraft must be identified by registration markings and must be either owned or controlled by the Operator in such a manner as to ensure exclusive control over the aircraft, its contents and crew thereof when operating for the DND/CAF.

X.3.2 The aircraft provided for the purpose of this charter must be equipped with serviceable equipment applicable to the types of operations required and suitable for the particular airspace through which the operations occur. The aircraft must have serviceable radio equipment capable of transmitting and receiving on frequencies in use at departure, en route and destination; and with an Emergency Locator Transmitter (ELT).

X.3.3 When applicable, survival gear appropriate for long-range, over-water operations must be carried on board, including personal survival equipment and life rafts sufficient to accommodate all personnel on board.

X.3.4 Each aircraft used to fulfil the Contract must have a civil flight authority issued by a regulatory body acceptable to the DND/CAF (e.g., TCCA, US FAA or UK CAA). The aircraft must be capable of successfully executing the missions, as tasked, within the limitations of the civil Type Certificate (or design specification for ex-military aircraft) and civil flight authorities (Certificate of Airworthiness (CofA), Special CofA or appropriate flight permit, etc.) of the applicable aircraft, and any applicable AOC or similar authorization.

X.3.5 The aircraft operator must obtain and maintain all permits, licences and certificates of approval required for the work to be performed under any applicable federal, provincial or municipal legislation. The aircraft operator will be responsible for any charges imposed by such legislation or regulations. Upon request, the aircraft operator must provide a copy of any such permit, licence or certificate to the DND/CAF. The aircraft operator will be responsible for providing Supplementary Type Certificates (STCs), Limited STCs, Aircraft Flight Manual (AFM) Supplements and maintenance manual supplements, as appropriate, pertaining to any modifications to the aircraft required for the service to be provided.

**4. “Aircrew and Ground Crew Requirements” Contract Clauses**

**X.4. Aircrew and Ground Crew Requirements**

X.4.1 The pilot-in-command must have flown a minimum of [XX]\* hours on fixed/rotary wing aircraft, including [XX]\* hours as pilot-in-command of the type of aircraft specified and [XX]\* hours in theatres of operations similar to those required under the contract. *[Add the following text, if required]* The pilot-in-command must also have a minimum of [XX]\* hours of experience in *[edit as required (e.g., tow target operations, mountainous terrain operations, etc)]*. When so requested by the identified user, the aircraft operator must provide documentary proof of aircrew qualifications, ratings and experience. *[\* Insert number of hours required]*

X.4.2 All aircraft operator personnel acting as flight crew must each hold a valid flight crew licence, as defined in CARs Part IV (or FAR equivalent), endorsed with ratings appropriate to the aircraft and air services being provided, including the ability to conduct flights under Instrument Flight Rules (IFR) when required. All aircraft operator personnel acting as flight crew must meet the Recency Requirements defined in CARs Part IV or equivalent FAR.

X.4.3 A comprehensive aircraft capability and walkthrough brief that includes all aircraft ground and in-flight procedures/emergencies must be provided. In particular, the pilot-in-command of the aircraft must ensure that all passengers are given a safety briefing before take-off as outlined in CAR 602.89 (or equivalent FAR), or in other format acceptable to the DND/CAF. If a series of similar or repetitive flights are to be conducted, the safety briefing need be delivered only once before the first flight of each day. Before

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each subsequent flight of each day, the pilot-in-command need brief only those items which have changed since the first safety briefing of the day. The briefing must include, as a minimum, the following:

- a. Danger areas.
- b. Personal safety equipment including the donning of life preservers.
- c. Location of the survival and emergency equipment.
- d. Emergency procedures (including ditching).
- e. Location and operation of emergency exits.

X.4.4 Crew duty times must be within civil limits of the flight crew licences and regulations.

X.4.5 Ground crews must be approved for the support of the aircraft and equipment required.

X.4.6 The contractor/aircraft operator must operate under the guidance of a policy or program that is designed to ensure that personnel involved in the performance of activities related to defence for the DND/CAF do not act while impaired due to the influence of alcohol, drugs (prescribed or otherwise) or other harmful substances (which could otherwise prejudice the safe performance of the contract). The policy or program must address, at least, the following requirements:

- a. Any consumption of alcohol within a period of 24 hours prior to the performance of activities related to defence should be of a moderate amount and be consumed at a rate which, in combination with a period of sleep following consumption, will not affect performance. In particular, flight crew must abstain from consuming alcohol for at least twelve hours prior to flying or control duties, and in no case less than eight hours prior to reporting for duty.
- b. Cannabis consumption by flight crew personnel involved in or the provision of activities related to defence under this contract is prohibited during the 28 days before any operation of an aircraft/Remotely Piloted Aircraft System (UAS). *[Edit depending on the applicant]*

## **5. “General Operations” Contract Clauses**

### **X.5 General Operations.**

X.5.1 If, at any time during the course of the operations, the flight crew, the maintenance crew or both are considered by the DND/CAF to be unsatisfactory for safety or other reasons, the DND/CAF may notify the Contractor in writing that the flight crew, the maintenance crew or both must be replaced. The Contractor must immediately, upon receiving such notification, withdraw and replace the crew specified in the notice. The Contractor must advise the Contracting Authority or Technical Authority *[Edit as required]* of the corrective action taken. The aircraft involved must be considered unserviceable until a satisfactory crew resumes operations. Causes for consideration of the crew as being unsatisfactory include, but are not limited to, the following: incompetence or inexperience in operating and maintaining the aircraft for normal operations, and infractions of rules, regulations or orders.

X.5.2 The DND/CAF reserves the right to review the Operator’s operational procedures and provide guidance whenever necessary.

## **6. “Flight Safety” Contract Clauses**

### **X.6 Flight Safety**

X.6.1 The aircraft operator must operate under the guidance of an aviation safety program meeting the intent of A-GA-135-001/AA-001 “*Flight Safety for the Canadian Armed Forces*” and A-GA-135-003/AG-001 “*Airworthiness Investigation Manual*” (AIM), as determined by the DND/CAF.

X.6.2 The aircraft operator must report specific military-civilian occurrences to the AIA, as listed in Military Airworthiness Investigation Regulations (MAIR), paragraph 2(1) or (2), and repeated in the AIM. This reporting obligation will be fulfilled through a nominated DND/CAF flight safety contact who will process the occurrence report into the Flight Safety Information Management System (FSIMS) on behalf of the Operator.

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X.6.3 In the event of an incident or accident, the Operator must allow Aircraft Accident Investigators access to all relevant data, personnel, documentation and facilities to support a Flight Safety investigation, if required. Documents to be provided include (but are not limited to) the Company Operations Manual, Company and Aircraft Standard Operating Procedures (SOPs), Aircraft Flight Manual, Aircraft Cockpit Checklist, Aircrew Flight Training Records, Aircraft Journey Log and Aircraft Maintenance and Parts Manuals. Company subject matter experts must be provided to the Aircraft Accident Investigators to assist with an incident or accident investigation, upon request.

X.6.4 To reduce hazards to investigating personnel and the environment, the Contractor must supply a list of known hazardous materials either carried as cargo or integral to the aircraft through design, manufacture, or maintenance. The aircraft operator must provide this list prior to the start of flying operations.

**7. References**

X.7 Airworthiness References.

X.7.1 Canadian Aviation Regulations: <https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433>

X.7.2 Military Airworthiness Investigation Regulations: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2018-217/index.html>

X.7.3 Electronic copies of DND/CAF manuals, publications and Airworthiness Audit Checklists will be provided by the DND/CAF.

**8. Additional Optional Clauses**

The following requirements / clauses are not related to airworthiness, but are recommended as 'best practice'. *[Edit as required to suit the contract]*

X.8 Special Circumstances. The following requirements may be inserted as required.

X.8.1 The aircraft must be capable of, and approved by, an airworthiness authority acceptable to the DND/CAF airworthiness authorities, for operations to/from austere airstrips.

X.8.2 Services provided are to be in accordance with CAF parachute safety regulations for Search and Rescue Technicians contained in Air Command Orders, including Standard Manoeuvring Manuals and covered with the TAO, rules and regulations. Copies of the Orders and Manuals are available upon request.

X.8.3 The contractor/aircraft operator is to provide proof of approval by an airworthiness authority acceptable to the DND/CAF airworthiness authorities for the conduct of parachute operations.

X.8.4 Supplementary oxygen must be utilized at all times when operating at cabin altitudes greater than 10,000 feet.

X.8.5 The aircraft interior must be maintained in a condition suitable for passengers and be equipped with approved upholstered seating in accordance with applicable occupant safety standards.

X.8.6 The contractor/aircraft operator must maintain passenger lists in a manner acceptable to the DND/CAF.