MARCHE PUBLIC DE PRESTATIONS INTELLECTUELLES

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**ACTE D'ENGAGEMENT  
(AE)**

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| ***Acheteur représentant la maîtrise d’ouvrage*** |
|  |
| Ministère des transports  DGAC / SG / SNIA |
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| ***Objet du marché*** |
|  |
| Accord-cadre pour la réalisation de prestations topographiques relatives à la réalisation des travaux préliminaires du projet de nouvel aéroport de Mayotte |
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| **Marché sur appel d'offres ouvert**, passé en application des articles L.2124-1 et L.2124-2 et R.2124-1, R.2124-2 du CCP et sous la forme d’un accord-cadre à bons de commande tel que défini aux articles R.2162-1 à R.2162-6 et R.2162-13 à R.2162-14 du CCP |
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**L’offre a été établie sur la base des conditions économiques en vigueur au mois de mars 202****6.**

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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*** |  |
|  |  |
| ***Code CPV principal*** |  |
| 71351810-4 |  |
| ***Minimum - Maximum*** |  |
| Minimum TTC : 100 000 €  Maximum TTC : 800 000 € |  |
| ***Imputation*** |  |
| BOP 203 |  |

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

**ACTE D'ENGAGEMENT  
(AE)**

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| ***Représentant de l’acheteur (RA)*** |
|  |
| Le Directeur du Service National d'Ingénierie Aéroportuaire |
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| ***Ordonnateur*** |
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| Le Directeur du Service National d'Ingénierie Aéroportuaire |
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| ***Comptable public assignataire*** |
|  |
| Direction Départementale des Finances Publiques du Val-de-Marne  Hôtel des finances – 1 place du général P.Billotte  94040 Créteil Cédex |
|  |

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

***Le CCAG considéré est issu de l’arrêté du 1er avril 2021 portant approbation du cahier des clauses administratives générales applicables aux marchés publics de prestations intellectuelles.***

# ARTICLE PREMIER. CONTRACTANT(S)

q **Je soussigné,**

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q **Nous soussignés,**

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| **Cotraitant 3** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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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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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. ;

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 1-8.1, 1-8.2 et éventuellement au 1-8.3 du §CCAP et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations du présent marché 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 240 jours 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 1-8.1, 1-8.2 et éventuellement au 1-8.3 du §CCAP et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations du présent marché 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 240 jours 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 1-8.1, 1-8.2 et éventuellement au 1-8.3 du §CCAP et, conformément aux stipulations des documents cités ci-dessus, à exécuter les prestations du présent marché 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.

L'offre ainsi présentée ne **nous** lie toutefois que si son acceptation **nous** est notifiée dans un délai de 240 jours à compter de la date limite de remise des offres fixée par le règlement de la consultation.

# ARTICLE 2. PRESTATIONS ET PRIX

## 2-1. Détermination des prix

L'offre de prix est établie sur la base des conditions économiques à la date de remise de l’offre fixée en page 1 du présent acte d’engagement. Ce mois est réputé correspondre à celui de la date à laquelle le candidat a fixé son prix remis dans son offre finale.

Les modalités de variation des prix sont fixées à l'article 3-3 du CCAP.

Il n'est pas prévu de décomposition en tranches.

Le marché n’est pas alloti.

Les minimum et maximum, toute période de reconduction confondue, de l'accord-cadre à bons de commande sont fixés ainsi :

| **Minimum TTC** | **Maximum TTC** |
| --- | --- |
| 100 000 € | 800 000 € |

La TVA applicable pour l'ensemble des prestations est à taux 0 %

q **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.

## 2-2. 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 CCP, un formulaire AS SNIA 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 est réputée emporter acceptation du sous-traitant et agrément des conditions de paiement du contrat de sous-traitance.

# ARTICLE 3. DURÉE DU MARCHE ET DÉLAI D’EXÉCUTION DES PRESTATIONS

## 3-1. Durée de validité du marché

Le marché est conclu pour une durée initiale de douze (12) mois. La durée du marché court à compter de sa date de notification.

Le marché est reconductible trois (3) fois de manière tacite pour une nouvelle période d’un (1) an (12 mois) pour chaque reconduction, soit une durée maximum de quatre (4) ans (48 mois) (durée initiale et reconductions). Le titulaire ne peut refuser la reconduction.

En cas de décision de non-reconduction, le RA notifie sa décision au titulaire via la plateforme PLACE, au moins deux (2) mois avant la date d’échéance de la période contractuelle en cours, sans que cette décision n’ouvre droit à indemnisation au profit du titulaire. La décision de ne pas reconduire le marché n’ouvre droit à aucune indemnité au bénéfice du titulaire.

Le marché est reconductible selon la périodicité suivante :

| **Période** | **Durée** |
| --- | --- |
| Période ferme | 12 mois |
| Reconduction n° 1 | 12 mois |
| Reconduction n° 2 | 12 mois |
| Reconduction n° 3 | 12 mois |

## 3-2. Durée et délai de réalisation des bons de commande

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 du marché majorée de 6 mois.

# ARTICLE 4. PAIEMENTS

Les modalités du règlement des comptes du marché sont spécifiées à l'article 3-2 du CCAP.

q **Prestataire unique**

L’acheteur 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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Toutefois, l’acheteur 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**

L’acheteur 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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|  | q 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 par règlement au compte ci-dessus du mandataire. Ces paiements seront libératoires vis-à-vis des prestataires groupés solidaires. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |

Toutefois, l’acheteur 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**

L’acheteur 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, l’acheteur 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 **Prestataire unique**

Le prestataire désigné ci-devant :

q **refuse** de percevoir l'avance prévue à l'article 5-2 du §CCAP.

q **ne refuse pas** de percevoir l'avance prévue à l'article 5-2 du §CCAP.

q **Groupement solidaire**

Les prestataires désignés ci-devant :

q **refusent** de percevoir l'avance prévue à l'article 5-2 du §CCAP.

q **ne refusent pas** de percevoir l'avance prévue à l'article 5-2 du §CCAP.

q **Groupement conjoint**

| **N° du cotraitant** | **Avance prévue à l'article 5-2 du §CCAP** | |
| --- | --- | --- |
| 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 |
| 4 | q refusent de la percevoir | q ne refusent pas de la percevoir |
| 5 | q refusent de la percevoir | q ne refusent pas de la percevoir |

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| Fait en un seul original | | | | | |
| à : |  | le : |  | |  |
|  |  |  |  | | |
| Mention(s) manuscrite(s) "lu et approuvé" signature(s) du/des prestataire(s) : | | | | | |
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| **Visas** | |
| à :  le : | Avis de l'autorité chargée du contrôle financier déconcentré  Avis :  à :  le : |

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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 **prestataire / mandataire du groupement** : | | |  | |  |
|  | | | | | |
| Reçu le | l'accusé de réception de la notification du marché | | | | |
| du **prestataire** / **mandataire du groupement** destinataire.  Pour le Représentant de l’acheteur, | | | | | |
| à : | | le : | |  | |

q **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 exécutées par chaque cotraitant :**

| **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** |
| --- | --- | --- | --- | --- | --- |
| **Mandataire - cotraitant 1** | | | | |  |
|  | | | | |  |
| Prestation de mandat | | | | |  |
|  | | | | |  |
| **Total mandataire** (I) | | | | |  |
| **Autres cotraitant** | | | | |  |
| N° | 2 |  |  |  |  |
|  | | | | |  |
| N° | 3 |  |  |  |  |
|  | | | | |  |
| N° | 4 |  |  |  |  |
|  | | | | |  |
| N° | 5 |  |  |  |  |
|  | | | | |  |

|  |  |
| --- | --- |
| **Total autres cotraitants** (II) |  |
| **Total de la tranche** (I) + (II) |  |