



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 7, 2017

Ms. Valentina Dassey
Assistant General Counsel
Lone Star College
5000 Research Forest Drive
The Woodlands, Texas 77381-4356

OR2017-04806

Dear Ms. Dassey:

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# 647968 (LSC File No. LMC0002096).

The Lone Star College System (the "system") received a request for bid tabulations related to a specified request for proposals.¹ You claim some of 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.

The system raises section 552.104(a) of the Government Code for some of the submitted information, which 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, 841 (Tex. 2015). You represent the submitted information pertains to a competitive bidding situation. Further, you state the system solicits bids for similar services

¹You state the system sought and received clarification of the information requested. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

on a recurring basis. Moreover, you inform us release of the information at issue would decrease “the pool of future and repeat bidders for services solicited by the [system],” which would impair the system’s “ability to obtain the best value” for services. After review of the information at issue and consideration of the arguments, we find the system has established the release of the information we marked would give an advantage to a competitor or bidder. Thus, we conclude the system may withhold the information we marked under section 552.104(a) of the Government Code. The system must release the remaining information.

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,



Ian Lancaster
Assistant Attorney General
Open Records Division

IML/sb

Ref: ID# 647968

Enc. Submitted documents

c: Requestor
(w/o enclosures)