



FTBA Anti-Trust Policy

FTBA policy emphasizes that all association members must adhere to federal and state laws—and ethical standards—relevant to the transportation design and construction industry. Thus, FTBA encourages its members to fully recognize the importance of compliance with legal requirements, particularly antitrust considerations, not only wherever they are located and do business, but also as importantly, at FTBA functions.

FTBA is an association whose members—many of whom compete with one another—plan, design, construct, finance, operate and maintain transportation infrastructure projects or provide materials, supplies or services used in these endeavors. FTBA and its members are particularly sensitive to their responsibilities under both federal and state antitrust laws that are designed to promote competition and penalize those who engage in anti-competitive business practices.

Both federal and state antitrust laws address and very often prohibit one or more of the following:

- Any understanding or agreement, written or oral, formal or informal, express or implied, among competitors with regard to prices, terms or conditions of sale, distribution, volume of production, division of territories, allocation of customers, and bidding conduct that could constitute cover or complementary bidding, bid suppression, bid rotation or other forms of bid-rigging;
- Exchange or collection and dissemination among competitors of information regarding current prices or pricing methods, or the exchange or collection of such information that could facilitate or constitute cover or complimentary bidding, bid suppression, bid rotation or other forms of bid rigging;
- Exchange of cost or bidding information for the purpose, or with the probable effect, of increasing, maintaining or stabilizing process or bids or reducing competition in the marketplace with respect to the range or quality of products or services offered;
- Collective attempts to prevent any person or business entity from gaining access to any market or customer for goods or services, or collective prevention of any business entity from obtaining a supply of goods or otherwise purchasing goods or services freely in the market; and
- Agreements or understandings among competing firms with respect to their current bids or bidding practices, selection of products for purchase, their choice of suppliers, or the prices they will pay for supplies.

Certain collective activity between and among members such as a joint venture or other special purpose entity are permitted under antitrust laws, depending on the particular

circumstances. FTBA members involved in such pursuits should ensure compliance with all laws, including antitrust.

In light of antitrust laws, FTBA exercises due care when holding its meetings and developing and conducting its programs and activities. For example:

- FTBA staff and members do not authorize or allow any activity or discussion concerning current or future prices, pricing methods, or bidding conduct that could lead to cover or complimentary bidding, bid suppression, bid rotation or other forms of bid-rigging;
- FTBA's structure, bylaws and methods of operation are defined and designed to serve the interests of the entire industry and the public, and are periodically reviewed;
- FTBA antitrust policy is posted on the FTBA's website for review and reference by both members and non-members;
- Non-members seeking admission and members being considered for expulsion are treated in accordance with the procedures set forth in FTBA's by-laws;
- FTBA letterhead stationery is distributed by staff only to FTBA members who are current officers or who are authorized to use letterhead for external correspondence;
- Statistical data collected by FTBA is not be used in a manner that could facilitate collusive pricing or restrictive business practices; and
- Dues schedules are designed so that members cannot thereby determine sensitive sales or profit information about any other member.

Discerning between legally troublesome association activities and acceptable ones can at times be difficult. Thus, FTBA members must remain vigilant in regards to your contacts with FTBA itself and other members and interested parties. If you have a concern about a FTBA activity or communication, voice it early and directly to the FTBA president or legal counsel. If a member becomes involved in activities or discussions that it believes are or may be illegal, that FTBA member should withdraw from participation, announce the objection and promptly inform FTBA's president or legal counsel.

This policy incorporates and underscores FTBA's long-standing statement of conduct:

Engage in legal, moral, ethical and scrupulous business practices in fulfilling contractual obligations among members, subcontractors and supplies. Members shall maintain the highest professional standards of ethical conduct in the transportation industry through honesty, integrity and responsibility.