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**United Kingdom-Derry: Other community, social and personal services
2022/S 012-028140**

Modification notice

Modification of a contract/concession during its term

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority/entity

I.1) Name and addresses

Official name: Western Health and Social Care Trust
Postal address: MDEC Building, Altnagelvin Area Hospital Site, Glenshane Road
Town: Derry
NUTS code: UK United Kingdom
Postal code: BT47 6SB
Country: United Kingdom
E-mail: info.contracts@westerntrust.hscni.net
Telephone: +44 2871345171

Internet address(es):

Main address: <http://www.westerntrust.hscni.net>
Address of the buyer profile: <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

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 code: 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 8 Castleberg
Guaranteed Hours 2,784 hours per week;
Estimated Time Specific Hours 1,314 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

Section IV: Procedure

IV.2) **Administrative information**

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

Notice number in the OJ S: [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 8 Castlederg

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

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

09/09/2016

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**

Official name: North West Care and Support Ltd

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

Town: Limavady

NUTS code: UKN0 Northern Ireland

Postal code: BT49 0DN

Country: United Kingdom

E-mail: shaunairwin@nwcare.co.uk

Telephone: +44 2877723514

Internet address: www.nwcare.co.uk

The contractor/concessionaire is an SME: no

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

Official name: Care Plus

Town: Enniskillen

NUTS code: UKN0 Northern Ireland

Postal code: BT74 4RL

Country: United Kingdom

E-mail: Jackie.finance@careplushomecare.co.uk

Telephone: +44 2866325688

Internet address: www.careplushomecare.co.uk

The contractor/concessionaire is an SME: yes

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

Official name: Glen Caring Services: "official name" Hillview Lodge Limited t/a Glen Caring Services
Town: Omagh
NUTS code: UKN0 Northern Ireland
Postal code: BT89 7EL
Country: United Kingdom
E-mail: lindabeckett@btconnect.com
Telephone: +44 2882251936
Internet address: www.glencaring.com
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: 12 000 000.00 GBP

Section VI: Complementary information

- VI.3) **Additional information:**

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

- VI.4.1) **Review body**

Official name: The High Court of Justice In Northern Ireland
Postal address: Royal Courts of Justice, Chichester Street
Town: Belfast
Postal code: BT1 3JF
Country: United Kingdom
E-mail: adminoffice@courtsni.gov.uk
Telephone: +00 03002007812
Fax: +44 2890724799
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).

- VI.5) **Date of dispatch of this notice:**
13/01/2022

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 8 Castledearg

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: 60

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

Total value of the contract/lot/concession: 12 344 932.00 GBP

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

Official name: North West Care and Support Ltd

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

Town: Limavady

NUTS code: UKN0 Northern Ireland

Postal code: BT49 0DN

Country: United Kingdom

E-mail: shaunairwin@nwcare.co.uk

Telephone: +44 2877723514

Internet address: www.nwcare.co.uk

The contractor/concessionaire is an SME: no

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

Official name: Care Plus

Postal address: Enniskillen Business Centre, 21 Lackaboy Road

Town: Enniskillen

NUTS code: UKN0 Northern Ireland

Postal code: BT74 4RL

Country: United Kingdom

E-mail: Jackie.finance@careplushomecare.co.uk

Telephone: +44 2866325688

Internet address: www.careplushomecare.co.uk

The contractor/concessionaire is an SME: yes

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

Official name: Glen Caring Services: "official name" Hillview Lodge Limited t/a Glen Caring Services
Postal address: 14 Mountjoy Road
Town: Omagh
NUTS code: UKN0 Northern Ireland
Postal code: BT89 7EL
Country: United Kingdom
E-mail: lindabeckett@btconnect.com
Telephone: +44 2882251936
Internet address: www.glencaring.com
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 DoH NI made a direction in respect of this Additional Funding.

The Western Health and Social Care Trust ("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 November 2021 until 31 March 2022.

The direction from the DoH NI states:-

"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."

In compliance with this statutory obligation to comply with the DoH NI direction, the Trust therefore issued a letter dated 22 December 2021 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 (Art. 43(1)(c) of Directive 2014/23/EU, Art. 72(1)(c) of Directive 2014/24/EU, Art. 89(1)(c) of Directive 2014/25/EU)

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 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 8 is £275,386 and the value of the original contract for Lot 8 is £12,000,000.

VII.2.3) **Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications and price adaptations and, in the case of Directive 2014/23/EU, average inflation in the Member State concerned)

Value excluding VAT: 12 069 547.00 GBP

Total contract value after the modifications

Value excluding VAT: 12 344 932.00 GBP