



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 26, 2018

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

OR2018-01752

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# 693139.

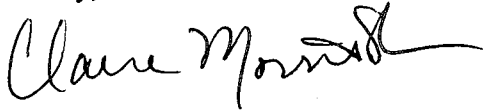
Harmony Public Schools ("Harmony") received a request for information related to request for proposals number HPS20172018\_ALAS. Harmony claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception Harmony claims and reviewed 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). Harmony represents the information at issue pertains to a competitive bidding situation. In addition, Harmony states release of the submitted information would allow vendors to undercut future bids for the types of services in the submitted information, for which Harmony solicits bids on a recurring basis. After review of the information at issue and consideration of the arguments, we find Harmony has established the release of the information would give advantage to a competitor or bidder. Thus, we conclude Harmony 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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 693139

Enc. Submitted documents

c: Requestor  
(w/o enclosures)