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Contract

Provision of Domiciliary Care Services in the Western Health and Social Care Trust Area - Lot 5 Rate

Western Health and Social Care Trust

F20: Modification notice

Notice identifier: 2023/S 000-013674

Procurement identifier (OCID): ocids-h6vhtk-03c884

Published 12 May 2023, 5:59pm

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

Telephone

+44 2871345171

Country

United Kingdom

Region code

UK - United Kingdom

Internet address(es)

Main address

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

Buyer's address

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

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 - Lot 5 Rate

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

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 5 Irvinestown.

Guaranteed Hours 2,535 hours per week;

Estimated Time Specific Hours 1,365 hours per week

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

Duration in months

72

II.2.13) Information about European Union Funds

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

Section IV. Procedure

IV.2) Administrative information

IV.2.1) Contract award notice concerning this contract

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

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 5 Irvinestown

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 F3 4-6 Killane Road

Limavady

BT49 0DN

Email

shaunairwin@nwcare.co.uk

Telephone

+44 2877723514

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

<https://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

Telephone

+44 2866325688

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

<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

BT93 5AQ

Email

pat@lakelandcare.org.uk

Telephone

+44 2866386934

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

<https://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: £12,000,000

Section VI. Complementary information

VI.3) Additional information

Continued on from Section VII.2.2. 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 5 is £404,050 and the value of the original Contracts for Lot 5 is £12,000000.

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

Telephone

+00 03002007812

Country

United Kingdom

Internet address

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

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 5 Irvinestown

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

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:

£13,783,316

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

North West Care and Support Ltd

Limavady

BT490DN

Email

shaunairwin@nwcare.co.uk

Telephone

+44 2877723514

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

<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

BT74 4RL

Email

Jackie.finance@careplushomecare.co.uk

Telephone

+44 2866325688

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

<https://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

Belcoo

BT935AQ

Email

pat@lakelandcare.org.uk

Telephone

+44 2866386934

Country

United Kingdom

NUTS code

- UKN0 - Northern Ireland

Internet address

<https://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):

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 current financial year for the domiciliary care sector.

Following this announcement, the Department of Health Northern Ireland ("DoH NI") made a direction in respect of this Additional Funding.

The direction from the DoH NI stated:- "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."

The Trust issued a letter dated 22nd December 2021 to all current Providers to vary the Contract to increase Providers' Hourly Rates to £18.00 per hour from 1st November 2021 until 31st March 2022 in accordance with the above noted direction of the DoH NI. The DoH NI further directed as follows:

(1) that the Additional Funding referred to above of £18.00 per hour continue to be paid for the financial year 2022/2023; and

(2) that the hourly rate of £18.00 referred to above should be further increased to £18.08 per hour to reflect the increase in the 2022/23 Employers National Insurance Contribution rate to ensure that the ability of Providers to improve the terms and conditions for their staff is not diminished with the implementation of the statutory increase in Employers National Insurance Contribution rates.

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 £18.08 to its current domiciliary care providers for the period from 1st April 2022 until 31 March 2023.

In compliance with this statutory obligation to comply with the DoH NI direction, the Trust therefore issued a letter dated 23 February 2023 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, being the referred DoH NI direction, which a diligent contracting authority could not have foreseen when the Trust awarded these contracts back in 2016.

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).

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: £13,379,266

Total contract value after the modifications

Value excluding VAT: £13,783,316