# Contracts for services checklist

To help agencies comply with [Commissioner’s Instruction 41: Contracts for Services](https://www.wa.gov.au/government/publications/commissioners-instruction-41-contracts-services).

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| Step 1: Use of an employee | | | |
| 1. | **Is an employee available to perform the work?** (Clause 1.1) | | Y  N |
| Consideration has been given to:   * internal employees (including surplus staff) * external public sector employees. | |  |
| 2. | **What is the type of work (tick all that apply)?** (Clause 1.3)  If ‘yes’ to a or b, an employee must be used, not a contractor. | |  |
|  | 1. Does the role involve management or executive decision making? | | Y ☐  N ☐ |
|  | b. Can an employee be provided with a development opportunity and/or upskilled/supported to undertake the work within a reasonable timeframe and at reasonable cost? | | Y ☐  N ☐ |
| **Step 2: Use of a contractor** | | | |
| 3. | **Can a contractor be used?** (Clause 1.2)  One or more of the 3 circumstances below must apply (tick all that apply).  Reason must be recorded within 10 working days of commencing or extending an engagement. | |  |
| 1. Are the required technical/specialist skills unavailable in the public sector in the relevant location and at the time of need? Employer must assess availability of the skills/expertise in the public sector (eg check for possible suitable surplus employees on RAMS). | | Y ☐  N ☐ |
| 1. Is there a requirement for impartiality and objectivity external to the public sector? | | Y ☐  N ☐ |
| 1. Is the need to perform the work or fill the position urgent (less than 2 weeks)? | | Y ☐  N ☐ |
| 4. | **What evidence is there to support the reason(s) for the engagement selected in 3?** (Clause 2.1(b))  Outline business case here or add attachment. | |  |
| 5. | **Is the engagement for less than 12 months?** (Clause 1.4)  **If yes, an engagement (including extensions) can continue for more than 12 months if both the following circumstances apply.**  Employer must reassess whether they meet the circumstances in the Commissioner’s Instruction when an engagement is made and each time an engagement is extended. | | Y ☐  N ☐ |
| 1. **A recruitment process to fill the position is unsuccessful, unlikely to be successful or still in progress.** | |  |
| 1. **Engagement is essential to meet a critical business need.** | |  |
| **Step 3: Approval** | | | |
| **6.** | **Has the employer approved the engagement? (Clause 2.1(a))**  **Approval may be recorded below.**  **Approval must be before the engagement commences or is extended.** | | Y ☐  N ☐ |
| **I:**  **approve the engagement**  **do not approve the engagement.** | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **(Employer/delegate signature)**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **(Employer/delegate name)** |
| **Step 4: Records** | | | |
| 7. | **Are there appropriate records of the engagement (tick all that apply)? (Clause 2.1)**  **These may be requested by the Public Sector Commission for review and audit.** | |  |
| 1. **Employer/delegate’s approval** | |  |
| 1. **Reason/s for engaging a contractor including a documented business case** | |  |
| 1. **Contract and any variations** | |  |
| 1. **Invoices and receipts for payment** | |  |
| 1. **Evidence of efforts to check availability of employees to perform the work** | |  |
| 1. **This checklist** | |  |
| 1. **Other records when engaging under common use arrangements – see** [Department of Finance’s website](https://www.wa.gov.au/organisation/department-of-finance/procurement-rules-and-other-government-policies) | |  |
| 1. **Other records required under agency’s policies and procedures** | |  |
|  | Notes:   * Keep the completed checklist on file for each engagement or extension. * Contact human resources and procurement teams for advice as needed. They may seek advice from [agencysupport@psc.wa.gov.au](mailto:agencysupport@psc.wa.gov.au). | | |