

REGULATIONS ON ORGANIZING PUBLIC PROCUREMENT PROCEDURES AT THE LITHUANIAN RESEARCH LIBRARY CONSORTIUM

I. GENERAL PROVISIONS

1. The Regulations on Organizing Public Procurement Procedures at the Lithuanian Research Library Consortium (hereinafter – the LMBA), further referred to as the Regulations, have been prepared abiding by the Law on Public Procurement of the Republic of Lithuania (hereinafter – the Law on Public Procurement), the Procedure Regulations of Small Value Public Procurement (hereinafter – the Procedure Regulations) approved by Order No 1S-97 as of 28 June 2017 of the Director of Public Procurement Office, other legal acts regulating public procurement (hereinafter – the procurement procedures).

2. The Regulations set forth the procedure for organizing the procurement procedures at the LMBA starting from the planning of a procurement procedure till the completion of a Public Contract, as well as the relevant responsible persons.

3. In planning, organizing and performing the procurement procedures and the Public Contracts, the LMBA shall abide by the Law on Public Procurement, other Laws, secondary legislation, these Regulations and other legal acts.

4. The procurement procedures shall be performed by following the principles of equal treatment, non-discrimination, reciprocal recognition, proportionality and transparency. In performing the procurement procedures the endeavors shall be made to rationally use the funds allocated for the purpose and to ensure that in performing the Public Contracts the commitments on the environmental protection, the social and labor legislation would be met.

5. Persons appointed by the Order of the LMBA President or the Head of Administration or other persons indicated in the Regulations shall be involved in the procurement process, and these persons shall be responsible for proper, high quality and timely performance of the assigned functions.

6. Terms and definitions used in these Regulations:

6.1. Initiator of the Procurement Procedure – the LMBA employee initiating the procurement of supplies, services or works required for the LMBA needs;

6.2. Organizer of the Procurement Procedure – the person appointed by the Order of the LMBA President or the Head of Administration who shall organize and implement small value

procurement in accordance with the set procedure when a public procurement Commission is not established for the purpose;

6.3. Demand Form – the document which can be completed by the initiators of the procurement procedure to initiate and estimate the demand for the supplies, services or works, which have to be procured (Annex 1);

6.4. Form of the Suppliers' Price Quotas – the document which shall be completed by the organizers of the procurement procedure after the completion of small value procurement to justify the compliance of the decisions made by the Organizer of the Procurement Procedure with the requirements of the Law on Public Procurement;

6.5. Public Procurement Commission (hereinafter – the Commission) – the Commission established by the Order of LMBA President in line with Article 19 of the Law on Public Procurement which shall perform the procurement procedures in accordance with the assignments set to the Commission and the authorizations given to implement these assignments;

6.6. Market research – the collection, analysis and preparation of the summarized conclusions of the quantitative and qualitative information regarding the availability of the real and potential supplies, services and works, the suppliers (the goods supplied, services rendered, works performed by them, the market share covered by them, prices, etc.) deemed necessary to make the procurement-related decisions;

6.7. Procurement Journal – the document in the electronic format in the form set by the LMBA assigned to register the small value procurement procedures completed by the LMBA.

7. Other terms and their definitions in the Regulations shall be used as defined in the Law on Public Procurement and other legal acts regulating the public procurement procedures.

8. Should the legal acts mentioned in these Regulations be amended, the provisions of the effective wordings of these legal acts shall be applied.

II. PLANNING THE PUBLIC PROCUREMENT PROCEDURES

9. Every year in Quarter IV, each Initiator of the Procurement Procedure shall start planning the procurement procedures projected for the next budget year. After conducting the prior market research, every year and not later than by 15 January, the Initiator of the Procurement Procedure shall submit to the person responsible for planning the procurement procedures the information about the supplies, services and the works to be procured in the next budget year. If necessary, the justification of the supplies, services and the works (justifying the costs by taking into

consideration the goals and targets of the activity of the Initiator of the Procurement Procedure) can be submitted in the free form as well.

10. The person responsible for the planning of the procurement procedures shall prepare and submit for the President's approval the procurement procedures planned to be performed in the current calendar year and shall post the summarized estimates of the planned procurement procedures on the Central Public Procurement Information System (hereinafter – the CPP IS) in accordance with the requirements and procedure set forth by the Public Procurement Office. There shall be listed the international procurement procedures and the simplified procurement procedures (excluding the small value procurement which shall be made public starting from 1 January 2020). These summarized estimates shall be posted every year not later than by 15 March, and in the cases when the Procurement Plans scheduled for the current calendar year are revised – not later than within 5 business days. The posed summarized estimates of the planned procurement procedures can be additionally posted on the LMBA website in the column specially assigned for this purpose. The content of the posted summarized estimates in all cases shall be identical.

11. Where in the Regulations of the Commission's Activity prescribe that the method of procurement has to be chosen by the Commission, the latter, having chosen a different procurement method than that which was indicated in the Procurement Plan, shall immediately (prior to commencing the procurement procedure) inform the person responsible for planning the procurement procedure about its choice. The person responsible for planning the procurement procedure shall evaluate the values of the procurement, and, by giving consent to the decision of the Commission, shall immediately (prior to commencing the procurement procedure) draft the Order of LMBA President regarding amendment of the Procurement Plan.

III. ORGANIZING THE PUBLIC PROCUREMENT PROCEDURES AND PERSONS INVOLVED IN PROCUREMENT

12. The international and simplified procurement procedures (excluding the small value procurement) can be performed only by the Procurement Commission.

13. In the cases set for the by the Procedure Regulations, in order to perform the small value procurement procedures without publication of the Contract Notice, the Organizer of the Procurement Procedure can orally request for the price quotas from a single supplier (by phone, directly in the trading place, by evaluating the information posed by the suppliers on the internet regarding the prices of the supplies, services or the works, or by any other method), or in writing

(by the CPPIS instruments, email, mail, fax or by any other means). The Organizer of the Procurement Procedure can always request for the price quotas from more than one supplier.

14. The Organizer of the Procurement Procedure shall record the results of the request for the price quotas in the Form of the Suppliers' Price Quotas (Annex 2). It is permitted not to complete this Form when the supplies, services or the works are procured from or through the Central Purchasing Body or if the request for the price quotas is made by posting the Contract Notice, or if the request for the price quotas below EUR 1 000 (VAT excluded) is made without the Contract Notice.

15. The completed Form of the Suppliers' Price Quotas shall be approved by the President or other authorized person.

16. The procurement procedures can be conducted by the persons (members of the Commission, initiators of the procurement procedure, experts, supervisors, etc.) who have signed the Declaration of Impartiality (in compliance with the form approved by the Public Procurement Office) and the Confidentiality Commitment (Annex 3).

17. In performing the small value procurement procedures, the Procurement Commission or the Organizer of the Procurement Procedure shall abide by the Procedure Regulations of Small Value Public Procurement approved by Order No 1S-97 as of 28 June 2017 of the Director of Public Procurement Office.

18. In preparing the Contract Documents or the Demand Form (if applicable), the Initiator of the Procurement Procedure usually conducts the market research deemed necessary to establish the procurement value.

19. The market research process usually consists of data collection and analysis. In performing the market research, the Initiator of the Procurement Procedure usually makes his (her) own choice what data have to be collected – the primary, i.e. the original data, which are being collected for the specific procurement procedure, or the secondary data, i.e. the data which already have been collected and can be fully or partially used for the purpose. In analyzing the data collected during the market research, the information about the supplies, services or the works proposed by the suppliers on the market, their properties and prices is systematized, and the market changes are indicated. The scope and profoundness of the market research depends of the complexity and value of the procurement object.

20. The Initiator of the Procurement Procedure shall indicate the properties of the procured supplies, services and the works in the Technical Specification prepared in compliance with Article 37 of the Law on Public Procurement, and he (she) shall assume full responsibility for this Technical Specification.

21. Where the information submitted by the initiator of the procurement object is not thorough, the Chairman of the Commission or the Organizer of the Procurement Procedure shall be entitled to demand to revise the information. The information shall be revised in writing not later than within 5 business days from the date of receiving the request to revise the information. The Commission or the Organizer of the Procurement Procedure can disregard the requests of the Initiator of the Procurement Procedure if they contravene to the legal acts valid in the Republic of Lithuania and regulating the public procurement or the principles of public procurement or when it is considered to be irrelevant.

22. In preparing the Contract Documents, the Commission, members of the Commission or the Organizer of the Procurement Procedure are entitled to receive from the Initiator of the Procurement Procedure and other LMBA employees all information deemed necessary in order to properly, in high quality and timely manner prepare the Contract Documents and perform the procurement procedures.

VI. ACCOUNTING, SUPERVISION, CONTROL OF THE PUBLIC PROCUREMENT PROCEDURES

23. Each public procurement procedure performed by the LMBA shall be registered in the Procurement Register (Registers) in the digital format.

24. Each Minutes of the Commission shall be registered in the Register (Registers) of the Minutes, and the responsibility for filling the Register by electronic means shall be borne by the member of the Public Procurement Commission coordinating the procurement procedure.

25. The LMBA President and the Head of Administration may at any time commit the Organizer of the Procurement Procedure, the Commission and the Initiator of the Procurement Procedure to submit more detailed information and /or clarifications about the completed, ongoing or planned to be undertaken procurement procedure.

VI. PUBLIC CONTRACTS OF THE PROCUREMENT PROCEDURES (PREPARATION, REVISION, PERFORMANCE)

26. The draft Public Contract (its amendment, additional agreements) (hereinafter – the Agreement) shall be prepared and revised by the Initiator of the Procurement Procedure or any other LMBA employee by ensuring that the technical characteristics of the supplies, services and the works indicated in the Agreement comply with the Technical Specification and the quantity of

supplies, the scope of the services and works – with the procured quantity of supplies, the scope of the services and works).

27. The drafted Agreement is usually agreed with the LMBA employee working in the field of finance management.

28. The Agreement shall be signed by the President or his (her) authorized person.

29. Not later than on the day immediately following the signing date, the initiator or any other employee who has organized the signing of the Agreement shall submit the signed Agreements (originals) to the LMBA Head of Administration, who shall register them and keep their originals (if not prescribed otherwise by a separate Order).

30. The Initiator of the Procurement Procedure, other authorized employee and/or the person indicated in the Agreement as responsible for proper performance of the Agreement (hereinafter – the person controlling performance of the Agreement) shall exercise control over the performance of the Agreement (of the obligations by the LMBA and the supplier, terms or delivery (completion, supply), the validity and value of the Agreement, compliance of the supplies, services and the works with the quality and other requirements, the supervision and security of the accepted supplies, correct execution of the documents of the transferred object, shall maintain contacts with the suppliers).

31. If the Commission has to be established for the acceptance of the delivered supplies or provided services, the draft Order on establishing the Commissions for the acceptance of the supplies, services or the works shall be prepared by the initiative of the person controlling performance of the Agreement.

32. The person controlling performance of the Agreement shall also immediately inform his (her) direct manager (as well as the LMBA President, if necessary) about the following circumstances:

32.1. When the supplier with whom the Public Contract had been concluded, failed to submit the performance security (if such had been requested) or this performance security is not valid;

32.2. When the terms set forth in the terms and conditions of the Public Contract were breached;

32.3. When the terms for performing the Public Contract are (were) breached and the payment of fines was claimed (it is intended to claim fines);

32.4. When the payments were not made (either in paying for the actually performed works, or for the provided services or delivered supplies) the payment schedule and the prices (rates) set in the Public Contract were breached;

32.5. When it is intended to amend the terms and conditions of the Public Contract or they were amended;

32.6. When the object of the Public Contract does not comply with the requirements set forth in the Contract Documents or in the Public Contract;

32.7. When the warranty obligations set forth in the Public Contract were not properly performed;

32.8. Other information and/or proposals which are relevant in the opinion of the person controlling performance of the Agreement.

33. If requested by the President, the person controlling performance of the Agreement shall provide the latter with the summarized information about performance of the Agreements by indicating the noticed shortcomings or the arising problems and shall also provide proposals how to eliminate these shortcomings and to avoid their reoccurrence in the future.

VII. FINAL PROVISIONS

34. All documents related to the procurement shall be kept in accordance with the procedure set forth by Article 97 of the Law on Public Procurement and the Law on Documents and Archives of the Republic of Lithuania.

35. Persons who have breached the provisions of legal acts regulating public procurement and these Regulations shall be liable according to the procedure set forth in the legal acts valid in the Republic of Lithuania.
