# 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.
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