



SECRETARY OF THE AIR FORCE
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MEMORANDUM FOR DISTRIBUTION C
MAJCOMs/FOAs/DRUs

SUBJECT: Air Force Policy Memorandum *to Establish Policy for Contract Air Support for Adversary Air and Joint Terminal Attack Controller Contract Close Air Support*

By order of the Secretary of the Air Force, this Air Force Policy Memorandum is the first instance of a to-be published Headquarters Air Force publication that implements policy requirements for the use of Adversary Air (ADAIR) and Joint Terminal Attack Controller (JTAC) Contract Close Air Support (CCAS).

Contract air support for ADAIR and CCAS training will comply with this Memorandum. To the extent the memorandum's directions are inconsistent with other Air Force publications; the information herein prevails, in accordance with AFI 33-360, *Publications and Forms Management*.

ADAIR and CCAS contracts must ensure proper safety oversight as well as compliance with the Federal Acquisition Regulation (FAR) and either Federal Aviation Administration (FAA) regulations (14 CFR) or Air Force Airworthiness (AW) policy and procedures. The specific policy for establishing new contracted services and/or using existing contracted services, regardless of contracting agency, is provided in Attachment 1.

There are no releasability restrictions on this publication. It applies to the Regular Air Force, Air Force Reserve, and Air National Guard. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS).

This Air Force Policy Memorandum expires one-year after the effective date, or upon publication of AFPD 10-36, whichever is earlier.

Deborah Lee James
Secretary of the Air Force

Attachments:

1. Contracted Air Training Support Policy
2. Terms and References

Attachment 1

CONTRACTED AIR TRAINING SUPPORT POLICY

1. Policy.

1.1. ADAIR and CCAS contracts must either comply with all applicable FAA Regulations or the Air Force Airworthiness (AW) policy and procedures, depending on whether the ADAIR and CCAS training events are conducted as a Civil Aircraft Operation (CAO) or as a Public Aircraft Operation (PAO), respectively.

1.2. ADAIR and CCAS operating in either CAO or PAO status are authorized to operate on military Ranges, Military Operating Areas (MOA) and designated Special Use Airspace. All contracted aircraft must comply with applicable range regulations and procedures.

1.3. The determination of ADAIR or CCAS activities will be designated as being in a PAO status by either the Air Force Technical Airworthiness Authority (TAA) or Delegated Airworthiness Technical Authority (DTA) IAW USAF Airworthiness Bulletin (AWB)-1012, *USAF Airworthiness Requirements for Contractor-Owned, Contractor-Operated (COCO) Aircraft*, para 5.2.

1.4. ADAIR and CCAS aircraft requiring designation as PAO will undergo a TAA assessment. The TAA will issue a Military Flight Release (MFR) if the TAA determines the contractor has met the applicable Air Force AW criteria, to include AW risk acceptance by the appropriate AF authority. The contractor or aircraft owner is responsible to provide the declaration to its FAA Flight Standards District Office (FSDO) and shall carry it and the MFR onboard the aircraft within the territorial waters of the United States IAW USAF AWB-1012, *USAF Air worthiness for COCO Aircraft*, para 6.5.

1.5. Safety. Contractors will comply with applicable FAA, OSHA regulations and Air Force procedures. This does not constitute an assumption of liability on the part of the Air Force for non-compliance.

1.6. Liability. Contracting Officers must ensure policies regarding liability are sufficiently covered within DFARS 252.228-7001, *Ground and Flight Risk*. All contractor requirements contained within this policy must be contained within the contract to be enforceable.

2. Responsibilities.

2.1. Contractor Responsibilities.

2.1.1. Contractor Aircraft. All contract aircraft must maintain valid FAA Civil Airworthiness Certificates during the contracting period. Aircraft shall conform to the approved set of technical data. Any aircraft modifications shall be approved by the appropriate airworthiness authority (either FAA or USAF TAA).

2.1.2. Contractor Aircraft Maintenance. The contractor will follow the FAA Aircraft Inspection Program and use mechanics and inspectors acceptable to the FAA. Records shall be made available to the Contracting Officer Representative (COR) upon request.

2.1.3. Contractor Pilots. All pilots must possess valid FAA commercial or Airline Transport Pilot Certificate appropriate to the class of aircraft. All pilots must possess an instrument rating. All pilots must have an Experimental Aircraft Authorization, if necessary, for civil operation of the aircraft. All pilots must possess a current Class II or better medical certificate. Pilot minimum Time in Type and tactical experience requirements shall be established by subject matter experts. The Contractor shall track pilot certificates and currency appropriate to the type of contracted services and shall present them to the COR upon request. The Contractor will ensure all pilots comply with applicable regulations and procedures as defined in Defense Contract Management Agency (DCMA) 8210.1C, *Contractor's Flight and Ground Operations*.

2.1.4. Contractor Flight Operations. Contractor must have a documented process to approve aircraft for flight. The flight procedures shall be compatible with AFI 11-202V3, *General Flight Rules*, and approved by the COR, or using pilot representative. All ADAIR and CCAS contracts will require contractors to operate and maintain their aircraft using approved FAA data and procedures. ADAIR and CCAS contracts will require contractors to design and install required modifications using 14 CFR type certification procedures or other FAA approved methods. Should modifications be necessary for aircraft not conforming to an approved type design, the contractor must be required to use the USAF AW process and obtain approval from the Air Force TAA.

2.1.5. Contractor Responsibility. When using Air Force Ranges for Live CCAS, contractors must pursue a Weapons Danger Zone (WDZ) profile in accordance with AFI 13-212V1, *Range Planning and Operations* procedures, if a profile does not already exist. Waivers will only be considered for aircraft with a permanent profile.

2.1.6. Contractor Insurance Responsibilities. The contractor will carry enough insurance to be in compliance with FAR 52.228-5, *Insurance - Work on a Government Installation* and AFI 10-1001, *Civil Aircraft Landing Permit*. In addition, contractors must carry enough insurance to be in compliance with DFARS 252.228-7001, *Ground and Flight Risk*.

2.2. Standardization and Evaluation Procedures, Ground Operations and Contractor Maintenance Plans will be in compliance with regulations and procedures as defined in DCMA 8210.1C, *Contractor's Flight and Ground Operations*.

2.3. Aviation Program Team (APT). The design and implementation of the APT will remain in compliance with this policy memorandum and all applicable regulations and procedures.

2.4. Contract User Responsibilities. ADAIR and CCAS users, CORs, and Contracting Officers will comply with this policy memorandum and all applicable regulations and procedures.

2.4.1. Before entering into a contract for ADAIR and CCAS, the Contracting Officer shall obtain from Manpower Officials written documentation pursuant to DODI 1100.22 and 10 U.S.

Code § 2463 that the activities are not inherently governmental functions and an explanation of why civilian employees cannot perform the flight(s) that will be assigned to contractors. Additionally, if a contractor will provide aircraft for a period of five or more years, including options, extensions and renewals, the Contracting Officer shall ensure compliance with 10 U.S. Code § 2410 prior to soliciting the offer and, subsequently, prior to awarding the contract.

2.5. USAF Technical Airworthiness Authority (TAA). USAF TAA will make CAO/PAO determinations, conduct airworthiness assessments, and issue airworthiness flight authorizations for ADAIR and CCAS operations IAW USAF Airworthiness policy.

2.6. For operations involving the use of lasers that have not yet been certified for use on the range where training will occur (NOTE: range laser device certifications are only valid for the specific range, equipment, targets, tactics and weapons evaluated), the Contracting Officer will request range laser device certification through the MAJCOM to the 711 HPW/RHD IAW AFI13-212V1, *Range Planning and Operations* and AFI 48-139, *Laser and Optical Radiation Protection Program*. Laser operations will not be authorized until a valid range laser device certification has been issued and the recommendations in it have been instituted.

Attachment 2

TERMS AND REFERENCES

1. Terms.

1.1. Civil Aircraft Operation (CAO): CAO is the operation of a civil aircraft fully within the limits and conditions of its FAA AW Certificate and applicable operating regulations under 14 CFR.

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

1.3. Live Close Air Support (CAS): Flying an attack run and releasing anything from the aircraft (ex. BDU-33, strafing).

1.4. Dry Close Air Support (CAS): Flying an attack run and NOT releasing anything from the aircraft

2. References.

2.1. 10 U.S. Code § 2410, *Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property.*

2.2. 10 U.S. Code § 2463, *Guidelines and procedures for use of civilian employees to perform Department of Defense functions.*

2.3. 49 U.S. Code. § 40102(a)(41)2.2. Office of Management and Budget Circular A-76, *Performance of Commercial Activities*, May 29, 2003.

2.4. Department Of Defense Directive DD 5030.61, *DoD Airworthiness Policy*, May 24, 2013.

2.5. DODI 1100.22, *Policy and Procedures for Determining Workforce Mix*, April 12, 2010.

2.6. Federal Aviation Administration Advisory Circular 00-1.1A, *Public Aircraft Operations*, February 12, 2014.

2.7. Defense Contract Management Agency 8210.1C, *Contractor's Flight and Ground Operations*, August 21, 2013.

2.8. FAR 52.228-5, *Solicitation Provisions and Contract Clause*, January 1997.

2.9. DFARS 252.228-7001, *Ground and Flight Risk*, June 2010.

2.10. USAF Airworthiness Bulletin (AWB)-1012, *USAF Air worthiness for COCO Aircraft*, August 19, 2015.

2.11. US Armed Forces PAO Decision Tool, July 7, 2014.

2.12. AFI 13-212V1, *Range Planning and Operations*, April 23, 2015.

2.13. AFI 10-1001, *Civil Aircraft Landing Permits*, 1 Sep 1995.2.14. AFI 11-202V3, *General Flight Rules*, October 22, 2010.