

January 15, 2019

Ms. Andrea D. Russell
Counsel for Workforce Solutions for Tarrant County
Taylor Olson Adkins Sralla Elam L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107

OR2019-01285

Dear Ms. Russell:

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# 746316.

Workforce Solutions for Tarrant County ("Workforce Solutions"), which you represent, received a request for certain information pertaining to a specified request for proposals. You inform us Workforce Solutions will release some information. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. Additionally, you state release of this information may implicate the proprietary interests of Arbor E & T, LLC d/b/a ResCare Workforce Services; C2 Global Professional Services, LLC ("C2"); and CECT Workforce Solutions, LLC. Accordingly, you state you notified the third parties of the request for information and of their right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We received comments from C2. We have considered claimed arguments 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 inform us the submitted information

contains the requested bidding, scoring, and contract information. You state a contract was awarded for the request for proposals specified by the requestor. You represent Workforce Solutions will "solicit bids for the same goods or service on a recurring basis." You argue "disclosure of the responsive information would allow competitors to undercut future bids and would have a detrimental effect on [Workforce Solutions's] ability to negotiate future contracts." After review of the information at issue and consideration of the arguments, we find Workforce Solutions has established the release of the submitted information would give advantage to a competitor or bidder. Accordingly, we conclude Workforce Solutions may withhold the submitted information under section 552.104(a) of the Government Code.¹

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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/gw

Ref: ID# 746316

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: 3 Third Parties
(w/o enclosures)

¹As our ruling is dispositive, we need not address C2's arguments against disclosure of its information.