



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 27, 2016

Ms. Jennifer Watson
Officer for Public Information
Houston Housing Authority
2640 Fountain View Drive
Houston, Texas 77057

Mr. David V. Bryce
Office of General Counsel
Houston Housing Authority
2640 Fountain View Drive
Houston, Texas 77057

OR2016-21761

Dear Ms. Watson & Mr. Bryce:

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# 628199.

The Houston Housing Authority (the "authority") received a request for (1) a copy of a specified request for proposals, including any addenda issued; (2) all responses to the specified request for proposals; (3) the name of the winning bidder for the specified request for proposals; and (4) the amount of the contract awarded pursuant to the specified request for proposals. You state you released a copy of the specified request for proposals and the name of the winning bidder. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. You also state release of the submitted information may implicate the proprietary interests of The Damali Group, Inc.; Creative Eye Q, LLC; GOGO Business Communications; HillDay Public Relations, Inc.; Meltwater Group, Inc.; Outreach Strategists LLC; Taylor Collective Solutions; and Commonground/MGS. Accordingly, you state, and provide documentation showing, you notified the third parties of the request for information and of their rights to submit arguments to this office as to why the submitted information should not be released. *See*

Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we marked, is not responsive to the instant request for information. This ruling does not address the public availability of any information that is not responsive to the request and the authority is not required to release such information in response to this request.

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 at issue pertains to a competitive bidding situation. In addition, you state release of the responsive information would allow competitors to undercut future bids and create an unfair advantage for a future solicitation for public relations services. After review of the information at issue and consideration of the arguments, we find the authority has established the release of the information would give advantage to a competitor or bidder. Thus, we conclude the authority may withhold the responsive information under section 552.104(a) of the Government Code.

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,



Meagan J. Conway
Assistant Attorney General
Open Records Division

MJC/akg

Ref: ID# 628199

Enc. Submitted documents

c: Requestor
(w/o enclosures)

8 Third Parties
(w/o enclosures)