# ANNEX 3 TO THE PROCUREMENT CONDITIONS “CONDITIONS PROHIBITING AND RESTRICTING THE PARTICIPATION OF SUPPLIERS IN THE PROCUREMENT and QUALIFICATION REQUIREMENTS”

1. Table. Conditions prohibiting and restricting the participation of Suppliers in the procurement

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| **Row. No.** | **Requirement** | | **Reference to the Law** | **Documents proving compliance with the requirement** | **Entity that must meet the requirement** |
| 1. | 2. | | 3. | 4. | 5. |
| **I. Conditions prohibiting and restricting the participation of Suppliers in the procurement** | | | | | |
| 1. | (1) The Supplier, being a natural person, (2) the Supplier`s, being a legal person, another organisation or a subdivision thereof, the manager, other member of the management or supervisory body, or any other person(s) having the right to represent or control the Supplier, to take a decision on behalf of the Supplier, to enter into a contract, or (3) any other person(s) having the right to draw up and sign the Supplier's accounting documents, **is** subject to any conviction or sentence in the preceding five years and **has** criminal record that has been expunged or acquitted for the offence:  a) participating in, organising or directing a criminal organisation;  b) committing a terrorist offence or an offence related to terrorist activities, or disclosing or losing a state secret;  c) bribery, influence peddling and bribery;  d) fraud, embezzlement, misappropriation of assets, fraudulent misrepresentation in relation to the activities of a legal person, use of a credit, loan, grant, subsidy or grant-in-aid not for its intended purpose or in accordance with the procedures laid down, credit fraud, misrepresentation of income, profits or assets, or the failure to submit a declaration, statement, report or other document, fraudulent management and/or organisation of financial accounting or abuse, when these offences are directed against the financial interests of the European Union within the meaning of Article 1 of the Convention on the Protection of the European Communities' Financial Interests drawn up on the basis of Article K.3 of the Treaty on European Union;  e) money laundering;  f) an offence committed in another country, as defined in the criminal laws of the other countries implementing the European Union legislation listed in Article 39(1) of Directive 2009/81/EC. | | Law on Public Procurement in the Field of Defence and Security Article 34 (1)(1) | * 1. Extract from a court judgement   or  a certificate from the Department of Information Technologies and Communications under the Ministry of the Interior (pursuant to Item 1 of Paragraph 1 of Article 34 of the Law) or a document from the relevant foreign institution.  The document submitted must have been issued no earlier than 120 days before the closing date for receipt of applications. If the document was issued earlier but its validity period is longer than the deadline for the receipt of applications, such document shall be admissible during its validity period.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 2. 1. | | The Supplier (legal person) **is** the subject of a conviction for the offences referred to in points 1(a) to (f) within the last 5 years. | Law on Public Procurement in the Field of Defence and Security Article 34 (1)(2) | 2.1. Extract from a court judgment or  Certificate from the Department of Information Technologies and Communications under the Ministry of the Interior (pursuant to Article 34(1)(2) of the Law) or  a document issued by the relevant foreign institution.  The document submitted must be issued no earlier than 120 days before the closing date for applications. If the document is issued earlier but its validity extends beyond the deadline for receipt of applications, it shall be admissible for the duration of its validity.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 2.2. | | a supplier (legal entity) **has** not served the criminal penalty - a ban on the legal entity from participating in public procurement. | Law on Public Procurement in the Field of Defence and Security Article 34 (1)(2(1)) | 2.2.1. No supporting documents are required from entities established in Lithuania. Confirmation by completing the purchase application (Annex 2 to the purchase conditions) is sufficient.  2.2.2. Entities established outside Lithuania are required to provide: a document from the relevant competent authority of the foreign country. In this case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. |  |
| 3. | | The Supplier **has** committed a serious professional misconduct\* which leads the contracting authority to doubt the Supplier's integrity, the Supplier shall be deemed to have committed a serious professional misconduct when:  a) has committed an infringement of financial reporting and auditing legislation less than one year after the date of the infringement;  b) does not meet the minimum criteria of a reliable taxpayer set out in Article 401(1) of the Law on Tax Administration of the Republic of Lithuania. For the purpose of applying this ground for the exclusion of a Supplier from the procurement procedure, the time limits laid down in Article 401(1) of the Law on Tax Administration shall be applied, counting from the date on which the infringements referred to in Article 401(1) of the Law on Tax Administration were committed, but in any event, these time limits may not exceed 3 years;  c) has committed an infringement of the prohibition on prohibited agreements laid down in Article 5 of the Law on Competition of the Republic of Lithuania or in a similar legislation of another country and less than 3 years have elapsed since the date of the infringement;  d) the Supplier has failed to perform a Procurement Contract concluded in accordance with this Law, the Law on Public Procurement or the Law on Procurement carried out by Contracting Entities in the field of Water Management, Energy, Transport or Postal Services, or a Concession Contract, or has performed it improperly, and it has constituted a material breach of the Contract, as referred to in Article 6.217 of the Civil Code (hereafter referred to as a material breach of the Procurement Contract), which has resulted in termination of the Contract or a court decision that has entered into force in the past 3 years, which has satisfied a claim by the contracting authority, the contracting entity or the awarding authority for compensation for damages suffered as a result of the Supplier's performance of an essential term of the contract with serious or persistent deficiencies, or a decision of the contracting authority that the supplier's performance of an essential term of the contract was seriously or persistently deficient and that, as a consequence, a contractually imposed penalty has been taken within the last 3 years. 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 context of a previous procurement or concession contract, it has implemented an essential requirement set out in the contract with serious or persistent deficiencies, which led to the premature termination of the previous contract, to the award of damages, or to other similar penalties.  \* the contracting authority may prove the supplier's professional misconduct by any appropriate means | Law on Public Procurement in the Field of Defence and Security Article 34 (1)(3) | 3a) Entities established in Lithuania are not required to submit supporting documents. When making decisions on the exclusion of a supplier from the procurement procedure due to the condition specified in this point, the information published in the national database at: https://www.registrucentras.lt/jar/p/index.php  , as well as the information provided in this information notice:  https://vpt.lrv.lt/lt/naujienos-3/finansiniu-ataskaitu-nepateikimas-gali-tapti-kliutimi-vagaluti-vieseuji-pirkimuose/  Entities established outside Lithuania are required to provide: a document from the relevant competent authority of the foreign country. In this case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>.  3b) No supporting documents are required from entities established in Lithuania. When making decisions on the exclusion of a supplier from the procurement procedure due to the condition specified in this point, the information published in the national database at https://www.vmi.lt/evmi/mokesciu-moketoju-informacija shall be taken into account, among other things.  Entities established outside Lithuania are required to provide: a document from the relevant competent authority of the foreign country. In this case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>.  3c) No supporting documents are required from entities established in Lithuania. When making decisions on the exclusion of a supplier from the procurement procedure due to the condition specified in this point, the information published in the national database at:  https://kt.gov.lt/lt/atviri-duomenys/diskvalifikavimas-is-viesuju-pirkimu shall be taken into account, among other things.  Entities established outside Lithuania are required to provide: a document from the relevant competent authority of the foreign country. In this case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>.  3d) No supporting documents are required from entities established in Lithuania. When making decisions on the exclusion of a supplier from the procurement procedure due to the condition specified in this point, the information published in accordance with Article 55 of the VPAGSSI Law may be taken into account: 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/  Entities established outside Lithuania are required to provide: a document from the relevant competent authority of the foreign country. In this case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 4. | | The Supplier **is** insolvent, it **is** the subject of restructuring or insolvency proceedings, or of winding-up proceedings initiated or opened while its assets are being administered by a court or insolvency administrator, where it has concluded an amicable settlement with its creditors (an agreement between the Supplier and its creditors to continue the Supplier's business, whereby the Supplier assumes certain obligations and the creditors agree to postpone, reduce or waive their claims), and where the Supplier **has** ceased or restricted its activities or **is** in an identical or similar situation under the law of the country in which it is registered. | Law on Public Procurement in the Field of Defence and Security Article 34 (2)(1) | 4.1. No supporting documents are required from entities established in Lithuania; the contracting authority independently verifies the data in the national database at:  https://www.registrucentras.lt/jar/p/.  If necessary, the contracting authority has the right to request the submission of a document issued by the State Enterprise Centre of Registers in accordance with the procedure established by the Government of the Republic of Lithuania, confirming the joint data processed by the competent authorities. In such a case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  4.2. Entities established outside Lithuania are required to provide: a document from the relevant competent authority of the foreign country. In this case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 5. | | The Supplier is a natural person and **has** been the subject of a criminal conviction within the last 5 years, and **has** criminal record of any kind, whether spent or expunged, for offences against property, property rights and interests in property, intellectual or industrial property, the economy and business order, financial system, civil service and public interests, as well as for criminal offences related to the disposal of weapons, ammunition, military equipment, explosives and radioactive substances, except for the offences listed in paragraph 1 of this Table; | Law on Public Procurement in the Field of Defence and Security Article 34 (2)(2) | 5.1. Extract from a court judgment or  Certificate from the Department of Information Technologies and Communications under the Ministry of the Interior (pursuant to Article 34(2)(2) of the Law) or  a document issued by the relevant foreign institution.  The document submitted must be issued no earlier than 120 days before the closing date for applications. If the document is issued earlier but its validity extends beyond the deadline for receipt of applications, it shall be admissible for the duration of its validity.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 6. | | The Supplier, being a legal person, **has** been the subject of a criminal conviction for the offences referred to in point 5 of this table within the last 5 years. | Law on Public Procurement in the Field of Defence and Security Article 34 (2)(3) | 6.1. Extract from a court judgment or  Certificate from the Department of Information Technologies and Communications under the Ministry of the Interior (pursuant to Article 34(2)(3) of the Law) or  a document issued by the relevant foreign institution.  The document submitted must be issued no earlier than 120 days before the closing date for applications. If the document is issued earlier but its validity extends beyond the deadline for receipt of applications, it shall be admissible for the duration of its validity.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 7. | | The Supplier **has** committed a serious professional misconduct (other than that referred to in point 3 of paragraph 1 of this Table) which gives rise to doubts as to the Supplier's integrity on the part of the Contracting Authority and which the Contracting Authority can prove by any appropriate means. On this basis, the contracting authority may exclude the supplier from the procurement procedure if less than one year has elapsed from the date on which the infringement was committed | Law on Public Procurement in the Field of Defence and Security Article 34 (2)(4) | 7.1. No supporting documents are required from entities established in Lithuania.  When making decisions on the exclusion of a supplier from the procurement procedure due to the condition specified in this point, the information published in the national database at: https://www.registrucentras.lt/jar/p/index.php  as well as the information provided in this information notice:  https://vpt.lrv.lt/lt/naujienos-3/finansiniu-ataskaitu-nepateikimas-gali-tapti-kliutimi-vagaluti-vieseuji-pirkimuose/  7.2. Entities established outside Lithuania are required to provide: a document from the relevant competent authority of the foreign country. In this case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 8. | | The Supplier **has not** fulfilled obligations relating to the payment of social security contributions in accordance with the requirements of the country in which it is established or of the country in which the Contracting Authority is located. | Law on Public Procurement in the Field of Defence and Security Article 34 (2)(6) | 8.1. If the Supplier is a natural person registered in the Republic of Lithuania, please provide:  Certificate issued by the national social security institution  or  a certificate issued by the State Enterprise Centre of Registers in accordance with the procedure established by the Government of the Republic of Lithuania, confirming the joint data processed by the competent institutions.  A Supplier from another country who is a natural or legal person shall produce a certificate issued by the competent public authority of the country in which he is established.  The document must be issued no earlier than 120 days before the closing date for applications. If the document is issued earlier but its validity extends beyond the deadline for receipt of applications, it shall be admissible for the duration of its validity.  If the Supplier is a legal entity registered in the Republic of Lithuania, it is not required to provide any documents proving this requirement. The Contracting Authority shall check the data relating to the closing date for the receipt of tenders indicated in the contract notice. If, due to technical failures of the State Social Insurance Fund Board (*Sodra*) information system, the contracting authority will not be able to verify the data on the Supplier (a legal person) that are available free of charge, it will be entitled to request the Supplier (a legal person) to provide a document issued in accordance with the established procedure, which proves compliance with this requirement: an extract from a court judgment, or, if there is no such extract, a document issued in accordance with the procedure laid down by the Government of the Republic of Lithuania by the State Enterprise Centre for Registers, which confirms the combined data processed by the competent institutions.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 9. | | The Supplier **has not** fulfilled its obligations relating to the payment of taxes in accordance with the requirements of the country in which it is established or the country in which the Contracting Authority is located. A supplier shall be deemed to have fulfilled his obligations relating to the payment of taxes, including social security contributions, if the amount of his outstanding obligations is less than EUR 50 | Law on Public Procurement in the Field of Defence and Security Article 34 (2)(7) | 9.1. Certificate issued by the State Tax Inspectorate  or  a certificate issued by the State Enterprise Centre of Registers in accordance with the procedure established by the Government of the Republic of Lithuania, confirming the joint data processed by the competent institutions  or  a document from the relevant foreign institution.  The document must be issued no earlier than 120 days before the closing date for applications. If the document is issued earlier but its validity extends beyond the deadline for receipt of applications, it shall be admissible for the duration of its validity.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |
| 10. | | The Supplier **has** concealed information or provided false information during the procurement procedures concerning compliance with the requirements laid down in Articles 34, 35, 36, 37 of the Law (the contracting authority may prove that the Supplier has concealed information or provided false information by any legal means).  On this basis, a Supplier shall also be excluded from a procurement procedure if, during previous procedures carried out in accordance with the procedure laid down in this Law, the Law on Public Procurement, the Law on Procurement by Contracting Authorities in the Field of Water Management, Energy, Transport or Postal Services or the Law on Concessions of the Republic of Lithuania, he has concealed information or has provided false information as referred to in this clause, and has been excluded from the procurement procedure for the past one year. The Supplier shall also be excluded from the procurement procedure on this basis where, in accordance with the legislation of other countries, it has concealed information or supplied false information in previous procurement procedures and has therefore been excluded from the procurement or concession award procedures within the last one year or has been subject to other similar sanctions. | Law on Public Procurement in the Field of Defence and Security Article 34 (2)(8) | 10.1. No supporting documents are required from entities established in Lithuania.  When making decisions on the exclusion of a supplier from the procurement procedure due to the condition specified in this point, the information published in accordance with Article 38 of the VPAGSSIĮ may, among other things, be taken into account:  https://vpt.lrv.lt/lt/nuorodos/kiti-duomenys/powerbi/melaginga-informacija-pateikusiu-tiekeju-sarasas-3/  10.2. Entities established outside Lithuania are required to provide: a document from the relevant competent authority of the foreign country. In this case, the document must be issued no earlier than 120 days before the deadline for accepting applications.  For information on the documents to be submitted by foreign suppliers, the contracting authority checks e-Certis at <https://ec.europa.eu/tools/ecertis/>. | The Supplier, each member of a group of economic entities and any sub-suppliers on whose behalf the Supplier relies in order to meet the qualification requirements set out in the Procurement Conditions |

1. If the Supplier is unable to provide the documents referred to in points 1.1, 2.1, 2.2.2, 3, 4.2, 5.1, 6.1, 7.2, 8.1, 9.1 and 10.1 because the relevant country does not issue such documents, or because the documents issued in that country do not cover all the circumstances referred to above, the following may be provided:

1.1. declaration of oath;

1.2. an official declaration by the Supplier if the country does not use a declaration of oath. 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.

2. The Contracting Authority shall also exclude a Supplier from the procurement procedure on the grounds of exclusion referred to in Article 34(1)(2) and (2) of the Law where it has conclusive evidence that the Supplier has established or is participating in the procurement in the place of another person for the purpose of avoiding the application of the grounds of exclusion referred to in Article 34(1)(2) and (2) of this Article.

3. If the Contracting Authority has doubts as to the suitability of a Supplier, it shall have the right to consult the competent authorities in order to obtain all the necessary information. If the information required concerns a supplier from a Member State other than the contracting authority, it may contact the relevant competent authorities of that Member State.

4. The contracting authority may request that a document submitted by a foreign supplier be certified with an Apostille certificate in accordance with Resolution No. 1079 of the Government of the Republic of Lithuania of 30 October 2006 “On the Approval of the Procedure for Legalization of Documents and Certification of Certificates (Apostille)” and the Hague Convention of 5 October 1961 on the Abolition of the Legalization Requirement for Documents Issued in Foreign States, except in cases where, in accordance with international treaties of the Republic of Lithuania or legal acts of the European Union, the document is exempted from legalization and/or certification by the competent authorities of that Member State.

5. The contracting authority shall in particular require the types of certificates and forms of documentary evidence provided for in the European Commission's information repository for documents "e-Certis". For the documents to be provided by foreign suppliers, the contracting authority shall check the information in "e-Certis" at https://ec.europa.eu/tools/ecertis/.

**II. REQUIREMENTS FOR QUALIFICATION**

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| **No.** | **Requirement** | **Documents proving compliance with the requirement** | **Entity that must meet the requirement** |
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| 1. | Over the last 5 years or since the date of registration of the supplier (if the supplier has been operating for less than 5 years, until the deadline for submission of applications), the supplier must have **duly** delivered goods related to the subject of the purchase – bulletproof vests with a total value of **at least EUR 31,418.00 excluding VAT** – under one (1) or more contracts..  If the contract/part of the contract is still being performed, the value of the part performed by the deadline for submission of applications must not be less than the values specified above.  If the contract/part of the contract started to be performed earlier than in the last 5 years but was completed within the last 5 years, the total value of the contract shall be taken into account. | 1.1. Must be submitted:  1) Completed Appendix 1 of Annex 3 to the Terms of Purchase “List of goods delivered over the last 5 years”.  2) Feedback(ies) from the recipient(s) of the goods/goods on the proper fulfillment of contractual obligations for each part of the contract/contract specified in Appendix 1 of Annex 3 to the Procurement Conditions “List of goods delivered over the last 5 years” (the feedback must include the contract number, date of conclusion of the contract, period of performance of the contract and the amount of the part of the contract performed in EUR excluding VAT) a sample feedback form is attached in Appendix 2 of Annex 3 to the Procurement Conditions “Certificate/Declaration”. **The Certificate/Declaration from the recipient of the goods must be signed with the physical or qualified electronic signature of the recipient of the goods.**  *As proof of proper delivery of goods, participants shall submit:*  *1. if the recipient is a PO, a certificate issued or approved by the competent authority;*  *2. if the recipient is not a PO, its certificate;*  *3. if the latter is not available, a declaration by the candidate or participant.*  A supplier is not prohibited from relying on a contract that the supplier performed not alone, but together with other economic entities. However, in such a case, the value of the part of the contract performed by a specific supplier participating in the public procurement must be assessed, and not the entire subject of the contract performed. | The supplier or at least one member of the group of economic entities or a sub-supplier, according to the assumed obligations in order to meet the qualification requirements set out in the Procurement Conditions |