



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 8, 2016

Mr. David M. Feldman
Counsel for Houston First Corporation
Feldman & Feldman
3355 West Alabama Street, Suite 1220
Houston, Texas 77098

OR2016-03001

Dear Mr. Feldman:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 597234.


Houston First Corporation (the "corporation"), which you represent, received a request for (1) information pertaining to a specified request for proposals, and (2) e-mails between two named individuals during a specified time period. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). You represent the information pertains to a competitive bidding situation. In addition, you state no contract has been awarded and release of the information at issue would harm the corporation's ability to obtain a fair, competitive price on the proposals requested. After review of the information at issue and consideration of the arguments, we find corporation has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude corporation may withhold the submitted information under section 552.104(a).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cristian Rosas-Grillet', written in a cursive style.

Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/akg

Ref: ID# 597234

Enc. Submitted documents

c: Requestor
(w/o enclosures)