

ANNEX 4
to the Contract Documents
**THE SUPPLIER'S OATH
DECLARATION**

EBSCO International, Inc.
(Name of the Supplier)

To the Lithuanian Research Library Consortium

THE SUPPLIER'S OATH DECLARATION

(Please leave the applicable. According to Annex 3 to the Contract Documents, the Official Supplier's Declaration should be presented if the Declaration of Oath is not used in the country. The Official Supplier's Declaration shall be approved by the competent legal or administrative institution, public notary or the competent trade organisation of the member state or the country of the Supplier's origin, or the country of the Supplier's registration. The declaration can be modified according to the grounds for exclusion declared)

October 16, 2023

(Date)

Birmingham, Alabama, USA

(Place)

I, _____, Senior Vice President Europe, hereby confirm that EBSCO International, Inc. which is managed (represented) by me (hereinafter – the Supplier):

1. The Supplier or its authorised person, as indicated above, has not been convicted for any of the following criminal deeds:

- 1.1 taking part in the criminal association, its organisation or control over such association;
- 1.2 bribery, influence peddling, graft;
- 1.3 fraud, embezzlement, dissipation of assets, false declaration about the operations of the legal person, using the credit, loan or targeted support not in accordance with its purpose or established procedure, credit fraud, presenting the misleading data about revenues, profit or property, failure to submit a declaration, report or other document, fraudulent management of accounts or misuse, when these criminal deeds infringe the financial interests of the European Union as set forth in Article 1 of the Convention on the Protection of the European Communities Financial Interests;
- 1.4 criminal bankruptcy;
- 1.5 act of terrorism or offence related to the terrorist activity;
- 1.6 legalisation of property acquired by criminal methods;
- 1.7 trafficking in human beings, purchasing or selling a child;
- 1.8 offence committed by the supplier of another country as defined in the legislation of other member states on the implementation of the European Union legislation listed in Paragraph 1, Article 57 of Directive 2014/24/EU.

2. The Supplier has not been convicted for the failure to perform obligations related to the tax payment, including the social insurance tax, in accordance with the requirements of the country of the Supplier's registration or the country where the Contracting Authority is located, as set forth in Item 3.2 herein.

3. It shall be considered that the Supplier or its authorised person has been convicted for a criminal deed when:

3.1. With regard to the chief executive officer, a member of other management or supervisory body or other person (persons) entitled to represent the Supplier or to exercise control over the Supplier, to make a decision on its behalf, to conclude a transaction, person having the right to draw up and to sign the financial records of the Supplier which is a legal person, other organisation or its branch, a judgement of conviction was passed and became effective within the past five years and this person has unspent or non-expunged conviction;

3.2. With regard to the Supplier which is a legal person a judgement of conviction was passed and became effective within the past five years and this person has unspent or non-expunged conviction, or, in the case of Item 2 of this Declaration – a final administrative order was issued, if such order was issued in compliance with the requirements of the legal acts of the Supplier's country.

4. The Supplier confirms that it does not have the grounds for exclusion listed below:

4.1. The supplier has concluded agreements with other suppliers aimed at distorting competition in the procurement being carried out, and the contracting authority has conclusive evidence to this effect.

4.2. The supplier is in a situation of conflict of interest within the meaning of Article 21 of the Law on Public Procurement at the time of the purchase and the situation in question cannot be remedied.

4.3. Competition has been violated, as set out in Article 27(3) and (4) of the Law on Public Procurement, and the situation in question cannot be remedied.

4.4. The supplier has withheld information or provided false information during the procurement procedures regarding compliance with the requirements laid down in Articles 46 and 47 of the Law on Public Procurement, and the contracting authority can prove this by any lawful means, or the supplier is unable to provide the supporting documents required under Article 50 of the Law on Public Procurement due to false information provided.

On this basis, the supplier is also excluded from the procurement procedure where, in the course of previous procedures carried out by the Law on Public Procurement, the Law on Public Procurement in the Field of Defence and Security, the Law on Procurement by Contracting Entities in the Field of Water Management, Energy, Transport or Postal Services, the Law on Concessions or the Law on Concessions, withheld information or provided false information referred to in this paragraph, or the supplier was unable to provide supporting evidence due to false information provided documents required under Article 50 of the Law on Public Procurement, which led to the exclusion from the procurement or concession award procedures in the last one year.

On this basis, the supplier is also excluded from the procurement procedure where, in accordance with the legislation of other States, in the course of previous procedures, he withheld information or provided false information, or because of the provision of false information, he was unable to provide supporting documents, which led to his exclusion from the procurement or concession award procedures or other similar sanctions in the last one year.

4.5. The supplier has taken unlawful steps during the procurement in order to influence the decisions of the contracting authority, to obtain confidential information which would undue advantage for him in the procurement procedure, or to provide misleading information which may have a material influence on the contracting authority's decisions concerning the exclusion of suppliers, the assessment of their qualifications and the award of the contract, and the contracting authority may prove this by any lawful means.

4.6. The supplier has failed to perform or has improperly performed a contract concluded in accordance with the Law on Public Procurement, the Law on Public Procurement in the Field of Defence and Security, or the Law on Procurement by Contracting Entities in the Field of Water Management, Energy, Transport or Postal Services, or has improperly performed it, which constituted a material breach of contract within the meaning of Article 6.217 of the Civil Code (hereinafter referred to as a 'material breach of contract'), which has led to the termination of the contract or in the last 3 years, a court decision has been issued and has become final which satisfies the claim of the contracting authority, the contracting entity or the awarding authority for compensation for damages suffered as a result of the fact that the supplier has performed a material contractual clause with serious or persistent defects, or that the contracting authority has, in the last 3 years, taken a decision by the contracting authority that the supplier has fulfilled the essential contractual clause laid down in the contract with serious or permanent deficiencies, or persistent deficiencies and, as a result, the sanction laid down in the treaty was applied.

On this basis, the supplier is also excluded from the procurement procedure where, in accordance with the legislation of other States, it has been established over the last 3 years that, in the course of the performance

of a previous contract, a previous contract with the contracting entity or a previous concession contract, he has performed a material requirement laid down in the contract with serious or persistent defects and, as a result, that previous contract has been terminated before the expiry of the period laid down in that contract, damages have been claimed or other similar sanctions have been imposed.

4.7. The supplier has committed a serious professional misconduct in respect of which the contracting authority has doubts as to the supplier's good faith when he has committed an infringement of the financial reporting and audit legislation and less than one year has elapsed since the date on which it was committed.

4.8. The supplier has committed a serious professional violation, as a result of which the contracting authority doubts the good faith of the supplier when he (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.

4.9. The supplier has committed a serious professional violation, as a result of which the contracting authority doubts the supplier's good faith, when he has committed a violation of the prohibition on concluding insured agreements established in the Law on Competition of the Republic of Lithuania or a similar legal act of another state and less than 3 years have passed since the date of its commission.

5. It is known to me that if the Contracting Authority finds out that the submitted data are misleading, the Supplier shall be excluded from the procurement procedure. The Supplier shall be liable for the correctness of the information provided in the declaration in accordance with the procedure established in the legal acts of the Republic of Lithuania, including, but not limited to, the inclusion of the supplier in the list of suppliers who have provided false information.

6. The declaration is submitted because (please tick applicable):

☒ the Supplier is unable to provide documents justifying the absence of grounds for exclusion because documents are not issued in the Member State or country concerned or the documents issued in that country do not cover all the issues raised in Annex 3.

☐ other reasons why the supplier did not provide information confirming the non-conformity of the grounds for exclusion: _____

(please, list the reasons)

(Signature)

(Name, surname)

ANNEX 5
to the Contract Documents
THE SUPPLIER'S DECLARATION

EBSCO International, Inc.

To the Lithuanian Research Library Consortium

THE SUPPLIER'S DECLARATION (sanctions)

October 16, 2023
(Date)

I declare under honour that there is no Russian involvement in the contract of the company I represent exceeding the limits set in Article 5k of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Council Regulation (EU) No 2022/576 of 8 April 2022. In particular I declare that:

(a) the contractor I represent (and the companies which are members of our consortium) is not a Russian national, or a natural or legal person, entity or body established in Russia;

(b) the contractor I represent (and the companies which are members of our consortium) is not a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a) of this paragraph;

(c) neither I nor the company I represent is a natural or legal person, entity or body act on behalf or at the direction of an entity referred to in point (a) or (b) above;

(d) there is no participation of over 10 % of the contract value of subcontractors, suppliers or entities whose capacities the contractor I represent relies on by entities listed in points (a) to (c).

I declare under honour that the Supplier is not a subject to restrictive measures, applied by Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, as amended by Council Implementing Regulation (EU) 2022/581 of 8 April 2022.

I also declare and confirm that the Supplier is not subject to other international sanctions implemented in the Republic of Lithuania⁴.

It is known to me that if the Contracting Authority finds out that the submitted data are misleading, the Supplier shall be eliminated from the procurement procedure.


(Signature)

Senior Vice President Europe
(Name, surname, title)

⁴ <https://www.urm.lt/sankcijos>