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Contract

## **Provision of Domiciliary Care Services in the Western Health & Social Care Trust Area - Lot 7 Rates**

Western Health and Social Care Trust

F20: Modification notice

Notice identifier: 2023/S 000-013676

Procurement identifier (OCID): ocds-h6vhtk-03c886

Published 12 May 2023, 6:00pm

### **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

#### **Region code**

UK - United Kingdom

**Internet address(es)**

Main address

<https://www.westeritrust.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 & Social Care Trust Area - Lot 7 Rates

**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 7 Omagh

Guaranteed Hours 2952 hours per week \*This figure excludes the Overnight Hours [93 hours per week] awarded to North West Care and Support Ltd as the 1st ranked Provider in Lot 7 as per the Service Specification.

Estimated Time Specific Hours 1,092 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

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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 7 Omagh

### 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

<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](mailto: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

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

Lakeland Community Care Ltd

Belcoo

BT93 5AQ

Email

[pat@lakeland.org.uk](mailto:pat@lakeland.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: £12,500,000

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## **Section VI. Complementary information**

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

Continued 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 7 is £884,241 and the value of the original Contracts for Lot 7 is £12,500,000.

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

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

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

Chichester

Belfast

BT1 6JF

Email

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

Telephone

+00 03002007812

Country

United Kingdom

Internet address

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

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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 Area

Lot 7 Omagh

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:

£23,219,579

#### **VII.1.7) 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](mailto: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

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

Care Plus

BT74 4RL

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

<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

BT93 5AQ

Email

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

Continued in section V.I

### **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: £22,335,338

Total contract value after the modifications

Value excluding VAT: £23,219,579