



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 26, 2018

Ms. Hadassah Schloss  
Director  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711-2873

OR2018-01785

Dear Ms. Schloss:

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# 695390 (GLO ID# 18-0131).

The Texas General Land Office (the "GLO") received a request for the award notification and bid tabulation for a specified requisition number. The GLO states it has released some of the requested information, but claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

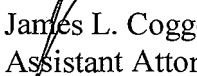
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). The GLO informs us the information pertains to a prequalification of companies that will be, as needed, invited to bid on projects regarding the subject matter of the requisition at issue. The GLO explains four companies were tentatively qualified, but no contract has been executed with any of them. The GLO asserts release of the submitted information in the absence of executed contracts would hamper the GLO's ability to obtain competitive bids from qualified companies, should the need to rebid the solicitation arise. Upon review, we find the GLO has established the release of the submitted information would give advantage to a competitor or bidder. Thus,

the GLO 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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tdw

Ref: ID# 695390

Enc. Submitted documents

c: Requestor  
(w/o enclosures)