

EXCLUSION GROUNDS AND QUALIFICATION REQUIREMENTS FOR SUPPLIERS

(10712) Insurance brokerage and consulting services

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.	<p>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:</p> <ol style="list-style-type: none"> 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. 	<p>Article 46 (1) of the LPP</p> <p>ESPD, Part III, points A1-A6</p> <p>ESPD, Part III, point D1</p>	<p>The economic entities established in Lithuania shall submit:</p> <ul style="list-style-type: none"> • 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. <p>The economic entities established outside Lithuania shall submit:</p> <ul style="list-style-type: none"> • a respective document issued by a relevant foreign authority¹ <p>The documents referred to above must be issued not earlier than <i>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</i></p>

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.

<p>It is considered that the supplier or its responsible person has been convicted of the above-mentioned criminal offense if:</p> <ol style="list-style-type: none"> 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. 		<p><i>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.</i></p> <p>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.</p> <p><i>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.</i></p> <p><i>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.</i></p> <p>NOTE: <i>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</i></p>
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			<i>contracting authority will only request such certificates if there are justified doubts regarding the supplier's reliability.</i>
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 (2¹) of the LPP ESPD, Part III, points D2	No documents are required from the entities established in Lithuania. As the submitted ESPD suffice.
3.	<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 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.</p> <p>It's considered that the supplier has been convicted for the above-mentioned offence when:</p> <p>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.</p> <p>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.</p> <p>However, the provision is not applied, when:</p> <p>1) the supplier has undertaken to pay the taxes, including social security contributions, and is therefore deemed to have fulfilled these obligations.</p> <p>2) the amount of debt does not exceed EUR 50 (fifty euros).</p> <p>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</p>	Article 46 (3) of the LPP ESPD, Part III, points B1 and B2	<p>The economic entities established in Lithuania shall submit:</p> <p>1) Suppliers registered in Lithuania are required to submit the following documents regarding the fulfilment of tax payment obligations:</p> <ul style="list-style-type: none"> • 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. <p>The economic entities established outside Lithuania shall submit:</p> <ul style="list-style-type: none"> • a respective document issued by a relevant foreign authority² <p>The documents referred to above must be issued not earlier than 180 <i>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</i></p>

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.

<p>to comply with the provisions of point 1 above. In such cases, 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.</p>		<p><i>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.</i></p> <p>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.</p> <p>2) For tax compliance, entities established in Lithuania are requested to submit:</p> <p>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/</p> <p>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.</p> <p>2.2) If the supplier is a natural person registered in the Republic of Lithuania, the supplier shall provide an</p>
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		<p>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.</p> <p>The economic entities established outside Lithuania shall submit:</p> <ul style="list-style-type: none"> • a respective document issued by a relevant foreign authority³ <p>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.</p> <p>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.</p> <p>NOTE: <i>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</i></p>
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³If 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.

			<i>contracting authority will only request such certificates if there are justified doubts regarding the supplier's reliability.</i>
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 from the	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-pateikusiutiekeju-sarastas-3/

	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 .

QUALIFICATION REQUIREMENTS

No.	Requirement	Documents proving compliance with the requirement (provision of digital copies of documents)	Entity required to meet the requirement
Right to pursue an activity			
1.	The Supplier has the right to engage in insurance brokerage activities as provided for in Article	The supplier shall submit a copy of the insurance activity license (permit) or equivalent document issued	If the tender is submitted by a group of economic operators, the requirement must be met by each

No.	Requirement	Documents proving compliance with the requirement (provision of digital copies of documents)	Entity required to meet the requirement
	3(1) of the Law on Insurance of the Republic of Lithuania.	<p>by the Bank of Lithuania or the insurance supervision authority of the foreign country in which the supplier is registered, or a relevant authority, granting the right to provide insurance brokerage services.</p> <p>a) The Buyer will check the data of the Supplier, which is a legal entity registered in the Republic of Lithuania, regarding the right to engage in insurance activities free of charge in the national database (https://www.lb.lt/lt/frd-licencijos). If, due to technical failures, the Buyer is unable to check the data available free of charge about the Supplier (legal entity), it will have the right to request the Supplier (legal entity) to submit a document issued in accordance with the established procedure, confirming compliance with this requirement.</p> <p>b) Other countries The Supplier shall provide a license or equivalent document issued by the competent state authority of the country in which it is registered (a digital copy of the document shall be provided).</p>	<p>member(s) of the group of economic operators, in accordance with their obligations to perform the procurement contract.</p> <p>The supplier may rely on the capacities of other economic operators only if those entities whose capacities were relied on will themselves provide the services that require their capacities.</p> <p>Subcontractors that the supplier will use for the performance of the procurement contract (whose capabilities the supplier does not rely on to meet the qualification requirements set out in the procurement documents) must have the right to engage in the activity for which they are used. The qualifications of such subcontractors, if known, are verified during the procurement procedures, or the supplier must undertake that only persons with such a right will perform the procurement contract (upon request by the procurement executive, the supplier must provide documents proving the subcontractor's right to engage in the relevant activity for which they are used).</p>
Financial and economic capacity			
2.	The Supplier must have professional civil liability insurance when carrying out insurance brokerage activities as provided for in Article 161 of the Law on Insurance of the Republic of Lithuania.	The supplier shall provide a copy of a valid professional liability insurance certificate (policy) or equivalent document.	The supplier, each member of the group of economic entities, economic entities on whose capacities the supplier will rely, subcontractors must be insured with professional liability insurance if they will perform activities under a procurement contract that is subject to requirements for professional liability insurance. The supplier may rely on other economic entities to meet this requirement only if those economic entities themselves will perform activities that require professional liability insurance. The qualification of subcontractors (who are not economic entities on whose capacities the supplier relies to meet the qualification requirement) is verified during the

No.	Requirement	Documents proving compliance with the requirement (provision of digital copies of documents)	Entity required to meet the requirement
			procurement procedures, or the supplier must undertake that the procurement contract will be performed only by persons who have such a right (upon request by the procurement executive, the supplier must provide documents proving the compliance of the subcontractors with this requirement).