



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 24, 2019

Ms. Ana Vieira Ayala  
Assistant General Counsel, Legal Expert & Public Information Coordinator  
University of Texas System  
210 West 7th Street  
Austin, Texas 78701

OR2019-10870

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# 761644 (OGC Nos. 187891 and 189255).

The University of Texas System (the "system") received two requests from two different requestors for information pertaining to a specified request for proposals. The system claims the submitted information is excepted from disclosure under sections 552.104 and 552.111 of the Government Code. Additionally, the system states release of the submitted information may implicate the proprietary interests of Accenture LLP ("Accenture"); Blue Prism; Cognizant Technology Solutions US Corporation; CrossChx, Inc.; Deloitte Consulting LLP; Ernst & Young LLP ("EY"); Huron Consulting Group; Information Services Group; InfoSys; KPMG LLP ("KPMG"); NICE; Optimum Consultancy Services, LLC; Pegasystems Inc.; Pricewaterhousecoopers Services LLC ("PWC"); Resources Global Professionals ("RGP"); Tech Mahindra Inc.; UiPath Inc. ("UiPath"); Verint Americas Inc.; and Wipro Limited. Accordingly, the system states, and provides documentation showing, it notified the third parties of the request for information and of the right to submit arguments to this office as to why the submitted information 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 have received comments from Accenture, Blue Prism, EY, KPMG, PWC, RGP, and UiPath. We have reviewed the submitted arguments and 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 in which the system has not entered into all agreements, and thus negotiations are ongoing. In addition, the system states release of the information at issue would give an advantage to a competitor or bidder. After review of the information at issue and consideration of the arguments, we find the system has established the release of the information at issue 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.<sup>1</sup>

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,



D. Michelle Case  
Assistant Attorney General  
Open Records Division

DMC/mo

Ref: ID# 761644

Enc. Submitted documents

c: 2 Requestor  
(w/o enclosures)

19 Third Parties  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we need not address the remaining arguments against disclosure of the information at issue.