

**Ir-Renju Unit-Derry: Servizzi oħra tal-komunità, soċjali u personali**

**OJ S 12/2022 18/01/2022**

**Avviż ta' modifikazzjoni**

**Servizzi**

**Il-baži ġuridika:**

Direttiva 2014/24/UE

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## **Taqsim I: Awtorità/entità kontraenti**

### **I.1. Isem u indirizzi**

Isem uffiċjali: Western Health and Social Care Trust

Indirizz postali: MDEC Building, Altnagelvin Area Hospital Site, Glenshane Road

Belt: Derry

Kodiċi NUTS: UK United Kingdom

Kodiċi postali: BT47 6SB

Pajjiż: Ir-Renju Unit

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

Telefown: +44 2871345171

**Indirizz(i) tal-Internet:**

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

Indirizz tal-profil tax-xerrej: <https://etendersni.gov.uk/epps>

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## **Taqsim II: L-għan**

### **II.1. L-għan tal-ksib**

#### **II.1.1. Titlu**

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

#### **II.1.2. Kodiċi ewlieni CPV**

98000000 Servizzi oħra tal-komunità, soċjali u personali

#### **II.1.3. It-tip ta' kuntratt**

Servizzi

### **II.2. Deskrizzjoni**

#### **II.2.2. Kodiċi(jiet) addizzjonali tal-VKK**

98000000 Servizzi oħra tal-komunità, soċjali u personali, 85000000 Servizzi dwar saħħa ta' xogħol soċjali

#### **II.2.3. Il-post tat-twettiq**

Kodiċi NUTS: UKN0 Northern Ireland

#### **II.2.4. Deskrizzjoni tal-akkwist fil-mument tal-konklużjoni tal-kuntratt**

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

Lot 8 Castlederg

Guaranteed Hours 2,784 hours per week;

Estimated Time Specific Hours 1,314 hours per week

## **II.2.7. Tul tal-kuntratt, qafas tal-ftehim, sistema dinamika ta' xiri jew konċessjoni**

Tul ta' żmien f'xhur: 60

## **II.2.13. Informazzjoni dwar Fondi tal-Unjoni Ewropea**

L-akkwist huwa marbut ma' proġett u/jew programm iffinanzjat mill-fondi tal-Unjoni Ewropea: le

## **Taqsimha IV: Proċedura**

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### **IV.2. Informazzjoni amministrattiva**

#### **IV.2.1. Avviż ta' għoti ta' kuntratt li jikkonċerna dan il-kuntratt**

Numru tal-avviż fil-ĠU S: [2016/S 200-361245](#)

## **Taqsimha V: Għoti ta' kuntratt/konċessjoni**

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**Nru tal-kuntratt:** 12279

**Titlu:**

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

### **V.2. Għoti ta' kuntratt/konċessjoni**

#### **V.2.1. Id-data tal-konklużjoni tal-kuntratt/tad-deċiżjoni għall-għoti tal-konċessjoni**

09/09/2016

#### **V.2.2. Informazzjoni dwar sejhiet għall-offerti**

Il-kuntratt/konċessjoni ingħata(t) lil grupp ta' operaturi ekonomiċi: iva

#### **V.2.3. L-isem u l-indirizz tal-kuntrattur/konċessjonarju**

Isem uffiċjali: North West Care and Support Ltd

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

Belt: Limavady

Kodiċi NUTS: UKN0 Northern Ireland

Kodiċi postali: BT49 0DN

Pajjiż: Ir-Renju Unit

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

Telefown: +44 2877723514

Indirizz tal-Internet: [www.nwcare.co.uk](http://www.nwcare.co.uk)

Il-kuntrattur/konċessjonarju huwa SME: le

#### **V.2.3. L-isem u l-indirizz tal-kuntrattur/konċessjonarju**

Isem uffiċjali: Care Plus

Belt: Enniskillen

Kodiċi NUTS: UKN0 Northern Ireland

Kodiċi postali: BT74 4RL

Pajjiż: Ir-Renju Unit

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

Telefown: +44 2866325688

Indirizz tal-Internet: [www.careplushomecare.co.uk](http://www.careplushomecare.co.uk)

Il-kuntrattur/konċessjonarju huwa SME: iva

### **V.2.3.**

## **L-isem u l-indirizz tal-kuntrattur/konċessjonarju**

Isem uffiċjali: Glen Caring Services: "official name" Hillview Lodge Limited t/a Glen Caring Services

Belt: Omagh

Kodiċi NUTS: UKN0 Northern Ireland

Kodiċi postali: BT89 7EL

Pajjiż: Ir-Renju Unit

Posta elettronika: [lindabeckett@btconnect.com](mailto:lindabeckett@btconnect.com)

Telefown: +44 2882251936

Indirizz tal-Internet: [www.glencaring.com](http://www.glencaring.com)

Il-kuntrattur/konċessjonarju huwa SME: Ie

### **V.2.4. Informazzjoni dwar il-valur tal-kuntratt/lott/konċessjoni**

Valur totali tal-ksib: 12 000 000,00 GBP

## **Taqsim VI: Informazzjoni kumplementari**

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### **VI.3. Informazzjoni addizzjonali**

### **VI.4. Proċeduri ta' analiżi mill-ġdid**

#### **VI.4.1. Korp responsabbli għall-proċeduri ta' analiżi mill-ġdid**

Isem uffiċjali: The High Court of Justice In Northern Ireland

Indirizz postali: Royal Courts of Justice, Chichester Street

Belt: Belfast

Kodiċi postali: BT1 3JF

Pajjiż: Ir-Renju Unit

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

Telefown: +00 03002007812

Faks: +44 2890724799

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

#### **VI.4.3. Proċedura ta' analiżi mill-ġdid**

Informazzjoni preċiża dwar id-data/i tal-għeluq għall-proċeduri ta' analiżi mill-ġdid:

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. Data ta' meta ntbagħat dan l-avviż**

13/01/2022

## **Taqsim VII: Modifikazzjonijiet fil-kuntratt/konċessjoni**

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### **VII.1. Deskrizzjoni tal-akkwist wara l-modifikazzjonijiet**

#### **VII.1.1. Kodiċi ewlieni CPV**

98000000 Servizzi oħra tal-komunità, soċjali u personali

#### **VII.1.2. Kodiċi(jiet) addizzjonali tal-VKK**

98000000 Servizzi oħra tal-komunità, soċjali u personali, 85000000 Servizzi dwar saħħa ta' xogħol soċjali

### **VII.1.3. Il-post tat-twettiq**

Kodiċi NUTS: UKN0 Northern Ireland

### **VII.1.4. Deskrizzjoni tal-akkwist**

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

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. Tul tal-kuntratt, qafas tal-ftehim, sistema dinamika ta' xiri jew konċessjoni**

Tul ta' żmien f'xhur: 60

### **VII.1.6. Informazzjoni dwar il-valur tal-kuntratt/lott/konċessjoni**

Valur totali tal-kuntratt/lott/konċessjoni: 12 344 932,00 GBP

### **VII.1.7. L-isem u l-indirizz tal-kuntrattur/konċessjonarju**

Isem uffiċjali: North West Care and Support Ltd

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

Belt: Limavady

Kodiċi NUTS: UKN0 Northern Ireland

Kodiċi postali: BT49 0DN

Pajjiż: Ir-Renju Unit

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

Telefown: +44 2877723514

Indirizz tal-Internet: [www.nwcare.co.uk](http://www.nwcare.co.uk)

Il-kuntrattur/konċessjonarju huwa SME: Ie

### **VII.1.7. L-isem u l-indirizz tal-kuntrattur/konċessjonarju**

Isem uffiċjali: Care Plus

Indirizz postali: Enniskillen Business Centre, 21 Lackaboy Road

Belt: Enniskillen

Kodiċi NUTS: UKN0 Northern Ireland

Kodiċi postali: BT74 4RL

Pajjiż: Ir-Renju Unit

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

Telefown: +44 2866325688

Indirizz tal-Internet: [www.careplushomecare.co.uk](http://www.careplushomecare.co.uk)

Il-kuntrattur/konċessjonarju huwa SME: iva

### **VII.1.7. L-isem u l-indirizz tal-kuntrattur/konċessjonarju**

Isem uffiċjali: Glen Caring Services: “official name” Hillview Lodge Limited t/a Glen Caring Services

Indirizz postali: 14 Mountjoy Road

Belt: Omagh  
Kodiċi NUTS: UKN0 Northern Ireland  
Kodiċi postali: BT89 7EL  
Pajjiż: Ir-Renju Unit  
Posta elettronika: [lindabeckett@btconnect.com](mailto:lindabeckett@btconnect.com)  
Telefown: +44 2882251936  
Indirizz tal-Internet: [www.glencaring.com](http://www.glencaring.com)  
Il-kuntrattur/konċessjonarju huwa SME: Ie

## **VII.2. Informazzjoni dwar modifikazzjonijiet**

### **VII.2.1. Tifsira tal-modifikazzjonijiet**

In-natura u l-estenzjoni tal-modifikazzjonijiet (b'indikazzjoni tal-possibbiltà ta' bidliet aktar kmieni fil-kuntratt):

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. Raġunijiet għal modifikazzjoni**

Ħtieġa għal modifikazzjoni minħabba ċirkostanzi li awtorità diligenti kontraenti ma setgħetx tbassar (Art. 43(1)(c) tad-direttiva 2014/23/UE, Art. 72(1)(c) tad-direttiva 2014/24/UE, Art. 89(1)(c) tad-direttiva 2014/25/UE)

Deskrizzjoni taċ-ċirkostanzi li wasslu għall-ħtieġa tal-modifika u l-ispejgazzjoni tan-natura mhux mistennija ta' dawn iċ-ċirkostanzi:

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. Żieda fil-prezz**

Il-valur kollu aġġornat tal-kuntratt qabel il-modifikazzjonijiet (meta wieħed iqis il-possibbiltà ta' modifikazzjonijiet aktar kmieni fil-kuntratt u adattamenti fil-prezz u, fil-każ tad-direttiva 2014/23 /UE, il-medja tal-inflazzjoni fl-Istat Membru kkonċernat)

Valur mingħajr VAT: 12 069 547,00 GBP

Il-valur totali tal-kuntratt wara l-modifikazzjonijiet

Valur mingħajr VAT: 12 344 932,00 GBP