



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 3, 2017

Mr. J. Troupe Brewer
Counsel for North Texas Municipal Water District
Lloyd, Gosselink, Rochelle, and Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

OR2017-22524

Dear Mr. Brewer:

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# 678080.

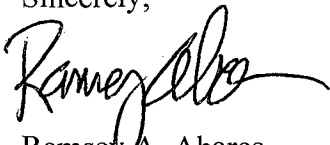
The North Texas Municipal Water District (the "district"), which you represent, received a request for the bid tabulation for a specified project. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.104 of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104. 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 state the submitted information pertains to a competitive bidding situation. You argue release of the submitted information would interfere with the district's bargaining position in future bids for the same services and otherwise interfere with ongoing negotiations. You also state the district operates a large utility system and release of the information at issue would undercut the system's negotiations in future contracts. Based on your representations and our review, we conclude the district has demonstrated release of the submitted information would give an advantage to a competitor or bidder. Thus, the district 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, 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,

A handwritten signature in black ink, appearing to read "Ramsey Abarca", written in a cursive style.

Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/eb

Ref: ID# 678080

Enc. Submitted documents

c: Requestor
(w/o enclosures)