



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 31, 2016

Ms. Lisa Calem-Lindström
Public Information Coordinator
Texas Facilities Commission
P. O. Box 13047
Austin, Texas 78711-3047

OR2016-24149

Dear Ms. Calem-Lindström:

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# 632412.

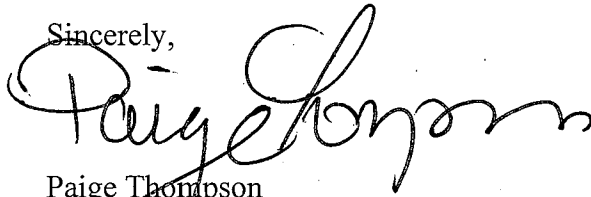
The Texas Facilities Commission (the "commission") received a request for information pertaining to a specified request for qualifications. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed 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). The commission states the submitted information pertains to a solicitation that will result in multiple awards and corresponding contracts. The commission also states only one award has resulted in fully executed contracts and the remaining awards are currently in contract negotiations. In addition, the commission asserts release of the information at issue would prevent the commission from negotiating the best contract and the commission may need to solicit bids again if negotiations fail to reach an acceptable contract. Thus, we conclude the commission may withhold the submitted 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,

A handwritten signature in black ink, appearing to read "Paige Thompson". The signature is written in a cursive, flowing style.

Paige Thompson
Assistant Attorney General
Open Records Division

PT/eb

Ref: ID# 632412

Enc. Submitted documents

c: Requestor
(w/o enclosures)