MARCHE PUBLIC DE TRAVAUX

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**ACTE D'ENGAGEMENT  
(AE)**

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| ***Pouvoir adjudicateur exerçant la maîtrise d'ouvrage*** |
|  |
| **ÉTAT** **-** **MINISTERE DE L’INTERIEUR**  Secrétariat Général commun des Pyrénées-Atlantiques  2 Rue Maréchal Joffre, 64021 Pau |
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| ***Objet du marché*** |
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| **Marché de travaux sur les installations de chauffage du bâtiment 3 de la préfecture de Pau** |
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| **Marché sur procédure adaptée** en application des articles L.2123-1 et R.2123-1 à R.2123-7 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** **zéro (M0) : Juin 2025**

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| ***Date du marché*** | (Réservé pour la mention d'exemplaire unique du marché) |
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| ***Numéro d'EJ du contrat*** |  |
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| ***Montant TTC*** |  |
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|  |  |
| ***Code CPV principal*** |  |
| ***45331000-6*** |  |
| ***Imputation*** |  |
| BOP …………. |  |

L'acte d'engagement comporte \_\_\_\_ pages et les annexes n°\_\_\_\_

**ACTE D'ENGAGEMENT  
(AE)**

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| ***Représentant du Pouvoir Adjudicateur (RPA)*** |
|  |
| Madame la directrice du secrétariat général commun départemental des Pyrénées-Atlantiques (SGCD 64) |
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| ***Personne habilitée à donner les renseignements*** *aux articles R.2191-60 et R.2191-61 du CCP.* |
|  |
| Madame la directrice du secrétariat général commun des Pyrénées-Atlantiques  Pôle immobilier |
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| ***Ordonnateur*** |
|  |
| **M le Préfet des Pyrénées-Atlantiques** |
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| ***Comptable public assignataire*** |
|  |
| Direction Régionale des Finances Publiques  24 rue François de Sourdis – BP 908 - 33060 Bordeaux Cedex |
|  |

***Dans la suite du présent document le pouvoir adjudicateur est désigné "Maître d'ouvrage".***

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

# ARTICLE PREMIER. CONTRACTANT(S)

 **Je soussigné,**

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 **Nous soussignés,**

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| **Cotraitant 3** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | N° d'inscription  au répertoire des métiers **ou**  au registre du commerce et des sociétés : | | | | | | | | | | | | | | | | | | | | | |  | | | | | | |  | |
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|  |  **Agissant en mon nom personnel** ou **sous le nom de** : | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
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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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|  | N° d'inscription  au répertoire des métiers **ou**  au registre du commerce et des sociétés : | | | | | | | | | | | | | | | | | | | | | |  | | | | | | |  | |
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après avoir :

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

 **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 au CCAP 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 **180 jours** à compter de la date limite de remise des offres fixée par le règlement de la consultation et rappelée en page de garde du CCAP.

 **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 au CCAP 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 et rappelée en page de garde du CCAP.

 **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 au CCAP 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 d'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 et rappelée en page de garde du CCAP.

# ARTICLE 2. PRESTATIONS ET 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 par le CCAP.

Les prestations définies au CCTP portent sur un lot unique.

Le marché comprend une tranche ferme et 5 tranches optionnelles :

|  |  |  |
| --- | --- | --- |
| Num | Tranches | Désignation |
| 1 | Tranche ferme | Équipements radiateurs Radiateur et désembouage |
| 2 | Tranche optionnelle 1 | Equilibrage hydraulique |
| 3 | Tranche optionnelle 2 | Gestion circuit radiateurs Bât 3 – variateurs sur pompes |
| 4 | Tranche optionnelle 3 | Filtre magnétique |
| 5 | Tranche optionnelle 4 | Vannes équilibrage Pied de colonne |

**Evaluation des travaux**

Les travaux du **lot** pour lequel **je m'engage / nous nous engageons**, seront rémunérés par application d'un prix global forfaitaire égal à :

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| * Montant marché tranche ferme hors TVA**:** | | |  |  |
| * Tranche optionnelle 1 - hors TVA | | |  |  |
| * Tranche optionnelle 2 - hors TVA | | |  |  |
| * Tranche optionnelle 3 - hors TVA | | |  |  |
| * Tranche optionnelle 4 - hors TVA | | |  |  |
| * Montant Total hors TVA | | |  |  |
|  | | |  |  |
| * TVA au taux de | 20 | %,       soit |  |  |
| * Montant TVA incluse : | | |  |  |
|  | | |  |  |
| Arrêté en lettres à |  | | |  |
|  | | | |  |

Elle est détaillée dans le cadre de Décomposition du Prix Global et Forfaitaire (DPGF) du lot correspondant.

 **Groupement conjoint**

Le détail des prestations exécutées par chacun des membres du **groupement conjoint** ainsi que la répartition de la rémunération correspondante sont joints en annexe au présent acte d'engagement.

Le mandataire y indique en outre le montant de sa prestation de mandat.

**Décision du maître d’ouvrage**

Compte tenu de l'acceptation de la/des tranche(s) optionnelle (s), le montant du marché est arrêté à :

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| * Montant marché tranche ferme hors TVA**:** | | |  |  |
| * Tranche optionnelle 1 - hors TVA | | |  |  |
| * Tranche optionnelle 2 - hors TVA | | |  |  |
| * Tranche optionnelle 3 - hors TVA | | |  |  |
| * Tranche optionnelle 4 - hors TVA | | |  |  |
| * Montant Total hors TVA | | |  |  |
|  | | |  |  |
| * TVA au taux de | 20 | %,       soit |  |  |
| * Montant TVA incluse : | | |  |  |
|  | | |  |  |
| Arrêté en lettres à |  | | |  |
|  | | | |  |

## 2-2. Montant sous-traité

En cas de recours à la sous-traitance, conformément aux articles L.2193-1 à 3 du code de la commande publique, un formulaire DC4 sera annexé 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 au formulaire DC4 est exprimé hors taxe ; le titulaire doit également préciser dans ce formulaire que la TVA est autoliquidée.

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.

 **Entreprise unique**

Le montant total des prestations sous-traitées conformément à ces formulaires annexés est de :

|  |  |  |
| --- | --- | --- |
| * Tranche ferme hors TVA |  |  |
| * Tranche optionnelle 1 - hors TVA |  |  |
| * Tranche optionnelle 2 - hors TVA |  |  |
| * Tranche optionnelle 3 - hors TVA |  |  |
| * Tranche optionnelle 4 - hors TVA |  |  |

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

 **Groupement solidaire**

Le montant total des prestations sous-traitées conformément à ces formulaires annexés est de :

|  |  |  |
| --- | --- | --- |
| * Tranche ferme hors TVA |  |  |
| * Tranche optionnelle 1 - hors TVA |  |  |
| * Tranche optionnelle 2 - hors TVA |  |  |
| * Tranche optionnelle 3 - hors TVA |  |  |
| * Tranche optionnelle 4 - hors TVA |  |  |

Les déclarations (article R.2193-1 du CCP) des sous-traitants recensés dans les formulaires annexés, sont jointes au présent acte d'engagement.

 **Groupement conjoint**

Le montant total des prestations sous-traitées conformément à ces formulaires annexés est de :

| **N° du cotraitant** | **Tranche ferme -hors TVA** | **Tranche optionnelle 1 - hors TVA** | **Tranche optionnelle 2 - hors TVA** | **Tranche optionnelle 3- hors TVA** | **Tranche optionnelle 4 - hors TVA** |
| --- | --- | --- | --- | --- | --- |
| 1 |  |  |  |  |  |
| 2 |  |  |  |  |  |
| 3 |  |  |  |  |  |
| 4 |  |  |  |  |  |
| 5 |  |  |  |  |  |
| **Total** |  |  |  |  |  |

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

# ARTICLE 3. DELAI D'EXECUTION DU MARCHE

## 3-1. Période de préparation

Par dérogation à l'article 18.1.1 du CCAG travaux (Arrêté du 30 mars 2021), le délai de la période de préparation **du marché** part de la date de la notification du marché.

Le délai de la période de préparation est de 1 mois.

## 3-2. Délai d'exécution des travaux

Le délai d'exécution des travaux est de 2 mois (hors période de préparation) à compter de la date fixée par l'ordre de service « OS » .

Le délai d'exécution pour lequel **je m'engage / nous nous engageons** sera déterminé dans les conditions stipulées dans le CCAP sur la base du calendrier prévisionnel annexé au présent acte d'engagement.

L'ordre de service prescrivant de commencer l'ensemble des travaux sera transmis à l’entreprise titulaire du marché par le maitre d’œuvre

## 3-3. Délai(s) distinct(s)

Sans objet.

# ARTICLE 4. PAIEMENTS

Les modalités du règlement des comptes du marché sont spécifiées au CCAP.

## 4-1. Références bancaires

 **Entreprise unique**

Le maître d'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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|  | compte ouvert à l'organisme bancaire : | | | | | | | | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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|  | sous le numéro : |  | |  | | |  | | |  |  | | |  | | | |  | | | |  | | | |  | | |  | |  | | |  | | | clé RIB : | | | | | | |  | | |  | | |  | | | | |
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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.

 **Groupement solidaire**

Le maître d'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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|  | compte ouvert à l'organisme bancaire : | | | | | | | | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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|  | code banque : |  | |  | | |  | | |  | | | | | |  | | | | | code guichet : | | | | | | | | | | | |  | | |  | | |  | |  | |  | |  | | | | | | | | |  |
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|  | BIC (par SWIFT) |  |  | |  |  | |  |  | | |  |  | |  | |  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
|  |  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 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.

 **Groupement conjoint**

Le maître d'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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|  | **Cotraitant 4** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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|  | **Cotraitant 5** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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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.

## 4-2. Avance

 **Entreprise unique**

Le titulaire désigné ci-devant :

 **refuse** de percevoir l'avance prévue par le CCAP.

 **ne refuse pas** de percevoir l'avance prévue par le CCAP.

[  ] 20% pour les entreprise de moins de 250 salariés

[  ]   5% pour les entreprise de 250 salariés et plus

 **Groupement solidaire**

Les membres du groupement désignés ci-devant :

 **refusent** de percevoir l'avance prévue par le CCAP.

 **ne refusent pas** de percevoir l'avance prévue par le CCAP.

[  ] 20% pour les entreprise de moins de 250 salariés

[  ]   5% pour les entreprise de 250 salariés et plus

 **Groupement conjoint**

| **N° du cotraitant** | **Avance prévue par le CCAP** | |
| --- | --- | --- |
| 1 |  refusent de la percevoir |  ne refusent pas de la percevoir  [  ] 20% pour les entreprise de moins de 250 salariés  [  ]   5% pour les entreprise de 250 salariés et plus |
| 2 |  refusent de la percevoir |  ne refusent pas de la percevoir  [  ] 20% pour les entreprise de moins de 250 salariés  [  ]   5% pour les entreprise de 250 salariés et plus |
| 3 |  refusent de la percevoir |  ne refusent pas de la percevoir  [  ] 20% pour les entreprise de moins de 250 salariés  [  ]   5% pour les entreprise de 250 salariés et plus |
| 4 |  refusent de la percevoir |  ne refusent pas de la percevoir  [  ] 20% pour les entreprise de moins de 250 salariés  [  ]   5% pour les entreprise de 250 salariés et plus |
| 5 |  refusent de la percevoir |  ne refusent pas de la percevoir  [  ] 20% pour les entreprise de moins de 250 salariés  [  ]   5% pour les entreprise de 250 salariés et plus |

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| Fait en un seul original | | | | | |
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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 **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 du pouvoir adjudicateur, | | | | | | | | |
| à : | | | le : | |  | | | |

 **ANNEXE N°\_\_\_ A L'ACTE D'ENGAGEMENT EN CAS DE**

**GROUPEMENT CONJOINT**

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

**Répartition de la rémunération correspondante**

**1. Détail des prestations :**

| **Nom du mandataire**  **cotraitant 1** | | **Prestations du mandataire - Poste(s) technique(s)** |
| --- | --- | --- |
|  | |  |
|  | |  |
|  | |  |
| **Autres cotraitants** | | **Prestations des autres cotraitants - Poste(s) technique(s)** |
|  | |  |
| **N°2** |  |  |
|  | |  |
| **N°3** |  |  |
|  | |  |
| **N°4** |  |  |
|  | |  |
| **N°5** |  |  |

**2. Répartition de la rémunération**

| **Prestations** | | | | | **Montant hors TVA** | **Montant TVA** | **Montant TVA incluse** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Mandataire - cotraitant 1** | | | | |  |  |  |
|  | | TVA |  | % |  |  |  |
|  | | | | |  |  |  |
| Prestation de mandat | | | | |  |  |  |
|  | | | | |  |  |  |
| **Total mandataire** (I) | | | | |  |  |  |
| **Autres cotraitant** | | | | |  |  |  |
| N° | 2 | TVA |  | % |  |  |  |
|  | | | | |  |  |  |
| N° | 3 | TVA |  | % |  |  |  |
|  | | | | |  |  |  |
| N° | 4 | TVA |  | % |  |  |  |
|  | | | | |  |  |  |
| N° | 5 | TVA |  | % |  |  |  |
|  | | | | |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Total autres cotraitants** (II) |  |  |  |
| **Total du marché** (I) + (II) |  |  |  |