



AB KELIŲ PRIEŽIŪRA

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TERMS OF THE INNOVATIVE SIMPLIFIED OPEN PROJECT TENDERING PROCEDURE

**(PU-8016/21) [2020] Services of development of a dynamic route planning system
Project**

TABLE OF CONTENT

1		
1.	GENERAL PROVISIONS	2
2.	OBJECT AND OBJECTIVE OF THE PROJECT TENDERING PROCEDURE.....	2
3.	ANONYMITY.....	3
4.	PARTICIPATION OF A GROUP OF SUPPLIERS / AUTHORS IN THE PROJECT TENDER.....	3
5.	THE SUPPLIER'S RIGHT TO USE THIRD PARTIES (SUBCONTRACTING)	3
6.	GROUND FOR EXCLUSION OF SUPPLIERS.....	3
7.	QUALIFICATION REQUIREMENTS	9
8.	PUBLICATION OF, ADJUSTMENTS TO AND EXPLANATIONS OF THE DOCUMENTS AND INFORMATION OF THE PROJECT TENDERING PROCEDURE, ORGANISED INTERVIEWS WITH SUPPLIERS	10
9.	PREPARATION, SUBMISSION, CHANGE OF PROJECTS	10
10.	ENSURING THE VALIDITY OF PROJECTS	12
11.	THE EVALUATION COMMISSION OF THE PROJECT TENDERING PROCEDURE, ACCESS TO THE PROJECT TENDERS AND THE COURSE OF THE EVALUATION	12
12.	EVALUATION OF PROJECTS	12
13.	RANKING OF THE PROJECT TENDERS	15
14.	EXAMINATION OF THE PROJECT TENDERS AND GROUND FOR EXCLUSION OF THE PROJECT TENDERS.....	15
15.	DETERMINATION OF THE SUCCESSFUL TENDERER(S) IN THE PROJECT TENDERING PROCEDURE, BONUSES AND FURTHER PROCUREMENT PROCEDURES	16
16.	PROCEDURE FOR EXAMINATION OF CLAIMS AND COMPLAINTS.....	16
17.	NEGOTIATION	16
18.	OTHER PROVISIONS	16

ANNEXES :

Annex 1 – Technical task;

Annex 2 – ESPD form;

Annex 3 – Form of the Information part of the Project tender;

Annex 4 – Draft Contract.

1. GENERAL PROVISIONS

1.1. The contracting authority – AB Kelių priežiūra (company code 232112130, registered office address Savanorių ave. 321C, 50120 Kaunas (hereinafter – the Contracting Authority) launches the innovative open project tendering procedure (hereinafter – the Tendering procedure) to select the best dynamic route planning solution (project).

1.2. The Tendering procedure is carried out in accordance with the Law on Public Procurement, the Rules for Organizing the Project Tendering Procedure approved by the Order No D1-671 of the Minister of Environment of the Republic of Lithuania of 22 August 2017 on the Approval of the Rules for Organizing the Project Tendering Procedure, as well as other legal acts that govern public procurements, as well as with these Terms of the Tendering procedure.

1.3. The basic terms defined in the Law on Public Procurement are used.

1.4. The notice of the Tendering procedure, the documents of the Tendering procedure, their explanations, adjustments, information on the date of opening envelopes with mottos ciphers are published in the Central Public Procurement Information System (hereinafter - the CPP IS) at: (<https://pirkimai.eviesiejipirkimai.lt/>). Only suppliers or tenderers registered in the CPP IS can participate in the Procurement (hereinafter - the Suppliers).

1.5. The Tendering procedure is carried out in accordance with the principles of equality, non-discrimination, transparency, mutual recognition and the requirements of confidentiality and impartiality.

1.6. The Contracting Authority shall have the right to terminate the initiated Project Tendering procedures at its own initiative at any time prior to determining the successful Tenderer if circumstances which could not have been foreseen have arisen, and must do so if the principles set out in Article 17(1) of the Law on Public Procurement were violated and the corresponding situation cannot be rectified.

1.7. The Contracting Authority shall not be responsible for losses incurred by the tenderers due to the circumstances related to the conduct and termination of the Tendering procedures.

1.8. A person authorized by the Contracting Authority who maintains direct contact with suppliers – Natalija Vitkauskaitė, the Public Procurement Specialist of the Strategic Procurement Team, tel. +370 619 66131, e-mail natalija.vitkauskaite@keliuprieziura.lt.

2. OBJECT AND OBJECTIVES OF THE PROJECT TENDERING PROCEDURE

2.1. The object of the Project Tendering procedure – development of a dynamic route planning system (algorithm) (hereinafter – the Project).

2.2. The Tendering procedure is an innovative public procurement which is carried out through a simplified open project tendering procedure in order to select an innovative product not yet existing on the market, with the help of which it will be possible to effectively extend the functionality of existing systems related to road condition monitoring carried out by the Contracting Authority and planning of maintenance works to ensure proper maintenance of Lithuanian roads.

2.3. The purpose of the Tendering procedure is to select from the projects submitted not more than 3 (three) best solutions for creating dynamic routes. Following the decision on the winning projects, the suppliers recognized as successful tenderers will be invited to a separate procedure - negotiated procedure without publication regarding the possibility of entering into the main contract with the Contracting Authority and to implement the project in a real environment by testing the project as per the Pilot method.

2.4. In preparing the project for the Tendering procedure, suppliers must be guided by these Terms of the Tendering procedure and annexes thereto: Technical Task (Annex 1 to the Terms of the Tendering procedure).

2.5. The project is not divided into parts.

2.6. Alternative projects cannot be submitted.

3. ANONYMITY

3.1. Projects must be prepared and submitted by ensuring their anonymity. Therefore, it is prohibited to present in the digital material submitted together the Project any information on the basis of which it would be possible to identify the supplier.

3.2. The tenderers and projects will remain anonymous until ranking of the projects will be completed by the Project Evaluation Commission.

4. PARTICIPATION OF A GROUP OF SUPPLIERS / AUTHORS IN THE PROJECT TENDER

4.1. If a group of suppliers / authors participates in the procurement procedures, it shall produce a joint activity / co-authorship agreement or its duly certified copy (signed by the tenderer or by a person authorized by him) and all members of the group of suppliers/authors. A joint activity / co-authorship agreement shall provide for the joint and several liability of all parties to this agreement for failure to fulfil obligations to the Contracting Authority, the agreement must specify which person represents the group of suppliers/authors (with whom the Contracting Authority should communicate on issues arising during the Project evaluation and provide information related to the Project evaluation).

4.2. If a group of suppliers, including temporary groups of suppliers, participates in the project tender, the Contracting Authority does not require this group to acquire a certain legal form.

5. THE SUPPLIER'S RIGHT TO USE THIRD PARTIES (SUBCONTRACTING)

5.1. A supplier submitting a tender independently or as a member of a group of suppliers is required to indicate which subcontractors, if known, it intends to use to fulfil the contractual obligations. It is also necessary to produce an agreement with the subcontractor used showing that its resources will be available to the supplier during the performance of the contract. Their use does not change the supplier's responsibility for the performance of the contract to be concluded. Therefore, in any case, the supplier must take full responsibility for the activities of subcontractors in the performance of the procurement contract.

5.2. The Supplier must produce the contract or a copy thereof, or the preliminary contract, or the letter of intent, or the Supplier's free-form declaration or consent which would confirm that throughout the period of fulfilment of contractual obligations the Supplier will have access to the resources of other entities (a digital copy of the document shall be provided). It is important that the contract, preliminary contract, letter of intent, declaration or consent provided by the Supplier is concluded before the tender is submitted by the Supplier.

5.3. If the supplier has indicated in the tender that it plans to use subcontractors or other entities whose capacity it does not rely upon (entities which fulfil the contractual obligations of the supplier, but the supplier does not rely on their capacity to meet qualification requirements, are considered as such), the Contracting Authority does not require the supplier to provide in the tender, together with the supplier's ESPD, the ESPD of these entities.

6. GROUNDS FOR EXCLUSION OF SUPPLIERS

6.1. Natural or legal persons, other organizations, their subdivisions or groups of such persons shall have the right to participate in the Tendering procedure.

6.2. After having accessed the projects of the tenderers, to ascertain whether the supplier is competent, reliable and able to meet the conditions of this Tendering procedure, the Contracting Authority, as provided for in the procurement conditions, shall verify whether or not there are grounds for excluding suppliers.

6.3. A supplier wishing to participate in the Tendering procedure may not have grounds for excluding a supplier specified in point 6.7 of the terms of the Tendering procedure, and must produce a completed European Single Procurement Document (hereinafter - the ESPD). The ESPD shall be completed after being uploaded to <https://ebvdp.eviesiejipirkimai.lt/espd-web/filter?lang=lt>. After being completed and downloaded it shall be produced together with the tender.

6.4. Documents confirming the absence of grounds for exclusion of the Supplier will be required to be provided only by the Supplier(s) whose project tender(s), as per the evaluation results, will be able to be recognized as a successful tender (after ranking of the project tenders has been done).

6.5. In declaring that there are no grounds for exclusion of the Supplier and that the Supplier meets the qualification requirements laid down in the procurement documents, the Supplier, in submitting his project, has to produce a completed ESPD signed by the head of the Supplier or by a person authorized by the head according to the requirements set out in Article 50 of the Law on Public Procurement (Annex 2 to the terms of the Tendering procedures).

6.6. A separate ESPD shall be completed by:

6.6.1. Supplier;

6.6.2. Each member of the group of entities (if a tender is submitted by a group of entities);

6.6.3. When the Supplier uses sub-suppliers, sub-providers or subcontractors (hereinafter – the subcontractor) or other entities upon whose capacity he relies, then ESPDs of such subcontractors shall be produced together with the ESPD of the Supplier.

6.7. The Supplier (as well as all members of the group of entities, if the tender is submitted by a group of entities) and entities upon whose capacity the Supplier relies, participating in the Procurement must not have the grounds for excluding suppliers which are outlined below:

Ser. No	Grounds for exclusion of suppliers and documents confirming their absence	
	Grounds for exclusion of the Supplier	Documents proving the absence of grounds for exclusion
According to the requirements set out in Article 46 (1), (3) and (4) of the Law on Public Procurement		
6.7.1.	<p>The Contracting Authority shall exclude the Supplier from the Procurement Procedure if it learns that the Supplier or his responsible person referred to in Article 46(2)(2) of the Law on Public Procurement has been convicted of the following criminal offense:</p> <ol style="list-style-type: none"> 1) participation in, organization of or leading a criminal organization; 2) bribery, trading in influence, kickbacks; 3) fraud, misappropriation of assets, asset stripping, a fraudulent statement concerning the activities of a legal entity, the use of credit, loan or targeted support not for the intended purpose or not in accordance with the established procedure, credit fraud, misrepresentation of income, profits or assets, failure to produce a declaration, report or other document, false accounting or abuse, when these criminal offenses encroach upon the financial 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 offence or offence related to terrorist activities; 6) legalization of the proceeds of crime; 7) trafficking in human beings, the purchase or sale of a child; 8) a crime committed by a supplier from another State defined in the legislation of other states that implement the legislation of the European Union listed in Article 57(1) of Directive 2014/24/EU. <p>The Supplier or his responsible person is deemed to have been convicted for the aforementioned offense when:</p>	<p>To be produced together with the tender: ESPD.</p> <p>Documents supporting the information specified in the ESPD shall not be produced together with the tender.</p> <p>After the Contracting Authority has carried out the ESPD verification procedure, and after the tenders have been verified and the potential successful tenderer has been determined, only the successful tenderer will be required to provide documents confirming the absence of grounds for exclusion: an extract from the court decision or a document issued by the Department of Informatics and Communications under the Ministry of the Interior of the Republic of Lithuania or by the State Enterprise Centre of Registers in accordance with the procedure established by the Government of the Republic of Lithuania, confirming the aggregated data processed by the competent authorities, or a document of the relevant foreign institution issued not earlier than 30 days before the date on which the potential</p>

	<p>1) a court conviction has been adopted and became effective during the last 5 years in respect of the Supplier, who is a natural person, and such a person has a valid or non-repealed criminal record;</p> <p>2) a court conviction has been adopted and became effective during the last 5 years in respect of the Head of the Supplier, of another organisation or its unit, or in respect of another member of the management or supervisory body or another person(s) having the right to represent the Supplier or to control him, to take a decision, to conclude a transaction on his behalf, or in respect of the accountant(s) or other person(s) authorised to draw up and sign the Supplier's accounting documents, and such person has a valid or non-repealed criminal records;</p> <p>3) a court conviction has been adopted during the last 5 years in respect of the Supplier, who is a legal entity, another organisation or its unit, and became effective, or, in case of point 3 of this Article, a final administrative decision, if such a decision is adopted in accordance with the requirements of the legislation of the Supplier's country.</p>	<p>successful tenderer will have to produce the documents proving the absence of grounds for exclusion.</p> <p>If the document has been issued earlier, but the period of validity that it specifies is longer than the deadline for submitting documents proving the absence of grounds for exclusion under the ESPD, such a document is acceptable during its period of validity;</p>
6.7.2.	<p>The Supplier shall be excluded from the procurement procedure for failure to fulfil obligations relating to the payment of taxes, including social security contributions in accordance with the requirements of the country in which the Supplier is registered, or of the country in which the Contracting Authority is located, if the Contracting Authority learns that the Supplier has been convicted for that or has other evidences of failure to fulfil these obligations.</p> <p>The Supplier or his responsible person is deemed to have been convicted for the aforementioned offense when:</p> <p>1) a court conviction has been adopted and became effective during the last 5 years in respect of the Supplier, who is a natural person, and such a person has a valid or non-repealed criminal record;</p> <p>2) a court conviction has been adopted and became effective during the last 5 years in respect of the Supplier, who is a legal person, another organisation or its unit, or, in case of point 3 of this Article, a final administrative decision, if such a decision is adopted in accordance with the requirements of the legislation of the Supplier's country.</p> <p>However, this provision does not apply if:</p> <p>1) the Supplier has undertaken to pay taxes, including social security contributions, and is therefore deemed to have fulfilled the obligations referred to in this paragraph;</p> <p>2) an amount of arrears does not exceed 50 EUR (fifty euros);</p> <p>3) the Supplier was informed of the exact amount of his arrears at such time that resulted in his failure to pay taxes, including social security contributions, to enter</p>	<p>To be produced together with the tender: ESPD.</p> <p>Documents supporting the information specified in the ESPD shall not be produced together with the tender.</p> <p>After the Contracting Authority has carried out the ESPD verification procedure, and after the tenders have been verified and the potential successful tenderer has been determined, only the successful tenderer will be required to provide documents confirming the absence of grounds for exclusion:</p> <p>1) the Supplier has fulfilled obligations relating to the payment of taxes. In this case, the following must be provided: a document issued by the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania or a document issued by the State Enterprise Centre of Registers in accordance with the procedure established by the Government of the Republic of Lithuania confirming the aggregated data processed by the competent authorities; if the supplier is registered in a foreign country - a document issued by a relevant foreign institution not earlier than 30</p>

	<p>into a tax loan agreement or other similar binding agreement for their payment or take other measures to comply with the provisions of Point 1 before the deadline for submitting Tenders. The Supplier shall not be excluded from the procurement procedure on these grounds if, at the request of the Contracting Authority to produce relevant documents in accordance with Article 50(6) of the Law on Public Procurement, it proves that he is already considered to have fulfilled obligations related to the payment of taxes, including social security contributions.</p>	<p>days before the date on which the potential successful tenderer will have to produce documents confirming the absence of grounds for exclusion.</p> <p>If the document has been issued earlier, but the period of validity that it specifies is longer than the deadline for submitting documents proving the absence of grounds for exclusion under the ESPD, such a document is acceptable during its period of validity.</p> <p>2) The Supplier has fulfilled obligations relating to the payment of social security contributions. In this case, the following must be provided:</p> <p>2.1) If the Supplier is a legal person registered in the Republic of Lithuania, he shall not be required to produce any documents proving this requirement. The Commission verifies data in the national database itself (http://draudejai.sodra.lt/draudeju_viesi_duomenys/) on the last day for submitting documents confirming the absence of grounds for exclusion.</p> <p>If due to technical failures of Sodra information system the Commission will be unable to check the data on the Supplier (legal person) that is available free of charge, it will have the right to request the Supplier (legal person) to submit a document issued in accordance with the established procedure confirming compliance with this requirement.</p> <p>2.2) If the Supplier is a natural person registered in the Republic of Lithuania, he shall produce a document issued by the territorial divisions of the State Social Insurance Fund Board and by other institutions of the State Social Insurance Fund related to the administration of the State Social Insurance Fund, or shall produce a document issued by the State Enterprise Centre of Registers in accordance with the procedure</p>
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		<p>established by the Government of the Republic of Lithuania, affirming the aggregated data processed by competent authorities,</p> <p>2.3) The Supplier of another country, which is a natural or legal person, shall produce a certificate issued by a competent authority of the country in which he is registered.</p> <p>Documents referred to in points 2.2 and 2.3 must be issued not earlier than 30 days before the date on which the potential successful tenderer will have to produce the documents proving the absence of grounds for exclusion.</p> <p>If the document has been issued earlier, but the period of validity that it specifies is longer than the deadline for submitting documents proving the absence of grounds for exclusion under the ESPD, such a document is acceptable during its period of validity.</p>
6.7.3.	The Contracting Authority excludes the Supplier from the procurement procedure if he has entered into agreements with other suppliers to distort competition in the Procurement carried out, and the Contracting Authority has convincing data on this.	To be produced together with the tender: ESPD.
6.7.4.	<p>The Contracting Authority excludes the Supplier from the procurement procedure if he found himself in a conflict-of-interest situation at the time of the Procurement, as defined in Article 21 of the Law on Public Procurement, and the corresponding situation cannot be remedied.</p> <p>The corresponding situation regarding conflict of interest is deemed to be impossible to be remedied if the persons who found themselves in a conflict of interest have led to the decisions of the Commission or the Contracting Authority, and the change of these decisions would be contrary to the provisions of the Law on Public Procurement.</p>	To be produced together with the tender: ESPD.
6.7.5.	The Contracting Authority excludes the Supplier from the procurement procedure if the competition has been distorted, as set out in Article 27(3) and (4) of the Law on Public Procurement, and the relevant situation cannot be remedied.	To be produced together with the tender: ESPD.
6.7.6.	The Contracting Authority excludes the Supplier from the procurement procedure if, during the Procurement procedures, the Supplier concealed information or provided false information on the compliance with the requirements set out in Article 46 of the Law on Public Procurement and Article 47 of the Law on Public	To be produced together with the tender: ESPD.

	<p>Procurement, and the Contracting Authority may prove this by any lawful means, or the Supplier is unable to produce supporting documents in respect of the false information, which are required under Article 50 of this Law.</p> <p>The Supplier shall be also excluded on these grounds from the Procurement procedure when, during the previous procedures, he has concealed information or provided false information referred in this point, or the Supplier was unable to produce supporting documents in respect of the false information, which are required under Article 50 of the Law on Public Procurement, and, as a result, in the last one year the Supplier was excluded from procurement procedures, or a court decision has been adopted and became effective in the last one year.</p> <p>The Supplier shall be also excluded on these grounds from the Procurement procedure when, in accordance with the legal acts of other states, during the previous procedures, he has concealed information or provided false information, or was unable to provide supporting documents in connection with the provision of false information and, as a result, has been excluded from procurement procedures in the last one year, or a court decision has been adopted and became effective in the last one year, or other similar sanctions apply.</p>	
6.7.7.	<p>The Contracting Authority excludes the Supplier from the procurement procedure if, during the Procurement, has acted unlawfully in order to influence the decisions of the Contracting Authority, to obtain confidential information which would give him unlawful advantage in the Procurement procedure, or has provided misleading information which may have a significant effect on the decisions of the Contracting Authority regarding exclusion of suppliers, evaluation of their qualification, determination of the successful tenderer, and the Contracting Authority may prove this by any lawful means.</p>	To be produced together with the tender: ESPD.
6.7.8.	<p>The Contracting Authority excludes the Supplier from the procurement procedure if the Supplier has failed to perform the procurement contract entered into in accordance with the Law on Public Procurement, the Law on Public Procurement in the Fields of Defence and Security, the procurement agreement with the Contracting Entity or concession agreement, has improperly performed it, and this was a material breach of the Procurement Contract, as defined in <i>the Civil Code</i> (hereinafter – material breach of the Procurement Contract), which has led to the termination of the Procurement Contract in the last 3 years, or a court decision granting a claim of the Contracting Authority, Contracting Entity or the Granting authority for damages incurred because the Supplier fulfilled the essential term of the Procurement Contract set out in the Contract with serious or permanent deficiencies, has been adopted and became effective in the last 3 years; or in the last 3 years the Contracting Authority has decided that the Supplier performed the essential term of the contract set out in the</p>	To be produced together with the tender: ESPD.

	contract with major or permanent deficiencies, and as a result the contractual sanction was applied. The Supplier shall be also excluded on these grounds from the Procurement procedure when, in accordance with the legal acts of other states, it has been found in the last 3 years that he, in the performance of a previous Procurement Contract, a previous Procurement Contract with a Contracting Entity or a previous Concession Contract, fulfilled the essential requirement set out in the Procurement Contract with serious or permanent deficiencies, and, as a result, that previous Procurement Contract was terminated earlier than the term of its validity set out in that Procurement Contract, damages were claimed or other similar sanctions were applied. The Contracting Authority excludes the Supplier from the procurement procedure also when it has convincing data that the Supplier has been established to avoid the application of this ground for exclusion.	
6.7.9.	The Contracting Authority excludes the Supplier from the procurement procedure if the Supplier has committed a professional misconduct, when an administrative penalty or economic sanction, both established in the laws of the Republic of Lithuania or legal acts of other states, has been imposed on the Supplier for violations of financial reporting and auditing legislation, and less than one year has elapsed from the date of entry into force of the decision imposing this sanction or from the date on which the person complied with the administrative order.	To be produced together with the tender: ESPD.
6.7.10	The Contracting Authority excludes the Supplier from the procurement procedure if the Supplier does not meet the minimum criteria of a reliable taxpayer, established in Article 40 ¹ (1) of the Law of the Republic of Lithuania on Tax Administration, and is therefore considered to have committed a serious professional misconduct.	To be produced together with the tender: ESPD. The Contracting Authority verifies data itself at: http://www.vmi.lt/cms/informacija-apie-mokesciu-moketojus on the last day for producing documents confirming the absence of grounds for exclusion.

6.8. Before determining the winning project(s), the Contracting Authority will require the Supplier(s) to provide relevant documents confirming the absence of grounds for his exclusion.

6.9. If the Supplier is unable to produce the documents referred to in Article 51(2) of the Law on Public Procurement because such documents are not issued in the Member State or in the country concerned, or the documents issued in that country do not cover all the issues raised in Paragraphs 1 and 3 and in Paragraph 6(2) of Article 46 of this Law, they can be replaced with:

1) declaration on oath;

2) an official Supplier's declaration if a declaration on oath is not used in the country. The official declaration must be certified by the competent legal or administrative authority, Notary Public or a competent professional or trade body of the Member State or of the country of origin of the Supplier or of the country in which it is registered.

6.10. In cases where digital copies of the relevant documents are submitted, the Contracting Authority reserves the right to request original copies of the documents.

6.11. Suppliers registered outside the Republic of Lithuania must legalize the documents confirming the absence of grounds for exclusion and qualification in accordance with the procedure laid down in the Description of the Procedure for the Legalization of Documents and Approval Certificate (Apostille) approved by the resolution No 1079 of the Government of the Republic of Lithuania of 30 October 2006. Suppliers from countries with which the Republic of Lithuania has

concluded legal aid agreements do not need to legalize these documents, it is sufficient that they are certified by the Notary Public. The documents of Suppliers from countries having acceded to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents must be certified in accordance with the procedure laid down in the Convention.

6.12. At any time during the procurement procedure, the Contracting Authority may ask candidates or tenderers to provide all or part of the documents confirming the absence of grounds for their exclusion, if this is necessary to ensure the proper conduct of the procurement procedure.

6.13. In accordance with the provisions of Article 50 of the Law on Public Procurement, the Commission verifies the information provided in the ESPD, and, if applicable, the information provided in the documents specified in Chapter 3 of the documents of this Tendering procedure, takes a decision regarding the compliance of each tenderer with these requirements and notifies each of them in writing no later than 3 working days from the date of the decision of results of such verification by justifying the decisions taken. Only tenderers which meet the requirements set in the documents of the Tendering procedure have the right to participate in further Tendering procedures.

6.14. If the supplier has not submitted the ESPD (or has submitted the ESPD of only one entity, although he not alone participates in the Tendering procedures), or the ESPD submitted is inaccurate, in accordance with the provisions of Article 45(3) of the Law on Public Procurement, the Commission shall apply to the tenderer and asks for the provision this document (or to adjust inaccurate, incomplete or incorrect data provided) within a reasonable time within which the tenderer would have enough time to complete the ESPD, but no later than 5 working days from the date of the decision.

6.15. The tenderer may make a reasoned request for extension of the deadline for submitting a revised ESPD.

6.16. If the tenderer has noted in the ESPD that he does not meet the requirement (for example, there exists a ground for exclusion where the Supplier has not indicated that he applies the “self-cleaning” measures), the Commission shall inform such a tenderer of the rejection of his tender and does not further evaluate the tenderer’s project.

7. QUALIFICATION REQUIREMENTS

7.1. The suppliers’ qualification is not verified.

7.2. If the Supplier’s qualification for the right to engage in the activity in question has not been verified or it has not been fully verified, the Supplier shall undertake to the Contracting Authority that the Procurement contract will be only performed by persons having the right to do so.

8. PUBLICATION OF, ADJUSTMENTS TO AND EXPLANATIONS OF THE DOCUMENTS AND INFORMATION OF THE PROJECT TENDERING PROCEDURE, ORGANISED INTERVIEWS WITH SUPPLIERS

8.1. The Contracting Authority shall publish a notice of the project Tendering procedure in accordance with the provisions of Articles 31 and 34 of the Law on Public Procurement.

8.2. The procurement terms of the Project tender, along with annexes (including explanations, clarifications) are published together with the notice in the CPP IS. Suppliers wishing to participate in the procurement and receive the procurement documents, their clarifications, explanations, information on the date of opening the envelopes with the suppliers’ documents must register with it by accepting a call in the CPP IS. (Free registration at <https://pirkimai.eviesiejipirkimai.lt>). Both natural and legal persons can register. In completing the registration form in the CPP IS, a natural person, as a supplier, shall enter his forename and surname in the box “Name of organisation”, and in the box “Legal entity code” – “no number” or a dash.

8.3. Any information, explanations of the terms of the Project procurement, notifications or other correspondence between the Contracting Authority and the Supplier shall only take place by means of correspondence of the CPP IS - only Suppliers having logged in to Procurement in the CPP IS will receive notifications from the Contracting Authority (answers to requests) (the CPP IS user of the registered Supplier who clicked “Accept the call” will receive notifications).

8.4. Suppliers must be proactive and, if they have any doubts about the procurement documents, they must ask for explanations immediately after analysing the documents

8.5. The Supplier may ask the Contracting Authority by means of the CPP IS to explain the documents of the project tender. Deadline by which the Supplier may submit requests for clarification of the documents of the project tendering procedure must be proportionate to the time term between the publication of the Tendering procedure notice to the deadline for submission of projects, and must be at least 2/3 of the said time term. The Contracting Authority shall respond to the request received no later than within 4 working days from the date of its receipt. In response to the Supplier, the Contracting Authority shall send explanations to all other suppliers to whom it submitted the documents of the project tender, but shall not indicate from whom it received the request for explanation. If the documents of the Project Tendering procedure have been made public on the Internet, explanations of the documents of the Project Tendering procedure also shall be published there.

8.6. Before the deadline for submitting projects has expired, the Contracting Authority shall have the right to explain (adjust), at its own initiative, the terms of the Project tender. If the information published in the notice of the Project Tendering procedure is adjusted, in accordance with the procedure established in Article 34 of the Law on Public Procurement, corrigendum notices shall be published. In case the published information is adjusted, the Contracting Authority must extend the deadline for submitting projects to the time term that meets the criteria of reasonableness, during which suppliers could take adjustments into account when preparing projects.

8.7. Notices of each postponement of the deadline for submitting Project tenders are published in the CPP IS. At the same time, the notice of the Project Tendering procedure is adjusted.

8.8. If the Contracting Authority makes significant changes to the documents of the project tender, it must extend the deadlines for submitting tenders in order all suppliers wishing to participate in the Project Tendering procedure could have access to all the information needed to prepare the Project tender.

8.9. Any uncertainties regarding the terms of the design contest that arise for suppliers (regarding the requirements for the Project set out in the procurement documents, including the technical specification) must be clarified by the deadline for submitting Projects. Suppliers must be proactive and submit questions and comments or ask for explanation of the terms of the Project Tendering procedure before access to the Project tenders, given that, after the deadline for submitting Project tenders, it will not be possible to change the content of the project tender.

8.10. The Contracting Authority plans to hold a tele-conference call and interview the suppliers. The presentation event will be publicly available. The date of the event and other circumstances related to the event will be announced by means of CPP IS. Information about the planned event and an extract from the minutes prepared after the meeting will be published in the CPP IS. The purpose of the event is to encourage market participants to participate in the Tender. During the event it will be possible to ask questions about the entire course of the tender, expectations of the Contracting Authority, project opportunities, challenges and other questions related to the Project.

9. PREPARATION, SUBMISSION, CHANGE OF PROJECTS

9.1. The Supplier may submit only one Project - individually or as a member of a group of entities. If the Supplier submits more than one Project or participates in the submission of several Projects as a member of a group of entities, such Projects will be rejected.

9.2. In submitting the Project, the Supplier guarantees that he made himself familiar with these terms of the Project Tendering procedure and agrees with all their provisions.

9.3. The Supplier shall bear all costs related to the preparation and submission of the Project, the Contracting Authority shall not be responsible or liable for coverage of these costs. The Contracting Authority shall not be responsible for and shall not bear these costs, regardless of how the Tendering procedure takes place and ends.

9.4. The Supplier's project and other correspondence must be submitted in Lithuanian or English

9.5. **The Project consists of a set of the documents and data submitted by electronic means of CPP IS (Envelope 1 and Envelope 2).**

9.6. The Supplier's tender consists of 2 parts:

9.6.1. **Technical part (Project tender) – Envelope 1;**

9.6.2. **Information part – Envelope 2;**

9.7. **Technical part of the Project (Project tender)** has to be submitted by means of the CPP IS in the box **Envelope 1**. The technical part of the Project will have to include:

9.7.1. System's graphical user interface (GUI) mock-up;

9.7.2. Routes created by the algorithm according to the data samples provided by the Purchaser. Routes must be provided in GPX type format;

9.7.3. Detailed description of the Algorithm and the System: brief presentation of the Project, description of the idea, explanation of the solution, visualizations, may be supplemented by illustrative (visual) material.

9.7.4. Detailed description of the Project which could help to better reveal the Project and the solutions proposed. The Project evaluation criteria set out in the terms of the Tendering procedure are recommended to be taken into account in preparing a detailed description (see point 12.3);

9.7.5. Instructions for use or other information that the Supplier considers important.

9.8. The Project tender has to be prepared in accordance with the format chosen by the Supplier. The Supplier's **motto** has to be written on the title page - a short slogan or another invented name (later, after forming the project rank, the Supplier will be identified as per motto).

9.9. **The content of the documents in Envelope 1 and their annexes, which form the technical part of the Project, must be anonymous, i.e. the documents submitted may contain no information (the suppliers' addresses, telephone numbers, fax numbers, e-mail addresses, logos; nor the author of the document has to be visible in other electronic documents being submitted) on the basis of which the Supplier can be identified.**

9.10. The technical part of the Project must indicate which information provided in the tender is confidential.

9.11. **The information part of the Project** must be in Envelope 2, which is submitted by means of CPP IS. The information part of the Project consists of:

9.11.1. The ESPD form (Annex 2 to the terms of the Tendering procedure);

9.11.2. the completed Project tender form, indicating the motto cipher - the tenderer's details: tenderer's name, code, address, telephone number and other information (according to Annex 3 to the terms of the Tendering procedure);

9.11.3. if the Project is submitted by a group of suppliers / authors or by a group of authors, a joint activity / co-authorship agreement has to be produced together with the tender (the original copy or its duly certified copy has to be submitted);

9.11.4. the authorization or another document (for example, job description) granting the right to sign the Project tender submitted by the tenderer (applies when the tender is signed not by the head but by the person authorized by him);

9.11.5. Other documents required in the terms of the Tendering procedure.

9.11.6. The documents submitted or digital copies of documents must be accessible using non-discriminatory, generally available data file formats (for example, pdf, jpg, doc, xml, etc.).

9.12. Until the deadline for submitting Projects, the Supplier has the right to amend or withdraw his Project. Such amendment or notification of withdrawal of the Project shall be deemed to be valid if the Contracting Authority receives it in writing before the deadline for submitting projects.

9.13. If the Supplier does not submit at least one part of the Project tender, such a Project of the Supplier shall be rejected.

9.14. The Contracting Authority shall have the right to extend the deadline for submitting projects. The Contracting Authority shall announce the new deadline for submitting projects in the CPP IS.

9.15. The Project (all its parts) has to be submitted at the latest by – the deadline indicated at the publication of the tender.

10. ENSURING THE VALIDITY OF PROJECTS

10.1. The Contracting Authority does not require the provision of security of the Project validity.

11. THE EVALUATION COMMISSION OF THE PROJECT TENDERING PROCEDURE, ACCESS TO THE PROJECT TENDERS AND THE COURSE OF THE EVALUATION

11.1. The Public Procurement Commission (hereinafter - the Commission), formed by the Contracting Authority, examines and evaluates the compliance of the projects submitted for the Tendering procedure with the requirements of the procurement documents (except for compliance with the requirements of the technical specification and evaluation according to the evaluation criteria specified in the procurement documents).

11.2. A separate commission (hereinafter - the Evaluation Commission) is formed for the evaluation of the compliance of the projects submitted for the Tendering procedure with the requirements of the technical specification and for the evaluation according to the evaluation criteria specified in the procurement documents.

11.3. The Evaluation Commission shall take its decisions in accordance with the principles of impartiality, objectivity, equality, non-discrimination, mutual recognition, proportionality and transparency.

11.4. Projects are examined and evaluated confidentially, in absence of the representatives of the suppliers that have submitted the tenders. Each member of the Evaluation Committee evaluates the tenders submitted objectively, in accordance with the provisions of the procurement documents.

11.5. The Evaluation Commission evaluates the projects of the Tendering procedure by ensuring anonymity, taking into account the requirements of the procurement documents and the evaluation criteria.

11.6. The Commission shall evaluate and compare only those Projects which meet the requirements set out in the documents of the project tender. Only the Project tenders, that have been submitted anonymously, shall be evaluated.

11.7. After evaluating the Project tenders, the Evaluation Commission takes a decision on the rank of the Project tenders. The rank of the Project tenders is formed by indicating the mottos of the Project tenders, starting with the Project tender ranked the highest in the evaluation and subsequently listing Project tenders ranked lower in the evaluation. Suppliers whose project tenders do not meet the requirements of the terms of the Project tender shall not be included in the rank of the project tenders.

11.8. The Project tenders received are evaluated as follows:

11.8.1. Access to the Technical part of the tenders submitted for the Tendering procedure - Envelope 1 will take place at the Commission's meeting that will be held at least 45 minutes after the deadline for submission of proposals. Suppliers do not attend the meeting.

11.8.2. The technical part of the tenders will be examined and evaluated by the Evaluation committee in accordance with the procedure laid down in Chapter 12.

11.8.3. Access to the Information part of the tenders submitted for the Tendering procedure (ciphers of the tenderers' mottos and other documents) - Envelope 4, will take place at the Commission's meeting, the date of which will be indicated in a separate notice by means of the CPP IS.

12. EVALUATION OF PROJECTS

12.1. The Evaluation Commission shall only evaluate those Project tenders that meet the requirements specified in the terms of the Project Tendering procedure.

12.2. Projects are evaluated in absence of the tenderers having submitted them.

12.3. The Evaluation Commission evaluates the Project tenders that meet the requirements specified in the terms of the Project Tendering procedure according to the evaluation criteria provided in this chapter:

Ser. No	Criteria	Relative weight of the evaluation criterion (coefficient)	Points	Description of the tender and other documents must answer the questions listed below
1.	K₁ – Perception of the problem and the quality of the routes created	0,2	0 – 5	<ul style="list-style-type: none"> • How routes are created and whether they are logical (meet the requirements raised in the Technical task)? • Whether optimal routes are created and their length is the shortest possible in the given weather conditions? • Is the RSIS forecast correctly interpreted and routes are created only when needed?
2.	K₂ – System development possibilities	0,25	0 – 5	<ul style="list-style-type: none"> • Can the system proposed be extended for the entire road network (21,000 km)? • Could routes of 300+ mechanisms and 21,000 km of roads be created in 30 minutes or less? • Is the solution proposed easy to modify and does not complicate its further development?
3.	K₃ – Project plan and resources	0,1	0 – 5	<ul style="list-style-type: none"> • Has a preliminary plan for the trial period project been submitted? • Does the plan meet the planned project development deadlines? • Is the tender plan detailed enough and meets expectations? • Are the knowledge and resources of the tenderer sufficient to achieve the goal of the trial period? • Have the potential risks of the project been assessed and has a management strategy been envisaged?
4.	K₄ – User interface	0,2	0 – 5	<ul style="list-style-type: none"> • Are the methods by which information will be effectively provided to the consumer explained in the tender (mobile app, navigation, etc.)? • Is the proposed navigation solution (map) easy to understand? • Does the tender explain what the design and functionality of the system, which will suit the consumer's work environment? • Does the tender explain how users are expected to interact with the system? • Is the user interface proposed easy to understand and master?

				<ul style="list-style-type: none"> Does the user interface proposed meet the expectations of visual design?
5.	K₅ – Use of open, free platforms and software	0,25	0 – 5	<ul style="list-style-type: none"> Are the platforms and software used in the tender considered open source and available free of charge?

12.3.1. Projects are evaluated as per the evaluation criteria set out above and they are awarded with points. Points are awarded based on the questions listed in the table below, i.e. in sequential order, for each criterion separately, the questions asked are answered with “Yes” or “No”. The evaluation is stopped when the first answer “No” appears. The score value – number of "Yes" answers collected. The table presents an example of evaluation: criterion K₂ of the alleged tender is evaluated, when it is apparent from the documents submitted that routes are created well, however, the calculation of routes for the entire Lithuanian road network would be performed more slowly than required in the Technical task.

Question	1 point is awarded for every “Yes” answer to a question in sequential order, the evaluation is stopped when the first answer of “No” appears					Example for criterion K ₂
	K ₁	K ₂	K ₃	K ₄	K ₅	
1. Does the information provided in the tender answer the questions asked by the criterion?	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No	Yes
2. Is the tender without non-compliances with the requirements of the Technical task?	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No	No
3. Has sufficient number of evidence and arguments been provided to substantiate the functionality and other features of the solution provided in the Tender?	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No	Not evaluated
4. Does the proposed solution comply with stricter parameters or rules than those required? (is not considered as a deficiency)	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No	Not evaluated
5. Does the proposed solution include more reasonably justified functionality than required?	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No	Not evaluated
						Result: 1 point

12.3.2. Evaluation of each Project by one member of the Evaluation Commission by awarding a score (N) is calculated as follows:

$$N = K_1 * 0,2 + K_2 * 0.25 + K_3 * 0,1 + K_4 * 0.2 + K_5 * 0.25$$

N – the score of the Project by a member of the Evaluation Commission, rounded to the hundredths;

K₁, K₂, K₃, K₄ and K₅ – Project evaluation (in points) according to the relevant criterion; 0.2; 0.25; 0.1; 0.2 and 0.25 – coefficient.

12.3.3. To facilitate evaluation and harmonize possible interpretations of scores, an explanation of the scores awarded is given below:

Score	Description and meaning of the score
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5	The tender exceeds expectations - the tenderer's knowledge, experience, problem perception, resources, and contribution proposed are exceptionally appropriate. No deficiencies or risks are identified, sufficient evidence and arguments are provided. The proposed solution incorporates more reasonably justified functionality than required.
4	The tender is more than appropriate - the tenderer's knowledge, experience, problem perception, resources, and contribution proposed are appropriate. No deficiencies or risks are identified, sufficient evidence and arguments are provided. The proposed solution incorporates more reasonably justified functionality than required.
3	The tender is appropriate - the tenderer's knowledge, experience, problem perception, resources, and contribution proposed are appropriate. No deficiencies or risks are identified, sufficient evidence and arguments are provided.
2	The tender is with deficiencies - the tenderer's knowledge, experience, problem perception, resources, and contribution proposed are appropriate. However, up to 2 deficiencies or risks are seen, insufficient evidence and arguments are provided.
1	The tender is with significant deficiencies – the tenderer's knowledge, experience, problem perception, resources, and contribution proposed are appropriate. However, more than 2 deficiencies or risks are seen, insufficient evidence and arguments are provided.
0	Sufficient evidence and arguments to ensure a sufficient level of knowledge, experience, problem perception, resources and proposed contribution of the tenderer are not provided.

12.3.4. The total score of a project is calculated by averaging the Project scores by all members of the Evaluation Commission (N).

12.3.5. If a member of the Evaluation Commission indicates 0 points for criteria K1, K2, K3, K4 and K5, the score of the member is included in calculating the total score of the project by the members of the Evaluation Commission.

12.3.6. In evaluating the Projects, the members of the Evaluation Commission must evaluate the Projects of all tenderers of the Tendering procedure (unless they were rejected for other reasons) and award points according to all criteria. If a member of the Evaluation Commission participates in the evaluation, but indicates no points for at least one of the criteria K1, K2, K3, K4 or K5 when evaluating the Project of at least one tenderer, in this case, in calculating the total score of the project by the members of the Evaluation Commission, the score of a member of the Evaluation Commission is not included at all.

13. RANKING OF THE PROJECT TENDERS

13.1. After evaluating the Projects, the Evaluation Commission shall form a rank of the Projects according to the total score awarded by the Evaluation Commission, in descending order of the scores given. The Project tender that has been awarded a higher score shall be considered superior.

13.2. If several Projects submitted have been awarded the same total score, the Projects with the same score are re-evaluated when forming a rank of tenders. If, after re-evaluation, Projects are again awarded the same total score, the Chairman of the Commission decides on the position of these Projects in the preliminary rank of tenders.

13.3. If only one Project tender has been submitted, a rank of the Project tenders is not formed.

14. EXAMINATION OF THE PROJECT TENDERS AND GROUNDS FOR EXCLUSION OF THE PROJECT TENDERS

14.1. After forming a rank of tenders, the Contracting Authority will require that the suppliers having submitted 3 (three) best Projects (the suppliers that are ranked 1st, 2nd and 3rd in the rank of tenders) produce relevant documents that confirm absence of grounds for their exclusion.

14.2. The Commission sets in the request a reasonable time limit for the submission of documents.

14.3. If the supplier has not submitted by the deadline any relevant document confirming the information specified in the ESPD, the Commission must request provision of these documents within a reasonable time.

14.4. If the Supplier has produced inaccurate, incomplete or erroneous documents or data on compliance with the requirements of the procurement documents, or such documents or data are missing, without prejudice to the principles of equality and transparency, the Contracting Authority shall ask the candidate or tenderer to adjust, supplement or explain these documents or data within a reasonable time limit set by it. Only documents or data on the absence of grounds for exclusion of the supplier or compliance with the requirements of the procurement documents can be adjusted, supplemented and submitted new.

14.5. The Commission is obliged to contact the supplier only once for the adjustment of documents. However, this does not limit the right of the Commission to contact more times.

14.6. If the documents produced by the supplier(s) show that there exist grounds for exclusion that are set out in the procurement documents, the Commission shall exclude the supplier from the procurement procedure.

14.7. After the supplier is excluded from the procurement procedure due to non-compliance with the above requirements, the supplier which is next in the rank of tenders is contacted for submitting relevant documents as per the ESPD.

14.8. Adjustments to the absence of grounds for exclusion submitted by the supplier, explanations of the content of the tender, corrections of errors must only be produced by means of correspondence of the CPP IS.

14.9. The Commission shall reject the Project if:

14.10. The Project tender has been submitted in violation of anonymity.

14.11. The Project does not meet the requirements set out in the documents of the Project Tendering procedure.

14.12. The tenderer has produced inaccurate, incomplete or incorrect documents or data on the absence of grounds for exclusion of the tenderer and failed to adjust them at the request of the Commission.

14.13. The tenderer produced inaccurate, incomplete or incorrect documents or data on his compliance with the requirements of the documents of the Project tendering procedure (the tenderer's authorization for a person to sign an application or tender, joint activity agreement and documents not related to the procurement object, its technical characteristics, terms of performance of the contract and failed to adjust them at the request of the Commission.

14.14. The tenderer produced in his Project tender forged documents, false information which the Contracting Authority may prove by any lawful means.

14.15. Other non-compliance with or violation of the requirements specified in the terms of the Project Tendering procedure has been established.

14.16. The supplier is informed in writing through the CPP IS of rejection of the project and the reasons for such rejection

15. DETERMINATION OF THE SUCCESSFUL TENDERER(S) IN THE PROJECT TENDERING PROCEDURE, BONUSES AND FURTHER PROCUREMENT PROCEDURES

15.1. The Contracting Authority determines as the winners 3 (three) best Project tenders scored the biggest number of points, if all of the following conditions are met:

15.1.1. The tender meets the requirements set out in the procurement notice and procurement documents.

15.1.2. The tenderer having submitted the tender has no grounds for exclusion.

15.2. No later than within 3 working days after the formalization of the procedure for verifying the absence of grounds for the exclusion of suppliers, the Contracting Authority shall notify each candidate and tenderer in writing of the rank of projects, successful tenderers in the Project Tendering procedure and the deferral period which cannot be shorter than 5 working days.

- 15.3. Each candidate and tenderer are provided with a review of his Project evaluation.
- 15.4. No bonuses (prizes) are paid to the successful tenderer in the Project Tendering procedure.

16. PROCEDURE FOR EXAMINATION OF CLAIMS AND COMPLAINTS

16.1. Claims are made and examined in accordance with the procedure established by the Law on Public Procurement.

17. NEGOTIATION

17.1. Tenderer(s) recognized as successful tenderer(s) in the Tendering procedure will be invited to negotiated procedure without publication (pursuant to Article 71(4) of the Law on Public Procurement) regarding the possibility of entering into the main contract with the Contracting Authority and to implement the project in a real environment by testing the project as per the Pilot method. The negotiated procedure without publication is a separate procedure following which a contract with a value of 10,000 EUR excluding VAT will be entered into.

17.2. The negotiated procedure will take place on all the terms set out in the Technical task.

17.3. The successful tenderer(s) is/are invited to the negotiated procedure without publication by means of the CPP IS by a separate written notification.

17.4. The negotiated procedure without publication will be carried out in accordance with the procedure established by the Law on Public Procurement of the Republic of Lithuania.

17.5. After the negotiated procedure without publication, the Contracting Authority intends to enter into a contract with **1 (one)** Supplier whose Project will be recognized as the winner.

18. OTHER PROVISIONS

18.1. The procedures of the Tendering procedure not defined in these Terms shall be carried out in accordance with the provisions of the Law on Public Procurement of the Republic of Lithuania, the Rules for Organizing the Project Tendering Procedure, and of the secondary legislation.

18.2. In the event that the Contracting Authority terminates the Project Tendering procedure, the tenderers will be paid no compensation for the costs incurred.

18.3. The tenderers shall assume full responsibility if the intellectual property rights of third parties were violated during the preparation of the Project. In this case, the Authors must immediately rectify such violations at their own expense and compensate for the damage caused as a result.