



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 30, 2019

Ms. Courtney R. Crosby
Public Information Assistance Coordinator
Dallas Independent School District
9400 North Central Expressway
Dallas, Texas 75231

OR2019-11470

Dear Ms. Crosby:

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# 762443 (ORR# R017970-020719).

The Dallas Independent School District (the "district") received a request for information related to bid number EH-204577. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. Additionally, you state release of the submitted information may implicate the proprietary interests of Center for Creative Leadership; Cornerstone on Demand; Elevate USA, Inc.; Hawkins Development; Marques Counseling; New Horizons; NIA Holdings, LLC; Region 10 Education Service Center; Results Coaching Global, LLC; RG Talent Solutions, LLC; Sales Trac Coaching & Management Development, Inc.; and Vital Smarts. Accordingly, you state, and provide documentation showing, the district notified these 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 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 represent the information at issue pertains to a competitive bidding situation. In addition, you state the information could be used by competitors to undercut future bids, giving future bidders a competitive advantage over others and diminishing the district’s ability to procure the highest quality goods and services and to negotiate the most competitive contracts. After review of the information at issue and consideration of the arguments, we find you have established the release of the submitted information would give advantage to a competitor or bidder. Thus, we conclude the district 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, 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,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/gw

Ref: ID# 762443

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: 12 Third Parties
(w/o enclosures)