
GUIDE TO WRITING A MEMORANDUM OF UNDERSTANDING (MOU)

In the context of disaster preparedness and response, Memoranda of Understanding (MOU) help establish formal agreements between organizations. These established agreements allow organizations to collaborate, communicate, respond, and support one another during a disaster or other emergency. MOUs are used to document agreements between organizations and agencies to provide services, facilities and/or supplies that may be needed during or after a disaster or emergency. MOUs help to document an organization's ability to respond to and sustain operations ensuring they are able to meet both their internal needs as well as those of the partner organization. It should be noted that during a crisis resources may be extremely constrained and may result in diminished capacity to fulfill an MOU. These MOUs help create and sustain avenues for communication and collaboration across community institutions.

This guide describes the basic elements of an MOU and provides an MOU Template that can be adapted and customize for any disaster preparedness and response capability. The MOU template the most commonly used section, and additional sections can be included as needed. Not all MOUs will look the same, but the general concepts are transferrable. It is also recommended that involvement and review by legal counsel is included in the development of an MOU as appropriate for your organization and the services laid out in these agreements. This guide was adapted from the US Department of Homeland Security's "Writing Guide for a Memorandum of Understanding (MOU)"¹, which can be found in the Additional Resources section on page 5.

Introduction/Background

The Introduction section of the MOU briefly describes the content of the agreement. It describes the need for the collaboration, the community partners involved, and other stakeholders as appropriate. It should be a simple explanation of the agreement and how it fills a potential service or resource gap before, during, or after a disaster or emergency.

Questions to consider:

1. What is this MOU being created to support?

¹ US Department of Homeland Security – "Writing Guide for a Memorandum of Understanding (MOU)".
<https://www.npstc.org/resourceCD/Writing%20Guide%20for%20MOUs.pdf>

2. Which community partners are participating in the MOU? This may include public safety agencies, other governmental bodies, non-profits, or private sector services.
3. Why is this MOU necessary?
4. What are the summary agreements established by this MOU?

Purpose

The Purpose section should be a concise statement about what makes the MOU necessary. It explains how the community partners will collaborate to establish a new capability or ensure functioning of an existing capability, under what circumstances, and who will benefit from it.

Questions to consider:

1. For what service/resource(s) does the MOU apply?
2. Who will activate and oversee this MOU?
3. When will the service/resource(s) be used?
4. How will the service/resource(s) be used?
5. Who are the intended beneficiaries?

Scope

The Scope section lists the community partners and jurisdictions (e.g. city, county, municipality, region) included in the agreement and describes their relationship. This section can also include who are the end users of the service/resource(s), level of command and control for the capability (if it applies), level of government involved, etc.

Questions to consider:

1. Who are the public safety, public service, and other governmental and non-governmental agencies that will use the service/resource(s)?
2. What is the end user of the service/resource(s)?

Definitions

The Definition section includes the operational and technical specifications associated with the service/resource(s) for which the agreement is written. Each sector should utilize their own terminology so that the terms of the agreement are as clear as possible, helping avoid confusion and uncertainty around any aspects of the agreement.

Questions to consider:

1. What are the technical and operational aspects of the service/resource(s)? Consider including definitions for each.
2. Are there any community-specific terms or acronyms worth including?

Policy

The Policy section of the MOU briefly describes the circumstances under which the service/resource(s) should be used or activated. This section can also include leadership over the service/resource(s), activation, and other use cases.

Questions to consider:

1. Under what circumstances can the service/resource(s) be used?
2. When will the service/resource(s) be used?
3. Who can authorize the use of the service/resource(s)?
4. Are there operating procedures associated with this service/resource(s)? Can specific procedures be referenced?

User Procedure Requirements

The User Procedure Requirements section states the obligations of this agreement. For agreements on sharing an enhanced service/resource(s), obligations may include training, exercises, user requirements, responsibilities for ensuring training, and awareness.

Questions to consider:

1. What are the training, exercise, and equipment requirements associated with participating in this MOU?
2. Who will provide training and technical assistance if needed?
3. Are there additional requirements?
4. Are there any financial obligations that must be considered?
5. Will backup partners and redundant MOUs provide additional benefit?

Oversight

The Oversight section outlines how community partners or jurisdiction will deploy the new or enhanced service/resource(s). It can also describe how the community partners can provide recommendations that affect the policy and whether other community partners accept or reject these recommendations. A description of internal agency policy regarding the use of the service/resource(s) can also be included. Many of the questions below may not be applicable to simple agreements or those taking place between smaller organizations. However, careful exploration of these oversight questions should be undertaken during MOU development.

Questions to consider:

1. What governance structure oversees the use of this service/resource(s) and enforces all requirements of this MOU?
2. Who is the chair of this governance structure and how are they appointed, if appropriate?

3. What are the participation requirements in this governance structure of community partners entering this MOU?
4. How are issues affecting policy, recommendations, and/or subsequent change implemented by the governance structure?
5. What is the voting method within the governance structure, if applicable?
6. How do individual agencies establish oversight authority for the service/resource(s)?

Responsibility for SOP Compliance

This section describes agencies' responsibility to ensure Standard Operating Procedures (SOP) for the service/resource(s) are followed. A standard operating procedure is a set of step-by-step instruction aimed at helping staff carry out routine operations.

Questions to consider:

1. Who is responsible for ensuring the SOPs associated with this service/resource(s) are followed?
2. Who is responsible for ensuring that individual agency personnel are trained appropriately?
3. How will compliance be ensured?

Updates to the MOU

This section outlines how the MOU can be updated. It should include who has the authority to update the MOU, how updates will be made, how participating community partners will be notified of updates, and the types of updates that require signatures of all participating community partners. MOUs should be refreshed and updated during any leadership transitions by either signing party.

Questions to consider:

1. Who has the authority to update/modify this MOU?
2. How will this MOU be updated/modified?
3. How often does this MOU need to be reverified?
4. Will any updates/modifications require the MOU to have a new signature page verifying the understanding of changes by each participating partner?
5. Is a procedure in place to make new leadership aware of this MOU in the case of a leadership transition?

Additional Resources for Writing an MOU

- **US Department of Homeland Security – “Writing Guide for a Memorandum of Understanding (MOU)”**. This tool provides guidance for developing an MOU. It includes: Recommendations for structuring the MOU, questions to consider when generating content for each section, sample language to illustrate how a community could write each MOU section. <https://www.npstc.org/resourceCD/Writing%20Guide%20for%20MOUs.pdf>
- **Oregon Department of Justice – “Guidelines for a memorandum of understanding”**. This document provides a sample MOU format and content for organizations that require a formal collaboration agreement for grant applications. https://www.doj.state.or.us/wp-content/uploads/2017/08/mou_sample_guidelines.pdf
- **FEMA – “Disaster-Specific Memorandum of Understanding”**. The Disaster-Specific MOU provided by FEMA is a template agreement to be used by Federal, Tribal, state, and local Agencies to assist and define the relationship between and among Agencies during disaster recovery efforts. It also includes sample language for each MOU section. https://www.fema.gov/sites/default/files/2020-06/Disaster-Specific_MOU.pdf
- **MOU Example – “Memorandum of Understanding Establishing the Unified Federal Environmental and Historic Preservation Review Process for Disaster Recovery Projects”**. https://www.fema.gov/sites/default/files/2020-06/Signed_UFR_MOU_9_24_14.PDF
- **MOU Example - “Memorandum of Agreement between the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) and the U.S. Environmental Protection Agency (EPA)”**. https://www.fema.gov/sites/default/files/2020-07/fema_mou_fema-epa_2016.pdf

Sample Memorandum of Understanding Template

Memorandum of Understanding

Between

(Partner)

and

(Partner)

This Memorandum of Understanding (MOU) sets for the terms and understanding between the *(partner)* and the *(partner)* to *(insert summary of activities)*.

Introduction

(Why partnership important, why MOU is necessary and what are the agreements set forth by this MOU)

Purpose

The purpose of this agreement is to *(describe purpose/goals of partnership, include when the MOU will be used and how)*.

The above goals will be accomplished by undertaking the following activities:

(List and describe the activities that are planned for the partnership and who will do what)

Scope

The scope of this agreement includes *(list jurisdictions included in the agreement/list agencies and organizations included)*

Definitions

(List the technical and operational aspects of the service/resource(s) alluded to in this MOU)

Policy

(When can the service/resource(s) be used and who can authorize its use, list operating procedures associated with the service/resource(s) referenced)

User Procedure Requirements

By signing this agreement, each agency agrees to comply with: *(list any requirements associated with participating in the MOU, including trainings, equipment requirements, financial obligations, etc.)*

Maintenance

(Record designated responsibilities for maintaining equipment, systems, and licenses)

Updates to the MOU

Updates to this MOU will take place in any case that all involved parties agree to proposed changes. It is the responsibility of *(list party responsible)* to identify the best way of disseminating the changes to all affected agencies. In case any proposed change, a new signature page verifying the understanding of changes may be required.

Duration

This MOU is at-will and may be modified by mutual consent of authorized officials from *(list partners)*. This MOU shall become effective upon signature by the authorized officials from the *(list partners)* and will remain in effect until modified or terminated by any one of the partners by mutual consent. In the absence of mutual agreement by the authorized officials from *(list partners)* this MOU shall end on *(end date of partnership)*.

Contact Information

Partner name:	
Partner representative:	Position:
Address:	
Telephone:	Fax:
E-mail:	

Partner name:	
Partner representative:	Position:
Address:	
Telephone:	Fax:
E-mail:	

(Partner signature)
(Partner name, organization, position)
Date:

(Partner signature)
(Partner name, organization, position)
Date: