**MARCHES PUBLICS DE MAÎTRISE D’ŒUVRE**

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| **ACTE D’ENGAGEMENT (AE)**  ***Groupement*** |
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| **Pouvoir adjudicateur exerçant la maîtrise d'ouvrage** |
| État – Ministère de la Justice – Secrétariat Général  Service de l’Immobilier Ministériel |
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| **Objet du marché** |
| **Marché de maîtrise d’œuvre relatif aux travaux de rénovation du Pôle Territorial de Formation de la Protection Judiciaire de la Jeunesse à Marseille** |
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| **Marché sur procédure adaptée en application des** [**articles L.2123-1**](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037703547) **et** [**R.2123-1 à R.2123-7**](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000037701019/LEGISCTA000037723842/#LEGISCTA000037730859) **du code de la commande publique** |

L’offre a été établie sur la base des conditions économiques en vigueur au mois de juillet 2025 (mois zéro m0).

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| Montant TTC | Référence PLACE |
|  | DI-AIX-MOE-PTF-MARS |
| Code CPV principal |  |
| 71000000 |  |
| Code CPV secondaire |  |
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| Imputation |  |
| TF n° 058830  DF :  CC :  GM : 36.04.02  EJ n° :  Service exécutant : FAC0000013 |  |

L’acte d’engagement comporte pages et 1 annexe.

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| **ACTE D’ENGAGEMENT (AE)**  ***Groupement*** |
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| **Représentant du pouvoir adjudicateur (RPA)** |
| **Ministère de la Justice – Secrétariat Général**  **Service de l’Immobilier Ministériel**  **Représenté par Madame la Cheffe du Département de l’Immobilier**  **Délégation Interrégionale Sud Est**  350 Avenue du club hippique - CS 70456  13096 AIX-EN-PROVENCE CEDEX 2 |
|  |
| **Personne habilitée à donner les renseignements** prévus à l’article R2191-60 du code de la commande publique |
| Madame la Cheffe du Département Immobilier d’Aix-en-Provence |
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| **Ordonnateur** |
| Madame la Cheffe du Département Immobilier d’Aix-en-Provence |
|  |
| **Comptable public assignataire** |
| Madame la Directrice Régional des Finances Publiques des Bouches-du-Rhône - 16 rue Borde 13008 MARSEILLE |

**Article 1. Contractant(s)**

Nous soussignés,

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|  | **Cotraitant 2** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | **Cotraitant 3** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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après avoir pris connaissance du Cahier des Clauses Administratives et Techniques Particulières (CCATP) et des documents qui y sont mentionnés ;

**nous engageons** sans réserve, en tant que

Cotraitants groupés conjoints :

Cotraitants groupés solidaires :

représentés par :

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mandataire du groupement, et conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations du présent marché dans les conditions ci-après définies.

En cas de groupement conjoint le mandataire est solidaire.

L’offre ainsi présentée ne me lie toutefois que si son acceptation m’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.

**Article 2. Prix**

1. **Montant du marché**

L’offre de prix rémunère la mission définie à l’article 1.4 du CCATP.

Elle est établie sur la base des conditions économiques en vigueur au mois m0 "études" fixé en page de garde du présent acte d’engagement.

Les modalités de variation des prix sont fixées à l'article 4.3 du CCATP.

Il n’est pas prévu de décomposition en tranches, les prestations ne sont pas réparties en lots.

Le marché est rémunéré par un prix global et forfaitaire dont la décomposition par éléments de mission figure à l’annexe 1 de l’acte d’engagement.

L’annexe 2 précise, en outre, obligatoirement pour les groupements conjoints et facultativement pour les groupements solidaires, la répartition de la rémunération par cotraitants.

En cas de groupement conjoint, le détail des prestations exécutées par chacun des membres en fonction des éléments de mission, est précisé à l’annexe 3.

Part de l’enveloppe financière hors TVA C0 affectée aux travaux par le maître d’ouvrage est de :

C0 = 650 000 € HT (en valeur m0).

Le montant provisoire Fp de cette rémunération est égal à :

|  |  |  |  |
| --- | --- | --- | --- |
| * Montant hors TVA ***Fp*** : | | |  |
|  | | | |
| * TVA au taux de | 20 | %,       soit |  |
|  | | | |
| * Montant TVA incluse : | | |  |
|  | | | |
| * Arrêté en lettres à |  | | |
|  | | | |

Dès que le coût prévisionnel des travaux C est arrêté selon les modalités fixées à l’article 5.1 du CCATP, la rémunération devient définitive dans les conditions suivantes :

A programme et mission constants, le montant définitif de la rémunération ***Fd*** est établi comme suit:

|  |  |
| --- | --- |
| **Coût prévisionnel des travaux C hors T.V.A.** | **Montant définitif Fd hors T.V.A** |
| C < C0 | Fd = C \* (Fp/C0) |
| C = C0 ou C < 1,1C0 | Fd = Fp |
| Si C > 1,1 C0 | Fd = Fp + ((1/2 \* Fp/C0) \* (C-C0)) |

1. **Montant sous-traité**
   * 1. **Montant sous-traité désigné au marché**

En cas de recours à la sous-traitance, conformément aux [articles L.2193-1 à 7](https://www.legifrance.gouv.fr/codes/id/LEGISCTA000037703795) du Code de la Commande Publique

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| l’(es) annexe(s) n° |  | 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 annexe constitue le montant maximal de la créance que le sous-traitant concerné pourra présenter en nantissement ou céder.

Chaque annexe (et pièces qui y sont jointes) 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. Chaque formulaire est annexé au présent marché.

Le montant total des prestations que **nous envisageons** de sous-traiter conformément à ces annexes est de :

|  |  |  |
| --- | --- | --- |
| **N° du cotraitant** | **Montant hors TVA** | **Montant TVA incluse** |
| 1 (mandataire) |  |  |
| 2 |  |  |
| 3 |  |  |
| 4 |  |  |
| **Total** |  |  |

Les déclarations de sous-traitance, au titre des [articles R2193-1 à R2193-22](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000037701019/LEGISCTA000037725065/#LEGISCTA000037729637) du code de la commande publique, des sous-traitants recensés dans les formulaires annexés sont jointes au présent acte d’engagement.

* + 1. **Créance présentée en nantissement ou cession**

En fonction des éventuelles prestations sous-traitées, le montant maximal, TVA incluse, de la créance que **nous pourrons** présenter en nantissement ou céder est ainsi de :

|  |  |  |  |
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| **Cotraitant 1 (mandataire)** | **Cotraitant 2** | **Cotraitant 3** | **Cotraitant \_** |
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**Article 3. Durée du marché et délais d’exécution**

Les stipulations correspondantes figurent à l’article 7 et 9.2 du CCATP.

La durée du marché est fixée à 36 mois.

**Article 4. Paiements**

1. **Règlement des comptes**

Les modalités du règlement des comptes du marché sont spécifiées à l’article 4.2 du CCATP.

Le détail des prestations exécutées par chacun des membres du groupement solidaire n’est pas individualisé. 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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| **Groupement solidaire** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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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.

La répartition de la rémunération pour chacun des membres du groupement solidaire ou conjoint est précisée en annexe 1 du présent AE. 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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| **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 faisant porter les montants au crédit des comptes désignés dans les annexes, les avenants ou les actes spéciaux.

1. **Avance**

Si le montant hors TVA du marché est inférieur ou égal à 50 000 € HT, aucune avance ne sera versée.

Si le montant hors TVA du marché est supérieur à 50 000 € HT, le mandataire, en cas de groupement solidaire, ou chacun des co-traitants en cas de groupement conjoint, doit préciser ci-après s’il souhaite la percevoir.

|  |  |  |
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| **N° du cotraitant** | **Avance prévue à l’article 8-2 du CCATP** | |
| 1 (mandataire) | refuse de la percevoir | ne refuse pas de la percevoir |
| 2 | refuse de la percevoir | ne refuse pas de la percevoir |
| 3 | refuse de la percevoir | ne refuse pas de la percevoir |
| \_ | refuse de la percevoir | ne refuse pas de la percevoir |

Les modalités de paiement des avances sont précisées à l’article 8.2 du CCATP.

Dans le cas d’un groupement solidaire où la répartition de la rémunération n’est pas précisée, les co-traitants donnent par les présentes, au mandataire qui l’accepte, procuration à l’effet de percevoir, répartir et rembourser pour leur compte les sommes qui leur sont dues au titre de l’avance.

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| Fait en un seul original | | | | | |
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|  |  |  |  | | |
| Mention(s) manuscrite(s) "lu et approuvé" signature(s) du/des prestataire(s) : | | | | | |
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| Acceptation de l’offre |
| Est acceptée la présente offre pour valoir acte d’engagement.  Le Représentant du Pouvoir Adjudicateur  À : AIX-EN-PROVENCE le : |

**Annexe n°1 à l’acte d’engagement**

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| **DÉCOMPOSITION DE LA RÉMUNÉRATION PAR PHASE** | | | |
|  | | | |
| **Elément de mission** | **Montant € hors TVA** | **(1)** | **Temps passé en jours (2)** |
| AVP |  | % |  |
| PRO |  |  |  |
| EXE 1 |  | % |  |
| ACT |  |  |  |
| DET |  | % |  |
| EXE 2 |  | % |  |
| AOR |  | % |  |
| **Total** |  | 100 % |  |

(1) Pourcentage de l’élément de mission par rapport à la rémunération de la mission de base. Ce pourcentage est donné à titre indicatif.

**Annexe n°2 à l’acte d’engagement**

|  |  |  |  |  |  |  |
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| **DÉCOMPOSITION DE LA RÉMUNÉRATION PAR PHASE ET PAR CO-TRAITANTS** | | | | | | |
|  | | | | | | |
| **Elément de mission** | **Montant € hors TVA** | **(2)** | **(1) Répartition par cotraitants** | | | |
| **1 (mandataire)** | **2** | **3** | **4** |
| AVP |  | % |  |  |  |  |
| PRO |  | % |  |  |  |  |
| EXE 1 |  | % |  |  |  |  |
| ACT |  | % |  |  |  |  |
| DET |  | % |  |  |  |  |
| EXE 2 |  | % |  |  |  |  |
| AOR |  | % |  |  |  |  |
| **Total** |  | 100 % |  |  |  |  |

(1) à remplir obligatoirement en cas de cotraitants conjoints et facultatif en cas de groupement solidaire (montants hors TVA).

(2) Pourcentage de l’élément de mission par rapport à la rémunération. Ce pourcentage est donné à titre indicatif.

**Annexe n°3 à l’acte d’engagement**

Détail des prestations exécutées par chacun des cotraitants en cas de groupement conjoint (facultatif en cas de groupement solidaire), dans chaque élément de mission :

|  |  |  |
| --- | --- | --- |
| **Nom du mandataire cotraitant 1** | | **Prestations exécutées** |
|  | |  |
|  | | |
| **Nom des autres cotraitants** | | **Prestations exécutées** |
| **N°2** |  |  |
| **N°3** |  |  |
| **N°\_** |  |  |