



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 12, 2017

Ms. Akilah Mance
Counsel for the City of Jersey Village
Olson & Olson, LLP
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019-2133

OR2017-10276

Dear Ms. Mance:

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# 657582 (Reference No. JV17-002/PIR# 65).

The City of Jersey Village (the "city"), which you represent, received a request for the existing contract between the city and Linebarger Goggan Blair & Sampson, LLP ("Linebarger"), the termination letter sent by the city to Linebarger, collection reports given to the city by Linebarger within a specified period of time, proposed collection contracts submitted to the city by Linebarger within a specified period of time, and reports regarding a specified topic as of a specified date. You state you have released some information. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. You also state release of the submitted information may implicate the proprietary interests of Linebarger. Accordingly, you state, and provided documentation showing, you notified this third party of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the exception you claim and reviewed the submitted information.

Section 552.104(a) of the Government Code exempts 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 city states the submitted information relates to an ongoing competition or bidding for services. You explain the submitted information includes “completed bids and related bid information for the same or similar type of projects and goods that are reoccurring in the [c]ity.” In addition, the city states release of the submitted information would “present a clear threat of harm to the city’s ability to obtain the lowest bid possible in the current and future related bidding process.” After review of the submitted information and consideration of the arguments, we find the city has established release of the submitted information would give advantage to a competitor or bidder. Thus, we conclude the city 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,



Emily Buchanan
Assistant Attorney General
Open Records Division

EB/eb

Ref: ID# 657582

Enc. Submitted documents

c: Requestor
(w/o enclosures)