



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

July 20, 2017

Mr. Osman Balaman  
Legal Coordinator  
Harmony Public Schools  
9321 West Sam Houston Parkway South  
Houston, Texas 77099

OR2017-16236

Dear Mr. Balaman:

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# 668446.

Harmony Public Schools ("HPS") received a request for information related to a specified bidding situation. 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.

HPS raises section 552.104(a) of the Government Code for 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. You state HPS solicits bids for similar services on a recurring basis. Moreover, you inform us release of the submitted information would allow vendors to unfairly undercut future bids for such services. After review of the information at issue and consideration of the arguments, we find HPS has established the release of the submitted information would give an advantage to a competitor or bidder. Thus, we conclude HPS 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,



Ian Lancaster  
Assistant Attorney General  
Open Records Division

IML/tdw

Ref: ID# 668446

Enc. Submitted documents

c: Requestor  
(w/o enclosures)