**Requirements for the supplier’s qualification**

The supplier or all members of the group of suppliers individually and the economic entity, on whose capacity the supplier relies, must meet the following requirements for the absence of grounds for exclusion (Item No. 1-11) and qualification requirements (remaining requirements). The qualification of the supplier must be obtained by the deadline for submission of applications.

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|  | **Requirement** | **Proving document** | **Matching subject** |
| 1. | The provider, who is a natural person, or another organisation or division of the provider, who is a legal entity, the director or member of other managerial or supervisory body, or any other person(s) authorised to represent or control the provider, or to make decisions and enter into contracts on his/her behalf, as well as accountant(s) or other person(s) authorised to draw up and sign the provider’s accounting documents have not been subject to any criminal convictions rendered during the past five years and valid to this day, and have no unexpired or unexpunged criminal convictions for the following:  1) participation in, organisation of, or leading a criminal association;  2) bribery;  3) fraud, misappropriation of property, squandering of property, misleading declaration about the activities of a legal entity, use of a credit, loan or targeted support not in accordance with its purpose or the established procedure, credit fraud, provision of inaccurate, failure to file a tax return, or to submit a report or another document, fraudulent management or misuse of accounts in cases where the aforesaid criminal acts encroach upon the interests of the European Union, as defined in Article 1 of the Convention on the Protection of the European Communities’ Financial Interests;  4) criminal bankruptcy;  5) terrorist or terrorist-related crime;  6) legalisation of property obtained by criminal means;  7) human trafficking, purchasing or selling a child;  8) a crime committed by a foreign provider, as defined by Part 1 of Article 57 of Directive 2014/24/EU European Union legislation implemented in other countries legislation.  Furthermore, the provider, who is a natural person, or another organisation or division has not been subject to any criminal convictions rendered over the past five years for the acts specified in the present requirement. | 1. A list, signed by the persons that have a right to represent supplier or to control him, make a decision on his behalf, to conclude a transaction (supplier, head of supplier, members of management unit, members of the supervisory unit and etc.), and persons, that have a right to list and sign suppliers accounting documents (accountant and etc.), that form is provided in Conditions 1 annex „Request form“ in its 1 annex „List of responsible persons“. For each person in the list, the documents referred to in 2) point of this requirements must be submitted. 2. An extract from the relevant decision, or a document, issued by the Information and Communications Department under the Ministry of the Interior or the State Enterprise Centre of Registers, issued in accordance with the procedure specified by the Government of the Republic of Lithuania, approving the joint data managed by competent authorities, or a digital copy of a document issued by an appropriate foreign authority no more than 90 calendar days before the tender submission deadline. If the document has been issued earlier, but the term specified therein exceeds the tender submission deadline, such documents shall be acceptable during their period of validity. | Supplier, all members of a Suppliers’ group and economic entity on who’s capacity the supplier will rely upon |
| 2. | The provider has discharged his/her duties related to the payment of taxes, including social security contributions, in accordance with the requirements of the country of registration or the country of the Contracting Authority.  Furthermore, the provider, who is a natural person, has not been subject to any criminal convictions rendered during the past five years, and has no unexpired or unexpunged convictions, or, in case the provider is a legal entity, other organisation or division thereof, it has not been subject to any final administrative decisions (in cases where such decisions are taken in accordance with the legal requirements of the provider’s country of registration) rendered during the past five years for the failure to discharge its duties related to the payment of taxes, including social security contributions, in accordance with the requirements of the country of registration or the country of the Contracting Authority.  The above requirements shall not be applicable if:  1) the provider is obligated to pay taxes, including social security contributions, and is therefore regarded as having discharged the duties specified in the present requirement;  2) the sum of arrears does not exceed 50 Eur (fifty Euros);  3) the provider was notified of the sum of arrears at a date which did not leave him/her enough time to pay taxes, including social security contributions, before the tender submission deadline, draw up a tax credit agreement or a similar binding contract regarding the payment of taxes, or take other measures to comply with the provisions specified in Clause 1 of the present requirement. In the presence of these conditions, the provider shall not be excluded from the procurement procedure, provided that following the Contracting Authority’s request to submit the relevant documents specified in Chapter 7 of the General Conditions he/she proves that he/she is already regarded as having discharged his/her duties related to the payment of taxes, including social security contributions. | 1. In order to prove that the provider has already discharged his/her duties related to the payment of taxes, and is not subject to any criminal convictions, he/she shall submit the following: an extract from the court decision, a document issued by the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania, a document issued by the State Enterprise Centre of Register in accordance with the procedure specified by the Government of the Republic of Lithuania confirming the joint data administered by competent authorities; in case the provider is registered in a foreign country – a digital document issued by an appropriate authority of the relevant country no more than 90 (ninety) calendar days before the tender submission deadline. If the document has been issued earlier, but the term specified therein exceeds the tender submission deadline, such documents shall be acceptable during their period of validity.   2) In order to prove that the provider has already discharged his/her duties related to the payment of social security contributions, and is not subject to any criminal convictions, he/she shall submit the following:  2.1) If the provider is a legal entity registered in the Republic of Lithuania, it shall not be required to submit any documentation proving the successful performance of its duties. The Contracting Authority shall inspect the data contained in the national data base (<http://draudejai.sodra.lt/draudeju_viesi_duomenys/>). In case the Contracting Authority is prevented from inspecting the freely available data on the provider (a legal entity) due to a malfunction of the information system of the State Social Insurance Fund Board, it shall have the right to request the provider (a legal entity) to submit a document issued in accordance with set procedure confirming the compliance with this requirement. In order to prove that it’s not subject to any criminal convictions, the provider shall submit an extract from a court decision or a digital copy of a document issued by the State Tax Inspectorate in accordance with the procedure specified by the Government of the Republic of Lithuania confirming the joint data administered by competent authorities.  2.2) In case the provider is a natural person registered in the Republic of Lithuania, he/she shall submit an extract from a court decision, a document issued by territorial branches other authorities of the State Social Insurance Fund Board related to the administration of State Social Insurance Fund, or a digital copy of a document issued by the State Tax Inspectorate in accordance with the procedure specified by the Government of the Republic of Lithuania confirming the joint data administered by competent authorities.  2.3) A foreign provider, who is either a natural person or a legal entity, shall submit a digital copy of the certificate issued by a competent authority of its country of registration.  If a foreign supplier is unable to provide the documents referred to in points (1) and / or (2) because such documents are not issued in the Member State or country concerned or do not cover all the issues mentioned in those points, they may be replaced:  1) an oath declaration;  2) official declaration of the supplier, if the oath declaration is not used in the country. The formal declaration must be certified by a competent legal or administrative authority, a notary or a competent professional or trade body in the Member State or supplier's country of origin or in the country in which it is established.  Documents specified Clauses 2.2 and 2.3 shall be issued no more than 90 (ninety) calendar days before the tender submission deadline. Documents issued earlier, but valid during the time of inspection shall be acceptable. | Supplier, all members of a Suppliers’ group and economic entity on who’s capacity the supplier will rely upon |
| 3. | The provider has not entered into any agreements with other providers seeking to distort competition within the scope of the relevant procurement (in case the Contracting Authority obtains compelling data regarding the failure to comply with the present requirement, the provider shall be excluded from the procurement procedure). | The Contracting Authority shall not request any additional documents regarding the confirmation of compliance with the present requirement. | Supplier, all members of a Suppliers’ group and economic entity on who’s capacity the supplier will rely upon |
| 4. | The provider does not comply with the following grounds for exclusion – during procurement, the provider has become subject to a conflict of interests, as defined in Article 33 of the Law on Utilities Sector, and the relevant situation cannot be remedied (the situation regarding the conflict of interests shall be regarded as beyond remedy in case the persons involved have determined the Contracting Authority’s (including the Commission’s) decisions, and the adjustment of said decisions would violate the provisions of the Law on Utilities Sector. | The Contracting Authority shall not request any additional documents regarding the confirmation of compliance with the present requirement. | Supplier, all members of a Suppliers’ group and economic entity on who’s capacity the supplier will rely upon |
| 5. | The provider does not comply with the following grounds for exclusion – the aid provided by the provider during the preparations for procurement had violated the competition, as defined in Parts 3 and 4 of Article 27 of the Law on Public Procurement, and the relevant situation cannot be remedied; | The Contracting Authority shall not request any additional documents regarding the confirmation of compliance with the present requirement. | Supplier, all members of a Suppliers’ group and economic entity on who’s capacity the supplier will rely upon |
| 6. | The provider does not comply with the following grounds for exclusion:  1) during the procurement procedures, the provider withheld or provided false information on his/her compliance with the requirements specified in Clause 1 of this Annex, and the Contracting Authority is able to prove as much by any legal means, or the provider is incapable of submitting the documents required pursuant to Clause 4.1 of the present chapter due to the false information he/she had submitted previously.  2) during previous procedures, the provider withheld or provided false information regarding the requirements specified in Articles 46 and 47 of the Law on Public Procurement, or had failed to submit the documents required pursuant to Article 50 of the Law on Public Procurement, which resulted in his/her exclusion from the procurement procedures, or his/her becoming subject to a criminal conviction over the span of the previous year.  3) in accordance with foreign legislation, during previous procedures the provider withheld or provided false information, or had failed to submit the relevant documents due to the false information he/she had submitted previously, which resulted in his/her exclusion from the procurement procedures, his/her becoming subject to a criminal conviction or other similar sanctions over the span of the previous year. | The Contracting Authority shall not request any additional documents regarding the confirmation of compliance with the present requirement. | Supplier, all members of a Suppliers’ group and (or) economic entity on who’s capacity the supplier will rely upon |
| 7. | The provider does not comply with the following grounds for exclusion – during procurement, the provider had committed illegal acts in order to affect the decisions taken by the Contracting Authority, obtain confidential information which could provide him/her with an unlawful advantage during the procurement procedure, or had provided misleading information which might have a decisive influence on the Contracting Authority’s decisions regarding the exclusion of providers, the assessment of their qualifications and the determination of the successful tenderer, which the Contracting Authority is able to prove by any legal means; | The Contracting Authority shall not request any additional documents regarding the confirmation of compliance with the present requirement. | Supplier, all members of a Suppliers’ group and (or) economic entity on who’s capacity the supplier will rely upon |
| 8. | The provider does not comply with the following grounds for exclusion:  1) the provider has failed to perform the Procurement Contract, the Procurement Contract entered into with the Contracting Authority, or a concession contract, or performed it improperly, which constituted the principal violation of the Procurement Contract, as specified in the Civil Code (hereinafter referred to as the principal violation of the Procurement Contract), which during the past three years had resulted in the termination of the Procurement Contract or a court decision granting the request of the contracting organisation, the Contracting Authority or the granting authority to compensate the damages incurred due to the failure of the provider to perform the principal condition of the Procurement Contract specified in the Procurement Contract without significant or permanent deficiencies.  2) pursuant to foreign legislation, it has been determined during the past three years that in performing the previous Procurement Contract, the Procurement Contract entered into with the Contracting Authority, or a concession contract the provider had performed the principal requirement of the Procurement Contract with significant or permanent deficiencies, resulting in the termination of the aforesaid Procurement Contract prior to the end of the period of validity specified therein, the request to compensate damages, or similar sanctions.  3) the provider has been established in order to avoid the application of the grounds for exclusion specified in Clauses 1-2 of the present requirement, which the Contracting Authority can prove with compelling data. | The Contracting Authority shall not request any additional documents regarding the confirmation of compliance with the present requirement. | Supplier, all members of a Suppliers’ group and (or) economic entity on who’s capacity the supplier will rely upon |
| 9. | The provider is not guilty of professional misconduct whereby the provider or the director thereof was assigned an administrative penalty or an economic sanction in accordance with the laws of the Republic of Lithuania or foreign legislation for the violation of financial reporting and audit legislation, and the period between the day the decision to impose such a sanction came into force or the day when the provider had performed the assigned administrative injunction is less than one year. | The Contracting Authority shall not request any additional documents regarding the confirmation of compliance with the present requirement. | Supplier, all members of a Suppliers’ group and (or) economic entity on who’s capacity the supplier will rely upon |
| 10 | The provider does not comply with the following grounds for exclusion:  1) the provider is insolvent, subject to restructuring, bankruptcy or liquidation procedures whereby his/her property is controlled by the court or an insolvency administrator, where he has entered into a settlement agreement with his/her creditors (an agreement between the provider and the creditors to continue the operation of the provider whereby the provider undertakes certain obligations and the creditors agree to postpone, reduce or cancel their demands), where his/her operation has been suspended or limited, or he/she is in a similar situation pursuant to the legislation of his/her country of registration (the provider shall not be excluded from the procurement procedure only in case he/she provides reasonable evidence that he/she will be able to properly perform the Procurement Contract);  2) the provider has committed an egregious professional violation which raises doubts over the provider’s ability to faithfully perform the Procurement Contract. The provider shall be excluded from the procurement procedures pursuant to the following violations:  a) a breach of professional ethics, relevant in cases where less than one year has passed from the moment the provider has been found guilty of the aforesaid breach;  b) a violation with regards to competition, occupational health and safety, information security, and the protection of intellectual property, which had resulted in the provider or the director thereof being assigned an administrative penalty or an economic sanction in accordance with the laws of the Republic of Lithuania or foreign legislation, and the period between the day the decision to impose such a sanction came into force or the day when the provider had performed the assigned administrative injunction is less than one year;  c) the violation of the prohibition to enter into prohibited agreements, specified in the Law on Competition of the Republic of Lithuania or equivalent foreign legislation, where less than three years have passed since the day the decision to impose the relevant economic sanction specified in the Law on Competition or equivalent foreign legislation had come into force; | The Contracting Authority shall not request any additional documents regarding the confirmation of compliance with the present requirement, except in the requirement specified in Clause 1. To substantiate the requirement specified in Clause 1, the provider shall submit the following:  1) in case the provider is a legal entity registered in the Republic of Lithuania, the provider shall not be required to submit any documentation to substantiate its compliance with the requirement.  The Contracting Authority shall inspect the data contained in the national data base (<http://draudejai.sodra.lt/draudeju_viesi_duomenys/>). In case the Contracting Authority is prevented from inspecting the freely available data on the provider (a legal entity) due to a malfunction of the information system, it shall have the right to request the provider (a legal entity) to submit a document issued in accordance with set procedure confirming the compliance with this requirement;  2) if the provider is a natural person registered in the Republic of Lithuania, he/she shall submit an extract issued by the State Enterprise Centre of Registers or a document issued by the same authority in accordance with the procedure specified by the Government of the Republic of Lithuania confirming the joint data managed by competent authorities in order to substantiate the relevant circumstances, or a digital copy of a court decision, if such was rendered;  3) a foreign provider, who is either a natural person or a legal entity, shall submit a digital copy of the certificate issued by a competent authority of its country of registration;  4) the specified documents shall be submitted no more than 90 (ninety) calendar days before the tender submission deadline. Documents issued earlier, but valid during the time of inspection shall be acceptable. | Supplier, all members of a Suppliers’ group and (or) economic entity on who’s capacity the supplier will rely upon |
| 11. | The Supplier is incompatible with the grounds for withdrawal, i.e. the Supplier is incompliant with the minimal criteria applicable to a reliable tax payer laid down in Article 401 (1) of the Law on Tax Administration of the Republic of Lithuania and, therefore, is considered to have committed serious professional infringement. | The Contracting Authority does not require any additional documents proving the compliance with this requirement.  The Contracting Authority shall verify the data in the national database <http://www.vmi.lt/cms/informacija-apie-mokesciu-moketojus> | Supplier, all members of a Suppliers’ group and (or) economic entity on who’s capacity the supplier will rely upon |

2. The supplier must meet the following qualification requirements (qualification must be obtained by the deadline for submission of the applications):

| **No.** | **Requirement** | **Documents proving compliance with the requirement** | **Entity that must meet the requirement** |
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| 12. | The supplier is registered in a Member State of the European Union, in a Member State of the North Atlantic Treaty Organization or in a third country which is a signatory to the World Trade Organization Agreement on Government Procurement and other international agreements binding to Member States. | The supplier must provide information on the country of registration in accordance with the information specified in Annex 4 of the QAS. | Supplier, all members of a Suppliers’ group and (or) economic entity on who’s capacity the supplier will rely upon |
| 13. | During the last 10 (ten ) years before the deadline for submission of applications or during the period from the date of registration (if the supplier has been operating for less than 10 (ten ) years) the supplier has performed or is in the process of performance of at least one contract of supplying new electric rolling stock (self-propelled rolling stock and (or) locomotives), which were authorized in accordance with Directive 2008/57/ EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community, and with the value not less than EUR 57 (fifty seven ) million;  If the supplier provides information on the contract(s), which is(are) under performance, it shall be deemed that its experience meets the established requirements provided that the executed part of the contract(s), which is under performance within the last 10 (ten ) years or within the period after the date of registration (if the supplier has been operating for less than 10 (ten ) years) is not less than EUR 57 (fifty seven ) million. | The supplier must provide:  1. a list of main contracts performed and/or to be performed during the last 10 (ten) years prepared according to information required within Annex 3 of the QAS.  2. digital copies of authorizations issued for contact(s) object(s) (Goods), in accordance with Directive 2008/57/ EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community.  At the request of LTG, the supplier must provide:  1. free form written confirmation from the buyer that the contract(s) has(have) is(are) being/been performed properly, prepared in accordance with the criteria specified in LTG request. If supplier fails to submit such confirmation. LTG may request the Supplier to prove that the Contract (s) is(are) being/been performed properly by providing documents proving it (copies of orders, deeds of acceptance-transfer of goods, etc.). | The Supplier, the members of the group of suppliers jointly (possibly one member of the group of suppliers) and / or the economic entity on whose capacity the supplier relies, if this economic entity assumes joint and several liability for the performance of the Purchase Agreement. |
| 14. | During the last 10 (ten) years before the deadline for submission of applications or during the period from the date of registration (if the supplier has been operating for less than 10 (ten) years) the supplier (independently or on the basis of joint activity agreement) has performed or is in the process of performance of at least one contract, to the extent of which the supplier designed and / or manufactured new rolling stock (self-propelled rolling stock and (or) locomotives) and the manufactured rolling stock was authorized to operate in 1520 (1524) mm gauge. If the supplier provides information on the contract(s), which is(are) under performance, it shall be deemed that its experience meets the established requirements if, within the scope of the performance of the contract, the supplier has designed and / or manufactured at least one rolling stock type (rolling stock) and the manufactured rolling stock was authorized to operate in 1520 (1524) mm gauge | The supplier must provide: 1. a list of main contracts performed and/or to be performed during 10 (ten) years prepared according to information required within Annex 3 of the QAS.  2. if the contract (s) is / are performed on the basis of the joint activity agreement, provide documentation proving that the supplier has performed the design of the rolling stock and (or) manufactured them within the scope of the performed / performed contract (s).  3. digital copies of authorization for the designed and manufactured rolling stock to be used on (1520 (1524) mm railroad gauge.  At the request of LTG, the supplier must provide:  1. free form written confirmation from the buyer that the contract(s) has(have) is(are) being/been performed properly, prepared in accordance with the criteria specified in LTG request. If supplier fails to submit such confirmation, LTG may request the Supplier to prove that the Contract (s) is(are) being/been performed properly by providing documents proving it (copies of orders, deeds of acceptance-transfer of goods, etc.). | The Supplier, the members of the group of suppliers jointly (possibly one member of the group of suppliers) and / or the economic entity on whose capacity the supplier relies, if this economic entity assumes joint and several liability for the performance of the Purchase Agreement. |
| 15. | Annual operating income of the Supplier during the last 3 (three) financial years, and if the Supplier is registered or started its activity later, - since the registration of the Supplier, from production and/or sale and/or rents of rolling stock is not less than 100 mln. Eur annually. | A certificate (or a set of certificates) indicating the required information signed by the head of supplier and the chief accountant of the supplier or another person who has the right to manage the accounting of the supplier in accordance with legal acts. If the required information from the last financial year is not available, a certificate (or a set of certificates) from previous consecutive years signed by abovementioned responsible persons shall be submitted. | The Supplier, the members of the group of suppliers jointly (possibly one member of the group of suppliers) and / or the economic entity on whose capacity the supplier relies, if this economic entity assumes joint and several liability for the performance of the Purchase Agreement. |