

## 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 PL, each economic operator individually, must comply with the requirements set out in this document regarding the absence of grounds for exclusion.
2. The Purchaser does not check the grounds for excluding subcontractors
3. The Purchaser shall not check the grounds for exclusion of natural persons (professionals) on whose capacity the Supplier relies in accordance with Article 62 of the PL and whom the Supplier intends to employ in the event of the award of the contract (quasi- subcontractors).
4. Only the ESPD is submitted with the Tender. The Purchaser shall not require documents proving the absence of the grounds for exclusion set out in the table below to be submitted with the Tender. These documents shall only be requested from the supplier submitting the most economically advantageous tender prior to the award of the successful tender. However, the Purchaser may, at any time during the procurement procedure, request candidates or tenderers to provide all or part of the documents proving the absence of grounds for exclusion if this is necessary to ensure the proper conduct of the procurement procedure.
5. The Purchaser shall exclude a supplier from the procurement procedure at any stage of the procurement procedure if it appears that, by reason of its acts or omissions prior to or during the procurement procedure, the supplier fulfils at least one of the grounds for exclusion set out in this document.
6. If the Supplier meets at least one of the grounds for exclusion established in accordance with Article 46(1), (4) and (6) of the PPL, the Purchaser shall not exclude the Supplier from the procurement procedure once the Supplier proves 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.
7. 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 PPL, 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 PPL, whether the application of this ground of exclusion would not significantly restrict competition. Information published in accordance with Articles 52 and 91 of the PPL 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.
8. The Purchaser shall not require the Supplier to provide documents proving that there are no grounds for exclusion if the Supplier:
  - 8.1. 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;
  - 8.2. they already have these documents from previous procurement procedures, if the information contained in these documents is still relevant;

8.3.in the case of simplified procurement, where the Supplier submits an ESPD, certificates confirming the absence of the grounds for exclusion referred to in Article 46 of the Public Procurement Law are not required. The Purchaser may require certificates attesting the absence of grounds for exclusion from the Supplier only if it has reasonable doubts as to the reliability of the Supplier.

9. If the supplier is unable to provide the documents referred to proving that the grounds for exclusion provided for in Article 46(1) and (3) and (6)(2) of the PPL 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 the matters referred to in Article 46(1) and (3) and (6)(2), they may be replaced with:

9.1.a declaration of oath;

9.2.an official declaration by the supplier, if the country does not use an affidavit. 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 registered.

10. Grounds for exclusion of suppliers and supporting documents:

No.	Grounds for excluding a supplier	PPL point reference, part of the ESPD form to complete	Documents proving the absence of grounds for exclusion
1.	<p>The supplier or its representative referred to in Article 46(2)(2) of the PPL has been convicted of this offence:</p> <p>1) participating in, organising or directing a criminal organisation;</p> <p>2) bribery, influence peddling and corruption;</p> <p>3) fraud, embezzlement, misappropriation of assets, false declaration concerning the activities of a legal person, use of credit, loans or grants not for the purposes intended 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 accounting or abuse of powers, where such offences are directed against the financial interests of the EU within the meaning of Article 1 of the Convention on the Protection of the European Communities' financial interests;</p> <p>4) criminal bankruptcy;</p>	<p><b>Article 46(1) of the PPL</b></p> <p>ESPD Part III p. A1-A6</p> <p>ESPD Part III p. D1</p>	<p>Entities established in Lithuania are required to:</p> <ul style="list-style-type: none"> <li>• an extract from the judgment, or</li> <li>• a certificate from the Department of Informatics and Communications under the Ministry of the Interior, or</li> <li>• 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.</li> </ul> <p>Entities established outside Lithuania are required to:</p> <ul style="list-style-type: none"> <li>• a document from the relevant foreign authority.</li> </ul>

	<p>5) terrorist offences and offences related to terrorist activities;  6) money laundering;  7) human trafficking, buying or selling a child;  8) an offence committed by a Supplier in another country as defined in the legislation of other countries 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 offence referred to above where:</p> <p>1) the supplier, who is a natural person, has been convicted by a court of law within the last 5 years and has an unspent or unspent conviction;  2) the supplier, being a legal person, another organisation or a structural subdivision thereof, has had a conviction handed down and entered into force within the last 5 years and has an unspent or unspent criminal record, or the person(s) authorised to draw up and sign the supplier's financial accounting documents;  3) the supplier, being a legal person, another organisation or a structural 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 PPL, of a final administrative decision, if such a decision is taken in accordance with the requirements of the Supplier's country's legislation, which has entered into final force</p>		<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 Purchaser, 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 ESPD, it is acceptable for the period of its validity.</p> <p>Certificates confirming the absence of the grounds for exclusion referred to in Article 46 of the PPL are not required. They will only be required by the Purchaser where the Purchaser has reasonable doubts as to the reliability of the Supplier.</p>
2.	The supplier has been convicted of non-compliance with obligations relating to the payment of taxes, including social	Article 46(3) of the PPL	1) For tax compliance, entities established in Lithuania are requested to:

<p>security contributions, in accordance with the requirements of the country of registration of the Supplier or the country of establishment of the Purchaser, as defined in Article 46(2)(1) and (3) of the PPL, or the Purchaser has any other evidence of non-compliance with these obligations.</p> <p>The Supplier shall be deemed to have been convicted of the above offence when, as a result of:</p> <ol style="list-style-type: none"> <li>1) the supplier, who is a natural person, has been convicted by a court of law within the last 5 years and has an unspent or unspent conviction;</li> <li>2) the supplier, being a legal person, another organisation or a structural subdivision thereof, has been the subject of a conviction and a final administrative decision within the last 5 years, or, in the case of point 3 of this Article, a final administrative decision, if such a decision is taken in accordance with the requirements of the legislation of the supplier's country of origin.</li> </ol> <p>This provision does not apply if:</p> <ol style="list-style-type: none"> <li>1) The supplier is obliged to pay taxes, including social security contributions, and shall therefore be deemed to have already fulfilled the obligations referred to in this point;</li> <li>2) the amount of the debt does not exceed EUR 50 (fifty euros);</li> <li>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 applications, 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 set out in point 1. A</li> </ol>	<p>ESPD Part III, point B1 and B2</p>	<ul style="list-style-type: none"> <li>• An extract from the court decision (if any), or</li> <li>• 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.</li> </ul> <p>Entities established outside Lithuania are required to:</p> <ul style="list-style-type: none"> <li>• a document from the relevant foreign authority.</li> </ul> <p>2) For the fulfilment of obligations related to the payment of social security contributions, entities established in Lithuania are requested to:</p> <p>2.1) If the Supplier is a legal entity registered in the Republic of Lithuania, it shall not be required to provide any documents proving this requirement. The purchaser shall independently verify the data in the national database<sup>1</sup></p> <p>If, due to technical failures of the information system of the State Social Insurance Fund Board (hereinafter referred to as Sodra), the Purchaser will not be able to verify the gratuitously available data on the Supplier (legal entity), the Purchaser 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</p>
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<p>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) of the PPL, 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>procedure established by the Government of the Republic 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"><li>• a document from the competent authority of the foreign country concerned.</li></ul> <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 Purchaser, 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 ESPD, it is acceptable for the period of its validity.</p> <p>Certificates confirming the absence of the grounds for exclusion referred to in Article 46 of the PPL are not required. They will only be required by the Purchaser where the Purchaser has reasonable doubts as to the reliability of the Supplier.</p>
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3.	The supplier has entered into agreements with other suppliers aimed at distorting competition in the procurement and the Purchaser has conclusive evidence to that effect.	Article 46(4)(1) of the PPL ESPD Part III, point C10	No supporting documentation is required. The ESPD is sufficient.
4.	The supplier has entered into a conflict of interest situation within the meaning of Article 33 of the PL during the procurement and the situation cannot be remedied. 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 PL.	Article 46(4)(2) of the PPL ESPD Part III, point C12	No supporting documentation is required. The ESPD is sufficient.
5.	Competition as defined in Article 39(3) and (4) of the PL is affected and the situation cannot be remedied.	Article 46(4)(3) of the PPL ESPD Part III, point C13	No supporting documentation is required. The ESPD is sufficient.
6.	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 PPL, and the Purchaser can prove it by any legal means, or the supplier is unable to provide the supporting documents required under Article 50 of the PPL due to the false information provided.  On this basis, the supplier shall also be excluded from the procurement procedure where, during previous procedures carried out in accordance with the procedure laid down in the PPL, the Law on Public Procurement in the Field of Defence and Security (hereinafter - Defence Law), the PL or the Law on Concessions, the Supplier has concealed information or	Article 46(4)(4) of the PPL ESPD Part III, point C15	No supporting documentation is required. The ESPD is sufficient.  Decisions to exclude a Supplier from the procurement procedure on the grounds for exclusion referred to in this clause may take into account, inter alia, information published in accordance with Article 63 of the PL <sup>2</sup> .

	<p>has provided the false information referred to in this clause, or the Supplier, due to the provision of the false information, has been prevented from submitting the supporting documents required by Article 50 of the PPL, and has been excluded from the procurement procedure or the award of the concession during the last one year.</p> <p>On this basis, the supplier shall also be excluded from the procurement procedure where, in accordance with the legislation of other countries, it has concealed 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 other similar sanctions.</p>		
7.	<p>The supplier has taken unlawful steps during the Procurement to influence the decisions of the Purchaser, 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 Purchaser's decisions to exclude Suppliers, to evaluate their qualifications, or to determine the successful tenderer, and the Purchaser may prove this by any lawful means.</p>	<p>Article 46(4)(5) of the PPL          ESPD Part III, point C15</p>	<p>No supporting documentation is required. The ESPD is sufficient.</p>
8.	<p>The supplier has failed to perform a contract concluded in accordance with the PPL, the Defence Law or the PL or a concession contract or has performed it improperly and this has constituted a material breach of contract within the meaning of Article 6.217 of the Civil Code (material breach of contract), which has led to the termination of the contract or to the delivery of a judgment which has been delivered and has entered into final judgment in the contracting authority's favour in the last 3 years, a claim by the contracting entity or</p>	<p>Article 46(4)(6) of the PPL          ESPD Part III, point C14</p>	<p>No supporting documentation is required. The ESPD is sufficient.</p> <p>In deciding whether to exclude a Supplier from the procurement procedure on the grounds for exclusion referred to in this clause, account may be taken of information published in accordance with Article 99 of the PL<sup>3</sup>.</p>

	<p>the awarding authority for compensation for damages suffered as a result of the Supplier's performance of a material term of the contract with serious or persistent deficiencies, or a decision of the Purchaser within the last 3 years that the Supplier's performance of a material term of the contract was seriously or persistently deficient, and the resulting contractual sanction has been imposed.</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 Purchaser to doubt the integrity of the supplier, where the supplier has committed a breach of financial reporting and auditing legislation and less than one year has elapsed since the date of the breach.</p>	<p>Article 46(4)(7)(a) of the PPL          ESPD Part III, point C11</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 on the European Commission's e-Certis information repository, if such information is not available on e-Certis, then the submission of an ESPD is sufficient.</p> <p>Decisions on the exclusion of a supplier from a 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, as well</p>

			as the information contained in the information notice of the Public Procurement Office.
10.	The supplier has committed a serious professional misconduct which leads the Purchaser to doubt the integrity of the Supplier, where the supplier does not meet the minimum criteria for a reliable taxpayer set out in Article 401(1) of the Law on Tax Administration of the Republic of Lithuania.	Article 46(4)(7)(b) of the PPL ESPD Part III, point C11	<p>No supporting documents are required from entities established in Lithuania. The ESPD is sufficient.</p> <p>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<sup>6</sup>.</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 on the European Commission's e-Certis information repository, if such information is not available on e-Certis, then the submission of an ESPD is sufficient.</p>
11.	The supplier has committed a serious professional misconduct which leads the Purchaser to doubt the integrity of the supplier, 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 less than 3 years have elapsed from the date on which the breach occurred.	Article 46(4)(7)(c) of the PPL ESPD Part III, point C11	<p>No supporting documents are required from entities established in Lithuania. The ESPD is sufficient.</p> <p>Decisions to exclude a supplier from a 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<sup>7</sup>.</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 on the European Commission's e-Certis information repository, if such information is not available on e-Certis, then the submission of an ESPD is sufficient.</p>

12.	<p>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 Purchaser may prove by any appropriate means. On this basis, the Purchaser shall exclude the Supplier from the procurement procedure if less than one year has elapsed from the date of the infringement.</p>	<p>Article 46(6)(1) of the PPL          ESPD Part III, points C1, C2, C3</p>	<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 on the European Commission's e-Certis information repository, if such information is not available on e-Certis, then the submission of an ESPD is sufficient.</p>
13.	<p>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 (an agreement between the Supplier and its creditors to continue the Supplier's business where the Supplier assumes certain obligations and the creditors agree to postpone, reduce or waive their claims), has been subjected to a suspension of its activities or a restriction on its activities, or is in the same or a similar situation according to the legislation of the country where the Supplier is registered.</p> <p>However, in the situation defined in this clause, the Purchaser will not exclude the Supplier from the procurement procedure if the Supplier provides reasonable evidence of its ability to perform the contract satisfactorily.</p>	<p>Article 46(6)(2) of the PPL          ESPD Part III, points C4, C5, C6, C7, C8, C9</p>	<p>No supporting documents are required from entities established in Lithuania, just the ESPD. The purchaser independently verifies the data in the national database<sup>8</sup>.</p> <p>If necessary, the Purchaser 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 Purchaser, the documents proving 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 ESPD, it is acceptable for the period of its validity.</p> <p>Certificates confirming the absence of the grounds for exclusion referred to in Article 46 of the PPL are not required. They will only be required by the Purchaser where the Purchaser has reasonable doubts as to the reliability of the Supplier.</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 on the European Commission's e-Certis information repository, if such information is not available on e-Certis, then the submission of an ESPD is sufficient.
14.	The Supplier has committed a serious professional misconduct (other than the misconduct referred to in Article 46(4)(7) of the PPL), which gives rise to doubts as to the Supplier's integrity and which the Purchaser can prove by any appropriate means. On this ground, the Purchaser 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 PPL ESPD Part III, point C11	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 on the European Commission's e-Certis information repository, if such information is not available on e-Certis, then the submission of an ESPD is sufficient.