

GHCA Antitrust Policy

Consistent with our mission of promoting the best interests of the highway and transportation system industry, combating unfair practices, and encouraging the spirit of cooperation among contractors engaged in all branches of highway and transportation system construction in this state, the Georgia Highway Contractors Association (GHCA) opposes conduct by industry participants that contradicts open, free, and unfettered competition for business opportunities. A natural corollary of our mission is the policy supporting the application of and compliance with antitrust laws.

GHCA is an association whose members, often in competition with one another, plan, design, construct, finance, and maintain highway and transportation system projects, or furnish material, supplies, or services used in these activities. Since GHCA and its members are particularly susceptible to concerted action in restraint of trade opportunities, GHCA deems it advisable to reiterate our long-standing position on the subject. Federal, state, and local laws prohibit contracts, combinations or conspiracies in restraint of trade, and unfair competition or other monopolistic activity. GHCA and its members are conscious of the existence and potential effect of these laws upon our organization at the national, state, and local levels. We are likewise cognizant of the importance of these laws in our member-to-member relationships, as well as in dealing with non-member firms.

As an association, GHCA will not, by any means, enter into or condone any arrangements or understandings seeking to restrain trade or competition, by any collusive acts that can be interpreted as seeking such ends. GHCA strongly urges all members to be aware of the hazards of any such activities that might violate such laws. GHCA specifically calls to the attention of its Board members, officers, staff and members unlawful practices such as the following:

1. Boycotting or excluding of firms or products through agreements of similarly situated or competing businesses.
2. "Courtesy" bidding -- agreeing to price bid to the advantage of any individual firm.
3. Agreements to fix wages or prices.
4. Agreements to use particular contract forms, terms or conditions.
5. Agreements to rig or control the competitive bidding or proposal process.
6. Promotion of bid depositories with penalties for violations.
7. Agreement upon so-called bid preparation fees to be shared among competitive bidders.
8. Agreements to use exclusively any materials, supplies or services.
9. Limitation of markets -- to type, geography, size or similar carve-outs.
10. Any agreements to prevent access to markets or supplies.
11. Exclusion of similarly situated businesses from membership in the Association for the benefits affecting business competition made available to our members (although differential charges may be made).

In certain circumstances, some collective activity between and among GHCA members, such as a joint venture or other special purpose entity, is permitted under antitrust laws. GHCA urges its members involved in such pursuits to ensure compliance with all laws, including antitrust laws.

GHCA will conduct its affairs in strict compliance with antitrust laws. In light of these laws, GHCA exercises due care when holding its meetings and conducting its programs and activities. Consistent with this, GHCA 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, or the appearance of such conduct. Moreover, GHCA's organizational structure, bylaws, and methods of operations are established and defined to serve the interests of the public, and are periodically reviewed. And, GHCA's antitrust policy is posted on GHCA's website for review and reference by both members and non-members. Also, non-members seeking admission and members being considered for removal are treated in accordance with procedures established in GHCA's bylaws. Further, periodically, GHCA collects data for the benefit of its members; however, such data may not be used in a way that could facilitate collusive pricing or restrictive business practices.

To maintain this policy, GHCA requires its directors, officers, employees and members to know and understand the purpose of all association meetings and events, and review and understand agenda items for such meetings or events. GHCA will ask counsel to attend any GHCA discussion involving the exchange of ideas or information that might potentially be competitively sensitive.