**PARTENARIAT D’INNOVATION**

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**ACTE D'ENGAGEMENT  
(AE)**

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| ***Acheteur*** |
|  |
| Direction Régionale et Interdépartementale de l’Environnement, de l'Aménagement et des Transports d'Île-de-France (DRIEAT IF)  Direction des Routes Île-de-France (DiRIF) |
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| ***Objet du marché*** |
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| **Partenariat d’innovation pour le développement d’un outil de pesage en marche des poids lourds et transports exceptionnels associé à la mesure de l’impact sur ouvrage d’art** |

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| **Partenariat d’innovation** passé au terme d’une procédure avec négociation définie aux articles L.2124.3-1 et R.2124-3 à R.2124-4 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** **de** \_\_\_\_\_\_\_ **(mois zéro). Ce mois sera renseigné lors de la phase offre.**

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| ***Numéro d'EJ du contrat*** | (Réservé pour la mention d'exemplaire unique du marché) |
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| ***Code CPV Principal*** |  |
| 72212900-8 |  |
|  |  |
| ***Imputation*** |  |
| Code ministère : 223  Programme : 203 |  |

L'acte d'engagement comporte 16 pages et une annexe n°1

**ACTE D'ENGAGEMENT  
(AE)**

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| ***Représentant de l’acheteur*** |
|  |
| Madame la Directrice Régionale et Interdépartementale de l'Environnement, de l'Aménagement et des Transports d'Île-de-France par délégation de Monsieur le Préfet de Région d'Île-de-France, Préfet de Paris (arrêté n°IDF-2023-04-19-00003 du 19/04/2023) |
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| ***Personne habilitée à donner les renseignements***  *Prévus à l'article 2191-60 et 61 du CCP* |
|  |
| Monsieur le directeur régional et interdépartemental adjoint de l’environnement, de l'aménagement et des transports d’Île-de-France – Directeur des Routes d’Île-de-France |
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| ***Ordonnateur*** |
|  |
| Madame la Directrice Régionale et Interdépartementale de l'Environnement, de l'Aménagement et des Transports d'Île-de-France par délégation de Monsieur le Préfet de Région d'Île-de-France, Préfet de Paris (arrêté n°IDF-2023-04-04-00003 du 19/04/2023) |
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| ***Comptable public assignataire*** |
|  |
| Monsieur le Directeur Départemental des Finances Publiques du Val de Marne |
|  |

***Dans tout ce document, le code de la commande publique est désigné par l’abréviation CCP.***

**ARTICLE PREMIER. CONTRACTANT(S)**

q **Je soussigné,**

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|  | q **Agissant en mon nom personnel** ou **sous le nom de** : | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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|  | q **Agissant pour le nom et le compte de la Société** : (intitulé complet et forme juridique de la société) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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|  | Ayant son siège à : | | |  | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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|  | N° d'inscription q au répertoire des métiers **ou** q au registre du commerce et des sociétés : | | | | | | | | | | | | | | | | | | | | | |  | | | | | | |  | |
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q **Nous soussignés,**

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| **Cotraitant 1** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | q **Agissant en mon nom personnel** ou **sous le nom de** : | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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|  | q **Agissant pour le nom et le compte de la Société** : (intitulé complet et forme juridique de la société) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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| **Cotraitant 2** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | q **Agissant pour le nom et le compte de la Société** : (intitulé complet et forme juridique de la société) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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|  | q **Agissant pour le nom et le compte de la Société** : (intitulé complet et forme juridique de la société) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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|  | N° d'identité d'établissement (SIRET) : | | | | | | | | |  |  | |  | |  | |  |  | |  |  |  | |  |  |  |  |  | |  | |
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|  | N° d'inscription q au répertoire des métiers **ou** q au registre du commerce et des sociétés : | | | | | | | | | | | | | | | | | | | | | |  | | | | | | |  | |
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après avoir :

* pris connaissance du Cahier des Clauses Particulières et des documents qui y sont mentionnés ;
* produit les documents et renseignements visés aux articles R.2143-3 et R.2143-4 du CCP ;

q **m'engage** sans réserve, à produire, dans les conditions fixées au règlement de la consultation, les certificats, attestations et déclarations mentionnés aux articles R.2143-6 à R.2143-10 du CCP ainsi que les attestations visées aux articles 5.2.6 et 5.2.8 du Cahier des Clauses Particulières et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations **du partenariat d’innovation** 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 6 mois à compter de la date limite de remise des offres fixée par le règlement de la consultation.

q **nous engageons** sans réserve, en tant que cotraitants **groupés solidaires**, représentés par :

mandataire du groupement, à produire, dans les conditions fixées au règlement de la consultation, les certificats, attestations et déclarations mentionnés aux articles R.2143-6 à R.2143-10 du CCP ainsi que les attestations visées aux articles 5.2.6 et 5.2.8 du Cahier des Clauses Particulières et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations **du partenariat d’innovation** 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 6 mois à compter de la date limite de remise des offres fixée par le règlement de la consultation.

q **nous engageons** sans réserve, en tant que cotraitants **groupés conjoints**, représentés par :

mandataire du groupement, à produire, dans les conditions fixées au règlement de la consultation, les certificats, attestations et déclarations mentionnés aux articles R.2143-6 à R.2143-10 du CCP ainsi que les attestations visées aux articles 5.2.6 et 5.2.8 du Cahier des Clauses Particulières et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations **du partenariat d’innovation** 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 d'ouvrage, pour l'exécution de l’accord-cadre.

L'offre ainsi présentée ne **nous** lie toutefois que si son acceptation **nous** est notifiée dans un délai de 6 mois à compter de la date limite de remise des offres fixée par le règlement de la consultation.

**ARTICLE 2. PRESTATIONS ET PRIX**

**2-1. Montant du partenariat d’innovation**

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

Les modalités de variation des prix sont fixées à l’article 7.3 du Cahier des Clauses Particulières.

Les prestations ne sont pas réparties en lots.

Le partenariat d’innovation comporte 5 phases.

**2.1.1 - Montant du partenariat d’innovation hors phase 3 « Acquisition et déploiement de la solution technique » :**

Le montant de chacune des phases du partenariat d’innovation (hors phase 3 « Acquisition et déploiement de la solution technique »), en application des décompositions en prix global et forfaitaires (DPGF) de chaque phase, arrêté comme suit :

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Phase 1**  **«**Recherche, développement et conception de la solution technique » | **Montant Hors Taxes en lettres** | | | |
| ……………………………………………………………………… | | | |
| **Montants en chiffres** | | | |
| **Montant**  **HT** | **Taux de la TVA** | **Montant TVA** | **Montant**  **TTC** |
|  |  |  |  |
| **Phase 2**  **«**Prospection de déploiement et prototypage de la solution » | **Montant Hors Taxes en lettres** | | | |
| ……………………………………………………………………… | | | |
| **Montants en chiffres** | | | |
| **Montant**  **HT** | **Taux de la TVA** | **Montant TVA** | **Montant**  **TTC** |
|  |  |  |  |
| **Phase 4**  « Collecte, suivi et exploitation de la solution technique » | **Montant Hors Taxes en lettres** | | | |
| ……………………………………………………………………… | | | |
| **Montants en chiffres** | | | |
| **Montant**  **HT** | **Taux de la TVA** | **Montant TVA** | **Montant**  **TTC** |
|  |  |  |  |
| **Phase 5**  « Etude prospective des usages » | **Montant Hors Taxes en lettres** | | | |
| ……………………………………………………………………… | | | |
| **Montants en chiffres** | | | |
| **Montant**  **HT** | **Taux de la TVA** | **Montant TVA** | **Montant**  **TTC** |
|  |  |  |  |
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|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Montant global du partenariat d’innovation hors phase 3** | **Montant Hors Taxes en lettres** | | | |
| ……………………………………………………………………… | | | |
| **Montants en chiffres** | | | |
| **Montant**  **HT** | **Taux de la TVA** | **Montant TVA** | **Montant**  **TTC** |
|  |  |  |  |

**2.1.2 - Objectif de coût maximum de la phase 3 « Acquisition et déploiement de la solution technique »**

L’objectif de coût maximum associé à la phase 3 « Acquisition et déploiement de la solution technique »), pour l’ouvrage type défini à l’article 3.2 du cahier des clauses particulières, est arrêté comme suit :

|  |  |  |  |
| --- | --- | --- | --- |
| **Coût maximum de la solution technique** | | | |
| **Montant Hors Taxes en lettres** | | | |
| ……………………………………………………………………… | | | |
| **Montants en chiffres** | | | |
| **Montant**  **HT** | **Taux de la TVA** | **Montant TVA** | **Montant**  **TTC** |
|  |  |  |  |

Ce cout maximum est basé sur un ouvrage d’art situé sur un axe présentant 2 voies de circulation conformément aux données d’entrée fournis à l’article 3.2 du CCP.

Le montant définitif est réévalué sur la base de l’ouvrage d’art choisi par le groupement - et validé par le maitre d’ouvrage - à l’issue de la phase 2, comparativement à l’ouvrage type défini à l’article 3.2 du cahier des clauses particulières.

Le montant définitif est arrêté préalablement à l’engagement de ladite phase 3, dans les conditions fixées par l’article 7.2 du cahier des clauses particulières.

Les prestations seront rémunérées conformément à l’article 7.2 du cahier des clauses particulières.

Le détail des prestations exécutées par chacun des membres du **groupement conjoint** est joint en annexe au présent acte d'engagement.

**2.1.3 - Objectif de coût maximum annuel de la maintenance associée à la solution technique**

L’objectif de coût maximum annuel de la maintenance est associé aux phase 4 « Collecte, suivi et exploitation de la solution technique » et 5 « Etude prospective des usages » pour l’ouvrage type défini à l’article 3.2 du cahier des clauses particulières.

Le prix correspondant s’applique, forfaitairement et par an, à la maintenance du système réalisée par le partenaire dans le cadre de l’exécution des phases 4 et phase 5.

Cet objectif de coût maximum annuel est arrêté comme suit :

|  |  |  |  |
| --- | --- | --- | --- |
| **Coût maximum annuel de la maintenance associée à la solution technique** | | | |
| **Montant Hors Taxes en lettres** | | | |
| ……………………………………………………………………… | | | |
| **Montants en chiffres** | | | |
| **Montant**  **HT** | **Taux de la TVA** | **Montant TVA** | **Montant**  **TTC** |
|  |  |  |  |

Ce cout maximum est basé sur un ouvrage d’art situé sur un axe présentant 2 voies de circulation conformément aux données d’entrée fournis à l’article 3.2 du CCP.

Le montant définitif est réévalué sur la base de l’ouvrage d’art choisi par le groupement - et validé par le maitre d’ouvrage - à l’issue de la phase 2, comparativement à l’ouvrage type défini à l’article 3.2 du cahier des clauses particulières.

Le montant définitif est arrêté préalablement à l’engagement des dites phase 4 et phase 5, dans les conditions fixées par l’article 7.2 du cahier des clauses particulières.

Les prestations correspondantes seront rémunérées conformément à l’article 7.2 du cahier des clauses particulières.

La rémunération de ce prix est directement dépendante de la durée des phases d’exécution des dites phase 4 et phase 5, préalablement définis par le groupement au chapitre 3-2 du présent acte d’engagement.

**2-2. Montant sous-traité**

### **2-2.1. Montant sous-traité désigné au marché**

En cas de recours à la sous-traitance, conformément à l'article 5 de la loi du 31 décembre 1975 modifiée, le(s) formulaire(s) DC4 (*téléchargeable sur le site :* [*http://www.economie.gouv.fr/daj/marches-publics*](http://www.economie.gouv.fr/daj/marches-publics)*)* annexés au présent acte d'engagement indique(nt) la nature et le montant des prestations qui seront exécutées par des sous-traitants, leurs noms et leurs conditions de paiement. Le montant des prestations sous-traitées indiqué dans chaque formulaire constitue le montant maximal de la créance que le sous-traitant concerné pourra présenter en nantissement ou céder.

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.

### **2-2-2. Créance présentée en nantissement ou cession**

Le montant maximal, TVA incluse, de la créance que **je pourrai/nous pourrons** présenter en nantissement ou céder sera limité au montant de chaque phase engagée diminué, éventuellement, de la part sous-traitée.

**ARTICLE 3. DUREE DU PARTENARIAT ET DELAIS DES PHASES**

**3-1. Durée du partenariat**

La durée du globale du partenariat d’innovations et la résultante :

* de la durée des phases proposées par le partenaire et définies à l’article 3.2 ci-après
* de la durée de la phase 3 « Acquisition et déploiement de la solution technique », fixé à 12 mois
* de la décision de l’acheteur de l’engagement des phases successives, étant précisé que le délai maximum pouvant s’écouler entre l’enchainement de 2 phases est de 6 mois. L’absence de décision de l’acheteur emportant exécution d’une phase suivante dans ce délai entraîne l’extinction du partenariat.

Le partenariat prend fin :

* Dans le cas où l’acheteur décide de mettre terme au partenariat d’innovation à l’issue des phases « Phase 1 – Recherche, développement et conception de la solution technique » ou « Phase 2 – Prospection de déploiement et prototypage de la solution », à la plus tardive des deux dates suivantes :
  + Soit à compter de la date de décision de l’acheteur de mettre fin au partenariat ou au terme du délai dont dispose l’acheteur pour décider de l’engagement de la phase suivante ;
  + Soit à compter de la date de réception par l’acheteur de l’ensemble des éléments nécessaire à la réception de la phase considérée ;
* Dans le cas où l’acheteur décide de mettre terme au partenariat d’innovation à l’issue de la phase « Phase 3 – Acquisition et déploiement de la solution technique », à la plus tardive des deux dates suivantes :
  + Soit au terme du délai dont dispose l’acheteur pour décide de l’engagement de la phase suivante à l’issue du délai d’exécution de la phase ;
  + Soit à compter de la date de réception par l’acheteur de l’ensemble des éléments nécessaire à la réception de la phase ;
* Dans le cas où l’acheteur poursuit l’exécution du partenariat d’innovation jusqu’à la phase « Phase 4 – Collecte, suivi et étude prospective des usages » ou « Phase 5 – Etude prospective des usages », à la plus tardive des deux dates suivantes :
  + Soit au terme de la durée de la phase n° 4 ou n°5 ;
  + Soit à compter de la date de réception par l’acheteur de l’ensemble des éléments nécessaire à la réception de la phase considérée ;

**3-2. Délai d'exécution des phases**

Le délai d’exécution d’une phase démarre :

* Pour la phase 1, à la notification du partenariat
* Pour les phases suivantes : à compter de la date fixée par l’ordre de service prescrivant de commencer la phase considérée.

Ces délais, **qui doivent être renseignés par le candidat**, sont fixés comme suit :

| **Phase** | **Délai d’exécution** | **Délai mini** | **Délai maxi** |
| --- | --- | --- | --- |
| **Phase 1 :** Recherche, développement et conception de la solution technique | …………. mois | 1 mois | 6 mois |
| **Phase 2 :** Prospection de déploiement et prototypage de la solution | …………. mois | 1 mois | 6 mois |
| **Phase 3 :** Acquisition et déploiement de la solution technique | 12 mois | - | - |
| **Phase 4 :** Collecte, suivi et exploitation de la solution technique | …………. mois | 1 an | 3 ans |
| **Phase 5 :** Etude prospective des usages | …………. mois | 1 an | 3 ans |

Le titulaire ne pourra pas refuser l’engagement d’une nouvelle phase par l’acheteur.

La non-poursuite des phases successives du partenariat par l’acheteur ne peut ouvrir droit au profit du titulaire à aucune indemnité de quelque sorte que ce soit, ni à aucun dédommagement.

**ARTICLE 4. PAIEMENTS**

Les modalités du règlement des comptes de l’accord-cadre sont spécifiées à l'article 7 du cahier des clauses particulières.

q **Entreprise unique/Groupement solidaire à compte unique**

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

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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q Les soussignés prestataires groupés solidaires, autres que les mandataires, donnent par les présentes à ce mandataire qui l’accepte, procuration à l’effet de percevoir pour leur compte les sommes qui leur sont dues en exécution du marché par règlement au compte ci-dessus du mandataire. Ces paiements seront libératoires vis-à-vis des prestataires groupés solidaires.

Toutefois, le maître d'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.

q **Groupement solidaire à comptes séparés**

Le maître d'ouvrage se libérera des sommes dues au titre du présent accord-cadre 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 d'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.

q **Groupement conjoint**

Le maître d'ouvrage se libérera des sommes dues au titre du présent accord-cadre 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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|  | code banque : | |  | | | | |  | | | | | |  | | | | | |  | | | | | |  | | | | | code guichet : | | | | | | | | | | | | | | | | | |  | | | |  | | | |  | | | |  | | |  | | | |  | | | | | | | | |  |
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|  | | BIC (par SWIFT) | |  | |  | | | |  | | |  | | |  | | | | |  | |  | | | | |  | |  | | | |  | | |  | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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Toutefois, le maître d'ouvrage se libérera des sommes dues aux sous-traitants payés directement faisant porter les montants au crédit des comptes désignés dans les annexes, les avenants ou les actes spéciaux.

**Versement de l’avance**

Concernant le versement de l’avance prévu l'article 7-1 du Cahier des clauses particulières :

q **Entreprise unique/Groupement solidaire à compte unique**

Le titulaire désigné ci-devant :

q **refuse** de percevoir l'avance prévue à l'article 7-1 du Cahier des clauses particulières.

q **ne refuse pas** de percevoir l'avance prévue à l'article 7-1 du Cahier des clauses particulières.

q **Groupement solidaire à comptes séparés**

| **N° du cotraitant** | **Avance prévue à l'article 7-1 du Cahier des clauses particulières**. | |
| --- | --- | --- |
| 1 | q refusent de la percevoir | q ne refusent pas de la percevoir |
| 2 | q refusent de la percevoir | q ne refusent pas de la percevoir |
| 3 | q refusent de la percevoir | q ne refusent pas de la percevoir |

q **Groupement conjoint**

| **N° du cotraitant** | **Avance prévue à l'article 7-1 du Cahier des clauses particulières.** | |
| --- | --- | --- |
| 1 | q refusent de la percevoir | q ne refusent pas de la percevoir |
| 2 | q refusent de la percevoir | q ne refusent pas de la percevoir |
| 3 | q refusent de la percevoir | q ne refusent pas de la percevoir |

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| Signature(s) électronique (s) de l'/des entreprise(s) : | | | | | |
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| **Acceptation de l'offre** | |
| Est acceptée la présente offre pour valoir acte d'engagement. | |
| Le représentant de l’acheteur | |
| 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 **titulaire / mandataire du groupement** : | | |  | |  | | |
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| Reçu le | l'accusé de réception de la notification du marché | | | | | | |
| du **titulaire** / **mandataire du groupement** destinataire.  Pour le représentant de l’acheteur, | | | | | | | |
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q **ANNEXE N°1 A L'ACTE D'ENGAGEMENT EN CAS DE**

**GROUPEMENT CONJOINT**

**Détail des prestations exécutées par chacun des cotraitants**

| **Nom du mandataire**  **cotraitant 1** | | **Prestations du mandataire - Poste(s) technique(s)** |
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| **Autres cotraitants** | | **Prestations des autres cotraitants - Poste(s) technique(s)** |
| **N°2** |  |  |
| **N°3** |  |  |