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Contract

## **Provision of Domiciliary Care Services in the Western Health and Social Care Trust Area**

Western Health and Social Care Trust

F20: Modification notice

Notice identifier: 2022/S 000-011015

Procurement identifier (OCID): ocids-h6vhtk-0331a4

Published 28 April 2022, 7:06pm

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

Western Health and Social Care Trust

MDEC Building, Altnagelvin Area Hospital Site, Glenshane Road

Derry

BT47 6SB

#### **Email**

[info.contracts@westerntrust.hscni.net](mailto:info.contracts@westerntrust.hscni.net)

#### **Telephone**

+44 2871345171

#### **Country**

United Kingdom

#### **NUTS code**

UK - United Kingdom

**Internet address(es)**

Main address

<http://www.westerntrust.hscni.net>

Buyer's address

<https://etendersni.gov.uk/epps>

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Provision of Domiciliary Care Services in the Western Health and Social Care Trust Area

#### **II.1.2) Main CPV code**

- 98000000 - Other community, social and personal services

#### **II.1.3) Type of contract**

Services

### **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 98000000 - Other community, social and personal services
- 85000000 - Health and social work services

#### **II.2.3) Place of performance**

NUTS codes

- UKN0 - Northern Ireland

#### **II.2.4) Description of the procurement at the time of conclusion of the contract:**

Provision of Domiciliary Care Services in the Western Health and Social Care Trust Area

Lot 6 Enniskillen

Guaranteed Hours 1,692 hours per week;

Estimated Time Specific Hours 912 hours per week

**II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

60

**II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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**Section IV. Procedure**

**IV.2) Administrative information**

**IV.2.1) Contract award notice concerning this contract**

Notice number: [2016/S 200-361245](#)

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## Section V. Award of contract/concession

### Contract No

12279

### Title

Provision of Domiciliary Care Services in the Western Health and Social Care Trust Area - Lot 6 Enniskillen

### V.2) Award of contract/concession

#### V.2.1) Date of conclusion of the contract/concession award decision:

9 September 2016

#### V.2.2) Information about tenders

The contract/concession has been awarded to a group of economic operators: Yes

#### V.2.3) Name and address of the contractor/concessionaire

North West Care and Support Ltd

Roe Business Centre, Room F2 and F3, 4-6 Killane Road

Limavady

BT49 0DN

Email

[shaunairwin@nwcare.co.uk](mailto:shaunairwin@nwcare.co.uk)

Telephone

+44 2877723514

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

[www.nwcare.co.uk](http://www.nwcare.co.uk)

The contractor/concessionaire is an SME

No

**V.2.3) Name and address of the contractor/concessionaire**

Care Plus

Enniskillen

BT74 4RL

Email

[Jackie.finance@careplushomecare.co.uk](mailto:Jackie.finance@careplushomecare.co.uk)

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

[www.careplushomecare.co.uk](http://www.careplushomecare.co.uk)

The contractor/concessionaire is an SME

Yes

**V.2.3) Name and address of the contractor/concessionaire**

Lakeland Community Care Ltd

Belcoo

BT74 4RL

Email

[pat@lakelandcare.org.uk](mailto:pat@lakelandcare.org.uk)

Telephone

+44 2866325688

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

[www.lakelandcare.org.uk](http://www.lakelandcare.org.uk)

The contractor/concessionaire is an SME

No

**V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £8,000,000

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## **Section VI. Complementary information**

### **VI.3) Additional information**

Reference VII.2.2 Continued: Extension of Contract Period. The Trust is preparing to re-tender this Service. Unfortunately, this re-procurement exercise has been delayed as a result of the Covid-19 pandemic, and in particular due to staff diversion to deal with urgent and unforeseen Covid-19 consequences and exceptional pressures on the domiciliary care sector, this front line service and other critical areas affected by Covid-19. As such, new contracts under the re-procurement exercise will not be in place before the expiry of the current Contracts in Lot 6 on 28th February 2022. In order to ensure the continued and uninterrupted service delivery of this critical front line service in the interim, the Trust issued a letter dated 24th February 2022 to amend the Contracts in Lot 6 with effect from 1st March 2022 (Variation Date) so that the Contract Period shall be amended to include one further period of extension of 12 months commencing on 1st March 2022 and expiring on 28th February 2023. Department of Health Direction. The DoH NI direction has been brought about by exceptional circumstances; the need identified by the DoH NI to provide the Additional Funding to the independent domiciliary care sector is as a result of the Covid-19 pandemic and the exceptional and unforeseen pressures on the domiciliary care sector and this critical frontline service. The second condition of this ground under Regulation 72(1)(c)(ii) is that the modification does not alter the overall nature of the contract.. Here the service, being a domiciliary care service, is unchanged. As such, the modification does not alter the overall nature of the contract and therefore satisfies Regulation 72(1)(c)(ii). The final condition of this ground under Regulation 72(c)(iii) is met in that the increase in price does not exceed 50% of the value of the original contract. The increase in price for Lot 6 is £1,844,449 and the value of the original Contracts for Lot 6 is £8,000,000.

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

The High Court of Justice In Northern Ireland, Royal Courts of Justice

Chichester Street

Belfast

BT1 3JF

Email

[adminoffice@courtsni.gov.uk](mailto:adminoffice@courtsni.gov.uk)

Telephone

+00 03002007812

Fax

+44 2890724799

Country

United Kingdom

Internet address

<https://www.justice-ni.gov.uk/topics/courts-and-tribunals>

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

An economic operator that suffers, or risks suffering, loss or damage... attributable to a breach of duty under the Public Contracts Regulations 2015 (SI 2015/102) (as amended) may bring proceedings to the... High Court (Northern Ireland). Any such proceedings are subject to the time limits as detailed in the Public Contracts Regulations 2015. (SI.. 2015/102) (as amended).

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 98000000 - Other community, social and personal services

#### **VII.1.2) Additional CPV code(s)**

- 98000000 - Other community, social and personal services
- 85000000 - Health and social work services

#### **VII.1.3) Place of performance**

NUTS code

- UKN0 - Northern Ireland

**VII.1.4) Description of the procurement:**

Provision of Domiciliary Care Services in the Western Health and Social Care Trust (“the Trust”) Area

Lot 6 Enniskillen

The Trust refers to its response at VII.2.1 and VII.2.2.

Extension to Contract Period

The Trust issued a letter dated 24th February 2022 to amend the Contracts in Lot 6 with effect from 1st March 2022 (Variation Date) so that the Contract Period shall be amended to include one further period of extension of 12 months commencing on 1st March 2022 and expiring 28th February 2023.

Department of Health Direction

The Department of Health Northern Ireland (“DoH NI”) direction referred to at VII.2.1 and VII.2.2 states the following:

“The overarching principles of this additional funding is to ensure that Independent Sector providers deliver significant improvements in the pay, and terms and conditions for staff across the sector. This has been emphasised to the sector representatives who have committed to ensuring that the uplift in funding will be utilised to stabilise and increase capacity across the sector. It is also the Department’s expectation that Trusts will work proactively with the sector to maximise capacity within areas of greatest need in terms of step-down and discharge from hospitals, waiting lists and unmet need. The Department will also continue to engage with the sector to drive these changes.”

**VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

72

**VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£9,915,286

**VII.1.7) Name and address of the contractor/concessionaire**

North West Care and Support Ltd

Roe Business Centre, Room F2 and F3, 4-6 Killane Road

Limavady

BT49 0DN

Email

[shaunairwin@nwcare.co.uk](mailto:shaunairwin@nwcare.co.uk)

Telephone

+44 2877723514

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

[www.nwcare.co.uk](http://www.nwcare.co.uk)

The contractor/concessionaire is an SME

No

#### **VII.1.7) Name and address of the contractor/concessionaire**

Care Plus

Enniskillen Business Centre 21 Lackaboy Road

Enniskillen

BT74 4RL

Email

[Jackie.finance@careplushomecare.co.uk](mailto:Jackie.finance@careplushomecare.co.uk)

Telephone

+44 2866325688

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

[www.careplushomecare.co.uk](http://www.careplushomecare.co.uk)

The contractor/concessionaire is an SME

Yes

**VII.1.7) Name and address of the contractor/concessionaire**

Lakeland Community Care Ltd

Healthy Living Centre 1 Lattone Road

Belcoo

BT74 4RL

Email

[pat@lakelandcare.org.uk](mailto:pat@lakelandcare.org.uk)

Telephone

+44 2866325688

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

[www.lakelandcare.org.uk](http://www.lakelandcare.org.uk)

The contractor/concessionaire is an SME

No

## **VII.2) Information about modifications**

### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

Extension to Contract Period

See the Trust's response at VII.2.2.

Department of Health Direction

The Health Minister made an announcement on 24th November 2021 that additional funding for pressures on service provision within the Independent Domiciliary Care sector ("Additional Funding") would be available for the financial year 2021/2022 for the domiciliary care sector.

Following this announcement, the DoH NI made a direction in respect of this Additional Funding.

The Trust is bound by statute to comply with directions of the DoH NI and as such to make payment as directed of an increased Hourly Rate of £18.00 to its current domiciliary care Providers for the period from 1 – 31 March 2022.

See also the Trust's response at VII.1.4.

In compliance with this statutory obligation to comply with the DoH NI direction, the Trust therefore issued a letter dated 24th February 2022 to all current Providers to vary the Contract in respect of this direction.

The Trust refers also to its responses below at VII.2.2 and VII.2.3.

### **VII.2.2) Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting

authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

The Trust refers to its response at VII.2.1 above.

The first condition of this ground under Regulation 72(1)(c)(i) PCR 2015 is that the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen.

Regulation 72(1)(c)(i) PCR 2015 is satisfied in respect of this modification as the need for modification has been brought about by external circumstances, which a diligent contracting authority could not have foreseen when the Trust awarded these Contracts back in 2016.

This is continued in VI.3 Additional information

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £8,070,836

Total contract value after the modifications

Value excluding VAT: £9,915,286