

Title: **ACEC/G ANTITRUST COMPLIANCE POLICY**

Policy Number: \_\_\_\_\_ Date: May 12, 2009

Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

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**Revisions**

No.	Section	Sponsor	Board Approval Date
			May 12, 2009

**I. Purpose**

Because associations are vehicles for bringing competitors together and conduits for moving information among competitors, associations are closely scrutinized for violations of antitrust laws. The purpose of this policy is to establish a formal policy against violations and to minimize ACEC/G's exposure to antitrust investigations or lawsuits.

**II. Background**

ACEC/G has verbally cautioned its staff and leadership on antitrust issues and dangers; however, the association had not established a formal compliance policy. Beginning 2009, ACEC/G re-examined its governance and management policies as a check-up on best practices. ACEC national's policy was used as a template in developing a formal policy for ACEC Georgia.

**III. Procedures**

1. Consistent with ACEC/G's nonprofit and tax exempt purposes, ACEC/G in the course of its activities shall not agree with, participate in, or give consideration to any activity, plan, understanding, agreement, or other arrangement that constitutes a violation of any federal or state antitrust laws, including but not limited to actions that would: (a) raise or stabilize prices or fees for specific services; (b) boycott or refuse to do business with any third parties (other than through ACEC/G's bona fide business contractual arrangements); (c) restrict or interfere with the exercise of free and independent judgment by the members in the management or operation of their respective business; or (d) obstruct or interfere with commerce or free and lawful competition.

2. ACEC/G membership is open to all interested and eligible parties. Participation in ACEC/G activities is also available on reasonable terms to non-members with a valid interest in such activities. No applicant for membership or party requesting to participate, who otherwise meets the qualifications set forth in the ACEC/G Bylaws or adopted in ACEC/G policy, may be rejected for any anti-competitive purpose.

## **ACEC GEORGIA POLICY**

3. Participants at ACEC/G-sponsored activities should not discuss, exchange information, or enter into agreements on prices or fees or refuse to purchase, sell to, or otherwise permissibly deal with competitors, customers or suppliers.
4. Any information, materials, or reports of ACEC/G available for the use of its members should be made available to non-members when non-availability of those materials imposes a significant economic disadvantage or cost to non-members that significantly limits their ability to compete against ACEC/G members. Non-members may be charged higher prices than members as long as the higher prices are not unreasonable.
5. Discussions during ACEC/G meetings should relate solely to the legitimate purposes of the Council. Care should be taken to avoid any discussion of competitively sensitive information, such as prices, rates, or fees; current or potential bids for particular services; terms on which any participants will or will not deal with particular competitors, suppliers, or customers; and matters relating to actual or potential individual suppliers or customers that might have the effect of influencing the business conduct of other companies toward such suppliers or customers.
6. To avoid even the perception that ACEC/G meetings could violate this antitrust policy, good meeting practices should be exercised, including: the use of a written agenda; the prompt preparation of brief minutes summarizing the matters discussed and conclusions reached; and the retention and distribution of only final approved minutes.
7. Even informal discussions must comply with the principles and prohibitions of this policy.
8. A copy of this policy shall be provided to ACEC/G Officers and Board of Directors and all ACEC/G Committees and Forums. The policy shall also be provided to each ACEC/G staff member and posted for public viewing on the ACEC/G website. Each ACEC/G member and each participant in ACEC/G activities, by virtue of their membership or participation, shall be deemed to have notice of the policy and agree to abide by it.

## **IV. References**

*ACEC Antitrust Compliance Policy* dated January 26, 2006

## **V. Appendix**