

FOUO



Special Operations Command
Department of Defence

Brief

AB28456234

COS SOCOMD (B1-1-H001)

**TALKING POINTS FOR THE KING AIR PROGRAM MANAGERS STEERING
GROUP 10:30 19 AUG 16**

Purpose

To **inform you** of the progress of the SOCOMD ISTAREW King Air project.

Programme Status Overview for COS

The Defence Export Control Office has approved SOCOMD to use the Defence Trade Treaty on the ISTAREW King Air project. s47G

s47E(d)

The Strontium Chromate cleaning activity is expected to have been completed by the date of this PMSG. Air Force will provide an update.

s47E(d)

- s47E(d)

Background

SOCOMD Sub-Program Report – Omni

- Omni and s47G
- s47G
- SOCOMD has approved a contract variation to install s33(a)(i) on the first aircraft.

SOCOMD Sub-Program Report – s33(a)(i)

-

SOCOMD Sub-Program Report – s33(a)(i)

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- The s33(a)(ii) [REDACTED] was submitted 5 weeks ago and the s33(a)(ii) [REDACTED] has approved it so the way forward with the s33(a)(ii) [REDACTED] is looking good.

s33(a)(ii) [REDACTED]

- s33(a)(ii) [REDACTED]

s33(a)(ii) [REDACTED]

- s33(a)(ii) [REDACTED] s47E(d) [REDACTED]
s47E(d) [REDACTED]

- s47E(d) [REDACTED]

Conclusion

- It was disappointing to see the recent proposal for the sub-programs to start charging each other for assistance provided.
- s47G [REDACTED]
- The frank and free exchange of information is seen by SOCOMD as a vital requirement to avoid unnecessary schedule delays.

Working Notes:

s47E(d) [REDACTED]

s33(a)(ii) [REDACTED]

Useful Treaty POCs:

s33(a)(ii) [REDACTED]

FOUO



Dot-point brief

COS

SOCOMD

SOHQ HQJOC

DECISION BRIEF ON SOCOMD ISTAREW MISSION SYSTEM CONTRACT WITH OMNI EXECUTIVE

Introduction

1. **Purpose of brief.** This brief is to inform you of a disparity between the work levied against Omni Executive to meet technical regulatory framework and work stipulated within SOCOMD contract with Omni.

Recommendations

2. It is recommended that you:

a. s47G

NOTED / PLEASE DISCUSS

b. **note** that in accordance with enclosure 2, Regulatory Framework is defined as *"...any framework and/or standards including but not limited to design standards with which the Commonwealth must comply as advised by the Commonwealth to the Contractor."*

NOTED / PLEASE DISCUSS

c. **note** that in reference C, Omni has identified a ROM cost of s47G for projected and completed work above that contracted to obtain s47G

NOTED / PLEASE DISCUSS

Brief Prepared By:	Brief Cleared By:	
s47E(d)	s47E(d)	J Fenwick
SO2 Joint Enablers	DSOD	BRIG
		COS SOCOMD
May 17	May 17	May 17

FOUO

2

- d. **Note** that Omni have proposed a variation (annex A) for the remaining work to comply with regulatory framework. The amount is s47G and work on this out of scope aspects will stop until the variation is approved.

NOTED / PLEASE DISCUSS

- e. **note** that the contract should be amended through mutually agreed variation to include the regulatory framework for the scope of work required to s47G

NOTED / PLEASE DISCUSS

- f. s47G

NOTED / PLEASE DISCUSS

- g. **approve** the contract variation in annex A.

APPROVED / NOT APPROVED / PLEASE DISCUSS

- h. **approve** delegation to DSOD to approve contract variations within the budget for this project.

APPROVED / NOT APPROVED / PLEASE DISCUSS

3. **Background.** Omni were contracted by SOCOMD vide references A and B to produce s33(a)(ii) to be integrated into B300 King Air aircraft being modified under s47G. Selection of Omni was based on their proven experience delivering similar systems for other users.

4. These similar systems were only required to meet Civil Aviation Safety Authority (CASA) certification. Accordingly the SOCOMD contract with Omni stipulated CASA certified designs. However, Omni were also required to provide services in accordance with the Regulatory Framework as provided by the Commonwealth. Any additional requirements would then be mutually agreed through a contract variation.

5. I am advised that, during the negotiation of the contract, both Omni and the Commonwealth representative were aware that reference A may not capture all the regulatory standards that the project would ultimately be required to meet. Clause 4.3 to reference B was included to address this issue and to ensure that the costs of compliance with unforeseen regulatory standards would not be borne solely by the contractor.

6. There is no evidence that a Commonwealth representative has provided Omni with any additional Regulatory Framework. During the design review process both, s47G

7. It is arguable that these requirements beyond the CASA certification should have been included in the original contract, though the duration of contract negotiation was also truncated to achieve the project timelines. On first instance of this additional work being identified, either Omni or the Commonwealth (SOCOMD) should have initiated a contract variation pursuant to clause 4.3 of reference B. A variation was not raised due to the pace of the undertaking and best endeavours of all parties to achieve an aggressive schedule.

8. I am advised that this failure to raise a contract variation prior to undertaking additional unforeseen work could potentially exempt the Commonwealth for paying for that work, however it is equally possible that Omni could raise an argument in equity obliging the Commonwealth to pay these costs notwithstanding the failure to raise a contract variation before undertaking the work. In any case, relying on the failure to raise a contract variation would have the practical effect of punishing the contractor for attempting in good faith to achieve the schedules without bureaucratic hindrance.

9. This additional work has contributed in part to failure to meet the aggressive schedule. s47G

10. s42

11. **Issue.** Omni have expressed in reference C, a s47G attributable to the additional work resulting from the s47G review process. This will likely lead to negligible profit being realised by Omni on completion of the current contract and delivery of the third mission kit.

12. Omni concerns appear to reside in their ability to realise a profit which is threatened by the increased work and potential for a reduction in the number of mission kits required to align with the number of aircraft to be modified. Omni is not a large defence contractor and is far less able to absorb costs, even in the short term, than more traditional major aerospace service providers.

13. A contract variation is needed to capture Commonwealth required work for delivery by Omni to meet s47G. It would benefit Omni to have clarity of the SOCOMD position regarding the delivery of s33(a)(ii).

Conclusion

14. This situation is attributable to the assumption that Omni design certification under CASA would be sufficient for the SOCOMD ISTAREW mission equipment. It has now become clear that it is not. The contract has not remained consistent with the work being required of Omni due to the aggressive schedule.

15. SOCOMD should agree to the variation which is able to be absorbed from within the CA approved overspend for the ISTAREW capability in FY16/17. To not approve the variation will lead to Omni not making necessary changes to meet the regulatory framework and the design will not be approved for flight.

Authorities consulted:

s47E(d) SOCOMD Legal Officer, 05 May 17 (supports brief)

Annex:

A. Omni Executive Contract Variation Request



Enclosures:

1. Statement of work for s33(a)(ii) of 22 Feb 16
2. Agreement for the provision of services of 22 Mar 16
3. E-mail from s47F representing Omni Executive Pty Ltd of Fri 28/04/2017 7:12 PM

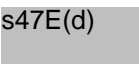
ANNEX A

OMNI EXECUTIVE CONTRACT VARIATION REQUEST

executive				PLS	
				Variation Request	
Variation Title:	Compliance Findings	Date:	3-May-17		
Requested by:	Omni Executive	Variation Number:			
Notification Details					
Reported by:	s47F	Date:	28-Apr-17		
Reported to:	s47E(d)	Reference:			
1. Variation Description					
s47G					
2. Justification					
s47G					
3. Associated Deliverables (note changes to existing deliverables)					
s47G					
4. Schedule Impact (all tasks affected by the change)					
Task Description / Activity	Baseline	Forecast	Variance	Comments	
There is time required by engineers and project managers to complete this task	s47G			s47G	
There are minor additions to procurement and testing to complete this task					
There is a schedule impact associated with this task				These figures include an assessment of the total outstanding liability, based on compliance findings completed to date.	
5. Impact on Budget					
Description of Impact	Cost (AUD)		Comments		
Labour	s47G		PM and Design		
Procurement			Material testing		
6. Budget Request					
Cost of Variation (ex GST)					
Incl GST					
7. Omni Approval					
Name	Role	Approved	Signature	Date	Comments
s47F	PM	<input checked="" type="checkbox"/>	s22	03 May 17	
8. Client Approvals					
Name	Role	Approved	Signature	Date	Comments
		<input type="checkbox"/>			
		<input type="checkbox"/>			


From: s47E(d)
To: 
Cc: 
Subject: RE: FIS engagement advice [SEC=UNCLASSIFIED]
Date: Friday, 18 March 2016 10:21:59 AM

UNCLASSIFIED

Hi s47E(d) 

Please give me a ring and we can then discuss your requirements.

Regards

s47E(d) 


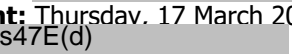

Financial Investigation Service

Department of Defence | Capability Acquisition and Sustainment Group
Brindabella Park s47E(d) | PO Box 7938 | CANBERRA BC ACT 2610


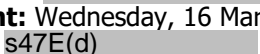
T: s47E(d)  M: s22  |




IMPORTANT: This email remains the property of the Australian Defence Organisation and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this e-mail in error, you are requested to contact the sender and delete the e-mail.

From: s47E(d) 
Sent: Thursday, 17 March 2016 21:15
To: s47E(d) 
Cc: 
Subject: FW: FIS engagement advice [SEC=UNCLASSIFIED]

UNCLASSIFIED

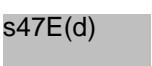
From: s47E(d) 
Sent: Wednesday, 16 March 2016 21:42
To: s47E(d) 
Subject: FW: FIS engagement advice [SEC=UNCLASSIFIED]

UNCLASSIFIED


Hi s47E(d) 

Are you able to my help with my question below?

Thanks,

s47E(d) 

s47E(d)



From: s47E(d)
Sent: Wednesday, 16 March 2016 21:38
To: s47E(d)
Subject: FW: FIS engagement advice [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s47E(d)

My email to FIS bounced back to me. Are you able to point me in the direction of a team who could review a quote for services from a sole source supplier? My boss wants me to ensure that even though we are going sole source, that the company are charging appropriate rates.

Thanks for your time considering this request.

s47E(d)



From: s47E(d)
Sent: Wednesday, 16 March 2016 21:32
To: s47E(d) @defence.gov.au'
Subject: FIS engagement advice [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi FIS Team,

I work in the s47E(d) and we have sought a quote for services from a company who we have approval to go sole source with. s47E(d), BRIG Gabriel, has asked me to have the quote reviewed by FIS to ensure that, even though we are going sole source, we are getting value for money.


Could you please let me know how I go about formally requesting this review or who I can discuss this issue with.

Thanks for your assistance with this,

s47E(d)



s47E(d)



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IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

From: s47F
Sent: Wednesday, 1 July 2015 8:26 AM
To: s47E(d)
s47E(d) s47F
s47F s33(a)(i)
s33(a)(i) s47E(d) s33(a)(i)
s33(a)(i)
Cc: s47F s33(a)(i)
s33(a)(i) s47E(d)
Subject: s47G 15 SOCOMD Update [SEC=UNCLASSIFIED]
Follow Up Flag: Follow up
Flag Status: Flagged

Hi gents – the s33(a)(ii) may be an issue for us. Can we please get technical input on the system integration regarding s33(a)(ii)

s47E(d) – can I please ask for you to coord this with Omni/Defence for whoever is best placed to consider.

Many thanks.
s47F

From: s47E(d)
Sent: Tuesday, 30 June 2015 2:54 PM
To: s47E(d) s47F
s47F
s33(a)(i) s47E(d) s33(a)(i)
Cc: s47F s33(a)(i) s47E(d)
Subject: RE: s47G - Telecon 24 Jun 15 SOCOMD Update [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi all.

Some updates from our comms guys is included in fuchsia (its apparently a colour) below. The Components List (attached) has also been updated and is attached for your ref.

We are still working on a few AE issues, but I think, as per s47E(d) comments last week, that there is enough info to allow the progression of the quotes. Please let me know if there are any particular sticking points and I will work them as a priority.

Cheers.

s47E(d)

From: s47F
Sent: Monday, 29 June 2015 07:40
To: s47E(d) s47F
s47F s33(a)(i)
s33(a)(i) s47F s47E(d) ;s33(a)(i)
Cc: s47F s33(a)(i) s47E(d)
Subject: s47G - Telecon 24 Jun 15

Hi gents,

Meeting notes from last Wednesday's telecon.

Telecon Notes – Omni/s47G/AFHQ 24 June 15


Action items highlighted in red text with assigned organisation (Defence/Omni/s47G) to take lead responsibility.

Telecon Attendees:


Defence – s47E(d)
Omni – s47F
s47G – s47F

System Design review:


s33(a)(ii)



s33(a)(ii)



s33(a)(ii)




SCHEDULE

Discussion on scoping study schedule and delay in finalising configuration which is driving majority of project elements. Mission configuration linked with the mission profiles. * Omni/Defence to review mission profiles and confirm.

- System design configuration confirmed by 5 June. Delayed pending stakeholder confirmation and system selection. Aiming for spec finalisation by 10th July.
- ~~Project review and risk assessment workshop – CBR on 12 June. Completed.~~
- Draft OCD/FPS delivered by 19 June. Delayed pending config and system spec finalisation – draft in by 13th July.
- SOW definition and pricing workup – per below.
- ^{s47G} Omni priced solutions submission 17th July.
- Defence review and Q&A finalisation 17-21 July.
- ^{s47G} /Omni proposal updates 22-23 July.
- Final OCD/FPS delivery 24 July.

Regards,
^{s47F}



From: ^{s47F}

Sent: Wednesday, 24 June 2015 11:58 AM

To: ^{s47F} ^{s47E(d)}

^{s47F}



^{s47F}

s33(a)(i) s47F s47E(d) s33(a)(i)
s33(a)(i)
Cc: s47F s33(a)(i) s47E(d)
Subject: RE: s47G - Workshop 12Jun15

I have included some updates below prior to today's telecon.

Rgds,
s47F

From: s47F
Sent: Monday, 22 June 2015 6:12 AM
To: s47E(d) s47F
s47F s33(a)(i)
s33(a)(i) s47E(d) s33(a)(i)
s33(a)(i)
Cc: s47F s33(a)(i) s47E(d)
Subject: s47G - Workshop 12Jun15

Hi folks,

Please see the workshop notes immediately below. The attached Excel spreadsheet captures a summarised version of the current list of project RFIs and action tasks.

Per s47E(d) last email with the updated configuration spreadsheet, there are still a number of aspects to be clarified/confirmed before we settle on the overall configuration – specifically, we need to confirm actual system components (make/model/performance spec, etc). Finalising the configuration is essential as this affects the majority of follow-on aspects for design, schedule and operational capability. To assist in finalising the system configuration, the attached email outlines the proposed path to finalising the system configuration and is repeated below highlighted yellow.

s47E(d) email also contains information and links on the s33(a)(ii)

On a separate topic, I've researched and whilst can be done for s47G Omni -

At this stage, I suggest we utilise a simple email version control procedure. Please forward all amendments/inputs to me in the first instance and I'll input to a master document for regular update and reissue. If we progress into actual project, then I'll establish a common site for s47G and Omni to access and setup a

I'd like to hold a status update telecon on this Wednesday if possible – Outlook invite to follow shortly. At this stage, I suggest we are ~1 week behind the scoping study schedule.

Please review and advise if any questions/issues.

Regards,
s47F

s47G

Action items highlighted in red text with assigned organisation (Defence/Omni s47G) to take lead responsibility.


Workshop Attendees:

Defence – s47E(d)

Omni – s47F

s47G – s47F

s33(a)(ii)



SCHEDULE


Discussion on scoping study schedule – agreed to timeline indicated, noting potential delays pending configuration finalisation.

- System design configuration confirmed by 5 June. Telecon between stakeholders to Q&A design spec.
- Project review and risk assessment workshop – CBR on 12 June.
- Draft OCD/FPS delivered by 19 June.
- SOW definition and pricing workup 15-25 June.
- s47G Omni priced solutions submission 26 June.
- Defence review and Q&A finalisation 29 June-3 July.
- s47G Omni proposal updates 6-8 July.
- Final OCD/FPS delivery 10 July.


Project schedule considerations:

- s47G
- Timeline very compressed to achieve this.
- Options include:
 - o Early approval design commencement;
 - o Early commencement of project contract documentation (SOW, etc);
 - o Specification restraint (IOC>FOC development evolution).
- s47F keen to review project delivery schedule. For further review/consideration.

s33(a)(ii)

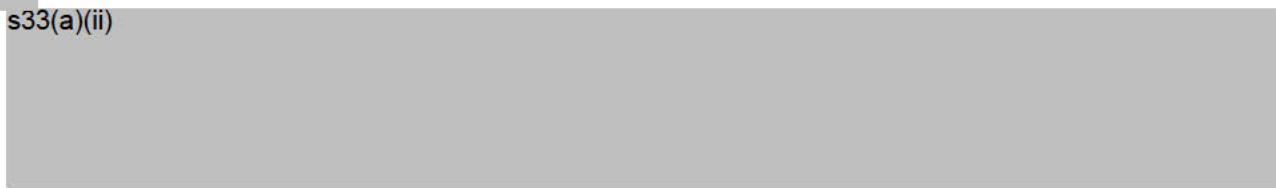


s33(a)(ii)




s33(a)

s33(a)(ii)



s33(a)(ii)

s33(a)(ii)



From: s47F

Sent: Friday, 12 June 2015 6:35 AM

To: s47E(d)

s47F

s47F

s33(a)(i)

s33(a)(i)

s47E(d)

s33(a)(i)

Cc: s47F


s33(a)(i)

s47E(d)

Subject: RE: s47G - Perth Site Visit 26May15 [SEC=UNCLASSIFIED]

Hi gents – update from telecon on Wednesday with s47F s47E(d), myself. Resolved a number of points on the sensor configuration and system design per attached spreadsheet s47E(d) s47E(d). There is still a number of questions/issues outstanding on the configuration as follows:

s33(a)(ii)



Regards,
s47F

From: s47F
Sent: Tuesday, 9 June 2015 12:18 AM
To: s47E(d) s47F s33(a)(i)
s47F
s33(a)(i) s47E(d) s33(a)(i)
Cc: s47F s33(a)(i)
Subject: RE: s47G - Perth Site Visit 26May15 [SEC=UNCLASSIFIED]

Hi gents – email trail below outlines subsequent Q&A between s47E(d) and myself regarding system design. s47E(d) original comments in black, s33(a)(i) comments in larger green font; my questions/comments to s47E(d) in red; and follow-up notes from subsequent discussion between s47E(d) and myself in smaller font blue.

In addition, s47G review of the system config breakdown and integration/provisioning per attached spreadsheet for review. Main change we've included is to differentiate between procurement source/component provider and aircraft integrator responsibility.

A summary of the outstanding questions/points (due to the busy look on the spreadsheet comments):

- Clarification required on procurement responsibility on a number of components s33(a)(ii) and any s33(a)(ii)
- Further discussion required between Omni and s47G to determine integration responsibility split on:
 - o s33(a)(ii)

- s33(a)(ii)
- Clarification required on the s47E(d)
- Clarification required on the cockpit display requirements;
- s33(a)(ii)

s47E(d)

Suggest we discuss over a telecon in the next day or two leading into Friday's workshop. I'll forward an Outlook invite to each primary POC and arrange as required – please forward on as necessary to required participants.

Please let me know if any immediate questions/queries. I'll forward separate correspondence on the project review/risk workshop scheduled for this coming Friday, 12th June.

Regards,
s47F

s47F Government Programs Business Development Manager
s47G

From: s47F
Sent: Sunday, 31 May 2015 1:49 PM
To: s47E(d)
Subject: RE: s47G - Perth Site Visit 26May15 [SEC=UNCLASSIFIED]

From: s33(a)(i)
Sent: Friday, 29 May 2015 8:42 PM
To: s47F s47E(d) s33(a)(i) s47F s47E(d)
s47E(d) s47F
Cc: s47F s33(a)(i)
Subject: RE: s47G - Perth Site Visit 26May15 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s47E(d)

Looking at my req'ts.

Please note initial feedback in green below for now.

From: s47F
Sent: Friday, 29 May 2015 17:32
To: s47E(d) s33(a)(i) s47F s47E(d)
s47E(d) s47F s33(a)(i)

Cc: s47F s33(a)(i)
Subject: Re: s47G - Perth Site Visit 26May15 [SEC=UNCLASSIFIED]

Thanks s47E(d) - I'll take a look and incorporate early next week.
Regards,
s47F

----- Original message -----

From: s47E(d)
Date: 29/05/2015 16:31 (GMT+10:00)
To: s47F s33(a)(i) s47F s47E(d) 47F s47E(d)
s47E(d) s47F s33(a)(i)
Cc: s47F s33(a)(i)
Subject: RE: s47G - Perth Site Visit 26May15 [SEC=UNCLASSIFIED]


UNCLASSIFIED

Additional (and in red s47E(d) s47F s47E(d)

s47G

s33(a)(ii)

s33(a)(ii)



Have a good week-end,

s47E(d)



From: s47F
Sent: Friday, 29 May 2015 08:17
To: s33(a)(i) s47F s47E(d); s47F
s47F
Cc: s47F s33(a)(i) s47E(d)
Subject: RE: s47G - Perth Site Visit 26May15

Hi gents,

Site visit notes from Tuesday – please review and let me know if any changes/additions needed.

Regards,

s47F



s47G



Action items highlighted in red text with assigned organisation (Defence/Omni/^{s47G} to take lead responsibility. Visit focus on system design/configuration.

Site Visit Attendees:

Defence – ^{s47E(d)} ; No 38 SQN King Air – 2 x pilots, 2 x ground techs; ^{s33(a)(i)}
Omni – ^{s33(a)(i)} ^{s47F}

SCHEDULE

Scoping study:


- System design configuration confirmed by 5 June. Telecon between stakeholders to Q&A design spec.
- ^{s33(a)(ii)}
- Project review and risk assessment workshop – CBR on 12 June.
- * Defence to confirm admin details and issue invites to stakeholders.
- Draft OCD/FPS delivered by 19 June.
- SOW definition and pricing workup 15-25 June.
- ^{s47G} Omni priced solutions submission 26 June.
- Defence review and Q&A finalisation 29 June-3 July.
- ^{s47G} Omni proposal updates 6-8 July.
- Final OCD/FPS delivery 10 July.

Project schedule considerations:


- ^{s33(a)(ii)}
- Timeline very compressed to achieve this.
- Options include:
 - o Early approval design commencement;
 - o Early commencement of project contract documentation (SOW, etc);
 - o Specification restraint (IOC>FOC development evolution).
- For further review/consideration.

SYSTEM DESIGN


^{s33(a)(ii)}




s33(a)(ii)
s33(a)(ii)




s33(a)(ii)
s33(a)(ii)



s33(a)(ii)
s33(a)(ii)



s33(a)(ii)
s33(a)(ii)



From: s47F

Sent: Thursday, 21 May 2015 9:48 AM

To: s33(a)(i) s47F s47E(d) s47F

Cc: s47F s33(a)(i) s47E(d)

Subject: RE: s47G - Perth Site Visit 19May15

Hi gents,

Apologies for the delay. Meeting notes below – please review and advise if any additions/amendments needed.

Regards,

s47F

s47G

s47G

Action items highlighted in red text with assigned organisation (Defence/Omni/HP) to take lead responsibility.

Noting next week's site visit to Perth (26th May); 1 day project review/risk assessment workshop to be coordinated by Defence with appropriate stakeholders as suits on either 11th or 12th June; location TBC.

- s47G Defence to coord workshop details and stakeholder participation.

Site Visit Attendees:

Defence - s47E(d)

Omni -

s47Gs47F

Organisation POCs confirmed as:

- Defence: s47E(d)
- Omni: s4 / t
- s47G s4 / t

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

s33(a)(ii)

From: s33(a)(i)

Sent: Wednesday, 20 May 2015 7:05 PM

To: s47F

Cc: s47F s33(a)(i)

Subject: s47G - Omni Potential Role Equipment

Gents,

Find attached the latest version of the potential role equipment Omni could provide for the PLS.

Please destroy all copies (hard copy or e-copy) previously distributed (version dated 13 May 15).

Thanks

s33(a)(i)

General Manager
Aerospace Development
s33(a)(i)



www.omniexe.com

PO Box 5553 KINGSTON ACT 2604 Australia
ABN 31 160 925 413