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| **PUBLIC PROCUREMENT CONTRACTS DECLARATION OF SUBCONTRACT**[**2**](#_bookmark0) | **DC4** |

**Form DC4 is a template for a subcontracting declaration that can be used by bidders or government procurement contractors to submit a subcontractor. This document is provided by the bidder or holder to the purchaser either at the time of submission of the offer – in addition to any information provided under H of form DC2 – or during the execution of the public contract.**

**It is recalled that in application of the public procurement code, and in** [**particular its articles L. 1110-1**](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?idSectionTA=LEGISCTA000037703250&cidTexte=LEGITEXT000037701019&dateTexte=20190401)**,** [**and R. 2162-1 to**](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?idSectionTA=LEGISCTA000037730365&cidTexte=LEGITEXT000037701019&dateTexte=20190401)

[**R. 2162-6,**](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?idSectionTA=LEGISCTA000037730365&cidTexte=LEGITEXT000037701019&dateTexte=20190401)[**R. 2162-7 à R. 2162-12,**](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037730351&cidTexte=LEGITEXT000037701019&dateTexte=20190401)[**R. 2162-13 à R. 2162-14**](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037730337&cidTexte=LEGITEXT000037701019&dateTexte=20190401) **et** [**R. 2162-15 à R. 2162-21**](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037730329&cidTexte=LEGITEXT000037701019&dateTexte=20190401) **(marchés publics autres que de**

**defence or security), as well as** [**R. 23612-1 to R. 2362-6,**](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?idSectionTA=LEGISCTA000037728715&cidTexte=LEGITEXT000037701019&dateTexte=20190401)[**R. 2362-7,**](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037728701&cidTexte=LEGITEXT000037701019&dateTexte=20190401)[**R. 2362-8,**](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037728697&cidTexte=LEGITEXT000037701019&dateTexte=20190401)[**R. 2362-9 to R. 2362-12,**](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037728693&cidTexte=LEGITEXT000037701019&dateTexte=20190401) **and** [**R. 2362-13**](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037728683&cidTexte=LEGITEXT000037701019&dateTexte=20190401)[**to R. 2362-18**](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037728683&cidTexte=LEGITEXT000037701019&dateTexte=20190401) **(defence or security contracts), the term “public procurement” also covers partnership contracts and defence or security contracts as well as subsequent and specific contracts, irrespective of the procurement techniques used (framework agreements, which are implemented by the conclusion of subsequent contracts or by the issue of purchase orders, competitions, dynamic acquisition systems, electronic catalogues and electronic auctions)whether or not they are subject to the preparation and award obligations of this Code. In all these cases, this form is usable.**

# A - Identification of the buyer

**Buyer Designation:**

*(Repeat the content of the notice of invitation to tender or the invitation to confirm interest; in case of publication of an advertisement in the OJEU or BOAMP, the mere indication of the reference to that notice is sufficient)*

**Person entitled to give the information provided for in** [**article R. 2191-59**](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?idSectionTA=LEGISCTA000037729737&cidTexte=LEGITEXT000037701019&dateTexte=20190401) **of the public procurement code, referred to in** [**article R. 2391-28**](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?idSectionTA=LEGISCTA000037728411&cidTexte=LEGITEXT000037701019&dateTexte=20190401) **of the same code (pledges or assignments of claims):** *(Include the identity of the person, their mailing and email addresses, telephone and fax numbers)*

# B - Subject of the public contract

*(Repeat the content of the notice in the call for competition or the invitation to confirm interest; in the event of publication of an advertisement in the OJEU or BOAMP, the mere indication of the reference to that notice is sufficient; in any case, the reference number assigned to the file by the buyer is also sufficient information. However, in case of allotment, also identify the lot or lots concerned by this subcontracting declaration)*

2 Optional document available, with its explanatory note, on the website of the Ministry in charge of the economy.

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# C - Purpose of the subcontractor’s declaration

**This Subcontracting Declaration constitutes:**

*(Check the corresponding box)*

a document attached to the bidder’s bid

a special act accepting the subcontractor and approving its payment terms (*subcontractor submitted after award of the contract)*

a special amending act; it cancels and replaces the subcontracting declaration of ………………...

# D - Identification of the tenderer or the holder of the public contract

**Business name and legal name of the unit or establishment performing the service, postal addresses and head office (if different from the mailing address), e-mail address, telephone and fax numbers, SIRET number, failing which, a European or international identification number or one specific to the economic operator’s country of origin from a directory in the list of** [**deposit takers:**](http://metadata-stds.org/Document-library/Draft-standards/6523-Identification-of-Organizations/ICD_list.htm)

**Business name and legal name of the unit or establishment that will perform the service:**

**Mailing and head office addresses** *(if different from mailing address):*

**Email address:**

**Telephone and fax numbers:**

**SIRET number, failing which, a European or international identification number or one specific to the economic operator’s country of origin from a directory in the list of** [**deposit takers:**](http://metadata-stds.org/Document-library/Draft-standards/6523-Identification-of-Organizations/ICD_list.htm)

**Legal form of the individual tenderer, holder or member of the grouping** *(sole proprietorship, SA, SARL, EURL, association, public institution, etc.):*

**In the case of a temporary grouping of undertakings, identification and contact details of the authorised representative of the group:**

# E - Identification of the subcontractor

**Business name and legal name of the unit or establishment performing the service, postal addresses and head office** *(if different from the mailing address)***, e-mail address, telephone and fax numbers, SIRET number, failing which, a European or international identification number or one specific to the economic operator’s country of origin from a directory in the list of** [**deposit takers:**](http://metadata-stds.org/Document-library/Draft-standards/6523-Identification-of-Organizations/ICD_list.htm)

**Business name and legal name of the unit or establishment that will perform the service:**

**Mailing and head office addresses** *(if different from mailing address):*

**Email address:**

**Telephone and fax numbers:**

**SIRET number, failing which, a European or international identification number or one specific to the economic operator’s country of origin from a directory in the list of** [**deposit takers:**](http://metadata-stds.org/Document-library/Draft-standards/6523-Identification-of-Organizations/ICD_list.htm)

**Legal form of the subcontractor (sole proprietorship, SA, SARL, EURL, association, public institution, etc.)** *and registration number in the trade register, trades register or business formalities centre:*

**Natural person(s) with the power to hire the subcontractor:**

*(Give the name, surname and qualifications of each person. In MDS, attach a document proving the authorisation to hire the subcontractor. For other public contracts, this document will be provided at the buyer’s request)*

**Is the subcontractor a micro, small or medium-sized enterprise** within the meaning of [the Commission’s recommendation](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AL%3A2003%3A124%3A0036%3A0041%3Afr%3APDF) [of 6 May 2003](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AL%3A2003%3A124%3A0036%3A0041%3Afr%3APDF) concerning the definition of micro, small and medium-sized enterprises or an artisan within [the meaning of section 19 of the Act of 5 July 1996](https://www.legifrance.gouv.fr/affichTexteArticle.do%3Bjsessionid%3D83BCBFC60390609F22C124D22345B382.tpdila22v_1?idArticle=LEGIARTI000033669891&cidTexte=LEGITEXT000005621315&dateTexte=20170428) n° 96-603 amended relating to the development and promotion of trade and crafts ( [Art. R. 2151-13](https://www.legifrance.gouv.fr/affichCodeArticle.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?idArticle=LEGIARTI000037730515&cidTexte=LEGITEXT000037701019&dateTexte=20190401) and [R. 2351-12](https://www.legifrance.gouv.fr/affichCodeArticle.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?idArticle=LEGIARTI000037728815&cidTexte=LEGITEXT000037701019&dateTexte=20190401) of the public procurement code)?

Yes No

For **defence or security contracts** awarded by the services of the Ministry of Defence only **and** provided that the contract concerned is a public service or works contract or a public supply contract requiring installation or installation work; or with services ( [Article R. 2393-33](https://www.legifrance.gouv.fr/affichTexteArticle.do%3Bjsessionid%3DD5F2C558D167BFA1A3D87F2A4EDA8784.tplgfr42s_2?cidTexte=JORFTEXT000037696277&idArticle=LEGIARTI000037718558&dateTexte=20181205) of the French Public Procurement Code), is the subcontractor bound to the holder?

Yes No

# F - Nature of the services subcontracted

*(Include the relevant elements as they appear in the subcontract)*

**Nature of the services subcontracted:**

**Subcontracting of personal data processing (to** *be completed where appropriate):*

**The processor is authorized to process the personal data necessary to provide the following service(s): ……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………**

**The duration of treatment is: ………….**

**The nature of the data transactions is: ………………….**

**The purpose(s) of the processing are: ……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………**

**The personal data processed are: ……………… The categories of persons concerned are: …………………. The bidder/licensee states that:**

the subcontractor provides sufficient guarantees for the implementation of technical and organisational measures to ensure the protection of personal data;

the subcontract incorporates the mandatory clauses provided for in [Article 28 of the Regulation](https://www.cnil.fr/fr/reglement-europeen-protection-donnees/chapitre4#Article28) [(EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individu](https://www.cnil.fr/fr/reglement-europeen-protection-donnees/chapitre4#Article28)  als with regard to the processing of personal data and the free movement of such data and repealing Directive 95/46/EC (GDPR).

In **defence and security contracts,** place of performance of the subcontracted services:

# G - Price of subcontracted services

**Amount of the subcontracted services:**

In the event that the subcontractor is entitled to direct payment, the amount of the subcontracted services indicated below, adjusted as appropriate by applying the formula for price change indicated *below*, is the maximum amount of money to be paid by direct payment to the subcontractor.

1. Amount of the subcontract in the case of services not covered by b) below:
   * VAT rate: ………………………………….. .
   * Amount excluding tax: ………………………….. .
   * Amount including tax: ………………………… .
2. Amount of the subcontract in the case of subcontracted work falling within 2 [nonies *of* article 283 of the General Tax Code](http://legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000028418301&cidTexte=LEGITEXT000006069577) :
   * VAT rate: self-assessment (VAT is due by the holder): ……….
   * Amount excluding VAT: ………………………….. .

**Methods of price change:**

**The holder declares that his subcontractor meets the conditions for being entitled to direct payment** [*(article R. 2193-10*](https://www.legifrance.gouv.fr/affichCodeArticle.do%3Bjsessionid%3D4621551EBA8F207989B321CE0150EEF9.tplgfr42s_2?idArticle=LEGIARTI000037729603&cidTexte=LEGITEXT000037701019&dateTexte=20190401) *or* [*article R. 2393-33*](https://www.legifrance.gouv.fr/affichCodeArticle.do%3Bjsessionid%3D4621551EBA8F207989B321CE0150EEF9.tplgfr42s_2?idArticle=LEGIARTI000037728295&cidTexte=LEGITEXT000037701019&dateTexte=20190401) *of the public procurement code):*

*(Check the corresponding box)*

Yes No

# H - Terms of payment

**Account to be credited:**

*(Attach bank or postal identification statement.)*

**Name of banking institution: Account number:**

**The subcontractor requests an advance:**

*(Check the corresponding box)*

Yes No

# I – Duration of the subcontract in months

*(Note: If the duration of the subcontract does not correspond to a whole number, round up to the next whole number. Ex: 20 days = 1 month, 1 month and 2 weeks = 2 months, etc.)*

The duration of the subcontract in number of months is :

# J - Subcontractor’s capabilities

(Note: Except for defence and security contracts (MDS), this information is only required when the purchaser requires it and has not already been transmitted under DC2 -see H of DC2)

**D1 -** Summary of information and information (public procurement contracts other than MDS) or parts (MDS) requested by the purchaser in the consultation documents to be provided, as an appendix to this document, by the subcontractor to prove his ability to carry on the professional activity concerned, his economic and financial capacity or his professional and technical capacity:

* + ……………………………………………………………………………………
  + ……………………………………………………………………………………
  + ……………………………………………………………………………………
  + ……………………………………………………………………………………
  + ……………………………………………………………………………………

**J2 -** Where applicable, the internet address to which the supporting documents and means of proof are accessible directly and free of charge, as well as all the information necessary to access them *(also applicable to MDS, where the buyer has authorized economic operators not to provide these proof documents pursuant* [*to Article R. 2343-14 or Article R. 2343-15 of the French Public Procurement Code):*](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037728899&cidTexte=LEGITEXT000037701019&dateTexte=20190401)

**Internet address:**

**Information required to access:**

# K - Declarations on the subcontractor’s honour in respect of exclusions from the procedure

**K1 - The subcontractor states on honour (\*):**

1. in the event of a public procurement other than defence or security, not to enter into any of the cases of exclusion provided for in [Articles L. 2141-1 to L. 2141-5](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037703589&cidTexte=LEGITEXT000037701019&dateTexte=20190401) or in [Articles L. 2141-7 to L. 2141-](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037703603&cidTexte=LEGITEXT000037701019&dateTexte=20190401) [10](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037703603&cidTexte=LEGITEXT000037701019&dateTexte=20190401) of the French Code de la commande publique (\*\*);
2. in the event of a defence or security public procurement contract, not to enter into any of the cases of exclusion provided for in [Articles L. 2341-1 to L. 2341-3](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037704215&cidTexte=LEGITEXT000037701019&dateTexte=20190401) or in [Articles L. 2141-7 to L. 2141-10](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037703603&cidTexte=LEGITEXT000037701019&dateTexte=20190401) of the French Code de la commande publique.

To attest that the subcontractor is not in one of these exclusion cases, check the following box :

*(\*) Where an economic operator is, during the procedure for awarding a contract, placed in one of the cases of exclusion mentioned in* [*articles L. 2141-1 to L. 2141-5,*](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037703589&cidTexte=LEGITEXT000037701019&dateTexte=20190401) *in* [*articles L. 2141-7 to L. 2141-10*](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000037703603&cidTexte=LEGITEXT000037701019&dateTexte=20190401) *or in* [*articles L. 2341-1*](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037704215&cidTexte=LEGITEXT000037701019&dateTexte=20190401)[*to L. 2341-3*](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037704215&cidTexte=LEGITEXT000037701019&dateTexte=20190401) *of the public procurement code, inform the buyer of this change in situation without delay.*

*(\*\*) In the event that the subcontractor is admitted to the receivership procedure, its attention is drawn to the fact that it will have to prove that it has been authorised to continue its activities for the foreseeable duration of the public contract.*

**K2 – Evidence documents available online** (also applicable to MDS, where the buyer has authorized economic operators not to provide these proof documents pursuant [to article R. 2343-14 or article R. 2343-15 of the](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037728899&cidTexte=LEGITEXT000037701019&dateTexte=20190401) [public order code):](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037728899&cidTexte=LEGITEXT000037701019&dateTexte=20190401)

Where applicable, the internet address at which supporting documents and means of proof are directly accessible free of charge, as well as all the information necessary to access them:

*(If the address and information is identical to those provided above, simply refer to the relevant section.)*

**Internet address:**

**Information required to access**

# L - Assignment or pledge of claims arising from the public contract

*(Check the corresponding boxes)*

**1st hypothesis** This declaration of subcontracting constitutes a **special act.**

The holder establishes that no assignment or pledge of claims resulting from the public contract shall prevent direct payment by the subcontractor, under the conditions laid down in [Article R. 2193-22](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037729575&cidTexte=LEGITEXT000037701019&dateTexte=20190401) or [Article R. 2393-40](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037728277&cidTexte=LEGITEXT000037701019&dateTexte=20190401) of the French Code de la commande publique.

As a result, the holder produces with DC4 :

the single copy or certificate of transferability of the public contract issued to it,

OR

a certificate or discharge from the beneficiary of the assignment or pledge of claims.

**2nd hypothesis**

This Declaration of Subcontracting constitutes a **special amending act:**

the holder requests an amendment to the single copy or certificate of transferability,

provided for in [Article R. 2193-22](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037729575&cidTexte=LEGITEXT000037701019&dateTexte=20190401) or [Article R. 2393-40](https://www.legifrance.gouv.fr/affichCode.do%3Bjsessionid%3DB81BA950929BDC11249DDF8C185D1DE4.tplgfr42s_2?idSectionTA=LEGISCTA000037728277&cidTexte=LEGITEXT000037701019&dateTexte=20190401) of the French Public Procurement Code, which is attached to this DC4;

OR

the single copy or transferability certificate has been delivered for assignment or pledge of claims and cannot be returned, the holder must provide:

* the assignment or pledge of claims in respect of the public contract does not preclude direct payment by the subcontracted party, or
* the amount of the payment has been reduced to make it possible.

This justification is given by a certificate or discharge from the beneficiary of the assignment or pledge of claims resulting from the contract which is attached to this document.

**M - Acceptance and approval of the subcontractor’s payment terms**  *(Note: When DC4 is provided during the procurement procedure as an annex to the bidder’s bid, it is up to the bidder to verify whether or not, in the relevant procedure, the signature of this form is required by the buyer at this stage; if the DC4 has not been signed, the purchaser shall, once the contract is awarded, return the completed DC4 to the holder for return by the latter and his subcontractor. The buyer may then notify the holder of the contract, to which this document will be attached, which will result in the approval and acceptance of the subcontractor’s payment terms).*

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| The subcontractor:  *(identified person E section of the DC4)* | The bidder or incumbent:  *(person identified under C1 of the DC2)* |

The buyer’s representative, who is competent to sign the public contract, accepts the subcontractor and agrees to its payment terms.

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The buyer’s representative :

**N - Notification of the special act to the holder.**  *(A copy of the original contract or certificate of transferability or, where applicable, of the special instrument must be given to each subcontractor receiving direct payment by the public purchaser.)*

Date of last update :

Date of the

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In the event of delivery against receipt:

The holder shall receive as notification a copy of this special act:

In the case of sending by registered letter with acknowledgement of receipt:

*(Paste the postal acknowledgement of receipt, dated and signed by the holder.)*

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