EXCLUSION GROUNDS AND QUALIFICATION REQUIREMENTS FOR SUPPLIERS

(905-26) Services for conducting an Underwriting Assessment and preparing an Underwriting Report

EXCLUSION GROUNDS

No.	Ground for the exclusion	Article (paragraph) and point of the LPP, and section of the form in the ESPD	Documents supporting the absence for exclusion
1.	The supplier, or their responsible person referred to in point 2 of Article 46(2) of the LPP is convicted for the following criminal acts: 1) participation in a criminal organisation, their formation and being in charge of such organisation; 2) bribery, graft, trade in influence. 3) fraud, assets misappropriation, embezzlement of assets, fraudulent representation of the performance of the legal entity, use of credit, loan or targeted support not according to the purpose or an established procedure, credit fraud, submission of fraudulent data on income, profit or property, failure to submit a declaration, report or another document, fraudulent accounting or abuse where such activities in effect target the financial interests of the European Union, as defined in Article 1 of the Convention on the protection of the European Communities' financial interests; 4) fraudulent bankruptcy. 5) terrorism or terrorism-related crime. 6) legalisation of the assets obtained by criminal means. 7) trafficking in human beings, purchasing or sale of the house. 8) a crime committed by a supplier of another State defined in legal acts of other States implementing the legal acts referred to in Article 57(1) of Directive 2014/24/EU.	**Article 46 (1) of the LPP** ESPD, Part III, points A1-A6 ESPD, Part III, point D1	The economic entities established in Lithuania shall submit: • extract from the court decisions; or • certificates issued by the Department of Informatics and Communication under the Ministry of the Interior. • a document issued in the manner set forth by the Government of the RL by the SE Centre of Registers attesting to the joint data processed by competent authorities. The economic entities established outside Lithuania shall submit: • a respective document issued by a relevant foreign authority[1] The documents referred to above must be issued not earlier than 180 *days before the date on which the supplier will be required, at the request of the Contracting entity, to provide evidence of the absence of grounds for exclusion. Example: If the Contracting entity has asked the supplier on*

[1] If the supplier is unable to provide the documents referred to in order to prove that the grounds for exclusion provided for in Article 46(1) and (3) and Article 46(6)(2) of the LPP do not exist, either because the Member State or the country in question does not issue such documents or because the documents issued in that country do not cover all of the matters referred to in Article 46(1) and (3) and Article 46(6)(2) of the LPP, the required documents may be replaced:

a) a Declaration of Oath.

b) an official declaration of the supplier, in case the Declaration of Oath is not used in the country. The official declaration must be certified by a competent legal or administrative authority, a notary public or a competent professional or trade organisation in the Member State or in the supplier's country of origin or in the country in which the supplier is established.

	It is considered that the supplier or its responsible person has been convicted of the above-mentioned criminal offense if: 1) in the case of a supplier who is a natural person, a final and binding court conviction has been adopted within the past 5 years and this person has an unexpired or unexpunged criminal record. 2) in the case of a supplier who is a legal entity, another organization or its **structural** unit, a final and binding court conviction has been adopted within the past 5 years against its manager or the person(s) authorized to draw up and sign the supplier's financial accounting documents, and this person has an unexpired or unexpunged criminal record. 3) in the case of a supplier who is a legal entity, another organization or its **structural** unit, a final and binding court conviction has been adopted within the past 5 years, or – in the case referred to in Article 46(3) of the Public Procurement Law – a final administrative decision has been adopted, if such a decision is made in accordance with the legal requirements of the supplier's country.		*10/10/2022 to provide the supporting documentation by 14/10/2022, such documentation must be issued no earlier than 180 days counting backwards from 14/10/2022.* If the document was issued earlier but has a validity period longer than the final date for the submission of documents proving the absence of grounds for exclusion in accordance with the ESPD, it shall be admissible for the period of its validity. *If the supplier is a legal person, another organisation or a subdivision thereof, data must be provided not only on the manager and the person (persons) with the right to write and sign the financial accounting documents of the supplier, but also on the participants who hold a majority of the votes at the meeting of the participants of the legal person, i.e., the natural persons who have the right to exercise control over the supplier and to decide on their behalf. Where such data is provided only in respect of the manager and the person (persons) with the right to write and sign the financial accounting documents of the supplier, a free-form explanation shall be provided by the supplier, which is a legal person, another organisation or a subdivision thereof, that the participant in the supplier who holds a majority of the votes at the meeting of participants is a legal person, or that none of the participant in the supplier holds a majority of the votes at the meeting of participants in a legal person, or that the participant who holds the votes at the meeting of participants in a legal person is the manager in respect of whom the data is provided.* ***NOTE:*** *If the contracting authority is conducting a simplified procurement, it is not required to provide certificates confirming the absence of the grounds for the supplier's exclusion as specified in Article 46 of the*

			LPP. The contracting authority will only request such certificates if there are justified doubts regarding the supplier's reliability.
2.	The supplier has not fulfilled the criminal penalty imposed on them – a prohibition for the legal entity to participate in public procurement.	**Article 46 (2[1]) of the LPP** ESPD, Part III, points D2	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice.
3.	The supplier has been convicted of non-compliance with obligations relating to the payment of taxes, including social security contributions, in accordance with the requirements of the country of registration of the supplier or the country in which the contracting authority is located, within the meaning of Article 46(2)(1) and (3) of the LPP, or the Contracting entity has other evidence of non-compliance with these obligations. It's considered that the supplier has been convicted for the above-mentioned offence when: 1) in the case of a supplier who is a natural person, a final and binding court conviction has been rendered within the past 5 years and this person has a criminal record that has not been annulled or expunged. 2) in the case of a supplier who is a legal person, other organisation or its **structural** unit, a final and binding court conviction has been rendered within the past 5 years, or – in the case referred to in Article 46(3) of the LPP – a final administrative decision has been adopted in accordance with the legal requirements of the supplier's country. However, the provision is not applied, when: 1) the supplier has undertaken to pay the taxes, including social security contributions, and is therefore deemed to have fulfilled these obligations. 2) the amount of debt does not exceed EUR 50 (fifty euros). 3) the supplier was informed of the exact amount of debt at such a time that it was not possible, before the deadline for submission of applications or tenders, to pay the taxes (including social security contributions), conclude a tax loan agreement or another binding agreement for its payment, or take other measures to comply with the provisions of point 1 above. In such cases,	**Article 46 (3) of the LPP** ESPD, Part III, points B1 and B2	The economic entities established in Lithuania shall submit: 1) Suppliers registered in Lithuania are required to submit the following documents regarding the fulfilment of tax payment obligations: • an extract from the judgment (if any), • or a document issued by the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania. • or a document issued by the State Enterprise Centre of Registers in accordance with the procedure laid down by the Government of the Republic of Lithuania, confirming the joint data processed by the competent authorities. The economic entities established outside Lithuania shall submit: • a respective document issued by a relevant foreign authority[2] The documents referred to above must be issued not earlier than 180 *days before the date on which the supplier will be required, at the request of the Contracting entity, to provide evidence of the absence of grounds for exclusion.* ***Example:*** *If the Contracting entity has asked the supplier on*

[2] If the supplier is unable to provide the documents referred to in order to prove that the grounds for exclusion provided for in Article 46(1) and (3) and Article 46(6)(2) of the LPP do not exist, either because the Member State or the country in question does not issue such documents or because the documents issued in that country do not cover all of the matters referred to in Article 46(1) and (3) and Article 46(6)(2) of the LPP, the required documents may be replaced:

a) a Declaration of Oath;

b) an official declaration of the supplier, in case the Declaration of Oath is not used in the country. The official declaration must be certified by a competent legal or administrative authority, a notary public or a competent professional or trade organisation in the Member State or in the supplier's country of origin or in the country in which the supplier is established.

	the supplier shall not be excluded from the procurement procedure if, upon request by the contracting authority in accordance with Article 50(6) of the LPP, the supplier proves that it is now deemed to have fulfilled its obligations related to the payment of taxes, including social security contributions.		*10/10/2022 to provide the supporting documentation by 14/10/2022, such documentation must be issued no earlier than 180 days counting backwards from 14/10/2022.* If the document was issued earlier but has a validity period longer than the final date for the submission of documents proving the absence of grounds for exclusion in accordance with the ESPD, it shall be admissible for the period of its validity. 2) For tax compliance, entities established in Lithuania are requested to submit: 2.1) If the supplier is a legal entity registered in the Republic of Lithuania, such supplier shall be released from the requirement to submit any documents supporting the payment of social insurance premiums. The contracting authority shall independently verify the data in the national database at: http://draudejai.sodra.lt/draudeju_viesi_duomenys/ If, due to technical failures of the information system of the State Social Insurance Fund Board (hereinafter referred to as Sodra), the contracting authority will not be able to verify the gratuitously available data on the supplier (legal entity), it will have the right to ask the supplier (legal entity) to provide an excerpt of a court judgement, if any, and to submit a document, issued in accordance with the procedure set out in the procedure laid down in the Sodra, which proves that the tenderer (legal entity) is in compliance with the above requirement. or a document issued by the State Enterprise Centre of Registers in accordance with the procedure laid down by the Government of the Republic of Lithuania, confirming the joint data processed by the competent authorities. 2.2) If the supplier is a natural person registered in the Republic of Lithuania, the supplier shall provide an

			extract from a court decision (if any) or a document issued by Sodra or a document issued by the State Enterprise Centre of Registers in accordance with the procedure laid down by the Government of the Republic of Lithuania, confirming the joint data processed by the competent institutions. The economic entities established outside Lithuania shall submit: • a respective document issued by a relevant foreign authority[3] The documents referred to above must be issued not earlier than 180 *days before the date on which the supplier will be required, at the request of the Contracting entity, to provide evidence of the absence of grounds for exclusion. Example: If the Contracting entity has asked the supplier on 10/10/2022 to provide the supporting documentation by 14/10/2022, such documentation must be issued no earlier than 180 days counting backwards from 14/10/2022.* If the document was issued earlier but has a validity period longer than the final date for the submission of documents proving the absence of grounds for exclusion in accordance with the ESPD, it shall be admissible for the period of its validity. ***NOTE:*** *If the contracting authority is conducting a simplified procurement, it is not required to provide certificates confirming the absence of the grounds for the supplier's exclusion as specified in Article 46 of the*

[3]If the supplier is unable to provide the documents referred to in order to prove that the grounds for exclusion provided for in Article 46(1) and (3) and Article 46(6)(2) of the LPP do not exist, either because the Member State or the country in question does not issue such documents or because the documents issued in that country do not cover all of the matters referred to in Article 46(1) and (3) and Article 46(6)(2) of the LPP, the required documents may be replaced:
a) a Declaration of Oath;
b) an official declaration of the supplier, in case the Declaration of Oath is not used in the country. The official declaration must be certified by a competent legal or administrative authority, a notary public or a competent professional or trade organisation in the Member State or in the supplier's country of origin or in the country in which the supplier is established.

			LPP. The contracting authority will only request such certificates if there are justified doubts regarding the supplier's reliability.
4.	the supplier has entered with other suppliers into agreements that have the object of distorting competition with respect to specific procurement, and the Contracting authority has conclusive data in that respect.	**Article 46 (4) (1) of the LPP** ESPD, Part III, point C10	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice.
5.	in the course of the procurement contest the supplier encounters a conflict of interests, as defined in Article 21 of the Law on Public procurement, and the situation cannot be rectified. The situation regarding a conflict of interests is considered not possible to rectify in case the persons who have been involved in a conflict of interests had determined the decisions of the Commission and the Contracting entity, and a change in such decisions would contradict the provisions of the LPP.	**Article 46 (4) (2) of the LPP** ESPD, Part III, point C12	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice.
6.	There have been infringements of competition, as specified in Article 27(3) and (4) of the LPP, and the respective situation cannot be rectified.	**Article 46 (4) (3) of the LPP** ESPD, Part III, point C13	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice.
7.	The supplier has withheld information or supplied false information during the procurement contests concerning compliance with the requirements laid down in Articles 46 and 47 of the LPP and the contracting authority can prove it by any lawful means, or the supplier is unable to provide the supporting documents required by Article 50 of the LPP due to the false information supplied. On this basis, a supplier shall also be excluded from a procurement contest where, in the course of previous procedures carried out in accordance with the procedure laid down in the Public Procurement Law, the Law on Public Procurement in the Field of Defence and Security, the LP or the Law on Concessions, the supplier has concealed information or has provided the false information referred to in this point, or where, as a result of the provision of the false information, or failed to provide the supporting documents required by Article 50 of the LPP, and where as a consequence of this, the supplier has been excluded from the procedure in question for the past year. On the basis the supplier shall be eliminated from the procurement contest, where, according to the legal acts of other States the supplier has concealed the information or submitted fraudulent information, or with respect to the submitted false information the supplier was not able to submit supporting documents, on which basis in the course of the past one year was eliminated	**Article 46 (4) (4) of the LPP** ESPD, Part III, point C15	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice. **Decisions to exclude a supplier from the procurement contest on the grounds of exclusion referred to in this point may take into account, inter alia, information published in accordance with Article 52 of the LPP:** https://vpt.lrv.lt/lt/nuorodos/kiti-duomenys/powerbi/melaginga-informacija-pateikusiu-tiekeju-sarasas-3/

	from the procurement or concession procedures, or was subjected to other similar sanctions.		
8.	The supplier undertook some illegal actions in the course of the procurement seeking to affect the decision of the Procuring entity, obtain confidential information that would grant to the supplier some illegitimate advantage in the procurement contest, or they had been supplying misleading information that may exercise a dominant influence upon the decisions of the Contracting entity regarding the elimination of the suppliers, the evaluation of the suppliers, determination of the Successful supplier, and the Contracting entity can prove that by any legitimate means;	**Article 46 (4) (5) of the LPP** ESPD, Part III, point C15	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice.
9.	The supplier has failed to perform a Agreement concluded in accordance with the LPP, the Law on Public Procurement in the Field of Defence and Security or the LP, or has improperly performed a concession contract, and this has constituted a material breach of contract, as set out in Article 6.217 of the Civil Code (hereinafter referred to as "material breach of contract"), which has led to the termination of the contract within the last three years or to a court decision which has been delivered and has become final within the last three years and which upholds the claim of the contracting authority, the contracting authority or the contracting authority for compensation for the damages suffered because of the supplier's performance of an essential term of the contract with serious or persistent deficiencies, or a decision of the Contracting authority within the last three years that the supplier's performance of an essential term of the contract was seriously or persistently deficient, because of which the supplier was subjected to the contractual sanctions. On this basis the supplier shall be also eliminated from the Procurement contest in case, on the basis of the legal acts of other States, it was established in the course of the past three years that for the purpose of executing a previous procurement contract, a previous Contract with the Procuring entity, or a previous Concession agreement was discharging the material conditions specified in the Procurement contract with material or permanent defects, and for that reason the previous Contract was terminated before its expiry as indicated in the Contract, a claim was filed for damages, or other similar sanctions were applied.	**Article 46 (4) (6) of the LPP** ESPD, Part III, point C14	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice. **Decisions to exclude a supplier from the procurement contest on the grounds of exclusion referred to in this point may take into account, inter alia, information published in accordance with Article 91 of the LPP:** https://vpt.lrv.lt/lt/nuorodos/kiti-duomenys/powerbi/nepatikimi-tiekejai-1/ https://vpt.lrv.lt/lt/pasalinimo-pagrindai-1/nepatikimu-koncesininku-sarasas-1/nepatikimu-koncesininku-sarasas/
10.	The supplier has committed a serious professional misconduct which leads the contracting authority to doubt the supplier's integrity, where the supplier has committed an infringement of financial reporting and auditing legislation less than one year after the date of the infringement.	**Article 46 (4) (7) (a) of the LPP** ESPD, Part III, point C11	No documents are required from the entities established in Lithuania. The submitted ESPD is sufficient. When making decisions on the exclusion of a supplier from the procurement procedure on the grounds of

			exclusion specified in this point, is taken into account in the national database at: https://www.registrucentras.lt/jar/p/index.php published information, as well as to the information provided in this information notice: https://vpt.lrv.lt/lt/naujienos-3/finansiniu-ataskaitu-nepateikimas-gali-tapti-kliutimi-dalyvauti-viesuosiuose-pirkimuose/
11.	The supplier has committed a serious professional misconduct which leads the Contracting entity to doubt the supplier's integrity, where the supplier does not meet the minimum criteria for a reliable taxpayer set out in Article 40^1 of the Law on Tax Administration of the Republic of Lithuania.	**Article 46 (4) (7) (b) of the LPP** ESPD, Part III, point C11	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice. Decisions to exclude a supplier from the procurement contest on the grounds of exclusion referred to in this point may take into account, inter alia, information published in the national data base at https://www.vmi.lt/evmi/mokesciu-moketoju-informacija.
12.	The supplier has committed a serious professional misconduct which leads the Contracting entity to doubt the supplier's integrity, where it has committed an infringement of the prohibition to enter into prohibited agreements laid down in the Law on Competition of the Republic of Lithuania or in a similar legislation of another State and less than three years have elapsed since the date of the infringement.	**Article 46 (4) (7) (c) of the LPP** ESPD, Part III, point C11	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice. **Decisions to exclude a supplier from the procurement contest on the grounds of exclusion referred to in this point may take into account, inter alia, information published in the national data base:** https://kt.gov.lt/lt/atviri-duomenys/diskvalifikavimas-is-viesuju-pirkimu.
13.	The Supplier has been established or is participating in the procurement procedure in place of another person in order to avoid the application of the exclusion grounds specified in Article 46(4) and Article 46(6) of the LPP	**Article 46(7) of the LPP** ESPD, Part III, Section D3	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice.

QUALIFICATION REQUIREMENTS

No.	Requirement	Documents proving compliance with the requirement (provision of digital copies of documents)	Entity required to meet the requirement
		Technical and professional capacity	
1.	During the last 3 (three) years prior to the deadline for submission of tenders, under one or more completed or ongoing contracts concluded for the same subject matter, the Supplier must have duly provided, using its own resources, Underwriting Assessment and/or Risk Engineering Assessment services and prepared an assessment report. The result of the Services must, by its intended purpose, be suitable for use by a policyholder, insurance broker, insurer and/or reinsurer for the assessment of property damage, machinery breakdown and/or business interruption insurance risks. When providing Underwriting Assessment and/or Risk Engineering Assessment services, the Supplier must have performed, using its own resources, the functions of organising and coordinating such services and must have been responsible for submitting the final assessment result to the customer. The Services shall be considered duly provided if the Supplier has duly performed its contractual obligations relating to the provision of the services specified in this qualification requirement and the Services provided have been accepted by the customer.	***To be submitted by the Supplier identified as the potential successful tenderer upon request of the Contracting Entity:*** *1) a list of the principal services provided during the last 3 years, indicating the description of the services, dates and recipients of the services (both public and private) (completed Annex 6 to the SPC, "Form of the List of Services", shall be submitted);* *2) certificates issued by customers indicating the services provided, the dates of their provision, the recipients of the services and information on whether the services were duly provided. The Supplier may submit completed Annex 8 to the SPC, "Form of the Customer's Certificate", or another equivalent document containing the information requested in Annex 8 to the SPC.* *The Supplier is not prohibited from relying on a contract which the Supplier performed not alone but together with other economic operators. However, in such case, the services provided specifically by the Supplier participating in the public procurement procedure and the scope of such services shall be assessed, rather than the entire subject matter of the contract performed.*	If the tender is submitted by a group of suppliers, the requirement shall be met jointly by all members of the group of suppliers (the experience of the members of the group of suppliers shall be aggregated), taking into account the obligations undertaken by each member. The Supplier may rely on the capacities of other economic operators only where those entities themselves will perform the part of the procurement contract for which such capacities are required. This requirement shall not apply to subcontractors.
2.	The Supplier must propose at least 1 (one) specialist for the performance of the procurement contract who will be responsible	***To be submitted by the Supplier identified as the potential successful tenderer upon request of the Contracting Entity:***	If the tender is submitted by a group of economic operators, the requirement shall be met by the specialists of a member of the group of economic

No.	Requirement	Documents proving compliance with the requirement (provision of digital copies of documents)	Entity required to meet the requirement
	for the Underwriting Assessment and/or Risk Engineering Assessment and the preparation of the final assessment report. During the last 3 (three) years prior to the deadline for submission of tenders, the specialist must have performed an Underwriting Assessment and/or Risk Engineering Assessment and prepared at least 1 (one) risk assessment report for a facility in at least one of the following areas: - oil or petroleum product extraction, processing, production, storage, handling, transportation or terminal infrastructure, including storage facilities and tank farms; - natural gas extraction, transmission, distribution, metering, storage or processing infrastructure; - liquefied natural gas (LNG) terminal, distribution or regasification station, storage facility, jetty or other LNG infrastructure; - seaport infrastructure intended for the storage, handling or transportation of oil, petroleum products, natural gas, LNG or chemical products. The risk assessment and the report prepared on the basis thereof must include: 1) an assessment of the facility's operations, technical infrastructure and main technological equipment; 2) an assessment of the main risks and the applicable risk control measures; 3) an assessment of potential property damage and, where applicable depending on the nature of the facility, machinery	*1) a completed list of the proposed specialist(s), including the assignments performed by them (Annex 7 to the SPC);* *2) documents demonstrating compliance with the requirement, e.g. a customer's certificate, a copy of the title page of the report, the list of authors or another part of the report, a copy of the contract or an extract thereof, or another equivalent document confirming the content of the report and the specialist's role in its preparation.*	operators, taking into account the obligations undertaken by the respective member for the performance of the Contract. The Supplier may rely on the capacities of other economic operators only if those economic operators (their employees) themselves perform the part of the Contract for which their capacities are required. Subcontractors: If the Supplier (the specialists engaged by the Supplier) itself meets the requirement but intends to engage subcontractors (their specialists), the specialists of such subcontractors shall meet the applicable requirements if the subcontractors (their employees) themselves perform the part of the Contract for which the specified qualification is required.

No.	Requirement	Documents proving compliance with the requirement (provision of digital copies of documents)	Entity required to meet the requirement
	breakdown and business interruption scenarios; 4) preparation of risk mitigation recommendations. Irrespective of whether the specialist's experience covers Underwriting Assessment, Risk Engineering Assessment or both, the assessment performed and the report prepared on the basis thereof must, by their intended purpose, be suitable for use for underwriting risk assessment purposes.		