



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 29, 2018

Ms. Claudene Marshall  
Assistant General Counsel  
Office of General Counsel  
The Texas A&M University System  
301 Tarrow Street, 6<sup>th</sup> Floor  
College Station, Texas 77840-7896

OR2018-01859

Dear Ms. Marshall:

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# 695939 (ORR Nos. R002232, R002235, & R002237).

The Texas A&M University System (the "system") received two requests from the same requestor for information related to the purchase of two specified properties. The system claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception the system 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 system represents the information at issue pertains to a competitive bidding situation. The system informs us the information relates to recent property acquisitions in the area by the system. In addition, the system states the properties at issue are located close to properties that the system is in the process of negotiating to purchase. Thus, the system states release of the information would compromise its competitive advantage, impair its ability to negotiate the purchase of the additional properties, and harm its ability to negotiate a final agreement with terms most

favorable to it. After review of the information at issue and consideration of the arguments, we find the system has established the release of the information would give advantage to a competitor or bidder. Thus, we conclude the system 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# 695939

Enc. Submitted documents

c: Requestor  
(w/o enclosures)