



2014-2020 Operational
Programme for the
European Union Funds
Investments in Lithuania

Joint Stock Company "Frevini"

(Joint Stock Company, data about the company is collected and stored at „LR Registrų centras“, registration No: 304463924, VAT payer code: LT100010803316)

TERMS OF COMPETITION

Object of procurement: Drying chamber

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1. GENERAL PROVISIONS

- 1.1. Contracting authority: Joint Stock Company "Frevini"
- 1.2. Implemented project (co-financed from the EU Structural funds and finances of the Republic of Lithuania): "FREVINI, UAB terasinių ir fasadinių lentų ir parketlenčių gamyba iš natūralios ir termiškai modifikuotos medienos" No. 03.3.1-LVPA-K-803-02-0024
- 1.3. Intended to procure: Drying chamber
- 1.4. The procurement procedure follows: **Project financing and administrative rules approved by Order No. 1K-316 on October 8th, 2014 by Minister of Finance of the Republic of Lithuania (hereinafter - Rules)**, Civil Code of the Republic of Lithuania (hereinafter – Civil Code), other legal acts and these terms of competition. The concepts used in these procurement documents are defined in the Rules.
- 1.5. The announcement of the procurement was published in: EU structural assistance website www.esinvesticijos.lt
- 1.6. The form and principles of procurement: The procurement is being executed in the form of competition and shall follow the principles of equality, non-discrimination, mutual recognition, proportionality and transparency.
- 1.7. Repetition of procurement: Should all suppliers' tenders fail to meet requirements specified herein, the Contracting Authority has a right to repeat procurement procedure according to the Rules.

2. OBJECT OF PROCUREMENT

- 2.1. Object of procurement: Drying chamber
The characteristics (technical specifications) of Object of procurement are indicated in the Form of a tender.
- 2.2. Offering equivalent objects: Objects with equivalent characteristics are acceptable if there is a specific model or source, specific process or brand, patent, types, a particular origin or production indicated in technical specification.
- 2.3. Dividing Object of procurement: Object of procurement is not divided into parts; one tender must cover the entire scope of the procurement object without further subdivisions.
- 2.4. Delivery terms: 4 months from the signing of the contract and the payment of the advance. In case of unforeseen circumstances beyond the control of the supplier, the term may be extended by agreement of the parties once for a period of 30 calendar days, but not longer than until the project "FREVINI, UAB terasinių ir fasadinių lentų ir parketlenčių gamyba iš natūralios ir termiškai modifikuotos medienos" No. 03.3.1-LVPA-K-803-02-0024 end of implementation.
- 2.5. Place of delivery: Televizorių g. 4, LT-78137 Šiauliai

3. QUALIFICATION REQUIREMENTS FOR SUPPLIERS

- 3.1. Qualification requirements for suppliers: Contracting authority does not require Supplier willing to participate in the procurement to meet any qualification requirements.

4. 4. PREPARING, SUBMITTING AND AMENDING THE TENDERS

- 4.1. Compliance with the requirements of the Terms of competition: In submitting the tender, the supplier agrees with the terms of competition and confirms that information in his tender is correct and includes everything required for the proper execution of the procurement contract.
- 4.2. Deadline for tender submission The tender should be submitted no later than 2021-01-08 4:00 p.m. (by the time of Republic of Lithuania) by post, carrier or delivered directly to: Televizorių g. 4, LT-78137 Šiauliai. Contracting Authority shall promptly provide a written confirmation also indicating the date, hour and minute of receiving the tender, upon request of the supplier.
- If the proposal is submitted late due to delay of post, or other unforeseen events, the contracting authority is not responsible for this and will return the offer to the suppliers without opening.
- 4.3. Postponed deadline for tender submission The Contracting Authority has a right to postpone the deadline for tender submission. The Contracting Authority shall announce the new deadline for tender submission for all suppliers participating in the procurement and in EU structural assistance web site www.esinvesticijos.lt.
- 4.4. Calculating the price of tender Prices in the tender shall be represented in Euros calculated and presented according to the Appendix 1 (Form of tender); in calculating the price the entire quantity of object of procurement, components of price, technical specifications, etc. has to be taken into account. The tender price must include all taxes and all expenses of the supplier, associated with the proper execution of procurement contract.
- 4.5. The form of tender submission Supplier should submit a tender in the form provided in the Appendix 1 (Form of tender), in writing and duly signed by the supplier or a person authorized by the supplier. The tender must be submitted in sealed envelope. The envelope must be marked: **Title of Contracting authority, Address of Contracting authority, Object of procurement, Supplier's title and address.** The envelope can also be marked "Not to be opened before the tender submission deadline". The envelope with the tender shall be returned to the supplier if it is submitted in an unsealed envelope.
- 4.6. Language of the tender: The tenders and any other correspondence must be in Lithuanian or (and) in English.
- 4.7. The tender must contain the following documents: Filled in form of tender (provided in Appendix of the terms of competition);
Joint activity agreement or duly certified copy of agreement, when a joint tender is submitted by a group of economic entities or list of subcontractors (drawn up in free form), when Supplier intends to use subcontractors for fulfilling contractual obligations;

Other documents or information required in terms of competition.

- 4.8. Number of tenders
The Supplier may submit only one tender either as an individual tenderer or as member of a group of economic entities. If the supplier submits more than one tender, or a member of a group of economic entities participates in submitting a number of tenders, all such tenders shall be rejected.
- 4.9. Alternative tenders
The supplier is not allowed to submit alternative tenders. Should the supplier place an alternative tender, his tender and the alternative tender (alternative tenders) shall be rejected.
- 4.10. Amending / Withdrawing the tender
Before the deadline for tender submission, the supplier can amend or withdraw its tender. Such amendment or notification about the withdrawal shall be deemed valid if the Contracting Authority receives it in writing prior to the deadline for tender submission.
- 4.11. Tender expiration term
The tender must be valid at least until 2021-04-08. If validity period is not indicated in the Tender, it is considered that the tender is valid until the date indicated in the terms of competition.
- 4.12. Extending tender expiration term
While tenders are not expired, the Contracting Authority may ask the suppliers to extend tender validity until a specific date. The supplier has a right to reject such request.

5. EXPLANATIONS AND REVISIONS OF THE TERMS OF COMPETITION

- 5.1. Explanation on the terms of competition by supplier's request
The Contracting Authority provides explanation on the terms of competition upon supplier's written request, if the request is submitted no later than 3 workdays before the deadline of tender submission. The contracting authority replies to the supplier's request within 2 workdays, but no later than 2 workdays before the deadline of tender submission. All suppliers provided with terms of competition will receive the same explanations. The contracting authority shall not specify which supplier submitted such request.
- 5.2. Explanation on the terms of competition at the initiative of Contracting authority
The contracting authority has the right to explain and revise terms of competition no later than 2 working days until the deadline of tender submission.
- 5.3. Revising terms of competition
If the information required for the preparation of tenders is changed after the announcement of the invitation to participate, as well as when the explanations (corrections) of the documents are provided to the Suppliers (for example, the qualification requirements are amended and / or adjusted), the Buyer shall publish the amended invitation to participate in the procedure set out in Item 458 of the Rules.
- 5.4. Meetings with the suppliers
5.4. The contracting authority will not hold meetings with the suppliers regarding explanation of terms of competition.

- 5.5. Contact person
- Any information, explanations of terms and conditions of competition, notices and other communication between the Contracting Authority and Supplier, shall be carried out via e-mail or post. Contact person of the Contracting Authority: Production manager Rasa Gužauskaitė, rasa.guzauskaite@frevinistudio.com , tel. 37069919613 Joint Stock Company "Frevini"

6. REVIEW OF THE TENDERS

- 6.1. The envelope opening procedure
- The envelope opening procedure will take place on 2021-01-08 4:00 p.m. (Time of the Republic of Lithuania) in the absence of participants.
- The Contracting Authority shall ensure that the prices submitted in the submitted tenders will not be known before the envelope opening procedure specified in the Terms of competition.
- 6.2. Tender evaluation procedure
- The tender analysis, evaluation and comparison procedures shall be conducted by the Procurement Commission confidentially, in absence of the suppliers or their authorized representatives.
- Prices in the tenders shall be evaluated in euros with VAT excluded.
- 6.3. The Procurement Commission shall analyze whether:
- The supplier provided all data, documents and information indicated as obligatory in these terms of competition and whether tender was submitted according requirements of these terms of competition;
the offered price is unusually low.
- 6.4. Request to provide additional explanations
- Should there be questions on the contents of tenders and upon written request of the Procurement Commission, the suppliers shall provide additional explanations in writing within a reasonable period of time, which may not be shorter than 3 working days, without changing the substance of the offer.
- 6.5. Price calculation errors
- Should, during evaluation of tenders, the Procurement Commission find errors related to price calculations in a tender, it must ask suppliers to correct such arithmetical errors within a specified term without changing the price announced during the meeting dedicated to tender opening. A supplier shall not have a right to remove components of the price or to add new components while correcting the arithmetic errors in its tender.
- 6.6. Validating unusually low price
- Should the price specified in the tender be unusually low, the Procurement Commission can (or in the instance of tender rejection - must) require a written validation of the price including detailed validation of all components of the price within a reasonable period of time.
- 6.7. Tender evaluation criteria
- The tender not rejected by the Procurement Commission shall be evaluated on the basis of The lowest price criterion.

7. REASONS FOR REJECTION OF THE TENDERS

- 7.1. The Procurement Commission shall reject a tender if:
- Supplier submitted more than one tender (all tenders of such supplier shall be rejected);
 - The tender (in the instance of negotiations - the final offer) fails to comply with the requirements specified herein (object of the procurement does not comply with technical specifications etc.) or supplier does not provide additional explanation of the submitted tender upon request of the contracting authority;
 - If the supplier fails to correct arithmetic errors and/or to explain its tender within the term specified by the Contracting Authority;
 - Unusually low prices were offered, and the supplier, upon request of the Contracting Authority, failed to submit proper validation of the components of price or failed to validate unusually low price in any other way.
 - Contracting authority can prove by any legal means that the supplier has submitted false information;
 - The price offered in the tender was too high and unacceptable to the Contracting Authority (if the tender of the supplier wasn't rejected because of other reasons).
- 7.2. Notifying about rejection of tender
- The suppliers shall be informed about rejection of their tenders in 1 working day after decision was made.

8. NEGOTIATION

- 8.1. Invitation to negotiate
- The Procurement Commission has a right to invite all suppliers meeting minimal requirements specified herein to negotiation, if the Contracting authority is not satisfied with the tenders received.
- 8.2. Execution of negotiation
- All suppliers whose tenders had not been rejected participate in negotiation. The same information will be provided to all participating suppliers. The results of negotiations will be protocolled separately for each supplier.
- 8.3. Documentation of negotiation
- No information received from suppliers shall be disclosed to third parties by the Procurement Commission without consent of the supplier. Negotiations shall be conducted and protocolled separately for each supplier. The protocol shall be signed by the Chairman of the Procurement Commission and Authorized representative of the Supplier. The Procurement Commission shall protocol Suppliers absence in negotiation, If the Supplier or Authorized representative of the Supplier does not participate in the negotiations. Such protocol shall be signed by all members of the Procurement Commission.

- 8.4. Object of negotiation All characteristics of the object of procurement (including price, quality, commercial conditions and social, environmental and innovation aspects) can be object of negotiation. Minimal requirements, indicated herein, applicable to the object of procurement, suppliers tenders, tender evaluation criteria and main conditions of the contract can not be object of negotiation.
- 8.5. Invitation to negotiation Written invitation to negotiate (indicating the time of negotiation) shall be provided for all of the suppliers whose tenders has not been rejected by the procurement commission.
- 8.6. The final tenders after negotiation Negotiation protocols signed by both parties and primary tenders (as much as they had not been changed during negotiation) shall be considered as final tenders. Final tenders shall be evaluated according to the terms of competition specified herein.
- 8.7. The final queue of the tenders The final queue of the tenders is formed after the end of negotiation and evaluation of final tenders. If the supplier was absent in the negotiation, the primary tender of such supplier shall be considered as final tender.

9. DECISION ON DETERMINING THE WINNER OF THE COMPETITION

- 9.1. The queue of tenders The Procurement Commission will form the queue of tenders after analyzing, comparing and evaluating the submitted tenders. The queue shall include tenders sorted by prices in the ascending order. When several tenders offer equal prices, the tender submitted earlier shall have a higher position in the queue.
- The queue of tenders shall not be formed if only one tender is received. In such case the supplier shall be announced as winner if the supplier (and the submitted tender) meets the requirements of the terms of competition specified herein.
- 9.2. Announcing the winner The supplier with the lowest tender price shall be announced the winner of the competition. The winner of the competition shall be invited to conclude the contract and shall be notified on the deadline for contract signing.
- Should the supplier invited to sign the procurement contract make a written refusal to sign the contract, or should the supplier fail to arrive for contract signing or fail to submit a signed contract within the period specified by the Contracting Authority, or refuse to conclude the procurement contract on the conditions specified in the terms of competition, it shall be deemed that the supplier refused to conclude the procurement contract.
- In such case, the Contracting Authority shall award the procurement contract to the supplier whose tender is next in the queue formed by the Procurement Commission.

10. TERMS OF THE PROCUREMENT CONTRACT

- 10.1. Delivery terms
- 4 months from the signing of the contract and the payment of the advance. In case of unforeseen circumstances beyond the control of the supplier, the term may be extended by agreement of the parties once for a period of 30 calendar days, but not longer than until the project "FREVINI, UAB terasinių ir fasadinių lentų ir parketlenčių gamyba iš natūralios ir termiškai modifikuotos medienos" No. 03.3.1-LVPA-K-803-02-0024 end of implementation.
- 10.2. Payment terms
- 40% prepayment within 10 (ten) calendar days after signing the Agreement (according to the submitted prepayment invoice)
- Other payment terms: 50% within 10 (ten) calendar days after receipt of the Seller's written notice on preparation of the Goods for loading (according to the submitted prepayment invoice)
10% within 10 (ten) working days from the commissioning of the equipment (according to the submitted invoice)
- 10.3. The requirements of the procurement contract:
- The final tender price and the main conditions as well as the main terms of competition determined at the beginning of the procurement shall not be changed upon conclusion of the procurement contract, except for clauses indicated in the Article 8 of the terms of competition (if applicable). The Procurement contract shall be signed with the winner of competition following the terms of competition, The Rules and Civil Code of the Republic of Lithuania.
- 10.4. The main conditions of the contract shall not be changed in these cases:
- If the new conditions of the contract would have enabled other suppliers (excluding those who already participated) to participate in the competition;
- If the new conditions, should they been specified in the terms of competition, would have enabled another supplier to be announced as a winner of the competition;
- If the contract of procurement is changed by including new (additional) goods, services or works to the object of the procurement;
- Economic balance of the contract of the procurement is changed in favor of the supplier (if it was not foreseen in the primary conditions of the contract).
- 10.5. The conditions of the contract can be changed under these circumstances:
- If the nature of the contract is not changed and overall value of such changes does not exceed 10 percent of the primary price of the contract if the goods or services are being procured, and 15 percent if the works are being procured.

10.6. Interest

If the Supplier or the Buyer is late in fulfilling the contractual obligations, 0.02% of interest shall be provided for each day of delay, but not more than 10% of the total amount of the Contract. If the delay is more than 30 (thirty) days, then 0.1% of interest is calculated for each day of the delay.

11. CONCLUDING PROVISIONS

11.1. Refunding the costs of participation in the competition

The costs of preparing the tenders and participating in the competition are not being refunded by contracting authority and should be covered by supplier.

11.2. Termination of procurement

The Contracting Authority has a right to terminate any procurement procedures at any time prior to conclusion of the procurement contract, in case of circumstances which could not have been foreseen. If the Contracting Authority decides to terminate the procurement procedure it shall notify all suppliers participating in the competition no later than in 3 working days from the date of the decision. In case of procurement procedure termination prior to the deadline of tender submission, Contracting Authority shall notify all suppliers provided with the terms of competition. Notice of procurement procedure termination shall also be published everywhere announcement of the procurement was published.

11.3. Informing the suppliers about the signing of the contract

All suppliers who submitted a tender shall be notified in writing about the winner of the competition and the price of the contract by Contracting Authority no later than in 3 working days after signing the contract of procurement.

11.4. Disclosure of the information for the third parties

Information indicated in the tenders (excluding information indicated in these terms of competition as mandatory to disclose for all suppliers) is not going to be disclosed to the suppliers and third parties (excluding individuals administrating and auditing EU structural funds).

12. APPENDICES

12.1. Form of tender