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| A close up of a sign  Description automatically generated | **STATE ENTERPRISE CENTRE OF REGISTERS**  Studentų St. 39, 08106 Vilnius, tel. (+370 5) 268 8262, e-mail: [info@registrucentras.lt](mailto:info@registrucentras.lt)  Data accumulated and stored in the Register of Legal Entities, code 124110246 |

APPROVED BY

Decision of the Public Procurement Commission of the State Enterprise Centre of Registers

AMENDMENTS APPROVED:

NOT APPLICABLE

**SPECIAL CONDITIONS FOR THE INTERNATIONAL PUBLIC PROCUREMENT OF “PURCHASE AND INSTALLATION OF A COMPLETE MedVais MODERNISATION SOLUTION”**

**UNDER OPEN PROCEDURE**

**Version 1**

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ANNEXES:

Annex 1 to the Procurement Conditions ‘Time Limits’;

Annex 2 to the Procurement Conditions ‘Technical Specification’;

Annex 3 to the Procurement Conditions ‘Grounds for Exclusion of Tenderers’;

Annex 4 to the Procurement Conditions ‘ESPD’ (in XML format);

Annex 5 to the Procurement Conditions ‘Tender Bid Template’;

Annex 6 to the Procurement Conditions ‘Draft Contract’;

Annex 7 to the Procurement Conditions ‘Declaration of Conformity’;

Annex 8 to the Procurement Conditions ‘Qualification Requirements for Tenderers and Required Quality and Environmental Management System Standards’;

Annex 9 to the Procurement Conditions ‘Criteria and Conditions for Evaluation of Tender Bids’;

Annex 10 to the Procurement Conditions ‘Declaration of Conformity to the Provisions of the Regulation of the Tenderer/Sub-Provider’;

Annex 11 to the Procurement Conditions ‘Declaration of Conformity to National Security Requirements’;

Annex 12 to the Procurement Conditions ‘Spreadsheet of Economic Advantage’;

Annex 13 to the Procurement Conditions ‘Information about the Tenderer’;

Annex 14 to the Procurement Conditions ‘List of Specialists and the Certificate of Conformity to the Qualification Requirements Template’;

Annex 15 to the Procurement Conditions ‘List of Specialists and the Certificate of Conformity to the Qualitative Evaluation Criteria Template’;

Annex 16 to the Procurement Conditions ‘Customer Feedback Template’.

# General information

* 1. The Contracting Authority is the State Enterprise Centre of Registers, legal entity code 124110246, address Studentų St. 39, LT-08106 Vilnius, working hours 8:00–17:00. The Contracting Authority is a VAT payer.

1.2. The procurement shall not be conducted via the CPO LT e-catalogue because there are no services required in the CPO LT e-catalogue.

1.3. The Contracting Authority shall not reserve the right to participate in the procurement.

1.4. Observers shall not be invited to participate in meetings of the Commission.

1.5. Green procurement shall be conducted. The procurement shall be conducted in accordance with point 4 (4.4.3[) of the Order No D1-508 of the Minister of Environment of the Republic of Lithuania of 28 June 2011 On Approval of](https://www.e-tar.lt/portal/lt/legalAct/TAR.4B60A8C9678B/asr) the Procedure for the Application of Environmental Criteria in Green Procurements. Environmental criteria shall be established in the Technical Specification.

1.6. **Social criteria are not applied in the current procurement.**

1.7. No prior contract notice has been published.

* 1. The Contracting Authority shall not provide for the publication of a notice for voluntary *ex ante* transparency in the procurement.
  2. The submission of alternative tender bids shall not be permitted in the procurement.
  3. If a screening is carried out in accordance with the procedure established by the Law on the Protection of Objects of Importance to Ensuring National Security during the procurement, the tenderer shall have to submit the documents necessary for such screening.
  4. General conditions of the procurement shall be an integral part of these Procurement Conditions.

# 2. Procurement object

* 1. The Contracting Authority intends to procure a procurement object, the Technical Specification of which is attached as Annex 2 to these special conditions of the procurement.

2.2. The procurement object shall be divided into two lots:

Part I of the contract – Installation and configuration of DICOM-based services and VNAs;

Part II of the contract **–** Updating and modernising portals, integration points, FHIR data structure and the interface to medical images.

The quantities, subject-matter, requirements and technical specification of which shall be defined in Annex 2 to the special conditions of the procurement. The Contracting Authority will award a separate contracts for lots in case the same tenderer has been declared successful.

2.3. Where, in describing the procurement object, the Technical Specification refers to a specific model or supply source, specific process characteristic of the goods or services supplied/provided by a particular supplier/provider, or a brand, patent, types, a specific origin or manufacture, each such reference shall be deemed to be accompanied by the words ‘or equivalent’.

2.4. Where a standard, technical approval or common technical specifications (Lithuanian standard adopting the European standard, European Technical Assessment Certificate, common technical specifications for information and communication technologies, international standard, other technical reference systems established by the European standardisation bodies, national standards, national technical approvals or national technical specifications relating to the design of works, calculation and execution of estimates and the use of goods) are mentioned in the Technical Specification when describing the procurement object, each such reference shall be deemed to be accompanied by the words ‘or equivalent’.

# 3. Meetings with tenderers and inspection of the object

3.1.The Contracting Authority will not hold a meeting with the tenderers to clarify the Procurement Conditions.

3.2. The Contracting Authority will not inspect the object.

# 4. Grounds for exclusion of tenderers and qualification requirements

4.1. The requirements concerning the absence of grounds for exclusion of tenderers and sub-providers (where applicable), economic operators whose capacities the provider relies on, and the documents confirming their absence, shall be set out in the Annex 3 to the special conditions of the procurement.

4.2. **Choose an item.**

# 5. Requirements relating to national security

5.1. The provisions of the Regulation shall apply to the procurement. Along with the tender bid, the tenderer must submit a completed Declaration of (Non-)Conformity to the Provisions of the Regulation, which is set out in Annex 10 to the special conditions of the procurement. If there are doubts about the (non-)conformity to the provisions of the Regulation of the tenderer, the Contracting Authority will ask the potential winner to provide documents proving the correctness of the data provided in the Declaration.

5.2. If the Contracting Authority establishes that a sub-provider or an economic operator whose capacities are relied on by the tenderer meets the restrictions set out in the Regulation, it will require the tenderer to replace them with other operators that meet the requirements of the Procurement Conditions.

5.3. The Contracting Authority shall reject the tender bid if at least one of the conditions referred to in points 1, 2, 3 and 6 of Article 45(21) of the Law on Public Procurement is met. Along with the tender bid, the tenderer must submit a completed declaration of conformity to Article 45(*21*)(1), (2), (3) and (6) of the Law on Public Procurement, as set out in Annex 7 to the special conditions of the procurement.

5.4. In case the Contracting Authority has doubts about the correctness of information provided by the tenderer in Annex 7 ‘Declaration of Conformity’ to the special conditions of the procurement, it will request the tenderer who submitted the most economically advantageous tender bid to submit the documents and/or explanations supporting the information provided in this declaration, also the documents referred to in Article 51(12) of the Law on Public Procurement or other documents and/or explanations acceptable to the Contracting Authority. The Contracting Authority may request such documents and/or explanations at any time during the procurement procedure to ensure the proper conduct of the procurement procedure.

5.5*.* The Contracting Authority, having assessed all the risk factors that may pose a threat to the national security interests, stipulates that tenderers, their sub-providers and economic operators whose capacities are relied on and who are not registered (if the tenderer, its sub-provider or the economic operator whose capacities are relied on is a natural person - permanently residing or having citizenship thereof) in a Member State of the European Union, in a Member State of the North Atlantic Treaty Organisation, or in a third country which has signed the international agreements referred to in Article 17(4) of the Law on Public Procurement, shall not be allowed to participate in the procurement.

5.6. The Contracting Authority shall consider that the procurement object poses a threat to national security if it meets the conditions set out in Article 37(9)(1) and/or (2) of the Law on Public Procurement. Along with the tender bid, tenderers must submit a declaration of conformity in the form established by the Public Procurement Office[[1]](#footnote-2). The Contracting Authority will require the tenderer who submitted the most economically advantageous tender bid to provide one (or, where appropriate, several) of the documents provided for in Article 39(3) of the Law on Public Procurement. The Contracting Authority shall have the right, at any time during the procurement procedure, to require tenderers to submit all or part of the documents referred to in Article 39(3) of the Law on Public Procurement.

*If the manufacturer of the products or the Service Provider, or the person controlling it, is a company, a state enterprise or a municipal enterprise important to ensuring national security, as well as a state-owned company and their subsidiaries listed in the Law on the Protection of Objects of Importance to Ensuring National Security, the above requirement shall not apply to these entities.*

5.7. The services offered by the tenderer must not pose a threat to national security, as referred to in Article 37(8) of the Law on Public Procurement. After ranking tender bids, the Contracting Authority will apply to Commission for Coordination of Protection of Objects of Importance to Ensuring National Security regarding conformity of the intended transaction to the national security interests. The Contracting Authority will ask the tenderer to provide the documents requested by the Commission for Coordination of Protection of Objects of Importance to Ensuring National Security.

5.8. The Contracting Authority shall consider that the tenderer poses a threat to national security when the transaction would result in the circumstances referred to in Article 13(4)(1) of the Law on the Protection of Objects of Importance to Ensuring National Security. After ranking tender bids, the Contracting Authority will apply to Commission for Coordination of Protection of Objects of Importance to Ensuring National Security regarding conformity of the intended transaction to the national security interests. The Contracting Authority will ask the tenderer to provide the documents requested by the Commission for Coordination of Protection of Objects of Importance to Ensuring National Security.

5.9. The Contracting Authority shall consider that a tenderer has an interest that could pose a threat to national security if the tenderer, its sub-provider(s) or the economic operator(s) whose capacities are relied on, who themselves or persons controlling them, meet the conditions set out in Article 47(9) of the Law on Public Procurement. The tenderer must submit with the tender bid a declaration of conformity in the form established by the Public Procurement Office[[2]](#footnote-3). The Contracting Authority will require the tenderer who submitted the most economically advantageous tender bid to provide one (or, where appropriate, several) of the documents provided for in Article 51(12) of the Law on Public Procurement.

*If the tenderer, its sub-provider, the economic operators whose capacities are relied on or the persons controlling them is a company, a state enterprise or a municipal enterprise important to ensuring national security, as well as a state-owned company and their subsidiaries listed in the Law on the Protection of Objects of Importance to Ensuring National Security, the above requirement shall not apply to these entities.*

# 6. Specific requirements for the preparation and submission of tender bids

6.1. The tender bid shall consist of the entirety of the documents submitted via the CPP IS and listed below:

* + 1. The tender bid signed by the tenderer, which is prepared using the tender bid template given in Annex 5 to the special conditions of the procurement.
    2. A completed ESPD (Annex 4 to the special conditions of the procurement). By signing the tender bid, the tenderer confirms the authenticity of the ESPD;
    3. A copy of the joint venture agreement (if a group of economic operators is participating in the procurement on the basis of a joint venture agreement);
    4. A document confirming that the person who signed the tender bid (if a signatory is not the manager of the tenderer) was authorised to sign it;
    5. The document ensuring the tender bid security (if required);
    6. If the tenderer involves economic operators whose capacities it relies on: evidence that these resources will be available throughout the duration of the contractual obligations;
    7. If the tenderer involves the sub-providers, the declaration of the sub-provider or other document confirming its consent to be a sub-provider in the procurement;
    8. Documents confirming that the economic operator whose capacities the tenderer relies on, subject to the economic and financial capacity requirements set out in Annex 3 to the special conditions of the procurement, undertakes to be jointly and severally liable with the tenderer for the performance of the tenderer’s obligations under the Contract and to compensate any damages incurred as a result of the tenderer’s improper performance or non-performance of its obligations (if the Contracting Authority imposes such qualification requirements and requires joint and several liability);

6.1.9. In Annex 9 of the Procurement Conditions, in the column "Criteria and Conditions for Evaluation of Tender Bids" of the table "Criteria and conditions for evaluating tenders", the documents are specified.

6.2. The tender bid may be signed with a physical signature or with a qualified electronic signature. If the tenderer signs documents using the electronic signature instead of the physical signature, the electronic signature shall comply with the requirements set out in points (2) and (3) of Article 22(11) of the Law on Public Procurement. In case the Contracting Authority has doubts about authenticity of the documents, it shall have the right to require the original documents. The following may be submitted:

6.2.1. Documents formed by electronic means and signed with a qualified electronic signature;

* + 1. Digital copies of documents (documents signed with a physical signature must be scanned).
  1. The tender bid must be prepared in Lithuanian or English. If any of the documents submitted with the tender bid are not in the language required, an accurate translation into the required language must be provided. If the Contracting Authority has suspicions regarding the quality of translation of the document included in the tender bid and/or its compliance with the original document, it shall require a certified translation of this document signed by the person who translated this document and certified by the seal of the translation agency (if any).
  2. The total tender bid price (costs) including VAT must be indicated with the accuracy of two decimal places. The price components or rates constituting this price may be expressed without limiting the number of decimal places.
  3. Tender bid prices including all taxes/charges and VAT shall be evaluated and compared.

# Tender bid security

7.1. The Contracting Authority shall not require the tender bid security; however, it reserves the right to apply to court for damages arising in case the tenderer modifies or withdraws the tender bid during the period of validity of the tender bid, or the successful tenderer refuses to conclude the Contract.

# Electronic auction

8.1. The contracting authority will not use an electronic auction in the procurement.

# Evaluation of tender bids

9.1. The Contracting Authority shall select the most economically advantageous tender bid on the basis of the price-quality ratio. The data to be provided by the tenderer in its tender bid, the evaluation criteria and the procedure for evaluating the data provided by the tenderer are set out in Annex 9 to the special conditions of the procurement.

* 1. Only 1 (one) most economically advantageous tender bid securing the first place in the cascade for the relevant lot of the procurement object shall be awarded the Contract for each lot of the procurement object. The same tenderer may be declared successful for all lots of the procurement object in accordance with the rules set out in the Annex Annex 9 to the Procurement Conditions ‘Criteria and Conditions for Evaluation of Tender Bids’ to the special conditions of the procurement.
  2. The Contracting Authority shall reject the tender bid if the following documents required to be submitted in the Procurement Conditions are not submitted with the tender: Not applicable.

# Conclusion of the Contract

* 1. This procurement procedure shall be conducted with a view to concluding a Contract with a tenderer whose tender bid is recognised as successful in accordance with the procedure laid down in the Procurement Conditions and, if the procurement is divided into lots, with tenderers whose tender bids are recognised as successful. The conditions of the Contract shall be set out in Annex X to the special conditions of the procurement.
  2. **If the tenderer who is invited to conclude the Contract refuses to conclude it, the tenderer, upon request, shall pay a penalty of 136 710,64 EUR in the 1st part of the purchase object and 11 772,47 EUR in the 2nd part of the purchase object** **and compensate for any direct losses incurred, in so far as they are not compensated by the penalty referred to above.** The direct losses shall also be considered to be the difference in price between the tender bid price in EUR excluding VAT of the tenderer who refused to conclude the Contract and the tender bid price in EUR excluding VAT of the other tenderer whose tender bid was ranked next after the tender bid of the tenderer that refused to conclude the Contract.

# Miscellaneous

* 1. The procurement procedures not described in the Procurement Documents shall be conducted in accordance with the provisions of the Law on Public Procurement and its implementing legal acts.
  2. The terms and conditions of the purchase are prepared in Lithuanian and English. Only the text of the Terms of Purchase prepared in Lithuanian shall be considered authentic, if there are discrepancies between the Lithuanian and English texts, preference shall be given to the text prepared in Lithuanian.
  3. The Contracting Authority shall ensure that personal data of natural persons provided by the Service Provider is processed only for the purpose of this procurement and performance of the Contract concluded on its basis and is retained for 5 years after the end of the procurement procedures. Personal data shall be provided to data recipients in accordance with the procedure established by the Law on Public Procurement, except for data the disclosure of which is restricted by the Law on Legal Protection of Personal Data.
  4. E-mail of the Data Protection Officer of the Contracting Authority: [duomenusauga@registrucentras.lt](mailto:duomenusauga@registrucentras.lt)

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1. <https://www.e-tar.lt/portal/lt/legalAct/ac5a5e30878f11ed8df094f359a60216> [↑](#footnote-ref-2)
2. <https://www.e-tar.lt/portal/lt/legalAct/ac5a5e30878f11ed8df094f359a60216> [↑](#footnote-ref-3)