



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 8, 2016

Ms. Amy Benya
Senior Assistant General Counsel
Lone Star College
5000 Research Forest Drive
The Woodlands, Texas 77381

OR2016-24878

Dear Ms. Benya:

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# 633693 (LCS File No. LMC00014251).

The Lone Star College System (the "system") received a request for information pertaining to a specified request for proposals, including the bid amounts for each vendor, the bid tab and scores for each vendor, and the proposal of the awarded vendor. 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 at issue pertains to a competitive bidding situation. In addition, you state a preferred vendor was selected for a contract. However, you inform us the contract is currently in the negotiation phase. You explain if the system is unable to negotiate a satisfactory contract with the preferred vendor within a reasonable amount of time, the system may open contract negotiations with another bidder. Thus, you assert if the information at issue is released, it could harm the current and future negotiating position of the system with any selected vendor. After review of the submitted information and consideration of the arguments, we find the system has

established release of the submitted information would give advantage to a competitor or bidder. Thus, we conclude the system 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,



Sidney M. Pounds
Assistant Attorney General
Open Records Division

SMP/akg

Ref: ID# 633693

Enc. Submitted documents

c: Requestor
(w/o enclosures)