



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

January 8, 2019

Mr. Nicholas Toulet  
Assistant City Attorney  
City of Midland  
P.O. Box 1152  
Midland, Texas 79702

OR2019-00434

Dear Ms. Toulet:

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# 745396 (Request #M024957-101918).

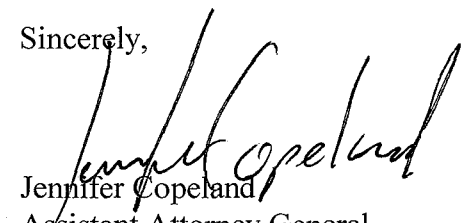
The City of Midland (the "city") received a request for bid tabulations pertaining to four specified requests for proposals. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.104(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). You state "the requestor is a representative of a company that has indicated an interest in bidding on a contract with the [city] to provide gasoline and diesel fuel to the [c]ity." In addition, you state release of the submitted information "would provide the requestor with an advantage if the requestor should decide to submit a bid to provide the [c]ity with gasoline and diesel fuel." However, we note the submitted information relates to four paving projects. You have not explained how release of the submitted information would give advantage to a competitor or bidder. Accordingly, the submitted information may not be withheld under section 552.104. As no further exceptions have been raised, the submitted information must be released.

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,



Jennifer Copeland  
Assistant Attorney General  
Open Records Division

JC/mo

Ref: ID# 745396

Enc. Submitted documents

c: Requestor  
(w/o enclosures)