



# AMERICAN SUBCONTRACTORS ASSOCIATION HOUSTON CHAPTER

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## **ASA-Houston Chapter ANTITRUST POLICY**

A free exchange of ideas on matters of mutual interest to subcontractors, specialty trade contractors, suppliers, general contractors, construction managers, design professionals, and construction owners is necessary for the success of ASA-Houston Chapter meetings and activities. However, in carrying on our Association activities and meetings we must be mindful of the antitrust laws. We are a group of competitors. The antitrust laws require that competition be open and unrestricted.

The antitrust laws forbid agreements or joint actions which by intention, or by their effect whatever the intention, restrain trade.

Agreements or joint actions which can restrain trade, and thus must be avoided, include:

- Anything regarding price, or any terms of sale.
- Restrictions regarding production, territories, markets, customers, contract terms or products.
- Refusals to deal with competitors or others in any part of the industry.
- Limitations on access to the industry and the market and its mechanisms.

In formal meetings, informal sessions, and in casual conversations, and in written documents, it is very important to avoid the subjects mentioned above. An “agreement” among trade association members in antitrust terms in a very broad concept – it may be oral or written, formal or informal, expressed or implied. A “gentlemen’s agreement” to “hold the line” on price or contract terms is more than sufficient to evidence of an unlawful conspiracy to fix prices.

It is important to adhere to the prepared written agendas in meetings.

Antitrust compliance is a continuous necessity, and a day to day endeavor. If at any time you have any question from the trade restraint standpoint, please confer with ASA-Houston Chapter counsel.