



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 12, 2019

Ms. Ana Viera Ayala  
Assistant General Counsel & Public Information Coordinator  
The University of Texas System  
210 West 7<sup>th</sup> Street  
Austin, Texas 7870

OR2019-06799

Dear Ms. Ayala:

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# 754282 (OGC No. 186360).

The University of Texas at San Antonio (the "university") received a request for the proposals and evaluative documents pertaining to a specified request 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.

Initially, we note the university only submitted the requested proposals. To the extent information responsive to the remainder of the request existed on the date the university received the request, we assume the university already released it. *See* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible). If the university has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

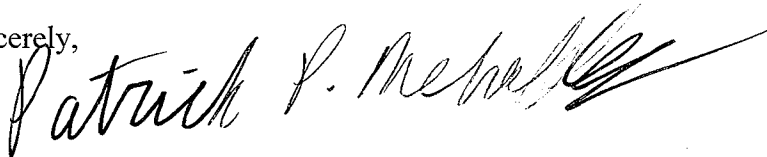
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." *Id.* § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466

S.W.3d 831 (Tex. 2015). You represent the information at issue pertains to a competitive bidding situation. You state a contract has not been executed and that the “bidding and negotiating process ends only when a final executed contract is in place[.]” In addition, you state release of the submitted information would “provide bidders with unfair insight into the bidding process, placing the [u]niversity at a competitive disadvantage.” After review of the information at issue and consideration of the arguments, we find the university has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the university 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,



Patrick P. Mehaffy  
Assistant Attorney General  
Open Records Division

PPM/jxd

Ref: ID# 754282

Enc. Submitted documents

c: Requestor  
(w/o enclosures)