

ACEC ANTITRUST COMPLIANCE POLICY

1. Consistent with ACEC's nonprofit and tax exempt purposes, ACEC 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'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 membership is open to all interested and eligible parties. Participation in ACEC 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 Bylaws or adopted in ACEC policy, may be rejected for any anti-competitive purpose.
3. Participants at ACEC-sponsored activities should not discuss, exchange information, or enter into agreements on prices or fees or refuse to purchase, sell to, or otherwise impermissibly deal with competitors, customers or suppliers.
4. Any information, materials, or reports of ACEC 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 members. Non-members may be charged higher prices than members as long as the higher prices are not unreasonable.
5. Discussions during ACEC 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 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 the National Directors, Executive Committee members, and all ACEC Committees. Member Organizations shall receive a copy as a "model policy." The policy shall also be included in each ACEC staff member's employee manual and posted for public viewing on the ACEC website. Each ACEC member and each participant in ACEC activities, by virtue of their membership or participation, shall be deemed to have notice of the policy and agree to abide by it.