



U.S. Department
of Transportation
Federal Aviation
Administration

Advisory Circular

Subject: Provision of Technical Assistance to
Civil Aviation Authorities for Safety
Oversight of International
Commercial Air Transportation
Including by Commercial Technical
Assistance Providers

Date: 8/16/13

Initiated by: AFS-50

AC No: 129-5

Change:

This advisory circular (AC) provides information about the provision of technical assistance to Civil Aviation Authorities (CAA) related to compliance with International Civil Aviation Organization (ICAO) standards and recommended practices. The AC explains the process the Federal Aviation Administration (FAA) uses to provide assistance to CAAs and also provides guidance CAAs can use to obtain technical assistance from commercial providers if the services of the FAA are not available.

Noncompliance with ICAO standards by CAAs is often identified under the FAA's International Aviation Safety Assessment (IASA) program. The primary focus for the IASA program is for compliance with ICAO Annex 1, Personnel Licensing; Annex 6, Operation of Aircraft, Part 1, International Commercial Air Transport-Aeroplanes; and Annex 8, Airworthiness of Aircraft.

This AC contains information a CAA may use to identify:

- The elements that must be analyzed in order for any technical assistance project to have an opportunity to succeed;
- The actions that should be taken before, during, and after the conduct of any technical assistance relating to the eight critical elements of safety oversight, as defined in ICAO Document 9734, Safety Oversight Manual, Part A, The Establishment and Management of a State's Safety Oversight System (ICAO Document 9734, Part A); and
- The process steps that will facilitate the effective selection of commercial technical assistance providers.

John M. Allen
Director, Flight Standards Service

CONTENTS

Paragraph	Page
CHAPTER 1. PURPOSE AND BACKGROUND INFORMATION	
1-1. Purpose.....	1
1-2. Applicability	1
1-3. Related CFR Part	1
1-4. Key Terms and Descriptions.....	1
CHAPTER 2. INTERNATIONAL STANDARDS AND THE EIGHT CRITICAL ELEMENTS OF SAFETY OVERSIGHT	
2-1. SARPs	3
2-2. Critical Elements for Oversight	3
2-3. Descriptions of Critical Elements	3
CHAPTER 3. FAA PROVISION OF TECHNICAL ASSISTANCE	
3-1. Global Aviation Safety	9
3-2. Technological Innovation	9
3-3. Technical Review.....	9
3-4. Action Planning	9
3-5. FAA Determination to Undertake Long-Term Technical Assistance	10
3-6. If the FAA Agrees to Undertake Long-Term Technical Assistance.....	10
3-7. If the FAA Cannot Commit to Providing Long-Term Technical Assistance	11
CHAPTER 4. SELECTING A COMMERCIAL TECHNICAL ASSISTANCE PROVIDER	
4-1. Statement of Work (SOW).....	13
4-2. Commercial Technical Assistance Provider Application	13
4-3. FAA Relationship with Commercial Technical Assistance Providers	16
CHAPTER 5. ADDITIONAL INFORMATION	
5-1. Where You Can Find This AC.....	19
5-2. Additional Information	19

CHAPTER 1. PURPOSE AND BACKGROUND INFORMATION

1-1. PURPOSE. This advisory circular (AC) provides information about the provision of technical assistance to Civil Airworthiness Authorities (CAA) related to compliance with International Civil Aviation Organization (ICAO) standards. It explains the process the Federal Aviation Administration (FAA) uses to provide assistance to CAAs and also provides guidance that CAAs can use to obtain technical assistance from commercial providers if the services of the FAA are not available.

1-2. APPLICABILITY. This AC contains information that may be helpful in the selection of commercial technical assistance providers. It contains characteristics that have been identified and used by the FAA, resulting in the effective use of a CAA's resources to meet its obligations with the Convention on International Civil Aviation (the Chicago Convention) and become compliant with the requirements of applicable ICAO Annexes.

1-3. RELATED CFR PART. Title 14 of the Code of Federal Regulations (14 CFR) part 129 subpart A.

1-4. KEY TERMS AND DESCRIPTIONS. For purposes of this AC, the following key terms apply:

a. Action Plan. A detailed document that addresses the eight critical elements for safety oversight for an effective CAA, as described in ICAO Document 9734, Safety Oversight Manual, Part A, The Establishment and Management of a State's Safety Oversight System. The plan will identify all of the actions needed to be taken by the CAA to bring each of the elements into compliance with ICAO standards. Action plans are designed to be a systematic way of:

- Identifying the current state of the eight critical elements within a country's safety oversight system;
- Identifying the findings within each element;
- Identifying the needed corrective actions; and
- Establishing specific timelines for the closure of corrective actions, as appropriate.

b. International Aviation Safety Assessment (IASA). An assessment conducted by the FAA to evaluate a country's compliance with applicable ICAO standards. This evaluation assesses and validates that the safety oversight system of a country that is a signatory to the Chicago Convention is compliant with the Standards and Recommended Practices (SARP) as established by ICAO Annexes 1, 6, and 8 and associated documents.

(1) Such compliance with the applicable standards is a condition for the conduct of commercial air transportation service to the United States under part 129.

(2) The specific level of compliance is determined during an in-country visit that is conducted by a trained and qualified technical team leader and associated team members. Completion of the assessment process results in the determination of the level of safety oversight and an associated assignment of the appropriate category rating (Category 1 or Category 2). The category rating is released to the public.

(a) Category 1: The FAA has assessed the country's CAA and has determined that the CAA licenses and oversees its air carriers in accordance with applicable ICAO aviation safety standards.

(b) Category 2: The FAA has assessed the country's CAA and has determined that the CAA does not provide appropriate safety oversight of its air carrier operators in accordance with the minimum safety oversight standards established by ICAO.

c. Management Review. A progress review conducted on an as-needed basis during the course of technical assistance to determine the needs of the country and the service provider are being met. A management review is normally conducted by a team of two or more management personnel selected by the technical assistance provider.

d. Political Will. The capability and commitment of a foreign government to follow through and maximize the benefits of technical assistance. Foreign political will must be demonstrated by a documented commitment of manpower and budgetary resources.

e. Technical Assistance. The process to provide assistance to the CAA in obtaining compliance with ICAO SARPs. Technical assistance activities are normally a result of an FAA IASA, a technical review, or a past ICAO activity such as the Universal Safety Oversight Audit Program (USOAP) or the ICAO Coordinated Validation Mission (ICVM). Technical assistance is provided by personnel that are trained and qualified to do so, and providers are typically ICAO, other CAAs, or commercial entities. Some form of technical evaluation must first be conducted as part of the development of a technical assistance package.

f. Technical Assistance Provider. A technical assistance provider, being comprised of a single person or several people appropriate to the task at hand, provides services to a CAA to improve its system of safety oversight.

(1) The technical assistance process for a CAA is complex, and the success of the assistance depends on the quality of the information and materials provided by the provider. Consequently, a technical assistance provider should be familiar enough with the technical assistance process to understand what is required to establish an ICAO-compliant system of aviation safety oversight.

(2) No technical assistance provider may advertise or otherwise offer to perform services using words such as "FAA-approved," "FAA-designated," or words of similar meaning. Advertising with words such as "approved" or "designated" are sufficient grounds for termination of any working relationship in such matters with the FAA.

g. Technical Review. An evaluation of a country's compliance with applicable ICAO standards as a signatory to the Chicago Convention, as determined by a technical team. A technical review does not result in the assignment of a specific category (1 or 2) regarding compliance with ICAO standards. The FAA conducts technical reviews on countries that are not presently rated under the IASA program or that have an existing IASA Category 2 rating.

CHAPTER 2. INTERNATIONAL STANDARDS AND THE EIGHT CRITICAL ELEMENTS OF SAFETY OVERSIGHT

2-1. SARPs. The SARPs, as set forth by the ICAO, have been providing a baseline for which every signatory State must develop and implement an effective Aviation Oversight System with which to control every aspect of civil aviation in each State. Each country, as a signatory to the Chicago Convention, must strive to meet or exceed these SARPs by way of regulations and guidance.

2-2. CRITICAL ELEMENTS FOR OVERSIGHT. In a country's efforts to establish or re-establish and implement an effective aviation safety oversight system, it must consider the eight critical elements as defined by ICAO Document 9734, Part A. The critical elements are an essential part of any effective system of oversight and are required for the implementation of safety-related policy and associated procedures. Each country, as a signatory to the Chicago Convention, is expected to implement the elements in a way that assumes the shared responsibility of the State and its aviation community. The effective implementation of the critical elements is one of the primary indicators of a State's ability to perform safety oversight. These elements are the primary factors for both the ICVM and the FAA's IASA program.

2-3. DESCRIPTIONS OF CRITICAL ELEMENTS. A brief description of each of the eight critical elements of safety oversight is listed below from ICAO Document 9734, Part A, paragraph 3.1.2. Along with the description of each element are observations based on FAA experiences as to what a CAA, its applicable transport ministry and national government, and, in some instances, its aviation industry must be willing to address during a technical assistance program to become compliant with international safety oversight obligations.

a. Primary Aviation Legislation. The provision of a comprehensive and effective aviation law consistent with the environment and complexity of the State's aviation activity and compliant with the requirements contained in the Chicago Convention.

(1) In those situations necessary, the CAA must first decide if they are going to update or develop their own national legislation. The primary aviation legislation is one of the most critical elements to the authority itself. The authority and functions of the CAA must be founded in law. In most countries, it has been found to be the most time-intensive, and difficult element to change, usually requiring a minimum of a year to fully work through the State's legislative process.

(2) The legislation should support the implementation of the obligations outlined in the Chicago Convention and the SARPs contained in the applicable ICAO Annexes. Without ICAO-compliant aviation legislation in place, the other seven critical elements cannot be adequately or fully implemented.

b. Specific Operating Regulations. The provision of adequate regulations to address, at a minimum, are national requirements emanating from the primary aviation legislation and providing for standardized operational procedures, equipment, and infrastructures (including safety management and training systems), in conformance with the SARPs contained in the Annexes to the Chicago Convention.

NOTE: The term “regulations” is used in a generic sense to include, but is not limited to, instructions, rules, edicts, directives, sets of laws, requirements, policies, and orders.

(1) In those situations necessary, the CAA must first decide if they are going to develop their own set of regulations or will adopt ones from another country. The regulations are one of the critical elements of the authority itself. In the first case, it will be time-intensive and difficult to do. The best course of action, for both time and cost, is to adopt regulations that are already developed and proven effective (such as the Model Civil Aviation Regulations (MCAR)). Even these will require minor modifications, and must be tailored to fit a particular State’s situation.

(2) Once a commitment is made in a direction and content, there cannot be a commingling of regulations (i.e. European Aviation Safety Agency (EASA)/Joint Aviation Requirements (JAR), CFRs, Latin American Aeronautical Regulations (LAR) and MCARs). There are enough differences in all to make them difficult or incompatible. Mixing parts of one with another has been found to create more problems than it solves.

c. State Civil Aviation System and Safety Oversight Functions. The establishment of a CAA and/or other relevant authorities or government agencies headed by a chief executive office, supported by the appropriate and adequate technical and non-technical staff, and provided with adequate financial resources. The State authority must have stated safety regulatory functions, objectives, and safety policies.

NOTE: The term “State civil aviation system” is used in a generic sense to include all authorities with aviation safety oversight responsibility which may be established by the State as separate entities, such as: CAA, airport authorities, Air Traffic Service (ATS) authorities, accident investigation authority, and meteorological authority.

NOTE: Without an adequate infrastructure and facilities already in place, the CAA will be ill-advised to start any technical assistance project.

d. Technical Personnel Qualification and Training. The establishment of minimum knowledge and experience requirements for the technical personnel performing safety oversight functions and the provision of appropriate training to maintain and enhance their competence at the desired level. The training should include initial and recurrent (periodic) training.

(1) The hiring of highly qualified and well-rounded individuals for inspector positions has proven to be difficult for many States. In some cases, salary, not career expectations, will determine the availability and willingness of individuals to seek an inspector position. More than likely, the industry offers a much better salary and compensation package. The lack of a career civil service system in most developing countries will be a stumbling block that will be difficult to overcome. Or, if there is a civil service system, it may only allow a standard government salary that is not commensurate with the experience, knowledge, and skills required for aviation oversight positions. Rare is the case where one can expect to find highly qualified individuals in a job after a total change of government personnel has occurred. Even in those cases where

highly qualified individuals are hired, they may be reluctant to take any strong actions for several reasons, including:

- Old friendships with industry personnel;
- Expectations of future employment by the aviation entities they oversee;
- No support by the government regime if the country's legal system does not protect government employees in case of lawsuits; and
- Aggressive action not being a cultural norm.

(2) The FAA has experienced all of these situations in past technical assistance projects. There is no clear-cut solution to any of these situations of hiring and retaining qualified inspector personnel, and overcoming inspector reluctance to take strong CAA action. This area may likely be the most difficult hindrance to overcome. All that may be expected during the period of technical assistance is that the individuals hired be professional and motivated enough in order to move ahead. A CAA must be prepared to continually lobby within its own government for the authority and funding to pay its staff an adequate compensation system in order to retain qualified staff.

e. Technical Guidance, Tools, and the Provision of Safety-Critical Information. The provision of technical guidance (including processes and procedures), tools (including facilities and equipment), and safety-critical information, as applicable to the technical personnel to enable them to perform their safety oversight functions in accordance with the requirements and in a standardized manner. In addition, this includes the provision of technical guidance by the oversight authority to the aviation industry on the implementation of applicable regulations and instructions.

(1) Technical guidance has to go hand-in-hand with the national law and regulations. In other words, it must be consistent and refer to the same regulations that have been implemented. In one case, a country adopted guidance based on regulations from one country and adopted regulations from another. In certain instances, there were inconsistencies, and in many cases, the guidance and regulations contradicted each other. The guidance should be developed as the regulations are being developed. The trainee inspectors need to be trained to both avoid misunderstandings in what the regulations require and how they will be implemented.

(2) The foreign CAA must provide adequate facilities for the technical assistance personnel and for its own inspectors. Lack of such items as desks, computers, and Internet access will hinder the effective implementation of the project. Cramped quarters, lack of rooms for training, insufficient telephone lines, and/or nonrecognition of inspector's credentials by airport security personnel for access to the airport/aircraft are just a few of the examples of impediments that have affected the outcome of some technical assistance projects and must be addressed by a CAA in order to have the basis for a functional CAA office.

f. Licensing, Certification, Authorization, and Approval Obligations. The implementation of processes and procedures to ensure that personnel and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a license, certificate, authorization, and/or approval to conduct the relevant aviation training.

(1) The concept of developing requirements for obtaining licenses and the necessary standards under which to test for them may be encountered with resistance from the industry; being perceived as too harsh and unnecessary.

(2) The CAA must recognize that ICAO Annex 1, Chapter 2, Section 2.1.1 establishes that “An applicant shall...meet such requirements in respect of...knowledge...skill...as are specified for that license or rating.” The importance of these requirements cannot be overemphasized, nor should it be minimized. The competency of airmen is one of the key elements in the day-to-day safe operations of any airline, considering that human factors are the main cause of aviation accidents in the world.

(3) As for operator certification, both the CAA and the operator must work from the premise that ICAO requires that the operator maintain the same standards that were required for certification (ICAO Annex 6, Part 1, Chapter 4, 4.2.1). The operator and the CAA must both understand that air carrier certification is a continuous process which will be ongoing as long as the operator holds that aircraft operator certificate (AOC). A comprehensive and thorough process for the certification of the operator, in accordance with the country’s regulation and guidance is a must.

g. Surveillance Obligations. The implementation of processes, such as inspections and audits, to proactively ensure that aviation license, certificate, authorization and/or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State to undertake an aviation-related activity for which they have been licensed, certified, authorized and/or approved to perform. This includes the surveillance of designated personnel who perform safety oversight functions on behalf of the CAA.

(1) ICAO Annex 6, Part I, Chapter 4, 4.2.1, specifies that the operator must continue to operate in accordance with those standards required for initial certification and that the State shall establish a program for the continued surveillance of such operator. ICAO Document 9734, Part A, Chapter 3, 3.8, also expands on this issue.

(2) The lack of enough human and financial resources will frequently be the main problem encountered in the proper execution of an ongoing surveillance program. The CAA should also be made aware that the types and number of inspections detailed in ICAO Document 8335, Manual of Procedures for Operations Inspection, Certification and Continued Surveillance, Chapter 9, are only examples of some of the areas to be inspected. It can be expected the more complex an operator, the more types and greater frequency of inspections will need to be accomplished.

h. Resolution of Safety Concerns. The implementation of processes and procedures to resolve identified deficiencies impacting aviation safety, which may have been residing in the aviation system and have been detected by the regulatory authority or other appropriate bodies.

NOTE: This would include the ability to analyze safety deficiencies, forward recommendations, support the resolution of identified deficiencies, as well as take enforcement action when appropriate.

(1) The CAA should be aware of when it is appropriate to file a sanction and when to get compliance some other way. The CAA must also understand that safety comes first and foremost when dealing with a safety of flight or critical findings.

(2) Whenever it is decided that an operator will be given time to correct something, that amount of time should be commensurate with the severity of the issue. For example, if an operator has not been correctly recording training given, it would be expected that the operator correct the mistake as soon as possible, not granting time until the next training cycle of the airman to correct the issue. In a case like this, safety was not compromised because training was accomplished, it was just not recorded. The operator needs to be penalized but it could be in the form of an administrative warning. If on the other hand, the operator has failed to train in accordance with the regulations, then enforcement would be the appropriate way to proceed. Repeat violations on the same issues would of course require that the sanction increase accordingly.

(3) The CAA must understand that they are not the quality control for the operator. In other words, if the operator cannot seem to comply, as a result of unsatisfactory inspection findings, the only recourse is by way of enforcement. CAAs have historically shown a propensity to allow operators to continue to operate because they felt it was their duty to make them comply when they found noncompliance. It should be clear to everyone concerned that the onus is on the operator to comply with the law rather than on the CAA to make the operator comply.

(4) The resolution of safety issues by way of enforcement (sanctions) should come as a last result. The main purpose of sanctioning is to deter noncompliance with the regulations, thus ensuring an acceptable level of compliance. Enforcement should not be taught as a method of punishment but rather as a way to exercise control, discourage repeats, and empower the inspector workforce.

CHAPTER 3. FAA PROVISION OF TECHNICAL ASSISTANCE

3-1. GLOBAL AVIATION SAFETY. The FAA provision of technical assistance to foreign countries and/or persons is viewed as not only beneficial to the aviation community worldwide, but also as a significant way to demonstrate the willingness of the FAA and the U.S. Government to contribute to global aviation safety. As one of the world's largest and most complex aviation industries, and consequently largest CAA, the FAA is perceived as a leader in aviation.

3-2. TECHNOLOGICAL INNOVATION. Aviation has been a pioneer of many modern day innovations and, as such, has developed faster than other fields of everyday technology. The fast pace of technology has, in many cases, hindered the adoption and application of the same or comparable safety checks and balances by CAAs in some countries.

3-3. TECHNICAL REVIEW. When a CAA asks for FAA assistance in developing its safety oversight capabilities, the FAA will first provide technical assistance in the form of a technical review, which will involve an indepth audit of the current CAA oversight system. FAA experience has shown that a baseline is critical in determining the level of work that must be achieved by the CAA in order to meet minimum ICAO standards. The technical review is conducted through a government-to-government agreement and the FAA costs of conducting the technical review are reimbursed by the CAA. The FAA technical review report will contain any recommendations for improvement in each of the ICAO eight critical elements, which can in turn generate a detailed action plan (discussed below).

NOTE: A technical review may not be needed if an FAA IASA has been recently conducted. Once the CAA receives the FAA technical review report, it can determine if it would like further assistance from the FAA. Further FAA assistance at that point would be FAA-CAA joint development of an action plan, which would detail the actions to be taken and the timelines to achieve.

3-4. ACTION PLANNING. FAA development of an action plan for a CAA based on either an IASA or technical review report is a technical assistance activity and requires a reimbursable government-to-government agreement. The action plan provides a guide as to the actions and timelines that the CAA must implement in order to reach compliance with minimum ICAO safety oversight standards within its projected time period.

a. Guide for Technical Assistance Providers. The action plan also provides a guide from which any future technical assistance provider should draw in order to assist the CAA. After the development of an action plan, the CAA will need to determine if it has the resources and expertise itself to address the items in the action plan or if it will ask for technical assistance from the FAA or some other technical assistance provider.

b. Requests for Assistance. Generally speaking, CAA technical assistance requests for assistance in the implementation of the action plan are considered to be long-term technical assistance requests, as they regularly take several years to complete.

3-5. FAA DETERMINATION TO UNDERTAKE LONG-TERM TECHNICAL ASSISTANCE. The FAA is limited to the number and scope of projects that it can take on, as the demand for technical assistance frequently would require more qualified inspectorate personnel than the number available.

a. FAA Priorities. Requests for long-term technical assistance must be considered against FAA internal and external priorities, and the State's political will and resources, as outlined in FAA Order VS 1240.1, AVS International Doctrine.

b. FAA Considerations. Some of the items the FAA will consider as to a State's political will and resources are as follows:

(1) Has an acceptable civil aviation law been enacted by the State's legislative body or is one moving through the State's legislative system? This is an important ingredient, considering the amount of time necessary to enact or change laws in any country. Without the necessary legal foundation in place, the remaining technical assistance actions will experience shortcomings, if not complete failures.

(2) What are the goals and objectives of the assistance? (Action plan and agreement.)

(3) Can the technical assistance be performed with available CAA resources (i.e., qualified inspector personnel)?

(4) Does the country have the political commitment to comply with the requirements of the eight critical elements and address any shortcomings as discussed in Chapter 2? This is probably the most important ingredient in the equation.

(5) Will the country's action plan delineate firm milestones for both the CAA and the technical assistance provider?

(6) Do the CAA and the State have the resources (i.e., funds and infrastructure) and authority to comply with the action plan?

3-6. IF THE FAA AGREES TO UNDERTAKE LONG-TERM TECHNICAL ASSISTANCE. If the FAA is able to provide long-term technical assistance, it will enter into a reimbursable government-to-government agreement. The FAA will assign a technical assistance team to the project and the team will make periodic visits to the CAA to advise in the implementation of the action plan.

a. Action Plan Modifications. The action plan will undergo mutually agreed-upon modifications by both the FAA and the CAA as the technical assistance progresses. The action plan is and must always be a live document that serves as a road map to guide both the State and the technical assistance provider as to where they are and where they need to be. As the FAA makes periodic technical assistance visits, it will generate a status report for each visit. Reports generated after technical assistance visits may contain additional recommendations to be considered as part of an action plan. Each new recommendation will be described in detail and categorized as to what part or parts of the eight critical elements it belongs to, and will thus

supplement the action plan. Such recommendations will be reviewed by the requesting CAA. Once coordinated, appropriate changes will be made to the action plan document.

b. Model Recommendations. As discussed in Chapter 2, ICAO Document 9734, Part A, contains the eight critical elements that any effective CAA must have in order to be an effective authority. The ICAO Document 9734, Part A, is used by the FAA as the keystone of the technical assistance project in order to preclude any notion that the FAA is trying to impose its system, rather than one based on an ICAO model, on the CAA requesting technical assistance. For those countries that have no existing infrastructure, the ICAO MCARs will frequently be recommended for implementation. The CAA must agree during the initial stages of the technical agreement and action planning as to how they wish to model their own aviation regulatory system.

3-7. IF THE FAA CANNOT COMMIT TO PROVIDING LONG-TERM TECHNICAL ASSISTANCE. If the FAA cannot commit to providing long-term technical assistance, the CAA may wish to consider other sources for technical assistance.

a. Other Governmental Sources. Technical assistance is available from other sources for those States seeking to correct any outstanding issues related to safety oversight. ICAO, through its Technical Co-operation Bureau (TCB), offers significant technical services to those countries seeking to become compliant. Other CAAs may provide technical assistance as well.

b. Commercial Service Providers. There are several businesses and individuals that provide technical assistance on a for-profit basis. It is important to note that the FAA does not and will not formally “designate” or “approve” the activities of a commercial particular provider/group. The FAA can provide guidance to CAAs related to the selection of a commercial technical assistance provider. Such guidance is contained in Chapter 4.

CHAPTER 4. SELECTING A COMMERCIAL TECHNICAL ASSISTANCE PROVIDER

4-1. STATEMENT OF WORK (SOW). Before a CAA begins a search for a commercial service provider described in subparagraph 3-7b, it is strongly recommended that it develop an SOW document describing the scope of work and other details required to complete a specific project. In many CAAs, a formal bid process for soliciting outside services, often referred to as a request for proposal (RFP), is required. As the SOW often accompanies an RFP, the SOW introduction and background is necessary for bidding vendors to familiarize their organizations with the project.

a. SOW for Professional Services. While the contents of an SOW might vary depending upon a State's legal requirements, the following items typically appear in an SOW:

- Introduction and background,
- Project scope with deliverables and dates,
- Period of performance,
- CAA project manager,
- Title (procurement number),
- Physical location,
- Supplies and equipment,
- Payment rate,
- Total contract not to exceed,
- Payment terms,
- Employee-vendor relationship, and/or
- Workers' citizenship.

NOTE: Additional areas that may be included are transmittal/delivery/accessibility provisions, security requirements, or other requirements specific to the program. Attachments, if any, should follow the last section.

b. SOW Agreement. The SOW must be agreed upon by all parties involved. In order to be effective, the SOW must contain an appropriate level of detail so all parties clearly understand what work is required, the duration of the work involved, what the deliverables are, and what is acceptable.

4-2. COMMERCIAL TECHNICAL ASSISTANCE PROVIDER APPLICATION.

a. Qualifications/Experience. As a part of the CAA's procurement process, it is suggested that a technical assistance provider submit a formal letter to the CAA describing the services to be provided and be accompanied by the documents or statements listed below, which are helpful to determine eligibility to provide services:

(1) Names, Titles, and Signed Resumes of the Personnel to Be Used in Technical Assistance, Including All Operations and Airworthiness Employees. Operations personnel should have regulatory experience in flight operations as it relates to the applicable portions of the ICAO Annexes for the assistance work to be conducted. Likewise, airworthiness personnel

should have regulatory experience in maintenance as it relates to the applicable portions of the ICAO Annexes for the assistance work to be conducted. Past history of successful technical assistance projects indicates that resumes for operations and airworthiness personnel should include information that documents:

(a) A Minimum of Seven Years or Equivalent Experience. Operations and airworthiness personnel should have a minimum of seven years documented experience as an aviation safety regulator, or equivalent experience that qualifies them to assist CAAs in the establishment of a system of safety oversight for operations or airworthiness. Technical expertise in each of these areas, as applicable, is necessary to help CAAs design, document, and implement a system of safety oversight that can undergo a successful assessment under the FAA's IASA program or the ICAO ICVM audit.

(b) Five Years Experience Working With a CAA Technical Assistance Process. The technical assistance process presents unique challenges that many CAA personnel have never encountered. Individuals have spent their entire careers in aviation regulatory duties and have never been involved in international technical assistance activities. It is rare to find CAA personnel who have had extensive experience in the establishment and sustainment of ICAO-compliant CAAs. Often, the high level of professionalism and specific experience that CAA personnel possess is simply not sufficient to understand all the interrelated and complex oversight systems to adequately design, document, and implement a system of safety oversight compliant with ICAO standards.

(2) A Documented Method to Design, Document, and Audit its Technical Assistance Process for Safety Oversight. This requirement comprises two very important documents developed for the technical assistance package:

(a) First, the consultant must have a written process that will capture and document how the applicant intends to accomplish its technical assistance processes. The content of this submission must show a method to document how the people, facilities, hardware, software, etc. would be utilized in a technical assistance project. The complexity and interrelationships within a CAA must be understood before process design and documentation begins.

(b) Second, the consultant must have a quality assurance (QA) process to perform audits of the work it performs and determine if such work meets the CAA's requirements for an ICAO-compliant system of safety oversight.

(3) Signed Statement. A signed statement from the technical assistance consultant applicant that, to the best of its knowledge and belief, the persons serving as management of the organization have not been convicted of or had a civil or administrative finding rendered against them for any of the following:

- Commission of fraud,
- Embezzlement,
- Theft,
- Forgery,
- Bribery,

- Falsification,
- Destruction of records,
- Making false statements, or
- Receiving stolen property.

(4) References, Past Experience, and Successes. The technical assistance provider the CAA considers selecting should be able to provide a description of their past experiences and success in providing technical assistance to other CAAs, along with references regarding their past performance. One of the general indicators of successful technical assistance could be the provider's assistance to a CAA that resulted in the CAA's effective implementation of standards under a previous ICAO USOAP or ICVM audit, or receiving an IASA Category 1 rating after an FAA IASA program assessment.

b. Contractor Knowledge, Skills, and Abilities.

(1) Familiarity With the Technical Assistance Process as to What is Needed to Establish an ICAO-Compliant System of Safety Oversight. A commercial technical assistance provider provides services to a CAA to improve its system of safety oversight. The technical assistance process for CAAs is complex, and the success of the assistance depends on the quality of the information and materials offered by the provider. Consequently, a commercial technical assistance provider should be familiar enough with the technical assistance process to understand what is required to establish an ICAO-compliant system of aviation safety oversight.

(2) Ability to Act in an Objective and Unbiased Manner. Personnel conducting technical assistance must always act in an objective and unbiased manner. Although opinions have merit, they are just opinions, and although of value, they have their time and place.

(a) There will be times when the inspector(s) conducting technical assistance will find themselves in the untenable position of having to defend their actions. This is why it is extremely important that during the implementation of any regulation, procedure, guidance, etc., it be done in keeping with the terms of the agreement and action plan.

(b) Once technical assistance progresses, there will come a time when the CAA will most likely challenge the provider, as in all good academic situations. As such, the provider must be ready to defend what he or she has taught and why it should be that way. The provider should not only teach the methodology but the "why" as well. All persons will evolve their own way of thinking and develop their own techniques and hopefully a more effective way of working.

(c) This in no way means that a new idea about how to do things is unacceptable, unless the CAA inspector knows already due to experience. A good provider encourages new ideas and is willing to experiment with them. New ideas should be given a tryout if feasible, but must stay within the confines of the country's laws and regulations.

c. Familiarity with the FAA IASA Program and FAA Technical Assistance Action Planning Process. It is very desirable for the provider to be able to describe:

- Their knowledge of the FAA's IASA program; and
- Their knowledge of the FAA's technical assistance action planning process.

d. Knowledge of ICAO, ICAO Annexes, and Documents Related to Safety Oversight. A commercial technical assistance should be able to:

(1) Describe their knowledge of the ICAO;

(2) Describe their knowledge of the Chicago Convention and the 19 related ICAO Annexes containing standards and recommended practices; and

(3) Describe their knowledge of the associated ICAO guidance documents relating to the safety oversight assistance being provided.

e. Experience in Implementing Technical Assistance Programs Within a CAA. The commercial technical assistance provider should be able to provide you information on their specialized qualifications to conduct the technical assistance in the following general areas:

(1) Describe and explain the size and scope of their organization and facility, including an organization chart or structure;

(2) Describe their organization's process for designing and documenting an action plan appropriate for the work to be conducted;

(3) Describe how they ensure that all applicable safety oversight requirements for a CAA are met;

(4) Describe the method they use to audit a technical assistance project and how audit results are used to improve the services provided;

(5) Describe their organization's automation capabilities, including word processing, spreadsheets, database use, and presentation; and

(6) If applicable to work to be conducted, describe their organization's automation capabilities, including the use of Web-based automation systems compatible with large organizations/governments.

4-3. FAA RELATIONSHIP WITH COMMERCIAL TECHNICAL ASSISTANCE

PROVIDERS. Before selecting a commercial technical assistance provider, it is important to understand that the FAA does not and will not formally "designate" or "approve" the activities of a particular provider/group. However, commercial services providers are able to take the same classroom training courses at the FAA Academy (AMA) that are taken by FAA inspectors who provide technical assistance to CAAs. These training courses are:

- FAA Course 21000039, International Civil Aviation for Inspectors, 24 hours in duration;
- FAA Course 18700, ICAO Endorsed Government Aviation Safety Inspector - Operations, 104 hours in duration;
- FAA Course 18701, ICAO Endorsed Government Aviation Safety Inspector - Airworthiness, 112 hours duration;
- FAA Course 18710, ICAO Endorsed Government Aviation Safety Inspector - Personnel Licensing, 96 hours duration; and
- FAA Course 18718, ICAO Endorsed Government Aviation Safety Inspector - Approved Training Organization Certification, 120 hours duration.

a. Relationship with the FAA. The participation in such training is not intended to be, nor must it be construed as, a designation, partnership, corporation, or other business arrangement with the FAA. Course schedules and tuition rates are available on the FAA Web site. Enrollment information may be obtained from the FAA at email address 9-awa-aia-intl-training@faa.gov.

b. Provider Briefing. After a commercial service provider has been retained by the CAA, at the CAA's request, the FAA may provide a briefing to the provider regarding the FAA's focus areas for safety oversight improvement.

NOTE: It should be recognized that the FAA may limit technical assistance provider services in some cases when privileged government-to-government discussions take place. It should also be mentioned that the technical assistance provider the CAA chooses has no bearing on the outcome of an FAA IASA. The IASA is an independent event that creates a snapshot in time as to what existed at the time of the assessment.

CHAPTER 5. ADDITIONAL INFORMATION

5-1. WHERE YOU CAN FIND THIS AC. You can find this AC on the FAA's Web site at http://www.faa.gov/regulations_policies/advisory_circulars.

5-2. ADDITIONAL INFORMATION. Additional information that may be helpful on the FAA IASA process and technical assistance tools is available on the FAA's Web site at <http://www.faa.gov/about/initiatives/IASA>.