



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 21, 2017

Mr. Robert W. Wilson
Counsel for the County of Maverick
Sanchez & Wilson, P.L.L.C.
6243 IH-10 West, Suite 1025
San Antonio, Texas 78201

OR2017-05780

Dear Mr. Wilson:

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# 649637 (S&W #1115 & 6120).

The County of Maverick (the "county"), which you represent, received a request for information pertaining to specified proposed certificates of obligation. You state the county has released some of the requested information. 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, 841 (Tex. 2015). You represent the information pertains to a competitive bidding situation. You explain the submitted information relates to the borrowing rate of the county in the issuance of the proposed certificates of obligation. You assert, and submit an affidavit from the county's financial advisor asserting, release of the submitted information would harm the county's bargaining position and the county's ability to obtain the lowest price and most favorable terms with potential lenders. After review of the information at issue and consideration of the arguments, we find the county has established the release of the information at issue would give advantage to a competitor or

bidder. Thus, we conclude the county 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,



Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/sb

Ref: ID# 649637

Enc. Submitted documents

c: Requestor
(w/o enclosures)