



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

June 21, 2017

Ms. Jennifer Burnett  
Attorney & Public Information Coordinator  
University of Texas System  
201 West 7th Street  
Austin, Texas 78701

OR2017-13766

Dear Ms. Burnett:

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# 662708 (OGC# 175026).

The University of Texas M.D. Anderson Cancer Center (the "university") received a request for a specified university contract. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. Further, you state release of this information may implicate the proprietary interests of Republic Parking System ("Republic"). Accordingly, the university states and provides documentation showing, it notified Republic 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 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 pertains to a competitive bidding situation where the bidding and award process is presently ongoing to

the same services as the contract at issue. You state release of the submitted information would provide bidders with unfair insight into the qualifications, reputations, and experience of the current provider and would place the university at a competitive disadvantage. After review of the submitted information and consideration of the arguments, we find the university has established release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the university 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](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,



D. Michelle Case  
Attorney  
Open Records Division

DMC/nmd

Ref: ID# 662708

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)