MARCHÉ PUBLIC DE SERVICES

ACTE D'ENGAGEMENT  
(AE)

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| ***Acheteur*** |
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| **ETAT – Ministère de la Transition écologique, de la Biodiversité et des Négociations internationales sur le Climat et la Nature**    **Direction régionale et interdépartementale de l’environnement, de l’aménagement et des transports d’Île-de-France (DRIEAT-IF)**  21-23 Rue Miollis  75015 PARIS |
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| ***Représentant de l’acheteur*** |
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| Madame la directrice régionale et interdépartementale de l’environnement, de l’aménagement et des transports, en vertu de [l’arrêté n° IDF-2023-04-19-00003 du 19 avril 2023](https://intra.drieat-idf.e2.rie.gouv.fr/fichier/pdf/arrete_idf_no2023-04-19-00003_du_19_avril_2023_os__publie__cle5a5527.pdf?arg=365401836&cle=53ae3daa2c52a180456b5a88f900921a77816f247cfe4274ea9a2b95567d6302&file=pdf%2Farrete_idf_no2023-04-19-00003_du_19_avril_2023_os__publie__cle5a5527.pdf) |
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| ***Ordonnateur*** |
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| Direction régionale et interdépartementale de l’environnement, l’aménagement et des transports d’Île-de-France, représentée par Madame la directrice régionale et interdépartementale de l’environnement, de l’aménagement et des transports, en vertu de [l’arrêté n° IDF-2023-04-19-00003 du 19 avril 2023](https://intra.drieat-idf.e2.rie.gouv.fr/fichier/pdf/arrete_idf_no2023-04-19-00003_du_19_avril_2023_os__publie__cle5a5527.pdf?arg=365401836&cle=53ae3daa2c52a180456b5a88f900921a77816f247cfe4274ea9a2b95567d6302&file=pdf%2Farrete_idf_no2023-04-19-00003_du_19_avril_2023_os__publie__cle5a5527.pdf" \o "Arrêté n° IDF-2023-04-19-00003 du 19 avril 2023 portant délégation de signature à Mme Emmanuelle GAY, directrice régionale et interdépartementale de l'environnement, de l'aménagement et des transports d'Île-de-France en matière d'ordonnancement secondaire et de commande publique - pdf - 104.7 kio " \t "_blank) |
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| ***Comptable public assignataire*** |
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| Monsieur le directeur départemental des finances publiques du Val-de-Marne  1 Place du Général Pierre Billotte  94000 CRETEIL |
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| ***Objet du marché public*** |
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| Consultation n° DRIEAT-SG-MAPA-25-094  **Prestations de restauration collective au profit du restaurant interadministratif de Créteil Les Archives** |
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# ARTICLE PREMIER. CONTRACTANT(S)

**Je soussigné,**

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|  | N° d'inscription  au répertoire des métiers **ou**  au registre du commerce et des sociétés : | | | | | | | | | | | | | | | | | | | | | |  | | | | | | |  | |
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Le prestataire est-il une micro, une petite ou une moyenne entreprise (entreprises qui occupent moins de 250 personnes et dont le chiffre d'affaires annuel n'excède pas 50 millions d'euros ou dont le total du bilan annuel n'excède pas 43 millions d'euros), au sens de la [recommandation de la Commission du 6 mai 2003 concernant la définition des micro, petites et moyennes entreprises](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:124:0036:0041:fr:PDF) (articles R.2151-13 et R.2351-12 du Code de la commande publique) ?

Oui

Non

**Nous soussignés,**

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Oui

Non

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| **Cotraitant 2** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Oui

Non

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| **Cotraitant 3** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Oui

Non

Après avoir :

* pris connaissance du cahier des clauses administratives particulières (CCAP) du marché public ainsi que les documents qui y sont mentionnés ;
* produit les documents et renseignements visés aux articles R.2143-3 et R.2143-4 du Code de la commande publique ;

**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 Code de la commande publique ainsi que les attestations visées au CCAP et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations du présent marché public 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.

**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 Code de la commande publique ainsi que les attestations visées au CCAP et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations du présent marché public dans les conditions ci-après définies.

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**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 Code de la commande publique ainsi que les attestations visées au CCAP et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations du présent marché public 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 de l’acheteur, pour l'exécution du marché public.

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. Forme du marché public

Le présent marché public est conclu sous la forme d’un accord-cadre à bons de commande mono-attributaire, conformément aux articles L.2125-1, R.2162-2, R.2162-4, R.2162-13 et R.2162-14 du Code de la commande publique.

## 2-2. Montant du marché public

L'offre de prix est établie sur la base des conditions économiques en vigueur au mois m0 défini à l'article 4.2 du CCAP.

Le présent marché public est conclu :

* Sans montant minimum ;
* Avec un montant maximum annuel de 210 000 € HT.

**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.

## 2-3. Montant sous-traité

En cas de recours à la sous-traitance, conformément aux articles L.2193-4, L.2193-5 et R.2193-1 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.

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 public est réputée emporter acceptation du sous-traitant et agrément des conditions de paiement du contrat de sous-traitance.

**Prestataire unique**

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

|  |  |  |
| --- | --- | --- |
| * Montant hors TVA |  |  |
|  |  |  |
| * Montant TVA incluse |  |  |

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.

**Groupement solidaire**

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

| **N° du cotraitant** | **Montant hors TVA** | **Montant TVA incluse** |
| --- | --- | --- |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
| **Total** |  |  |

Les déclarations (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.

**Groupement conjoint**

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

| **N° du cotraitant** | **Montant hors TVA** | **Montant TVA incluse** |
| --- | --- | --- |
| 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 3. DÉLAI DE RÉALISATION

## 3-1. Durée du marché public

La durée initiale de l'accord-cadre est de 12 mois à compter de sa date de notification.

L'accord-cadre est reconductible, de manière tacite, 1 fois, pour une période de 12 mois, sans que sa durée totale puisse excéder 24 mois.

Le titulaire ne peut refuser la reconduction de l’accord-cadre.

La reconduction est considérée comme acceptée si aucune décision écrite contraire n’est prise par l’acheteur au moins 3 mois avant la fin de la période d’exécution en cours.

La non-reconduction de l’accord-cadre n’ouvre droit à aucune indemnisation.

Le premier jour d'exploitation du restaurant est fixé, après la notification de l’accord-cadre, par un ordre de service signé par le représentant de l'acheteur.

Le titulaire s'engage à mettre en place, au plus tard quinze jours calendaires avant la date de début d’exploitation, la structure, le dispositif d'approvisionnement, et d'une manière générale, tous les moyens nécessaires à une mise en place efficace du service de restauration.

## 3-2. Délais d’exécution

Le délai d’exécution afférent à chaque commande, ainsi que son point de départ, seront précisés dans le bon de commande.

La durée pendant laquelle peuvent s'exécuter les bons de commande ne peut excéder la durée de validité de l’accord-cadre majorée de 6 mois.

# ARTICLE 4. PAIEMENTS

Les modalités du règlement des comptes du marché public sont spécifiées à l'article 4.3 du CCAP.

Le(s) prestataire(s) refuse(nt) le paiement par carte d'achat

**Prestataire unique**

La personne publique se libérera des sommes dues au titre du présent marché public en faisant porter le montant au crédit du compte (joindre un RIB ou RIP) :

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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Toutefois, la personne publique 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 à compte unique**

La personne publique se libérera des sommes dues au titre du présent marché public en faisant porter le montant au crédit du compte (joindre un RIB ou RIP) :

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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|  | Les soussignés prestataires groupés 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 public par règlement au compte ci-dessus du mandataire. Ces paiements seront libératoires vis-à-vis des prestataires groupés solidaires. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |

Toutefois, la personne publique 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 à comptes séparés**

La personne publique se libérera des sommes dues au titre du présent marché public en faisant porter le montant au crédit des comptes (joindre un RIB ou RIP) :

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|  | **Cotraitant 2** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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|  | **Cotraitant 3** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
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Toutefois, la personne publique 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**

La personne publique se libérera des sommes dues au titre du présent marché public 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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Toutefois, la personne publique 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.

**Prestataire unique**

Le prestataire désigné ci-devant :

**refuse** de percevoir l'avance prévue à l'article 5.3.1 du CCAP.

**ne refuse pas** de percevoir l'avance prévue à l'article 5.3.1 du CCAP.

**Groupement solidaire à compte unique**

Les prestataires désignés ci-devant :

**refusent** de percevoir l'avance prévue à l'article 5.3.1 du CCAP.

**ne refusent pas** de percevoir l'avance prévue à l'article 5.3.1 du CCAP.

**Groupement solidaire à comptes séparés**

| **N° du cotraitant** | **Avance prévue à l'article 5.3.1 du CCAP** | |
| --- | --- | --- |
| 1 | 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 |

**Groupement conjoint**

| **N° du cotraitant** | **Avance prévue à l'article 5.3.1** **du CCAP** | |
| --- | --- | --- |
| 1 | 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 |

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|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Fait en un seul original | | | | | |
| à : |  | le : |  | |  |
|  |  |  |  | | |
| 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 de l’acheteur | |
| A : | Le : |

**ANNEXE N°2 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** |  |  |
|  | |  |

**2. Répartition de la rémunération**

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

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

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