

AC 90-101 RNP SAAAR APPROVAL CONSULTANT AGREEMENT

Effective: _____

WHEREAS, the program priorities of the Federal Aviation Administration (FAA), Office of the Associate Administrator for Aviation Safety (AVS), are to provide continued operational safety oversight ahead of certification services to new aviation enterprises, and

WHEREAS, AVS is seeking methods and tools that will result in the efficient utilization of its limited resources and ensure that new RNP SAAAR applications are dealt with in a timely manner, and

WHEREAS, qualified industry consultants may work with RNP SAAAR applicants to better prepare them for the approval process thereby efficiently utilizing FAA resources and shortening the time it takes applications to be approved; and

WHEREAS, the FAA will develop and maintain a list identifying qualified industry consultants to assist the applicants,

NOW THEREFORE, _____ and the FAA mutually agree as follows:

Article I. Parties

The parties to this Agreement are the Federal Aviation Administration (FAA) and

_____.

Article II. Purpose

The purpose of this RNP SAAAR Approval Consultant Agreement is to advance the FAA's mission by ensuring that its limited resources are effectively and efficiently utilized during the RNP SAAAR approval process while also providing assistance to new applicants that want to utilize the services of a qualified consultant to assist them in the approval process. This process will benefit the general public by helping expedite new applications.

The RNP SAAAR approval process is extremely complex and the success of the process depends on the quality of the application. The FAA is committed to providing approval services, however, safety is the agency's first priority and a reduced budget and increased attrition leaves fewer resources available to assist new applicants. As a result, new applicants may need assistance beyond that which the FAA can or should provide. In an effort to address this need, the FAA will develop and maintain a list of qualified RNP SAAAR Approval Consultants to assist new applicants in the process.

This Agreement describes the minimum qualifications necessary to qualify as an RNP SAAAR Approval Consultant. It also describes the duration and process for renewing the Approval Consultant Agreement. An RNP SAAAR Approval Consultant is an organization that provides consultant services to prospective applicants. A list of FAA-qualified Approval Consultants will be made available to the public, including posting on the FAA's website at www.faa.gov.

Article III. Authority

1. The FAA is authorized to enter into this Agreement by 49 U.S.C. Section 106 (g), (6)
2. Type of Agreement. This Agreement is an "other transaction." It is not intended to be, nor shall it be construed as, a partnership, corporation, or other business organization.

Article IV. Processing New Applications

The FAA will continue to provide approval services to all new applicants. The agency will process new applications on a first-come, first-served basis. Time periods to complete applications can vary from 12 to 36 months, depending on the level of applicant preparedness; the less prepared the applicant – the longer the time period. Therefore, after the preliminary review, the FAA will give priority to applicants who are better prepared to meet the approval standards and requirements.

Article V. Required Qualifications

Eligibility Requirements. To be identified as an FAA qualified RNP SAAAR Approval Consultant, a consultant must meet the following qualifications:

- a) Have understanding of AC 90-101, as revised, to include the individual appendices. This includes a thorough understanding of the approval process.
- b) At least 2 years experience working with RNP SAAAR or equivalent procedures.
- c) Upon selection for the program, successfully complete RNP SAAAR Approval Process Seminar.
- d) Have operations and airworthiness personnel qualified through training, experience, and expertise in 14 CFR part 91, 121, 125, 129 and/or 135 operations, or equivalent experience.

Article VI. Roles and Responsibilities

1. An RNP SAAAR Consultant must submit all required documents to the FAA for consideration before being identified as an FAA-qualified Approval Consultant. An Approval Consultant must submit a formal letter of request plus the following documents to the address listed below:

- a) Statement substantiating that the RNP SAAAR Approval Consultant meets eligibility requirements as stated in Article V above.

- b) Supplemental statement including the names, signatures, and titles of those persons who will perform the authorized functions, and substantiating that they meet the eligibility requirements as stated in Article V above.
 - c) RNP SAAAR Approval Consultant Operations Manual.
 - d) References.
 - e) Certification 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: commission of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
2. Upon receipt of the application, AFS-400, will:
- a) Ensure that the Approval Consultant application package contains all required documents as stated in item 1 above.
 - b) Evaluate documents for accuracy.
 - c) Ensure individuals meet all of the general qualifications and specialized experience requirements for the designation sought.
 - d) Contact the applicant's personal references.
 - e) Conduct a personal interview with the applicant, including those persons within the organizations who will perform authorized functions.

Article VII. FAA Oversight

1. An Approval Consultant agrees to recurring evaluation by the FAA.
2. Such evaluation may be conducted during the various approval activities with the RNP SAAAR applicants.
3. Evaluations may be also conducted on an individual basis dependent upon the Approval Consultant's current level of activity.
4. Failure of an Approval Consultant to adequately prepare an applicant for approval (e.g. if the applicant's submissions required major FAA revisions) could result in an unsatisfactory evaluation.
5. An unsatisfactory evaluation of an Approval Consultant may result in a determination to terminate or not to renew this Agreement.

Article VIII. Duration and Renewal of Agreement

1. Unless sooner terminated or renewed, the Agreement remains in effect for twenty-four months from the date of signing.

2. The Parties may terminate the Agreement, in whole or in part, at any time by giving at least thirty (30) days notice in writing to the other party.
3. This Agreement may be renewed every twenty-four months from the date of signing.
4. Ninety days prior to the renewal date, an Approval Consultant seeking renewal must submit a written request for renewal in a form and manner acceptable to AFS-400. If the manager of AFS-400 gives a satisfactory recommendation, the Agreement will be renewed and the Approval Consultant will remain on the FAA qualified list.
5. In addition to the qualifications stated in Article V, in order to be renewed, an Approval Consultant must have been actively engaged in at least one RNP SAAAR approval project during the previous twenty-four months.
6. In addition to the qualifications stated in Article V, in order to be renewed, an Approval Consultant must also attend, or have attended, any training as mandated by AFS-400.

Article IX. Termination of Agreement

The FAA will terminate this Agreement and the Approval Consultant will be removed from the FAA-qualified list when any of the following occur:

- a) The consultant receives an unsatisfactory evaluation pursuant to Article VII.
- b) The consultant fails to meet the continuing eligibility requirements stated above.
- c) The consultant makes a written request for its removal from the FAA-qualified list at least 30 days in advance of the removal

Article X. Point of Contact

- a) FAA: John McGraw (Manager, Flight Technologies and Procedures Division)
- b) RNP SAAAR Approval Consultant

Article XI. Construction of the Agreement

The Agreement is an “other transaction” agreement issued under 49 U.S.C. 106 (g), (6) and is not a procurement contract, grant or cooperative agreement. Nothing in this Agreement shall be construed as incorporating by reference or implication any provision of Federal acquisition law or regulation.

Article XII. Disputes

Where possible, disputes will be resolved by informal discussion between the parties. In the event the parties are unable to resolve any disagreement through good faith negotiations, the Manager, AFS-400, will resolve the dispute. The decision is final unless it is appealed in a timely manner to the Director, AFS-1. The Director's decision is not

subject to further administrative review and, to the extent permitted by law, is final and binding.

FOR: The Federal Aviation Administration:

Date

Date