



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 14, 2016

Mr. Allen M. Keller
Counsel for International Leadership of Texas
Schulman, Lopez, Hoffer & Adelstein, LLP
517 Soledad Street
San Antonio, Texas 78205-1508

OR2016-23187

Dear Mr. Keller:

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# 630377.

International Leadership of Texas (the "school"), which you represent, received a request for information pertaining to a specified request for proposal involving food service providers. You state the school has 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.

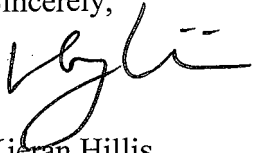
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether 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 the school solicits bids for similar services on a recurring basis. You assert release of the information at issue would allow one vendor to prepare bids that would undercut those prepared by other vendors in response to future requests for proposals from the school. You further state release of the information at issue would place the school at a disadvantage in obtaining competitive bids in future competitive bidding situations. After review of the information at issue and consideration of the arguments, we find the school has established the release of the information at issue

would give advantage to a competitor or bidder. Thus, we conclude the school 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,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/akg

Ref: ID# 630377

Enc. Submitted documents

c: Requestor
(w/o enclosures)