



NASDPTS Supplier Council

Antitrust Guidelines and Acknowledgement

The primary purpose of the NASDPTS Supplier Council is to provide a forum in which Council members can address technical and governmental relations issues concerning the manufacture and acceptability of school bus chassis and bodies and related equipment and services to the school bus transportation industry. However, because the Council is composed of manufacturers who may compete with one another, it is imperative that Council members be aware of and observe the following guidelines regarding antitrust laws.

Any time meetings and agreements occur among competitors, antitrust concerns can and do arise. In general, it is illegal for competitors to agree, expressly or implicitly, to behave in a particular manner with respect to any aspect of their competitive behavior. Thus, it is illegal not only for competitors to agree on the pricing of their respective products, but also to agree on the type of products each will purchase and/or sell, the way in which each will market their respective products, the credit terms they will offer, or any other attribute of their purchasing and/or selling behavior. Agreement by competitors on any of these issues is generally deemed to be illegal per se, without regard to the competitive impact of this behavior in question. In addition, certain joint actions by competitors, or even by companies that are not in direct competition, can violate the antitrust laws if such action has an unreasonably anti-competitive effect on the marketplace. Such conduct is not per se illegal, but rather is illegal under the rule of reason which requires a showing that the marketplace is adversely affected by the conduct in question.

For the above reasons, during all Council meetings it is imperative that each member avoid discussions or recommendations on subjects which could be illegal under the antitrust laws. The following represent examples of subjects that should not be discussed:

- Prices, terms, or conditions of sale
- Credit terms
- Discounts
- Profits, profit margins, or costs
- Market shares
- Distribution practices
- Bids or intentions to bid
- Sales territories
- Selection, rejection, or termination of customers or employees
- Market strategies

If the Council chairman or any other Council member becomes aware of improper conduct with respect to potential antitrust activities during the course of the Council's meetings, the members engaged in such conduct shall be asked to cease the questionable activities or leave the meeting. If the conduct is continued, the chairman shall end the meeting immediately.

The undersigned hereby acknowledge having read, understood, and agreed to abide by the antitrust guidelines of the Supplier Council of the National Association of State Directors for Pupil Transportation Services (NASDPTS).

Name (printed)

Signature

Company

Date