



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 10, 2017

Ms. Lori Robinson
Counsel for Austin Community College
Bickerstaff Heath Delgado Acosta, L.L.P.
3711 South MoPac Expressway
Building One, Suite 300
Austin, Texas 78746

OR2017-25802

Dear Ms. Robinson:

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# 684843.

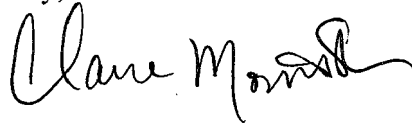
The Austin Community College (the "college") received a request for the winning bid for request for proposals number 946-17017SD. The college claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception the college claims 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). The college represents the information at issue pertains to a competitive bidding situation in which a winning bid has been selected but final action on the contract has not been taken. In addition, the college states releasing the information at this time would give an advantage to competitors because, should the college have to solicit additional proposals or negotiate with other bidders, the college would be placed at a disadvantage. After review of the information at issue and consideration of the arguments, we find the college has established the release of the information would give advantage to a competitor or bidder. Thus, we conclude the college 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 "Claire V. Morris Sloan". The signature is fluid and cursive, with the first name "Claire" being the most prominent.

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 684843

Enc. Submitted documents

c: Requestor
(w/o enclosures)