**MARCHE PUBLIC DE PRESTATIONS INTELLECTUELLES**

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**ACTE D'ENGAGEMENT  
(AE)**

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| ***Pouvoir adjudicateur exerçant la maîtrise d'ouvrage*** |
|  |
| Ministère de l'éducation nationale et de la jeunesse - Groupement de commande Rectorat de Mayotte, Université de Mayotte et CROUS de Mayotte |
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| ***Objet du marché*** |
| **Accord-cadre multi attributaire de prestations immobilières d’accompagnement du maître d’ouvrage** |
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| **Procédure de passation : Appel d’offres ouvert**  Elle est soumise aux dispositions des articles L2124-2 et R2124-2-1°du Code de la commande publique |
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L’offre a été établie sur la base des conditions économiques en vigueur au mois « Janvier 2025 » (mois zéro).

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| ***Date du marché*** | **Cadre (Réservé pour la mention d'exemplaire unique du marché)** |
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| ***Montant TTC*** |  |
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| ***Code CPV principal*** |  |
| 71000000-8 |  |
| ***Imputation*** |  |
| - Numéro Siret de l'Etat : 11000201100044  - Code SE : RECCHOR976 |  |

L'acte d'engagement comporte **10** pages et l’annexe n°1, le Bordereau de Prix Unitaires (BPU).

**ACTE D'ENGAGEMENT  
(AE)**

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| ***Acheteur*** |
|  |
| Le Recteur de Mayotte |
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| ***Personne habilitée à donner les renseignements***  *prévus à l'article R 2191-60* du Code de la Commande Publique |
|  |
| Le Recteur de Mayotte |
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| ***Ordonnateur*** |
|  |
| Le Recteur de Mayotte |
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| ***Comptable public assignataire*** |
|  |
| Monsieur le Directeur Régional des Finances Publiques de Mayotte |
|  |

Dans la suite du présent document le pouvoir adjudicateur est désigné "Maître de l'ouvrage". Il est rappelé que le terme de "marché public" désigne un marché ou un accord-cadre conformément à l'article L 1111-1 du Code de la Commande Publique

# ARTICLE PREMIER. CONTRACTANT(S)

☐ **Je soussigné,**

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|  | **Agissant pour le nom et le compte de la Société** : (intitulé complet et forme juridique de la société) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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☐ **Nous soussignés,**

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| **Cotraitant 3** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Après avoir pris connaissance des pièces constitutives du marché suivant :

* Cahier des Clauses Administratives Particulières (CCAP)et des documents qui y sont mentionnés ;
* Les pièces mentionnées à l’article 3 du CCAP

Après avoir :

* produit les documents et renseignements visés à l'article R 2143-11 du Code de la Commande Publique ;

☐ **m'engage** sans réserve, sur la base de mon offre, à produire, dans les conditions fixées au règlement de la consultation, les certificats, attestations des articles R. 2143-6 à R. 2143-10 du Code de la commande publique et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations **du lot désigné en page 1** du présent acte d'engagement dans les conditions ci-après définies.

L'offre ainsi présentée ne **me** lie toutefois que si son acceptation **m'**est notifiée dans un délai de 180jours à compter de la date limite de remise des offres fixée par le règlement de la consultation.

☐ **nous engageons** sans réserve, sur la base de l’offre du groupement, en tant que cotraitants **groupés solidaires**, représentés par :

mandataire du groupement, à produire, dans les conditions fixées au règlement de la consultation, les certificats et attestations des articles R. 2143-6 à R. 2143-10 du Code de la commande publique et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations **du lot désigné en page 1** du présent acte d'engagement dans les conditions ci-après définies.

L'offre ainsi présentée ne **nous** lie toutefois que si son acceptation **nous** est notifiée dans un délai de 180 jours à compter de la date limite de remise des offres fixée par le règlement de la consultation.

☐ **nous engageons** sans réserve, sur la base de l’offre du groupement, en tant que cotraitants **groupés conjoints**, représentés par :

mandataire du groupement, à produire, dans les conditions fixées au règlement de la consultation les certificats et attestations des articles R. 2143-6 à R. 2143-10 du Code de la commande publique et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations **du lot désigné en page 1** du présent acte d'engagement dans les conditions ci-après définies et selon la répartition des prestations précisée en annexe au présent acte d'engagement.

Le mandataire du groupement conjoint **est solidaire** de chacun des membres du groupement pour ses obligations contractuelles à l'égard du maître de l'ouvrage, pour l'exécution du marché.

L'offre ainsi présentée ne **nous** lie toutefois que si son acceptation **nous** est notifiée dans un délai de 180 jours à compter de la date limite de remise des offres fixée par le règlement de la consultation.

Liste des documents contractuels :

**A - Pièces particulières**

* L’acte d'engagement avec, en cas de groupement, les annexes relatives à la répartition et la valorisation des prestations entre les cotraitants, ainsi que l’habilitation signée justifiant la capacité du mandataire à représenter les autres membres du groupement, et les actes spéciaux de sous-traitance, dont l'exemplaire original conservé dans les archives du RPA fait seule foi ;
* Le Cahier des Clauses Administratives Particulières (CCAP)
* Les Cahiers des Clauses Techniques Particulières (CCTP) et leurs annexes

**B - Pièces générales**

Les documents applicables sont :

* Le CCAG applicable aux marchés publics de travaux approuvés par arrêté du 30 mars 2021 ;
* Le CCTG, Cahier des Clauses Techniques Générales applicables aux marchés publics de travaux et ses fascicules ;
* L’ensemble des Normes et DTU et Eurocodes applicables suivant la réglementation en vigueur.

# ARTICLE 2. PRIX

## 2-1. Montant du marché

L'offre de prix est établie sur la base des conditions économiques en vigueur au mois m0 fixé en page 1 du présent acte d’engagement.

Les modalités de variation des prix sont fixées à l'article 4-2 du CCAP.

**Évaluations des travaux**

Les travaux du **lot** pour lequel **je m'engage / nous nous engageons**, seront rémunérés par application des prix unitaires indiqués dans l’annexe financière (Bordereau des prix unitaires) jointe au présent document.

Le taux de TVA est de 0% à Mayotte.

Les prix comprennent l’octroi de mer.

## 2-2. Montant sous-traité

En cas de recours à la sous-traitance, une déclaration de sous-traitance sera annexée au présent acte d'engagement pour chaque sous-traitant et indiquera la nature et le montant des prestations qui seront exécutées par chaque sous-traitant, son nom et ses conditions de paiement. Le montant des prestations sous-traitées indiqué dans chaque formulaire annexé constitue le montant maximal de la créance que le sous-traitant concerné pourra présenter en nantissement ou céder. Le montant indiqué la déclaration de sous-traitance est exprimé hors taxe ; le titulaire doit également préciser dans cette déclaration que la TVA est auto liquidée. Chaque formulaire annexé constitue une demande d'acceptation du sous-traitant concerné et d'agrément des conditions de paiement du contrat de sous-traitance. La notification du marché est réputée emporter acceptation du sous-traitant et agrément des conditions de paiement du contrat de sous-traitance. Le montant total des prestations sous-traitées conformément à ces formulaires annexés est de :

|  |  |  |
| --- | --- | --- |
| **N°** | **sous-traitant** | **Montant hors TVA** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
| **Total** |  |  |

Les déclarations et attestations (article R 2193-1 du Code de la Commande Publique) des sous-traitants recensés dans les formulaires annexés, sont jointes au présent acte d'engagement.

# ARTICLE 4. DELAI D'EXECUTION DU MARCHE

L’accord-cadre est conclu pour une durée de quarante-huit (48) mois à compter de la date de sa notification.

Les délais d'exécution seront précisés dans les pièces constitutives des marchés subséquents.

# ARTICLE 5. PAIEMENTS

Les modalités du règlement des comptes du marché sont spécifiées à l'article 4 du CCAP.

☐ **Entreprise unique**

Le maître de l'ouvrage se libérera des sommes dues au titre du présent marché en faisant porter le montant au crédit du compte (joindre un RIB ou RIP) :

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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Toutefois, le maître de l'ouvrage se libérera des sommes dues aux sous-traitants payés directement en faisant porter les montants au crédit des comptes désignés dans les annexes, les avenants ou les actes spéciaux.

☐ **Groupement solidaire**

Le maître de l'ouvrage se libérera des sommes dues au titre du présent marché en faisant porter le montant au crédit du compte (joindre un RIB ou RIP) :

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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|  | Les soussignées entreprises groupées solidaires, autres que le mandataire, donnent par les présentes à ce mandataire qui l'accepte, procuration à l'effet de percevoir pour leur compte les sommes qui leurs sont dues en exécution du marché par règlement au compte ci-dessus du mandataire. Ces paiements seront libératoires vis-à-vis des entreprises groupées solidaires. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |

Toutefois, le maître de l'ouvrage se libérera des sommes dues aux sous-traitants payés directement en en faisant porter

☐ **Groupement conjoint**

Le maître de l'ouvrage se libérera des sommes dues au titre du présent marché en faisant porter le montant au crédit des comptes (joindre un RIB ou RIP) :

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|  | **Cotraitant 1** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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|  | **Cotraitant 2** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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|  | **Cotraitant 3** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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Toutefois, le maître de l'ouvrage se libérera des sommes dues aux sous-traitants payés directement en en faisant porter les montants au crédit des comptes désignés dans les annexes, les avenants ou les actes spéciaux.

☐ **Entreprise unique**

Le titulaire désigné ci-devant :

☐ **refuse** de percevoir l'avance prévue à l'article 6-1 du CCAP.

☐ **ne refuse pas** de percevoir l'avance prévue à l'article 6-1 du CCAP.

**☐ Groupement solidaire**

Les membres du groupement désignés ci-devant :

|  |  |  |
| --- | --- | --- |
| **N° du cotraitant** | **Avance prévue à l'article 6-1 du CCAP** | |
| 1 | refusent de la percevoir | ne refusent pas de la percevoir |
| 2 | refusent de la percevoir | ne refusent pas de la percevoir |
| 3 | refusent de la percevoir | ne refusent pas de la percevoir |

☐  **Groupement conjoint**

|  |  |  |
| --- | --- | --- |
| **N° du cotraitant** | **Avance prévue à l'article 6-1 du CCAP** | |
| 1 | refusent de la percevoir | ne refusent pas de la percevoir |
| 2 | refusent de la percevoir | ne refusent pas de la percevoir |
| 3 | refusent de la percevoir | ne refusent pas de la percevoir |

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| Fait en un seul original | | | | | |
| à : |  | le : |  | |  |
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| Mention(s) manuscrite(s) "lu et approuvé" signature(s) de l'/des entreprise(s) : | | | | | |
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| **Visas** | |
| à :  le : | Avis de l'autorité chargée du contrôle budgétaire régional  Avis :  à :  le : |

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| **Acceptation de l'offre** | |
| Est acceptée la présente offre pour valoir acte d'engagement. | |
| Le Représentant du Pouvoir Adjudicateur | |
| à : | le : |

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| **Date d'effet du marché** |

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| Reçu notification du marché le : |  |  |

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| Le **prestataire / mandataire du groupement** : |  |  |
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