

REQUIREMENTS FOR SUPPLIERS REGARDING THE ABSENCE OF GROUNDS FOR EXCLUSION

1. The supplier (including each member of the group of suppliers individually if the tender is submitted by a group of suppliers), and, for a supplier relying on the capacity of economic operators in accordance with Article 62 of the IR, each economic operator individually, must comply with the requirements set out in this document regarding the absence of grounds for exclusion.
2. The buyer does not check the grounds for excluding subcontractors.
3. The buyer does not check the grounds for excluding natural persons (professionals) on whose capacity the supplier relies in accordance with Article 62 of the IR and whom the supplier intends to employ in the event of the award of the contract (quasi-suppliers).
4. The buyer shall exclude a supplier from the procurement procedure at any stage of the procurement procedure if it appears that, by reason of his acts or omissions before or during the procurement procedure, he meets any of the grounds for exclusion set out in this document.
5. If the Supplier meets at least one of the grounds for exclusion established in accordance with Article 46(1), (4) and (6) of the Public Procurement Law (PPL), the Buyer shall not exclude the Supplier from the procurement procedure once the Supplier has demonstrated the existence of **all the** conditions set out in Article 46(10) of the PPL. In this case, the Supplier must provide official documents to prove its eligibility to participate in the procurement procedures.
6. When taking decisions on the exclusion of a supplier from the procurement procedure on the grounds of exclusion referred to in Article 46(4) and (6) of the Law on the Public Procurement Law, the contracting authority shall take into account whether, in the assessment of the supplier's reliability, the exclusion of the supplier is proportionate to the supplier's conduct being assessed, and, in the case of point (c) of Article 46(4)(7) of the Law on the Public Procurement Law, whether the application of this ground of exclusion of the supplier would not lead to a significant restriction of competition. Information published in accordance with Articles 52 and 91 of the Public Procurement Law may be taken into account when deciding on the exclusion of a supplier from the procurement procedure on the grounds of exclusion referred to in Article 46(4)(4) and (6) of the PPL.
7. The buyer shall not require the supplier to provide documents proving that there are no grounds for exclusion if he:
 - 7.1. shall have access to those documents or information directly and free of charge through a national database in any Member State or through the Central Procurement Information System;
 - 7.2. already have these documents from previous procurement procedures, if the information in these documents is still relevant.
8. If the supplier is unable to produce the documents referred to in order to prove that the grounds for exclusion provided for in Article 46(1) and (3) and (6)(2) of the TEC do not exist, either because the Member State or the country concerned 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), (3) and (6)(2), they may be replaced:
 - 8.1. declaration of oath;

8.2. an official declaration by the supplier, if the country does not use a sworn declaration. The official declaration must be certified by a competent legal or administrative authority, a notary public or a competent professional or trade organization in the Member State or in the supplier's country of origin or in the country in which the supplier is established.

9. Grounds for exclusion of suppliers and the documentation supporting their absence:

Eil · No ·	Grounds for excluding a supplier	Reference to the point of the CPD, part of the ESPD form to complete	Documentation proving the absence of grounds for exclusion
1.	<p>The supplier or its responsible person referred to in Article 46(2)(2) of the Public Procurement Act has been convicted of this offense:</p> <ol style="list-style-type: none"> 1) participating in, organizing or directing a criminal association; 2) bribery, influence peddling, bribery; (3) fraud, embezzlement, misappropriation of assets, false declaration concerning the activities of a legal person, use of credit, loan or grant not for its intended purpose or in accordance with the procedures laid down, credit fraud, false declaration of income, profits or assets, failure to submit a declaration, report or other document, fraudulent or abusive accounting, where such offenses are directed against the financial interests of the EU as defined in Article 1 of the Convention on the Protection of the European Communities' financial interests; 4) criminal bankruptcy; 5) terrorist offenses and offenses related to terrorist activities; 6. money laundering; 7) trafficking in human beings, buying or selling a child; 8) a criminal offense committed by a Supplier from another country as defined in the legislation of other countries 	<p>Article 46(1) of the PSO ESPD III d. A1-A6 p.; ESPD III d. D1 p.</p>	<p>Entities established in Lithuania are required to:</p> <ul style="list-style-type: none"> ● an extract from a court decision, or ● a certificate from the Department of Informatics and Communications under the Ministry of the Interior, or ● a document issued by the State Enterprise Centre of Registers (hereinafter referred to as the RC) in accordance with the procedure established by the Government of the Republic of Lithuania, confirming the joint data processed by the competent institutions. <p>Entities established outside Lithuania are required to:</p> <ul style="list-style-type: none"> ● a document from the relevant foreign authority. <p>The documents referred to above must be issued not earlier than 180 days before the date on which the Supplier will be required to provide, at the request of the Buyer, evidence of the absence of grounds for exclusion. If the document was issued earlier, but has a validity period longer than the deadline for the submission of documents proving the absence of grounds for exclusion under the CEFR, it is acceptable for the period of its validity.</p>

	<p>implementing the EU legislation listed in Article 57(1) of Directive 2014/24/EU.</p> <p>The Supplier or the person responsible for the Supplier shall be deemed to have been convicted of an offense referred to above where:</p> <p>1) The supplier, who is a natural person, has been the subject of a conviction by a court of law within the last 5 years and has an unspent or unspent criminal record;</p> <p>2) Supplier who is a legal person, another organization or a subdivision thereof, a manager, other member of the management or supervisory body or other person(s) having the right to represent or control the Supplier, the person(s) authorized to draw up and sign the Supplier's financial accounting documents, who has been convicted of a criminal offense within the last 5 years and has an unspent or unspent criminal record;</p> <p>3) the Supplier, being a legal person, another organization or a subdivision thereof, has been the subject of a conviction by a court of law within the last 5 years or, in the case of Article 46(3) of the Public Procurement Law, of a final administrative decision, provided that such a decision is taken in accordance with the requirements of the Supplier's domestic law.</p>		
2.	<p>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 of the country where the Buyer is located, as defined in Article 46(2)(1) and</p>	<p>Article 46(3) of the PSO ESPD p. B1 and B2</p>	<p>1) With regard to the fulfillment of obligations related to the payment of taxes, the following is requested from entities established in Lithuania:</p> <ul style="list-style-type: none"> ● An extract from the court decision (if any), or

<p>(3) of the Public Procurement Law, or the Buyer has other evidence of non-compliance with these obligations.</p> <p>The Supplier shall be deemed to have been convicted of the above offense when, as a result of:</p> <ol style="list-style-type: none"> 1) The supplier, who is a natural person, has been the subject of a conviction by a court of law within the last 5 years and has an unspent or unspent criminal record; 2) the Supplier, being a legal person, other organization or subdivision thereof, has been the subject of a conviction and a final administrative decision within the last 5 years or, in the case of paragraph 3 of this Article, of a final administrative decision, if such a decision is taken in accordance with the requirements of the Supplier's country's legislation. <p>This does not apply if:</p> <ol style="list-style-type: none"> 1. the Supplier is liable for the payment of taxes, including social security contributions, and is therefore deemed to have already fulfilled the obligations referred to in this paragraph; 2) the amount of the arrears does not exceed €50 (fifty euros); 3. the Supplier has been informed of the exact amount of its indebtedness at a time when it has not been able, before the deadline for the submission of tenders or bids, to pay its taxes, including social security contributions, to enter into a tax credit agreement or any other agreement of a similar nature for the payment of such taxes, or to take any other measures to comply with the provisions of paragraph 1. A supplier shall not be excluded from the procurement procedure on this ground if, when requested by the Contracting Authority to provide relevant documents in accordance with Article 50(6) 		<ul style="list-style-type: none"> ● a document issued by the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania (hereinafter referred to as the "STI") or a document issued by the RC under the procedure established by the Government of the Republic of Lithuania confirming the joint data processed by the competent institutions. <p>Entities established outside Lithuania are required to:</p> <ul style="list-style-type: none"> ● a document from the relevant foreign authority. <p>2) With regard to the fulfillment of obligations related to the payment of social security contributions, the following is requested from entities established in Lithuania:</p> <p>2.1) If the Supplier is a legal entity registered in the Republic of Lithuania, it is not required to provide any documents proving this requirement. The Buyer shall independently verify the data in the national database¹.</p> <p>If, due to technical failures of the information system of the State Social Insurance Fund Board (hereinafter referred to as "Sodra"), the Buyer will not be able to verify the gratuitously available data on the Supplier (legal entity), the Buyer will be entitled to ask the Supplier (legal entity) to provide an extract from a court decision (if any) or a document issued by Sodra in accordance with the procedure laid down by Sodra, confirming compliance with this requirement. The Supplier may also submit a document issued by the RC in accordance with the procedure established by the Government of the Republic</p>
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¹ http://draudejai.sodra.lt/draudeju_viesi_duomenys/

	<p>of the Public Procurement Law, the supplier demonstrates that it is already deemed to have fulfilled its obligations in relation to the payment of taxes, including social security contributions.</p>		<p>of Lithuania confirming the joint data processed by the competent authorities.</p> <p>2.2) If the Supplier is a natural person registered in the Republic of Lithuania, it shall provide an extract from a court decision (if any) or a document issued by Sodra or a document issued by the RC in accordance with the procedure established by the Government of the Republic of Lithuania, confirming the combined data processed by the competent authorities.</p> <p>Entities established outside Lithuania are required to:</p> <ul style="list-style-type: none"> • a document from the competent authority of the foreign country concerned. <p>The documents referred to above must be issued no earlier than 120 days before the date on which the Supplier is required, at the request of the Buyer, to provide evidence of the absence of grounds for exclusion. If the document was issued earlier, but has a validity period longer than the deadline for the submission of documents proving the absence of grounds for exclusion under the CEFR, it is acceptable for the period of its validity.</p>
3.	<p>The Supplier has entered into agreements with other Suppliers aimed at distorting competition in the Procurement and the Buyer has conclusive evidence to that effect.</p>	<p>Article 46(4)(1) of the Public Procurement Act. ESPD D. III, p. C10.</p>	<p>No supporting documentation is required. The ESPD is sufficient.</p>
4.	<p>The Supplier has entered into a conflict of interest situation within the meaning of Article 33 of the IR during the Procurement and the situation cannot be remedied.</p>	<p>Article 46(4)(2) of the PSO ESPD III d. C12 p.</p>	<p>No supporting documentation is required. The ESPD is sufficient.</p>

	The conflict of interest situation in question shall be deemed to be irremediable if the persons involved in the conflict of interest have influenced the decisions of the Procurement Committee or the Procuring Entity, and a change in those decisions would be contrary to the provisions of the IA.		
5.	Competition as defined in Article 39(3) and (4) of the SO is affected and the situation cannot be remedied.	Article 46(4)(3) of the PSO ESPD III d. C13 p.	No supporting documentation is required. The ESPD is sufficient.
6.	<p>the Supplier has concealed information or has provided false information during the procurement procedures concerning compliance with the requirements set out in Articles 46 and 47 of the Public Procurement Law, and the Buyer may prove it by any lawful means, or the Supplier, due to the false information provided, is not able to provide the supporting documents required under Article 50 of the Public Procurement Law.</p> <p>On this basis, the Supplier shall also be excluded from the procurement procedure 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 ("Defence Law"), the PI or the Law on Concessions, the Supplier has concealed information or has provided false information as referred to in this clause, or where, as a result of the provision of the false information, the Supplier has been prevented from submitting the supporting documents required by Article 50 of the Law on Public Procurement and Security, and has been excluded from the procurement or the award of the concession for the past one year.</p>	Article 46(4)(4) of the PSO ESPD III d. C15 p.	<p>No supporting documentation is required. The ESPD is sufficient.</p> <p>Decisions to exclude a Supplier from the procurement procedure on the grounds of exclusion referred to in this clause may take into account, inter alia, the information published in accordance with Article 63 of the IR at².</p>

² <https://vpt.lrv.lt/melaginga-informacija-pateikusi-tiekeju-sarasas-3>

	On this basis, the Supplier shall also be excluded from the procurement procedure where, in accordance with the legislation of other countries, it has withheld information or supplied false information in previous procedures or has been prevented from providing supporting documents as a result of the supply of false information, which has led to its exclusion from the procurement or concession award procedures within the last one year or to the application of other similar penalties.		
7.	The Supplier has taken unlawful action during the Procurement to influence the decisions of the Buyer, to obtain confidential information which would give it an unfair advantage in the Procurement procedure, or has provided misleading information which may materially influence the Buyer's decisions to exclude Suppliers, to evaluate their qualifications, or to determine the successful tenderer, and the Buyer may prove this by any lawful means.	Article 46(4)(5) of the Public Procurement Act. ESPD III d. C15 p.	No supporting documentation is required. The ESPD is sufficient.
8.	the Supplier has failed to perform a contract concluded in accordance with the Public Procurement Law, the Defence Law or the EO or a concession contract or has performed it improperly and this has constituted a material breach of contract as defined 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 3 years or to a court decision which has been delivered and has become final within the last 3 years and which upholds the claim of the contracting authority, the contracting entity or the contracting authority for compensation for damages suffered as a result, that the Supplier has performed an essential term	Article 46(4)(6) of the PSO ESPD III d. C14 p.	No supporting documentation is required. The ESPD is sufficient. Decisions on the exclusion of a Supplier from the procurement procedure on the grounds of exclusion referred to in this clause may take into account the information published in accordance with Article 99 of the IR at ³ .

³ <https://vpt.lrv.lt/lt/pasalinimo-pagrindai-1/nepatikimi-tiekejai-1>;
<https://vpt.lrv.lt/lt/pasalinimo-pagrindai-1/nepatikimu-koncesininku-sarasas-1/nepatikimu-koncesininku-sarasas>

	<p>of the contract with serious or persistent deficiencies, or a decision of the Contracting Authority has been taken in the last 3 years that the Supplier has performed an essential term of the contract with serious or persistent deficiencies and that this has led to the imposition of a sanction provided for in the contract.</p> <p>On this basis, the Supplier shall also be excluded from the procurement procedure where it has been established, in accordance with the legislation of other countries, within the last 3 years, that, in the performance of a previous contract, a previous contract with a contracting entity or a previous concession contract, it has performed an essential requirement set out in the contract with serious or persistent deficiencies, with the result that that previous contract was terminated before the term of validity of the contract, or where damages were claimed or other similar sanctions were applied.</p>		
9.	<p>The Supplier has committed a serious professional misconduct which leads the Buyer 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.</p>	<p>Article 46(4)(7) of the PSO point (a) ESPD III d. C11 p.</p>	<p>No supporting documents are required from entities established in Lithuania. The ESPD is sufficient.</p> <p>If the entity is established outside Lithuania, the type of certificates and forms of documentary evidence required are those for which information is available in the European Commission's information repository e-Certis, if such information is not available in e-Certis, then the submission of an ESPD is sufficient.</p> <p>When taking decisions on the exclusion of a supplier from a procurement procedure on the grounds of exclusion referred to in this point, account shall be taken, inter alia,</p>

			of the information published in the national database ⁴ , as well as of the information contained in the information notice of the Public Procurement Service . ⁵
10.	The Supplier has committed a serious professional misconduct which leads the Buyer to doubt the Supplier's integrity, where the Supplier does not meet the minimum criteria of a reliable taxpayer as set out in Article 40 ¹ (1) of the Law on Tax Administration of the Republic of Lithuania.	Article 46(4)(7) of the PSO point (b) ESPD III d. C11 p.	No supporting documents are required from entities established in Lithuania. The ESPD is sufficient. Decisions to exclude a Supplier from the procurement procedure on the grounds of exclusion referred to in this point shall take into account, inter alia, the information published in the national database ⁶ . If the entity is established outside Lithuania, the type of certificates and forms of documentary evidence required are those for which information is available in the European Commission's information repository e-Certis, if such information is not available in e-Certis, then the submission of an ESPD is sufficient.
11.	the Supplier has committed a serious professional misconduct which leads the Buyer to doubt the Supplier's integrity, where the Supplier has committed a breach of the prohibition of prohibited agreements laid down in the Competition Law of the Republic of Lithuania or in a similar legislation of another country, and the period of time elapsed from the date on which such breach occurred is less than 3 years.	Article 46(4)(7) of the PSO point (c) ESPD III d. C11 p.	No supporting documents are required from entities established in Lithuania. The ESPD is sufficient. Decisions to exclude a supplier from the procurement procedure on the grounds of exclusion referred to in this point shall take account, inter alia, of the information published in the national database ⁷ . If the entity is not established in Lithuania, the type of certificates and forms of documentary evidence required

⁴ <https://www.registrucentras.lt/jar/p/index.php>

⁵ <https://vpt.lrv.lt/lt/naujienos/finansiniu-ataskaitu-nepateikimas-gali-tapti-kliutimi-dalyvauti-viesuosiuose-pirkimuose>

⁶ <https://www.vmi.lt/evmi/mokesciu-moketoju-informacija>

⁷ <https://kt.gov.lt/lt/atviri-duomenys/diskvalifikavimas-is-viesuju-pirkimu>

			are those for which information is available in the European Commission's information repository e-Certis, if such information is not available in e-Certis, then the submission of an ESPD is sufficient.
12.	the Supplier has breached at least one of the environmental, social and labour law obligations referred to in Article 29(2)(2) of the Contract, which the Buyer may prove by any appropriate means. On this basis, the Buyer shall exclude the Supplier from the procurement procedure if less than one year has elapsed from the date of the infringement.	Article 46(6)(1) of the Public Procurement Act. ESPD III d. C1, C2, C3 p.	No supporting documents are required from entities established in Lithuania. The ESPD is sufficient. If the entity is established outside Lithuania, the type of certificates and forms of documentary evidence required are those for which information is available in the European Commission's information repository e-Certis, if such information is not available in e-Certis, then the submission of an ESPD is sufficient.
13.	the Supplier is insolvent, is the subject of restructuring or bankruptcy proceedings, has been declared bankrupt or has been placed in liquidation or has had its assets administered by a court or insolvency administrator, has entered into a composition agreement with its creditors (an agreement between the Supplier and its creditors to continue the Supplier's business whereby the Supplier assumes certain obligations and the creditors agree to postpone, reduce or waive their claims), has been subject to a suspension of its activities or a restriction on its activities, or is in the same or a similar situation according to the law in the country in which the Supplier is registered. However, in the situation defined in this clause, the Buyer will not exclude the Supplier from the procurement procedure if the Supplier provides reasonable evidence of its ability to perform the contract satisfactorily.	Article 46(6)(2) of the PSO ESPD III d. C4, C5, C6, C7, C8, C9 p.	No supporting documents are required from entities established in Lithuania, just the ESPD. The buyer shall independently check the data in the national database ⁸ . If necessary, the Buyer shall have the right to request the submission of a document issued by the Government of the Republic of Lithuania confirming the joint data processed by the competent authorities. In this case, the document must be issued no earlier than 120 days before the date on which the Supplier will be required to provide, at the request of the Buyer, the documents proving the absence of grounds for exclusion. 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 CEFR, it is acceptable for the duration of its validity period.

⁸ <https://www.registrucentras.lt/jar/p/>

			If the entity is established outside Lithuania, the type of certificates and forms of documentary evidence required are those for which information is available in the European Commission's information repository e-Certis, if such information is not available in e-Certis, then the submission of an EPCTD is sufficient.
14.	The Supplier has committed a serious professional misconduct (other than the misconduct referred to in Article 46(4)(7) of the Public Procurement Law), which gives rise to doubts as to the Supplier's integrity and which can be proven by any appropriate means. On this ground, the Buyer shall exclude the Supplier from the procurement procedure if less than one year has elapsed since the date of the infringement.	Article 46(6)(3) of the PSO ESPD III d. C11 p.	No supporting documents are required from entities established in Lithuania, just the ESPD. If the entity is established outside Lithuania, the type of certificates and forms of documentary evidence required are those for which information is available in the European Commission's information repository e-Certis, if such information is not available in e-Certis, then the submission of an ESPD is sufficient.
15.	The supplier has not completed the imposed punitive measure of banning a legal person from participating in public procurement procedures.	Article 46 (2') of the PSO ESPD III d. D2 p.	No supporting documents are required from entities established in Lithuania, just the ESPD. If the entity is established outside Lithuania, the type of certificates and forms of documentary evidence required are those for which information is available in the European Commission's information repository e-Certis, if such information is not available in e-Certis, then the submission of an ESPD is sufficient.