**Supplier Qualification Requirements**

A Provider must meet the following requirements regarding absence of basis for removal (Seq. No. 1-11) and qualification requirements (the remaining requirements, if such are applicable). The qualification of the provider must be obtained until the end of the term of 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. | 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 30 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. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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 entity.  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 entity.  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 Entity’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 30 (thirty) 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 Entity shall inspect the data contained in the national data base (<http://draudejai.sodra.lt/draudeju_viesi_duomenys/>). In case the Contracting Entity 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.  Documents specified Clauses 2.2 and 2.3 shall be issued no more than 30 (thirty) calendar days before the tender submission deadline. Documents issued earlier, but valid during the time of inspection shall be acceptable. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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 Entity obtains compelling data regarding the failure to comply with the present requirement, the provider shall be excluded from the procurement procedure). | The Contracting Entity shall not request any additional documents regarding the confirmation of compliance with the present requirement. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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 Entity’s (including the Commission’s) decisions, and the adjustment of said decisions would violate the provisions of the Law on Utilities Sector. | The Contracting Entity shall not request any additional documents regarding the confirmation of compliance with the present requirement. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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 Entity shall not request any additional documents regarding the confirmation of compliance with the present requirement. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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 Entity 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 Entity shall not request any additional documents regarding the confirmation of compliance with the present requirement. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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 Entity, 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 Entity’s decisions regarding the exclusion of providers, the assessment of their qualifications and the determination of the successful tenderer, which the Contracting Entity is able to prove by any legal means; | The Contracting Entity shall not request any additional documents regarding the confirmation of compliance with the present requirement. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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 Entity, 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 Entity 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 Entity, 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 Entity can prove with compelling data. | The Contracting Entity shall not request any additional documents regarding the confirmation of compliance with the present requirement. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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 Entity shall not request any additional documents regarding the confirmation of compliance with the present requirement. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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;  3) the provider has been convicted for illegally employing third-country nationals and assigned an administrative penalty or an economic sanction specified in the laws of the Republic of Lithuania or foreign legislation, and where less than one year had passed since the entry into force of the decision whereby the relevant sanction was imposed. | The Contracting Entity 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 Entity shall inspect the data contained in the national data base (<http://draudejai.sodra.lt/draudeju_viesi_duomenys/>). In case the Contracting Entity 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 30 (thirty) calendar days before the tender submission deadline. Documents issued earlier, but valid during the time of inspection shall be acceptable. | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |
| 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> | The provider or all members of the provider group separately and the economic subject, on the capacities of which the Provider relies. |

The supplier must meet the following qualification requirements (**the qualification must be obtained before the deadline for the submission of applications and**, in the case of an application within the initial time limit for the submission of specific applications, before the date of submission of the supplier's application):

| **No.** | **Requirement** | **Documents proving the compliance** | **Entity to meet the requirement** |
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| 12. | The supplier has duly completed and/or performed at least 1 (one) or more similar contracts within the previous 3 (three) years preceding the expiry of the time limit for the submission of applications, or within the time limit from the date of registration of the supplier (if the supplier has been active for less than 3 years) and/or carries out at least one (one) or more similar contracts (a similar contract shall be considered as the subject of a contract, the subject of which is a contract which is the subject of a similar contract, the subject of which, if the supplier has been active for less than 3 years) :  - repaired at least 3 (three) sets of “Dako” manufactured brake equipment\*, having reached a service life of at least 12 years;  **And/or**  - reaired at least 5 (five) sets of “Faiveley” manufactured brake equipment\* with a mileage of at least 800,000 km;  **And/or**  - repaired of at least 3 (three) sets of “Knorr-Bremse” manufactured braking equipment\* with a mileage of at least 500,000 km.  Where a supplier provides information on an ongoing contract or contract which has started before the expiry of the period for the submission of tenders in the last three years and, where the tender is submitted at the time of the initial specific application deadline, before the date of submission of the supplier's application, or within the time limit from the date of registration of the supplier, his experience shall be deemed to satisfy the requirement that the part of the contract(s) carried out during the preceding 3 (three) years is:  - repaired at least 3 (three) sets of “Dako” manufactured brake equipment\*, having reached a service life of at least 12 years;  **And/or**  - reaired at least 5 (five) sets of “Faiveley” manufactured brake equipment\* with a mileage of at least 800,000 km;  **And/or**  - repaired of at least 3 (three) sets of “Knorr-Bremse” manufactured braking equipment\* with a mileage of at least 500,000 km. | 1. Main list of contracts executed (performed) during the last 3 (three) years, prepared in accordance with Annex 4 of the DPS documents - “Example of the form of lists of contracts executed (executed) by the Supplier”  2. Clients' certificates on when the contract has been performed / performed / services are provided.  3. Duly executed contracts and/or documentation shall also be provided to demonstrate that the repair service has been provided for a set of brake equipment\* which has reached a service life of at least 12 years/a mileage of at least 800,000 km/ mileage of at least 500,000 km.  Note: If the owner of the passenger rolling stock of the services was Lithuanian Railroads SC, the customer's certificate of properly rendered/services is not required. | A vendor, at least one member of a supplier group or an entity whose capacity is based on the supplier, if the supplier proves that the resources of that entity will be available to him. |

set of equipment\*

\*set of equipment shall be considered the assembly of one self-propelled passenger vehicle with a design speed of at least 120 km/h the whole braking system