
DEVELOPMENT OF A MAINTENANCE CONTRACT

1.0 PURPOSE

This Advisory Circular is issued to provide information and guidance to Air Operators and Maintenance Organisations in the process of developing maintenance contract agreements.

2.0 REFERENCES

- 2.1 Regulation 63 of the Civil Aviation (Air Operator Certification and Administration) Regulations, 2018.
- 2.2 Regulations 14 and 37 of the Civil Aviation (Approved Maintenance Organization) Regulations, 2018.

3.0 GUIDANCE AND PROCEDURES

3.1 General Information

3.1.1 It is required that an operator shall have approved maintenance programmes relevant to all types of aircraft in the fleet defining the inspection, maintenance, preventive maintenance, and modifications requirements to be performed by him, or contracted to other approved persons that requires such work be performed in accordance with the operators Maintenance Control Manual (MCM).

3.1.2 Any organization or person with whom the air operator or AMO has made an arrangement or contract for the performance of any maintenance, preventive maintenance, or modifications involving an aircraft and associated aeronautical products is considered a contracted maintenance provider.

3.1.3 The use of contract maintenance providers to complete aircraft maintenance is fundamental to an air operator's maintenance programmes as it would have been with his own internal maintenance facilities.

3.1.4 When an air operator uses a maintenance provider to perform all or part of the maintenance on his aircraft or associated aeronautical products, that maintenance provider's organization becomes in effect the air operator's maintenance organization.

3.1.5 All parts and/or components used by an air operator on his aircraft must be maintained under the air operator's continuous airworthiness maintenance programme. Leases, exchanges, or other arrangements that do not allow the air operator to be in control of the maintenance of the leased/exchanged part/component while on maintenance are contrary to the regulations. Traceability of components and parts information may be included in the contract. This could include everything from new parts to the scrapping and/or returning of parts to the air operator. It could also require parts exchanged being in the same configuration

3.1.6 Regulation 13 of the Civil Aviation (Approved Maintenance Organisation) regulations, 2018 requires that the organization or person makes sure it has the capabilities and facilities to perform the intended work.

3.1.7 The operator may adopt the publications of a contracted organization or person in part or in total as methods, techniques, and standards. In this case, MCM or MPM must describe the applicability and authority of the affected publication.

3.1.8 As part of the continuous analysis and surveillance programme, it is required that the Operator develops a schedule for accomplishing continuing audits or inspections that are designed to determine the maintenance provider's level of compliance with the air operator's MCM and maintenance programme.

3.1.9 Civil Aviation Regulations requires that any organisation contracting any aircraft or aircraft equipment maintenance work should have a written contract with whomever it has contracted the maintenance to. This helps to ensure and to evaluate how the air operators' requirements and responsibilities are addressed.

3.1.10 The development of an effective maintenance contract therefore, requires clear understanding of the contents of this AC, the applicable maintenance contract regulatory requirements, the relevant maintenance program and the approved maintenance procedures in the MCM or MPM.

3.1.11 Civil Aviation Regulations emphasises that whatever maintenance arrangement is in place, the air operator remains primarily responsible for the continued airworthiness of the aircraft, including airframes, engines, propellers, appliances, and parts thereof.

3.1.12 normally it is not required for the operator to audit organizations that an AMO sub contracts with; however it is necessary to be aware of them and to have knowledge and record of their approval and competency status to perform the contracted function(s).

3.2 Maintenance Contract Requirements

3.2.1 An effective maintenance contract agreement should include clauses that address the following:

a) The air operator's responsibility for the airworthiness of the aircraft and performance of all elements of the continuous airworthiness maintenance programme.

- b) A statement that the maintenance provider shall allow the operator/contractor to audit the facilities, equipment, personnel, and records pertaining to the services provided to the air operator at any reasonable time.
- c) The Authority shall have unlimited access to the contracted facility for inspection.
- d) A statement that the AMO shall follow the air operator's maintenance programme requirements.
- e) The maintenance provider declaration to comply with all applicable laws and regulations.
- f) A statement confirming the Adequacy of staffing levels and sufficiency of the facilities and equipment to support a varied fleet mix; and adequacy of record keeping and exchange of information with the operator/contractor.
- g) That the operator/contractor shall provide all information (including manuals) covering the administration necessary to ensure compliance with the maintenance programme. And that the operator is responsible to verify any information provided by the maintenance provider before application.
- h) That the contracted organization shall maintain and make available when required a current listing of persons who have been trained, qualified, and authorized to conduct required maintenance. The persons must be identified by name, occupational title, and the inspection that they are authorized to perform.
- i) That the operator shall be responsible for record keeping, however, if the operator delegates this responsibility to the maintenance provider, the contract should clearly explain this arrangement.

Note: The maintenance contract agreement clauses must not contradict the air operator's policy, procedures, and Civil Aviation Regulations.



Kenya Civil Aviation Authority