

Royaume-Uni-Derry: Autres services communautaires, sociaux et personnels

OJ S 12/2022 18/01/2022

Avis de modification

Services

Base juridique:

Directive 2014/24/UE

Section I: Pouvoir adjudicateur/entité adjudicatrice

I.1. Nom et adresses

Nom officiel: Western Health and Social Care Trust

Adresse postale: MDEC Building, Altnagelvin Area Hospital Site, Glenshane Road

Ville: Derry

Code NUTS: UK United Kingdom

Code postal: BT47 6SB

Pays: Royaume-Uni

Courriel: info.contracts@westerntrust.hscni.net

Téléphone: +44 2871345171

Adresse(s) internet:

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

Adresse du profil d'acheteur: <https://etendersni.gov.uk/epps>

Section II: Objet

II.1. Étendue du marché

II.1.1. Intitulé

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

II.1.2. Code CPV principal

98000000 Autres services communautaires, sociaux et personnels

II.1.3. Type de marché

Services

II.2. Description

II.2.2. Code(s) CPV additionnel(s)

98000000 Autres services communautaires, sociaux et personnels, 85000000 Services de santé et services sociaux

II.2.3. Lieu d'exécution

Code NUTS: UKN0 Northern Ireland

II.2.4. Description du contrat au moment de la conclusion du contrat

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

Lot 8 Castledearg

Guaranteed Hours 2,784 hours per week;

Estimated Time Specific Hours 1,314 hours per week

II.2.7. Durée du marché, accord-cadre, système d'acquisition dynamique ou concession

Durée en mois: 60

II.2.13. Information sur les fonds de l'Union européenne

Le contrat s'inscrit dans un projet/programme financé par des fonds de l'Union européenne:
non

Section IV: Procédure

IV.2. Renseignements d'ordre administratif

IV.2.1. Avis d'attribution de marché relatif au présent marché

Numéro de l'avis au JO série S: [2016/S 200-361245](#)

Section V: Attribution du marché/de la concession

Marché n°: 12279

Intitulé:

Provision of Domiciliary Care Services in the Western Health and Social Care Trust Area - Lot 8 Castlederg

V.2. Attribution du marché/de la concession

V.2.1. Date de la conclusion du marché/de la décision d'attribution de la concession

09/09/2016

V.2.2. Informations sur les offres

Le marché/la concession a été attribué(e) à un groupement d'opérateurs économiques: oui

V.2.3. Nom et adresse du titulaire/concessionnaire

Nom officiel: North West Care and Support Ltd

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

Ville: Limavady

Code NUTS: UKN0 Northern Ireland

Code postal: BT49 0DN

Pays: Royaume-Uni

Courriel: shaunairwin@nwcare.co.uk

Téléphone: +44 2877723514

Adresse internet: www.nwcare.co.uk

Le titulaire/concessionnaire est une PME: non

V.2.3. Nom et adresse du titulaire/concessionnaire

Nom officiel: Care Plus

Ville: Enniskillen

Code NUTS: UKN0 Northern Ireland

Code postal: BT74 4RL

Pays: Royaume-Uni

Courriel: Jackie.finance@careplushomecare.co.uk

Téléphone: +44 2866325688

Adresse internet: www.careplushomecare.co.uk

Le titulaire/concessionnaire est une PME: oui

V.2.3. Nom et adresse du titulaire/concessionnaire

Nom officiel: Glen Caring Services: "official name" Hillview Lodge Limited t/a Glen Caring Services

Ville: Omagh

Code NUTS: UKN0 Northern Ireland

Code postal: BT89 7EL

Pays: Royaume-Uni

Courriel: lindabeckett@btconnect.com

Téléphone: +44 2882251936

Adresse internet: www.glencaring.com

Le titulaire/concessionnaire est une PME: non

V.2.4. Informations sur le montant du marché/du lot/de la concession

Valeur totale du marché: 12 000 000,00 GBP

Section VI: Renseignements complémentaires

VI.3. Informations complémentaires

VI.4. Procédures de recours

VI.4.1. Instance chargée des procédures de recours

Nom officiel: The High Court of Justice In Northern Ireland

Adresse postale: Royal Courts of Justice, Chichester Street

Ville: Belfast

Code postal: BT1 3JF

Pays: Royaume-Uni

Courriel: adminoffice@courtsni.gov.uk

Téléphone: +00 03002007812

Fax: +44 2890724799

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

VI.4.3. Introduction de recours

Précisions concernant les délais d'introduction de recours:

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 d'envoi du présent avis

13/01/2022

Section VII: Modifications du contrat/de la concession

VII.1. Description du contrat après les modifications

VII.1.1. Code CPV principal

98000000 Autres services communautaires, sociaux et personnels

VII.1.2. Code(s) CPV additionnel(s)

98000000 Autres services communautaires, sociaux et personnels, 85000000 Services de santé et services sociaux

VII.1.3. Lieu d'exécution

Code NUTS: UKN0 Northern Ireland

VII.1.4. Description des prestations

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. Durée du marché, accord-cadre, système d'acquisition dynamique ou concession

Durée en mois: 60

VII.1.6. Informations sur le montant du marché/du lot/de la concession

Valeur totale du marché/du lot/de la concession: 12 344 932,00 GBP

VII.1.7. Nom et adresse du titulaire/concessionnaire

Nom officiel: North West Care and Support Ltd

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

Ville: Limavady

Code NUTS: UKN0 Northern Ireland

Code postal: BT49 0DN

Pays: Royaume-Uni

Courriel: shaunairwin@nwcare.co.uk

Téléphone: +44 2877723514

Adresse internet: www.nwcare.co.uk

Le titulaire/concessionnaire est une PME: non

VII.1.7. Nom et adresse du titulaire/concessionnaire

Nom officiel: Care Plus

Adresse postale: Enniskillen Business Centre, 21 Lackaboy Road

Ville: Enniskillen

Code NUTS: UKN0 Northern Ireland

Code postal: BT74 4RL

Pays: Royaume-Uni

Courriel: Jackie.finance@careplushomecare.co.uk

Téléphone: +44 2866325688

Adresse internet: www.careplushomecare.co.uk

Le titulaire/concessionnaire est une PME: oui

VII.1.7. Nom et adresse du titulaire/concessionnaire

Nom officiel: Glen Caring Services: "official name" Hillview Lodge Limited t/a Glen Caring Services

Adresse postale: 14 Mountjoy Road

Ville: Omagh
Code NUTS: UKN0 Northern Ireland
Code postal: BT89 7EL
Pays: Royaume-Uni
Courriel: lindabeckett@btconnect.com
Téléphone: +44 2882251936
Adresse internet: www.glencaring.com
Le titulaire/concessionnaire est une PME: non

VII.2. Informations sur les modifications

VII.2.1. Description des modifications

Nature et étendue des modifications (avec indication des éventuels changements préalablement apportés au contrat):

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. Raisons de la modification

Modification rendue nécessaire par des circonstances qu'un pouvoir adjudicateur/une entité adjudicatrice diligent(e) ne pouvait pas prévoir [article 43, paragraphe 1, point c), de la directive 2014/23/UE; article 72, paragraphe 1, point c), de la directive 2014/24/UE; article 89, paragraphe 1, point c), de la directive 2014/25/UE]

Description des circonstances ayant rendu la modification nécessaire et explication du caractère imprévu de ces circonstances:

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. Augmentation de prix

Valeur totale actualisée du marché avant les modifications (prenant en compte les éventuelles modifications contractuelles et adaptations de prix antérieures et, dans le cas de la directive 2014/23/UE, l'inflation moyenne dans l'État membre concerné)

Valeur hors TVA: 12 069 547,00 GBP

Montant total du marché après les modifications

Valeur hors TVA: 12 344 932,00 GBP