**The requirements imposed on suppliers for the absence of the exclusion grounds and qualifications**

The supplier must fulfil the requirements below for the absence of grounds for exclusion (No. 1-11) and qualification requirements (the remaining requirements, if applicable The supplier's qualification must be obtained by the application deadline, and when the application is submitted after the specified initial specific application deadline - by the date of the supplier's application submission.

**LTG shall exclude a supplier from the procurement procedure on the basis of the specified grounds for exclusion and if it has convincing evidence that the supplier is established or participating in the procurement on behalf of another person in order to avoid the application of the specified grounds for exclusion.**

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| **No.** | **Ground for exclusion** | **Part of the ESPD to be filled in** | **Documents supporting the absence of grounds for exclusion** | **Entities to whom the grounds for exclusion apply** |
| **LTG shall exclude the supplier from the procurement procedure where it becomes aware that:** | | | | |
| 1. | The supplier or its responsible person indicated in Article 46(2)(2) of the PPL has been the subject of a conviction for the following criminal acts:  1) participation in a criminal association, its formation or being in charge thereof;  2) bribery, trading in influence, graft;  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 data on income, profit or assets, failure to file a tax return or to submit a report or another document, fraudulent management of accounts or abuse, where these criminal acts affect the European Union’s financial interests within the meaning of Article 1 of the Convention on the protection of the European Communities’ financial interests;  4) criminal bankruptcy;  5) terrorist crime or crime linked to terrorist activities;  6) laundering of the proceeds from crime;  7) trafficking in human beings, purchase or sale of a child;  8) a crime committed by the supplier of another state, as defined in the legal acts of other states implementing the European Union legal acts listed in Article 57(1) of Directive 2014/24/EU.  The supplier or its responsible person shall be deemed to have been convicted of a criminal act referred to above where:  1) a judgment of conviction has been passed and become effective over the past five years against the supplier being a natural person and this person has an unspent or unexpunged conviction;  2) a judgement of conviction has not been passed and become effective over the past five years against the supplier being a natural person, or against the manager of the supplier being a legal entity, another organisation or a unit thereof, a member of another management or supervisory body or another/other person/persons authorised to represent or control the supplier, to take a decision or to enter into a transaction on behalf thereof another/other person/persons authorised to draw up and sign the supplier’s financial accounting documents, and this person has no unspent or unexpunged conviction;  3) a judgment of conviction has been passed and become effective over the past five years against the supplier being a legal person, another organisation or a unit thereof or, in the case of Article 46(3) of the PPL, an administrative decision having final effect, if such decision is made in accordance with the legal provisions of the country of the supplier. | Item A of Part III | ● an extract from the court decision or  ● a copy of the document by issued by the Information Technology and Communications Department under the Ministry of the Interior or  ● by the state enterprise Centre of Registers in accordance with the procedure laid down by the Government of the Republic of Lithuania and attesting to the aggregate data processed by competent authorities, or  ● of the document issued by an appropriate authority of the foreign state\*  issued not earlier than 90 calendar days before before the expiry of the deadline for the submission of requests for participation, and where a request for participation is submitted upon expiry of the specified initial deadline for the submission of requests for participation – before the date of submitting the supplier’s request for participation. If a document has been issued earlier, but the period of validity specified therein is longer than the final deadline for the submission of the documents confirming the absence of grounds for exclusion in accordance with the ESPD, such document shall be acceptable during the period of its validity.  \* Where the supplier is unable to provide the documents as indicated because the Member State or the country in question does not issue such documents, or where the documents issued therein do not cover all the cases specified in this item, they may be replaced by:  1) a declaration on oath;  2) a solemn declaration made by the supplier, where in the country there is no provision for declarations on oath. The solemn declaration must be made before a competent judicial or administrative authority, a notary or a competent professional or trade body in the Member State or country of origin of the supplier or in the Member State or country where the supplier is registered. | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 2. | The supplier is convicted of a breach of the obligations relating to the payment of taxes, including social security contributions, in accordance with the legal provisions of the country in which the supplier is established or of the country of LTG, as defined in points 1 and 3 of Article 46(2) of the PPL or has other evidence of the breach of these obligations.  The supplier or its responsible person shall be deemed to have been convicted of a criminal act referred to above where:  1) a judgment of conviction has been passed and become effective over the past five years against the supplier being a natural person and this person has an unspent or unexpunged conviction;  2) a judgment of conviction has been passed and become effective over the past five years against the supplier being a legal person, another organisation or a unit thereof or, in the case of paragraph 3 of this Article, an administrative decision having final effect, if such decision is made in accordance with the legal provisions of the country of the supplier.  However, this provision shall not apply where:  1) The supplier has entered into a binding arrangement with a view to paying taxes, including social security contributions, and is therefore deemed to have fulfilled the obligations laid down in this part;  2) The amount of the debt does not exceed EUR 50 (fifty euros);  3) The supplier was informed of the exact amount due at such time that before the expiry of the deadline for the submission of requests for participation it did not have the possibility of paying taxes, including social insurance contributions, entering into a tax loan agreement or into any other similar binding arrangement relating to their payment or taking other measures to ensure compliance with the provisions of paragraph 1. The supplier shall not be excluded from the procurement procedure on this ground where, at LTG’s request for the submission of relevant documents required pursuant to Article 50(6) of the PPL, it provides evidence to the effect that it is already deemed to have fulfilled the obligations relating to the payment of taxes, including social security contributions. | Item B of Part III | 1) As regards the obligations relating to the payment of taxes it is requested to submit:  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 by the state enterprise Centre of Register in accordance with the procedure specified by the Government of the Republic of Lithuania and attesting to the aggregate data processed by competent authorities.  Where the supplier is registered in a foreign state – a document issued by an appropriate authority in such the foreign state not earlier than 90 calendar days before the date of LTG's request to submit documents confirming the absence of grounds for exclusion.  If a document has been issued earlier, but the period of validity specified therein is longer than the final deadline for the submission of the documents confirming the absence of grounds for exclusion in accordance with the ESPD, such document shall be acceptable during the period of its validity.  2) As regards the obligations relating to the payment of social insurance contributions it is requested to submit:  2.1) If the supplier is a legal entity registered in the Republic of Lithuania, it shall not be required to submit any documentation in evidence of this requirement. The Commission itself verifies the data in the national database at http://draudejai.sodra.lt/draudeju\_viesi\_duomenys/ at any time during evaluation of tenders and on the last day of the the period fixed for the submission of documents as evidence for the information specified in the ESPD.  Should the Commission be unable to verify the freely accessible data on the provider (a legal entity) due to technical problems of the information system of the State Social Insurance Fund Board (Sodra), it shall have the right to request the supplier (a legal entity) to submit extract from the judgment (if any), or a document issued in accordance with the established procedure and confirming the compliance with this requirement;  2.2) If the supplier is a natural person registered in the Republic of Lithuania, it submits extract from the judgment (if any), or a document issued by Sodra, or a document issued by the state enterprise Centre of Registers in accordance with the procedure established by the Government of the Republic of Lithuania and attesting to the aggregate data processed by competent authorities;  2.3) Where the supplier is registered in a foreign state – a document issued by an appropriate authority in such the foreign state shall be provided.  The documents specified in Sub-paragraphs 2.2 and 2.3 shall be issued not earlier than 90 calendar days before the expiry of the deadline for the submission of requests for participation, and where a request for participation is submitted upon expiry of the specified initial deadline for the submission of requests for participation – before the date of submitting the supplier’s request for participation. If a document has been issued earlier, but the period of validity specified therein is longer than the final deadline for the submission of the documents confirming the absence of grounds for exclusion in accordance with the ESPD, such document shall be acceptable during the period of its validity. | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 3. | The supplier has entered into agreements with other suppliers aimed at distorting competition in the procurement concerned, and LTG has sufficiently plausible indications to conclude so. | Item C of Part III | LTG does not require any additional documents to prove compliance with this requirement because the Supplier and economic entities subcontracted by it have declared the absence of such grounds for exclusion in the ESPD. | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 4. | At the time of the procurement procedure the supplier is in a conflict of interest within the meaning of Article 21 of the PPL, and the relevant situation cannot be remedied.  It shall be deemed that a situation related to a conflict of interest cannot be remedied if the persons subject to the conflict of interest have conferred a decisive influence on the decisions of the Commission or LTG and any modification of such decisions would be contrary to the provisions of the PPL. | Item C of Part III | LTG does not require any additional documents to prove compliance with this requirement because the Supplier and economic entities subcontracted by it have declared the absence of such grounds for exclusion in the ESPD. | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 5. | The competition has been distorted, as defined in Article 27(3) and (4) of the PPL, and the relevant situation cannot be remedied. | Item C of Part III | LTG does not require any additional documents to prove compliance with this requirement because the Supplier and economic entities subcontracted by it have declared the absence of such grounds for exclusion in the ESPD. | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 6. | The supplier, in the course of the procurement procedure, withheld information or misrepresented information on the fulfilment of the requirements laid down in Articles 46 and 47 of the PPL, and LTG can demonstrate this by any appropriate means, or the supplier is unable to submit the supporting documents required pursuant to Article 50 of the PPL due to the misrepresentation of information.  The supplier shall be also excluded from the procurement procedure on this ground where, in the course of previous procurement procedures conducted in accordance with the procedure set out in the PPL, the Law on Public Procurement in the Field of Defence and Security or the Law on Procurement by Contracting Entities Operating in the Water, Energy, Transport and Postal Services Sectors or the Concessions Act, the supplier withheld information or misrepresented information on the requirements referred to in this paragraph, or the supplier was unable to submit the documents required pursuant to Article 50 of the PPL due to the misrepresentation of information, which resulted in its exclusion from procurement or concession conferment procedures.  The supplier shall be also excluded from the procurement procedure on this ground where in accordance with the legal acts of other states in the course of previous procedures the supplier withheld information or misrepresented information, or was unable to submit the supporting documents due to the misrepresentation of information, which resulted in its exclusion from the procurement procedures within the last one year or a judgement being passed and becoming effective or other comparable sanctions being introduced within the last one year or other similar sanctions. | Item C of Part III | LTG does not require any additional documents to prove compliance with this requirement because the Supplier and economic entities subcontracted by it have declared the absence of such grounds for exclusion in the ESPD.  LTG itself verifies the data in the national database at  <https://vpt.lrv.lt/melaginga-informacija-pateikusiu-tiekeju-sarasas-3> | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 7. | The supplier undertook at the time of procurement to unduly influence the decision-making process of LTG, to obtain confidential information that would confer upon it undue advantages in the procurement procedure or provided misleading information which may have a material influence on decisions of LTG concerning the exclusion of suppliers, evaluation of their qualifications, determination of the successful tenderer, and LTG can demonstrate this by any appropriate means. | Item C of Part III | LTG does not require any additional documents to prove compliance with this requirement because the Supplier and economic entities subcontracted by it have declared the absence of such grounds for exclusion in the ESPD. | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 8. | The supplier has failed to perform a contract entered into in accordance with the PPL, the Law on Public Procurement in the Field of Defence and Security or the Law on Procurement by Contracting Entities Operating in the Water, Energy, Transport and Postal Services Sectors, or a concession contract or has improperly performed it, which has led to a material breach of the contract as stipulated in the Civil Code Article 6.217 (hereinafter: a ‘material breach of a contract’) resulting in termination of the contract within the last three years or passing and becoming effective, within the last three years, of a judgement satisfying the claim of the contracting authority, the contracting entity or the awarding authority for damages as a result of the supplier showing significant or persistent deficiencies in the performance of a substantive requirement under the contract, or within the past three years the contracting authority has decided that the supplier has showed significant or persistent deficiencies in the performance of a substantive requirement under the contract which led to the sanction as defined in the contract.  The supplier shall be also excluded from the procurement procedure on this ground where in accordance with the legal acts of other states it is established within the last three years that the supplier, under a prior contract, a prior contract with the contracting entity or a prior concession contract, has shown significant or persistent deficiencies in the performance of a substantive requirement under the contract which led to early termination of that prior contract, damages or other comparable sanctions. | Item C of Part III | LTG does not require any additional documents to prove compliance with this requirement because the Supplier and economic entities subcontracted by it have declared the absence of such grounds for exclusion in the ESPD.  LTG itself verifies the data in the national database at  <https://vpt.lrv.lt/nepatikimi-tiekejai-1> | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| LTG itself verifies the data in the national database at  <https://vpt.lrv.lt/lt/pasalinimo-pagrindai-1/nepatikimu-koncesininku-sarasas-1/nepatikimu-koncesininku-sarasas> |
| 9. | LTG can prove by any appropriate means that the supplier is guilty of professional misconduct, where:  1) has committed a violation of financial reporting and auditing legislation and less than one year has passed since it was committed.  2) has committed a violation of the prohibition to enter into prohibited agreements enshrined 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 it was committed. | Item C of Part III | As regards of paragraph 1, LTG does not require any additional documents to prove compliance with this requirement because the Supplier and economic entities subcontracted by it have declared the absence of such grounds for exclusion in the ESPD.  As regards of paragraph 2, LTG itself verifies the data in the national database at<https://kt.gov.lt/lt/atviri-duomenys/diskvalifikavimas-is-viesuju-pirkimu> | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 10. | 1) The supplier is insolvent, is the subject of restructuring or bankruptcy proceedings, winding-up proceedings have been initiated or commenced against it, where its assets are being administered by a court or by a bankruptcy administrator, where it is in an arrangement with creditors (agreement between the supplier and the creditors to continue the supplier’s activities when the supplier assumes certain obligations, while the creditors agree to defer, reduce or waive their claims), where its business activities are suspended or restricted or it is in any analogous or similar situation under the legal acts of the country in which it is registered. (the supplier may not be excluded from participation in the procurement procedure where it has provided sufficient evidence that it will be able to perform the contract);  2) The Supplier has committed a serious professional misconduct, due to which the Contracting Authority doubts the integrity of the Supplier when he (the Supplier) does not meet the minimum criteria of a reliable taxpayer established in Paragraph 1 of Article 401 of the Law on Tax Administration of the Republic of Lithuania. | Item C of Part III | LTG does not require any additional documents to prove the compliance with this requirement, except the requirement specified in paragraph 1.  In support of the requirement specified in paragraph 1 the supplier shall submit:  1) If the supplier is a legal entity registered in the Republic of Lithuania, it shall not be required to submit any documentation in evidence of the requirement.  LTG itself verifies the data in the national database (http://www.registrucentras.lt/jar/p/index.php). Should LTG be unable to verify the freely accessible data on the supplier (a legal entity) due to technical problems of the information system, it shall have the right to request the supplier (a legal entity) to submit a document issued in accordance with the established procedure and confirming the compliance with this requirement.  2) if the supplier is a natural person registered in the Republic of Lithuania, to prove the mentioned circumstances, he/she may submit an extract issued by the state enterprise Centre of Registers or a document issued by this enterprise in accordance with the procedure laid down by the Government of the Republic of Lithuania and attesting to the aggregate data processed by competent authorities, or an extract from the court decision issued by the court, if any (a digital copy of the document shall be submitted).  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 said documents shall be issued not earlier than 90 calendar days before the expiry of the deadline for the submission of requests for participation, and where a request for participation is submitted upon expiry of the specified initial deadline for the submission of requests for participation – before the date of submitting the supplier’s request for participation. A document issued earlier but valid at the time of its verification shall be acceptable. | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |
| 11. | The supplier does not meet the minimum criteria for a reliable taxpayer set out in Article 401(1) of the Law on Tax Administration of the Republic of Lithuania. Applying this basis for the exclusion of a supplier from the procurement procedure shall be applied the terms established in Paragraph 1 of Article 401(1) of the Law on Tax Administration of the Republic of Lithuania calculated from the date of committing the violations specified in Paragraph 1 of Article 401(1) of the Law on Tax Administration, but in all cases these terms shall not exceed 3 years. | Item D of Part III | LTG does not require any additional documents to prove compliance with this requirement because the Supplier and economic entities subcontracted by it have declared the absence of such grounds for exclusion in the ESPD.  LTG itself verifies the data in the national database at  [Mokesčių mokėtojų informacija - VMI](https://www.vmi.lt/evmi/mokesciu-moketoju-informacija?lang=lt) | The supplier or all members of a group of suppliers individually and an economic entity on the capacities whereof the supplier relies. |