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Not applicable

CPAP, BiPAP, NIV, Sleep Therapy Devices and Associated Products

HealthTrust Europe LLP (HTE) acting as agent for the University Hospitals of Coventry and Warwickshire NHS Trust ("UHCW")

F14: Notice for changes or additional information

Notice identifier: 2021/S 000-005358

Procurement identifier (OCID): ocds-h6vhtk-029c5f

Published 16 March 2021, 10:56pm

Section I: Contracting authority/entity

I.1) Name and addresses

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Section II: Object**II.1) Scope of the procurement****II.1.1) Title**

CPAP, BiPAP, NIV, Sleep Therapy Devices and Associated Products

II.1.2) Main CPV code

- 33157400 - Medical breathing devices

II.1.3) Type of contract

Supplies

II.1.4) Short description

CPAP, BiPAP, NIV, Sleep Therapy Devices and Associated Products

Section VI. Complementary information**VI.6) Original notice reference**

Notice number: [2020/S 153-375968](#)

Section VII. Changes

VII.1.2) Text to be corrected in the original notice

Section number

IV.1.3

Place of text to be modified

Envisaged maximum number of participants to the framework agreement

Instead of

Text

Envisaged maximum number of participants to the framework agreement = 6

Read

Text

Envisaged maximum number of participants to the framework agreement = 11

VII.2) Other additional information

(i) We propose to conclude a framework agreement (FA) with a number of providers all of whom responded to the call for competition set out in the Contract Notice –2020/S 153 - 375968 and whose tenders were compliant. Those bidders are identified in Section V.

(ii) The range of services/supplies that are in scope remains unchanged. The number and contents of the Lots remains unchanged. The advertised award procedure was followed and the award criteria remain unchanged. The only change is set out in clause (iii) below.

(iii) This notice is to inform the market that we intend to increase the number of economic operators to be appointed to Lots 1, 2, 3, and 4 of the FA. This will mean that for Lot 1 the number of appointees will be 11 rather than 6; for Lot 2 the number of appointees will be 7 rather than 6; for Lot 3 the number of appointees will be 7 rather than 6; and for Lot 4 the number of appointees will be 12 rather than 6.

The name and contact details (postal address) of each supplier to be appointed per lot can be found in Section V.

(iv) The need for this modification has been brought about as a result of a marked increase in demand and significant pressures being faced by suppliers and their supply chains as a consequence of the Covid 19 pandemic. These are circumstances which the

contracting authority, acting diligently, could not have foreseen. The modification will increase the number of suppliers to whom customers can gain access, thereby increasing competition and reducing the risk that demand for these products cannot be met under the framework.

(v) We consider that the change is permitted under Part 2 of the Public Contracts Regulations 2015 (as amended) and Directive 2014/24/EC without the need for a new procurement.

(vi) We have considered whether a new call for competition should be published. The modification does not alter the overall nature of the framework agreement. The estimated total value of the FA remains unchanged from that advertised. We therefore consider that the authority is entitled to rely on regulation 72 (1) (c) of the PCR 2015.

(vii) We also consider that the change is not “substantial” within the meaning of regulation 72 (8) of the PCR 2015 (as amended) and Directive 2014/24, in particular, that it does not alter the scope of the FA; does not make it materially different in character and would not have attracted additional participants because of the nature of the market and the very high number of operators who expressed an interest and submitted tenders.

(viii) We will not conclude the FA for a period of 10 days beginning with the date after this notice is published in OJEU.

The following changes are what will take place, in light of the above:

Lot 1:

The previous envisaged maximum number of participants to the framework agreement = 6

The new envisaged maximum number of participants to the framework agreement = 11

Lot 2:

The previous envisaged maximum number of participants to the framework agreement = 6

The new envisaged maximum number of participants to the framework agreement = 7

Lot 3:

The previous envisaged maximum number of participants to the framework agreement = 6

The new envisaged maximum number of participants to the framework agreement = 7

Lot 4:

The previous envisaged maximum number of participants to the framework agreement = 6

The new envisaged maximum number of participants to the framework agreement = 12