

**REGULATIONS OF SIMPLIFIED PROCUREMENT PROCEDURES  
OF LITHUANIAN RESEARCH LIBRARY CONSORTIUM**

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## I. GENERAL PROVISIONS

1. The Regulations of Simplified Procurement Procedures (hereinafter – the “Regulations”) of Lithuanian Research Library Consortium (hereinafter – the “LMBA”) have been prepared abiding by the Law on Public Procurement of the Republic of Lithuania (Official Gazette, 1996, No 84-2000; 2006, No 4-102, 2008, No 81-3179) (hereinafter – the “Law on Public Procurement”), and other legal acts regulating public procurement (hereinafter – the “Procurement”).

2. The LMBA shall be entitled to apply the simplified procurement procedure (hereinafter – the “simplified procedure”) in the cases laid down by Article 84 of the Law on Public Procurement.

3. The Regulations shall set forth the procedure for organizing and planning public procurement, the persons implementing procurement procedures, the methods of procurement and the procedures for their implementation, dispute settlement, the requirements for preparation of the Instructions to Tenderers and its issuance to Suppliers.

4. By implementing the simplified procurement procedures, the LMBA shall abide by the Law on Public Procurement, these Regulations, the Civil Code of the Republic of Lithuania (Official Gazette, 2000, No 74-2262) (hereinafter – the “CC”), other laws and secondary legislation.

5. The simplified procurement procedures shall be implemented by following the principles of reciprocity, non-discrimination, transparency, mutual recognition and adequacy, the requirements of confidentiality and impartiality.

6. During the procurement-related decision making process, the principle of rationality shall be followed.

7. Natural persons, private legal persons, public legal persons or the groups thereof shall be entitled to take part in the simplified procurement procedures implemented by the LMBA. To submit the Tender (Project), a group of economic operators shall not be obligated to establish a legal person. The LMBA shall be entitled to request that in the case when the jointly submitted Tender (Project) of the associated group of economic operators has been ranked as the best and the LMBA has proposed to enter into the Sales-Purchase Contract (hereinafter – the “Public Contract”), this group of economic operators would be incorporated by taking a certain legal status if such incorporation is deemed necessary to properly perform the Sales-Purchase Contract.

8. The commencement and the completion of the simplified procurement procedure shall be defined by the Law on Public Procurement.

9. By implementing the simplified procurement procedures, the LMBA shall seek to take into consideration social needs of the community and the environmental protection requirements. The provisions of the Resolution No 804 of the Government of the Republic of Lithuania as of 8 August 2007 *RE: Approval of the National Program for Green Procurement (Official Gazette, 2007, No. 90-3573)*, Articles 13 and 91 of the Law on Public Procurement and other legal acts shall be abided by.

10. The following expressions in these Regulations shall be used in these respective meanings:

10.1. **Organizer of the Procurement Procedure** – an employee appointed by the Order of the LMBA President who shall organize and implement the simplified procurement procedures when the Public Procurement Commission is not established to implement such procedures.

10.2. **Initiator of the Procurement Procedure** – a LMBA employee who has brought forward the demand to procure certain needed supplies, services or works.

10.3. **Simplified Open Procurement Procedure** – the method of simplified procurement when every interested Supplier is entitled to submit the Tender.

10.4. **Simplified Closed Procurement Procedure** – the method of procurement when the Request to participate in the tendering may be submitted by all Suppliers wishing to take part in the procurement procedure, and the Tenders may be submitted only by those Suppliers who have been invited to do so by the LMBA.

10.5. **Simplified Negotiated Procedure with a Procurement Notice** – the method of simplified procurement when the Request to participate in the tendering may be submitted by all Suppliers and the LMBA will enter into negotiations on the terms and conditions of the Sales-Purchase Contract either with all of them or only with the pre-qualified Suppliers;

10.6. **Inquiry on Price Quotas** – the method of simplified procurement when the LMBA orally or in writing invites the Suppliers to provide their price quotas and then purchases supplies, services or works from the Supplier who has quoted the lowest price or submitted the most cost-effective Tender.

10.7. **Pre-qualification selection** – the procedure undertaken to assess whether the Supplier complies with the minimum qualification requirements set forth in the Instructions to Tenderers.

10.8. **Estimated procurement value** (hereinafter – the “procurement value” ) – the value of the Sales-Purchase Contracts projected to be concluded by the LMBA, calculated as the total payable amount VAT exclusive, by including all options of contract awards and the extension of their validity. The procurement value shall be calculated at the commencement of the procurement procedure, with regard to the prices of all contracts to be concluded for supplying the same type of supplies or services or works assigned to the same site.

10.9. **Alternative Tender** – the Tender where the proposed properties of the procurement object or procurement conditions vary from those laid down in the Instructions to Tenderers.

11. Other basic concepts and expressions used in the Regulations shall have their respective meanings assigned to them by the Law on Public Procurement.

## **II. PLANNING AND ORGANIZATION OF SIMPLIFIED PROCUREMENT PROCEDURES. PERSONS IMPLEMENTING SIMPLIFIED PROCUREMENT PROCEDURES**

12. In the fourth quarter of every current year the LMBA Initiators of Procurement Procedures shall start planning purchases for the coming year.

13. No later than by 31 December of each calendar year the LMBA Initiators of Procurement Procedures shall provide the LMBA President with the information about the demand to procure certain supplies, services or works during the coming calendar year, by indicating the codes of these supplies, services or works according to the Common Procurement Vocabulary (hereinafter – the “CSV”) as well as their estimated price.

14. The Head of the LMBA Administration, upon having received from the LMBA President the information about the maximum allocable funds for the relevant year as well as the information about the demand to procure certain supplies, services and works, shall conciliate with the President the amount of indispensable funds for the LMBA needs.

15. No later than by 31 January of every calendar year the Public Procurement Manager shall compile the plans of the public procurement procedures scheduled to be implemented during the current budgetary year (hereinafter – the “Procurement Plans”) and every year, by March 15 at the latest (or immediately, if the Plans have been revised), shall place the spreadsheet of public procurement procedures (the “Procurement Spreadsheet”) scheduled for the then current year on the Central Portal of Public Procurement (hereinafter – the “CVP IS”) and its own website. The information indicated in this Item shall be approved by the Head of Administration.

16. In the Procurement Spreadsheet there shall be indicated the supplies, services and works, the codes in line with the Common Procurement Vocabulary, the projected (available) funds by indicating the source as well as the possible method of procurement with regard to the value of the procurement object, the duration of the Sales - Purchase Contract to be concluded with the Supplier and other relevant information.

17. The Procurement Spreadsheet shall be revised every quarter, and, if necessary, it shall be adjusted.

18. To implement the simplified procurement procedure, the Initiator of the Procurement Procedure shall submit the Request ( the Terms of Reference), where he/she shall indicate the main conditions of the procurement procedure and the following information:

18.1. The object of procurement, its description by indicating the characteristics of supplies, services or works to be procured, quality and other requirements (technical specification), the quantity or scope of supply with regard to the entire validity period of the Sales – Purchase Contract with its potential extensions;

18.2. The maximum value of this procurement;

18.3. The operation costs of the object of procurement;

18.4. The minimum qualification requirements for Suppliers;

18.5. Should the Request (the Terms of Reference) be submitted for procurement by means of the Inquiry on Price Quotas – a substantiated list of Suppliers proposed to be invited;

18.6. The evaluation criteria of the Tenders; If it is proposed to evaluate the Tenders according to the criterion of the most economically beneficial Tender - the criteria for the evaluation of the cost benefits and parameters, their comparative weights and the procedure of evaluation shall be indicated;

18.7. The terms of delivery of supplies or rendering services or completion of works as well as other terms and conditions of the Sales – Purchase Contract or the Draft Sales – Purchase Contract;

18.8. Feasibility of compliance with the environmental protection criteria during the procurement procedure, with regard to the social needs of the community;

18.9. Relevant layouts, drawings and designs;

18.10. Other relevant information.

19. The simplified procurement procedures shall be implemented by the Public Procurement Commission (hereinafter – the “Commission”) established by the Order of the LMBA President in accordance with Article 16 of the Law on Public Procurement. The low-value procurement procedures shall be conducted either by the Commission or by the Organizer of the Procurement Procedure.

20. Only persons of impeccable reputation shall be appointed to act in the capacity of the Chairman of the Commission, its members, Organizers of Procurement Procedures.

21. The low-value purchases shall be undertaken by the Commission when:

21.1. The value of the Sales-Purchase Contract for supplies or services exceeds LTL 50 thousand;

21.2. The value of Sales-Purchase Contract for works exceeds LTL 100 thousand.

22. The LMBA President shall have the right to make a decision to delegate the implementation of the simplified procurement procedure to the Organizer of the Procurement Procedure or the Commission regardless of the circumstances set forth in Items 21.1 and 21.2 herein.

23. For simultaneously undertaken procurement procedures, several Commissions may be established or several Organizers of Procurement Procedures may be appointed. One of the members of the Commission shall be appointed to act in the capacity of the Secretary of the Commission.

24. The Commission shall act in compliance with the Regulations of the Commission Activities approved by the LMBA President. The tasks shall be specified to the Commission, and all authorizations deemed necessary to perform these tasks shall be given to the Commission. Prior to commencing the simplified procurement procedure, the members of the Commission and the Organizer of the Procurement Procedure shall sign the Declaration of Impartiality and the Statement of Confidentiality.

25. The LMBA shall be entitled to implement the simplified procurement procedures via the Central Purchasing Body or to directly procure from this authority (if the Central Purchasing Body has already concluded Framework Agreements for works, supplies or services). The proposal to procure via the Central Purchasing Body or from this authority may be submitted by the Initiator of the Procurement Procedure, the Commission or the Organizer of the Procurement Procedure.

26. Prior to concluding the Sales - Purchase Contract, the LMBA shall be entitled to authorize another contracting authority (hereinafter – the “authorized organization”) to implement the simplified procurement procedures on behalf of the LMBA. In this case the tasks shall be set for the authorized organization and all relevant authorizations shall be given to implement these tasks.

27. The LMBA shall be entitled to terminate the simplified procurement procedure if the circumstances that could not have been envisaged in advance have occurred (the procured services became unnecessary, in the case of unavailability of funds for settlement of payments, etc.). The proposal to terminate the simplified procurement procedure shall be provided to the LMBA President by the Commission, the Organizer of the Procurement Procedure or the Initiator of the Procurement Procedure, and the LMBA President shall make a decision regarding termination of the simplified procurement procedure. The decision regarding termination of the low-value purchase may be made either by the Commission or by the Organizer of the Procurement Procedure.

### **III. SIMPLIFIED PROCUREMENT NOTICE**

28. A Simplified Procurement Notice shall be placed abiding by the procedure laid down by Article 86 of the Law on Public Procurement.

29. The LMBA shall place the Notice about each simplified procurement procedure, excluding the procedures that are implemented by the method of the Inquiry on Price Quotas undertaken in the cases prescribed by these Regulations.

30. The LMBA, upon having made a decision to procure supplies, services and goods without a Procurement Notice, by implementing the procurement procedures set forth by the Law on Public Procurement, Article 92, Paragraphs 3-7, shall place an Information Notice (excluding the procurement procedures set forth by the Law on Public Procurement, Article 92, Paragraph 3, Items 3, 4, 5, 7; Paragraph 4, Items 2, 3; Paragraph 5, Item 3; Paragraph 6, Items 2, 3, 4, 5; Paragraph 7, Item 2, as well as the procurement procedures implemented by the method of the Inquiry on Price Quotas. By implementing these procurement procedures, the LMBA shall be entitled not to place the Information Notice). The LMBA can place the Information Notice at any time, however no later than 5 business days prior to entering into the Sales-Purchase Contract, in the cases when the LMBA is capable of identifying the Supplier selected for the contract award (upon having made a decision to ask the Supplier to submit the Tender, having already provided the Supplier with an invitation to take part in the procurement procedures, in the course of the Tender evaluation procedure or upon having ranked the Supplier’s Tender as the successful Tender or upon having approved the ranking of the Tenders if more than one Supplier had been invited).

### **IV. PREPARATION OF INSTRUCTIONS TO TENDERERS, CLARIFICATION, SUBMISSION OF TENDERS**

31. The Commission or the Organizer of the Procurement Procedure shall prepare the Instructions to Tenderers in line with the Terms of Reference worked out by the Initiator of the Procurement Procedure. The persons involved in the preparation of the Instructions to Tenderers shall be entitled to receive from the LMBA all information deemed necessary to prepare the Instructions to Tenderers and to carry out the simplified procurement procedures.

32. If the Inquiry on Price Quotas is carried out orally, the Instructions to Tenderers shall not be prepared.

33. The Instructions to Tenderers shall be prepared in the Lithuanian language. The supplementary procurement documents can be prepared in other languages as well.

34. The requirements set forth in the Instructions to Tenderers shall not artificially restrain the Suppliers’ possibilities to take part in the procurement procedure or shall not create conditions for the participation of certain Suppliers only.

35. Depending on the chosen method of the procurement procedure, the following information shall be included in the Instructions to Tenderers:

35.1. A reference to the Regulations of Simplified Procurement Procedure of Lithuanian Research Library Consortium, abiding by which the simplified procurement procedure is carried out (the title of the Regulations, date of approval, dates of all subsequent amendments);

35.2. If a Procurement Notice has been placed, a reference to the Notice;

35.3. Positions, names, surnames, addresses, phone and fax numbers of the employees who have been authorized to maintain contacts with Suppliers;

35.4. The deadline for submission of the Tenders and/or Requests (date, hour, minute) and the venue;

35.5. The requirements for preparation and/or submission of the Tenders and/or Requests; If it is projected to accept the Tenders and/or Requests in an electronic format complying with the provisions of Article 17 of the Law on Public Procurement – the information about the requirements that are obligatory when submitting the Tenders and/or Requests by using electronic means, including their codification (ciphering);

35.6. The date of expiration of the Tender validity;

35.7. The title of the project or the type of the supplies, services, works, their quantity (scope), the terms of delivery of supplies, rendering of services, completion of works;

35.8. The Technical Specification;

35.9. The information whether the object of procurement has been split into parts and the Sales-Purchase Contract or the Framework Agreement will be concluded for each specific part, and whether it will be allowed to submit the Tender for only one part, one or several parts, or all parts of procurement; along with the description of the parts of the procurement object for which the Tenders may be submitted;

35.10. The information whether the Alternative Tenders are accepted, and the requirements thereto;

35.11. If the pre-qualification selection had been planned – the requirements for the Suppliers' qualification, including the requirements for individual Suppliers submitting a joint Request or Tender;

35.12. If it is projected to restrict the number of Suppliers – the criteria and procedure of pre-qualification selection, the smallest number of candidates to be selected by the LMBA and to be invited to submit their Tenders;

35.13. The list of documents, information that has to be submitted by the Suppliers in order to prove that their qualification complies with the pre-qualification requirements and the information that the Declaration of Compliance with the minimum qualification requirements has to be submitted in the case laid down by Article 32 paragraph 8 of the Law on Public Procurement;

35.14. The information as to the method of calculation and denomination of the price of the Tender;

35.15. The information that the Tender prices shall be evaluated in Litas. Should the Tender prices be denominated in a foreign currency, they shall be recalculated in Litas according to the exchange rate between Litas and that respective foreign currency as set and announced by the Bank of Lithuania on the last day of Tender submission;

35.16. The time (day, hour, minute) and the venue of opening of the envelopes (hereinafter referred to as the "opening of the Tenders") or review of the Tenders submitted in the electronic format (hereinafter referred to as the "review of electronic Tenders", that, alike the Tenders submitted in the envelopes, shall be referred to as the "opening of the Tenders");

35.17. The procedures of opening of the Tenders and the examination of the Tenders, also including information whether the Suppliers are allowed to participate during the procedure of opening of the Tenders;

35.18. In the case when the evaluation is based on the cost efficiency criterion – the criteria used for the evaluation of the Tenders, the importance of each of them in the overall assessment shall be indicated along with the evaluation rules and procedures. The comparative weight of every

criterion selected to determine the most economically beneficial Tender shall be indicated in the Instructions to Tenderers. The comparative weight may be expressed either by the specific value or by establishing the range into which every value assigned for the respective criterion shall fall. In the case when it is not possible to establish the comparative weight of the evaluation criterion, ranking of the criteria applied in the Instructions to Tenderers shall be indicated according to their descending order;

35.19. The main terms and conditions of the Sales-Purchase Contract (Framework Agreement) proposed to be signed or the Draft Sales-Purchase Contract. If the possibility to amend the terms and conditions of the Sales-Purchase Contract is provided, the information about the circumstances under which the Sales-Purchase Contract may be amended, the procedure and documentation thereof;

35.20. If requested, the requirements of the Tender Security and/or Performance Security;

35.21. If the LMBA sets the requirement that the group of economic operators whose Tender has been ranked as the successful Tender should be incorporated in a certain legal form – the requirements for this legal form of incorporation;

35.22. The methods to be used by the Suppliers in requesting the clarification of the Instructions to Tenderers;

35.23. The procedure for modification and withdrawal of the Tenders;

35.24. The Supplier can be requested to indicate in his Tender what sub-contractors, sub-suppliers or sub-providers he intends to hire and the specific portion of the procured scope to be implemented by any of them;

35.25. In the cases when the LMBA, acting in line with Article 13 of the Law on Public Procurement, in the Instructions to Tenderers sets the conditions granting to social undertakings of disabled people an exclusive position for taking part in the procurement procedure or stipulates that the procurement procedure has to be carried out in accordance with the employment programs of supported persons the majority of whom are disabled persons, or the procurement procedure has to be carried out in line with the provisions of Article 91 of the Law on Public Procurement - a reference to this type of procurement as well as the requirement for the Supplier to justify his compliance with the requirements of the mentioned Articles by submitting a document issued by the competent institution or a declaration approved by the Supplier.

35.26. Other relevant information about the procurement conditions and procedures.

36. The LMBA shall be entitled to set forth in the Instructions to Tenderers the conditions for performance of the Sales-Purchase Contract related to the social and environmental protection needs if these conditions comply with the legal acts of the European Community.

37. The Simplified Procurement Notice shall be an integral part of the Instructions to Tenderers. It is allowed not to provide repeatedly the information that has been already placed in the Procurement Notice, i.e. in other procurement documents only references to the respective information in the Procurement Notice would be sufficient.

38. In the case of low-value purchases, as well as in the case when only one Supplier has been asked to submit his Tender after the Inquiry on Price Quotas, it shall be allowed to include only partial information listed in Item 35 herein, should the LMBA consider certain information to be irrelevant.

39. The Instructions to Tenderers that can be submitted by electronic means, including technical specifications, clarifications (revisions) of the documents as well as the responses to the Suppliers' inquiries shall be placed on CVP IS together with the Procurement Notice. If it is not possible to place the Instructions to Tenderers on the CVP IS, or if the procurement procedure is carried out without the Procurement Notice, the Supplier shall be provided with the Instructions to Tenderers by other means, including personal delivery, registered mail, fax, e-mail.

40. The Instructions to Tenderers shall be provided to the Suppliers commencing from the date of publication of the Procurement Notice or the date of sending the Procurement Notice and till the deadline for submission of the Tenders set forth in the Instructions to Tenderers. The Instructions to Tenderers shall be immediately provided to the Supplier who has requested for it, however no later

than within 1 business day after the receipt of the request. If the Instructions to Tenderers have been already placed on the websites of CVP IS, LMBA or any other website, it is allowed not to provide the Instructions to Tenderers additionally.

41. The LMBA shall be entitled to charge uniform fees from all Suppliers consisting of the actual costs of making copies of the document and its submission to Suppliers. An additional fee, consisting of the translation costs, may be charged for translation of the document into a foreign language.

42. The Supplier shall be entitled to request for the clarification of the Instructions to Tenderers from the LMBA. The LMBA shall respond to every written request of the Supplier to clarify the Instructions to Tenderers, if the request has been received no later than 4 business days prior to the deadline of the Tender submission. The LMBA shall respond to the received request to clarify the Instructions to Tenderers no later than within 3 business days from the date of receipt thereof. The LMBA, by responding to the Supplier, shall also send the clarification to all other Suppliers whom it has provided with the Instructions to Tenderers, however without indicating from whom the request for clarification has been received. If the Instructions to Tenderers were placed on the website, the clarifications of the Tender Documents shall be also placed therein. The response shall be sent so that it would be received by the Supplier no later than one business day prior to the expiration of the deadline of the Tender submission.

43. Prior to the expiration of the deadline of the Tender submission, the LMBA on its own initiative may clarify (revise) the Tender Documents, by revising the already publicized information as well. The clarifications shall be sent (publicized) with sufficient time gap before the expiration of the deadline of the Tender submission.

44. If a meeting with Suppliers is arranged by the LMBA, the latter shall write the Minutes of the meeting. All questions asked during the meeting regarding the Instructions to Tenderers as well as responses to these questions shall be recorded in the Minutes. An extract from the Minutes shall be considered to be the clarification of the Instructions to Tenderers that has to be provided to the Suppliers according to the procedure laid down in Item 42 herein.

45. If upon having clarified (revised) the Instructions to Tenderers the LMBA is not able to provide it on the dates set forth in Items 42 or 43 herein, the latter shall postpone the deadline of the Tender submission. The deadline shall be postponed for the reasonable time period, during which the Suppliers, while preparing their Tenders, would be able to take into consideration these clarifications (revisions) and to properly prepare their Tenders. The LMBA shall take into consideration that in certain cases new Suppliers can express their willingness to take part in the procurement procedure after the clarification (revision) of the Instructions to Tenderers, hence the deadline for the Tender submission shall be set in such a way that these Suppliers would have sufficient time to apply for obtaining the Instructions to Tenderers and to prepare their Tenders.

46. The Information Notices about each postponed deadline of the Tender submission shall be sent to all Suppliers who have been provided with the Instructions to Tenderers. If the Instructions to Tenderers are publicized on the website, the Notice about the postponement of the deadline for the Tender submission shall be placed therein as well. It shall be allowed not to publicize information about the postponement of the deadline of the Tender submission in the publications listed in Chapter III herein, if other publicized information in the Simplified Procurement Notice has not been adjusted and if the principles of public procurement are not breached in the case of failure to give the Notice about the postponement of the deadline of the Tender submission.

## **V. REQUIREMENTS FOR PREPARATION OF TENDERS AND REQUESTS**

47. By defining in the Instructions to Tenderers the requirements for preparation and submission of the Tenders (Projects), it shall be indicated that:

47.1. The Tender or the Request shall be submitted in writing and signed either by the Supplier or his authorized representative, and the Tender (Project) or Request in an electronic



format shall be submitted with safe electronic signature complying with the requirements laid down by the Law on Electronic Signature of the Republic of Lithuania;

47.2. The Tenders submitted by non-electronic means shall be enclosed in the sealed envelope; on the envelope there shall be written: the title of the procurement procedure, the Supplier's name and address and the inscription "Do not open till ...."(the deadline for the Tender submission);

47.3. Should it be projected to evaluate the Tenders according to the criterion of the cost benefits, when they are evaluated by the methods of assessment by relevant experts, the Suppliers shall submit the price of the Tender in one sealed envelope, and the remaining parts of the Tender - technical data of the Tender along with other information and documents – in another sealed envelope. Both envelopes shall be enclosed in an outer envelope that shall be sealed and bear the title of the procurement procedure, the Supplier's name and address and the inscription "Do not open till .... " (the deadline for the Tender submission); The requirement to submit the Tender in two envelopes shall not be applicable when the procurement procedure is carried out by the method of the Inquiry on Price Quotas, when the terms and conditions of the Tender may be negotiated during the procurement procedure;

47.4. It shall be laid down in the Instructions to Tenderers that the pages of the Tender (individual parts thereof) shall be numbered, bound together with a thread that would not allow to supplement the Tender with new pages, to tear out the existing pages or to replace the pages without having damaged the bind. In this case the thread on the back side of the last page shall be sealed with a slip of paper, and the Supplier or his authorized representative shall put their signatures on this slip. On the back side of the last page of the Tender there shall be indicated the name, surname and the position of the person who put his signature. The document serving as the Tender Security shall be left unbound and shall not be numbered.

48. By setting in the Instructions to Tenderers the requirements for preparation and submission of the Tenders or Requests, it shall be indicated that the Supplier is entitled to submit only one Tender (one Tender for each part of the scope of supply), excluding the cases when the submission of the Alternative Tenders is allowed by the provisions of the Instructions to Tenderers. Should the scope of procurement be split into individual parts, in certain justified cases it may be stipulated that the Supplier is entitled to submit his Tender for only one, or several or all parts of the scope of supply.

## VI. TECHNICAL SPECIFICATION

49. By implementing the simplified procurement procedures, excluding the low-value purchases, the Technical Specification shall be prepared abiding by the provisions of Article 25 of the Law on Public Procurement. However, by preparing the Technical Specification for low-value purchases, compliance with the principles laid down by Article 3 of the Law on Public Procurement shall be assured.

50. Each type of procured supplies, services or works shall be clearly and unambiguously described; the description shall not discriminate the Suppliers and shall assure competition among them.

51. The Technical Specification shall be drawn by indicating the relevant standards, technical regulations or norms, or by specifying functional properties of the procured item, or by describing the desirable result or by the combination of the mentioned methods.

52. By preparing the Technical Specification, the properties of the procurement object or the intended purpose of use of the procurement object shall be indicated (e.g. capacity, dimensions, power consumption, expected benefits from the use of the procurement object, etc.) along with the required values of these properties. The values shall be indicated either as the marginal values (*no more than...., no less than....*), or as their range (*from .... to*). Only in justified cases the values can be exactly specified (*shall be equal to ...*).

53. Should supplies and/or works be procured together with the services, or services, works together with supplies, or supplies, services together with works, in the Technical Specification the requirements shall be respectively set for these together procured supplies, works or services.

54. If it is permitted to submit Alternative Tenders, the minimum requirements that have to be satisfied by these Tenders shall be specified. The Alternative Tenders shall not be accepted by evaluating them according to the lowest price criterion.

55. By preparing the Technical Specification it shall not be permitted to request for the particular supplies, manufacturer or source of supply, production process, brand, patent, country of origin, excluding the cases when there is no possibility to precisely and clearly specify the procurement object or the procurement object may be proposed only by a sole Supplier. In this case it is mandatory to indicate that the items that are equivalent in terms of their properties shall be acceptable by writing in the specification the phrase "or equivalent to".

56. The Technical Specification may also comprise the environmental protection requirements. Certain requirements may be set in the Instructions to Tenderers, e.g. for the method of manufacturing or the main used materials (food shall not be processed by using hazardous substances, a certain part of consumed materials shall be produced from recycled waste, or power shall be generated from renewable energy resources) or for the environmental impact by certain product categories or services. In this case, the requirements raised for the properties of the procurement object by the relevant standards or ecologic labeling shall be specified, and the documents issued by official institutions or the manufacturer's confirmation shall be considered as evidencing compliance with these requirements.

57. To confirm compliance of supplies, works or services with the mandatory technical requirements set forth in the legal acts, it may be requested to provide the documents issued by official institutions( if such are available). In the Instructions to Tenderers it may be requested to submit descriptions, specimens or photos of delivered supplies or rendered services by the Supplier or to request the Supplier's permission for the site visit.

58. For the procurement procedures of a big scope and importance, for the services listed in Appendix 2, List of Services B of the Law on Public Procurement, when the value of a procurement object is no less than the set marginal value of an open international procurement procedure, the LMBA shall announce in advance the draft Technical Specifications. To assess whether the procurement object can be considered to be of a big scope and importance, the LMBA shall act in accordance with the provisions of the acting edition of Order No 1S-49 as of 15 May 2009 of the Director of the Public Procurement Office under the Government of Lithuania *Re: Approval of the Procedure for the Announcement of Information about the Pre-planned Procurement Procedures in the Central Portal of Public Procurement* (Official Gazette, 2009, No 60-2396).

## **VII. PRE-QUALIFICATION ASSESSMENT OF SUPPLIERS**

59. In order to ascertain that the Supplier will be capable of performing the Sales-Purchase Contract, abiding by the provisions of Articles 32-38 of the Law on Public Procurement and the Methodological Recommendations for Suppliers' Pre-qualification Assessment approved by the Order No 1S-100 of the Director of the Public Procurement Office as of 20 October 2003 (Official Gazette, 2003, No 103-4623; Official Gazette, 2009, No 39-1505) (acting edition of both documents), the requirements for the Suppliers' qualification shall be set in the Instructions to Tenderers and the pre-qualification assessment of Suppliers shall be carried out.

60. The pre-qualification selection of the Suppliers shall not be mandatory when:

60.1. In the already performed simplified procurement procedure neither of the received Tenders complied with the requirements of the Instructions to Tenderers or the proposed prices were too high and unacceptable to the LMBA, but the procurement conditions basically remained unchanged and all Suppliers who submitted their Tenders and complying with the minimum

qualification requirements set by the LMBA are invited to take part in the procurement procedure arranged by the method of the Inquiry on Price Quotas;

60.2. Due to technical, artistic reasons, only a particular Supplier is capable of supplying requested supplies, rendering services or performing works, and there is no other alternative;

60.3. When the LMBA had procured certain supplies or services from a particular Supplier according to the previously concluded Sales – Purchase Contract and established that it would be reasonable to make additional purchases from the same Supplier to achieve technical compatibility with the already delivered supplies and rendered services, and if the previously implemented procurement procedures were efficient, the prices of supplies and services as well as other conditions remain unchanged, and the alternative purchases would not be acceptable due to their technical incompatibility forasmuch as the LMBA would not be able to use the previously procured supplies or services or would bear significant losses if the LMBA procures supplies or services having different technical characteristics;

60.4. Quoted supplies are procured at the Commodity Exchange;

60.5. Exhibits of museums, archive and library documents are procured, newspapers and journals are subscribed to;

60.6. Purchases are made under especially favorable conditions from the economic operators that have been bankrupt, liquidated, restructured or have suspended their operations;

60.7. Supplies are procured from the state reserve;

60.8. Licenses are procured for the use of library documents or databases (information bases);

60.9. Due to the circumstances that could not have been foreseen it has turned out that additional works or services are needed that have not been included in the already concluded Sales-Purchase Contract however without which it is not feasible to complete the performance of the Sales-Purchase Contract;

60.10. Training services for personnel working under employment contracts are procured;

60.11. Intangible (intellectual) services are procured that are rendered by the members of expert commissions, committees, councils the establishment procedure thereof has been laid down by the laws of the Republic of Lithuania;

60.12. In the case of low-value purchases.

## **VIII. EXAMINATION AND ASSESSMENT OF TENDERS**

61. The Tenders shall be accepted abiding by the procedure set forth in the Instructions to Tenderers. The envelopes with the Tenders that have been received with delay shall not be opened and shall be returned to the Suppliers who have submitted them. The Tenders submitted in unsealed envelopes, mechanically or otherwise damaged envelopes or envelopes that may cause doubts on the secrecy of the Tenders shall be not be accepted and shall be returned to the Suppliers who have submitted them.

62. The envelopes with the Tenders shall be opened, the Tenders shall be examined and evaluated by the Simplified Procurement Commission.

63. The envelopes with the Tenders shall be opened in line with the procedure set forth in Article 31 of the Law on Public Procurement.

64. The examination and evaluation of the Tenders shall be confidential, without the participation of the representatives of the Suppliers who have submitted the Tenders.

65. The Commission, while examining the Tenders, shall:

65.1. Verify compliance of qualification data indicated in the Suppliers' Tenders with the minimum qualification requirements set forth in the Instructions to Tenderers. If it is established that the qualification data provided by the Supplier are incomplete or inaccurate, the Supplier shall be asked to revise the data;

65.2. Verify compliance of the Tender with the requirements set forth in the Instructions to Tenderers ;

65.3. Upon having established any calculation errors of the price indicated in the Tender, the Commission shall request the Tenderers to correct arithmetic errors established in the Tender without adjusting the price that was announced during the meeting arranged for opening of the envelopes with Tenders. By correcting arithmetic errors established in the Tender, the Tenderer shall have no right to withdraw any constituent components of the price or to supplement the price with new components. If the Tenderer has failed to correct arithmetical errors during the time period established by the LMBA and(or) has failed to explain the Tender, his Tender shall be considered as non-complying with the requirements set forth in the Instructions to Tenderers ;

65.4. If the price of the Tender denominated in numbers does not coincide with the price denominated in words, the price in words shall be considered to be the correct price;

65.5. If the price indicated in the Tender is unreasonably low, the Commission shall be entitled, and, in the case of the Commission's intent to reject the Tender, shall be obligated to request from the Tenderer to provide a written justification of the constituent components of the price. In order to make sure whether the price of the submitted Tender is unusually low, the LMBA shall act in accordance with the definition of the concept of the unusually low Tender price of supplies, services or works approved by the Order No 1S-96 as of 30 September 2009 of the Director of the Public Procurement Office (Official Gazette, 2009, No. 119-5131) and shall take into consideration the recommendations for justification of the unusually low price of supplies, services and works approved by the Order No 1S-122 as of 10 November 2009 of the Director of the Public Procurement Office (Official Gazette, 2009, No. 136-5965).

65.6. Verify whether the proposed prices are not unreasonably high.

66. In the case of uncertainties regarding the content of the Tender, the LMBA shall be entitled to request the Tenderers to provide the relevant explanations without adjusting the Tender. If deemed necessary, the Suppliers or their representatives may be invited to take part at the meeting of the Commission by informing them what questions they will have to answer during the meeting.

67. The LMBA shall reject the Tender if:

67.1. The Supplier has failed to comply with minimum qualification requirements;

67.2. The Supplier in his Tender provided inaccurate or incomplete data about his qualification and has failed to revise the data upon having been requested to do so by the LMBA;

67.3. The Tender has not complied with the requirements laid down by the Instructions to Tenderers ;

67.4. The proposed price was unreasonably low and the Supplier, at the LMBA request, failed to provide a written justification of the constituent components of the price or to otherwise substantiate the unreasonably low price;

67.5. The prices proposed by all other Tenderers, whose Tenders have not been rejected due to other reasons, were too high and unacceptable to the LMBA.

68. The Tenders that were not rejected due to the reasons indicated in Item 67 herein shall be evaluated on the basis of one of the following criterion:

68.1. Economically most beneficial proposal, when the Sales-Purchase Contract is concluded with the Supplier that has provided the most beneficial proposal to the LMBA, selected according to the criteria set forth in the Instructions to Tenderers that are related to the object of procurement; usually these are the criteria of quality, price, technical advantages, esthetical and functional characteristics, environmental characteristics, operational costs, efficiency, servicing under warranty and technical support, date of delivery, time of delivery or time of completion. The pre-qualification selection criteria shall not be applied for the evaluation of the Tenders;

68.2. The lowest price.

69. In procuring the services of data processing, services that are complicated from the artistic or cultural point of view or similar services, the Tenders shall be evaluated according to the criteria set forth by the LMBA that will not be necessarily based on the lowest price evaluation criterion or the criterion of the most cost-efficient Tender.

70. The Commission, upon having evaluated the Tenders submitted by the Tenderers according to the evaluation criteria and procedure set forth in the Instructions to Tenderers, and in the cases prescribed by Article 32, paragraph 8 of the Law on Public Procurement – upon having examined the compliance of the Supplier whose Tender according to the evaluation results has to be ranked as the successful Tender with the minimum pre-qualification requirements, shall establish the ranking of the Tenders (excluding the cases when only one Supplier has been invited to submit his Tender or the Tender has been provided by only one Supplier) based on the decreasing order of cost benefits or according to the increasing order of prices. In the cases when during the evaluation based on the criterion of the most cost-efficient Tender, the cost benefits of the Tenders of several Suppliers are the same, or during the evaluation based on the lowest price criterion the price proposed by several Suppliers is the same, then during ranking of the Tenders the priority shall be given to the Supplier whose envelope with the Tender was registered earlier. The Tender that is ranked the first shall be acknowledged as the successful Tender.

71. The Commission shall immediately (no later than within 5 business days) by fax, e-mail, other electronic means inform the interested candidates or interested Tenderers about the decision made on entering into Sales-Purchase Contract or the Framework Agreement, shall provide the respective summarized information that has not been provided yet in the course of the procurement procedure and shall indicate the established ranking of the Tenders, the successful Tender, the exact period of postponement. The Procuring Organization shall also indicate the reasons for the decision made on not entering into the Sales - Purchase Contract or the Framework Agreement, or on starting the procurement procedure anew. This requirement shall not be applicable when the inquiry for price quotas has been carried out orally.

72. In the cases when only one Supplier has been invited to submit his Tender or the Tender has been submitted by only one Supplier, his Tender shall be considered to be the successful Tender if it has not been rejected according to the provisions of Item 67 herein.

## **IX. THE SALES - PURCHASE CONTRACT**

73. Either the Commission or the Organizer of the Procurement Procedure, upon having completed the procurement procedures, shall prepare the Draft Sales - Purchase Contract, if it has not been prepared yet as an integral part of the Instructions to Tenderers, and shall arrange signing of the Sales – Purchase Contract.

74. The LMBA shall award the contract to the Tenderer whose Tender has been selected as the successful Tender. The Supplier shall be invited in writing to conclude the Sales-Purchase Contract (excluding the cases when the transaction is concluded orally).

75. The deadline until which the Tenderer has to arrive for signing the Sales – Purchase Contract without breaching the requirements of Items 76 and 77 herein shall be indicated in the notice on the contract award.

76. The Sales – Purchase Contract shall be concluded immediately, however not prior to the expiration of the period of postponement of signing the Sales - Purchase Contract prescribed by the Law on Public Procurement. The period of postponement may be not applied in the following cases:

76.1. when the main Sales-Purchase Contract is concluded on the basis of the Framework Agreement;

76.2. when the Tender was submitted by only one Supplier;

76.3. when the Tender proposal was provided orally;

76.4. when the price of the Sales – Purchase Contract is below LTL 10 thousand.

77. In the cases set forth herein, when the LMBA publishes the Information Notice in the *Official Gazette*, *Annex Information Notices* and in the Central Portal of Public Procurement, the Sales - Purchase Contract can be concluded no earlier than after 5 business days from the date of publication of the Information Notice.

78. In the cases when the Sales - Purchase Contract is concluded in writing and the Supplier who has been chosen for the contract award refuses in writing to conclude the Sales – Purchase Contract, the LMBA shall propose to sign the Sales – Purchase Contract to the Supplier whose Tender according to the approved ranking of the Tenders immediately follows the Supplier who has refused to conclude the Sales – Purchase Contract.

79. Besides, either of the following cases shall be treated as the refusal to conclude the Sales – Purchase Contract:

79.1. The Supplier has failed to submit the Performance Security set forth in the Instructions to Tenderers ;

79.2. The Supplier has failed to arrive for signing the Sales-Purchase Contract till the deadline established by the LMBA;

79.3. The Supplier has refused to conclude the Sales – Purchase Contract on the terms and conditions set forth in the Instructions to Tenderers.

79.4. The group of economic operators whose Tender was ranked as the successful one, has failed to obtain the legal form requested by the LMBA.

80. By concluding the Sales – Purchase Contract neither the price of the successful Tender nor the final price recorded either in the Minutes of the meeting of negotiations or in the final Tender submitted after the negotiations, nor the conditions set forth in the Instructions to Tenderers or in the Tender shall be adjusted.

81. The Sales – Purchase Contract shall be concluded in writing, excluding the cases when the sales-purchase transaction may be concluded orally.

82. The sales-purchase transaction may be concluded orally when the value of the planned transaction is below LTL 10 thousand, and performance of contractual obligations is not secured by any types of Performance Securities of liabilities set forth in the Civil Code.

83. The content of the Sales-Purchase Contract shall comply with the requirements laid down by Article 18 of the Law on Public Procurement. During the contract validity the terms and conditions of the Sales- Purchase Contract shall not be adjusted, excluding the terms and conditions of the Sales - Purchase Contract the adjustment thereof would not cause the infringement of the principles and objectives laid down by the Law on Public Procurement and subject to the consent of the Public Procurement Office for such adjustment of the terms and conditions of the Sales - Purchase Contract. It is allowed to address the Public Procurement Office regarding only such terms and conditions of the Sales – Purchase Contract the circumstances of adjustment thereof could not have been foreseen by the parties during submission of the Tenders, and the circumstances that are beyond the parties' control and the risks of their occurrence have not been assumed by either party of the Sales – Purchase Contract.

## **X. FRAMEWORK AGREEMENT**

84. The LMBA, upon having completed the simplified procurement procedures, may conclude the Framework Agreement under the following conditions and procedure:

84.1. On the grounds of the Framework Agreement, the LMBA may enter into one or several Sales – Purchase Contracts (hereinafter – the "Main Contract"). By concluding the Framework Agreement, and by subsequently concluding the Main Contract, the LMBA shall abide by the Law on Public Procurement and these Regulations.

84.2. The Framework Agreement shall be only concluded in writing, for no longer than a four-year period. The Main Contract concluded on the basis of the Framework Agreement for purchases of supplies and services with the contract price up to LTL 10 thousand may be concluded orally. In the case when the Main Contract is concluded orally, communication with Suppliers envisaged by Items 84.5 - 84.6 may also be oral.

84.3. By concluding the Framework Agreement, the Parties shall agree on the terms and conditions to be applied in the Main Contract concluded on the grounds of the Framework

Agreement. The fundamental conditions of the Main Contract shall be set forth in the Framework Agreement: the object of procurement, the price and quantity or the scopes and prices, the conditions for defining the scopes or quantities, other conditions. By entering into the Main Contract, the parties shall not adjust the essential conditions of the Framework Agreement. The LMBA may resolve to set forth in the Framework Agreement not only the fundamental conditions, but all terms and conditions of the Main Contract to be concluded on the basis of the Framework Agreement.

84.4. The LMBA may enter into the Framework Agreement with one or several Suppliers. In the cases when the Framework Agreement is concluded with several Suppliers, there shall be no less than three of them, provided that there are three and more Suppliers that comply with the established pre-qualification selection requirements and have submitted acceptable Tenders. The Main Contract shall be concluded only with those Suppliers with whom the Framework Agreement has been signed.

84.5. In the cases when the Framework Agreement has been signed with:

84.5.1. A single Supplier and all terms and conditions of the Main Contract have been set forth in the Framework Agreement, then the Main Contract shall be concluded in line with the terms and conditions of the Framework Agreement by inviting the Supplier to sign the Main Contract.

84.5.2. A single Supplier, and only the fundamental, but not all terms and conditions of the Main Contract have been set forth in the Framework Agreement, then the LMBA shall address the Supplier in writing by requesting him to amend the Tender till the established deadline and shall request to make the amendments in the manner that would not modify the essence of the Tender.

84.5.3. Several Suppliers, and the core terms and conditions of the Main Contract have been set forth in the Framework Agreement, then the Main Contract can be concluded without re-opening the tendering procedures among the Suppliers. The circumstances for the selection of the Supplier for concluding the Main Contract with him shall be defined by the Framework Agreement. Usually, however not in all cases, the principle of setting the priority shall be applied: firstly the LMBA shall address in writing the Supplier whom it considers to be the best by proposing to enter into the Main Contract on the basis of the Framework Agreement. Should this Supplier refuse to enter into the Main Contract or should it turn out that he will not be capable of performing the Main Contract, the LMBA shall in writing address another Supplier, considered to be the best among the remaining Suppliers by proposing to enter into the Main Contract, and so on, until the Supplier with whom the Main Contract will be signed is selected.

84.5.4. Several Suppliers, then the Main Contract may be concluded by re-opening the tendering procedures among the Suppliers on the same conditions as those set in the Framework Agreement or on the revised conditions, or, if deemed necessary, on different conditions than those set in the Framework Agreement and according to the procedure set forth in Item 84.6 herein.

84.6. By re-opening the tendering procedure among the Suppliers, the LMBA shall:

84.6.1. Address in writing all Suppliers with whom the Framework Agreement has been concluded and shall request them to submit their Tenders in writing till the established deadline. The reasonable deadline for the submission of the Tenders shall be established with regard to the complexity of the procurement object and other relevant conditions;

84.6.2. Abiding by the Tender evaluation criteria set forth in the Framework Agreement, shall select the successful Tender and shall enter into the Main Contract with the Supplier who has submitted this Tender.

84.7. The Main Contract may be concluded without delay on the basis of the Framework Agreement, after the Supplier is informed in writing (excluding the Main Contract to be concluded orally) that his Tender has been ranked as the successful Tender and he has been selected for the contract award.

## **XI. SIMPLIFIED PROCUREMENT METHODS AND CONDITIONS WHEN THEY ARE APPLIED**

85. Simplified procurement procedures shall be exercised by the following methods:

- 85.1. Simplified Open Procurement Procedure;
- 85.2. Simplified Closed Procurement Procedure;
- 85.3. Simplified Negotiated Procedure with a Procurement Notice;
- 85.4. Inquiry on Price Quotas.

86. The procurement procedure by the methods of the Simplified Open Procurement Procedure, Simplified Closed Procurement procedure, Simplified Negotiated Procedure with a Procurement Notice can be implemented in all cases after having given a respective notice thereof.

87. The procurement procedure by the method of the Inquiry on Price Quotas shall be implemented in the cases set forth by the Law on Public Procurement, Article 92, Paragraphs 3-7 as well as in the case of low-value purchases.

## **XII. SIMPLIFIED OPEN PROCUREMENT PROCEDURE**

88. By arranging the Simplified Open Procurement Procedure, the number of the Tenderers shall not be limited. The Procurement Notice shall be issued abiding by the procedure set forth in these Regulations. During the Simplified Open Procurement Procedure the negotiations between the LMBA and the Tenderers shall not be allowed.

89. The deadline for submission of the Tenders shall be no less than 10 business days from the date of placing the Simplified Procurement Notice in the *Official Gazette, Annex Information Notices*, and in the case of low-value purchases – no less than 3 days from their announcement in the Central Portal of Public Procurement. If upon the announcement of the procurement procedure the LMBA provides the Suppliers with a possibility to directly and without any restrictions familiarize themselves by electronic means with the Instructions to Tenderers and if the website address has been indicated in the Simplified Procurement Notice where all these documents are available as well as in the cases of urgency or supposing that the characteristics of the procurement object are commonly known on the market, then the deadline for tender submission may be reduced, however no more than up to 7 business days.

## **XIII. SIMPLIFIED CLOSED PROCUREMENT PROCEDURE**

90. During the Simplified Closed Procurement Procedure the negotiations between the LMBA and the Tenderers shall not be allowed. The LMBA shall carry out the Simplified Closed Procurement Procedure in stages:

90.1. It shall announce about the simplified procurement abiding by the procedure set forth in these Regulations and on the basis of pre-qualification criteria shall select the candidates who will be invited to submit their Tenders;

90.2. It shall examine, evaluate and compare the Tenders abiding by the provisions set forth in the Instructions to Tenderers.

91. The deadline for submission of the Requests to participate in the procurement procedure shall be no less than 7 business days from the date of publication of Simplified Procurement Notice in the *Official Gazette, Annex Information Notices*, and in the case of low-value purchases – from the date of their notification in the Central Portal of Public Procurement. The deadline for submission of the Tenders shall be no less than 7 business days from the date when the invitations to the Suppliers to submit their Tenders were sent, in the case of low-value purchases – 3 business days from the date when the invitations to the Suppliers to submit their Tenders were sent.



92. The LMBA in its Simplified Procurement Notice shall define the minimum number of candidates to be invited to submit their Tenders, the pre-qualification selection criteria for the candidates and the selection procedure. The number of invited candidates shall be no less than 3. The number of candidates invited to submit their Tenders shall be no less than the minimum number of candidates to be invited set by the LMBA. The LMBA shall invite all candidates complying with the minimum pre-qualification requirements to submit their Tenders. In the course of the procurement procedure the LMBA shall not be allowed to invite the Suppliers or candidates who have not submitted their Requests to take part in the Tender or the candidates who failed to comply with the minimum- pre-qualification requirements.

93. The pre-qualification selection shall be carried out exclusively among those candidates who satisfied the minimum pre-qualification requirements established by the LMBA. The LMBA, by establishing the number of the candidates to be selected, the pre-qualification selection criteria and the procedure thereof, shall comply with the following requirements:

93.1. The real competition shall be assured, the pre-qualification selection criteria shall be unambiguous and undiscriminating;

93.2. The pre-qualification selection criteria shall be established on the basis of the Law on Public Procurement, Articles 35-38.

#### **XIV. SIMPLIFIED NEGOTIATED PROCEDURE WITH A PROCUREMENT NOTICE**

94. By implementing the Simplified Negotiated Procedure with a Procurement Notice, the Simplified Procurement Notice shall be issued according to the procedure set forth in these Regulations.

95. The Simplified Negotiated Procedure with a Procurement Notice shall be exercised:

95.1. By the Simplified Procurement Notice inviting interested Suppliers to submit their Tenders;

95.2. By the Simplified Procurement Notice inviting interested Suppliers to submit their Requests to participate in the procurement procedure and by limiting the number of candidates who will submit their Tenders.

96. When the number of candidates is limited, the pre-qualification selection shall be arranged, as set forth in Item 93 herein. The minimum number of candidates indicated in the Simplified Procurement Notice who will be invited to take part in the negotiations, shall be no less than 3. The number of candidates invited to submit their Tenders shall be no less than the minimum number candidates to be invited set by the LMBA. If the number of candidates complying with the minimum qualification requirements is less than the established minimum number candidates to be invited, the LMBA shall invite all candidates who comply with the set minimum pre-qualification requirements to submit their Tenders. During the procurement procedure the LMBA shall not be allowed to invite the Suppliers or candidates who have not submitted their Requests to take part in the Tender or the candidates who failed to comply with the minimum pre-qualification requirements.

97. When the number of candidates is not limited, the Suppliers shall be requested to submit their initial Tenders until the deadline indicated in the Instructions to Tenderers, which shall not be shorter than that which is indicated in Item 89 herein. When the number of candidates to be invited to take part in the negotiations is limited, the deadline for submission of the Request to participate in the procurement procedure shall no less than 7 days from the publication of the Procurement Notice in the *Official Gazette*, *Annex Information Notices*, and in the case of low-value purchases – from the date of notification in the Central Portal of Public Procurement.

98. The LMBA shall carry out the negotiations in the following stages:

98.1. The Suppliers will be requested to submit their Tenders till the expiration of the deadline set forth in the Procurement Notice. When the number of candidates is limited, the

candidates chosen during pre-qualification selection will be invited to submit the initial tenders till the expiration of the deadline indicated in the Instructions to Tenderers;

98.2. The LMBA shall familiarize itself with the initial tenders and shall invite the Tenderers complying with the minimum qualification requirements (when the pre-qualification selection is undertaken – all Tenderers who have submitted their initial Tenders) for negotiations;

98.3. The terms and conditions of the Tender shall be negotiated with each Supplier individually with an aim to accomplish the best results. Upon completion of the negotiations, the Tenderers may be requested to submit their final price quotas in the sealed envelopes. Opening of these envelopes and the announcement of the quoted prices shall be arranged at the public meeting, which can be attended by all Suppliers who have submitted their Tenders, and their representatives;

98.4. The successful Tender shall be established according to the procedure and criteria of the Tender evaluation laid down in the Instructions to Tenderers, according to the results of the negotiations recorded in the Tenders and the Minutes of the negotiations.

99. The LMBA shall be entitled to enter into negotiations with every Supplier individually. The procedure of the negotiations shall be laid down in the Instructions to Tenderers.

100. The following requirements shall be abided by in the course of the negotiations:

100.1. The LMBA shall not disclose to the third parties any information received from the Supplier without his prior consent; Moreover, the Supplier shall not be informed about any agreements reached with other Suppliers

100.2. The same requirements shall be applied to all Suppliers, they will be provided with equal opportunities and uniform information; While providing information, the LMBA shall not discriminate certain Suppliers to advantage of the others;

100.3. The progress of the negotiations shall be documented in writing. The Minutes of the negotiations shall be signed by all members of the Commission who were present during the negotiations as well as the authorized representative of the Tenderer with whom the negotiations were held. If the negotiations are carried out in the form of letters or e-mails, the Minutes of the negotiations shall be written in the cases when the letters of the negotiations are being sent via e-mail and they bear no electronic signature. The progress of the negotiations as well as the agreements reached resultant of the negotiations shall be recorded in the Minutes.

## **XV. INQUIRY ON PRICE QUOTAS**

101. In implementing the simplified procurement procedure by means of the Inquiry on Price Quotas, one or several Suppliers shall be addressed by asking them to submit their Tenders in line with the LMBA requirements. If the Inquiry on Price Quotas is undertaken after the Simplified Open Procedure, Simplified Closed Procedure or the Simplified Negotiated Procedure with the Procurement Notice, upon having rejected all Tenders, the Suppliers complying with the minimum qualification requirements shall be addressed to confirm their consent to take part in the procurement procedure. During the Inquiry on Price Quotas the conditions of the Tender may be negotiated. The LMBA in its Instructions to Tenderers shall indicate whether the negotiations will be arranged, or in what cases the negotiations will be arranged as well as the procedure of the negotiations.

102. The LMBA, while requesting to submit the Tenders, shall address three or more Suppliers. If 3 Suppliers are not available, all Suppliers shall be invited when:

102.1. The contract price of the intended to be concluded Sales - Purchase Contract for procurement of supplies or services exceeds LTL 1000, for procurement of works - LTL 5000;

102.2. The Inquiry on Price Quotas is carried out after the Simplified Procedure with a Procurement Notice that has not been accomplished because no Tenders or Requests have been received (if the number of Suppliers is sufficient);

102.3. The low-value purchases are arranged due to other justifiable circumstances that have made the announcement of the procurement procedure inexpedient, e.g. the announcement of

the procurement procedure would demand disproportional big efforts, time and/or expenses by the Organizer of the Procurement Procedure or by the Commission (if the number of Suppliers is sufficient);

102.4. The purchases are made from social integration companies, companies where convicts serving the sentence of arrest, custodial sentence or life imprisonment represent more than 50 percent of the employed, social integration companies where the disabled represent more than 50 percent of the employed as well as the companies where health care institutions are the stakeholders and where the patients undergoing occupational therapy account for no less than 50 percent of the employed, by procuring goods manufactured by these companies, services rendered and works performed, and three or more of such companies placed the lists of relevant supplies, services or works on the Central Portal of Public Procurement.

102.5. The Inquiry on Price Quotas is arranged for separate parts of the scope of procurement, when similar supplies, services or works have been split into separate parts and it is intended to conclude a separate Sales-Purchase Contract for each of these parts, provided that the total value of these parts (VAT exclusive) does not exceed 10 percent from the total value of all parts of the total scope of procurement of similar supplies and services, and 1.5 percent - of similar works.

102.6. When the supplies and services are purchased from funds allocated for representation expenses and when a common item is procured, i.e. the item that is not distinguished by artistic or exclusive features and it is more beneficial for the LMBA to carry out the Inquiry on Price Quotas among several Suppliers. Regardless of the fact that the procured item is not distinguished by any artistic or exclusive feature, when the item has to be urgently purchased the LMBA shall be entitled to address only one Supplier;

102.7. The training services of employees working under the employment contract are purchased and the LMBA has planned in advance to procure such services and there is a sufficient number of Suppliers who would be able to submit to the LMBA the Tenders proposing the training courses required by the LMBA.

103. Less than 3 Suppliers may be requested to submit their Price Quotas in the following cases:

103.1. The Organizer of the Procurement Procedure, an Expert or the Commission have become aware that there is a smaller number of Suppliers that are able to supply the requested goods, to render services or to perform works;

103.2. The Inquiry among the bigger number of Suppliers would demand disproportional big efforts, time and/or expenses by the Organizer of the Procurement Procedure or by the Commission (when the value of the purchased supplies, services or works is below LTL 10 thousand);

103.3. The procurement procedure has to be completed very urgently;

103.4. When due to the circumstances that could not have been foreseen in advance, it turns out that additional supplies (services) or works are needed that have not been included in the already signed Sales-Purchase Contract and that can not be technically or economically separated from the original Sales-Purchase Contract without causing substantial inconveniences to the LMBA. In this case only one Supplier with whom the original Sales - Purchase Contract has been already concluded shall be addressed to quote his price. The value of additionally concluded Sales-Purchase Contracts shall not exceed 50 percent from the value of the main Sales-Purchase Contract;

103.5. When due to technical, economic or artistic reasons or due to the exclusive rights only a particular Supplier is able to supply the required goods, to render the services or to perform the works and there is no other alternative;

103.6. There is no possibility to comprehensively and unambiguously specify the object of procurement due to its type or complexity (only the basic needs that have to be satisfied by the object of procurement are known, or there are many different methods and principles that could resolve the LMBA problems resulting in the demand for certain purchases);

103.7. When the LMBA according to the previously concluded Contract purchased goods or services from a particular Supplier and established that it is reasonable to purchase some more from the same Supplier by assuring compatibility with the already acquired goods or rendered services, and if the previous purchases were efficient, the prices for goods or services basically remained unchanged and the alternative purchases would not be acceptable because they would be technically incompatible with the previously made purchases;

103.8. The purchased goods are manufactured only for the purposes of science, experiment, studies or technical upgrading, without an aim to earn profit or to cover the costs of research or upgrading;

103.9. Licenses are purchased for access to the library documents or databases;

103.10. Services of air flights or hotels are purchased;

103.11. Qualification improvement services are purchased;

103.12. The library, patent, information-related goods/services are purchased from institutions and associations wherein the LMBA is a member, from organizations - direct manufacturers or providers of services selling goods/services to the state institutions and libraries on especially favorable conditions;

103.13. If the purchases of goods and services from a particular Supplier are arranged on a continuous basis and it has been established that these purchases enable to save time, costs and other resources of the procurement procedures.

103.14. Under other objectively justifiable circumstances preventing Inquiry on Price Quotas among a bigger number of Suppliers.

104. When the Inquiry is carried out after the procurement procedure with a Procurement Notice, during which all submitted Tenders failed to comply with the requirements of the Instructions to Tenderers or the proposed prices were too high and unacceptable to the LMBA, and the procurement conditions essentially remained unchanged, then all Suppliers who have submitted their Tenders and who have complied with the minimum qualification requirements set by the LMBA are invited to take part in the procurement procedure. During the Inquiry on Price Quotas the conditions of the Instructions to Tenderers shall not be adjusted.

## **XVI. PECULIARITIES OF LOW-VALUE PURCHASES**

105. The low-value purchases can be carried out by exercising all simplified procurement methods set forth in these Regulations by taking into consideration the conditions pre-determining the choice of these methods.

106. In the case of complex low-value procurement the Commission may place a notice about the low-value procurement on the Central Portal of Public Procurement CVP IS. In the notice (or in the documents provided together with the notice) the Instructions to Tenderers related to the low-value procurement shall be provided. When setting the deadline for the submission of the Tenders, it shall be taken into account whether all procurements conditions have been announced and are freely accessible either on the Central Portal of Public Procurement CVP IS or the LMBA website, whether the Suppliers have been requested to provide information evidencing their qualification, the complexity of the procurement object and other circumstances.

107. In the case when a notice is given about a low-value procurement, the LMBA in the Instructions to Tenderers shall provide the information deemed necessary for preparation of the Tenders: requirements for preparation and execution of the Tender, description of the procurement object, pre-qualification requirements (if applicable) and the documents evidencing compliance with these requirements, information about the evaluation of the Tenders and the main conditions of the Sales – Purchase Contract. The Suppliers shall be provided with a possibility to request the clarification of the procurement documents. If no procurement notice is given about a low-value procurement procedure, all information deemed necessary to the Suppliers shall be announced in the Invitation for Tenders.

108. Communication with the Suppliers shall be either orally or in writing. Oral exchange of information may be applied (the Suppliers may be contacted, proposals may be provided) when the procurement procedure is carried out by the method of the Inquiry on Price Quotas and:

108.1. The value of the Sales – Purchase Contract is up to LTL 20 thousand;

108.2. Due to the circumstances that could not have foreseen by the LMBA in advance, it is necessary to urgently purchase certain supplies, services or works, and it would not be possible to timely procure these supplies, services or works if the Inquiry on Price Quotas is arranged.

109. It may be requested to provide the Tenders in writing, e-mail, or by tools available on the Central Portal of Public Procurement or in envelopes. The LMBA may not request to sign the Tender or to code (cipher) the Tender submitted in the electronic format.

110. If it is requested to submit the Tenders in envelopes (or the coded (ciphered) Tenders when they are submitted in the electronic format) the Suppliers who have submitted their proposals or their authorized representatives may be invited to take part in the opening procedure of the Tenders, excluding the Negotiated Procurement Procedure. During the opening procedure of the Tenders the price quoted by the Suppliers shall be announced; if the Tender evaluation is based on the criteria of the most cost effective proposal – the technical characteristics of the Tenders shall be assessed. If it is requested to submit the coded (ciphered) Tenders only by the tools of the Central Portal of Public Procurement, at least two members of the Commission who have been authorized to open the Tenders shall familiarize themselves with the Tenders without the participation of the Suppliers (their representatives). The information about this procedure and the prices proposed by the Supplier, and, if relevant, about the technical characteristics, shall be sent to the Suppliers by the tools of the Central Portal of Public Procurement.

111. By implementing the low-value purchases, the LMBA shall not be obligated to abide by the requirements of Items 42, 47, 54, 55, 62, 63, 65, 78, 79, 84.4 - 84.6 and 100.3 hereof.

## **XVII. DOCUMENTATION AND REPORTS ON SIMPLIFIED PROCUREMENT PROCEDURES**

112. Every simplified procurement procedure shall be registered by the Commission or by the Organizer of the Procurement Procedure in the Register of Simplified Procurement Procedures (hereinafter – the “Register”). The Register shall contain the following requisites: the title of the procurement procedure, codes of supplies, services or codes according to the Common Procurement Vocabulary, the number of the Sales- Purchase Contract, the date of signing and terms of validity (to be filled in when the Contract has been already signed), the title of the Supplier, Article, Paragraph, Item of the Law on Public Procurement abiding by which the procurement procedure has been implemented, the paragraph (sub-paragraph) of the Regulations according to which the Inquiry on Price Quotas has been performed, the reasons for failure to sign the Sales – Purchase Contract (to be filled in if the Contract has not been signed), other information relevant to the procurement procedure.

113. If the procurement procedure is implemented by the Commission, its every decision shall be recorded in the Minutes. If the procurement procedure is implemented by the Organizer of the Procurement Procedure, the Form (Certificate?) of the Simplified Procurement Procedure shall be filled in, excluding the cases when only one Supplier has been addressed to submit the Single Tender.

114. Upon the completion of the procurement procedure, the Commission or the Organizer of the Procurement Procedure shall hand over all documents related to the procurement procedure to the LMBA head office.

115. The Sales-Purchase Contracts, Requests, Tenders, Instructions to Tenderers, documents of the analysis and evaluation of the Requests and the Tenders, other procurement-related documents, regardless of the method, form and format of their submission, shall be stored according to the

procedure established by the Law on Archives and Documents of the Republic of Lithuania, however for no less than four years from the date of completion of the procurement procedure.

116. The LMBA shall provide the Public Procurement Office with a written report in the form and in line with the requirements set forth by this authority on every simplified procurement procedure, including the simplified procurement procedures during which the Framework Agreement is concluded. This report shall not be provided when the simplified procurement procedure is carried out according to the already concluded Framework Agreement or in the case of low-value purchases.

117. The LMBA shall provide the Public Procurement Office with the report on all procurement procedures carried out during a respective fiscal year:

117.1. On the main Sales-Purchase Contracts concluded according to the Framework Agreements;

117.2. On the simplified procurement procedures carried out according to the requirements of Article 91 of the Law on Public Procurement;

117.3. Low-value purchases.

### **XVIII. DISSEMINATION OF INFORMATION ON SIMPLIFIED PROCUREMENT PROCEDURES**

118. The Commission or the Organizer of the Procurement Procedure shall immediately and no later than within 3 days from the date of making the decision thereof inform the Supplier about:

118.1. Rejection of the Supplier's Tender;

118.2. Ranking of the Tenders;

118.3. Termination of the simplified procurement procedure.

This Item shall not be applied when the simplified procurement procedure is carried out by means of the oral Inquiry on Price Quotas.

119. Only the members of the Commission, the LMBA President, persons authorized by him/her, and experts invited by the LMBA shall be entitled to familiarize themselves with the information related to examination, clarification, evaluation and comparison of the Tenders. This information shall be provided to the Public Procurement Office, other persons and institutions entitled to receive such information according to the Laws of the Republic of Lithuania, as well as to the public legal persons who are authorized to administrate financial support of the European Union by the Resolution of the Government of the Republic of Lithuania.

120. The LMBA, the Commission, its members and experts as well as other persons shall not disclose to any third parties any information provided by the Supplier that has been denominated by the Supplier as his confidential information without having breached the provisions of the Laws, especially regarding dissemination of information on concluded agreements and its provision to candidates and Tenderers. Confidential information shall consist of commercial (production) secrets as well as confidential aspects of the Tenders.

### **XIX. SETTLEMENT OF DISPUTES**

121. All disputes between the LMBA and Suppliers shall be settled abiding by the provisions of Chapter V of the Law on Public Procurement.

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