

PART R — ANTITRUST OFFENSES

§2R1.1. Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors

- (a) Base Offense Level: **12**
- (b) Specific Offense Characteristics
 - (1) If the conduct involved participation in an agreement to submit non-competitive bids, increase by **1** level.
 - (2) If the volume of commerce attributable to the defendant was more than \$1,000,000, adjust the offense level as follows:

VOLUME OF COMMERCE (APPLY THE GREATEST)	ADJUSTMENT TO OFFENSE LEVEL
(A) More than \$1,000,000	add 2
(B) More than \$10,000,000	add 4
(C) More than \$50,000,000	add 6
(D) More than \$100,000,000	add 8
(E) More than \$300,000,000	add 10
(F) More than \$600,000,000	add 12
(G) More than \$1,200,000,000	add 14
(H) More than \$1,850,000,000	add 16 .

For purposes of this guideline, the volume of commerce attributable to an individual participant in a conspiracy is the volume of commerce done by him or his principal in goods or services that were affected by the violation. When multiple counts or conspiracies are involved, the volume of commerce should be treated cumulatively to determine a single, combined offense level.

- (c) Special Instruction for Fines
 - (1) For an individual, the guideline fine range shall be from one to five percent of the volume of commerce, but not less than \$20,000.
- (d) Special Instructions for Fines — Organizations
 - (1) In lieu of the pecuniary loss under subsection (a)(3) of §8C2.4 (Base Fine), use 20 percent of the volume of affected commerce.
 - (2) When applying §8C2.6 (Minimum and Maximum Multipliers), neither the minimum nor maximum multiplier shall be less than 0.75.