

Contractual Agreements Best Practices

Introduction: Districts may enter into a variety of agreements including MOUs and IGAs with other governmental and private groups. SDAO believes that it is important to memorialize these agreements in writing and to regularly review these documents to include updates such as statute and rule changes, new understanding of subjects, and new elected officials and district managers. This list is by no means exhaustive but are some likely topics that may have agreements. The district board has the responsibility to ensure these agreements meet current federal, state, and local laws and rules. SDAO Risk Management, Legal Services, and Consulting Services Departments can assist in specific instances.

This section is not intended to provide guidance for employment or personnel contracts. A labor attorney should be consulted prior to approval and acceptance of those of documents.

Governmental Agreements – As Appropriate

- The district maintains a list of agreements with public entities (such as mutual-aid, auto-aid, ORS 190 agreements, facility use, etc.)
- The district maintains an appropriate ambulance license with Oregon Health Authority.
- The district has an appropriate license for narcotics.
- The district maintains a written agreement with an attending physician advisor for EMS.
- The district has current mutual and auto-aid agreements with the surrounding districts/departments.
- The district has current agreements with other agencies or departments (Forestry, BLM, etc.)
- The district is currently accredited with Oregon DPSST or other accrediting organization.
- The district is currently active with the local fire defense board or county fire chiefs.
- The district is part of the Federal System for Award Management (S.A.M.) Registry.

Private Party Agreements

- The district maintains a list of agreements with private parties (such as vendors, patrons, private organizations, non-profits).
- The district ensures these agreements provide indemnification and proper levels of insurance coverage.

General Guidelines

- All agreements are reviewed and approved by the fire chief prior to acceptance and signature.
- The district consults local legal counsel prior to approval and signing of agreements.
- All agreements entered by the district follow this basic outline.
 - Parties of the agreement (define who the agreement is between)
 - Terms of the agreement (what is being provided by both parties)
 - Duration of the agreement (does the agreement end at a certain time?)

- Termination provisions of the agreement (how do/can the parties end the agreement?)
- The district has a process to regularly review agreements and contracts for changes and needed updates (may be annually or other set timeframe)